

have allowed Leal to see a Mexican consulate when he was arrested. So the administration has asked the Supreme Court to stop the execution.

However, the Supreme Court has already ruled that States are not bound by such international treaties unless Congress intervenes. Our Federal Government ought to have as much concern and compassion for murder victims as it does for their foreign killers or Mexico's feelings about the death penalty.

Justice should not be denied for Adria Saucedo.

And that's just the way it is.

SUPPORT THE REPUBLICAN ENERGY BILLS

(Mr. BROWN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Georgia. Madam Speaker, today we asked President Obama, through his virtual town hall, why he won't support the energy bills that have been passed in this House. We also asked President Obama why his administration is keeping American offshore energy resources off-limits.

An example of those bills that were passed by this House are three that came out of the Natural Resources Committee that would have created 1.2 million jobs. President Obama won't support those.

The sad truth is that we already know the answers to these questions, because the administration has made it clear that they want to export American jobs and invest in other countries' resources rather than developing our own. Republicans want to help our economy by creating jobs and creating energy independence, but liberals in Congress are standing in the way.

Madam Speaker, I urge my colleagues to consider all the good Republican energy bills would do for jobs, our economy, and our gas tanks. It is imperative that the Senate signs these bills and the President signs them into law.

ENERGY CREATES JOBS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, right now the President is hosting his first ever Twitter town hall to gather input from concerned Americans.

Here's some input from some concerned West Virginians: People are having to choose whether to buy groceries or gas as energy prices skyrocket and the economy continues to remain slow and unrecovered. If West Virginians are wondering about one thing, it's why the President isn't doing more to lower energy costs and get our economy back on track.

America is truly blessed to have an abundant supply of natural resources.

But instead of tapping into these rich minerals, the President has approved extreme regulations that are killing jobs and are hurting our economy.

Frankly, I am stunned as to why the President hasn't connected that a good, solid jobs plan is a good, solid energy plan. Just last month, AEP announced it will shut down five plants in West Virginia and Ohio, costing jobs and payrolls, and will raise electricity 10 to 15 percent. According to AEP, this is a direct response to new and burdensome regulations levied by the EPA within the last year.

It's time to take advantage of the resources found right here in America. Doing so will launch our economy in the right direction and create thousands of good-paying jobs.

ENERGY

(Mrs. ELLMERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ELLMERS. Mr. Speaker, the Obama administration has moved our country backwards in terms of energy production.

The de facto moratorium on offshore drilling is causing a significant decline in American energy production. When President Obama took office, these offshore areas were open to drilling and production. Since that time, President Obama has taken steps to effectively reimpose an offshore drilling ban.

Mr. Speaker, this is an issue of common sense. Failure to develop our offshore energy resources is increasing our dependence on foreign sources of oil and denying much-needed revenue to help pay down the national debt. But, most importantly, it is costing us American jobs.

We have an abundant supply of natural resources off of our shores. Common sense dictates the use of our own resources to meet our energy needs.

I cosponsored and voted in favor of H.R. 1231, Reversing President Obama's Offshore Moratorium Act. Not surprisingly, the Senate has failed to consider this bill.

We will continue to push for access to our energy resources.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. POE of Texas) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 1, 2011.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 1, 2011 at 11:50 a.m.:

Appointments:

United States-China Interparliamentary Group.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

GENERAL LEAVE

Mr. YOUNG of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2219.

The SPEAKER pro tempore (Mrs. ELLMERS). Is there objection to the request of the gentleman from Florida?

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2012

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

□ 1427

IN THE COMMITTEE OF THE WHOLE

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

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, June 23, 2011, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 2219

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2012, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for

members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$43,859,709,000.

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,141,334,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$13,480,436,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,264,646,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,333,507,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,948,544,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$645,422,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,711,653,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$7,607,345,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,099,629,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$34,581,321,000.

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and

payments may be made on his certificate of necessity for confidential military purposes, \$39,385,685,000.

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$6,036,996,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$36,065,107,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$30,682,265,000: *Provided*, That not more than \$47,026,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$34,311,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$8,420,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

□ 1430

AMENDMENT OFFERED BY MR. CONNOLLY OF VIRGINIA

Mr. CONNOLLY of Virginia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 31, line 17, after the dollar amount, insert "(increased by \$10,000,000)".

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

Mr. CONNOLLY of Virginia. First, I want to thank Chairman YOUNG, Ranking Member DICKS, and their staffs for coordinating with my office on this amendment and for their work to address operational energy challenges faced by DOD.

According to the Department of Defense, operational energy represented 74 percent of the military's energy costs in 2010; and despite a 9 percent reduction in energy use, costs increased by 19.7 percent. Air conditioning alone for American forces in Iraq and Afghanistan cost \$20 million each year. Last year's bill to heat, cool, and light 539,000 DOD buildings represented at least \$4 billion in direct costs to taxpayers.

More than 3,000 American warfighters and contractors have been killed in the line of duty while moving or defending fuel convoys. We cannot continue sacrificing American lives as a result of failing to improve energy use by our military.

Included in the bill is a targeted investment of \$82 million for Marine Corps expeditionary energy equipment to prevent our marines from carrying more than 13 million pounds of gear and will help taxpayers avoid nearly \$40 billion in annual energy-related costs.

Thank you, Chairman YOUNG and Ranking Member DICKS, for including this funding in the bill. This bipartisan amendment would complement that investment in operational energy by increasing funding for the Strategic Environmental Research and Development Program, known as SERDP, from 56.4 to 66.4 million, which matches both the President's budget request and the House-passed National Defense Authorization Act recently passed on a strong bipartisan vote.

I offer this amendment on behalf of myself and Mr. BARTLETT of Maryland and Mr. HINCHEY of New York. As members of the Armed Services and Appropriations Committees, respectively, they have been leaders in the efforts to improve our energy security. And I appreciate the bipartisan support of this amendment.

Unfortunately, without the funding that this amendment would provide, the Pentagon would be forced to delay or cancel several strategic environmental programs. For example, this funding would support the joint sensitive technology and munitions program which develops alternatives to TNT. These alternatives are less toxic and have lower cleanup costs. The amendment also supports sustainable wastewater treatment technology for forward-operating bases in combat zones. The purpose of this program is not to protect the environment near the bases but to reduce water and fuel consumption associated with waste treatment.

Mr. Chairman, this amendment will also help our military adapt to climate change. In Virginia, the Norfolk Naval Base is located at sea level. We are

largely witnessing rising water levels already in the Chesapeake Bay and Atlantic Ocean. This amendment simply provides funding equivalent to that which was authorized already by the House Armed Services Committee and by the full House and recommended by the President.

I do not believe we should risk delaying or canceling these critical defense programs, and I ask my colleagues to support this bipartisan amendment.

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

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

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

Mr. DICKS. I rise in support of the gentleman's amendment.

This amendment would realign 10 million from defense-wide accounts to support additional work within the Strategic Environmental Research and Development Program. The program was established in 1990 and is jointly planned and executed by the Department of Defense, the Department of Energy, the Environmental Protection Agency, and other Federal agencies and industry.

The program improves DOD mission readiness and environmental performance by providing new scientific knowledge and cost-effective technologies in the areas of environmental restoration, munitions response, resource conservation, and weapons systems and platforms.

SERDP enhances military operations, improves military systems' effectiveness, enhances military training and readiness, sustains DOD's training and test ranges and installation infrastructure, and helps ensure the safety and welfare of military personnel and their dependents by eliminating or reducing the generation of pollution and use of hazardous materials and reducing the cost of remedial actions.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, this amendment would offer \$10 million to restore a cut that the committee had already made in the operation and maintenance, defense-wide account. Actually, the Defense Department offered this up when we were looking to achieve \$9 billion in savings to reach our allocation. This is one of the areas where the Defense Department indicated that there was no problem with taking a cut. You will hear me discussing this throughout the day and evening as long as we're dealing with this bill.

We had to come up with \$9 billion in reductions from the President's request. This is a part of where we found the \$9 billion. And since the Depart-

ment did not have any objection to this, in fact, offered this up as a possible way of helping with the savings, I must oppose this amendment and ask that the Members do so.

I yield back the balance of my time.

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

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

Mr. CONNOLLY of Virginia. 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. 23 OFFERED BY MR. BROUN OF GEORGIA

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:

Page 9, line 6, after the dollar amount insert "(reduced by \$216,556,400)".

Page 161, line 12, after the dollar amount insert "(increased by \$216,556,400)".

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

Mr. BROUN of Georgia. Mr. Chairman, my amendment would reduce the operating budget of the Office of the Defense Secretary by 10 percent, moving roughly \$217 million to the spending reduction account.

I have spent a considerable amount of time here on the floor of the House during this appropriations process working hard to find spending cuts across every level of the Federal Government and across nearly every agency.

The Office of the Secretary has roughly \$2.1 billion included in this bill for its operation for this fiscal year, which is four times the combined operating budget of the Secretaries in our three previous fiscal year 12 appropriations bills.

□ 1440

I understand the challenges that the Secretary of Defense faces on a daily basis and the enormity of the department he is tasked with overseeing, but even the Department of Defense must do its part to reduce the deficit. I urge support of this amendment.

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

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

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

Mr. DICKS. I rise in very strong opposition to the gentleman's amendment. The decrease appears to be directed at funding provided in operation and maintenance defense-wide for the Office of the Secretary of Defense.

The operation and maintenance defense-wide account received a thorough review during the committee process

and has already been reduced by \$258 million from the budget request.

The Office of the Secretary of Defense account has similarly been reduced by \$36.4 million based on a detailed review of specific programs within this account. Adjustments have been made to duplicative efforts and to programs that were poorly justified.

Further reductions risk harm to operations in the defense-wide account such as special operations activities; education programs like the National Defense University and the Defense Acquisition University; and organizations that perform basic operational functions like finance and human resources.

I urge all my colleagues to vote against this amendment.

Mr. BROUN of Georgia. Would the gentleman yield?

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

Mr. BROUN of Georgia. I appreciate the gentleman yielding. Actually, this just cuts the money, 10 percent, out of the Office of the Secretary of Defense. It doesn't go into cutting Special Ops or other funds that the gentleman from Washington, my good friend, Mr. DICKS, was talking about. It just cuts 10 percent out of the Secretary's operating budget.

I just wanted to clear that up. I thank the gentleman for yielding.

Mr. DICKS. Unfortunately, that is not the way the gentleman wrote his amendment; so I would stand with my provision which says further reductions risk harm to operations in the defense-wide account.

So if you take 10 percent out of the account, it is going to affect Special Operations activities; education programs like the National Defense University, Defense Acquisition University—and Lord knows, we need help in acquisition; and organizations that perform basic operational functions like finance and human resources. I stand by my statement.

I yield back the balance of my time.

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

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

Mr. YOUNG of Florida. I rise in opposition to the amendment, and I do so reluctantly because I know my good friend is very sincere about this. However, Mr. DICKS has spoken the position established by the subcommittee very well, and I endorse the comments that Mr. DICKS made and rise in opposition to this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from 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. 9 OFFERED BY MR. CONNOLLY
OF VIRGINIA

Mr. CONNOLLY of Virginia. 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 9, line 6, after the dollar amount, insert "(reduced by \$15,000,000)".

Page 31, line 17, after the dollar amount, insert "(increased by \$15,000,000)".

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

Mr. CONNOLLY of Virginia. Mr. Chairman, I am offering this amendment on behalf of Mr. BLUMENAUER, Mr. HINCHEY, and Mrs. CAPPS, who were unable to arrange flight schedules to get back here for this consideration.

Mr. BLUMENAUER's amendment would increase funding for the Environmental Security Technology Certification program by \$15 million to match the authorization of the National Defense Authorization Act passed by the House earlier this spring.

According to the Department, facilities energy represented at least \$4 billion in direct costs to the taxpayer in fiscal year 2010. The Department is paying to heat, cool, light, and operate 539,000 buildings and structures that hold 2.2 billion square feet.

The Environmental Security Technology Certification program is focused on finding ways to decrease energy demand, develop smart distribution systems, and increase the use of alternative and renewable energy at U.S. military installations.

ESTCP was established in 1995 to promote the deployment of proven innovative technologies to field or production use. The program demonstrations collect cost and performance data for new technologies to help these new technologies overcome the barriers to development. The goals are to identify the most promising new technologies to help DOD improve its environmental remediation, such as unexploded ordnance, cleanup, energy performance, and cost savings.

ESTCP funds projects in five program areas: energy and water; environmental restoration; munitions response; resource conservation and climate change; and weapons systems and platforms. The program uses an energy test bed concept that is focused on finding ways to decrease energy demand, develop smart distribution systems, and increase the use of alternative and renewable energy at military installations worldwide. These projects include energy-efficient lighting, heating, and air conditioning such as daylight harvesting, personalized dimming, combustion control systems, and high-performance cooling technology.

ESTCP is funding initiatives that will make advancements in building control and retrofits such as the ad-

vanced building energy management systems and the Zero Energy Housing, which generate 100 percent of their power requirements through on-site renewable and demand reductions.

Another project, the LED street lighting system, will deliver 50 percent energy reductions over existing street light systems at DOD facilities around the United States.

An additional \$15 million above the President's budget request will help address the immense challenge our military's facilities' energy requirements represent. The HASC has authorized ESTCP at \$45 million, which includes a \$15 million increase; and in doing so the authorizers created account number 82A for that purpose.

I appreciate Mr. BLUMENAUER's work on energy security issues, including this amendment; and I ask for its favorable consideration.

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

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

Mr. YOUNG of Florida. Mr. Chairman, the amendment would redistribute \$15 million of Army operation and maintenance account funding in order to finance the Energy Security and Technical Certification program. The program is not authorized. It was added by the House Armed Services Committee, but the defense authorization bill is not law. This program currently is not authorized; and because of that, the amendment had to be written in such a way, as just a straight increase or decrease, without actually mentioning the actual program, to avoid being out of order.

Further, the Army operation and maintenance account is funded at over \$34.5 billion. Should this project remain in the final authorization bill and the Department concurs that it is a high enough priority, then there are more than enough funds for the Department to execute the program.

Unfortunately, however, I don't have the ability to make that determination for the Department on the floor. And because of these and other objections, I must oppose the amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. Regrettably, I have to oppose this amendment. My good friend from Oregon, Mr. BLUMENAUER, is one of our most thoughtful Members and has been a leader on environmental issues. But in this case, we have already doubled the funding for this. I think this is unnecessary at this time. We have to constrain spending.

I yield back the balance of my time.

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

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

Mr. CONNOLLY of Virginia. 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 OFFERED BY MR. KUCINICH

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount, insert “(reduced by \$3,600,000)”.

Page 33, line 18, after the dollar amount, insert “(increased by \$3,600,000)”.

Page 34, line 1, after the dollar amount, insert “(increased by \$3,600,000)”.

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

Mr. KUCINICH. Mr. Chairman, today, along with the support of my colleague, Representative ESHOO, I am offering this amendment to help an estimated 250,000 ailing veterans of the first gulf war, over one-third of those who served. It will bring the modest budget for the Gulf War Illness Research program within the congressionally directed Medical Research program in line with that of its peer programs, to \$10 million.

