Mr. DAVID SCOTT of Georgia. Mr. Speaker, I will close with my remarks.

I'm hoping that perhaps Members of the Senate may be watching C–SPAN and watching us in the House. If not, I just simply urge their constituents to give them a call and ask them to move. It would be great to move on H.R. 1309. Because even if you do this temporary one, it's 30 days and we're right back here in another 4 weeks at the time that hurricanes are raging. We are really playing with fire here, and we're not doing the American people justice, and we're not doing right here.

As the gentleman from Louisiana just mentioned, vivid in our minds has got to be Katrina. We can talk about Andrew in Florida or you can talk about Hazel up in New York. Our whole country is coastline, and flooding is the worst natural disaster in our country in terms of loss of life, in terms of property. Folks need this financial assistance from this flood insurance program.

I urge my colleagues in the Senate to move and do the right thing. I urge the American people to contact their Senators and let them know we do not need to be standing naked in the face of fierce hurricanes without help and without support simply because the United States Senate failed to act in the best interest of the American people.

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

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS of Florida). Members are reminded to direct their remarks to the Chair and not to a perceived viewing audience.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Georgia (Mr. SCOTT) for managing this bill and for all of his mention of how important this is. I also would again like to thank the gentlelady from California (Ms. WATERS) for being a cosponsor.

Mr. Speaker, I wish we did not have to be here on the floor once again with a short-term extension of the NFIP, but this program is too important to homeowners, to the housing market, and to the communities in the flood-prone areas for Congress to let it expire at the end of the month. It is also too in debt to continue without reform. And despite our best efforts in the House, the Senate has been unwilling or unable to pass a long-term NFIP reauthorization and reform bill.

As has been mentioned over and over, the House passed our 5-year NFIP reauthorization reform bill, H.R. 1309, last July with an overwhelming bipartisan majority of more than 400 votes. It also won unanimous support in the Financial Services Committee. But the Senate has not yet approved any version of flood reform. So here we are once again on the verge of a lapse in NFIP.

Mr. Speaker, the time has come to stop playing games with this important program and start enacting long-term reforms now. With today's bill, we begin that process. First, it extends the program for an additional month to spare property owners and the housing market from another lapse. In addition, it would initiate several noncontroversial reforms to develop private sector options in the flood insurance market. This is all part of the 5-year bill that we have.

Reforming the NFIP is simply too important to ignore. Our extension will give the Senate time to act, and it will begin the process of fixing NFIP to protect taxpayers from unnecessary risk.

With that, I urge my colleagues to support H.R. 5740, and I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I rise to express my disappointment that this House is once again considering a short-term extension to the National Flood Insurance Program.

It has been nearly ten years since the program was last reauthorized, and the need for reauthorization has only grown more pressing. While a lapse in the program would be detrimental to countless homeowners, the program cannot continue to be sustained through a patchwork of short-term extensions.

Last July, the House of Representatives passed a long-term extension of the program with broad bipartisan support. Shortly after, the Senate Banking Committee reported its own reauthorization which is now simply gathering dust in the Senate. With the start of hurricane season only weeks away, now is not the time for the Senate's typical complacency.

Floods affect every state in the Union, and all Americans deserve the comfort of knowing they will be able to continue to benefit from the security that the National Flood Insurance Program has provided homeowners and lending institutions since 1968.

This program must be modernized and reformed to meet the realities of American homeowners and taxpayers. I urge my Senate colleagues to swiftly bring their reauthorization bill to the floor so that we can finally move a long-term reauthorization forward.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and pass the bill, H.R. 5740.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PERSONAL EXPLANATION

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I unintentionally voted ''aye'' on rollcall No. 253 when I intended to vote ''no'' on the motion to consider H. Res. 656, providing for consideration of the bill, H.R. 4970, to reauthorize the Violence Against Women Act of 1994, and providing for consideration of the bill, H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I reiterate my strong support for the protection of women from acts of violence and my opposition to the reauthorization as currently written and brought forth.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. BARROW. Mr. Speaker, under rule XXII, clause 7 (c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the conference report to extend Federal highway programs.

The form of the motion is as follows:

Mr. Barrow moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to insist on title II of the House bill, regarding approval of the Keystone XL Pipeline.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

GENERAL LEAVE

Mr. MCKEON. Mr. 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. 4310.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 656 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4310.

The Chair appoints the gentleman from Florida (Mr. ROSS) to preside over the Committee of the Whole.

□ 1820

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 consideration of the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, with Mr. ROSS of Florida in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from California (Mr. MCKEON) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from California.

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

Mr. Chairman, I rise in support of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, which

overwhelmingly passed the Committee on Armed Services. In keeping with the committee's tradition of bipartisanship, Ranking Member SMITH and I worked collaboratively to produce this bill and solicited input from each of our members.

The legislation advances our national security objectives, provides support and logistical resources for our warfighters, and helps the United States confront the national security challenges of the 21st century. The bill authorizes $554 billion for national defense in the base budget, consistent with the allocation provided by the House Budget Committee. It also authorizes $88.5 billion for overseas contingency operations.

The legislation continues my priorities set forth when I was elected chairman. It contains no earmarks. It carefully analyzes the Defense Department for inefficiencies and savings. It helps ensure the Pentagon's new national defense strategy is not a hollow one. And despite historic cuts to our wartime military, it plugs critical capability and strategic shortfalls opened in the President's budget submission.

The National Defense Authorization Act for Fiscal Year 2013 achieves these goals by working to:

Number one, ensure our troops deployed in Afghanistan and globally, including the National Guard who are the Nation's first line of defense at home, have the equipment, resources, authorities, training, and time they need to successfully complete their missions and return home safely;

Number two, care for our warfighters, veterans, and their families with the support they've earned through their service;

Three, provide critical strategic capabilities in an era of austerity;

Fourth, mandate fiscal responsibility, transparency, and accountability within the Department of Defense; and

Finally, improve the relationship between the Defense Department and the supporting industrial base by eliminating red tape and incentivizing competition.

Mr. Chairman, in 2012 we affirmed that the President is authorized to detain certain al Qaeda terrorists pursuant to the 2001 Authorization for Use of Military Force, or AUMF. Ten years after the horrific attacks of 9/11, it was time for Congress to once again ensure that our men and women in uniform have the authority they need to continue to fight and win the war on terror.

Foreign terrorist groups, such as al Qaeda in the Arabian Peninsula, still pose a grave threat to all U.S. citizens. As a result of last year's bill, we've heard from a number of concerned citizens wondering what this affirmation meant in relation to the rights of U.S. citizens. As a result, in this year's bill, we've incorporated Representatives SCOTT RIGELL and JEFF LANDRY's Right to Habeas Corpus Act, which affirms the availability of the ''great writ'' habeas corpus to any person detained in the United States pursuant to the AUMF. As we all know, the writ of habeas corpus is the ultimate protection against any unlawful detention by the Executive.

I am especially proud of the bipartisan work done on defense industry reform. We have several provisions in our bill that adopt bipartisan recommendations to improve the relationship between the Pentagon and the defense industry. In a time of declining defense budgets, we can no longer afford to conduct business as usual. This bill encourages small businesses to compete for Pentagon contracts and closely scrutinizes every penny that the taxpayers send to the Armed Forces.

