

Ms. RICHARDSON. Mr. Chair, I rise in support of H.R. 4310, the "National Defense Authorization Act for Fiscal Year 2013," which provides \$642 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy.

Although the bill is not perfect and contains several provisions that I do not support, on balance I support the legislation because it (1) provides our troops the resources they need to protect and defend our country and themselves; (2) supports military families; (3) makes important investments to keep our homeland safe; and (4) incorporates three critical amendments I offered to strengthen the nation's strategic ports (of which the Port of Long Beach is perhaps the most critical), provide expanded protections for women service members, and enhances the effectiveness of the Northern Command ("NORTHCOM") in protecting the homeland in event of war.

I thank Chairman MCKEON and Ranking Member SMITH for their hard work in shepherding this bill to the floor on this bill and for their commitment to the men and women of the Armed Forces.

Let me briefly highlight some of the key provisions that I support.

I support the provisions in the bill providing all service members a pay raise of 1.7 percent, the level included in the President's request, and extends certain special pay and bonuses for active-duty and reserve personnel. The bill limits any annual increase in cost-sharing rates under the TRICARE pharmacy program to the percentage increase in retiree pay, beginning October 1, 2013. I am also pleased that the bill extends access to family housing for six months for service members mustering out due to personnel reductions.

Mr. Chair, combating domestic violence and deterring sexual offenses in both the civilian and military sectors is a national priority. That is why I am pleased that this bill includes provisions requiring secretaries of the military departments to establish special victim teams for investigation, prosecution and victim support in connection with child abuse, serious domestic violence or sexual offenses under the Uniform Code of Military Justice. The bill further requires that at least one team in each military department be in place within one year of enactment and that each secretary report within 270 days of enactment with a plan and timeline for the establishment of the remainder of the special victim teams that the secretary has determined are needed.

Mr. Chair, this bill provides the resources needed to protect our troops in harm's way. It provides:

\$2.8 billion for measures to counter IED activities in Afghanistan;

\$3.2 billion for Mine Resistant Ambush Protected (MRAP) vehicles in Afghanistan;

An increase of \$321 million in unrequested funds for modernization of M-1 Abrams tanks and Bradley Fighting Vehicles, vehicles that help protect the lives of our troops; and

\$7.6 billion for operations and maintenance of the Special Operations Command, an amount that includes \$2.5 billion in the Overseas Contingency Operations account.

Another reason for supporting this bill is that it provides expanded opportunities for small businesses to participate in Defense Department contracts. For example, the bill includes

several provisions designed to eliminate barriers that have prevented many small and medium-sized businesses from competing for Pentagon contracts. It also establishes new DOD goals for procurement contracts awarded to small businesses. There are also provisions to amend the Small Business Act to establish a government-wide goal for participation by small businesses at not less than 25 percent of all prime contracts for each fiscal year, and 40 percent of all subcontract awards for each fiscal year.

Mr. Chair, as I noted earlier in my remarks, an additional reason why I support this legislation is because it includes three amendments that I offered to improve the bill. I want to thank Rules Committee Chairman DREIER, Ranking Member SLAUGHTER, Armed Services Committee Chairman MCKEON and Ranking Member SMITH for working with me to include these amendments.

My first amendment, Richardson Amendment No. 82, requires the Department of Defense to post on all its websites information on sexual assault prevention and response resources.

In light of technology, many people, particularly service personnel receive the majority of their information via the Internet.

Further, online access to the needed information is particularly important because persons needing sexual assault resource information may be reluctant to seek information in a public setting without fear of losing privacy, or worse retaliation.

My second amendment, Richardson Amendment No. 112, improves the bill by increasing the effectiveness of the Northern Command ("NORTHCOM") in fulfilling its critical mission of protecting the U.S. homeland in event of war and to provide support to local, state, and federal authorities in times of national emergency. This amendment was included in last year's National Defense Authorization Act and I am pleased that it is included again this year also.

The purpose for NORTHCOM's existence is to bring the capabilities and the resources of the U.S. military to the assistance of the American people during a catastrophic disaster. NORTHCOM leaders will be much more effective in saving lives, protecting assets, and enhancing resilience after a disaster has occurred if they are trained in the techniques of effective engagement with civilian leadership. My amendment ensures that such training will be available.

I want to thank my good friend and colleague, Congressman DON YOUNG of Alaska for working with me across the aisle and partnering with me on the amendment, Young/Richardson Amendment 141. This amendment calls for the expedited completion of the study of the Nation's strategic ports called for in the National Defense Authorization Act for Fiscal Year 2012 Conference Report 112-329.

As the representative of a district served by the largest port complex in the nation, I have long been a strong champion on protecting our nation's ports.

