to continue the national emergency with respect to Burma and to maintain in force the sanctions that respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *May 17, 2012.*

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 661 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 661

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further 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. No further general debate shall be in order.

SEC. 2. (a) In lieu of the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–22. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived.

(b) No amendment to the amendment in the nature of a substitute made in order as original text shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

POINT OF ORDER

Mr. LARSON of Connecticut. Madam Speaker, I make a point of order against the consideration of the resolution. The resolution violates clause 9 of rule XXI by waiving that rule against consideration of amendment no. 1 by Mr. MCKEON.

The SPEAKER pro tempore. The gentleman from Connecticut makes a point of order that the resolution violates clause 9(c) of rule XXI.

Under clause 9(c) of rule XXI, the gentleman from Connecticut and the gentleman from Utah each will control 10 minutes of debate on the question of consideration.

Following the debate, the Chair will put the question of consideration as follows: ''Will the House now consider the resolution?''

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself such time as I may consume.

I rise to speak on behalf of so many families of our men and women in service who are in need of our help. I'm proud to be joined on the floor this afternoon by my dear friend and colleague, WALTER JONES.

I think, Madam Speaker, what we have here is just simply—as the line from ''Cool Hand Luke'' says—a failure to communicate. These things can happen. But I know that there are honorable people on both sides who are in agreement with the plight of what happens to the Kenyon family, that I have pictured here. I use this picture and rise on their behalf because these are constituents of mine who brought to my attention a concern that while men and women deployed in our armed services—and in this case, Sergeant Major William Kenyon, deployed twice while his daughter, Rachel, deals with autism.

Autism is near epidemic in this country, and for military families especially, when someone is abroad in the service of their country, it's hard enough when two parents are at home to deal with autism, but it's even more complicated when a father or mother is away from their child. And so we heard from thousands of family members across this Nation, and in the process we learned how important this was.

What they seek is applied behavior analysis, which, unfortunately for them, there's a cap that's placed on this. Imagine you're the mother at home. This loving mother, Rachel, with her daughter, Rachel Margaret, with caps imposed on them, can't afford or can't get the service.

This amendment is simple and straightforward and has been accepted by the committee. And what happened in the process—and this is why I say that there is miscommunication—is that when the agreed pay-for was asked to be modified, it indeed was, but there was a miscommunication between Rules and the committee.

I know in my heart that not only Mr. JONES, Mr. BISHOP, who is here, Mr. SESSIONS, who's part of the committee and the Caucus on Autism, and the number of like-minded people in both caucuses care deeply about these results.

As we approach Memorial Day, certainly we want the message to be to our men and women in the field that we will leave no soldier behind on the battlefield. We also have to know that we will leave no child behind at home.

This is a compelling case that the Kenyons make on behalf of all Americans—men and women who serve in our military—and one that has been underscored by my dear friend in his experience at Camp Lejeune.

I yield 1 minute to the gentleman from North Carolina, WALTER JONES.

Mr. JONES. I thank the gentleman from Connecticut.

I want to say to both parties, he is exactly right. I have Camp Lejeune Marine Base in my district. The last 4 years I've met two different times with Marine husbands and wives and their children with autism. It is a serious problem. And as Mr. LARSON has said, this was fixed, but somewhere along the way the communication breaks down, like it does too often here in Washington.

□ 1240

As Mr. LARSON said, let's try to fix this problem today. Let's get it in the base bill. Let's send it over to the Senate on behalf of all of our men and women in uniform and the families who have children with autism.

Please, God, let us fix this for those families.

Mr. LARSON of Connecticut. I thank my good friend, the gentleman from North Carolina, for his comments.

This is a pretty remarkable family. And about a month ago I was in New York City on the Intrepid where we heard from several military families, families in general that are dealing with the issue of autism. So many like-minded people in this caucus, and frankly in this Congress, understand the predicament that the Kenyons face.

Imagine, Sergeant Major Kenyon, having done two tours of duty in Afghanistan. I rise today on behalf of him and his daughter, who only ask of this Congress what I know everyone would like to deliver on. We can't let a miscommunication stand between their getting the relief that they and so many American families need.

I would hope, and I'm told through our process that because, as the resolution was read, that because Chairman MCKEON has en bloc capability, that we are able to work out something and have this amendment as it was intended, as it was agreed to in the process, and as the corrections were made that were asked of the majority so that it could be made in order and placed en bloc, that this may occur for this family and the thousands others that are like them.

I ask my colleague from Utah, a man of great distinction—and I don't know that he will use his 10 minutes or if we could enter into a colloquy—as to how we might proceed on this.

Mr. BISHOP of Utah. Is the gentleman yielding time to me?

Mr. LARSON of Connecticut. I will gladly yield time to the gentleman for a colloquy.

Mr. BISHOP of Utah. Would you like to start the colloquy, because I really don't have the best answer for you right now.

Mr. LARSON of Connecticut. I thank the gentleman.

It is my hope and understanding that this may not be a remedy that we can have through the Rules Committee, and rather than put the body through a series of votes, if we could work with the committee and the committee of cognizance, the Armed Services Committee, I know that Ranking Member SMITH is here and certainly will work with and strive to correct this anomaly that has occurred, and I believe that like-minded people on both sides of the aisle want to see this succeed.

Mr. BISHOP of Utah. What I suggest is if the gentleman would reserve the balance of his time, let me say what I have to say about this particular issue, and then we can proceed from that point, if that is okay.

Mr. LARSON of Connecticut. I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

There are a couple of different levels on which we need to respond. I have the utmost respect for the gentleman from Connecticut, as well as the gentleman from North Carolina, on this issue. I have a great deal of empathy on this issue. There is the technical approach about which this rule deals, as well as the potential of how we can actually solve the problem, and those are two different concepts. I think you alluded to that fact.

The first one, as to the specifics of this, and as I would then obviously claim the time in favor of the consideration of the resolution, the question before the House is: Should the House now consider House Resolution 661? And while the resolution waives all points of order against the amendment in the nature of a substitute and the amendment printed in the Rules Committee report, the committee is not aware of any points of order and the waivers are prophylactic in nature, which means Chairman MCKEON has filed an earmark statement regarding his manager's amendment and the statement we will read at some time in the future.

There is the ability, though, of obviously trying to find a solution to a problem that has developed, whether it is from miscommunication or not. From my position as managing this particular rule, I cannot commit to that. But I am aware, and I am sure that the committee is obviously recognizing the fact that we have multiple steps as we go forward. The Senate still has to produce a piece of work, and it has to go to a conference committee. At any of those steps along the way, there is the opportunity of trying to find a good solution to this particular issue. Though I cannot make a commitment on my part at this time, I think we can talk about that in the future.

And with that, Madam Speaker, I reserve the balance of my time and see if you want to go any further with this.

Mr. LARSON of Connecticut. I thank the gentleman from Utah. I know that he is a man of great integrity and respect, and I understand the dilemma that he is placed in in terms of the Rules Committee.

It is my understanding and hope, and we will work with the committee of cognizance because we do think, with so many people having signed on to this bill and so many people watching and knowing that there was good-faith agreements on all sides—and this is not about finger-pointing or blame. This is about helping these kids out. It's about helping these families out. I'm not here to obstruct the process, you're right. I raised the point of order so I would have an opportunity to talk about the Kenyons, not about the point of order. But that's the only tool that I had available to me, and I will continue to proceed down the road. And I know that I will be joined by Members on both sides, and hopefully we can have the will of the House be known and not rely on the Senate in the process of conference.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. When I was chairman of Government Reform and Oversight, we had hearings for about 2 years on the autism issue. And while I'm not going to speak on this particular motion, I would just like to say that it is a real tragedy that we are facing in this country. We used to have one in 10,000 people that were autistic—kids—and now it is 1 in 88. It is an absolute epidemic, and there's really not much of a recourse for the parents. These kids are going to live a normal life expectancy, and it's going to cost the taxpayers of this country and all the States a ton of money. And so we have to get a handle on this as quickly as possible.

So I appreciate the gentleman raising the issue. I'm not going to be able to support his position, but if I can work with you in any way to deal with this problem, I hope you'll contact me.

Mr. LARSON of Connecticut. I thank the gentleman, and I believe there will be a way if we can talk with Chairman MCKEON.

The SPEAKER pro tempore. The time of the gentleman from Connecticut has expired.

Mr. BISHOP of Utah. Madam Speaker, at this time, I am limited in the kinds of responses I have here. Once again, I appreciate the gentleman from Connecticut bringing this issue up. It is a significant issue. We have a great deal of empathy for this particular issue, and I'm sure that as we go along through the process of this bill, this issue and some others may be able to be worked out in other venues.

At this stage of the game, though, there are certain restrictions procedurally on what we can and cannot do with this particular issue. This issue, as I said, has had the statement by Chairman MCKEON as to the amendments. His statement was simply as follows:

The amendments to be offered by Representative MCKEON to H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 under rule XXI.

So with that, there are certain restrictions which we have to do procedurally to go forward with this particular piece of legislation, realizing there are other discussions that will take place before we come to a final conclusion. So in order to allow the House to continue its scheduled business for the day, I would urge Members to vote ''yes'' on the question of consideration of this resolution so that we can continue on with the 141 amendments that were made in order and then talk about procedurally how to do some others that may be coming down at some other time.

I yield back the balance of my time.

□ 1250

The SPEAKER pro tempore. All time for debate has expired.

The question is, Will the House now consider the resolution?

The question of consideration was decided in the affirmative.

A motion to reconsider was laid on the table.

PARLIAMENTARY INQUIRIES

Mr. MCGOVERN. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman from Massachusetts will state his inquiry.

