

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. BLUMENAUER. Mr. Chair, today I will vote against the National Defense Authorization Act for Fiscal Year 2012 (NDAA). While nothing is more important than providing the resources needed to keep America and our men and women in uniform safe, this authorization spends too much while falling short in important areas.

The bill authorizes \$690.1 billion for defense programs in FY12. This level of defense spending is almost as much as the rest of the world combined—most of which is done by friendly allies such as NATO (approximately \$350 billion). It also includes an additional \$118.9 billion in specific funds for the wars in Iraq and Afghanistan without a plan for a full redeployment from the region. I am disappointed that amendments to require a rapid and thoughtful withdrawal from Afghanistan were not approved. For me, this is reason enough not to support this legislation.

The bill continues the misguided affront on civil liberties by further stalling the implementation of "Don't Ask, Don't Tell," and requires that "marriage" for any regulation or benefit program at DoD means only a legal union between one man and one woman. This is a step backwards and unacceptable.

It reverses the House victory from earlier this year that finally eliminated the unnecessary alternate engine for the F-35 Joint Strike Fighter. Similarly, the bill continues to fund the Marine Corps' Expeditionary Fighting Vehicle (EFV) which has also been cited as uneconomical and unwanted by the Secretary of Defense.

Embarrassingly, this authorization contains two key provisions that continue to tie the President's hands by restricting his ability to transfer detainees to the United States for trial in Federal court and to release detainees to countries willing to take them. It is absurd to think that the United States, which currently has thousands of dangerous criminals locked safely behind bars, is incapable of doing the same for terrorists. These provisions continue the Guantanamo quagmire which is ill-advised and a sign of failure at home and to those observing abroad.

There are many positive elements in the bill, such as new rights and protections for victims of sexual assault in the military and increased access to mental health providers for our Reserves. I am pleased three of my amendments were included in the legislation. One amendment lifts the veil on classified immunity for defense contractors, a practice that exposed 36 of our Oregon National Guardsmen to toxic chemicals in Iraq. The other two will help protect our troops on the battlefield and save billions of dollars through energy efficiency initia-

tives. Their inclusion, however, does not offset the overall authorization which fails to reflect America's priorities or our national security realities.

At a time when Americans are calling for reform, this bill—despite some positives—continues our operations in Afghanistan with no plan for withdrawal, ramps up spending and discriminates against our service members. I am hopeful that my colleagues in the Senate can remove some of the provisions that do little to make America secure while we continue to spend almost as much on defense as the rest of the world combined.

## REMEMBERING MEMORIAL DAY

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 26, 2011*

Mr. PENCE. Mr. Speaker, Memorial Day has significant meaning to so many Americans. Unlike the day every fall when we thank those who fought and came home, Memorial Day is that day every spring when we remember those who didn't make it back.

In a tradition that began just three years after the end of the Civil War, Americans set aside the 30th day of May each year to remember the sacrifice made by our service men and women who lost their lives in defense of freedom. Each one of those brave souls answered the call to duty, offering to give whatever it would take to keep us safe.

On May 30, 1868, flowers were placed on the graves of both Union and Confederate soldiers at Arlington National Cemetery. This tradition continues to this day, as millions of Americans have continued to take part in this humble offer of thanks.

It is our duty to make sure those who served and their families who endure the many stresses of military life know that we appreciate their willingness to sacrifice for our cause that is freedom. We can never repay the debt we owe, but we will continue to honor their service and sacrifice.

I urge all Hoosiers to take time on Memorial Day to attend a local service remembering our fallen heroes and the families who have made freedom possible. We must mourn those who have fallen and pray for those who stand firmly in the face of unspeakable horrors at this very hour in places like Iraq and Afghanistan.

As Americans, we inherit what Lincoln called in his first inaugural address the "mystic chords of memory stretching from every patriot grave." They bind us to the great and the humble, the known and unknown, of Americans past.