My colleagues have heard me say often that "in times of war, the role of the ports is to protect the forts."

This amendment also directs the Department of Defense to provide a copy of the report to the GAO for additional review of the extent to which the facilities and infrastructure serving strategic seaports meet the Department of Defense's requirements.

The completion of this report is vital in the assessment of the structural integrity and deficiencies of the port facilities.

It further examines infrastructure improvements that are needed directly or indirectly to meet national security and readiness requirements.

In addition to assessing the impact on operational readiness, this report will identify potential funding sources to undertake needed improvements.

#### CONCLUSION

Finally, let me note my strong support for the bipartisan Smith/Amash Amendment, which was accepted and included in the bill. This amendment amends detention provisions enacted last year in order to ensure that any individual detained on U.S. soil has the rights and liberties enshrined in the Constitution. The amendment would ensure that no person detained, captured, or arrested in the U.S. pursuant to the Authorization for the Use of Military Force could be indefinitely detained, held in military custody, or forced to face a military tribunal. As the Constitution states, it makes clear that any person apprehended in the United States would be guaranteed due process provided by a civilian court established under Article III of the Constitution. This commonsense, bipartisan amendment is supported by 27 Retired Generals and Admirals and more than 25 leading organizations, including the Bill of Rights Defense Committee, United Church of Christ, United Methodist Church, Union for Reform Judaism, Physicians for Human Rights, and National Religious Campaign Against Torture.

Finally, let me note my opposition to sections 536 and 537 of the bill relating to service members who are gay and lesbian. These provisions are unnecessary and unhelpful for the reasons discussed in the Statement of Administration Policy issued by the Obama Administration. I agree with the Administration's position and oppose the inclusion of these provisions. It is my hope that they will be removed before this bill reaches the President's desk.

In conclusion, I believe the good things in this bill outweigh the bad and for that reason urge my colleagues to support and join me in voting for the bill on final passage.

#### PERSONAL EXPLANATION

**HON. STEVE KING**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 18, 2012*

Mr. KING of Iowa. Mr. Speaker, on rollcall No. 253 I was detained while attempting to reach the House Floor to cast my vote.

Had I been present, I would have voted "yes."

#### PERSONAL EXPLANATION

**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 18, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, on Thursday, May 17, I was unavoidably detained during several rollcall votes, numbers 259, 260, 261, and 262.

Had I been present, I would have voted “nay” on rollcall 259 and rollcall 260. The rule providing for consideration of H.R. 4310 denied the House the opportunity to consider a number of key issues of interest to members of the House and our constituents. In particular, the rule denied a vote on my amendment to restore important health and safety protections for workers and residents who live near nuclear weapons facilities that will be undermined by the underlying bill. The rule also did not allow for a vote on the amendment offered by Mr. MCGOVERN to accelerate the redeployment of our troops from Afghanistan that was supported by Armed Services Committee Ranking Democrat ADAM SMITH, Democratic Whip STENY HOYER, Republican Representative WALTER JONES, and others.

Had I been present, I would have voted “nay” on rollcall No. 261. I support H. Res. 568’s goal of preventing Iran from achieving a nuclear weapons capacity and am on record on numerous occasions supporting legislation to this effect. Yet I do not believe that this resolution is a sensible way to pursue that goal. President Obama has effectively utilized aggressive sanctions and has united the international community diplomatically, which has substantially increased pressure on Iran to agree to a deal to prevent continued uranium enrichment and allow international inspectors to verify that Iran’s nuclear program is not being used for military purposes. Congress should encourage that progress to continue but I am concerned that H. Res. 568 could disrupt the progress that is being made through negotiations and could bring the U.S. closer to war unnecessarily.

In addition, had I been present, I would have voted “aye” on rollcall No. 262.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

SPEECH OF

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 17, 2012*

The House in Committee of the Whole House on the state of the Union 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:

Mr. GINGREY of Georgia. Mr. Chair, I rise in strong support of amendment #45, offered by Mr. GOHMERT. This amendment clarifies that the Fiscal Year 2012 National Defense Authorization Act and the 2001 Authorization for Use of Military Force (AUMF) do not deny the writ of habeas corpus—or any Constitutional rights—to those detained in the United States under the AUMF who are entitled to such rights.

Mr. Chair, this amendment is necessary because while the intent in the FY ‘12 NDAA was not to allow for the indefinite detention of U.S. citizens without access to legal representation, some have misconstrued it as such. Simply put, this misunderstanding must end today. I support this amendment because I believe that providing for the safety and security of United States citizens is the paramount responsibility of the federal government. As we

continue to fight the Global War on Terror, we must provide the President, the intelligence community, and our troops with all of the tools necessary to carry out this duty. Clearly, we must do this within the framework of our Constitution, and make certain that the Constitutional rights provided for our citizens are not violated.