Mr. MCGOVERN. Madam Speaker, how can I go about amending the resolution such that the amendment that I and Congressman WALTER JONES authored to H.R. 4310 regarding the war in Afghanistan could be made in order?

The SPEAKER pro tempore. At this point, an amendment to the resolution

could be offered by the gentleman from Utah or a Member to whom he yields for that purpose.

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the resolution be amended to include the McGovern-Jones-Smith-Paul amendment on Afghanistan.

The SPEAKER pro tempore. Does the gentleman from Utah yield for a unanimous consent request?

Mr. BISHOP of Utah. No.

Mr. MCGOVERN. Madam Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Is it true that the rule can be amended on the floor?

The SPEAKER pro tempore. At this point, only if the gentleman from Utah offers an amendment or yields to another Member for that purpose.

Mr. MCGOVERN. Further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Is it true that the gentleman from Utah could yield for the purpose of a unanimous consent request to amend the rule?

The SPEAKER pro tempore. That is correct.

Mr. MCGOVERN. Further parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MCGOVERN. Is it true that the gentleman is continuing to prevent the House from debating and voting on the McGovern-Jones amendment simply because the Republican leadership is afraid it will pass?

The SPEAKER pro tempore. The gentleman is not stating a proper parliamentary inquiry.

The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, this resolution provides for a structured rule for the consideration of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013, and provides for the consideration of specific amendments that have been made in order pursuant to the rule.

I'm actually pleased to stand before the House on this one, as well as the underlying base bill, which was approved in a rule yesterday and was debated on this floor. It signifies the hard work of the chairman of the House Armed Services Committee, Mr. MCKEON, as well as the ranking member, the gentleman from Washington State (Mr. SMITH), and the complex of wide-ranging bills that go to the floor for our consideration or issues.

One of the things that is so nice about this particular issue, bill, and the relationship of this committee is their tradition of working together across the aisle in a bipartisan manner. It was done again this year in committee. I certainly hope that that policy retains itself here on the floor as well.

Much has already been said regarding H.R. 4310. This particular rule now allows amendments to be considered to that.

Realizing that every one of the issues that we will be talking about was handled under regular order in a subcommittee hearing with a subcommittee mark, and then a full committee hearing—which lasted for over 2 days, going way into the early morning hours of the morning—we have now been requested, as the Rules Committee, to consider 240 additional amendments. At some point in the process we need to stop trying to reinvent the wheel at every level and go on with the work that moves us forward to a product. The Rules Committee, in an effort to try and be as open as possible, made in order 141 of the 240 requests. Of those 141, 49 were Republican, but 63 were Democrat amendments and 29 were bipartisan amendments.

It's going to be an open process. And it's going to be a process that will allow for a wide range of debate, some of which—and hopefully all of which—will in some way be directed to the purpose of this bill, which is to provide authorization for the military defense of this country and provide what our military shape will appear to be. There may be some efforts to try and go with other issues that are tangentially related but not directly to the core responsibility of this bill, which is to shape the future of our military. But it is a fair rule and it is a good rule, which makes lots of amendments in order and which makes lots of Democrat amendments in order and bipartisan amendments in order, with also a few Republican amendments in order as well.

With that, as I'm sure we'll have more time to discuss this rule, I reserve the balance of my time.

Mr. MCGOVERN. I thank the gentleman from Utah for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Madam Speaker, let me begin by commending the chairman of the House Armed Services Committee, Mr. MCKEON, and the ranking member, Mr. SMITH of Washington, for their hard work on this bill. As has been mentioned, these two gentlemen demonstrate that despite strong differences of opinion they can work together in a bipartisan manner, and that is to be commended. Unfortunately, Madam Speaker, the same cannot be said of the Rules Committee, and I strongly oppose this rule.

Last night, late at night, the Rules Committee made in order several amendments to the defense bill—we have a long list of them here—but many other amendments on important, substantive issues were denied an opportunity for debate. Among those was a bipartisan amendment on Afghanistan submitted by my Republican colleagues, Congressman WALTER JONES and RON PAUL, my Democratic colleague, the ranking member of the House Armed Services Committee, Congressman SMITH of Washington, and myself. In fact, the ranking member of the Armed Services Committee asked that an amendment he had on Afghanistan be withdrawn so that he could support the amendment that Mr. JONES and I brought before the Rules Committee.

In brief, it would have required the President to fulfill his commitments to transition all combat operations to Afghan authority no later than the end of 2013 and complete the transition of all military and security operations by the end of 2014. Anything beyond 2014 should be authorized by Congress.

The McGovern-Jones-Smith-Paul amendment would have replaced section 1216 in this bill, which retains at least 68,000 troops in Afghanistan until 2015, and then advocates a robust military presence beyond that date. Madam Speaker, that seems like an important issue that deserves a serious debate, but the Rules Committee said no. They refused to make our amendment in order. And why not, Madam Speaker? What is the Republican leadership afraid of? Are they afraid that a bipartisan majority of this House will vote to follow the will of the American people and change our Afghanistan policy?

Madam Speaker, we have been at war in Afghanistan since 2001. This is the longest war in American history. By the end of this year, we will have gone into debt to the tune of nearly $500 billion to finance the war in Afghanistan—all of it borrowed money, all of it on a national credit card; not a single penny of it paid for, and that includes the $88.5 billion in this bill.

Over 15,000 of our brave servicemen and -women have been wounded, and the death toll of our troops in Afghanistan has now reached 1,968. That number continues to grow as U.S. forces receive less cooperation from Pakistan and they are subject to increasing attacks from Afghan Government troops serving alongside them. And the death toll numbers do not include the soaring rates of suicide by our returning war veterans. But the Republican leadership of this House does not think we should debate an amendment that advocates a different approach. That is simply outrageous, Madam Speaker.

Every single one of us, every single one of us in this Chamber, is responsible for putting our brave servicemen and -women in harm's way, and to disallow an amendment, to disallow this kind of debate that would help change our policy, I think is outrageous.

I'm glad that the Rules Committee finally made in order the one Afghanistan amendment submitted by the gentlelady from California, Congresswoman BARBARA LEE. This amendment calls for the safe, orderly, and expeditious withdrawal of our forces from Afghanistan, and it will finally allow Members of this body to vote on whether it is time to bring all of our troops home right now from Afghanistan.

Last night, the chairman of the Rules Committee told me that I should be happy because they were making that one amendment on Afghanistan in order, and it was going to receive a whole 20 minutes of debate—20 minutes for a debate on the war in Afghanistan, just 10 minutes for those of us who have concerns about the war. Are we really supposed to be happy about that? Are the American people supposed to be happy about it?

Poll after poll reveals that a majority of Americans—Democrats, Independents, and Republicans alike—now support ending U.S. military operations in Afghanistan and bringing our servicemen and -women home. Winding the war down as quickly as possible is a bipartisan issue.

□ 1300

It has bipartisan support in this House, and it has been granted just 20 lousy minutes of debate.

Well, I'm not happy with that, Madam Speaker, and I can't imagine that any Member of this House thinks that 20 minutes is enough time to debate the life-and-death issues of the war in Afghanistan.

We spend 40 minutes in this House on bills naming post offices, 40 minutes on naming post offices, and that's fine. But the longest war in U.S. history only warrants half of that? Talk about misplaced priorities.

As the only amendment on the war in Afghanistan made in order, I urge my colleagues to vote in support of the Lee amendment. Otherwise, this bill calls for our uniformed men and women to remain in Afghanistan indefinitely, and my colleagues need to be clear on this. This is a bill that would mandate that our brave men and women in uniform stay there indefinitely.

The Rules Committee also denied Congressman GARAMENDI's amendment to strike the funding to construct an east coast Star Wars fantasy base. The defense bill provides $100 million in start up money for the east coast base, and to bring it into operation by 2015 will require another projected $5 billion.

Just last week, Army General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, said the site is not needed. The Pentagon doesn't want it, Madam Speaker. And I actually think $5 billion is lowballing the cost. A similar base on the west coast has now cost us upwards of $30 billion.

Why shouldn't we have such a debate on an expensive proposal like that? Or is all the Republican talk about cost-cutting and putting our fiscal house in order as big a fantasy as this silly Star Wars proposal?

And where are all these extra billions and billions of dollars coming from, Madam Speaker? Well, we know where it's coming from. We had that debate just last week. It's coming from programs to help hardworking families. It's coming from the safety net that keeps those families from falling into poverty, especially in these hard times. It's coming from programs that make sure seniors and the working poor can at least put food on the table and take their kids to a doctor when they're sick. SNAP, Medicaid, Meals on Wheels, Medicare, health care for women and children, education infrastructure—in short, it's taken from programs that are the very lifeblood of our cities, States, and our towns.

Madam Speaker, this bill costs $642.7 billion. But too many amendments to reduce some of the more outrageous costs in this bill were denied by the Republican Rules Committee. In real terms, defense spending is now more than 20 percent higher than the average Cold War budget and double the amount we were spending a decade ago.

Madam Speaker, we have, and we will continue to have, the greatest, strongest military on the face of this Earth. But at some point, national security means more than throwing billions of dollars at pie-in-the-sky Star Wars programs that will never actually materialize.

It means taking care of our own people. It means educating our children. It means an infrastructure that isn't crumbling around us. It means clean air and clean water and a health care system that works. It means creating jobs so that our local communities can thrive and our veterans from Iraq and Afghanistan can actually find decent work when they return home. These must be our priorities.

Madam Speaker, let me conclude by quoting President Dwight Eisenhower in a speech he made in 1953:

> Every gun that is made, every warship launched, every rocket fired signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed.