□ 1450

Too many veterans of the first gulf war suffer from persistent symptoms, such as chronic headache, widespread pain, cognitive difficulties, unexplained fatigue, gastrointestinal problems, respiratory symptoms, and other abnormalities that are not explained by traditional medical or psychiatric diagnoses. Research shows that, as these brave soldiers age, they are at double the risk for ALS, or Lou Gehrig's disease, as are their non-deployed peers. There may also be connections to multiple sclerosis and Parkinson's disease. Sadly, there are no known treatments for the lifelong pain these veterans endure.

In a new landmark report, the Institute of Medicine has recognized that and has called for a major national research effort to identify treatments. The scientific community has responded with a dramatic increase in the quality and quantity of proposals that are submitted to the Congressionally Directed Medical Research Programs, otherwise known as CDMRP.

In the FY12 Defense appropriations bill, CDMRP programs, with direct relevance to current forces, received a 25 percent increase. The research conducted by the Gulf War Veterans Illnesses Research program is vital not only for ill gulf war veterans but also for other U.S. military forces. As summarized by the IOM committee chair on the topic, Dr. Stephen Hauser, gulf war illnesses research is “vital to the health and effectiveness of current and future military forces in addition to gulf war veterans.”

Most encouraging, CDMRP-funded researchers have completed the first suc-

cessful pilot study of a medication to treat one of the major symptoms of gulf war illness. Just last month, a report was released on the first successful medication treatment study in the history of gulf war illness research. The study showed that the low-cost supplement, CoQ10, produced significant improvement in one of the most serious symptoms of gulf war illness, fatigue with exertion, as well as improvements in nearly every other symptom. It is not a cure, and the study needs to be replicated in a larger group; but the result is extremely encouraging. The next step is for clinical trials, which will only be funded by the CDMRP.

The amendment's offset comes from the Pentagon channel, which is costly—over \$29 million in the past 3 fiscal years. It's redundant. There are eight other Armed Forces Network Television services which provide news, entertainment, lifestyle, documentary, and religious programming to service-members and their families across the globe, and it doesn't provide a vital service; but this research is critical to our troops in the field now as well as to those who will be fighting in the future.

According to the VA's Research Advisory Committee on Gulf War Veterans' Illnesses, the known causes of gulf war illness are from exposures incurred in Iraq, like certain pesticides, or are from exposures incurred before deployment, like pyridostigmine bromide, which is a drug taken as an antidote to the nerve gas sarin. There is also some evidence of a link between gulf war illness and a low-level exposure to nerve agents, a close proximity to oil well fires, the receipt of multiple vaccines, and combinations of gulf war exposures.

Current forces in Iraq and Afghanistan can still incur each of these exposures. That is why the chair of the IOM committee's report on gulf war illnesses said: “This IOM report makes findings and recommendations vital to the health and effectiveness of current and future U.S. military forces in addition to gulf war veterans.”

This is a time for us to say thank you to those who have served, to say that we understand the suffering that gulf war veterans have had with this illness and that we are dedicated to finding higher levels of research to make sure that we can relieve their suffering.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, I believe that the Gulf War Illness Program is an important medical research area, the program to which Mr. KUCINICH speaks; but this bill already contains \$6.4 million for the program. In addition, the Military Construction and Veterans Affairs appropriations bill has already included an additional \$15 million for the program.

The committee has been extremely careful to guarantee that medical research programs are funded at the level at which they can be adequately dealt with as far as the medical researchers are concerned. But in the days of having to reduce our budget by \$9 billion, we believe that we have already adequately funded this program at \$6.4 million, in addition to the \$15 million added by the Subcommittee on Military Construction and Veterans Affairs. Therefore, I rise in opposition to this amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. I have followed this issue closely ever since the gulf war, and I feel that the gentleman has made a very compelling case. I think we should add this money, and the offset is acceptable. So I urge a “yes” vote on the Kucinich amendment.

I yield back the balance of my time.

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

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

Mr. KUCINICH. 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 Ohio will be postponed.

AMENDMENT NO. 69 OFFERED BY MS. JACKSON
LEE OF TEXAS

Ms. JACKSON LEE of Texas. 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 9, line 6, after the dollar amount, insert “(reduced by \$650,000)”.

Page 33, line 18, after the dollar amount, insert “(increased by \$500,000)”.

Page 34, line 1, after the dollar amount, insert “(increased by \$500,000)”.

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

Ms. JACKSON LEE of Texas. I want to express my appreciation to Mr. YOUNG, who is the chairman of the subcommittee, and to Mr. DICKS, who is the ranking member, for their long years of service.

To my colleagues, good news today: the announcement came that the President of the United States would send the same sympathy letter to families of those soldiers who committed suicide in battle as of those who had fallen in different ways in battle. The reason that is good news is, in a sentence I am reminded of, the President and his office indicated that they did not want to stigmatize the mental health concerns of our soldiers.

I want to pay tribute to the Defense appropriations committee for its work on post-traumatic stress disorder and

to make note of our late friend, Congressman John Murtha, who worked with Houston on establishing a new post-traumatic stress disorder center. I am grateful for that because, as in all of our States, many of us are facing a large numbers of returning soldiers from both Iraq and Afghanistan.

So I ask for my amendment to be supported to increase research and development funding for post-traumatic stress disorder and traumatic brain injury, which affects our men and women who serve selflessly and bravely in our Nation's armed services. My amendment would increase research and development funds for PTSD and TBI by \$500,000. It will be offset by reducing general operations and maintenance and activities of the Department of Defense.

□ 1500

I believe this is critical in ensuring our country's military strength as we move toward the 21st century.

We obviously were aware of post-traumatic stress for those who follow the military in all of our wars. We've seen it every day by our Vietnam soldiers, those who came home without welcome. We see it in the numbers of homeless soldiers, many of them Vietnam vets.

Over the years, members of the military and veterans have seen a drastic increase in the number of cases of PTSD and TBI. PTSD cases in the military have risen from 1,614 total cases in 2000 to 88,719 total cases in 2010. Additionally, it is reported that 17 percent of all active duty soldiers, 25 percent of reserve soldiers, and 19 percent of Vietnam veterans suffer from PTSD. Traumatic brain injuries in the military have increased from 10,963 total cases in 2000 to 178,876 total cases in 2010.

We know that the kinds of explosives that are now used in war cause greater damage, or more damage, or damage of this kind to our soldiers. Also, in May of this year, a three-judge panel of the Ninth Circuit U.S. Court of Appeals ruled that the Department of Veterans Affairs' treatment of mentally ill veterans is so inadequate it is unconstitutional. We are grateful for the work that has been done, but this court said many veterans with severe depression or post-traumatic stress disorder are forced to wait weeks for mental health referrals and are given no opportunity to request or demonstrate their need for expedited care. This is simply unacceptable. The courageous men and women of the Armed Forces brave IED attacks, injury, and horrific violence to protect the safety and security of the United States.

I was listening to a soldier on the television speak about his injuries and then he mentioned the fact that a soldier in front of him, his comrade, his friend, stepped on the IED, but the vast damage was to all of those who were around him. And so we know the collateral damage is as severe as it might be in any other form of mass war.

We see the loss of life, but we see the injuries remaining. We must in turn care for them, and when they return home we must make it a priority—as I know this committee has done—to increase the resources. Members of Congress may disagree when it comes to the level of commitment and resources of the United States to foreign wars and conflicts, however we must not allow these debates and discussions to cause us to fail to properly care for these brave soldiers when they return home or when they are injured. I believe in Congress and its wisdom, and I believe it is committed to taking care of our warriors.

As the members of the military return to their homes and their families, they come without the desire for glory or appreciation. But whenever you talk to a vet, they are looking to make sure that they have the care that they need. Increasing the amount of resources, however small this amendment offers, helps in finding ways to prevent and better treat post-traumatic stress disorder and TBI, and is the first step that Congress can add to the work that is already being done. Access to post-traumatic stress disorder treatment is especially important since veterans living in areas that are outside of some of our largest centers are less likely to be diagnosed.

We should not wait. I believe we are of good mind and good will when it comes to our soldiers. I ask my colleagues to support the amendment.

Mr. Chair, today I rise to ask for support of my amendment to increase research and development funding for Post Traumatic Stress Disorder, PTSD, and Traumatic Brain Injury, TBI, that affects our men and women who serve selflessly and bravely in our Nation's Armed Services. My amendment will increase research and development funds for PTSD and TBI by \$500,000, and will be offset by reducing the general operations and maintenances and activities of the Department of Defense. I believe this is critical to ensuring our country's military strength as we move forward into the 21st century.

Also in May of this year, a three judge panel of the 9th U.S. Circuit Court of Appeals ruled that the Department of Veterans Affairs' treatment of mentally ill veterans is so inadequate, it is unconstitutional. The decision said, "many veterans with severe depression or post-traumatic stress disorder are forced to wait weeks for mental health referrals and are given no opportunity to request or demonstrate their need for expedited care."

This is simply unacceptable.

The courageous men and women of the Armed Forces brave IEDs, attacks, injury, and horrific violence to protect the safety and security of the United States, and we must, in turn, care for them when they return home. We must make this a priority and increase the resources available to help prevent and treat PTSD and TBI.

Members of Congress may disagree when it comes to the level of commitment and resources of the United States to foreign wars and conflicts. However, we must not allow those debates and discussions to cause us to fail to properly care for these brave soldiers

when they return home or when they are injured. Congress must separate the war from the warrior, and Congress should never fail to care for our warriors.

As the members of the military return to their homes and their families, they do not come home seeking glory or appreciation, but no soldier should have to come home to inadequate treatment or care for the injuries they sustained protecting the freedom of all Americans.

Increasing the amount of resources specializing finding ways to prevent and better treat post-traumatic stress disorder and TBI is the first step Congress can take to providing veterans with the services they need. Access to post-traumatic stress disorder treatment is especially important since veterans living in such areas are less likely to be diagnosed and treated for post-traumatic stress disorder.

America shouldn't wait until soldiers with these injuries are discharged to begin treatment. The Department of Defense needs to spend more resources on how to detect and treat PTSD and TBI earlier.

These soldiers need to be certain that Members of Congress will ensure that they receive the necessary treatment to guarantee that their adjustment back into society is a successful one. Mr. Chairman, I urge the adoption of my amendment to ensure no soldier is left behind.

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

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

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

Mr. YOUNG of Florida. Mr. Chairman, there is no doubt that this is a tremendously important issue. Traumatic brain injury is something that we don't even know what the needs are going to be in the future.

Our warriors are coming home wounded, yet full of high spirit, morale, and wishing to go back to the fight if they were medically able. Some of our warriors today don't even know that they have or will be exposed to having traumatic brain injury in the future. It is something we just don't know the answer to.

We also know that the medical professionals tell us that they cannot use money just to spend it, but they have to use it effectively, and they have to use it where it has produced results. In view of this, I think it is important to guarantee that we have an adequate source of funding for this medical research and the treatment of these wounded warriors who suffer with this affliction. And so in view of that, I rise in support of the amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. Mr. Chairman, I rise in support of the amendment.

I would just point out that the committee has added \$125 million this year and \$454 million over the last several years, going back to when Mr. Murtha

and I were chairmen. So we completely concur that this is an important issue. The gentlelady has made a very compelling case. I rise in support.

I yield back the balance of my time.

Mr. BROUN of Georgia. Mr. Chairman, I move to strike the last word.

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

Mr. BROUN of Georgia. Mr. Chairman, I am a physician, and I represent Fort Gordon, Georgia. We have a tremendous amount of soldiers as well as vets from the Vietnam area with post-traumatic stress disorder. I am also in the Navy reserve. I was seeing patients earlier today, and I saw a lady who was a sailor, who was an intelligence sailor in Afghanistan. She is suffering from PTSD and all the problems associated with that.

At Fort Gordon, Georgia, we are trying to expand the facilities there to treat PTSD, to do the research and development—that's a teaching hospital as well as a hospital that cares for soldiers. So I applaud my friend from Houston's amendment here. It is certainly an extremely important issue that we are going to face. We are going to face this issue for the next five, six, seven decades as a Nation. We cannot put as much emphasis as this issue is going to demand over the next few decades even. So it's actually an extremely important amendment. I congratulate Ms. JACKSON LEE on this amendment, and I rise in support of the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The amendment was agreed to.

AMENDMENT NO. 67 OFFERED BY MS. JACKSON LEE OF TEXAS

Ms. JACKSON LEE of Texas. 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 9, line 6, after the dollar amount, insert "(reduced by \$600,000)".

Page 33, line 18, after the dollar amount, insert "(increased by \$500,000)".

Page 34, line 1, after the dollar amount, insert "(increased by \$500,000)".

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

Ms. JACKSON LEE of Texas. I want to take a moment, since I have just followed my amendment, to thank Mr. YOUNG and Mr. DICKS for seeing an expanded category of individuals suffering from PTSD and accepting my amendment and working with us. I want to thank Dr. BROUN for his service and for his direct view of what happens to great Americans, soldiers who have sacrificed and they cannot function because of PTSD. So I am grateful for that.

And the reason why I say that, Chairman YOUNG and Ranking Member

DICKS, is because many people don't realize the work that the Defense Appropriations and the Pentagon does on a number of health issues. One of them happens to be cancer. I have heard in coffee clutches or around dinner tables that cancer is an epidemic. It seems appropriate for the Defense Department, which has been at the cutting edge of technology over the years, such as the Internet—can be in the lead.

So I intend to offer an amendment that I would like to discuss with Mr. YOUNG and Mr. DICKS, but I intend to withdraw. But it is very important. This amendment would increase funding under title 6, Defense Health Programs, by \$500,000 in order to fund research related to triple negative breast cancer, and will be offset by reducing the general operations and maintenance and activities at the Department of Defense.

□ 1510

I am hoping my colleagues will work with me on this, and I hope they will be reminded of a young woman by the name of Yolanda Evette Williams, who was an outstanding medical professional who fought against this triple-negative strain of cancer and left behind a husband, a mother, and two children. It 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 to increase funding for research, not to take away moneys from others, but I would certainly like to, out of this discussion, have this kind of cancer looked upon as we are doing our research to 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.

Just to say a word about Yolanda, she was a dedicated member of the Good Hope Baptist Church. She was a graduate of Texas Southern University. She received a number of degrees. She was a member of the Jack and Jill. Her mother was a medical professional, Dr. Lois Moore. She was a chief clinical officer for the Atrium Medical Center Hospital in Stafford, Texas, having a long history, even though she was very young, of her commitment as a nurse to medical care. This young woman did not have a chance because of this enormous strain that does not have a high survival rate. It is treatment, is hormone- and gene-based strains, and it has, as I said, a difficult time of survival.

Mr. DICKS. Will the gentlelady yield?

Ms. JACKSON LEE of Texas. I yield to the gentleman from Washington.

Mr. DICKS. I appreciate the sincerity and the gentlelady's commitment to

these programs. I have been a supporter of these programs over the years. Triple-negative breast cancer is a very, very aggressive and difficult type of cancer. As the Department goes through its work, peer-reviewed research, we will bring this up next year in our hearings and ask them what they're doing about this.

Ms. JACKSON LEE of Texas. I appreciate it.