The brave men and women of the United States Armed Forces, both past and present, it was their duty to serve. As proud Americans, let this Memorial Day serve as a reminder that it is our duty to always remember those soldiers who have laid down such a sacrifice on our behalf.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. STARK. Mr. Chair, I rise today in opposition to H.R. 1540, the National Defense Authorization Act.

It does not make sense to waste billions of tax dollars on an already bloated defense department, particularly in our current economic state. This bill is loaded with unnecessary and redundant funding. For example, it calls for the reckless continuation of the V-22 Osprey program, which has killed over 30 Americans in training alone, and whose termination could save us \$10-12 billion over the next 10 years.

Defense spending currently constitutes almost 60 percent of our discretionary spending. As we are forced to consider cutting important programs that working families depend on, we cannot continue to spend money we do not have—especially on an overly saturated Department of Defense. Americans have voiced their priorities: They want jobs, affordable health care and better education. This Congress must listen.

I have not voted in support of a defense authorization bill throughout my tenure in Congress and I do not intend to start now.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. CONNOLLY of Virginia. Mr. Chair, Chairman MCKEON and Chairman SMITH, thank you for working together on thoughtful procurement reform in the context of this NDAA. As I have said many times before, procurement should not be about theology. Decisions to insure or outsource should never be made on the a priori assumption that less or more government participation will save money. Therefore, I was supportive of including language in the NDAA which would restore the A-76 process. While we must be vigilant to ensure this process accurately accounts for costs, there is no question that analysis must precede insourcing or outsourcing decisions, and A-76 at least attempts to create an analytical process. The fact that such a process was abused during the Bush administration

should not obscure the need for analysis in the future. In a similar vein, I opposed draft proposals which would have established across the board prohibitions on conducting work in-house if the tasks were not inherently governmental. While Federal employees certainly should conduct inherently governmental work, it may also make sense in some cases for them to do work that the Office of Federal Procurement Policy has deemed “closely associated with inherently governmental,” or other functions. For example, when I was Chairman of Fairfax County, our vehicle maintenance were county employees who did outstanding work. There was nothing inherently governmental about oil changes, but Fairfax got the best deal with county employees. We should not preclude analogous arrangements from the Federal Government any more than we should preclude outsourcing vehicle maintenance. In addition to the Committee’s thoughtful approach to insourcing and outsourcing, I greatly appreciate your support for other steps to improve the acquisition environment through improved Federal efficiency. These reforms include adoption of the Federal Acquisition Institute Amendment that Mr. PLATTS and I introduced as well as Mr. LANGEVIN’s amendment to rationalize the responsibilities of the Chief Technology Officer and other executive branch officials with technology policy portfolios. This National Defense Authorization Act represents significant progress for our procurement and technology communities, including both Federal employees and Federal contractors. Thank you for you and your staffs outstanding work on these important issues for our economy and the Federal Government.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. VAN HOLLEN. Mr. Chair, this will be the first time that I have voted against a Defense Authorization Act and I do so with great reluctance. But I also do so with confidence that it is the right decision.

Section 1034 of this bill gives this President and all future Presidents vastly expanded authority to take America to war without further congressional action. It gives the Executive a virtual blank check by authorizing the President to deploy an unlimited number of troops into a war of unlimited duration based on ill-defined standards. The language in 1034 represents a total abdication of congressional responsibility under the Constitution.

The President already has broad authority to use military force against al Qaeda and Taliban forces pursuant to the Authorization of the Use of Military Force (AUMF) that was adopted in 2001. That provision states:

That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

This bill replaces the existing AUMF with a new provision that provides the President with vast new war-making authority. Under the umbrella of the war against terrorism, it expands the existing broad authority in at least three ways:

DE-LINKS USE OF FORCE FROM 9/11 ATTACKS

The original language gave the President the authority to use military force against any entities he determined to be connected to the attacks of September 11, 2001 or any nation, organization or persons he determined harbored such entities. The new language expands the authority to target entities regardless of their connection to the September 11 attacks.