His words resonate with us today. Unfortunately, the Republican leadership of this House refuses to heed them.

I urge my colleagues, especially those who are concerned about this war in Afghanistan, vote this rule down. This is an unfair, unfair rule. It doesn't deserve to go forward. We ought to have a real debate on Afghanistan, and I hope my colleagues on both sides of the aisle will stand with me.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, as we discuss the amendments that we've made to a bill whose purpose is to shape the future of our services and how they will function, not necessarily every kind of tangential issue, I would like to yield as much time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the full Rules Committee.

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

Mr. DREIER. Madam Speaker, let me begin by thanking my friend for his superb management of this very important rule.

I'm happy to see my very good friend and very thoughtful colleague from Washington, the distinguished ranking member of the Committee on Armed Services, here; and I know Mr. MCKEON and his team have been here as well. And I want to extend appreciation to them for their hard work in putting together a bipartisan package which will deal with what I argue is the one thing that only the Federal Government can do.

Mr. SMITH and I had an exchange in the Rules Committee on this. There are many things that the Federal Government does that are very good. There are many things that the Federal Government does that are important. I argue that most of the things that the Federal Government does can, not necessarily that they must, but can be handled by other levels of government or individuals, or charitable organizations or a wide range of things. But when it comes to our Nation's security, only the Federal Government has the ability and the responsibility to deal with that.

I argue that if you look at the preamble of the Constitution, the five most important words are right smack dab in the middle. They are ''provide for the common defense.'' And that's exactly what we are doing with this effort.

Again, I believe that we have put together a rule that is not perfect. I'll acknowledge that it's not perfect; but I do want to express my appreciation to my friend from Worcester, the floor manager on the minority side for this rule, in acknowledging that we have made in order an amendment that will allow for a debate on this issue, the amendment of my California colleague, BARBARA LEE, and he's encouraging support for that amendment.

I understand that he's disappointed that his amendment was not made in order. But, Madam Speaker, it's important to note that we had 243 amendments submitted to the Rules Committee for consideration of the Defense authorization bill, and we had the challenge of trying to put together, which happens under both Democrats and Republicans, putting together a rule that will allow for a free-flowing debate and an opportunity for Members to cast up-or-down votes on the issues that relate to the Defense authorization bill.

And we have done just that: 142 of the 243 amendments have been made in order; 66 percent, 66 percent of the amendments that have been made in order have been offered by Democrats or in a bipartisan way. And so the notion of saying somehow that the majority is not allowing for debate on any issue, including Afghanistan, is a mischaracterization of what this rule does.

I will say that my friend is absolutely right: this has been an extraordinarily long war, the longest war we've faced. It's a war that's ongoing. It's a war against radical extremism. We all know that.

People ask, What is it that is our mission in Afghanistan regularly? And I think that as we point out what that is, to me it's obvious. It's ensuring that neither the Taliban nor al Qaeda are in a position to pose a threat to the United States of America and our interests and peace-loving people around the world. That's what we are trying to accomplish.

We all know what happened at the end of the 1980s when we saw the demise of the Soviet Union and we saw, obviously, an effort in the early part of the first half of the 1990s, we saw the Taliban reemerge, and we saw threats that existed from an al Qaeda to all parts of the world: Dar es Salaam, Tanzania; Nairobi, Kenya; the World Trade Center attack in 1993. We can go through the litany of these attacks.

We have, as a goal, ensuring that the kinds of threats that we faced never, ever happen again. That's why it is that we're there.

Now, has it worked out perfectly? Absolutely not. And we know that we have a Nation that is war weary. I, Madam Speaker, am war weary. I want to bring our men and women home. But at the same time, I understand why it is that we are there; and I think, working in a bipartisan way, we can get where we all ultimately want to be because we do share the goal of a stable, safe, free, peaceful world. That's the reason that we, as a Nation, have stood firmly committed to our Nation's defense capability.

And so, Madam Speaker, I'd just like to say that this is a rule that is not perfect, doesn't make everyone happy; but it will allow, today and tomorrow, for us to have a free-flowing debate, move ahead with this constitutionally very important issue of providing for our common defense.

With that, I urge my colleagues to support it.

Mr. MCGOVERN. Madam Speaker, at this time I yield 3 minutes to the gentleman from Washington (Mr. SMITH), the ranking member of the Armed Services Committee.

(Mr. SMITH of Washington asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Washington. Madam Speaker, I can't recall in 16 years in Congress ever speaking against a rule. By and large, I have a great deal of respect for the fact that the majority has the right to set the terms of debate. I understand that we cannot endlessly debate every issue. You have to set a certain amount of parameters on it and move forward.

□ 1310

But this rule goes so against the principles of how we are supposed to debate the Armed Services bill—and I've been privileged to be on that committee for 16 years—that I have to speak against this rule. It is not allowing us to have our position on the single most important issue that faces our country right now on the Armed Services Committee—the future of the war in Afghanistan. It is not allowing us to have our position debated and voted on on the floor.

Now, I had an amendment on Afghanistan in the committee, which was not allowed either because of sequential referral rules. The committee gets all kinds of interesting sets of rules; and even though the base bill had a discussion of Afghanistan policy, my amendment was not allowed. So we said, okay, we'll have the debate on the floor. I worked with Mr. MCGOVERN, and I worked with a variety of others. I very specifically told the Rules Committee that this is our amendment on Afghanistan, and it was not allowed in order. The amendment that was allowed in order by Ms. LEE simply says: get out. There is a huge distance between that policy and the policy of the majority, which is: as many troops for as long as possible. That is the position that Mr. MCGOVERN and I put forward. I asked the Rules Committee to rule it in order, and they denied us the right to debate that amendment and to vote on it.

It is the single most important issue facing our Armed Forces right now. The minority's position was excluded from this debate. Now, I can understand why. Close to 70 percent of the country wants us out of Afghanistan quicker. The majority's position is: more troops in Afghanistan for a longer period of time. Our position is quite the opposite: get us out as soon as we responsibly can; meet those obligations on counterterrorism, but do so without an extended troop presence. Our position is clearly where the country is. The majority didn't want to have to vote on that. It didn't want to have to have that debate, so they froze out our amendment.

There are a lot of debates that when you're in the majority you'd just as soon not have. I understand that, but that's why it's a representative democracy, and that's why we have the rights of the minority. That's why, particularly on the Armed Services bill, I tell everyone that it's the most bipartisan committee in Congress.

Let me just say that my beef is not with Chairman MCKEON. He has worked with me in an open and honest manner, and he testified at the Rules Committee that my amendment should be ruled in order, and yet it was not.

This is a critically, critically important issue. They have denied us the right to debate it. They have denied us the right to put our position out on the floor, to have a debate, and to have a vote on the war in Afghanistan, on the Armed Services bill. There is no more important issue. They were afraid of the debate—afraid that they're on the wrong side of the issue—so they denied the people's House the right to debate it and to vote on it.

I can think of no greater reason to vote down a rule than that. It is a shameful way to deal with the Armed Services Committee bill. I urge this body to vote ''no.''

Mr. BISHOP of Utah. Madam Speaker, at some point, I will make some comments as to the history of what we are trying to do, but I would like to get a few of the other issues before us—which are amendments—covered before we collapse into what appears to be the direction in which we are going.

Because of that, I would like to yield 3 minutes to one of the members of the Armed Services Committee, who, indeed, is the chairman of one of the subcommittees and who does yeoman's work, especially with our missile defense system, the gentleman from Ohio (Mr. TURNER).

Mr. TURNER of Ohio. I want to thank Mr. BISHOP for his leadership on this and on the issues of our national security.

I am here today to speak in support of this year's National Defense Authorization Act and this rule. This bill is a reflection of the committee's aim to both support the defense of our Nation and of our men and women in uniform. Two provisions in this bill are of particular interest to me. One relates to the prevention of sexual assault in the military, and the other pertains to protecting the child custody rights of our deployed servicemembers.

As the chairman of the Military Personnel Subcommittee, JOE WILSON has been a steadfast advocate for these issues. His commitment is reflected in this year's bill and in many more preceding it. I would also like to thank his professional staff, John Chapla and Jeanette James, who have both been instrumental in this legislation.

This year's bill contains several provisions that aim to improve military culture and climate as it relates to sexual assault. Included are provisions that require the disposition of sexual assault cases at a higher level authority than is currently required. It also requires the creation of special-victims units that specialize in the investigation of sexual assault cases. A sexual assault advisory council will be created, which will bring in experts to advise the Department of Defense and their Sexual Assault and Prevention Office on sexual assault policy. These provisions build upon the years of bipartisan committee work.

Today's military has sustained the longest war in our country's history and has done so with an all-volunteer

force. Both men and women have left their families and children at home and have sacrificed their lives for our country in order to make the world a better and safer place. Yet many of these same servicemembers face the terror of sexual assault within their own ranks.

To combat this problem, we included a provision in a past National Defense Authorization Act to establish a sexual assault prevention office and to make victim advocates more accessible to our men and women who are affected by this terrible crime;

We made communications between victims and advocates privileged. In the past, these conversations could be used against them in court;

We mandated that the SAPRO director have the rank of a general officer in order to maintain the level of authority necessary to carry out the responsibilities inherent to the position;

We instituted a law requiring that military protective orders be made standing orders and that civilian authorities be notified when a military protective order is issued and affects off-base personnel;

Lastly, we have worked with the Department of Defense to create a policy that requires a general officer review of any denial of base transfer to victims of sexual assault.

It is our intent that these news laws empower sexual assault victims and make the armed services a safer place for all who serve. I want to thank Mary Lauterbach, from my community, who lost her daughter—murdered by a fellow marine after she made a sexual assault allegation.