Let me just say, breast cancer accounts for one in four cancer diagnoses among 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. This impacts all women, of all backgrounds, and my interest is to make sure that every subset has a seat at the table, Chairman YOUNG, so that no matter what ethnic background you come from, you will not, in essence, suffer the opportunity for full research.

My amendment was \$500,000. It is in tribute to the honor and the leadership and the life of Yolanda Williams. I would like to ask my colleagues here on the Appropriations Committee to allow me to engage with you and to possibly modify, as we go forward, language to just say that this money will be available for difficult strains of cancer so that her life will be honored and that we would be able to move forward.

In conclusion, I would indicate that I had the privilege and honor of paying tribute to Ms. Williams at her homegoing service. I want to offer to her family again, her husband, her children, her mother and all her family members, my deepest sympathy for this valiant American woman. With that, I know that we will work together.

Mr. Chair, I rise today in support of my amendment #67 to H.R. 2219, the "FY2012 Department of Defense Appropriations Act." My amendment would increase funding under Title VI Defense Health Programs by \$500,000 in order to fund research related to triple negative breast cancer, and will be offset by reducing the general operations and maintenances and activities of the Department of Defense.

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 to increase funding for research in order to 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.

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 percent higher death rate from breast cancer than other groups. African American women are also 12 percent less likely to survive five years after a breast cancer diagnosis. One reason for this disparity is that African American women are disproportionately affected by triple negative breast cancer. More than 30 percent of all breast cancer diagnoses in African American are of the triple negative variety. Black women are far more susceptible to this dangerous subtype than white or Hispanic women.

Mr. Chairman, last month, 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. Seventy percent 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.

I ask unanimous consent to withdraw the amendment.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,047,033,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,323,134,000.

OPERATION AND MAINTENANCE, MARINE CORPS
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve;

repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$271,443,000.

OPERATION AND MAINTENANCE, AIR FORCE
RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,310,459,000.

OPERATION AND MAINTENANCE, ARMY
NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$6,979,232,000.

OPERATION AND MAINTENANCE, AIR NATIONAL
GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,094,380,000.

UNITED STATES COURT OF APPEALS FOR THE
ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,861,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$346,031,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided fur-*

ther, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$308,668,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$525,453,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$10,716,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY
USED DEFENSE SITES

(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$276,495,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND
CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$107,662,000, to remain available until September 30, 2013.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$508,219,000, to remain available until September 30, 2014.

DEPARTMENT OF DEFENSE ACQUISITION
WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$105,501,000.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$6,487,481,000, to remain available for obligation until September 30, 2014.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance,

ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,464,223,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF WEAPONS AND TRACKED
COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$2,178,886,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,952,625,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$9,371,952,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and

procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$17,804,750,000, to remain available for obligation until September 30, 2014.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$2,975,749,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, NAVY AND
MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$633,048,000, to remain available for obligation until September 30, 2014.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, as follows:

Carrier Replacement Program (AP), \$554,798,000;
Virginia Class Submarine, \$3,221,314,000;
Virginia Class Submarine (AP), \$1,461,361,000;
CVN Refueling (AP), \$529,652,000;
DDG-1000, \$453,727,000;
DDG-51, \$1,978,314,000;
DDG-51 (AP), 100,723,000;
Littoral Combat Ship, \$1,755,093,000;
LHA Replacement, \$1,999,191,000;
LPD-17, \$1,833,444,000;
Joint High Speed Vessel, \$185,106,000;
Oceanographic Ships, \$89,000,000;
Moored Training Ship (AP), \$131,200,000;
Service Craft, \$3,863,000;
LCAC Service Life Extension Program, \$84,076,000;

For outfitting, post delivery, conversions, and first destination transportation, \$270,639,000; and

Completion of Prior Year Shipbuilding Programs, \$73,992,000.

In all: \$14,725,493,000, to remain available for obligation until September 30, 2016: *Provided*, That additional obligations may be incurred after September 30, 2016, for engineering services, tests, evaluations, and other

such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and materials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$5,996,459,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,453,602,000, to remain available for obligation until September 30, 2014.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$13,987,613,000, to remain available for obligation until September 30, 2014.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,689,998,000, to remain available for obligation until September 30, 2014.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$522,565,000, to remain available for obligation until September 30, 2014.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$17,260,619,000, to remain available for obligation until September 30, 2014.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$5,046,447,000, to remain available for obligation until September 30, 2014.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$29,964,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$9,381,166,000, to remain available for obligation until September 30, 2013.

□ 1520

AMENDMENT NO. 24 OFFERED BY MR. BROUN OF GEORGIA

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:

Page 30, line 11, after the dollar amount insert “(reduced by \$25,798,000)”.

Page 161, line 12, after the dollar amount insert “(increased by \$25,798,000)”.

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

Mr. BROUN of Georgia. This amendment eliminates both the Environmental Quality Technology Research account and the management support set to accompany that research under the Department of Army, sending \$25.7 million to the spending reduction account.

Much of the research conducted by the Army is of merit and deserves the funding provided. Without some of these research programs, we would not have many of the technologies that protect our servicemembers and make them more effective soldiers. However, I do not see the need for the Army to conduct research on technologies pertaining to environmental quality. This type of research would be best conducted in the university or in the private sector.

Asking the Army to research something that does not directly coincide with their direct mission is imprudent, and these funds would be better used in reducing the burden of debt on our Nation.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. The Army's environmental research program develops technologies that support the long-term sustainment of Army training and testing activities by improving the Army's ability to comply with the requirements of Federal, State, and local environmental and health laws and reducing the cost of this compliance.

The program develops technologies to decontaminate or neutralize Army unique hazardous and toxic waste at sites containing waste ammunition, explosives, heavy metals, propellants, chemical munitions, and other organic contaminants. This research concentrates on technology to avoid the potential for future hazardous waste problems by reducing hazardous waste generation through process modification and control, materials recycling, and substitution.

This program also supports military readiness by developing technologies to predict and mitigate range and maneuver constraints associated with current and emerging weapon systems, doctrine, and regulations. This program supports both DOD and environmental stewardship and military requirements. Therefore, I urge my colleagues to reject the gentleman's amendment.

I yield back the balance of my time.

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

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

Mr. YOUNG of Florida. Mr. Chairman, the Army budget documents submitted to the committee during our lengthy hearing process—and they were lengthy—stated that funding in the request for this purpose is to support the long-term sustainment of Army training and testing activities by improving the Army's ability to comply with requirements mandated by Federal, State, and local environmental laws.

In other words, what we're dealing with here is an issue that the military is mandated to comply with by existing law.

We have already—and I said this before, and I'm going to say it again probably numerous times today—we have already reduced the President's budget request for the defense bill for fiscal year 2012 by \$9 billion. It wasn't easy. We made a lot of cuts, and I just don't think that we should take this cut. And so I object and I 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 Georgia (Mr. BROWN).

The amendment was rejected.

AMENDMENT NO. 25 OFFERED BY MR. BROWN OF GEORGIA

Mr. BROWN of Georgia. 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 30, line 11, after the dollar amount insert “(reduced by \$22,796,000)”.

Page 161, line 12, after the dollar amount insert “(increased by \$22,796,000)”.

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

Mr. BROWN of Georgia. Mr. Chairman, my amendment zeroes out the HIV research RDT&E funding under the Department of Army, moving \$22.7 million to the spending reduction account. Again, here we see research being conducted by a military that does not focus on the core mission of national security.

HIV research is being conducted in my home State of Georgia at the Centers for Disease Control, as well as at the National Institutes of Health. It is this type of duplication the American people have demanded that Congress eliminate.

This may mean agencies and departments coordinating more effectively to share information, but we must all work together, more sufficiently in the name of reduced spending. I urge support of this amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. HIV poses a threat to military personnel in terms of readiness and force protection, and may af-

fect the stability and security of many nation states.

American troops deployed to areas of the world such as sub-Saharan Africa and Asia face an increased risk of exposure to the HIV virus. Targeted research into prevention of infection, treatment, and cures is needed to reduce this threat to U.S. military personnel, protect U.S. military readiness, and decrease treatment costs for the Department of Defense health infrastructure.

The bill provides a total of \$24 million above the request, including \$8 million in the defense health program and \$16 million in Research, Development, Test and Evaluation, Army, related to HIV/AIDS research. This funding will enhance efforts to prevent new HIV infections in the military, develop better tests and treatment options for military personnel and health care beneficiaries, and provide for a comprehensive program of research and development on preventive HIV vaccines. I urge my colleagues to reject this amendment.

I yield back the balance of my time.

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

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

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment, which would eliminate all of the funds for the Army's military HIV research program.

Since 1986, the military has recognized the HIV epidemic as a threat to U.S. and allied forces worldwide, and this program has evolved to become an important international partner in efforts to combat this disease. With over 33 million infections worldwide, HIV poses a significant threat to our own military who are serving our Nation throughout the world.

Additionally, HIV has been identified as a national security priority in the President's national security strategy since 2002.

□ 1530

Previous funding for the Military HIV Research Program has helped ensure a safe blood supply for our warfighters. More recently, funding has supported the first vaccine clinical trial, which showed a reduction in the risk of HIV infections to humans.

This funding for the Military HIV Research Program will continue to support the development of an HIV vaccine, ensure accurate HIV testing for the Army, track the prevalence of HIV in the military population, and assess the risk of HIV exposure to U.S. and allied forces deployed overseas.

This amendment would eliminate all \$22.8 million of funds for this very important Army program, and so I must oppose the amendment.

I yield back the balance of my time.

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

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$17,798,950,000, to remain available for obligation until September 30, 2013: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

AMENDMENT NO. 26 OFFERED BY MR. BROWN OF GEORGIA

Mr. BROWN 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:

Page 30, line 18, after the dollar amount insert “(reduced by \$21,714,000)”.

Page 161, line 12, after the dollar amount insert “(increased by \$21,714,000)”.

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

Mr. BROWN of Georgia. Mr. Chairman, my amendment eliminates the environmental protection research under the Department of the Navy, sending \$21.7 million to the spending reduction account. Again, we see research being conducted that is not directly related to the Armed Forces' mission, which could and should be conducted elsewhere.

Currently, the Department of Energy, EPA, Department of the Interior, and NASA are all conducting similar environmental protection research like the Department of Defense. This is yet another example of duplicative programs conducting duplicative research. Instead, let's free up the Navy to research technologies that fulfill their constitutional obligation of providing for the common defense of our Nation and its citizens, while decreasing unnecessary spending.

I urge support of this amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. Many environmental laws, regulations, and policies impose restrictions on Navy vessels, aircraft, and facilities that would impede Navy operations if not met. The Navy must be able to conduct its national security mission in compliance with applicable environmental requirements in the U.S. and abroad without compromising performance, safety, or health, while simultaneously minimizing the cost of compliance.

This program develops and evaluates processes, hardware, systems, and operational procedures which allow the Navy to operate in U.S., foreign, and international waters, air, space, and

land areas while complying with environmental laws, regulations, Executive orders, policies, and international agreements. Projects funded in this program support Navy compliance with the Clean Water Act, the Act to Prevent Pollution from Ships, the International Convention for the Prevention of Pollution from Ships, and numerous others.

I come from an area where the Navy operates very effectively in the State of Washington, and these kinds of on-board waste disposal are absolutely critical; because when you serve on a nuclear submarine, you are out there for many, many days, and you have got to have things onboard ship as well to deal with these kinds of problems.

So I think this is in the best interests of the Navy, and I urge a “no” on the gentleman’s amendment.

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

The amendment was rejected.

AMENDMENT NO. 21 OFFERED BY MR. BROWN OF GEORGIA

Mr. BROWN 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:

Page 30, line 18, after the dollar amount insert “(reduced by \$9,140,000)”.

Page 31, line 17, after the dollar amount insert “(increased by \$9,140,000)”.

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

Mr. BROWN of Georgia. Mr. Chairman, my amendment would eliminate the Navy’s funding for NATO research and development and transfer \$9.1 million to the Israeli Cooperative Program.

The Secretary of Defense has gone on record stating that, and I quote, “The NATO alliance has been used by many European nations as a means to subsidize their own defense spending with U.S. taxpayer money.” I cannot agree more with the Secretary. Many members of NATO refuse to bear their share of the cost and risk.

Instead, Mr. Chairman, we should invest our valuable research dollars in an ally who is more than willing to pull its weight and take the fight to the enemy. The Israeli Cooperative Program is a ballistic missile program co-managed by Israel and the United States that will ensure the capability of our two missile defense programs.

Mr. Chairman, we have never had a greater need for missile defense, not only in this Nation, but in the Middle East with our great ally Israel. We have no greater ally in the Middle East than Israel. And our research programs should reflect our commitment to those allies who stand ready and willing to partner with us to protect our mutual interests. This would strengthen that mutual interest and strengthen that partnership.

Mr. Chairman, I urge support of this amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. NATO funding in this bill should not be curtailed because the U.S. and the NATO nations are one another’s closest partners, and the NATO alliance has been a vital and successful part of U.S. foreign policy dating back to its formation in 1949. While the alliance must evolve in light of changing world events, there is no other practical option to structure U.S. strategic and security cooperation with our European allies.

For all NATO nations, the alliance allows for security capabilities and a structure to control operations that the allies on their own could not afford to maintain. Active participation in NATO also allows the U.S. to pursue defenses against emerging threats, such as implementation of improved missile defense capabilities. To maintain its commitment to NATO, the U.S. must continue to contribute funding to NATO programs.

I urge my colleagues to vote “no” on this amendment.

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

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

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to this amendment.

NATO has been a very, very important part of keeping peace in the world. Are there some changes that might be necessary in NATO as we see the world unfold and the world develop differently? Maybe so. But it should not be done in a hit-or-miss, helter-skelter way.

Mr. DICKS and I, as the leaders of the Defense Appropriations Committee, have already had several lengthy meetings on this subject. And we have agreed that following the completion of this fiscal year’s Defense appropriations bill, we plan to hold hearings and look thoroughly into what we see as the role of NATO today, tomorrow, and next year. But in the meantime, it’s important that we don’t do any serious damage to NATO, which is probably one of the most effective international organizations at maintaining peace that we have in the world. So I must object to the gentleman’s amendment.

I yield back the balance of my time.

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

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

Mr. BROWN 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.

□ 1540

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$26,313,196,000, to remain available for obligation until September 30, 2013.

AMENDMENT OFFERED BY MR. WELCH

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 6, after the dollar amount, insert “(reduced by \$297,023,000)”.

Page 161, line 12, after the dollar amount, insert “(increased by \$297,023,000)”.

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

Mr. WELCH. Mr. Chairman, as you know, to govern is to choose. To write a budget is where governing makes choices.

My amendment raises the question as to whether or not spending \$297 million for research in the next generation of fighter is the right choice to make at this time.

Mr. DICKS. Will the gentleman yield?

Mr. WELCH. I yield to the gentleman from Washington.

Mr. DICKS. It’s not a fighter; it’s a bomber.

Mr. WELCH. Bomber, yes.

Mr. DICKS. It’s a much different type of airplane.

Mr. WELCH. I misspoke. The gentleman is correct—\$297 million for the next generation of bomber. Is that the right choice?

Here’s the question: Number one, it may be desirable, but is it affordable? The Office of Management and Budget did not include this as a recommendation in the budget, nor did the President, who is charged more than anyone else in this country with our national defense. We have the right, as a Congress, and the constitutional responsibility to make our own judgments.