Finally, in light of the Pentagon's new national security strategy, it's Congress' constitutional obligation to ensure this new force posture is not a hollow one. To that end, we provide modest increases in combat capabilities, with a particular emphasis on our Navy fleet and critical intelligence, surveillance, and reconnaissance platforms.

I thank the chairman and ranking member of the Rules Committee for working with us to bring this measure to the floor. I urge all of my colleagues to support passage of this bill. In partnership with you, we look forward to passing the 51st consecutive National Defense Authorization Act.

I reserve the balance of my time.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 3 minutes.

I want to thank Chairman MCKEON, the committee members, and the staff who, once again, did an outstanding bipartisan job in putting together this bill.

One of the paramount duties of our Congress is to provide for the common defense and, most importantly, make sure that our men and women who serve us in uniform have all the support they need to fulfill the missions that we ask them to do. I believe this bill meets that standard.

I thank the chairman for his willingness to work in a bipartisan fashion with me and my staff. I believe we have upheld the tradition of this committee and have shown that Congress can, in fact, work together to get things done, and I always appreciate that opportunity.

Most importantly, this bill prioritizes supporting the warfighter. We still have around 70,000 U.S. troops deployed in Afghanistan fighting the war. We need to make sure they have the equipment and support they need to do that. I believe this bill meets that mission.

This bill also recognizes the threats we face and adequately funds the need to meet those threats, most importantly, the threat from terrorist and nonstate actors like al Qaeda and their affiliates. We have strong support for the Special Operations Command as well as for intelligence surveillance and reconnaissance to make sure that we can continue to defeat the terrorist networks that would threaten us. Those are the top priorities.

We also make sure that our troops get the 1.7 percent pay raise they need and get the support for both the individual troops and for their families that are necessary to continue to serve us. We must always remember that we have an all-volunteer military. We are dependent upon the willingness of people to volunteer. We must make sure that we honor that service. We have done that, and we have done it quite well, to the point where we have the finest military the world has ever seen, and the support from this Congress is critical to maintaining that.

While there is much in this bill that I think is excellent and that I support, I will note just one caution as we go forward: Our bill is $8 billion over the Budget Control Act. It is over what the Senate is going to mark up. At some point, we are going to have to rationalize that and figure out how to make our national security strategy and our defense budget work in an era where our budgets are coming down.

We have a sizable deficit, and I believe it's critical that we put together a strategic plan and plan for the future. It's not enough to go year by year. We don't want to wake up 2 or 3 years from now and find out that we've funded more programs than we can afford to complete. We need a strategic vision, and we're going to have to work to get to that number and get to that cooperation with the Senate.

I also want to emphasize the importance of an amendment that I plan to offer that would change how we handle indefinite detention in military custody. I do not believe the executive branch should have that power to indefinitely detain or place in military custody people captured or arrested here in the U.S. I believe the United States Constitution and our due process system provides plenty of protections. We have arrested and convicted over 400 terrorists using that system. We have not used the indefinite detention in military custody power given to the President, and we have been able to protect ourselves. It's important that we protect the Constitution and that amendment is ruled in order, so I would hope that the full House would pass it.

I am very pleased with the bill. Again, I thank the chairman for his outstanding work in making sure that this bill supports the men and women in uniform who so bravely serve us. I believe it meets that objective. And I appreciate working with Mr. MCKEON, all of his staff, and all of the members of the committee.

With that, I reserve the balance of my time.

□ 1830

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

I just wanted to respond to my good friend, the ranking member, Mr. SMITH

from Washington. He's correct, we are $8 billion over the amount that was in the Deficit Reduction Act. In the budget the President submitted to us, it was $4 billion over. And we went about $3.7 billion above that. But in the overall budget that we will pass out of the House—and we did pass out of the House, under Budget Chairman RYAN—we increased the spending for defense due to the priorities that we feel are most important and the constitutional requirement that we have to provide for the common defense. But we will cut in other areas of the budget so that we comply fully with the Deficit Reduction Act.

At this time, Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee of Tactical Air and Land Forces, the gentleman from Maryland (Mr. BARTLETT).

Mr. BARTLETT. I rise in support of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I have the privilege of serving as the chairman of the Tactical Air and Land Forces Subcommittee. Our jurisdiction includes approximately $65 billion of Department of Defense research, development, and procurement programs within the Army, Navy, Marine Corps, and the Air Force.

I want to first thank the subcommittee's ranking member, SILVESTRE REYES from Texas, and an incredible staff for their support in the hearing process and in completing the markup of this bill. Under the leadership of Chairman MCKEON and Ranking Member SMITH, the committee effort is truly bipartisan.

The committee's focus is to support the men and women of the Armed Forces and their families, providing the equipment they need and the support they so deserve. Our first priority is providing the equipment to support our military personnel serving in Afghanistan and other areas where they may be under threat of hostile actions.

Over $2 billion in the President's budget request is recommended to be authorized to address urgent operational needs for the warfighter, to include counter-improvised explosive device requirements. An additional $500 million is provided for the National Guard and Reserve Equipment Account.

The committee bill sustains the Nation's heavy armored production base by maintaining minimum sustained production of upgrade modifications for Abrams tanks, Bradley fighting vehicles, and Hercules recovery vehicles. The Army's budget request would result in a production break of 3 to 4 years for the upgrade of these heavy-armored vehicles, which would negatively impact many small businesses.

The committee believes maintaining a minimum sustained production is a better alternative for taxpayer dollars than closing production lines and then paying to reopen the production lines years later. Minimum sustained production would also retain the valuable workforce and supplier base that would otherwise be lost and provide upgraded vehicles to the Army Heavy Brigade Combat teams.

The committee bill would also retain the Air Force's Global Hawk Block 30 unmanned intelligence, surveillance, and reconnaissance aircraft to support the deployed warfighter rather than placing these aircraft in storage, as the Air Force plan would do.

In addition the committee bill would fund over 150 helicopters of varying types for the Army and approximately 70 fighter aircraft of varying types for the Navy, Marine Corps, and Air Force.

Mr. Chairman, I want to thank Chairman MCKEON and Ranking Member SMITH for their support in providing an excellent bill to support the men and women of our armed forces.

I strongly urge my colleagues on both sides of the aisle to support this bill.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. I thank our ranking member and my colleagues for their indulgence in letting me go a little out of turn here.

By most counts, the United States Department of Defense is the second largest organization in the world, behind only the rest of the United States Federal Government, if you took out the Department of Defense. It is the only organization of that size that doesn't have audited financial statements. So in an organization that spends over $500 billion a year, we cannot say to the taxpayers of our country with certainty exactly what is spent where, by whom, and for what.

My friend, Congressman MIKE CONAWAY from Texas, has made correction of this problem a special mission of his since he joined this institution. And I would like to thank him because he chaired a panel that Chairman MCKEON and Ranking Member SMITH saw fit to appoint in this Congress to look at how to fix that problem. The solution to the problem, I think, is well on the way to being achieved. Secretary Panetta and Mr. Hale, who's the comptroller of the Pentagon, worked diligently on this and made it a very high priority. And the panel on which I was privileged to serve had voluminous hearings to find out the progress that we were making.

Suffice it to say that we are impatient—and we should be. But I do believe that the cooperative relationship between the panel created by the chairman and the ranking member and the Department of Defense is leading us to the day when we will have a clear-eyed assessment of exactly what is being spent on what, by whom, and when.