Another issue is of child custody. Servicemembers risk their lives in support of contingency operations to keep our Nation safe. State courts should not be allowed to use a servicemember's prior deployments or the possibility of future deployments when making child custody determinations. The provision in this bill will amend the Servicemembers Civil Relief Act and protect servicemembers against this injustice by providing national uniform standards. State laws differ on the question of whether deployment or the potential for deployment can be used as a criterion by courts, and many States have no laws at all.

I encourage the passage and support of this, and I thank JOE WILSON for the inclusion of these two important provisions.

Mr. MCGOVERN. Madam Speaker, I am proud to yield 3 minutes to my Republican colleague, the gentleman from North Carolina (Mr. JONES).

Mr. JONES. Madam Speaker, I thank the gentleman from Massachusetts.

I want to start my comments with his close. As he closed with the quoting of President Eisenhower, I would like to begin my comments by quoting President Eisenhower. When he was leaving office, he said, ''Beware the industrial military complex.''

Madam Speaker, it doesn't make any sense when our kids are dying or losing their legs that we're going to have a 20-minute debate on Afghanistan. We ought to be having a full day of debate on Afghanistan, quite frankly. We've spent $1.3 trillion in Iraq and in Afghanistan. Over 6,400 Americans have died. That's why I rise with my friend Mr. MCGOVERN.

I will tell you that I will vote against the rule today because it denies the American people a full debate on why our young men and women are dying for a corrupt leader named Karzai. Madam Speaker, we can't even audit the books in Afghanistan. I think about the fact of those marines I saw recently at Walter Reed over in Bethesda. Two had lost both legs. They're from my district, Camp Lejeune. One was a lance corporal who lost one leg.

He said to me, Congressman, why are we still in Afghanistan? I said, Sir, I don't know. With friends from both sides, I'm trying to get you out of Afghanistan.

But, no, we're going to stay there because we won't even take the time to debate Afghanistan on this bill. It doesn't make any sense.

I took the McGovern amendment, and I sent it to my adviser, who is a former commandant of the Marine Corps.

I said to him, Mr. Commandant, what do you think about this approach by Mr. MCGOVERN and myself? He emailed me back and said, You're on track. Bring it up and debate it in the House.

And we can't even do that.

Let me quote a Special Operations officer in Afghanistan today—today. He emailed this to me yesterday:

If you ask me if it's worth one American life to build governance here in Afghanistan, I would say ''no.''

They're on the ground, Madam Speaker. They're on the ground and are fighting for this country. This week, we lost seven American lives in Afghanistan. We owe it to them to at least debate a realistic future course for the war. What we are doing today and tonight and tomorrow is not realistic because there are those in this House of Representatives, for whatever reason, who want to stay there 15 years and 20 years. That's why we today owe it to the men and women in uniform, to the families who have kids who have died and, really, more so, Madam Speaker, to the kids who came back with their legs gone.

□ 1320

I've seen five kids at Walter Reed that have no body parts below their waist, and they're living and they will live.

We owe it to the American people to debate the future course in Afghanistan, and I'm sorry that many on my own side will not allow this amendment to get to the floor so we can have an honest debate and we can say to the American people we care about your $10 billion, we care about your sons and daughters, and it's time to stop sending them to give their life for nothing in Afghanistan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 2½ minutes to the gentleman from Missouri (Mr. GRAVES).

Mr. GRAVES of Missouri. Madam Speaker, I rise in support of the rule, House Resolution 661, which allows for full and fair debate on the National Defense Authorization Act.

Given that the Federal Government spends over half a trillion dollars each year through contracts, the Federal procurement market is incredibly important to small businesses. Improving small business opportunities for Federal contractors is a triple play. Small businesses win more contracts, workers win more jobs, and taxpayers win because small businesses bring competition, innovation, and lower prices to save the government money.

H.R. 4310 ensures that small businesses have greater opportunities to compete. It increases the small business goal from 23 percent to 25 percent, which could mean up to $11 billion in new small business contracts. It improves the quality of the Federal contracting workforce. It cracks down on deceptive entities hiding behind small businesses, making it easier to catch fraud and abuse. It simplifies the rules for small businesses, and it addresses the top complaint I hear more than anything else, which is unjustifiable contract bundling.

These reforms reflect the work of the Small Business Committee, which held 10 hearings and two markups on these issues, and the Armed Services Committee's own efforts to do better by small contractors. Over 20 trade associations have offered their support to the changes.

I want to thank Chairman MCKEON, Ranking Member SMITH, Mr. SHUSTER, Mr. LARSON and their staffs for the assistance of bringing these provisions to the floor.

While the House is seeking ways to expand opportunities for small businesses, the administration issued a statement opposing the bill's modest increase in small business goals in the bill's bundling provisions that make it easier for small businesses to compete.

Ironically, this opposition came the same day that the administration issued a report seeking ways to move America's small businesses forward. The best way to move small business forward is to give them opportunities to succeed. Supporting this significant legislation will create jobs, save taxpayer dollars, and put small businesses back to work.

I urge my colleagues to support this rule and the pro-jobs, pro-competition, and commonsense reforms in this bill.

Mr. MCGOVERN. Madam Speaker, at this time, it is my privilege to yield 4

minutes to the gentleman from Maryland, the Democratic whip, Mr. HOYER.

Mr. HOYER. I thank my friend from Massachusetts for yielding, the acting ranking member of the Rules Committee right now, who is a distinguished Member of this body.

I rise in deep disappointment at the treatment he was accorded last night. It was unworthy of this body, unworthy of the Rules Committee, and unworthy of the character and integrity of the gentleman from Massachusetts. I am pleased that there has been an apology for that, but I did not want it to go unmentioned. This body is better than that; although, at times, it is not. We ought to all lament the fact when it is not.

Madam Speaker, the rule to consider this bill is not only unfair but inconsistent with the majority's stated goal of having an open process. I will quote the Speaker in just a couple of minutes.

My friend from Massachusetts (Mr. MCGOVERN) has put forward a bipartisan amendment—and I want to commend the gentleman from North Carolina, my Republican colleague, and I hope all Americans, Madam Speaker, notice the courage and conviction that the gentleman from North Carolina (Mr. JONES) has. He was sponsoring an amendment with the gentleman from Massachusetts, and they don't always agree. But as the gentleman from North Carolina said: There is no more important issue that confronts a country than sending its young men and women in harm's way at the point of the spear.

Yes, it is to defeat terrorism and to keep America safe, but the decision to do that and the ongoing discussion, particularly after a decade, is certainly something the American people would expect, a full-blown debate and airing of our continuing to keep our young people and not-so-young people in harm's way. It is certainly germane to this bill as it concerns our military operations in Afghanistan.

Mr. MCGOVERN's amendment and Mr. JONES' amendment would reaffirm the strategy laid out by the President and agreed to by the Afghan President to transition security responsibility to Afghan forces so our troops can come home.

Today, Al Qaeda has been forced out of Afghanistan and the Taliban is severely weakened, objectives that I supported. Afghan forces are taking responsibility for more and more of their country's security, and we're making strong gains thanks to the hard work and sacrifice of our troops whom we honor.

With tens of thousands of Americans still deployed in combat, one of our highest priorities in this year's Defense authorization act must be to make sure they have a strategy to complete their mission and return home safely. We owe that to them. We owe that to their parents, their wives, their brothers, their sisters, their nieces, their nephews, and to all their neighbors.

Our men and women in uniform have performed everything asked of them with courage, distinction, and professionalism. We've asked many of them to return for tour of duty after tour of duty to one of the world's most deadly war zones, and we owe it to all of them to have a carefully conceived strategy. Mr. MCGOVERN's amendment would not tie the President's hands and would help place us in the strongest possible position to combat terrorism around the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. HOYER. I understand that everybody may not agree on Mr. MCGOVERN's formulation, but that's what this body is for: to debate these issues of great importance to the people and resolve them in a democratic way.

I'm sorely disappointed that this amendment was not made in order. If it had, I would have voted for it.

In September, Speaker BOEHNER, himself, said something significant. Madam Speaker, it's important what the Speaker said, and I agree with what the Speaker said. He said this:

> I have no fear in allowing the House to work its will . . . I've long believed in it, and I continue to believe in it.

Madam Speaker, the actions of the Rules Committee last night were inconsistent with that conviction. Let the House work its will. Let's have a vote on this amendment. Let us send a message to our troops that we have an exit strategy in Afghanistan, that we'll see them safely home with their mission accomplished.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MCGOVERN. I yield the gentleman an additional 10 seconds.

Mr. HOYER. I want to thank Representative MCGOVERN for his leadership on this issue, commend Ranking Member ADAM SMITH of the Armed Services Committee for his work on this amendment, and I congratulate Mr. JONES for his courage and for his vision.

While you may disagree, you ought not to shut down alternative opinions.

□ 1330

Mr. BISHOP of Utah. I yield myself 2 minutes at this time.

I am somewhat perplexed at the idea that what is happening here is not being fair, according to the standards that we've had in the past. This particular rule makes 141 amendments—two-thirds of them Democrat or bipartisan amendments—in order. Last year, the rule made 152 amendments in order. Yet when the other party was in control of this body, on this same bill, they made in order 82, 69, 58, and 50 in each of the 4 years in which they were in control. The idea of tripling the number of bills that are being made in order to be debated on this floor has to be considered as one of those things that's fair.

The issue that supposedly is not allowed—even though it will be debated because there is an amendment, and it will be part of the discussion here—was not totally ignored. In fact, some of the statements that have been made on how we're not talking about this at all—it was addressed in the committee as well. And the committee voted on a bipartisan vote of 56–5.