Mr. DICKS does a great job at that, as does Mr. YOUNG.

But we have to ask the question as to whether or not, when our Office of Management and Budget, our House Armed Services Committee both say that the current fleet of bombers—bombers, Mr. DICKS—is functioning very well, can we afford at this time \$297 million for additional research?

Now, the question is, it may be desirable but is it affordable when we have this horrendous budget squeeze that we know is dividing this Congress because we have to make some very tough choices in the future.

The second question that comes up is whether something that may be desirable comes at a cost that is unacceptable. Now, the Defense budget is large,

unnecessarily so; but it is the one item of spending that has been exempt from cuts.

The Environmental Protection Agency is going to be down 15 percent, NASA down 10 percent. Yet the spending increase in the Pentagon is going to be substantial despite the enormous budget pressures in this ongoing, very serious debate we are having about revenues and taxes that embraces both sides of the aisle.

The third question is if it's necessary, is there some burden on those who have the responsibility of overseeing taxpayer dollars in the Defense budget to poke around and find that \$300 million somewhere else in a nearly \$700 billion budget?

So those are the questions. It's not a direct assertion that we must suspend forever research on the next generation of bombers, but it is asking those questions in this time: Just because something is desirable, does that make it affordable?

If it's desirable, at what cost does it come and, if it's necessary, are there other places in a \$700 billion budget that we can find this \$300 million to do research that will allow us to proceed, and that's what this amendment asks. It says tough choices for America have to begin here, and they have to include tough choices within the Pentagon budget.

I yield back the balance of my time.

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

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

Mr. DICKS. First of all, I have to again correct the record here that the President of the United States, OMB and Defense Department requested \$197 million.

Our committee held hearings with the Air Force and found, from a lot of dialogue with the three companies that are competing, that we might be able to accelerate this bomber replacement program if we could get an additional \$100 million. So the President requested \$197 million, and we added \$100 million to that because we see that this program is vitally important.

Now, I led the fight many years ago in the House on the B-2 bomber, and my colleagues got very tired of listening to me on this. But we started with that program at 125 bombers, and we wound up with only 20. So we need another stealth bomber, which can reach around the world as we have seen the B-2 do just recently.

This is a very high priority of the Air Force. I mean, next to tankers, the replacement of the bomber and along with the Joint Strike Fighter, are going to be the top priorities for the Air Force. So this would be a catastrophic blow to terminate this program.

And though I have the greatest respect for the gentleman from Vermont, I would say that I would stay with the

committee, which unanimously supported this program, has always supported modernization of our strategic bombers and our strategic modernization of our submarines, which are two of the major issues that our committee is dealing with.

So, again, I urge a "no" vote on this amendment.

I yield back the balance of my time.

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

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

Mr. YOUNG of Florida. Mr. Chairman, I rise in very strong opposition to this amendment.

I have suggested so many times that I would not do anything, produce any bill or support any bill, that negatively affects our soldiers or that negatively our affects readiness.

Well, this bomber is a long time from production because it takes time to develop a new bomber due to the nature of that vehicle. But by the time it gets online, we are going to need the new bomber because the old bombers are going to be old.

Now, without going into all the details that Mr. DICKS did, and he did a very good job of explaining in detail why this new bomber is needed, just let me relate a story that happened to me as a freshman and a member of the Armed Services Committee after a lengthy hearing with the United States Marine Corps.

This very, very distinguished, very powerful-looking marine came to me after the hearing and he said, listen, son—he called me son back in those days—he said, listen, son, we marines will go anywhere to fight any war our country sends us to. We will fight on the beach, we will fight on the sea, we will fight in the hills, we will fight in the jungle. Just promise me that as a Member of Congress you will do everything in your power to make sure that any airplane that flies over the battlefield is an American airplane. You can certainly understand why the troops on the battlefield would want that to be the case, why he would want that bomber flying overhead to be an American, why he would want that fighter flying overhead to be an American, why he would want that strike fighter flying over the battlefield to be an American. It just makes good common sense that if you are going to send troops to war, make sure that the aircraft that fly over the battlefield belong to us and not to the enemy.

And, having said that, I again say I strongly 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 Vermont (Mr. WELCH).

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

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

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further pro-

ceedings on the amendment offered by the gentleman from Vermont will be postponed.

□ 1550

AMENDMENT NO. 22 OFFERED BY MR. BROUN OF GEORGIA

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:

Page 31, line 6, after the dollar amount insert "(reduced by \$4,424,000)".

Page 31, line 17, after the dollar amount insert "(increased by \$4,424,000)".

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

Mr. BROUN of Georgia. Mr. Chairman, this amendment is nearly identical to the amendment that transfers NATO research to U.S.-Israeli missile defense. This one simply takes the \$4.4 million in the Air Force's NATO R&D program and places those funds in the Israeli Cooperative Program for Israel and the United States, who are cooperating to develop a missile defense system that will help them and, as well, help us.

We must stand by Israel now and always. My amendment makes a positive step towards growing our relationship and solidifying security in the Middle East. It will help Israel, but it will help the United States also.

I urge my colleagues to support my amendment.

I yield back the balance of my time.

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

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

Mr. DICKS. NATO funding in this bill should not be curtailed because the United States and the NATO nations are one another's closest partners, and the NATO alliance has been a vital and successful part of U.S. foreign policy dating back to the formation in 1949 during the Truman administration. While the alliance must evolve in light of changing world events, there is no other practical option to structure U.S. strategic and security cooperation with our European allies.

For all NATO nations, the alliance allows for security capabilities and a structure to control operations that the allies on their own could not afford or maintain. Active participation in NATO also allows the U.S. to pursue defenses against emerging threats such as implementation of improved missile defense capabilities.

To maintain its commitment to NATO, the United States must continue its contribution to all aspects of the NATO program, including research and development activities.

I urge my colleagues to vote "no" on this amendment.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. I associate my remarks with the ranking member from Washington State in opposing this amendment.

NATO is a strong ally. We have a multiple-year generational commitment to NATO. We do a lot of joint projects, a lot of research and development that is jointly developed, and we need their support and they need our support.

I rise in opposition to Mr. BROWN's amendment.

I yield back the balance of my time.

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

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

Mr. NADLER. Mr. Chairman, I rise in support of this amendment. I think it is a very good amendment offered by the gentleman from Georgia.

And while I certainly concur with the words of the distinguished ranking member of the committee and the earlier words of the chairman for how important NATO is, the fact of the matter is that, as Defense Secretary Gates told us a couple of weeks ago, the European members of NATO are not pulling their weight. They're not spending the kind of money that we are spending. They're not spending the kind of money that Israel is spending on their own defense. They're not putting in very much effort at all. We're carrying the burden.

And the fact of the matter is, as we're seeing in Libya where they're running out of ammunition after a couple weeks' fighting with a nothing power, NATO, or at least the European allies, simply aren't spending money. They're relying on us to do it. They ought to get used to spending a little of their own money on this.

The fact of the matter is that Israel is spending 7½ percent of its GDP on the military. She has to because she is the object of the Iranians and others who want to destroy her. And we are getting our money's worth because Israel's technical expertise in antimissile defenses in the Iron Dome, which we are helping with, is feeding back to us.

So switching these funds from NATO to Israel will benefit the United States in terms of antimissile technology; will benefit Israel, which is putting in 7½ percent of GDP; and may give a little more weight to Secretary Gates' words when he says to the European members of NATO that if they want to pull their weight, they ought to start pulling their weight and spending a little more money instead of—I think they're spending under 2 percent of GDP for defense now. And if they want to be allies of the United States, which we need them to be and which they should be, it can't be a one-way alliance.

This amendment will help Israel, will help us, will help the cause of opposing terrorism generally, and send a little message to the European allies: Maybe you ought to start thinking, if you're

going to pull your weight in NATO, pull your weight in NATO.

Mr. BROWN of Georgia. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Georgia.

Mr. BROWN of Georgia. I thank the gentleman for yielding. I appreciate his support of this amendment.

And I will remind Members that Iran is developing short-range, medium-range as well as long-range missile technology, as well as it is developing a nuclear weapon. We have never needed this kind of joint research with the Israelis to help prevent not only a missile attack or further missile attacks on Israel, which they get every day, but we need, for our own defense, to put more money into this instead of supporting NATO.

I think this is extremely important that we plus up this missile defense research for Israel, for our own selves, and I thank the gentleman for supporting the amendment.

Mr. NADLER. Reclaiming my time, to sum up, this helps the Israelis; it helps the United States; it helps the general security; and it sends the message to the European allies they should start looking into maybe putting some real effort into NATO, which they haven't been doing in recent years, as our Secretary of Defense Gates said recently.

Let's support Secretary of the Department of Defense Gates and let's get them to start making a little effort and send them a little message here.

So I support the gentleman's amendment.

Mr. BROWN of Georgia. I yield back the balance of my time.

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

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

Mr. BROWN 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.

The Clerk will read.

The Clerk read as follows:

RESEARCH, DEVELOPMENT, TEST AND
EVALUATION, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,324,865,000, to remain available for obligation until September 30, 2013.

AMENDMENT OFFERED BY MR. STEARNS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 17, after the dollar amount, insert "(reduced by \$16,000,000)".

Page 33, line 18, after the dollar amount, insert "(increased by \$16,000,000)".

Page 34, line 1, after the dollar amount, insert "(increased by \$16,000,000)".

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

Mr. STEARNS. Mr. Chairman, this is a very simple amendment. Basically, I am taking 16 million, not billion, \$16 million from a part of the Department of Defense budget, which is called defense-wide appropriations, where there's almost 20 billion. So I'm asking to take roughly .0008, or .08 percent, from this defense-wide appropriations which is used for other than military departments. So it is not even applicable to the Army, Navy, and Air Force, not the military departments, but it is used by the Secretary of Defense for the maintenance, lease, and operation of facilities and equipment. And what I'm doing is taking this \$16 million and I'm transferring it to the Peer-Reviewed Prostate Cancer Research Program.

Funding levels, my colleagues, for this program, has gone down dramatically since 2001. Right now, it's funded at \$64 million. It was funded in 2001 at 100. It has continually come down and down and down. So I'm not asking to take it up to the 2001 level; I'm just asking to take it up to perhaps what it was in 2005.

□ 1600

I think, without going into all of the details, this is a very wise move because funding levels for this program have continually decreased, yet prostate cancer is the second-leading cause of male cancer-related death in the United States, with an estimated 27,360 casualties just last year. There are no noticeable symptoms in early stages. The use of widespread testing, however, has led to 9 out of 10 cases of early detection. That is why this very paltry amount of \$16 million in funding would be better spent for prostate cancer research for our military than abroad.

According to the Prostate Cancer Research Program, the PCRP, active duty males are twice as likely to develop prostate cancer than their civilian counterparts. Research funded by the PCRP advances treatment and procedures for warfighters exposed to chemical weapons, soldiers exposed to chemical agents such as Agent Orange, and those exposed to depleted uranium. Congress has consistently supported funding levels of over \$80 million annually for this important cause, yet it is only funded at \$64 million.

The PCRP funds innovative high-risk, high-reward research projects supporting basic and clinical research in both the individual and multidisciplinary collaborative group setting. Funding for the PCRP enables research to advance faster and to be better prepared to apply for future funding from the National Institute of Health or to advance clinical trials. Unlike any

other Federal cancer research programs, any other, the PCRP award review panels are made up of the country's top researchers and prostate cancer survivors, together making sure that innovative ideas rapidly benefit all men and families burdened by this disease.

In 2010, the PCRP, along with the Clinical Consortium, helped shepherd two new drugs through clinical trials. Both drugs are designed to prolong a man's life with prostate cancer. These drugs moved through the clinical trials process and have made their way to the bedside of men dying from prostate cancer to extend their lives. This public-private partnership is an incredible way to maximize productivity of government funded and privately funded medical research.

So I ask my colleagues to support my simple amendment to transfer \$16 million from defense-wide appropriation, which is other than military which they use presently for maintenance, lease, operational facilities and equipment, and it represents a 0.08 percent reduction of this other military-wide funding.

With that, Mr. Chairman, I include the letter to me regarding the Department of Defense Prostate Cancer Research Program from the Prostate Cancer Foundation for the RECORD.

PROSTATE CANCER FOUNDATION,
Santa Monica, CA, July 6, 2011.

Hon. CLIFF STEARNS,
House of Representatives, Rayburn House Office
Building, Washington, DC.

DEAR CONGRESSMAN STEARNS: Founded in 1993, the Prostate Cancer Foundation (PCF) has raised more than \$450 million to fund more than 1,500 prostate cancer research programs at nearly 200 research centers in 12 countries. Our research enterprise aims to improve prostate cancer prevention, diagnosis, and treatment for the more than 16 million men and their families battling prostate cancer worldwide. PCF also serves as a primary source for new standard-of-care and research information.

Prostate cancer poses a substantial public health burden in America. A total of 240,890 new cases of prostate cancer and 33,720 deaths from the disease are anticipated in the United States in 2011, making it the most frequent nondermatologic cancer among U.S. males. A man's lifetime risk of prostate cancer is one in six. Prostate cancer is the second leading cause of cancer death in men, exceeded only by lung cancer.

At this time, the Prostate Cancer Foundation would like to express our strong support for increasing the \$64 million provided for the Department of Defense's Prostate Cancer Research Program (DoD PCRP) by the fiscal year 2012 Defense Appropriations Act, H.R. 2219 by an additional \$16 million. Without this addition, the 20% decrease from the fiscal year 2011 \$80 million appropriation would effectively return the DoD PCRP funding level to what it was ten years ago. This decrease will mean that we lose hundreds of thousands of American lives to lethal prostate cancer in the next few years.

In a unique public-private partnership with the Prostate Cancer Foundation, the Department of Defense Prostate Cancer Research Program co-sponsors the Prostate Cancer Clinical Trials Network (PCCTC), which is the world's most comprehensive "first in man" phase I/II clinical trials group for pros-

tate cancer composed of 13 Centers of Excellence in genitourinary oncology. The Consortium has helped to bring to market 2 new medicines for men with advanced prostate cancer that were approved by the FDA in 2010-11: namely, XGEVA™ (denosumab)—Amgen Inc. and ZYTIGA™ (abiraterone acetate)—Johnson & Johnson. More than 2,700 patients have had access to 83 clinical trials since 2005 through the Department of Defense's sponsorship of this Consortium.

Since 1997, when the DoD PCRP was initiated, about \$1.1 billion has been appropriated by Congress and used to fund more than 2,000 prostate cancer research studies across the U.S. Since 2006, this program has been funded at \$80 million per year. The Department of Defense Prostate Cancer Research Program is America's leading undiluted support to find and fund the best prostate cancer research. The research funded by DoD PCRP has led to many dramatic improvements in our Nation's prostate health, from decreases in deaths due to prostate cancer to increased life expectancy for men facing terminal diagnoses.

Today, continued life-saving progress for prostate cancer patients is threatened because of the possibility of decreased funding through the Department of Defense Prostate Cancer Research Program. The funding for the Department of Defense Prostate Cancer Research Program is not duplicative with funding at the National Cancer Institute. While PCF understands and appreciates the budgetary constraints currently facing our Nation, PCF also believes that advances in prostate cancer research must remain a very high national priority.