PERMITS ATTACKS ON UNDEFINED “ASSOCIATED FORCES”

The original language authorized all necessary force against the entities responsible for the 9/11 attacks, but did not provide the authority to wage war against undetermined “associated forces.” The term “associated forces” is totally undefined and would allow any President to apply that term with great elasticity to go to war without congressional approval in any number of situations.

ALLOWS USE OF FORCE AGAINST ENTITIES THAT “SUPPORT” THE TALIBAN, AL QAEDA OR “ASSOCIATED FORCES”

The original language allowed the use of force against entities that “harbored” the terrorist groups that perpetuated the attacks of 9/11. The new language allows the President to wage war, without additional congressional consent, against any entities that substantially support the Taliban, al Qaeda or “associated forces.” This is a much weaker standard than the existing requirement.

Had the Congress included this language in the 2001 AUMF, President Bush could have sent American troops into Iraq without seeking a separate resolution to use force. This language authorizes the Executive to launch military action against an entity that had nothing to do with the attacks of September 11, 2001 so long as the President determines that a country or organization is substantially supporting the Taliban, al Qaeda or “associated forces.” The Bush administration claimed that the regime of Saddam Hussein was allowing Iraqi territory to be used to train al Qaeda elements.

While I believe the Congress made a mistake in voting to authorize President Bush to go to war in Iraq, at least Congress debated and voted on the decision. With this new provision in place, no such vote would have been required.

Under the Constitution, the President of the United States already has relatively broad powers to use military force as Commander in Chief. In addition, the existing Authorization of the Use of Military Force provides the President with additional authority to take military action in a wide array of situations without seeking additional congressional approval or a declaration of war. It is a reckless surrender of congressional responsibility for the Congress

to write this new open-ended blank check for the use of military force. Not even the Executive has been brazen enough to request this new broad grant of authority.

The language in Section 1034 is sloppy, ill-considered and poorly conceived. No hearings were held to consider its full ramifications. This Congress should be ashamed of itself for its careless and cavalier approach to a question of such grave national significance.

I urge the Senate and the President to reject this provision and hope to have an opportunity to vote for a revised Defense Authorization Act that doesn’t undermine the constitutional responsibilities of the Congress.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

SPEECH OF

**HON. JAY INSLEE**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 24, 2011*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2012, and for other purposes:

Mr. INSLEE. Mr. Chair, I rise today to express my concern over a provision in the National Defense Authorization Act of 2012 that would limit the access of certain military retirees to the TRICARE Uniformed Services Family Health Plan (USFHP).

As you know, USFHP has been an extremely popular program within the Military Health System since its introduction in 1981, serving more than 115,000 active duty service members, veterans, and their families 16 states, including more than 11,000 in Washington state. USFHP consistently earns a 90 percent satisfaction rating among its enrollees—by far the highest among military beneficiary programs. In addition to its success and popularity, this program plays an integral component in the Department of Defense (DoD) meeting its commitment to provide health care to those who have served our country in uniform.

The provision included in this year’s Defense Authorization bill would terminate health care services under the plan when beneficiaries reach the age of 65 and become eligible to transfer to Medicare. Over one third of all USFHP beneficiaries are currently over 65 and are taking advantage of the USFHP managed care structure. Removing them from the program could undermine the highly effective disease management and prevention aspects of the USFHP, not to mention potentially ending longstanding patient-doctor relationships due to the change in coverage.

USFHP is a fully capitated program, providing quality and efficient care to beneficiaries. Even recently, Congress highlighted the effectiveness of USFHP in the 111th DoD authorization bill, while directing DoD to examine opportunities to improve the broader TRICARE Program. Additionally last year the Director of TRICARE Management engaged USFHP to assist in educating the rest of the DoD system about their highly successful prevention and disease management programs.