But this is where I have some difficulty because all I can do is know what I'm reading. And in section 1216 of the bill, it clearly says the United States military should not maintain an indefinite combat mission in Afghanistan and should transition toward a counterterrorism and advise and assist mission at the earliest practical date consistent with conditions on the ground. It's what the committee went through. They talked about it. It was part of the discussion.

It can be part of the discussion in alternative bills other than this particular one, which we have to have if, indeed, you want to fund the military and pay their salaries and pay their health care and provide the shape of the future military. That's what the purpose of this bill is. To say that we are denying any kind of access just does not meet with the reality of what is in the base and what has been done and what will be done in other particular venues.

I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, it's my pleasure to yield 1 minute to the gentleman from California (Mr. MILLER).

(Mr. GEORGE MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. GEORGE MILLER of California. I rise in opposition to the bill and to the underlying rule.

To put it simply in the minute that I have, this bill needlessly puts in jeopardy the health and safety of workers and residents who live near nuclear weapons facilities. Congressman VISCLOSKY, Congresswoman SÁNCHEZ, and I offered an amendment to fix these dangerous flaws. But today's rule will not allow that amendment onto the floor.

Our amendment recognized that these facilities pose unique challenges when it comes to health and safety. They are ultrahazardous. They make plutonium pits, handle bomb-grade uranium, and manage high explosives. If the worst were to happen, the American taxpayer is on the hook for any nuclear event, even if the contractor that operates the facility engages in gross misconduct. To protect workers, residents, and taxpayers, we need to ask that contractors live up to the highest standards of safety. This legislation does not do that.

I want to commend the gentleman from Massachusetts (Mr. MCGOVERN) for trying to get this amendment made in order in the Rules Committee. It's an important amendment. We're hearing from workers in these facilities all

across the country that we're removing a critical margin of safety for them, that we're turning this over to contractors and lessening the safety standards across these plants and removing the jurisdiction of the Secretary of Energy. This bill should be rejected for what it does to these workers.

These are some groups submitting letters opposing changes to nuclear safety protections in H.R. 4310:

1. Defense Nuclear Facilities Safety Board
2. Alliance of Nuclear Worker Advocacy Groups
3. Alliance for Nuclear Accountability
4. Building and Construction Trades Department, AFL–CIO
5. Metal Trades Department, AFL–CIO
6. United Steelworkers
7. Laborers International Union of North America
8. Communications Workers of America
9. National Treasury Employees Union
10. Project on Government Oversight

DEFENSE NUCLEAR FACILITIES SAFETY BOARD,
Washington, DC, May 7, 2012.

Hon. LORETTA SANCHEZ,
Ranking Member, Subcommittee on Strategic Forces, Committee on Armed Services, House of Representatives, Rayburn House Office Bldg., Washington, DC.

DEAR CONGRESSWOMAN SANCHEZ: Thank you for the opportunity to provide input and comments on HR4310, the FY 2013 National Defense Authorization bill, particularly with regard to the sections in Title 32 that affect nuclear safety, and the Board's oversight mission, operations and budget capacity. I'm convinced that the legislation, if enacted, will weaken current independent nuclear safety oversight and enforcement at DOE's defense nuclear facilities. I have spent my entire career spanning more than 40 years supporting the national security programs of the United States. Nothing would sadden me more than seeing that mission compromised by threats to public and worker safety resulting from lapses in safety.

As you know, I presently serve as Chairman of the Defense Nuclear Facilities Safety Board (Board), having been appointed by President Bush to the Board in 2006 and later reappointed as its Chairman by President Obama in 2010. I have 43 years of experience as a scientist and engineer in the field of radiation effects science, technology, and hardness assurance in support of military and space systems. I was elected a Fellow of the Institute of Electrical and Electronic Engineers and the American Physical Society, and was selected as one of the most highly cited researchers in Engineering by the Institute for Scientific Information, which lists the 250 most highly cited researchers in the world in given scientific fields. I have been honored with the 2000 IEEE Millennium Medal, IEEE Nuclear & Plasma Sciences Merit and Shea Award, R&D 100 Awards, Industry Week's Top 25 Technologies of Year, and Discover Award, and many prize-winning papers. I have authored 140 publications in the open refereed literature, including more than 30 invited papers, book chapters, and presentations.

The Board provides the only independent safety oversight at DOE's defense nuclear facilities. As Chairman of the Board I am proud of the safety record of the DOE and the role that the Board has played over the last 23 years. There is no question that the defense nuclear facilities complex is in a safer posture now than when the Board commenced operations in the late 1980's. However, we cannot ignore the current and emerging challenges that will define the future of DOE's defense nuclear facilities, the need for federal stewardship of this enterprise, and the federal commitment to protect the health and safety of the workers and the public. Today's challenges of aged infrastructure, design and construction of new and replacement facilities, and the undertaking of a wide variety of new activities in defense nuclear facilities coupled with ongoing mission support activities require continued vigilance in safety oversight to assure public and worker protection. A nuclear safety incident cannot be tolerated and would do irreparable harm to the stockpile stewardship and legacy waste missions of the Department of Energy.

This legislation contains significant changes to the National Nuclear Security Administration (NNSA) Act and the Board's Enabling Statute that would put NNSA and DOE's national security mission in jeopardy. The proposed changes, if enacted, would amount to Congress concluding that NNSA does not need independent safety oversight. It would all but erase the Board's independence and authority with respect to safety oversight of NNSA defense nuclear facilities and activities. Changes to the Atomic Energy Act would lower the standard used to ensure adequate protection of public safety. The legislation endorses a strong shift toward contractor self-regulation, which is not justified based on the present maturity of contractor assurance systems but, even more importantly, neuters the inherent responsibility of the government to ensure public and worker safety. This responsibility cannot be delegated by NNSA to its contractors. Finally, the President's ability to direct NNSA's operations through the Secretary of Energy would also be much reduced. Let me address a few of these concerns in more detail.

Section 3113 of the bill gives the NNSA Administrator complete authority to establish and conduct oversight of NNSA activities outside of that already established by the Secretary of Energy. The Administrator develops a system of governance, management, and oversight, of covered contractors and ensures that any and all Federal Agencies comply with this system. Clearly, this vacates the notion of independent oversight, which should be of grave concern to the Congress. Other agencies that presently provide oversight include the Board, Nuclear Regulatory Commission (NRC), Environmental Protection Agency, Department of Transportation, and the Occupational and Safety Health Agency (OSHA). Some examples of undesirable consequences of the proposed language include:

The Board will be unable to provide effective safety oversight.

The NRC will be precluded from conducting license-related oversight activities associated with operation of the MOX facility.

NNSA itself will be precluded from conducting Operational Readiness Reviews, Integrated Safety Management System Verifications, and Nuclear Explosive Safety Studies.

Section 3113 of the Bill further directs the NNSA Administrator to ''conduct oversight based on outcomes and performance-based standards rather than transactional oversight.'' I am convinced this model is inappropriate for oversight of complex, high-hazard nuclear operations at defense nuclear facilities. NNSA defines ''transactional oversight'' as activities that assess contractor performance through evaluating contractor activities at the work, task, or facility level; direct interaction with personnel at any level within the contractor organization; and direct independent Federal staff evaluation of activities, physical conditions, and contractor documentation. [NA–1 SD 226.1A, NNSA Line Oversight and Contractor Assurance System Supplemental Directive] Clearly, transactional oversight is essential at the Pantex Plant where nuclear weapons are assembled, disassembled, and undergo surveillance. It is also essential for plutonium operations at the Los Alamos Plutonium Facility, highly-enriched uranium operations at the Y–12 National Security Complex, and for complex, high-hazard nuclear operations at the Nevada National Security Site, Lawrence Livermore National Laboratory, and Sandia National Laboratories. For these activities, anything other than transactional oversight is irresponsible and will jeopardize the NNSA mission. The government cannot delegate its responsibility to ensure public and worker safety to its contractors.

I think it is important to understand that a system based on ''outcomes'' is inappropriate in safety space. The Nuclear Regulatory Commission uses performance-based regulation to improve effectiveness and efficiency, but not where failure to meet a performance criterion can result in an immediate safety concern. For safety, a system of ''leading indicators'' to prevent accidents is required. For complex, high-hazard nuclear operations, a performance-based outcome approach may appear successful on the surface, but underlying weaknesses in processes can eventually lead to serious accidents and unwanted results. A significant body of information on this subject is available in both the commercial and academic sectors; it was also explored in the series of public meetings and hearings that led to issuance of the Board's Recommendation 2004–1, Oversight of Complex, High-Hazard Nuclear Operations.

The Board has devoted considerable resources in the past few years to understand activity-level work planning and control. We have teamed with the Department and NNSA to understand the challenges of writing and implementing procedures that account for hazards in the workplace and the controls necessary to mitigate those hazards. There are many challenges to implementing those procedures that must account for a wide range of human factors. The inescapable conclusion is that the key to worker safety is the ability to faithfully and repeatedly execute procedures. A procedure is only the starting point. A system of transactional oversight is the only way to ensure the safe execution of work through the effective implementation of procedures.