Critical funding is needed in order to maintain clinical and translational research that will lead to the development of new cancer therapies and technologies that will help prostate cancer patients. On behalf of the Prostate Cancer Foundation, our Board of Directors, and the two million men and their families battling prostate cancer in America, I urge you to restore funding for the Department of Defense Prostate Cancer Research Program at \$80 million per year in fiscal year 2012.

Thank you for your careful consideration of this important request.

Sincerely,

JONATHAN W. SIMONS, MD,
President and Chief
Executive Officer.

DAVID H. KOCH,
Chair.

THE PROSTATE CANCER CLINICAL
TRIALS CONSORTIUM,
New York, NY, July 5, 2011.

PROSTATE CANCER FOUNDATION BOARD OF DIRECTORS,
Fourth Street,
Santa Monica, CA.

LADIES AND GENTLEMEN OF THE BOARD: The Prostate Cancer Clinical Trials Consortium (PCCTC) is the nation's premier prostate cancer clinical research group, established in 2005 in response to unmet needs identified by physician investigators and prostate cancer advocates. Our infrastructure, jointly supported by the Prostate Cancer Foundation (PCF) and appropriations to the U.S. Department of Defense (DOD) budget via the Congressionally Directed Medical Research Program (CDMRP), enables the 13 member institutions to capitalize on their scientific and clinical expertise in order to fulfill our singular mission: to design, implement and complete hypothesis-driven early-phase trials of novel agents and combinations that could prolong the lives of men with prostate cancer. Crucial to our capacity to turn scientific discoveries into improved standards of care is the continued sponsorship of the

PCCTC's unique approach to multi-institutional clinical research.

A model for successful drug co-development, the PCCTC established an organizational structure that accelerates and streamlines the clinical research process by facilitating collaboration between key stakeholders while centralizing scientific, logistical, and regulatory components of trial management. To keep the pipeline primed with promising novel agents, we select and prioritize clinical development opportunities based on the strength of the science and design highly informative trials incorporating biomarkers to measure medically significant results. Moreover, the diverse array of our expertise including genomics, cancer biology, trial design and biomarker development, uniquely qualifies PCCTC investigators to translate discoveries made from highly innovative prostate cancer research funded by the PCF beginning in the early 1990s into robust clinical programs.

By addressing the barriers to efficient trial activation and completion our centralized management of research activities has affected the progress in prostate cancer research beyond PCCTC member institutions. Notable accomplishments include: since inception, the PCCTC has enrolled over 2700 men—greater than 10% from disproportionately affected populations—to 90 clinical trials, evaluating more than 50 therapeutic strategies; PCCTC designated as the clinical trials group for the NCI-sponsored Specialized Programs of Research Excellence (SPORE) in prostate; nearly 25% of early-phase interventional prostate cancer trials conducted in the U.S. are led by PCCTC investigators; over 85% of PCCTC trials are activated within 1 year; consortium investigators integral to the development of the prostate cancer clinical states model, standard clinical trial endpoints (PCWG2) and Bone Scan Tool for uniform interpreting and reporting of bone scintigraphy data; consortium programs have directly led to phase III testing of eight drugs including MDV3100, tasquinimod, ipilimumab and the FDA-approved drug abiraterone (Zytiga).

Despite the PCCTC's substantial advances, the threat of CDMRP funding cutbacks is of great concern to the consortium and prostate cancer community. With no known substitutes for the public-private partnership between PCF and DOD, early withdrawal of funding will drastically compromise our continued progress. The PCCTC depends on these funds to execute an expanding portfolio of services which foster the unprecedented collaboration between investigators and industry sponsors, strategically positioning us to lead exciting new programs (e.g., XL184 and ARN-509). Before we can implement a business model that would allow us to function independently, these vital resources remain necessary if we are to attract potential sponsors with our built-in advisory boards, expedited regulatory processes, unified contracting and budgeting and our track record of quickly accruing patients to trials at diverse and reputable institutions. However, the most significant impact will be on our ability to impact the lives of men with prostate cancer without the infrastructure to support the high-risk, high-reward projects that have become the hallmark of PCCTC research.

Critical unmet needs in prostate cancer remain. Preserving the PCCTC's distinctive drug development paradigm allows the nation's most talented clinical investigators to fulfill our mission of delivering needed therapies to men with prostate cancer faster by designing and executing hypothesis-driven phase I and phase II trials. Your foresight to strategically support the PCCTC and its investigators from inception of the organization is commendable. These investments

originate in many forms and our gratitude for your confidence and continued support is immense.

Sincerely,

Howard I. Scher, MD; Robert DiPaola, MD; Elisabeth Heath, MD; Michael A. Carducci, MD; George Wilding, MD; Maha H. Hussain, MD, FACP; Daniel George, MD; Celestia Higano, MD, FACP; Walter M. Stadler, MD; Christopher J. Logothetis, MD; Charles Ryan, MD; Tomasz M. Beer, MD; Mary-ellen Taplin, MD.

10 THINGS EVERYONE SHOULD KNOW ABOUT PROSTATE CANCER

1. 1 in every 6 men will get prostate cancer sometime in his life. It was projected that over 192,000 cases were diagnosed in 2009.

2. The chances of getting prostate cancer are 1 in 3 if you have just one close relative (father, brother) with the disease. The risk is 83% with two close relatives. With three, it's almost a certainty (97%).

3. African-American men are at special risk for the disease, with the highest rate of prostate cancer in the world: 1 in 4 men. African American men are 2.5 times more likely to die from the disease.

4. Prostate cancer is the second-leading cause of male cancer-related death in the United States. An estimated 27,360 men died from prostate cancer last year.

5. There are no noticeable symptoms of prostate cancer while it is still in the early stages. This is why getting tested is so critical.

6. Every man age 45 or over should resolve to be tested annually. African-American men or those with a family history of the disease should start annual testing at 40.

7. Before early detection through PSA testing, only 1 in 4 prostate cancer cases were found while still in the early stages. With the widespread use of testing, about 9 out of 10 cases are now found early—giving men a fighting chance.

8. Nearly 100% of men diagnosed with prostate cancer while it is still in the early stages are still alive 5 years from diagnosis*. Of men diagnosed in the late stages of the disease, 33.4% survive 5 years*.

9. Testing for prostate cancer involves a simple blood test and a physical exam. It takes about 10 minutes and is covered by health insurance in many states.

10. Obesity is a significant predictor of prostate cancer severity. Men with a body mass index over 32.5 have about 1/3 greater risk of dying from prostate cancer. Research shows high cholesterol levels are strongly associated with advanced prostate cancer.

*Does not include those who died from causes other than prostate cancer.

All prostate cancer statistics are 2009 estimates reported by the American Cancer Society.

UNDERSTANDING PROSTATE CANCER WHAT IS THE PROSTATE?

The prostate gland is part of the male reproductive system; it produces fluid for semen. The prostate is about the same size and shape as a walnut, and sits in front of the rectum and below the bladder, where it surrounds the urethra that carries urine out from the bladder.

WHAT IS PROSTATE CANCER?

Normally, cells grow and divide in an orderly way. Sometimes this normal process can go wrong. If abnormal cells continue to divide, they can form cancer tumors. Prostate cancer tends to occur in the cells lining the prostate. Its growth is usually slow and supported by male hormones. Prostate cancer cells can spread to other parts of the body.

There are no noticeable symptoms of prostate cancer while it is still in the early stages, which is why testing is so critical. In more advanced stages, symptoms may include difficult or frequent urination, blood in the urine or bone pain.

WHO IS AT RISK?

45 is often considered the age to begin annual prostate cancer testing. Men at higher risk, such as African-American men and those with a family history of prostate cancer, should begin getting tested no later than age 40. All men should start discussing early detection with their doctors at age 40.*

TOOLS FOR EARLY DETECTION

The goal of early detection is to find the disease in its early stages when treatment is most likely to be effective. There are two widely used tests to aid in the early detection of prostate cancer.

Blood Test—PSA. This simple blood test measures the level of protein called prostate-specific antigen (PSA). Normally, PSA is found in the blood at very low levels. Elevated PSA readings can be a sign of prostate cancer; however, PSA levels can be elevated for reasons other than cancer.

Physical Exam—DRE. The digital rectal exam (DRE) is a simple, safe and only slightly uncomfortable physical exam performed by your physician.

These exams are usually done together to increase the accuracy of diagnosis. Although PSA will detect most high-risk cancers, there can be cancers that will be missed by this test and can be detected by the physical exam.

* According to the National Comprehensive Cancer Network.

ZERO, THE PROJECT TO END PROSTATE CANCER, Washington, DC.

TO WHOM IT MAY CONCERN: ZERO—The Project to End Prostate Cancer is the nation's leading prostate cancer organization providing advocacy for increased federal funds for life-saving research, education and free testing. Our goal at ZERO is to create "Generation ZERO" the first generation of men free from prostate cancer.

One of the government initiatives that we strongly support is the Congressionally Directed Medical Research Program and the Prostate Cancer Research Program. The PCRP strives to conquer prostate cancer by funding medical research that will eliminate death and suffering from the disease. The PCRP labors to reach this goal by funding innovative research with near-term impact, sponsoring multidisciplinary synergistic research, funding translational studies, investing in research on patient survivorship and improving quality of life.

An example of the innovative nature of the PCRP is the Clinical Trials Consortium. To address the significant logistical challenges of multicenter clinical research, the PCRP began support of a clinical trials consortium for rapid Phase I and Phase II clinical trials of promising new treatments for prostate cancer.

Since their first PCRP award in 2005, each site has fulfilled key responsibilities to clinical trials and design and recruitment. Nearly 70 trials with more than 1,800 patients have taken place, leading to potential treatments that will soon be at patients' bedsides. Two recently approved drugs (XGEVA and ZYTIGA) benefited from PCRP funding and the consortium accelerating their approval time by more than 2 years.

The Department of Defense Appropriations Act for FY2012 contains a 20 percent cut to the funding of the PCRP. If enacted, the funding for the PCRP will be cut from \$80 to \$64 million. This amount would be the lowest

amount of funding the program has received since 1999 when Congress allocated \$50 million to the PCRP.

ZERO requests that the PCRP funding levels for FY2012 be restored to 2011 levels. Continuing our commitment to prostate cancer research is crucial to the more than 240,800 men that will be diagnosed and the 33,720 who will die from prostate cancer in 2011.

With Sincere Appreciation,

KEVIN S. JOHNSON,
SVP Government Relations
and Advocacy.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise to speak in favor of the amendment.

I have been very much involved in peer-reviewed prostate cancer research in my home State. I have certainly made a commitment to that community to support additional funds. We are willing to accept the gentleman's amendment.

Mr. DICKS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. DICKS. I am so thrilled that the gentleman from Florida has an amendment that I can support. I join with you, and I urge everyone to support the gentleman's amendment.

Mr. STEARNS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Florida.

Mr. STEARNS. I thank the gentleman from Washington.

Oftentimes, I give him an amendment which he has very little time to look at. Again this happened, but I am very pleased he is supporting my amendment.

With that, obviously I will not call for a vote. I appreciate the appropriators supporting my amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SESSIONS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 31, line 17, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 33, line 18, after the dollar amount, insert "(increased by \$10,000,000)".

Page 34, line 1, after the dollar amount, insert "(increased by \$10,000,000)".

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

Mr. SESSIONS. Mr. Chairman, first, I would like to recognize the gentleman, C.W. "BILL" YOUNG, who is a stalwart not only to this Congress but also to the men and women of the United States military, for his hard work in support of not only making

sure our men and women have what they need, but making sure that he stands behind that, making sure that they get money well spent on behalf of the taxpayers.

Also, I would like to thank Chairman HAL ROGERS and certainly the gentleman from Washington (NORM DICKS) for their hard work and dedication and trying to work on traumatic brain injury, known as TBI, and also posttraumatic stress disorder, PTSD, and to thank all three of them, and others in this Congress, for their continued support by increasing funding for TBI and PTSD in this overall bill by \$125 million.

While I understand the long-standing practice of the committee for not designating specific TBI funds, my amendment confirms the House's support for this amendment which I have offered many times, and certainly related to TBI in May of this year to the National Defense Authorization Act of 2011.

Mr. DICKS. Would the gentleman yield?

Mr. SESSIONS. I would yield to the gentleman.

Mr. DICKS. The gentleman explained to me that the \$10 million would not be part of the government program, that this would give people with traumatic brain injury, posttraumatic stress disorder, an option to go to the private sector?

Mr. SESSIONS. In fact, that is correct. What has previously been in the Defense Armed Services Committee, the policy that would allow men and women of the military who have TBI to be able to take these funds and be able to use them outside of the Department of Defense to what I would call private sector.

Mr. DICKS. What about TRICARE, which is a private company?

Mr. SESSIONS. They could take it where they choose to, not where they are designated to go by the Department of Defense; that would be correct.

Mr. DICKS. I thank the gentleman for yielding.

Mr. SESSIONS. On May 26, 2011, during the NDAA debate, the House unanimously adopted an amendment to create a pilot program administered by the Department of Defense that would begin treating our troops coming back home from theater with TBI and PTSD. Today, Congress has the opportunity to appropriate funds that would be used to treat our active duty and veterans suffering from TBI and PTSD.

My amendment specifically moves \$10 million from the more than \$19 billion in the Research, Development, Test and Evaluation Defense Program to increase the defense health program by \$10 million. Once again, this money will assist directly these soldiers and others in the military who have TBI-related injuries to be able to go to private sector facilities with the utilization of taxpayer dollars for them to get leading-edge treatments on these issues.

In April 2007, the Department of Veterans Affairs screened veterans who

were serving in Iraq and Afghanistan since 2001 for symptoms associated with TBI. More than 19 percent of these veterans screened positive for TBI symptoms. This is a big issue.

According to the U.S. Army, the number of soldiers leaving active duty service has increased by 64 percent from 2005 to 2009 due to brain health, whether it was TBI, PTSD, or a mental illness. A 2009 Rand study estimates that costs related to depression, PTSD, and TBI in our soldiers ranges from \$4 billion to \$6.2 billion over a 2-year period of time.

Today, health care providers all over this country are treating brain injury patients with new and innovative treatments with remarkable results. Unfortunately, many of these treatments are not available within military or veteran medical facilities for our heroes that I have previously discussed who are suffering from TBI.

Our troops put themselves on the line every day, and I think they deserve every opportunity to receive this treatment that is available for their recovery. This pilot program created in NDAA will provide for that treatment and recovery.

As has been talked about here on the floor of the House of Representatives, \$10 million out of \$19 billion should be allocated to this. I appreciate all of my colleagues not only learning more about this issue, also wanting to be a part of how we can help these men and women making groundbreaking treatments for our Nation's veterans and active duty soldiers.

I yield back the balance of my time.

□ 1610

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

The Acting CHAIR (Mrs. MILLER of Michigan). The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We accept the gentleman's amendment.

Mr. DICKS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. DICKS. We accept the amendment too.

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

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

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION, DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$191,292,000, to remain available for obligation until September 30, 2013.