There will be an amendment, in all probability, offered later in this debate which would codify the deadline for reaching some of the milestones along that path. I will respectfully oppose that amendment because I think codification of this requirement will actually retard our progress rather than enhance it.

So I look forward to debate about all aspects of this bill. I'm proud to have supported the bill in the full committee markup.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the vice chairman of the Armed Service Committee and chairman of the Subcommittee on Emerging Threats and Capabilities, the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. I commend Chairman MCKEON for his leadership in developing this bill throughout the course of the year and appreciate the working relationship that he and the ranking member have, as evidenced by the fact that this bill was reported out of committee by a vote of 56–5. And I certainly agree with the comments of Mr. ANDREWS. One of the bipartisan goals of this committee is to make sure the taxpayers get every dollar of value possible for the money we spend for defense, and that is a goal that I think we are making good progress toward.

Mr. Chairman, I want to rise to express special appreciation to the members of the staff of the Emerging Threats and Capabilities Subcommittee, especially Mr. LANGEVIN, our ranking member.

To summarize that portion of the bill, I think one could do it in three parts. One is to support the people and missions of the U.S. Special Operations Command while also providing objective oversight of what they do. Special Operations Forces are at the forefront of protecting this country, but that also puts them at the forefront of a lot of legal and policy issues, and that makes communication between the Congress and the Special Operations Forces and their lawyers and other overseers especially important.

Secondly, our portion of the bill tries to sow and nurture the seeds of future capability, such as our science and technology programs. It's always tempting to cut research and development in tight budget times, but if you do that, then you are handicapping yourself from having the capability you need in the future.

And, thirdly, this mark tries to take several steps forward on oversight and policy in the critical new domain of warfare of cyber. Obviously, we have talked a lot about that in recent weeks on the floor of this House.

Finally, Mr. Chairman, I just make the point that we have lots of problems around the world, but this bill comes to the floor in a time of war. So as we come with these various amendments that cut this, that, and the other thing, we all need to keep in mind that there are still people out there trying to kill as many Americans as they possibly can, as recent news reports reflect. We ought to be cautious about that.

Mr. SMITH of Washington. I yield 2 minutes to the gentleman from Texas (Mr. REYES), the ranking member of the Tactical Air and Land Subcommittee.

Mr. REYES. I want to thank our chairman from California and the

ranking member for, again, leading the way in a bipartisan effort.

Although probably not a perfect bill, under the circumstances, with troops still deployed in war zones, I think a bipartisan agreement to this very important and critical legislation was reached. I especially want to thank my chairman, Chairman BARTLETT, for working and continuing the tradition of working on a bipartisan basis. I am pleased that our portion of H.R. 4310 supports, I believe, all the high-priority acquisition programs in the President's budget.

Some examples are: it fully funds the Army's Ground Combat Vehicle program at about $640 million. It provides $5.8 billion for Army helicopters, UAVs and other aviation platforms and upgrades. It also provides $1.6 billion for 21 V–22 Ospreys, which are a critical component of supporting our troops and their operations in Afghanistan today.

□ 1840

It further provides $2.2 billion for upgrading the Army's tactical communications network. It increases funding for the Abrams tanks by $181 million. It also increases funding for Bradley fighting vehicles by $140 million. And more than anything, it protects our industrial base at this pivotal and critical time to ensure that we don't lose the expertise and the quality workforce that we have in this country and all their capabilities.

But I guess the most important legislative provision in H.R. 4310 is legislation requiring the Air Force to continue to operate the Global Hawk Block 30 unmanned aerial system, which just reached operational capability in August of 2011. This is important because testimony before our committee underscores what we have known all along and in the 4 years I was chairman of the Intelligence Committee, that we have to continue to emphasize ISR capability. This legislation, H.R. 4310, holds the Air Force to its plan from last year to continue to operate both the Global Hawk and U–2 systems through 2014. So I ask all Members to support this critical piece of legislation.

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

Mr. FORBES. Mr. Chairman, I thank the chairman for yielding and for his leadership for the national defense of our country.

I rise in support of the fiscal year 2013 National Defense Authorization Act. As you've heard, Mr. Chairman, this bill reflects a bipartisan effort to address the many issues impacting the readiness of our military.

This year's bill prohibits funding from being used to plan for another round of BRAC, which I believe would be founded on a flawed premise that assumes the administration's proposal for a reduced force structure is correct. I categorically refuse to accept a diminished Department of Defense and believe that additional force structure is necessary to support our combatant commanders.

We have also done our best to craft a bipartisan way forward on depot maintenance reform, returning the Nation to a long-standing balance between the public and private sectors. Although I will admit this bill is not all things to all people, we look forward to continuing to improve these portions of the bill in conference.

This bill also takes several steps to ensure our Navy readiness, including the restoration of funding to retain three Ticonderoga class guided missile cruisers that the Navy proposed to retire well before the end of their expected service life.

Finally, in this year's bill, we address the administration's efforts to reduce military and civilian workforce, while increasing its contractor full-time equivalents. By building upon last year's effort to direct the DOD to create a policy for total force management, we direct GAO, in this year's bill, to provide their assessment of what measures DOD is taking to appropriately balance its current and future workforce structure against its requirements.

In conclusion, Mr. Chairman, I want to thank the members of the Armed Services Committee, especially my Readiness Subcommittee ranking member, Ms. BORDALLO, for their help in providing the unyielding support for the men and women who so heavily rely on our efforts, and our staff who work tirelessly to produce this product.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlelady from California (Ms. LORETTA SANCHEZ), the ranking member on the Strategic Forces Subcommittee.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I thank our ranking member for the time, and I also want to thank Mr. TURNER, our chairman on the Strategic Forces Subcommittee, for his leadership, and all of the members who work on the Strategic Forces Subcommittee for all of their work and contributions to this year's mark.

I think that there are a lot of issue areas that we can agree upon, especially in the Strategic Forces Committee, to make our Nation stronger and to really look after our nuclear arsenal.

I think there are particular provisions that I really like in this bill, for example, the cost effective and accountability on some of these things. And supporting nuclear nonproliferation, for example, is a very important issue, and I think this bill does a good job on that. Maintaining a safe and secure and reliable nuclear arsenal, I think that is also important. Fully authorizing the environmental cleanup that we have to do related to these activities, that is also included in this bill. Increasing the regional missile defense systems that we have that protect our troops when they are, for example, in Europe, when they're deployed, and also our allies for the short- and medium-range missile attacks that might happen, protecting long-term and cost-effective investments in our military space assets, these are all areas that we have agreed upon.

However, I am extremely concerned about some of the other issue areas where we do not agree. For example, provisions that impede nuclear weapons reductions, I think that is incredibly important to allow the administration to move forward, not only with New START Treaty, but also to look at other ways in which we can bring down our arsenal if we don't need it.

The governance and management reforms that will undermine independent oversight related to health and safety, including nuclear safety.

The CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlelady an additional 1 minute.

Ms. LORETTA SANCHEZ of California. I thank my ranking member.

These are very important to our people who work in this arena. What is their safety going to be when they're working with nuclear weapons in the complexes that we have? I think that the standards and the way, the management way that the Republicans like to do are going to probably cause some inconsistent standards in protecting our workers—and risk people's lives, quite frankly.