I believe one of the contributing factors that lead the House Armed Services Strategic Forces Subcommittee to propose this legislation was a basic misunderstanding of the testimony it received at the its February 16, 2012 hearing on ''Governance, Oversight, and Management of the Nuclear Security Enterprise.'' At that hearing, Dr. Shank, Co-Chair of the Committee to Review the Quality of the Management and of the Science and Engineering Research at the Department of Energy's National Security Laboratories, testified about the scope of this review and its conclusions. One concern and associated conclusion is embodied in this legislation, i.e., the need to ''conduct oversight based on outcomes and performance-based standards rather than transactional oversight.'' However, when the Board subsequently met with Dr. Shank, it became clear that his review committee did not look at defense nuclear facilities at any of the laboratories. Dr. Shank explained that the committee focused on management of science, not safety, and not production facilities. The review was focused on the need for the laboratories to do research more efficiently and effectively, and improve morale at the laboratories. The

committee did not review complex, high-hazard nuclear operations or any high-consequence operations. In my opinion, this testimony should not be used as the basis to argue against the need for independent oversight or eliminate transactional oversight at defense nuclear facilities.

For the record, the Board's staff asked about the significance of Appendix 3 to the Committee's report, ''Review of Relevant Studies and Reports 1995–2010.'' Appendix 3 is the only part of the report that discusses the Board. Dr. Shank characterized Appendix 3 as an add-on and not part of the report. The Board's staff followed up with Mr. Shaw, Project Director, on April 20, 2012, to understand this distinction. Mr. Shaw explained that he and his staff of research assistants prepared Appendix 3 as background material for the committee. The appendices are a compilation of lines of inquiry or questions that the Committee members raised as the study progressed, and items for which Mr. Shaw and his staff thought they needed to provide more background information to the Committee members to understand what had been presented. He informed the Board's staff that, to comply with the Federal Advisory Committee Act, that information along withal! other such material provided to the committee were included as appendices to the report. However, he reiterated that they should not be viewed as the work of the committee or representative of the Committee's conclusions.

The proposed legislation requires the Board and NNSA to use a new health and safety standard. More specifically, Sections 3115 and 3202 of the legislation establish a new lower standard for protection of the public in proximity to DOE's defense nuclear facilities. (As discussed below, Section 3202 of the bill deals with ''Improvements to the Defense Nuclear Facilities Safety Board.'') The new standard ''ensures that risks to . . . the health and safety of the general public . . . are as low as practicable and that adequate protection is provided.'' (Please note that in Section 3115 the risks are ''as low as practical,'' while in Section 3202 the risks are as low as reasonably practical.'') This standard lowers the protections presently provided to the public by the NRC for commercial nuclear power and by the Board in making recommendations to the Secretary of Energy, which is to ''ensure adequate protection of the public.'' The legislation proposes the Secretary or Administrator can perform a cost-benefit analysis to determine the need to provide adequate protection of the public. The Atomic Energy Act of 1954, as amended, has always been clear that the Secretary must provide adequate protection to the public and that cost is not an element of adequate protection. However, cost can be considered in determining the need for safety margin or defense in depth, i.e., additional protections beyond the need for adequate protection. The application of the ''as low as [reasonably] practicable'' standard is unclear. It has been used in British and European law as a modified cost-benefit analysis, but has no standing in U.S. law. It is also unclear why the public safety should be subjected to considerations by the Secretary or Administrator of whether risks are as low as [reasonably] practical.

The Board provides the only independent safety oversight at DOE's defense nuclear facilities. In addition, the Board has unique responsibilities under its statute to address ''severe or imminent'' threats to the public. I would now like to comment on Section 3202 of the bill: ''Improvements to the Defense Nuclear Facilities Safety Board.'' Let me say categorically that these are not improvements. I believe these provisions in the bill arise from a total misunderstanding of the operation of the Board. I feel strongly that these ''improvements'' to the Board's Enabling Statute will degrade nuclear safety at DOE's defense nuclear facilities. Let me once again detail my concerns.

To begin with, the Board is a collegial body composed of five members appointed by the President and confirmed by the Senate who are respected experts in the field of nuclear safety. Since the Board's inception nearly 23 years ago, every Board letter or recommendation has been voted on and approved by each and every Board Member. Those familiar with the scientific discipline will readily understand that this involves a great deal of respect and camaraderie among the Board members to enable them to unravel complex technical issues and forcefully act on safety concerns. One aspect of these bill's improvements is to allow Board members ''to employ at least one technical advisor.'' This is unnecessary on two counts. The first is that Board members have full access to all the Board's staff. Board members already have 80 technical advisors. The second is that Board members are technical experts who are able to independently weigh technical evidence and make decisions important to safety at DOE's defense nuclear facilities. A system of advisors will simply place an unnecessary burden on Board resources and create dissension.

A provision in Section 3202 requires that all Board members ''have full, simultaneous access to all information relating to the performance of the Board's functions, powers and mission.'' This provision is simply unworkable and argues against the public interest and trust. For example, the Technical Director must inform the Board Chairman about a serious accident at a defense nuclear facility, even if other Board members are not immediately available. The Board always strives to share all available information with all Board members. The Board members are always collectively briefed by DOE and Board staff, but Board members sometimes have conflicting schedules and aren't available for the ''simultaneous'' exchange of information . The origins of this provision suggest a serious lack of knowledge about the operation of the Board.

Under this legislation, the Board ''shall consider and specifically assess the technical and economic feasibility, the cost and benefits, and the practicability of implementing [its Recommendations].'' Under its existing statute, the Board must consider the technical and economic feasibility of implementing its recommended measures. The Secretary of Energy may ''accept'' a Board recommendation but make a determination that its implementation is impracticable because of budgetary considerations or because the implementation would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements. The Secretary must report any such decision to the President and Congress. The Secretary of Energy has never made a determination that a Board Recommendation cannot be implemented due to budget impracticability. I believe this is strong evidence that we have executed our statute in a faithful and responsible manner.

Issues of cost and benefit have historically been the purview of the Secretary of Energy and should remain so. It is important to note that the Board nominally identifies the problem, but leaves selection of the solution to the Secretary. In order to provide a cost-benefit analysis, the Board would need to define a solution, which is inappropriate and would hamper the Secretary's flexibilities to respond to a Board recommendation. Mr. Gene Aloise, Director of Natural Resources and Environment, U.S. Government Accountability Office, testified at the Committee's February 16, 2012, hearing on Governance, Oversight, and Management of the Nuclear Security Enterprise. He said, ''NNSA currently lacks the basic financial information on the total costs to operate and maintain its essential facilities and infrastructure, leaving it unable to identify return on investment or opportunities for cost savings.'' If NNSA isn't capable of performing cost-benefit analyses, it's unreasonable to expect the Board to produce valid estimates of those costs. Needless to say, the Board would require a significant increase in budget and manpower to perform any meaningful cost-benefit analysis.

The Board is very mindful of the need for efficient and cost-effective solutions to safety problems at defense nuclear facilities. In evaluating the proper course of action for existing facilities that do not meet modern industry standards and design requirements, both the Board and DOE consider the entire suite of options for mitigating hazards as well as factors such as the remaining life of the facilities, schedules for replacing them, and means to mitigate disruptions to ongoing operations that may result from recommended safety improvements. However, the Board has no authority to specify a particular solution; that authority is the Secretary's.

The proposed legislation also weakens the arm's length relationship between the Board and Department of Energy necessary for the Board to provide independent oversight by requiring the Board to obtain DOE review and comments on Board recommendations. This proposed requirement will enable the Secretary to provide comments to Board recommendations prior to their issuance. Board recommendations are fully vetted by intense staff-level discussions that typically take place over months and sometimes years. The Board shapes its recommendation already fully taking into account the feedback it has received from the Department. In the final analysis, the Secretary has the power to accept or reject a Board recommendation. This provision to require comments from the Secretary will delay needed safety improvements to ensure adequate protection of the public at DOE's defense nuclear facilities and erode public confidence that the Board is faithfully executing its mission to provide truly independent oversight.

Under its existing statute, the Board's jurisdiction is limited to the Department of Energy's defense nuclear facilities. ''Defense Nuclear Facilities'' are defined to include production or utilization facilities, and certain types of storage facilities under the control or jurisdiction of the Secretary of Energy. Unless this element is met, the Board's jurisdiction, authority, powers or duties are not triggered. It does not allow the Board to write Recommendations to the NNSA Administrator. Under this legislation, NNSA may become a separate entity. An NNSA independent from the Department of Energy, where the Secretary of Energy would have no authority over NNSA, would defeat (1) the Board's recommendation jurisdiction, (2) the Board's jurisdiction and duty to report to the President in the case of imminent or severe threats issuing from defense nuclear facilities, and (3) the Board's information gathering jurisdiction. Essentially, the NNSA would have no independent safety oversight body.

The Department of Energy has a well-established regulatory structure, with a significant body of rules, orders, manuals, and standards. These would have no standing in an independent NNSA. The set of safety standards to be used in NNSA would have to be reconstituted. Based on recent experience,

I am concerned that many standards necessary to safely perform complex, high-hazard nuclear operations would be automatically deleted as a part of standing up this newly independent organization. It must be understood that the Board evaluates safety at defense nuclear facilities based on DOE's requirements and standards. The Board does not have separate requirements. Lack of an adequate set of safety standards would rapidly degrade safety at defense nuclear facilities.

In summary, I am deeply concerned that the proposed legislation will diminish both the effectiveness of the Board and safety at DOE's defense nuclear facilities. The proposed changes, if enacted, would all but erase the Board's oversight independence and authority with respect to NNSA's facilities and activities. NNSA would become essentially self-regulating without any significant oversight from the Secretary of Energy, the Board, or any other Federal entity. Additional provisions in the legislation encourage the NNSA in large part to delegate its inherent responsibility to protect public and worker safety to its contractors.

If I can answer any question or provide additional insights, please don't hesitate to call. Once again, I appreciate the opportunity to provide my views on this legislation.

Sincerely,

PETER S. WINOKUR, Ph.D.,
Chairman,
Defense Nuclear Facilities Safety Board.