TITLE V

REVOLVING AND MANAGEMENT FUNDS DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,575,010,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$1,100,519,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$32,317,459,000; of which \$30,497,735,000 shall be for operation and maintenance, of which not to exceed 1 percent shall remain available until September 30, 2013, and of which up to \$16,092,272,000 may be available for contracts entered into under the TRICARE program; of which \$632,518,000, to remain available for obligation until September 30, 2014, shall be for procurement; and of which \$1,187,206,000, to remain available for obligation until September 30, 2013, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations.

CHEMICAL AGENTS AND MUNITIONS

DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,554,422,000, of which \$1,147,691,000 shall be for operation and maintenance, of which no less than \$103,097,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$30,615,000, for activities on military installations and \$72,482,000, to remain

available until September 30, 2013, to assist state and local governments; and \$406,731,000 to remain available until September 30, 2013, shall be for research, development, test and evaluation, of which \$401,768,000 shall be only for the Assembled Chemical Weapons Alternatives (ACWA) Program.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE
(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,208,147,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act: *Provided further*, That \$23,000,000 may not be obligated or expended until the Secretary of Defense submits an implementation plan for the expansion of prescription drug testing to the congressional defense committees.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT
FUND
(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", \$220,634,000, to remain available until September 30, 2014, for Staff and Infrastructure: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That not later than 60 days of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the intended management and use of the amounts provided under this heading: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$346,919,000, of which \$286,919,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; of which \$1,000,000, to remain available until September 30, 2014, shall be for procurement; and of which \$1,600,000, to remain available until September 30, 2013, shall be for research, development, testing, and evaluation.

TITLE VII
RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$513,700,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$458,225,000.

TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$4,000,000,000 of working capital funds of the

Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2012: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advanced procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

UH-60M/HH-60M and MH-60R/MH-60S Helicopter Airframes; and MH-60R/S Mission Avionics and Common Cockpits.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2012, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2013.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment: *Provided*, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

SEC. 8015. (a) None of the funds appropriated by this Act shall be available to con-

vert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

AMENDMENT NO. 62 OFFERED BY MR. AMASH

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike Section 8015.

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

Mr. AMASH. Madam Chair, within the last month, the House has voted to strike problematic and anticompetitive A-76 language from H.R. 2017, the Department of Homeland Security appropriations bill, and from H.R. 2112, the

Agriculture appropriations bill. The same change and reversal of bad policy should be adopted in this legislation by striking section 8015.

My amendment does just that. As drafted, section 8015 prohibits the Department of Defense from contracting out any function unless it will save a minimum of \$10 million or 10 percent of the department's performance costs even if the contractor is less costly overall and can perform the work more efficiently.

Independent studies have found that public-private competitions lower costs by between 10 and 40 percent regardless of whether the competition is won by a private contractor or the government. Rather than stand in the way of public-private competitions, Congress should cut the redtape and make the use of this cost-saving process easier, not harder.

The requirements in section 8015 are largely codified in existing statute. Retaining section 8015 will obstruct and potentially nullify any current efforts to reform the system in ways that improve public-private competitions and bring much needed consistency and reliability to the process.

Instead of complicating the use of competitions that improve service and lower costs, we should be encouraging agencies to find the most efficient way to deliver services. This amendment will send that message by reducing restrictions on the Department of Defense and by making it easier to achieve reforms that will increase the availability of cost-saving competitions throughout the department.

I urge my colleagues to support this commonsense, taxpayer-first amendment to H.R. 2219.

I yield back the balance of my time. Mr. DICKS. I rise in opposition to the gentleman's amendment.

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

Mr. DICKS. This amendment would repeal section 8015 of the bill, which in various forms has been included in the bill for the past 14 years.

This section requires that, before work is contracted out, the Department of Defense must conduct a formal cost comparison to determine whether privatization would actually save money. The section also provides an exemption to ease contracting with businesses owned by disadvantaged persons, qualified nonprofit entities for disadvantaged persons, or businesses owned by Native Americans. In cases where outsourcing is appropriate, one of the fundamental reasons would be to lower government operating costs.

Requiring the DOD to actually conduct this analysis under the A-76 review is reasonable and should be included in this bill, so I urge my colleagues to reject this amendment. I must say we have done these A-76 reviews across the country, and many times we find that the government entity reorganizes itself and can actually

do the work at a lesser cost than the private sector.

□ 1620

And the other problem with this whole thing is, once the private sector gets it, the costs go right through the roof.

So you need to have an analysis done after contracting out is done to make sure that you're not getting ripped off. So I strongly oppose the gentleman's amendment.

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

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

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

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

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

The Clerk will read.

The Clerk read as follows:

(TRANSFER OF FUNDS)

SEC. 8016. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8017. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section, substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8018. None of the funds available to the Department of Defense, herein and hereafter, may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, un-

less the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8019. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8020. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8021. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8022. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8023. (a) Of the funds made available in this Act, not less than \$30,945,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$27,838,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counter-drug activities, and drug demand reduction activities involving youth programs;

(2) \$2,190,000 shall be available from "Air-craft Procurement, Air Force"; and

(3) \$917,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8024. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development

center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2012 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2012, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2013 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for FFRDCs is hereby reduced by \$125,000,000.

SEC. 8025. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8026. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Serv-

ices Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8027. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Circular A-76 shall not apply to competitions conducted under this section.

SEC. 8028. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

AMENDMENT OFFERED BY MS. SUTTON

Ms. SUTTON. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 60, line 9, insert after the period the following: "Such report shall also indicate whether such items or parts of such items are available for purchase in the United States."

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

The Acting CHAIR. A point of order is reserved.

The gentlewoman from Ohio is recognized for 5 minutes.

Ms. SUTTON. Madam Chair, I rise today to shine a light on how America is spending defense dollars.

This week, we will vote on a \$530 billion Defense budget. Some of that money will go towards pay for our soldiers; some of that money will go towards ensuring our military families are cared for. But when it comes to buying everything from building materials to fighter jets, as much of that money as possible should go towards buying American. Every dollar we spend on a part or a piece of equipment manufactured overseas when we can easily build it at home is doing our men and women in uniform and our manufacturing base a disservice.

This is a clarifying amendment that will increase transparency within the Department of Defense by having the Department indicate whether parts

purchased overseas are available here in the United States.

Taxpayers deserve to know where the Defense dollars are going. They want to see their taxpayer dollars used to purchase quality products and materials produced right here in the United States by American workers; and when that doesn't happen, they want and deserve to know why.

Currently, the Department of Defense is granting tens of thousands of waivers to allow for taxpayer dollars to buy equipment made overseas. If our tax dollars are going to buy a part made overseas, taxpayers deserve to know if that part is available in Michigan or Ohio or anywhere else in the United States. My amendment simply uses the current Department of Defense data and the requirements set forth in this section and adds more transparency by highlighting areas where our government is sending money overseas instead of keeping it at home.

If we are truly to put Americans back to work, we must make sure that Congress is doing everything it can towards that end. This amendment is one small step that we can take right now. This clarifying amendment will only serve to shine a light on taxpayer dollars being invested in the wrong place and show where those funds can be diverted in a way that can make a difference for jobs here at home.

I encourage my colleagues to pass this commonsense clarifying amendment to ensure increased transparency for American taxpayers and encourage our Department of Defense to buy American, because that is what taxpayers want and that is what American workers deserve.

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

POINT OF ORDER

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

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

I ask for a ruling from the Chair.

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

Ms. SUTTON. Madam Chair, I rise in opposition to the point of order. This is simply a clarifying amendment. It clarifies information that is already being gathered in this section.

Since 2007, Congress has mandated that the Department of Defense begin tracking waivers that allow the Department to buy products from overseas. Currently, to qualify for a waiver from the Buy America requirements, the Department of Defense has to comply with one of eight criteria. One of those criteria is proving that there is

no domestic product available. This section of the bill already requires the Department of Defense to report back to Congress on the amount of their purchases from foreign entities and the dollar value of items for which the Buy American Act was waived.

My amendment simply uses the current Department of Defense data and the requirements set forth in this section and adds more transparency by highlighting areas where our government is sending money overseas instead of keeping it at home.

□ 1630

As I said, if we are truly to put Americans back to work, we must make sure that Congress is doing everything it can towards that end. It would seem ashamed for this objection to stand to an amendment that just ensures transparency in a section that is already being used to gather information.

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

The gentleman from Florida makes a point of order that the amendment constitutes legislation in violation of clause 2 of rule XXI.

Section 8028 of the bill constitutes legislation. It has been permitted to remain in the bill by way of a waiver of that point of order. Under the precedents, it may be modified by a germane amendment, as long as the amendment does not contain additional legislation.

The amendment modifies the terms of a report required by section 8028(b) of the bill. It requires the inclusion in the report of certain information regarding domestic availability of certain products.

By requiring additional detail in the report, the amendment is not "merely perfecting" but, rather, proposes additional legislation. It therefore violates clause 2 of rule XXI.

The point of order is sustained.

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

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

Mr. YOUNG of Florida. I do so to make this announcement: that there are a number of points of order lying on amendments that we will be considering shortly. It will be my hope that we can reserve the point of order so that the Member propounding the amendment can also have their 5 minutes to explain the amendment. As long as that courtesy is not abused, I will continue to allow that, but if it does appear to be abused, then we will raise the point of order immediately.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2012. Such report shall separately indicate the dollar value of

items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 8029. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8030. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8031. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8032. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2013 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2013 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropria-

tion contained in this Act shall be budgeted for in a proposed fiscal year 2013 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8033. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2013: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2013.

SEC. 8034. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8035. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8036. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of this subsection, the term "Buy American Act" means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality-competitive, and available in a timely fashion.

SEC. 8037. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to ensure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

SEC. 8038. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program; or

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats.

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8039. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading "Operation and Maintenance, Defense-Wide" to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

(RESCISSIONS)

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"National Defense Sealift Fund", 2002/XXXX, \$20,444,000;

"National Defense Sealift Fund", 2003/XXXX, \$8,500,000;

"National Defense Sealift Fund", 2004/XXXX, \$6,500,000;

"Aircraft Procurement, Navy", 2010/2012, \$90,000,000;

"Aircraft Procurement, Navy", 2011/2013, \$55,000,000;

"Weapons Procurement, Navy", 2011/2013, \$35,427,000;

"Procurement of Ammunition, Navy and Marine Corps", 2011/2013, \$8,612,000;

"Shipbuilding and Conversion, Navy", 2011/2015, \$110,351,000;

"Aircraft Procurement, Air Force", 2011/2013, \$30,000,000;

"Missile Procurement, Air Force", 2011/2013, \$122,500,000;

"Other Procurement, Air Force", 2011/2013, \$90,000,000;

"Procurement, Defense-Wide", 2011/2013, \$45,000,000;

"Research, Development, Test and Evaluation, Navy", 2011/2012, \$34,771,000;

"Research, Development, Test and Evaluation, Air Force", 2011/2012, \$105,000,000;

"Research, Development, Test and Evaluation, Defense-Wide", 2011/2012, \$318,000,000.

Notwithstanding any other provision of law, none of the funds provided may be used for the construction of additional sealift capacity, as described under the heading "National Defense Sealift Fund" in Public Law 107-117, Public Law 107-248, and Public Law 108-87, or for the purposes described in section 115 of division H of Public Law 108-199, as amended by section 1017 of division A of Public Law 109-13.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military (civilian) technicians of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military (civilian) technicians, unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of

the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 103 of title 41, United States Code, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following—

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility modernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States

Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. None of the funds made available in this Act may be used to approve or license the sale of the F-22A advanced tactical fighter to any foreign government: *Provided*, That the Department of Defense may conduct or participate in studies, research, design and other activities to define and develop a future export version of the F-22A that protects classified and sensitive information, technologies and U.S. warfighting capabilities.

SEC. 8057. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8058. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8059. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8060. Notwithstanding any other provision of law, funds appropriated in this Act under the heading "Research, Development, Test and Evaluation, Defense-Wide" for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 30 days after a report, including a description of the project, the planned acquisition and transition strategy, and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8061. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8062. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8063. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8064. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military nomenclature designation of "armor penetrator", "armor piercing (AP)", "armor piercing incendiary (API)", or "armor-piercing incendiary-tracer (API-T)", except to an

entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8065. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8066. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8067. Of the amounts appropriated in this Act under the heading "Operation and Maintenance, Army", \$124,493,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8068. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2012.

SEC. 8069. In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby ap-

propriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8070. Of the amounts appropriated in this Act under the headings "Procurement, Defense-Wide" and "Research, Development, Test and Evaluation, Defense-Wide", \$235,700,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$110,500,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$15,000,000 shall be for production activities of David Sling Weapon System missiles in the United States and in Israel to meet Israel's defense requirements, consistent with each nation's laws, regulations, and procedures, \$66,200,000 shall be available for an upper-tier component to the Israeli Missile Defense architecture, and \$59,000,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8071. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command administrative and operational control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 2004, shall remain in force unless changes are specifically authorized in a subsequent Act.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8072. Of the amounts appropriated in this Act under the heading "Shipbuilding and Conversion, Navy", \$73,992,000 shall be available until September 30, 2012, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred:

To:

Under the heading "Shipbuilding and Conversion, Navy, 2005/2012": LPD-17 Amphibious Transport Dock Program \$18,627,000.

Under the heading "Shipbuilding and Conversion, Navy, 2006/2012": LPD-17 Amphibious Transport Dock Program \$23,437,000.

Under the heading "Shipbuilding and Conversion, Navy, 2008/2012": LPD-17 Amphibious Transport Dock Program \$31,928,000.

SEC. 8073. Notwithstanding any other provision of law or regulation, the Secretary of Defense may exercise the provisions of section 7403(g) of title 38, United States Code, for occupations listed in section 7403(a)(2) of title 38, United States Code, as well as the following:

Pharmacists, Audiologists, Psychologists, Social Workers, Othotists/Prosthetists, Occupational Therapists, Physical Therapists, Rehabilitation Therapists, Respiratory Therapists, Speech Pathologists, Dietitian/Nutritionists, Industrial Hygienists, Psychology Technicians, Social Service Assistants, Practical Nurses, Nursing Assistants, and Dental Hygienists:

(1) The requirements of section 7403(g)(1)(A) of title 38, United States Code, shall apply.

(2) The limitations of section 7403(g)(1)(B) of title 38, United States Code, shall not apply.

SEC. 8074. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2012 until the enactment of the Intelligence Authorization Act for Fiscal Year 2012.

SEC. 8075. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committees.

SEC. 8076. The budget of the President for fiscal year 2013 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces' participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8077. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8078. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8079. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act:

Provided, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8080. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8081. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8082. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8083. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading "Shipbuilding and Conversion, Navy" that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in the current fiscal year or any prior fiscal year.

SEC. 8084. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8085. Up to \$15,000,000 of the funds appropriated under the heading "Operation and Maintenance, Navy" may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and

personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8086. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2013.

SEC. 8087. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading "Shipbuilding and Conversion, Navy" shall be considered to be for the same purpose as any subdivision under the heading "Shipbuilding and Conversion, Navy" appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8088. Notwithstanding any other provision of law, not more than 35 percent of funds provided in this Act for environmental remediation may be obligated under indefinite delivery/indefinite quantity contracts with a total contract value of \$130,000,000 or higher.