Increasing funding for nuclear weapons by more than $400 million over the President's budget request when our own Pentagon didn't want that, or increasing funding for the ground-based midcourse defense program by over $350 million while there are still test failures going out, when we have had 9 of 17 tests fail on us, then I don't think we should be continuing to invest in the same system. We should look and try to take care and find out what went wrong.

I look forward to trying to work these things out in the conference.

Mr. MCKEON. Mr. Chairman, I yield 2½ minutes to my friend and colleague, the chairman of the Subcommittee on Strategic Forces, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. I thank Chairman MCKEON.

Mr. Chairman, much of this bill is totally bipartisan. Two important provisions relate to missile defense and our nuclear weapons infrastructure modernization. Let me talk briefly about those two.

The first, in this bill we restore the funding for our national missile defense system, the budget for which the President has repeatedly slashed. This bill also sets up a third missile defense site for the east coast, adding another layer to homeland defense.

The bill fully funds the nuclear modernization program that President Obama promised when he sought ratification of the New START Treaty. National security demands Members make a choice—fully fund modernization or don't implement New START.

Also a focus of this bill is reform of the National Nuclear Security Administration. If we didn't strike the right balance after several bipartisan sessions and hearings Ms. SÁNCHEZ and I convened, we have a long process ahead of us to work to get it right.

As the National Academies, Strategic Posture Commission, and others have found, NNSA is, quite simply, broken and cannot afford to be left unfixed. I am absolutely committed to working with the minority and the administration to ensure a more efficient NNSA that has the nuclear deterrent and safety as unchallenged priorities. I look forward to an administration proposal on the subject.

I thank the gentlelady from California (Ms. LORETTA SANCHEZ), our ranking member, for her support, leadership, and contributions to our process thus far this year. I want to thank Chairman MCKEON for his leadership.

Nuclear weapons and missile defense are two very important issues for the safety and security of our Nation. Our subcommittee has taken a strong commitment to these, and we look forward to this bill moving forward to the Senate as we try to strengthen both our missile defense capability and our nuclear deterrent.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlelady from California (Mrs. DAVIS) ranking member on the Personnel Subcommittee.

Mrs. DAVIS of California. I thank Chairman MCKEON and Ranking Member SMITH for their leadership, and Chairman WILSON for making our subcommittee work a bipartisan effort. I also want to thank the staff for producing this important piece of legislation.

I am pleased the bill includes provisions that are important to our men and women in uniform, such as a 1.7 percent pay raise, improvements and additional efforts to combat sexual assault, transition assistance for members leaving the service, and Impact Aid funding for our military children.

However, I am concerned because the majority on this committee adopted several amendments that distract from the wonderful work that we have done. Two provisions deal with gays in the military. The first would prohibit same-sex marriage ceremonies from being performed on military installations.

□ 1850

Mr. Chairman, we already had this debate, and the American people support gays and lesbians openly serving in our military. Denying a servicemember the ability to use a military facility to hold a ceremony that others have access to is wrong and it's discriminatory. But most importantly, that ceremony would not be in violation of DOMA because DOMA only states that a marriage is between a man and a woman. It literally does not say anything else.

The second provision that was passed in committee is even more troubling to me. This provision would seek to protect the religious beliefs of chaplains and servicemembers. The issue of protecting the religious beliefs of chaplains was already addressed last year, and the law on this is very clear:

A military chaplain who, as a matter of conscience or moral principle, does not wish to perform a marriage may not be required to do so.

So this really comes down to protecting discriminatory acts against gays and lesbians in uniform, which is contrary to the military core values of good order and discipline. I hope we can resolve this issue in a way that does not allow discrimination against a group of servicemembers based solely on their sexual orientation.

The CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlelady an additional 30 seconds.

Mrs. DAVIS of California. The other issue I want to raise—and several of my colleagues have raised this already—is the fact that this bill is $8 billion over the Budget Control Act. While we made a number of decisions to restore cuts from the President's budget, we will need to resolve this difference at some point, and this means that programs will need to be cut. My hope is that the pay and benefits of our brave men and women will not be the bill-payer when we must reduce spending in this bill.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the chairman of the Subcommittee on Oversight and Investigations, the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. I'd like to thank Chairman MCKEON and Ranking Member SMITH for their leadership in moving H.R. 4310, the Fiscal Year 2013 National Defense Authorization Act, as it overwhelmingly passed the House Armed Services Committee.

The provisions of this bill aptly demonstrate our collective commitment to our Nation's heroes—the men and women of our armed services who sacrifice so much each and every day for all of us. I've seen their efforts firsthand, having the opportunity to travel five times to Afghanistan, and I recently had the opportunity to visit wounded warriors in Bethesda and Balboa. Each visit reinforces how much this Nation owes the members of our all-volunteer force. Against this backdrop, I have worked to ensure that decisions made in Congress fulfill the appropriate oversight role in taking care of our troops and veterans and securing our Nation's defense.

The bill before us today lives up to those solemn commitments. In particular, this bill blocks the proposed increase in TRICARE fees proposed by the administration. The administration's proposal places an unconscionable burden on our oldest and most vulnerable veterans by increasing their fees by 345 percent over a 10-year period. The bill recognizes our budgetary limits, but also keeps faith with America's veterans and servicemembers.

This bill ensures that as we consider transition in Afghanistan, we adequately understand associated risks. Based on the Oversight and Investigations Subcommittee findings, this bill calls for periodic assessments of the factors resulting in such trends and the effectiveness of transfer agreements we've negotiated with foreign countries. This bill, through an amendment, also requires an assessment focused on similar trends for the Parwan Detention Facility in Afghanistan.

Finally, this bill helps to preserve our Nation's maritime dominance by authorizing new construction of up to 10 destroyers and up to 10 submarines, as well as preventing early retirement of three cruisers. These assets will provide for our common defense, ensure we have the necessary resources for our strategic pivot to the Asia-Pacific, and help to maintain a healthy shipbuilding industrial base.

Mr. SMITH of Washington. Mr. Chairman, can you give us an update on the time left on each side.

The CHAIR. The gentleman from Washington has 17 minutes, and the gentleman from California has 14½ minutes.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), who is the ranking member on the Emerging Threats Subcommittee.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentleman for yielding, and I would like to thank Chairman MCKEON, Ranking Member SMITH, Chairman THORNBERRY, and the members of the committee, as well as the staff, for their efforts in crafting this year's bipartisan National Defense Authorization Act, which affirms our commitment to the dedicated men and women of our military, the infrastructure that enables their efforts, and the research and development required to maintain our technological edge.

I am particularly pleased that H.R. 4310 includes provisions I advocated to prevent the proposed cut in the production of the peerless Virginia-class submarines. These electric boats—which are critical to our national security and built in my district through Quonset/Davisville by the hardworking men and women that work there—are being built ahead of schedule and under budget. This bill preserves the two-boat-per-year model that has enabled such great efficiencies.

I would also like to note the inclusion of my amendment to accelerate

the deployment of the most promising directed-energy initiatives. Just recently, the Center for Strategic and Budgetary Assessments issued a report that clearly showed that many directed energy technologies have matured to the point that ''cultural factors and the lack of resources, not technological maturity'' are the most significant barriers to operational deployment. These technologies have the potential to fundamentally shift how our military operates in the complex environments of the future and enables DOD's objectives of a ''smaller, lighter, more agile, flexible joint force that can conduct a full range of military activities.''