LABORERS INTERNATIONAL UNION
OF NORTH AMERICA,
Washington, DC, May 8, 2012.

Hon. ADAM SMITH,
Ranking Member, House Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE SMITH: On behalf of the 500,000 members of the Laborers International Union of North America (LIUNA) I would like to express our opposition to the proposal that has been under consideration in the House Armed Services Committee that would seriously weaken worker safety & health protections at Department of Energy (DOE) nuclear weapons labs and production facilities. This provision would transfer worker safety & health responsibilities from the DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA) and shift these programs to ''performance-based'' oversight. This move would effectively eliminate current health and safety standards that impose fines and penalties for violations.

The safety & health of workers is one of LIUNA's highest priorities. As you know, the work our members perform at these facilities is, by its very nature, inherently dangerous and requires the highest possible level of care and protection. The current program, which this legislation would destroy, has been developed through years of collaborative work with successive Administrations and has been integrated into the work culture at the DOE facilities.

By requiring only ''performance standards'' instead of those that are currently in place, the legislation would substitute existing DOE standards with those of Occupational Safety and Health Administration (OSHA). Unfortunately, OSHA does not have standards that are appropriate for many DOE operations which could endanger our members. In some critical cases DOE's standards are much more stringent than OSHA, especially with respect to the standard for Beryllium. The existing DOE programs have been accepted by the workforce and are essential to a safe and productive workplace.

To disrupt the HSS safety & health program by transferring it to NNSA is an attack on the men and women who do the dangerous work at these facilities. These workers deserve more protections not less. I urge you to reject this ill advised change.

With kind regards, I am

Sincerely yours,

TERRY O'SULLIVAN,
General President.

Mr. BISHOP of Utah. I am pleased to yield 2½ minutes to the gentleman from Missouri (Mr. AKIN), the chairman of the Seapower Subcommittee of the House Armed Services Committee, a person who has worked very hard on this for his entire career here in the House.

Mr. AKIN. Madam Speaker, I rise in support of H.R. 4310, the National Defense Authorization Act of 2013.

As chairman of the Seapower Subcommittee, there are many aspects of this bill that are commendable. First of all, from a Navy point of view, we are maintaining the cadence of building two fast-attack boats every year. That has significant implications relative to our industrial base. Likewise, we are going to be building two destroyers a year, so we have made some changes to the President's budget there. We're also requiring that the Navy keeps at least 12 ballistic missile submarines that are an important leg of our triad.

I would also call attention to a couple of amendments that I have offered. The first is that we have worked with information that we've gotten from overseas on the evacuation procedures that are being done and the speed with which our sons and daughters are being picked up on the battlefield. There is nothing wrong with the great people who are working the medevacs. We are concerned with DOD policy, however—that that policy may be resulting in unnecessary delays.

Secondly, this bill contains an amendment that I offered to protect First Amendment rights of people in the service and chaplains, in particular. Unfortunately, it seems that this is against what the White House, many Democrats, and The New York Times all seem to want. The heart of the amendment is to say that if you are a chaplain, you are not going to be forced to perform ceremonies that you think are wrong. It protects what we call ''free speech,'' the First Amendment, and also the right of religious freedom. It does the same thing for our servicemembers.

And it seems ironic that there is opposition to affording First Amendment rights to our sons and daughters who are fighting for our First Amendment rights. So this seems like it should be very noncontroversial, allowing people to follow the dictates of their own conscience. But it seems to be meeting stiff resistance, nonetheless.

Lastly, I wanted to make sure that in this bill, we make absolutely clear that there's nothing in this bill which gets in the way of our habeas corpus rights in America and that no American citizen can be unlawfully detained, and that the right of habeas corpus, as a constitutional right, is in no way abridged by this bill.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

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

Mr. GARAMENDI. This morning in California, in Marysville, a young soldier will be laid to rest, one of many. The most important issue facing this Nation—the Afghanistan war—continues on. We have 10 minutes to debate our view of how that should end.

Ranking Member SMITH proposed in committee an amendment that would rationally bring down and end this war. He was refused the opportunity—the ranking member, refused the opportunity to even be heard in committee.

And now we are faced with the language in the bill that extends this war indefinitely at a cost this year of $88 billion and at the same level interminably into the future. This deserves a robust debate. What is the role of America in Afghanistan? How long are we to continue there? Unfortunately, that debate is truncated and will be terminated by the majority in an unsuccessful way that extends the war. Why would we do that? Apparently for reasons that are not understood.

Mr. BISHOP of Utah. Madam Speaker, I urge the gentleman to read page 544 in the base bill to answer his question.

I am pleased to yield 1 minute to the gentleman from Illinois (Mr. WALSH).

Mr. WALSH of Illinois. Madam Speaker, I rise in support of the rule.

As a Small Business subcommittee chairman, I know how important small businesses are to the future of our great Nation. They are the engine of this economy and the key to pulling America out of this economic recession.

But, Madam Speaker, small businesses are also vital to our armed services. Over $500 billion in Federal contracts are awarded each year, and 70 percent of those dollars are awarded by the Department of Defense. It is vital for taxpayers and the military that small businesses compete for these contracts. Small business entrepreneurship will provide our brave servicemen and -women with the equipment that will best enable them to defend this country and our families.

It is clear that the Armed Services Committee shares this dedication to small businesses. I am proud that they have chosen to include the bipartisan Small Business Protection Act in the NDAA. The gentleman from Virginia (Mr. CONNOLLY) and I introduced the Small Business Protection Act to guarantee that American small businesses are not driven out of the competition for government contracts.

I cannot stress enough the vital role American small businesses play in the success of our military and the future

of our country. It is imperative that my colleagues on both sides of the aisle come together and support American entrepreneurship and small business.

□ 1340

Mr. MCGOVERN. I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. I thank the gentleman.

There's one agency of the Federal Government that has never been audited—and is unauditable. It happens to be the Department of Defense.

Last year, Representative GARRETT and I snuck up on them with a little amendment in the appropriations bill to require an audit of the Pentagon. It's not too much to ask when they spend $600 billion a year, none of which they can meaningfully account for according to the GAO. They can't reconcile their books. It was stripped out in the conference committee. Senator AYOTTE from New Hampshire got one in the authorization bill. It was stripped out in the conference committee.

Now this time they're acting proactively. They're prohibiting us from bringing an amendment to the floor of the House that would require—and we're letting up on them a little bit—that 3 years from now the Department of Defense—that's $1.8 trillion from now—should have to pass an audit. And they're saying no, no, no, no. They can't be required to do an audit until they spend $3.6 trillion in the year 2017.

This is an abuse of the American taxpayer and an abuse of our servicemen and -women. The waste that goes on at the Pentagon has to stop. We need a meaningful audit.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Well-known as ''Military City,'' San Antonio has accomplished a traumatic but successful conversion of Kelly and Brooks Air Force Bases. Now the Pentagon is recommending that we have another round of closures. Let's first guarantee that we apply the same rigorous base review standards to military facilities outside the United States as would apply inside the United States.

Today, I offer an amendment acceptable to the committee, similar to the approach recommended by Senators TESTER and HUTCHISON that requires the Department of Defense to thoroughly examine the potential benefits and savings realized by closing outdated or excess overseas military bases. Both the Government Accountability Office and Congressional Budget Office say that maintaining these facilities overseas is far more expensive than our stateside operations. So while many of the 585 military bases that we have around the world may be necessary, let's ensure that the Department thoroughly scrutinizes each of them and verifies that each is essential to our national defense. This was not done adequately in the last round.

I urge my colleagues to support this amendment, and ensure that the Pentagon carefully considers the cost of these overseas installations.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

It is a failure when Congress will not allow debate on the most important issue in this bill, and that is the policy in Afghanistan.

Congress has been failing the American people. We haven't paid for that war. We haven't even debated how to pay for that war. It's been on the credit card for 10 years—over a trillion dollars. And by refusing to allow us to debate the McGovern amendment, which is about the policy, we now won't even debate the policy. So we don't pay for it and we don't even debate the wisdom of the policy. That's a grave mistake.

The reality is the war in Afghanistan is over. It's time for Congress to end it. The President has set a date: 2014. What's magic about that?

The Afghans have to step up and assume responsibility for their future, and we have to have a debate as to whether or not we should bring those troops home sooner than 2014. We owe it to the American taxpayer; we owe it to the American men and women who are serving, and we owe it to our own responsibility to debate the important public issues of our time.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. To start the war in Iraq, Congress was lied to. To start the war in Afghanistan, Congress was misled. To start the war in Libya, Congress was ignored. To start the war in Iran, language has been hidden in the NDAA.

The NDAA prepares for war against Iran. It is a declaration of policy, which includes military action. It has a plan to pre-position aircraft, munitions, and fuel for air- and sea-based mission. It has a plan for maintaining sufficient naval assets in the region to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets. This bill prepares for war.

Some will say, Well, it doesn't authorize for war. This bill prepares for war. Even if it's amended, it prepares for war. And we need to vote this bill down because it prepares for a war with Iran, which would be devastating to this country's interests.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Lodged in between our commemoration of Memorial Day and our fallen loved ones and heroes and Flag Day, which we stand proudly to wave the flag, I really stand here as a friend that is deeply saddened by something that I think has never occurred, and that is to allow Americans, through the McGovern-Smith amendment, to really speak to all of our Members.

And I think America would agree: None of us should be challenged with our patriotism. But if we raise the question of what are the next steps in Afghanistan, it is not a diminishing of the service of our men and women. It is not the eliminating of our responsibility to be able to assure the safety and security of the Afghan people. It is to allow Members of Congress to represent their constituents on both sides of the aisle to raise the question: What are the next steps and how will we bring our troops home safely?