SEC. 8089. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books.

(1) For procurement programs requesting more than \$10,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$5,000,000 in any fiscal year, the R-1, RDT&E Program; R-2, RDT&E Budget Item Justification; R-3, RDT&E Project Cost Analysis; and R-4, RDT&E Program Schedule Profile.

SEC. 8090. The Secretary of Defense shall create a major force program category for space for each future-years defense program of the Department of Defense submitted to Congress under section 221 of title 10, United States Code, during fiscal year 2012. The Secretary of Defense shall designate an official in the Office of the Secretary of Defense to provide overall supervision of the preparation and justification of program recommendations and budget proposals to be included in such major force program category.

SEC. 8091. (a) Not later than 60 days after enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities pursuant to section 8092 of this Act for fiscal year 2012: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center, project, and subproject; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer pursuant to section 8092 of this Act until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing 15 days in advance to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8092. (a) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) that—

(1) creates a new program, project, or subproject,

(2) eliminates a program, project, or subproject,

(3) increases funds or personnel by any means for any program, project, or subproject,

(4) for which funds have been denied or restricted,

(5) relocates an office or employees, or

(6) reorganizes or renames an office;

unless the Committees on Appropriations of the House of Representatives and the Senate are notified 15 days in advance of such reprogramming of funds.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) in excess of \$1,000,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or subprojects,

(2) reduces by 10 percent funding for any existing program, project, or subproject or the number of personnel by 10 percent as approved by Congress, or

(3) results from any general savings, including savings from a reduction in personnel costs, which would result in a change in existing programs, projects, or subprojects as approved by Congress;

unless the Appropriations Committees of both Houses of Congress are notified 15 days in advance of such reprogramming of funds.

SEC. 8093. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8094. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8095. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation

Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8096. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8097. Of the funds appropriated in the Intelligence Community Management Account for the Program Manager for the Information Sharing Environment, \$22,000,000 is available for transfer by the Director of National Intelligence to other departments and agencies for purposes of Government-wide information sharing activities: *Provided*, That funds transferred under this provision are to be merged with and available for the same purposes and time period as the appropriation to which transferred: *Provided further*, That the Office of Management and Budget must approve any transfers made under this section: *Provided further*, That the Director of National Intelligence shall notify the Committees on Appropriations of the House of Representatives and the Senate of such transfers pursuant to section pursuant to the reprogramming procedures established in sections 8091 and 8092.

SEC. 8098. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8099. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8100. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to:

(1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or

(2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including

assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8101. (a) PROHIBITION ON CONVERSION OF FUNCTIONS PERFORMED BY FEDERAL EMPLOYEES TO CONTRACTOR PERFORMANCE.—None of the funds appropriated by this Act or otherwise made available to the Department of Defense may be used to begin or announce the competition to award to a contractor or convert to performance by a contractor any functions performed by Federal employees pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) have been satisfactorily completed.

□ 1650

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 8101.

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

Mr. SESSIONS. Madam Chairman, this month the House has voted twice to strike problematic and anti-competitive A-76 language from H.R. 2112, the Agriculture appropriations bill, and H.R. 2017, the Department of

Homeland Security appropriations bill. The same change and reversal of bad language should be adopted in legislation today by striking this anti-competitive language.

My amendment would strike section 8101 of this legislation, which as drafted prohibits the use of funds in the underlying bill to convert any functions performed by Federal employees to private competition pursuant to a study conducted under OMB Circular A-76.

A-76 cost competitions between the public and private sector bring the best value to the taxpayer. Lifting the current moratorium will reform the way the Department of Defense does business, allowing the flexibility to manage the most effective and efficient cost ways in supporting the mission of the Department of Defense. The role of government should be to govern, not to operate business inside the government.

Currently, the Federal Government employs some 2 million executive branch, nonpostal, full-time, and permanent employees; 850,000 of these employees hold jobs that are commercial in nature. The underlying principle of A-76 is that the government should consider private sector performance of commercial services where appropriate. This notion has been consistently embraced by administrations of both political parties for more than 60 years.

Over the past 2 years, the Obama administration has pushed for an insourcing campaign within DOD. Secretary Gates put a halt on that practice recently due to what Forbes magazine on March 7, 2011, called, and I quote, "a victim of bad planning and disappointing results." Two years of shutting out private competition resulted in zero taxpayer savings.

According to a Small Business Administration study, 71 percent of A-76 goes to small business. This work is important, and must be done well, but should be done also where the taxpayer sees results and the cost benefit. Any time Congress places a restriction on agencies' ability to implement A-76, such action denies opportunity for small business.

Our Nation's unemployment rate stands at 9.1 percent. We must allow the private sector the ability to create jobs without an unfair disadvantage. The A-76 process allows the private sector just this opportunity. If competition is deemed fair, it doesn't matter who wins. As long as both sides are allowed equal opportunity for the job, the taxpayer ultimately wins.

I urge all my colleagues to support this commonsense, taxpayer-first amendment, and to ensure that cost-saving competition is available throughout the Department of Defense.

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

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

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

Mr. DICKS. The gentlemen's amendment strikes section 8101 from the bill. This section provides that the Defense Department must certify compliance with a fiscal year 2008 law which requires DOD to provide an inventory of its service contracts, review those contracts, and then integrate those results into the budget process before using the OMB Circular A-76 privatization process. I rise in opposition to the gentleman's amendment.

This provision is included in the fiscal year 2012 budget request. It requires that DOD exercise responsible stewardship over its contractors by providing an inventory of such contractors, a review of associated contracts, and an explanation of how these contracts are integrated into the budget. The provision requires the Department of Defense to maintain better accountability of the thousands of contractors performing services for the Department every day, and therefore maintain better accountability of funds. Striking this section releases the Department from this responsibility.

And I must tell the gentleman from Texas, who is a good friend, that we had a terrific problem getting the Department of Defense to even be able to tell us how many contractors they have. We had this problem in Iraq, we had this problem in Afghanistan, and we are still struggling. Now they give us a quarterly report of how many contractors and how many contract employees there are.

I have always believed in the A-76 review process. In fact, I had an amendment probably 25 years ago that said after you do A-76, if you contract out to the private company—if they win the competition between the government unit and the private sector—that you have to keep on analyzing what has happened to the cost. And what we found was, as soon as the thing was contracted out, the prices started to go up until we had an auditing process that looked into it. That process was taken out I think in the nineties. So we didn't have this mechanism to ensure that we were getting the best deal. And there were problems associated with pensions. Could you compare government pensions with private sector pensions?

A lot of this was worked out. But the idea of not being accountable, not having these companies, not having the government, the Defense Department know how many service contractors it has and how much. And if we are going to reduce spending, we have got to know that. We have got to understand that. And I hope that we could continue to work on this problem, because the idea that Congress doesn't get the information that is necessary to know how many people we have contracted out to is, I think, ridiculous. And I think Congress has to insist that we get this information.

Mr. SESSIONS. Would the gentleman yield?

Mr. DICKS. I yield, of course.

Mr. SESSIONS. I think the gentleman brings up not only very pertinent questions that the gentleman has dealt with throughout his career about how do we effectively utilize taxpayer dollars, but I would like to suggest to you we are talking about commercial activities, mowing grass, painting buildings, lots of other things too, but doing things which are very essential to the upkeep and operation, but that within the Department of Defense the base commander has a good grasp on this.

Those people that are in the architecture group, those people that are in the operations group, they know who they're getting. And they're getting regular people who can come in and do the jobs that are specified, then leave; not have full-time employees that change oil, mow grass, do the painting, do all these things. And not in every location is it advantageous, but in some it is. And we're talking about where they can use it to their advantage. That's where this would be utilized.

So Norm, I'd like to spend a little time with you, but where it's an advantage for the Department, we're giving them the opportunity. That's what this amendment's about.

I thank the gentleman, and I yield back.

Mr. DICKS. I think the A-76 process has been a worthy one. Sometimes the contractor wins, and sometimes the unit of government reorganizes itself, and they compete, and it comes out that the government wins. So I think the A-76 process has worked. I hate to see us get rid of that.

Now, the other thing is, I think the Department has to do a better job of accountability, of being able to report how many civilian employees, how many military employees, how many contractors.

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

(By unanimous consent, Mr. DICKS was allowed to proceed for 1 additional minute.)

Mr. DICKS. That is what I am trying to get to. I think the idea that they can submit their budget but not be able to tell us how many contractors there are, how many contract employees there are, is just ridiculous.

Mr. SESSIONS. Would the gentleman yield?

Mr. DICKS. Yes, I yield.

Mr. SESSIONS. If you want to get your grass mowed at a big base, where you have a lot going on, do you care how many employees, or just that you have the guy that's supposed to cut the grass, you hold him accountable even if he has 80 people working for him? That's the point that we're trying to make. You don't have to know how many employees. You have to know that it got done at the right price. We're not doing away with the A-76 process. Your points are well made. The gentleman is dead on, and I appreciate him yielding.

Mr. DICKS. I agree with the gentleman. If we can get a better deal, let's try to get a better deal. If we can do it less expensively, we can do it less expensively.

I yield back the balance of my time.

□ 1700

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

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

Mr. NADLER. Madam Chair, I am sort of surprised by this amendment. It seems to me that if we want to have control over the contracts in the procurement process, if we want Congress to be able to know what is going on, if we want to be able to save money, which is what we keep talking about, you want the process that we have here.

Perhaps you want an improved process, but you want an inventory. I mean, certainly no one will deny that some, perhaps many, of the private contracts that the Pentagon lets have been wasteful. Many have not been, but certainly an inventory so that Congress can keep a closer eye on it is calculated to reduce the waste, to reduce the wasteful expenditures, to enable us to have better oversight.

So why you would want to change that? And I am given to understand that this provision originated with the Republican Congresses during the Bush administration, and, frankly, it was a good innovation. Congress ought to be able to watch more closely what any government agency that is spending the kind of money the Pentagon is spending, hundreds of billions of dollars, much of it to private contractors—we ought to be able to watch what they're doing, watch what they're doing more closely, keep an eye on it, and be able to rein it in and say, hey, wait a minute, that contract is being well administered but that one isn't; that contract we have a lot of questions about. So why would we want to eliminate that provision that has worked well?

Now, granted, it hasn't worked as well as we have wanted. Granted, we ought to improve it. Perhaps some of you can come up with an amendment with some language that would improve it.

But to get rid of it, to say we don't need that oversight, we don't need that inventory of contracts, let the Pentagon do that in the dark of night, let the Pentagon have their contracts, let their contracts and no one look at it? It seems to me rather unfrugal, rather wasteful, and not calculated to save the taxpayers money. Why would we want to do that? I don't know; so I have to 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 Texas (Mr. SESSIONS).

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

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

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

The Clerk will read.

The Clerk read as follows:

SEC. 8102. (a)(1) No National Intelligence Program funds appropriated in this Act may be used for a mission critical or mission essential business management information technology system that is not registered with the Director of National Intelligence. A system shall be considered to be registered with that officer upon the furnishing notice of the system, together with such information concerning the system as the Director of the Business Transformation Office may prescribe.

(2) During the fiscal year 2012 no funds may be obligated or expended for a financial management automated information system, a mixed information system supporting financial and non-financial systems, or a business system improvement of more than \$3,000,000, within the intelligence community without the approval of the Business Transformation Investment Review Board.

(b) This section shall not apply to any programmatic or analytic systems or programmatic or analytic system improvements.

SEC. 8103. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8104. Within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$132,200,000, shall be available for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8105. The Secretaries of the Army, Navy, Air Force, and the Directors of the Defense Agencies and Field Activities (in coordination with the appropriate Principal Staff Assistant), in coordination with the Under Secretary of Defense for Personnel and Readiness, shall report to the congressional defense committees within 60 days of enactment of this Act their plan for documenting the number of full-time contractor employees (or its equivalent), as required by United States Code title 10, section 2330a.

SEC. 8106. Section 310(b) of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 124 Stat. 1871), as amended by Public Law 112-10, is amended by striking “2 years” both places it appears and inserting “3 years”.

SEC. 8107. The Office of the Director of National Intelligence shall not employ more

Senior Executive and General Schedule 15 equivalent employees than are specified in the classified annex: *Provided*, That, notwithstanding any other provision of law, the Office of the Director of National Intelligence shall select individuals for Senior Executive positions in a manner consistent with all requirements established in statute and all Office of Personnel Management regulations, guidance and procedures governing the appointment of individuals to the Senior Executive Service for other Federal agencies: *Provided further*, That the Director of National Intelligence shall certify within 90 days of enactment of this Act to the Committees on Appropriations of the House of Representatives and the Senate that the Office of the Director of National Intelligence, in consultation with the Director of the Office of Personnel Management, has revised its selection process for Senior Executive positions to conform with Office of Personnel Management regulations, requirements, and procedures: *Provided further*, That during fiscal year 2012, the Office of the Director of National Intelligence shall not appoint any individual to a Senior Executive position if that person was not serving in a Senior Executive position in fiscal year 2011 until the Director of National Intelligence has submitted its new policies and procedures to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8108. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8109. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8110. Of the amounts appropriated for Military Personnel under title I of the Act, not to exceed 1 percent of each appropriation shall remain available until September 30, 2013.

SEC. 8111. Of the amounts appropriated for “Operation and Maintenance, Defense-Wide”, \$33,000,000 shall be available to the Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam, to include addressing the need for vehicles and supplies for civilian student transportation, preservation and repository of artifacts unearthed during military construction, and construction of a mental health and substance abuse facility.

SEC. 8112. None of the funds made available by this Act may be used by the Secretary of Defense to operate more than 1,000 parking spaces provided by the combination spaces provided by the BRAC 133 project and the lease of spaces in the immediate vicinity of the BRAC 133 project.

SEC. 8113. (a) None of the funds provided in this title for Operation and Maintenance may be available for obligation or expenditure to relocate Air Force program offices, or acquisition management functions of major weapons systems, to a central location, or to any location other than the Air Force Material Command site where they are

currently located until 30 days after the Secretary of the Air Force submits the initial report under subsection (b).

(b) The Secretary of the Air Force shall submit to the congressional defense committees a report which includes the following: a listing of all Air Force Material Command functions to be transferred and an identification of the locations where these functions will be transferred from and to; a listing of all Air Force Material Command personnel positions to be transferred and an identification of the locations these positions will be transferred from and to; and the cost benefit analysis and the life-cycle cost analysis underpinning the Secretary of the Air Forces decisions to relocate Air Force Material Command functions and personnel.

SEC. 8114. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume monthly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance federal civilian personnel salaries to the congressional defense committees.

SEC. 8115. In addition to amounts provided elsewhere in this Act, \$10,000,000 is hereby appropriated, for an additional amount for “Research, Development, Test and Evaluation, Army”, to remain available until September 30, 2013. Such funds may be available for the Secretary of the Army to conduct research on alternative energy resources for deployed forces.

SEC. 8116. (a) None of the funds appropriated in this Act for the National Intelligence Program or the Military Intelligence Program are available to establish a new federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administered by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense or intelligence FFRDC, and no paid consultant to any defense or intelligence FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to a National Intelligence Program or Military Intelligence Program from any source during fiscal year 2012 may be used by a defense or intelligence FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the National Intelligence Program or Military Intelligence Program during fiscal year 2012, the total level of funding and staff years of technical effort (staff years) for FFRDCs shall not exceed the allocation included in the classified annex accompanying this Act.