Mr. Chair, in order to guarantee our citizens’ Constitutional rights, I am further pleased that the text of H.R. 4388, the Right to Habeas Corpus Act—which was authored by Mr. RIGELL of Virginia and of which I am proud to be an original cosponsor—was included in the FY ‘13 NDAA. Article 1, section 9 of the Constitution states ‘The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.’ This legislation affirms that and goes on to state that “Nothing in the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall be construed to deny the availability of the writ of habeas corpus in a court ordained or established by or under Article III of the Constitution for any person who is detained in the United States pursuant to the Authorization for Use of Military Force.”

Mr. Chair, with the adoption of Mr. GOHMERT’s amendment and inclusion of Mr. RIGELL’s legislation, we are taking the steps necessary to ensure the protection of our citizens’ rights, while at the same time denying terrorists the same privileges.

Former Attorneys General Ed Meese and Mike Mukasey—as well as other high ranking national security officials from both the Reagan and Bush Administrations—requested in a May 9 letter to the Chairman of the House Armed Services Committee that “As the House begins consideration of the NDAA for Fiscal Year 2013, we urge you to ensure that attempts to exploit misconceptions about the NDAA are not successful in harming U.S. national security.” Clearly they are referencing the misunderstanding stemming from the FY ‘12 NDAA. They further wrote that “the FY ‘12 NDAA included an affirmation of the detention authority provided by the 2001 Authorization for Use of Military Force (AUMF). Given the President’s plan to withdraw U.S. combat forces from Afghanistan and the continuing threat posed by groups like al Qaeda in the Arabian Peninsula, this affirmation was a critical step in reinforcing the military’s legal authorities to combat terror.”

As it relates to the other end of the spectrum—providing terrorists the same rights as would be conferred to U.S. citizens, as would be the case if the amendment authored by Mr. SMITH and Mr. AMASH were to be adopted—their letter states that “. . . rewarding terrorists with greater rights for making it to the United States would actually incentivize them to come to our shores, or to recruit from within the United States, where they pose the greatest risk to the American people. Such a result is perverse.”

Mr. Chair, I am glad that because of our actions today, we are making clear the distinction between the rights provided our citizens and those provided to terrorists, while stating unequivocally that U.S. citizens will not be stripped of their habeas privileges.

I urge my colleagues to support Mr. GOHMERT’s amendment.

KYLE BEDFORD

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 18, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kyle Bedford for receiving the Arvada Wheat Ridge Service Ambassadors for Youth award. Kyle Bedford is a 11th grader at Pomona High and received this award because his determination and hard work have allowed him to overcome adversities.

The dedication demonstrated by Kyle Bedford is exemplary of the type of achievement that can be attained with hard work and perseverance. It is essential students at all levels strive to make the most of their education and develop a work ethic which will guide them for the rest of their lives.

I extend my deepest congratulations to Kyle Bedford for winning the Arvada Wheat Ridge Service Ambassadors for Youth award. I have no doubt he will exhibit the same dedication and character in all his future accomplishments.

## VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2012

SPEECH OF

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 16, 2012*

Ms. RICHARDSON. Madam Speaker, I rise in strong and unyielding opposition to H.R. 4970, “Violence Against Women Reauthorization Act of 2012.” I urge my colleagues to reject this legislation and appeal to the Republican leadership to bring to the floor the Senate version of this bill which passed with a substantial bipartisan majority. Every Democratic Senator and 15 Senate Republicans, including all of the Senate GOP women, voted for the bill.

H.R. 4970 reauthorizes the Violence Against Women Act (VAWA) for five years. It provides federal resources authorized by VAWA directly to organizations and programs that help prevent violent crime and protect victims of domestic violence and sexual assault. It consolidates grant programs and requires more audits and direct grant applicants to disclose their sources of federal funding. It also includes new benchmarks for visa applicants who are the victims of violent crime.

Madam Speaker, VAWA has never been a partisan issue until this Congress. Twice over the last 20 years, Democrats and Republicans have worked together to reauthorize VAWA and make necessary improvements. But just like on the Highway Bill, House Republicans are abandoning the bipartisan consensus that has always existed on VAWA reauthorizations. The bill rolls back important protections for immigrant victims that put them in a more vulnerable position than under current law by eliminating longstanding confidentiality of VAWA petitions for protection by allowing immigration officials to contact a battered woman’s abusive spouse, tipping off the abuser to the victim’s efforts to leave.

H.R. 4970 also makes it more difficult for undocumented witnesses to work with law enforcement officials, and eliminates a pathway