Additionally, this legislation prioritizes and supports the Department's cybersecurity and IT efforts. Cyber has long been a chief focus of mine; and while I'm encouraged that this legislation continues to address this critical issue, much remains to be done. FBI Director Mueller has said that cybersecurity could soon be more of a threat than terrorism, yet our Federal Government still lacks a single point of accountability for cybersecurity, and our critical infrastructure lacks many basic protections.

I am hopeful that the Rules Committee will allow floor consideration of two amendments I offered that would enable a comprehensive approach to cybersecurity across the government and secure the infrastructure on which our military and our Nation depend.

On balance, this is a good bill. I thank the chairman and the ranking member for their hard work, as well as the staff.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, a member of the Armed Services Committee, the gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. I'd like to thank Chairman BUCK MCKEON for his hard work and dedication to getting this put together, and all of the staff members.

I rise today in support of the National Defense Authorization Act for Fiscal Year 2013. This bill shows our support for our troops and allows them to continue their mission in defending our country. We are facing difficult fiscal choices, but we must not penalize our brave men and women who are in harm's way.

I am particularly supportive of how this bill supports small businesses that contract with the Department of Defense, our organic base that ensures our soldiers are equipped and ensures that those who would do harm to our Nation are not allowed within its borders. I am also pleased that it will provide insight on how TRICARE can be better suited to the needs of the children of our warfighters, and that it will provide more flexibility for the DOD to bring our soldiers who are missing in action home from previous conflicts.

I am privileged to represent the Rock Island Arsenal in the Illinois 17th District. These hardworking men and women support our warfighters with the tools they need to accomplish their goals and missions. I look forward to continuing my work on the House Armed Services Committee with my colleagues to ensure that our organic base is ready and able to respond when our warfighters need them.

I urge all of my colleagues to join me in support of this important bill and pass it for the 51st year in a row.

Mr. SMITH of Washington. Mr. Chairman, at this point, I yield 2 minutes to the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Chairman, I rise this evening to highlight the Defense Business Panel's work over the past 6 months and discuss our proposals for a series of procurement, contracting, and export control reforms that seek to help small and medium-sized businesses access the nearly $400 billion-a-year defense market.

Burdensome regulations and arcane auditing requirements are driving many companies to quit the defense market and are deterring new suppliers from entering the market. I am pleased that many of the bipartisan recommendations from the Defense Business Panel's report, ''Challenges to Doing Business with the Department of Defense,'' have made it into this year's National Defense Authorization Act and have received overwhelming support by the HASC committee members.

To ensure the Pentagon uses small businesses more, the FY13 NDAA requires the Department of Defense to award 25 percent of the total value of all prime contracts each year to small businesses. The panel heard from many companies around the Nation about how to modernize our export control regime. Tomorrow we may be debating an amendment that would grant the administration authority to remove commercial satellites and components from the Munitions List to the Commerce Control List. I would strongly urge my colleagues to support this amendment.

□ 1900

The panel focused on the steps that can be taken to commercialize innovative products that originate from small businesses. This year's NDAA will restore 1 percent funding for expenses for the commercialization and readiness program and will require program offices to import SBIR Phase 2 programs into programs of record, when appropriate.

We accomplished much to help small businesses over the panel's 6 months of work, but we've only scratched the surface. More can be done to help small businesses contract with the DOD, and I look forward to working with my colleagues to implement these changes.

Finally, I want to thank the gentleman from Pennsylvania (Mr. SHUSTER), who is the chairman of this panel, for his leadership, and the chairman of the full committee and ranking member, Mr. MCKEON and Mr. SMITH, for appointing the panel.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. WEST), my friend and colleague, a member of the Armed Services Committee, and a man who has led troops in battle.

Mr. WEST. Thank you, Chairman MCKEON, and thank you, Ranking Member SMITH.

I stand today to offer my support for H.R. 4310, Fiscal Year 2013 National Defense Authorization Act.

To echo the comments of my colleague from Washington (Mr. LARSEN), I am very happy to see that the recommendations from the Defense Business Panel will be included in this legislation because we have to streamline our processing and our contracting opportunities as well for our small businesses.

I'm also very happy to know that the End Strength Reduction Act was included in this legislation to make sure that we have the proper procedures in tearing down the reduction of our forces, and making sure we periodically go back and reassess our national security objectives to make sure that our end strength of our military meets those objectives.

I'm also very pleased to know that we continue to protect the well-earned TRICARE health care benefits for our veterans and for military retirees, staying away from the tripling of those health care rates. We will continue to index that toward the COLA.

We will continue to provide for the proper support of our military families and their children and the programs on our installations.

But most importantly, I am very happy to know that we will continue to resource our soldiers, our sailors, our airmen, and our Marines, because as we are standing here today debating this piece of legislation, someone is out there being the watchman on the wall. Someone is out there about to go on a patrol, and they are trusting and depending upon us to do the right thing through the amendment process of this legislation to ensure that they are given the resources so they can provide victory and once again provide for the common defense of this great Nation.

We must make sure that our military cannot be seen as a bill payer for fiscal irresponsibility. And the most important thing is, when you look at our track record for predicting the next conflict, it is not a good track record.

We must make sure that we do not destroy our military and decimate its capabilities and capacities while we're trying to rectify the fiscal situation here. Let's stay focused on our primary responsibility of providing for the common defense.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE), the ranking member on the Seapower Subcommittee.

Mr. MCINTYRE. Mr. Chairman, as the ranking member of the Seapower

and Projection Forces Subcommittee, I want to thank Chairman AKIN for his hard work in helping our subcommittee put together our portion of the FY 13 National Defense Authorization Act. Throughout the process, there was a strong bipartisan effort to deliver what is truly needed by our men and women in uniform.

There are a number of provisions with which I'm particularly pleased: The multiyear procurement authority for up to 10 Virginia Class attack submarines. This provision also gives incremental funding authority and restores advance procurement in FY 13 that will allow the Navy to procure a second Virginia class submarine in FY 13.

Also, the multiyear procurement authority for up to 10 DDG–51 Arleigh Burke Class Destroyers and the extension of the Ford-Class Aircraft Carrier incremental funding from 5 years to 6 years.

The bill also contains several Littoral Combat Ship provisions. However, I want to be clear that these provisions do not indicate that the subcommittee no longer supports the LCS program. These provisions simply ask the Navy to update the subcommittee on the program's status, and ask the GAO to analyze the program and ensure that any issues that previously have occurred will have been addressed and corrected. This will provide the Navy the opportunity to address any and all concerns that may still exist.

I want to thank our committee for its hard work, Chairman MCKEON and Ranking Member SMITH for their excellent work and leadership. I also want to thank the HASC staff, Tom MacKenzie, Heath Bope, Phil MacNaughton and Emily Waterlander, and the personal staff, Justin Johnson, Blair Milligan and Kaitlin Helms, for their efforts and expertise throughout this authorization process.

This is a bill we could and ought to support, and stand up for our men and women in uniform. I urge my colleagues to vote ''yes.''

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), my friend and colleague and the chairman of the Subcommittee on Military Personnel.

Mr. WILSON of South Carolina. Mr. Chairman, thank you for your leadership on behalf of the military families, servicemembers, and veterans of our country.