(e) The Secretary of Defense and the Director of National Intelligence shall, with the submission of the fiscal year 2013 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each FFRDC during

that fiscal year and the associated budget estimates for the National Intelligence Programs and Military Intelligence Programs: *Provided*, That such information shall be provided in a classified manner.

(f) Notwithstanding any other provision of this Act, the total amount appropriated in this Act for National Intelligence Program and Military Intelligence Program FFRDCs is hereby reduced by the amount specified in the classified annex.

SEC. 8117. The Secretary of Defense shall study and report to the Congressional Defense Committees the feasibility of using commercially available telecommunications expense management solutions across the Department of Defense by March 1, 2012.

SEC. 8118. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

SEC. 8119. None of the funds appropriated in title II in this Act for "Operation and Maintenance" may be used for Information Operations/Military Information Support Operations activities.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8120. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$1,000,000,000 of the funds made available in this Act to the intelligence community and the associated Agencies for intelligence functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That such transfers shall be made only in accordance with sections 8091 and 8092 of the Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations of the House of Representatives and Senate for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2012.

SEC. 8121. Notwithstanding any other provision of this Act, to reflect savings from revised economic assumptions, the total amount appropriated in title II of this Act is hereby reduced by \$501,800,000, the total amount appropriated in title III of this Act is hereby reduced by \$484,800,000, and the total amount appropriated in title IV of this Act is hereby reduced by \$323,500,000: *Provided*, That the Secretary of Defense shall allocate this reduction proportionally to each budget activity, activity group, subactivity group, and each program, project, and activity, within each appropriation account.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8122. In addition to amounts provided elsewhere in this Act, there is appropriated \$250,000,000, for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended: *Provided*, That such funds shall only be available

to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Federal funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense.

SEC. 8123. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8124. (a)(1) Except as provided in paragraph (2), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) by not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary of Defense to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary of Defense shall notify Congress promptly upon issuance of any such order.

(b) The certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State, that the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(1) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(2) maintains effective control over each detention facility in which an individual is to be detained if the individual is to be housed in a detention facility;

(3) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(4) has agreed to take effective steps to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(5) has taken such steps as the Secretary determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(6) has agreed to share any information with the United States that—

(A) is related to the individual or any associates of the individual; and

(B) could affect the security of the United States, its citizens, or its allies.

(7) has agreed to allow appropriate agencies of the United States to have access to the individual, if requested.

(c)(1) Except as provided in paragraph (3), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or effective control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to the foreign country or entity and subsequently engaged in any terrorist activity.

(2) The Secretary of Defense may waive the prohibition in paragraph (1) if the Secretary determines that such a transfer is in the national security interests of the United States and includes, as part of the certification described in subsection (b) relating to such transfer, the determination of the Secretary under this paragraph.

(3) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction. The Secretary shall notify Congress promptly upon issuance of any such order.

(d) For the purposes of this section:

(1) The term "individual detained at Guantanamo" means any individual who is located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the effective control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(2) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8125. (a) None of the funds appropriated or otherwise made available by this or any other Act may be used to modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 8126. (a) IN GENERAL.—Of the funds made available to the Department of Defense under "Operation and Maintenance, Defense-Wide" in title II, \$1,000,000 shall be available to the Department to commission through a competitive, independent, private sector entity that is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in military affairs, to

conduct a forward-looking, independent assessment of the current and prospective situation on the ground in Afghanistan and Pakistan, its impact on the surrounding region, and its consequences for United States interests. The entity shall examine 4 broad topic areas to include the strategic environment in and around Afghanistan and Pakistan, as well as security, political, and economic and reconstruction developments in those 2 countries.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the entity described in subsection (a) shall submit to the President and the Congress a report on the assessment conducted under subsection (a), including relevant policy recommendations relating thereto.

(c) **SENSE OF CONGRESS.**—It is the sense of Congress that the entity described in subsection (a) should be modeled on the Iraq Study Group.

SEC. 8127. Not more than \$200,000,000 of the funds made available by this Act may be expended for military musical units (as defined in section 974 of title 10, United States Code).

□ 1710

AMENDMENT NO. 31 OFFERED BY MR. CARTER

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 8127 (page 122, lines 6 through 9), relating to military musical units.

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

Mr. CARTER. Madam Chair, I rise to address an issue that I think is very important to the patriotic men and women who fight and defend our country.

Representative MCCOLLUM, in good graces, asked that we restrict the military band funding by \$120 million in an attempt to save money, but the Congressional Budget Office has informed us that this reduction, this \$120 million reduction, will not save the American taxpayers one red cent, nor will it reduce the overall DOD spending.

The facts about our bands are that they are an integral part of the patriotism that keeps our soldiers' hearts beating fast. For example, over 10,000 funerals are held per year, and these bands attend these funerals. And many of us, unfortunately, in this body have had to attend military funerals in the past, and they know how much that music means to the parents of the loved ones of our lost heroes.

I have had the real great pleasure of being at welcome home celebrations at Fort Hood, which are very dramatic. The buses pull up at night across the parade ground in the dark, and then the band strikes up military music and out of the dark comes marching our soldiers into the parade ground. And the tears flow. And parents and children of the soldiers and the loved ones of the soldiers, tears come to their eyes. And that music is an integral part of it. The concerts, the ceremonies, the funerals, and the welcome home celebrations are all part of what makes our military the patriotic body that it is.

The individual bands performed as many as 1,200 musical missions during the 12- to 15-month deployments. Military bands also perform at USO and other places. The number of bands right now in the Army is 132 active duty, 51 National Guard, and 17 Reserve; Air Force, 24; the Navy, 14; and the Marines, 14.

And speaking of the Marines, Friday before last I had the first time opportunity to go to the parade at the Marine barracks here in Washington, D.C., and everyone, every red-blooded American should attend that, and every Member of Congress should attend it. And it was my first chance to do it. And that is the most patriotic-striking thing you will ever experience. And to lose something like that will be a tragedy for this country.

The total cost for the bands is \$320 million, and 282 million of those dollars is personnel cost. Now, something that many don't understand is these band members that perform, and at least two of the services I'm familiar with, the Army and the Marine Corps, have other duties. Some of them in the Marine Corps are riflemen, just like every marine is a rifleman. In the Army, most of these people work in security or military police. And if the bands were not performing, they would still be in the military. They would still have personnel costs, housing costs, and other things that would be part of the DOD expenses. So this is no extra that we are doing here. These people are still going to be employed by the military, and they're still going have to those costs. So that's why there is no real savings here.

But we are saving something that's important to this country and that is this is what makes patriotic people join the military. This is what causes young men and women to have their hearts beat fast on behalf of their country. And to lose our military bands would be a tragedy. And therefore I am asking that we adopt this amendment and that we replace these funds for these military bands so that we are able to continue this long tradition that goes back to the beginning of our country, to having bands play to celebrate military events.

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

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

Mr. YOUNG of Florida. Madam Chairman, the gentleman's amendment supports the position of the subcommittee, and I support the gentleman's amendment.

I yield back the balance of my time.
Mr. DICKS. I rise in opposition to the gentleman's amendment.

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

Mr. DICKS. And I do this very reluctantly, but I'm glad that the sponsor of the amendment has arrived, and we will let her talk about this.

Section 8127 limits spending for military bands to \$200 million for fiscal year 2012. Now, that is a lot of money and I'm a person who believes in music, believes in our bands. I have been at Fort Lewis out in my part of the country, now Joint Base Lewis-McChord, for many ceremonies. And there's no question about it; the music really does add to the whole event. But we are in a very tough fiscal period here.

During the full committee markup, this was agreed to by a voice vote. The amendment parallels similar language included in section 599(c) in the House-passed National Defense Authorization Act for fiscal year 2012. So we've had the authorization committee look at it, we've had the Appropriations Committee look at it, and I think that we ought to support the position that came out of the full committee.

I yield back the balance of my time.
Ms. MCCOLLUM. I move to strike the last word.

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

Ms. MCCOLLUM. Fellow Members, this amendment was adopted by voice in committee, and this amendment was not one that I lightly came up with. At a time when we are cutting back on WIC, which is supplements for children, at a time when we are cutting back on education and health care expenses, I kind of felt I had a duty as an appropriator to look at opportunities in which we could cut back on spending. And so I have come up with a few ideas, and I know that they, at times, haven't been the most popular. But one of them was cutting back on the amount of money we spend on military bands.

And I enjoy military bands. I have listened to a lot of them since birth. But the Army alone has over 100 bands, employing 4,600 professional musicians and support staff. The Air Force and Navy and Marines and the National Guard have dozens of bands with professional musicians we all take great pride in.

Congress needs to conduct oversight on this portion of the budget. It has grown substantially over the years. And I think we need to figure out what is the right note to have with military bands.

So that's why this amendment that I offer that was adopted in full committee did cut, but it also continued to provide \$200 million for the Pentagon to continue this fine tradition.

As families and communities across this country see critical services being reduced or eliminated, including music in public education schools all across this country, I think it is time that we ask the Pentagon to make a small sacrifice in its musical budget. And so I would ask the committee to support the original language of the bill and to reject the Carter amendment.

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

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

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

Mr. NADLER. I will be brief.

First of all, I'm told that the amount in the bill here, \$200 million, is essentially the amount that is being spent now; so this is not really a reduction.

□ 1720

Secondly, I just want to add one thing to what the gentlelady from Minnesota said. Over the break we just had, I went to a food pantry operated by a church on Coney Island. There was a line out the door of about 70 or 80 people. They were giving food packets 3 days out of every month; 3 days out of every month, and trying to figure out how to scrounge enough money to give food packets 4 days out of every month. And, of course, we are cutting the budget for Women, Infants and Children. We are cutting the budget for food aid. We are cutting the budget for food stamps. We can maintain the military bands and not expand them. We have to keep this in perspective.

Yes, I love John Philip Sousa. I love military bands. I love marching bands. But people have to eat. And we are being savaged in the budget that we are passing and in the negotiations on the debt ceiling. We are being savaged on things for people to eat.

This seems the least we can do.

Mr. CARTER. Will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Texas.

Mr. CARTER. I thank the gentleman for yielding.

I hear what you're saying about these good programs that are being cut and reduced. And if this actually put money in the pockets of those programs, it would be one thing. But the facts are that the cuts that we do here do not change any amount of spending that the DOD does. These people continue to have military jobs, and they continue to get a paycheck.

Mr. NADLER. Reclaiming my time, the limitation in the bill will simply make sure that it doesn't expand. The fact is that with all of the negotiations going on and the debt ceiling and everything else, there is going to be pressure to cut everything. This amendment simply says we can expand here even though we are cutting far more important things. I think the language in the bill is sufficient. The committee did a wise job. I urge opposition to the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTER) having assumed the chair, Mrs. MILLER of Michigan, Acting Chair of

the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2219) making appropriations for the Department of Defense for the fiscal year ending September 30, 2012, and for other purposes, had come to no resolution thereon.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

□ 1730

REAFFIRMING COMMITMENT TO NEGOTIATED SETTLEMENT OF ISRAELI-PALESTINIAN CONFLICT

Ms. ROS-LEHTINEN. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 268) reaffirming the United States commitment to a negotiated settlement of the Israeli-Palestinian conflict through direct Israeli-Palestinian negotiations, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 268

Whereas the policy of the United States since 2002 has been to support a two-state solution to the Palestinian-Israeli conflict;

Whereas a true and lasting peace between Israel and the Palestinians can only be achieved through direct negotiations between the parties and acceptance of each other's right to exist;

Whereas Palestine Liberation Organization Chair Yassir Arafat pledged in a letter to Israeli Prime Minister Yitzhak Rabin on September 9, 1993, that "all outstanding issues relating to permanent status will be resolved through negotiations" a pledge that served as a critical basis for the Israeli-PLO Declaration of Principles signed 4 days later;

Whereas the unity agreement signed by Fatah and Hamas on May 4, 2011, was reached without Hamas being required to renounce violence, accept Israel's right to exist, and accept prior agreements made by the Palestinians (the "Quartet conditions");

Whereas Hamas, an organization responsible for the death of more than 500 innocent civilians, including 24 United States citizens, has been designated by the United States Government as a Foreign Terrorist Organization and a specially designated terrorist organization;

Whereas Hamas kidnapped and has held Israeli sergeant Gilad Shalit in captivity in violation of international norms since June 25, 2006;

Whereas Hamas continues to forcefully reject the possibility of peace with Israel;

Whereas Israel's Prime Minister Benjamin Netanyahu has accepted a two-state solution to the Israeli-Palestinian conflict and has consistently advocated for immediate direct negotiations with the Palestinians, who, in

turn, have prevented negotiations by insisting on unprecedented pre-conditions;

Whereas, on April 22, 2009, Secretary of State Hillary Rodham Clinton stated, "We will not deal with nor in any way fund a Palestinian government that includes Hamas unless and until Hamas has renounced violence, recognized Israel and agreed to follow the previous obligations of the Palestinian Authority";

Whereas United States Ambassador to the United Nations, Susan Rice, stated on February 18, 2011, that it was "unwise" for the United Nations to attempt to resolve key issues between the Israelis and Palestinians;

Whereas Palestinian leaders are pursuing a coordinated strategy to seek recognition of a Palestinian state within the United Nations and directly from foreign governments;

Whereas, on December 15, 2010, the House adopted House Resolution 1765, which reaffirmed that the House of Representatives supports a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition and opposes any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;

Whereas current United States law precludes assistance to a Palestinian Authority which shares power with Hamas unless that Authority publicly accepts Israel's right to exist and adheres to all prior agreements and understandings with the United States and Israel;

Whereas the United States annually provides more than \$550 million annually and has provided more than \$3.5 billion cumulatively in direct bilateral assistance to the Palestinians, who are among the world's largest recipients of foreign aid per capita;

Whereas United States aid to the Palestinians is predicated on a good faith commitment from the Palestinians to the peace process including direct negotiations with Israel;

Whereas Palestinian abandonment of the Quartet conditions and inclusion of Hamas in a government would jeopardize the positive steps the Palestinian Authority has taken in building institutions and improving security in the West Bank in recent years; and

Whereas efforts to form a unity government without accepting the Quartet conditions, to bypass negotiations and unilaterally declare a Palestinian state, or to appeal to the United Nations or other international forums, or directly to foreign governments for recognition of a Palestinian state, violate the underlying principles of the Oslo Accords, the Road Map, and other relevant Middle East peace process agreements, all of which require resolution of the Israeli-Palestinian conflict through direct negotiations only: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms its strong support for a negotiated solution to the Israeli-Palestinian conflict resulting in two states, a democratic, Jewish state of Israel and a viable, democratic Palestinian state, living side-by-side in peace, security, and mutual recognition;

(2) states its firm belief that any Palestinian unity government must publicly and formally forswear terrorism, accept Israel's right to exist, and reaffirm previous agreements made with Israel;

(3) reiterates its strong opposition to any attempt to establish or seek recognition of a Palestinian state outside of an agreement negotiated between Israel and the Palestinians;