The Military Personnel titles of the Fiscal Year 2013 National Defense Authorization Act are a product of an open, bipartisan process. These personnel titles provide our warfighters, veterans, and military families the care and support they deserve, additionally ensuring that proposed drawdown plans do not cut to the heart of the Army and Marine Corps.

Specifically, this year's proposal will first authorize a troop pay increase of 1.7 percent, and extend bonuses and special pay; additionally, limit the end strength reduction for the active Army and Marine Corps; also provide significant new regulations for combating sexual assault within the military, and extend access to family housing and commissary and exchange benefits for troops who are involuntarily separated.

Additionally, we will extend some TRICARE benefits to members of the Selected Reserve who are involuntarily separated. And finally, make clear that the nonmilitary contributions to health care benefits through a career of service represent prepayment of health care premiums in retirement.

In conclusion, I want to thank Ranking Member Congresswoman SUSAN DAVIS and her staff for her contributions in this process. We are joined, of course, by dedicated members of the subcommittee. Their recommendations are clearly reflected in this mark.

Finally, I want to appreciate the service and dedication of the subcommittee majority staff, John Chapla, Debra Wada, Jeanette James, Mike Higgins, Craig Greene and Jim Weiss, along with my military legislative assistant, Chad Sydnor, and Military Fellow, Marine Master Gunnery Sergeant Michelle King.

I urge my colleagues to support H.R. 4310.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO), the ranking member of the Readiness Subcommittee.

Ms. BORDALLO. Mr. Speaker, I rise in support of the defense authorization bill for FY13. The underlying legislation continues to make sure that our men and women in uniform are provided with the resources to be well trained and equipped.

Although the war in Iraq is over and we begin a drawdown of the surge forces in Afghanistan, we continue to face challenges with our readiness. The bill supports the Department's reset efforts, which are important to addressing readiness challenges in our global commands, particularly in the U.S. Pacific Command.

The bill provides authorization for more than $11 billion in funding for military construction projects, including family housing. And our bill does not authorize an unwarranted round of base closures and realignments.

The bill also continues this committee's support for the realignment of military forces in the Pacific, including the military buildup on Guam. As we refocus on the Asia-Pacific region, our bill makes efforts to remove restrictions that are impeding the DOD's ability to move forward with the realignment. The revised agreement between the United States and Japan is a step in the right direction, and our bill helps move that effort forward.

I'm greatly concerned by amendments that were adopted at Full Committee markup that roll back efforts by DOD to invest in biofuels. This investment is needed for our long-term security needs, both operationally and at military installations across the world. The cost of traditional fields has skyrocketed, and those increased costs are eating away at readiness requirements. We need to make the investment in alternative fuels now, in order to free the Department from the shackle of foreign fossil fuels in the future.

I strongly support the bill's prohibition on the retirement of the Global Hawk aircraft. The Global Hawk is a critical ISR asset, and the Air Force rationale for wanting to retire this aircraft and continue flying on aging aircraft for the foreseeable future was lacking. As we refocus to the Asia-Pacific region, commanders in the AOR need more ISR assets, not less. I'm glad we keep the Global Hawk Block 30 aircraft flying.

The CHAIR. The time of the gentlewoman has expired.

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

□ 1910

Ms. BORDALLO. Again, Mr. Chairman, along these lines, I believe the bill takes important steps to protect the Air National Guard from unwarranted cuts in mission realignments. I appreciate that the bill does not increase most TRICARE fees and copays and that it prohibits the department from implementing new fees.

I want to thank Chairman FORBES for his strong partnership on the Readiness Subcommittee and also to thank members of the staff.

Again, I support the bill, and I urge my colleagues to support the measure as well.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. I would like to thank Chairman MCKEON for working so diligently with me to protect the civil liberties that we enjoy so much in our country.

Mr. Chairman, as we debate the protection of these civil liberties in this bill, we need to ask ourselves: What are we trying to provide? We must protect every citizen's basic due process rights. What are those basic due process rights?

Specifically, it would be the right to notice, the opportunity to be heard, the right to a neutral forum, the right to counsel when before the court, and the right to an appeal. Some of my colleagues are proposing the creation of additional rights. Doing so does not further protect us under the Constitution nor does it further the protections of our constituents.

They say we must allow foreign terrorists captured domestically to be tried in criminal court, enveloping them with all of the protections granted to civil criminals. It gives them access to our national security intelligence that ordinary Americans currently are denied. We incentivize them to come to America. The base text of

the bill makes it clear and precise that anyone detained is afforded access to the basic rights of due process that I mentioned earlier. Therefore, those basic rights are now enshrined.

I urge Members to support the underlying bill, accompanied by the Gohmert-Landry-Rigell amendment, and to oppose any other attempts to create additional rights for foreign terrorists.

Mr. SMITH of Washington. Mr. Chairman, I yield myself 1 minute.

There are no additional rights contained in this amendment. We have the rights that are in the Constitution that are the due process. The gentleman's comment that additional rights are being granted by this is patently false. The Constitution is clear. It provides all persons in the United States the same rights. All we are doing is going back to the Constitution and repealing the authority of the President to circumvent those rights and reduce them. That's a very critical point that we will talk further about tomorrow.

I am now pleased to yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

(Mr. KUCINICH asked and was given permission to revise and extend his remarks.)

Mr. KUCINICH. I thank the gentleman.

Yesterday, we debated H. Res. 568, which draws a red line for military action at Iran's achieving a nuclear weapons ''capability,'' a nebulous and undefined term that could include a civilian nuclear program. As a result, the language in that bill makes a negotiated solution impossible.

Now, this bill, H.R. 4310, the National Defense Authorization Act, in section 1221 makes military action against Iran a U.S. policy. Right in the bill, it talks about deployments and military action. To create a plan, under article B of section 1222, it says that the Secretary of Defense shall prepare a plan for the Fifth Fleet to conduct military deployments. In section A of article II, it says that there should be prepositioning, sufficient supplies of aircraft, munitions—bombs, fuel, and other materials—for both air- and sea-based missions against Iran. So that sets the stage for war. Then section B calls for an execution of the war, bolstering United States' capabilities to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets.

They're not threatening us. We're threatening them with this. Then we call for a showdown in the Strait of Hormuz in section C.

Now look. We've been through this before. I led this Congress in October of 2002 to challenge the Bush administration's march towards war against Iraq, and it proved that it was wrong to do that. There were no weapons of mass destruction. This is Iraq all over again, and we should at least have a separate debate on whether or not we should be recommending an attack on Iran without including it in this bill.

Mr. MCKEON. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Texas (Mr. CARTER).

Mr. CARTER. Thank you, Mr. Chairman.

I rise in support of section 552 of H.R. 4310. In fact, I rise in favor of the entire National Defense Authorization Act but specifically of this provision which justly awards the victims of Fort Hood and the Arkansas recruiting station shootings with the Purple Heart.

Mr. Chairman, I have the distinct honor of representing Fort Hood, Texas. We call it the ''Great Place.'' The day after the attack at Fort Hood, I was there. At that point in time, I began working on legislation to award combat status to the victims so that they could all receive the appropriate benefits that they deserve.

The shootings at Fort Hood and in Little Rock left 14 dead and 44 wounded. These soldiers were at a deployment processing center in Fort Hood and at a recruiting station in Arkansas when they were fired upon. Many of them at Fort Hood were getting ready to go to war or were returning from war for the reassignment to other assignments. In my opinion, the shooters extended the battlefield from Iraq and Afghanistan to Fort Hood and Little Rock in order to claim their targets before they reached their destinations in Iraq or Afghanistan.

While I am pleased to see the victims receive the Purple Heart, we should continue to work towards awarding the victims combat status and the appropriate recognition that they may deserve, including recognizing the civilians who were killed. But make no mistake, at Fort Hood, they targeted soldiers.

Mr. Chairman, in conclusion, I ask my colleagues to support this language but to continue to work towards awarding combat status for the victims as well. This is a bipartisan issue. I am very grateful to Chairman KING for getting on board with this issue and for driving the force, as are all of our soldiers, and I am very grateful for the bipartisan consideration this concept had on both sides of the aisle. I support the National Defense Authorization Act. It is good for our country.

Mr. SMITH of Washington. I now yield 2 minutes to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. To the ranking member and the chair of the committee, thank you for a long slog of hard work and for the production of a bill that has much good in it.

Certainly, we have to provide for our military. We need a strong, agile, smart, and deadly national defense program. That's certainly in this bill. We also need to provide for our soldiers—for the men and women—and those who serve this country, and that's in this bill. The issue of those who have served and who have come home remains an issue that we'll probably take up in other legislation.

Provisions in the bill also provide for the intelligence, surveillance, and reconnaissance necessary for us to be smart, and the bill provides for us to be agile in air mobility. Those are good things. However, there are many parts of this bill that I find objectionable, which has led to my ''no'' vote on this legislation. Let me quickly list those:

Certainly, we've already talked about, here on the floor, the issue of due process. It needs to be addressed, and I want to congratulate the ranking member of the committee for his work in developing a very good proposal that deals with the due process issue, which provides that every person in this country has full access to the civil liberties in the Constitution;

The Afghanistan war is not taken care of in this bill. In fact, there are provisions in this bill that, in all likelihood, would increase the number of soldiers in Afghanistan by some 20,000 and leave them there in perpetuity. We cannot do this. We've got to bring this war to an end very, very quickly, and the bill does not go in that direction. In fact, it goes in the opposite direction. We just heard a discussion about Iran, and I will simply second that portion of the bill as being out of place and incorrect;

There are also things in this bill that are a vast waste of money: missile defense on the east coast, a missile system that doesn't work to protect us from a nonexistent threat. Why would you spend $100 million this year and up to $5 million to $7 million in the succeeding 2 years? We ought not do that;

Some things are also to be found at home. The Lawrence Livermore Labs need to be protected.

The CHAIR. The time of the gentleman has expired.

Mr. GARAMENDI. Thank you, Mr. Chairman.

□ 1920

Mr. MCKEON. Mr. Chairman, may I inquire as to the time that is remaining.

The CHAIR. The gentleman from California has 5½ minutes remaining, and the gentleman from Washington has 4½ minutes remaining.

Mr. MCKEON. Does the gentleman have further speakers?

Mr. SMITH of Washington. We do not have further speakers at this point, and I believe we're prepared to close.

Mr. Chair, I yield myself the balance of my time.

First of all, I want to again thank the chairman and thank the folks who worked on this bill. As you see from the debate, there are a lot of controversial issues that wound up in this bill, issues of enormous importance, from our policy towards countries like Afghanistan and Iran, to civil liberties and on. It takes a great deal of work on behalf of the staff and a great deal of commitment to a bipartisan spirit to work through that, have fair debates, have the votes, carry on, and always remember that underlying it all is

making sure that we fund the defense of this country, and we fund the troops who are tasked with protecting it. I think our committee and our staff do an outstanding job of dealing with those challenges.

I want to talk again about the indefinite-detention issue. The gentleman who spoke a couple of minutes ago raised some concerns, and I think it gives us a pretty good preview of what some of the opposition to that amendment is going to be tomorrow. I just want to counter those arguments.

The first notion that ''additional rights'' are being granted as a result of this is quite simply absurd. What this says is: the due process that's in the Constitution is what you get if you are arrested. What we have done in this body is empowered the President to get rid of those rights in certain cases and indefinitely detain people without charge in many instances and without trial. What we're saying is that it is an enormous amount of power to grant the Executive, and it is not necessary. President Bush did not use that authority for the last 5 years he was in the administration, President Obama has not used it, and yet we have protected this country. To give away that basic due-process right, if you are arrested—that you have the basic rights in the Constitution—is no small thing, and it is not necessary.

Lastly, I want to talk about this argument that somehow this will incentivize terrorists to come to the U.S. I've heard a lot of arguments. That has got to be the dumbest one I've ever heard. First of all, it is sad to say there are many terrorists affiliated with al Qaeda who are trying very hard to come here and inflict harm on us right now. That's why we have all kinds of efforts in this bill and in Homeland Security to stop them. They are not going to become any less incentivized to do that whether this bill passes or not. Sadly, we must deal with that.

Second of all, they are certainly not going to want to come here and operate as opposed to operating in someplace outside of the U.S. where we don't have as much reach. That argument has nothing to do with this amendment. This is a very straightforward argument I think we should have. Is this a power that the President needs to have to keep us safe? It is not. It is undeniably an enormous amount of power to go outside of the Constitution, to go outside of due process, and empower the executive branch to indefinitely detain somebody without the due process that we've developed over the course of 230 years. That is an enormous step for this Congress to take.

We have to ask ourselves the question: Is it necessary? It clearly is not. We have arrested, prosecuted, and stopped countless terrorist attacks over the course of the last 8 years. Over 400 terrorists were arrested, convicted, and imprisoned in this country, such as Abjulmutallab, who was the underwear bomber in Detroit in December of 2008. He was stopped, arrested, interrogated, prosecuted, convicted, and sentenced to life in prison.

We have a justice system and a law enforcement system in this country that is more than adequate to meet the threat. We do not have to undermine the Constitution to do that. That will be the core of the argument. I look forward to those who are opposed to it arguing why that doesn't keep us safe. I think it will be a great debate, and I'll urge people to vote for it. But I hope we'll have that public debate on the floor tomorrow. It is an incredibly important issue no matter which side of it you're on. It is an important issue that is worthy of this full House having a full and robust debate, and I look forward to doing that tomorrow.

Again, I recognize all of the important things that are in this bill. I'm confident when we come to the amendment process, we will have a bill worthy of support of this House, and I will then urge Members to support it so we can fund the defense of this country and fund the brave men and women who serve our country in the Armed Forces, and make sure they have all the support they need to do what we ask them to do in defending this country.

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

Mr. MCKEON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there has been a lot of work done on this bill, and I want to thank my ranking member—my partner in this effort—and all of the staff who have put in countless hours to get us to this point for the work that they have done.

As you can see from the opening debate, we have many things that we agree on and some things that we disagree on. I feel good about that because I once heard that if two people agree on everything, one of them is an idiot. I think that there will be things that we have honest disagreements on, and we'll have much to talk about tomorrow. And I'm sure we'll have many hours to do that.

Mr. Chairman, for the second year, there have been misconceptions raised by the ACLU and others relating to last year's provision dealing with the 2001 Authorization for Use of Military Force. In 2012, we affirmed that the President is authorized to detain certain belligerents who are part of or substantially supporting al Qaeda, the Taliban, or associated forces. This interpretation was not a new creation. It has been used by both the Bush and Obama administrations and has been upheld by our Federal courts.

The Wall Street Journal editorial board has described the NDAA's affirmation as a ''modest law.'' Former Attorneys General Meese and Mukasey have noted that:

> Given the continuing threat posed by groups like al Qaeda in the Arabian Peninsula, the affirmation was a critical step in reinforcing the military's legal authorities to combat terror.

Importantly, at no point did last year's bill detract from the rights of U.S. citizens. No one could possibly be in favor of the unlawful detention of innocent American citizens. And nothing could be further from the aim of the NDAA, which was to reinforce the protection of American citizens from terrorist attacks. While we felt confident that the NDAA in no way impacted this issue, we took the feedback we received seriously and analyzed the issue. In particular, I worked very closely with my colleague, Chairman SMITH of the Judiciary Committee, as well as numerous outside experts and former U.S. Government officials.

In acknowledgement of the concerns that have been raised, we felt that it was important in this year's bill to explicitly reaffirm that anybody detained in the United States, pursuant to the AUMF, can challenge the lawfulness of their detention in U.S. Federal court. The great writ of habeas corpus is a citizen's most fundamental protection against any unlawful depravation of liberty.

Some want to go further and have this bill prohibit military detention and interrogation of foreign terrorists in the United States. And for all the blood and treasure we have spent taking the fight to the enemy to prevent terrorists from coming to the United States, I find this astonishing. Why would we weaken our ability to fight foreign terrorists here at home? Why would we take lawful options off the table for our national security officials? We must not forget that it is, in fact, foreign terrorist organizations like the al Qaeda of the Arabian Peninsula who would like nothing more than to deprive us our life and liberty. We must have all lawful options available to us in order to effectively dismantle and defeat them.

My understanding is that the Rules Committee is meeting as we speak. There have been, I think, about 240 amendments submitted to be debated on the bill. Last year, I think they approved 150. I don't know how many or what amendments will be approved. We'll find that out as we go through the evening and tomorrow. But I know that we will have a good and healthy debate; and at the end of the day, the important thing that we must remember is that this committee's responsibility is to look out for the common defense of this Nation. We do so by supporting our troops, those who were on the battlefield and those who are stationed in various places around the world. We must see that they have everything they need to carry out their missions and to return home safely to their loved ones and that their loved ones that are left behind are given the things that they need, the support that they need to continue to support their loved ones who are out fighting for our freedoms.

With that, Mr. Chairman, I look forward to the debate tomorrow. I encourage all the Members of our conference and our colleagues in the Congress to support this very important bill to help them carry out that important mission.

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

COMMITTEE ON THE BUDGET,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. HOWARD ''BUCK'' MCKEON,
Chairman, Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON: I write to confirm our mutual understanding regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. This legislation contains subject matter within the jurisdiction of the Committee on the Budget. However, in order to expedite floor consideration of this important legislation, the committee waives consideration of the bill.

The Budget Committee takes this action only with the understanding that the committee's jurisdictional interests over this and similar legislation are in no way diminished or altered.

The committee also reserves the right to seek appointment to any House-Senate conference on this legislation and requests your support if such a request is made. Finally, I would appreciate your including this letter in the Congressional Record during consideration of H.R. 4310 on the House Floor. Thank you for your attention to these matters.

Sincerely,

PAUL RYAN,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. PAUL RYAN,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I agree that the Committee on the Budget has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on the Budget is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

COMMITTEE ON HOMELAND SECURITY,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. HOWARD ''BUCK'' MCKEON,
Chairman. Committee on Armed Services, House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON: I am writing to you concerning the jurisdictional interest of the Committee on Homeland Security in matters being considered in H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013.

Our committee recognizes the importance of H.R. 4310 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over certain sections of the bill, I do not intend to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forego a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Homeland Security, and that a copy of this letter and your response acknowledging our jurisdictional interest will be included in the Committee Report and as part of the Congressional Record during consideration of this bill by the House. I also ask that you support my request to name members of this committee to any conference committee that is named to consider such provisions.

Thank you for your consideration in this matter.

Sincerely,

PETER T. KING,
Chairman.

COMMITTEE ON ARMED SERVICES,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 2012.

Hon. PETER KING,
Chairman, Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Homeland Security is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

HOWARD P. ''BUCK'' MCKEON,
Chairman.

□ 1930

The Acting CHAIR (Mr. THOMPSON of Pennsylvania). All time for general debate has expired.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ROSS of Florida) having assumed the chair, Mr. THOMPSON of Pennsylvania, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4310) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes, had come to no resolution thereon.

AN ALL-OF-THE-ABOVE ENERGY STRATEGY

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

Mr. THOMPSON of Pennsylvania. Mr. Speaker, President Obama has often claimed that we have 2 percent of the world's proven oil reserves, which is nothing but an excuse for inaction when developing American-made energy. As The Washington Post's fact-checkers noted, the President's claim is ''true, but false.'' False because ''proven oil reserves'' is only one category of oil, a fraction of the overall oil in the ground. ''Proven reserves'' refers to amounts of oil where seismic studies have identified available resources.

Due to the long Presidential and congressional bans on Outer Continental Shelf development, the inventory of resources has not been tracked in over 30 years. The U.S. Geological Survey and the Bureau of Ocean Energy Management estimate the U.S. has a 16 percent share of the world's undiscovered, technically recoverable, conventional oil resources. The Middle East also has a 16 percent share.

Rather than saying what we can't do, the President should be doing more to facilitate the safe discovery and development of U.S. resources.

Mr. Speaker, the President says he supports ''an all-of-the-above strategy for the 21st century that develops every source of American-made energy.'' The question now is whether he is willing to prove it.

DOMESTIC OIL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from California (Ms. SPEIER) is recognized for 60 minutes as the designee of the minority leader.

Ms. SPEIER. Mr. Speaker, thank you very much. I will be joined during this hour by my good friend and colleague from California, Congressman JOHN GARAMENDI.

I would like to just begin this discussion on oil prices by recalling that in 2008, the constant refrain that was heard in this Chamber over and over again was ''Drill, baby, drill'' by my colleagues on the Republican side. And the good news is that's precisely what we've done. In fact, in USA Today, Citigroup analysts are quoted as saying in a recent report, Energy independence ''is no pipe dream. The U.S. is already the world's fastest-growing oil and natural gas producer. Counting the output from Canada and Mexico, North America is 'the new Middle East.' ''

So it's interesting to note that as much as we've been wringing our hands, there is oil being produced here in the United States. In fact, a lot of oil is being produced in the United States. And we're going to go over a few charts now to show how, in fact, things are looking a little bit better.

This first chart really shows what happened with oil production. When George Bush was still the President of the United States, the price of gas hit $4.10 a gallon. It was very high. And then gas prices hit rock bottom when President Obama took office because of the global financial crisis that hit. When President Obama took office, there were fewer than 400 oil rigs operating in the United States, falling below 200 rigs by mid 2009. Then, despite safety reviews after the BP spill, oil rigs operating in the United States quadrupled over the next 3 years. There are now more than 1,300—I repeat that, 1,300—oil rigs operating in the United States, more than all operational oil drilling in the rest of the world combined.

So in the last 3 years of the Bush administration, we were producing 1.78 billion barrels of oil; but in the first 3