This amendment should be allowed to be discussed, just as we're discussing the potential removal and where we are eliminating the language and the ability to remove citizens and to hold them indefinitely.

It is the American way, Madam Speaker. I beg of us to do this in a bipartisan way and to allow the McGovern-Smith amendment to go forward.

Madam Speaker, I rise to support my amendment to H.R. 4310 ''National Defense Authorization Act,'' which would require the Secretary of Defense prior to the awarding of defense contract to private contractors, to conduct an assessment to determine whether or not the Department of Defense has carried out sufficient outreach programs to include minority and women-owned small business.

Throughout my tenure in Congress, I have sponsored legislation that promotes diversity. I stand proudly before you today to call for renewed vigor in advocating and constructing effective policies that will make the United States the most talented, diverse, effective, and powerful workforce in an increasingly globalized economy.

This amendment will require the Department of Defense to consider the impact that changes to outsourcing guidelines will have on small minority and women owned business by requiring them to engage with these businesses.

Promoting diversity is more than just an idea it requires an understanding that there is a need to have a process that will ensure the inclusion of minorities and women in all areas of American life.

Small businesses represent more than the American dream—they represent the American economy. Small businesses account for 95 percent of all employers, create half of our gross domestic product, and provide three out of four new jobs in this country.

Small business growth means economic growth for the nation. But to keep this segment of our economy thriving, entrepreneurs need access to loans. Through loans, small business owners can expand their businesses, hire more workers and provide more goods and services.

The Small Business Administration, SBA, a federal organization that aids small businesses

with loan and development programs, is a key provider of support to small businesses. The SBA's main loan program accounts for 30 percent of all long-term small business borrowing in America.

I have worked hard to help small business owners to fully realize their potential. That is why I support entrepreneurial development programs, including the Small Business Development Center and Women's Business Center programs.

These initiatives provide counseling in a variety of critical areas, including business plan development, finance, and marketing.

My amendment would require the Department of Defense to assess whether their outreach programs are sufficient prior to awarding contracts. The Department of Defense should investigate what impact their regulations have on minority and women owned small businesses.

Outreach is key to developing healthy and diverse small businesses.

Mr. BISHOP of Utah. I continue to reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, it is my privilege to yield 1 minute to the gentlewoman from California, the Democratic leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and I thank him for his leadership year in and year out to clarify what our mission is and to make sure that we honor our troops—and ''honor them'' means not having them stay in harm's way any longer than is necessary for our national security.

Madam Speaker, I rise today in opposition to this rule, and I do so with some level of sadness; because when we're talking about the defense of our country and the oath we take to protect and defend the Constitution, I would have hoped, under this bill, we could have had, on the floor, the appropriate discussion of what is happening in Afghanistan.

I rise today, just having returned with a bipartisan, all-women congressional delegation to Afghanistan. It's our traditional Mother's Day visit to our troops who are there in combat. We've recently been going to Afghanistan, and Iraq before that. The purpose of the trip this time was to have a conversation with the President of Afghanistan, President Karzai, as the first congressional delegation into Afghanistan following the signing of the Strategic Partnership Agreement between President Obama and President Karzai.

But our main purpose of the trip was to visit our troops and to thank them for their service and their sacrifice to keep America's families safe on Mother's Day and every day in the year. The further purpose was to thank, in particular, our women who are in service there—other mothers in combat and, believe it or not, our grandmothers who are in the war zone.

We met a Mom who has a baby that is just 16 weeks old. I had the honor of pinning a ribbon on a newly appointed woman captain who has six children, age 4 to 14, in the 10th month of her 1-year deployment in Afghanistan.

Our women in the military serve our country very well. They strengthen our national security. We are grateful to them and their families, and we are grateful to all of our men and women in uniform.

□ 1350

They are the 1 percent that we should care the most about and focus on. You hear a great deal about the 99 percent and the 1 percent. Well, this 1 percent is less than 1 percent of our men and women in uniform, a little higher than that, when they come home. What we say in the military is on the battlefield, we leave no soldier behind. And when they come home, leave no veteran behind. We will be meeting with our veteran service organizations today as this bill is being debated.

So I wish that the rule would have allowed for the consideration of the McGovern amendment. I was surprised, frankly; and I'm rarely surprised around here. But I was surprised that that discussion could not take place on this floor in the form of approving that amendment because it is in furtherance of what is happening in the strategic partnership.

I can tell you this on the basis of our trip, and we have to be careful when we return as congressional delegations from a trip that we don't read too much into our own observations, but what we did hear that was different from before, going every year, is that our troops' leadership is fabulous. General Allen is so great, as are the other generals and commanders who serve with him. They are preparing for the timetable spelled out in the President's strategic partnership agreement signed by the two Presidents.

On the civilian front and what we are doing with USAID and our Americans who are serving there, as well as the coalition forces and friends who are helping in Afghanistan, are working along the path of this strategic partnership, and then the civilian part to go beyond that.

So, really, I come home more encouraged than ever that it is possible for us to accomplish our mission, which is the protection of the American people, to do so in a way as it comes to an end. And it is never over, our protection of the American people is an endless commitment, but at least the commitment of that many troops on the ground in that country is one that we can say that soon we will bring our troops home safely. And that hopefully will be soon.

So the timetable that Mr. MCGOVERN has in his amendment is in sync with what that partnership is. There is other language in the bill which I think, frankly, confuses the issue; and that is why the clarity of debate would have been helpful.

I am glad that the amendment by Mr. SMITH, the ranking member, which is a bipartisan amendment, will be able to come to the floor. It addresses the detention issue, and we will have a fuller discussion of that when that amendment comes to the floor. But to recall, President Obama, when he signed last year's bill, did a signing statement that said that he would not enforce that part of the bill. Hopefully, today, we can remove that part of the bill because it flies in the face of our commitment to protect the American people and to have the proper balance between security and liberty and freedom. And that is our responsibility.

So I urge my colleagues to vote ''no'' on this rule, to vote ''no'' on moving the previous question unless we can take up the McGovern amendment. And, again, I salute the President for the strategic partnership agreement. But most of all, I support our men and women in uniform and their families for their service, their sacrifice, and their patriotism for our country.

Mr. BISHOP of Utah. I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, may I inquire of the gentleman from Utah how many more speakers he has because I'm the final speaker on our side.

Mr. BISHOP of Utah. I said others were coming down here. I do not know whether that happens, so when the gentleman from Massachusetts is ready to close, I will be ready to close at whatever time that is.

Mr. MCGOVERN. Madam Speaker, I yield myself the balance of my time to close.

I urge my colleagues to vote ''no'' on the previous question. If the previous question is defeated, I will offer the bipartisan McGovern-Jones-Smith-Paul amendment.

By denying debate on this amendment, the Republican leadership has ensured that there will be no debate or challenge to sec. 1216 in the bill, a section that calls for retaining 68,000 U.S. troops in Afghanistan until 2015 and indefinitely beyond that.

We did everything right with this amendment. We worked in a bipartisan way. We drafted it carefully. The ranking member of the House Armed Services Committee withdrew his own amendment on this issue and joined as a cosponsor of this amendment. We deserved the courtesy of a debate and a vote. It's the right thing to do. It's the decent thing to do.

But more important than that, the American people deserve a full and substantive debate on the war in Afghanistan, the longest war in American history. They deserve to know where their Member of Congress stands on this issue of critical national importance. They deserve a Congress that focuses on the issues that matter most.

The Republican leadership's refusal to allow a full debate on our amendment shows how far they will go to make sure that a policy of staying in Afghanistan until the end of time remains untouched and unchallenged.

Madam Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD along with

extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, I urge my colleagues to vote ''no'' and defeat the previous question. I urge my Republican colleagues to join with us in a bipartisan way to vote ''no'' on the previous question so we can have a real debate on Afghanistan. That's what your constituents want; that's what we should have here. And barring that, Madam Speaker, I urge a ''no'' vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, I appreciate the opportunity of coming down here and presenting the particular rule on the amendments. I take a little bit of umbrage with the idea that the amendment process that we are authorizing in this rule is not necessarily fair. I would remind people that it took 3 years under the prior Speaker before they authorized as many amendments as we are authorizing just this year alone in this particular bill. It's 141 amendments covering a vast variety of issues.

Sometimes I get the impression from some of the comments that were made that we're not going to be talking about Afghanistan; that's sorely wrong. There is an amendment made in order about that issue. It's given twice the amount of time on that issue as any other issue that's before us here. It is there. The debate will take place. The debate will happen. It may not be the actual verbiage or the pride of authorship that some wished, but it will be there.

Indeed, in this hour of discussion, we've talked about that as well, as was done in the Rules Committee, as was done in the base committee. There is a section, page 544, which does talk about the President's proposal in Afghanistan.

One of the things we have to remember is why we're doing this bill at all. This is one of those significant issues. We talk about a lot of stuff on the floor of the House, and we introduce a lot of bills on the floor of the House which have very little to do with our core constitutional responsibilities. This is not one of those.

During the Articles of Confederation time, the United States was in a situation where we had fewer than 800 men in our military capacity. We had no Navy to protect our shipping. Since we had not paid off the Tory debt, we were in breach of the peace treaty that ended the Revolutionary War. Therefore, British troops were on American soil. There were British forts on American soil. There was a military force on our northern border which was threatening us, and the British were plying with impunity weapons to Native Americans who were opposed to the Government of the United States. What the United States could do about it was absolutely nothing. We couldn't do squat.

Therefore, when the Constitution was actually debated, I don't think it is any insignificant issue that over half of the issues and powers granted to Congress in section 8 dealt with the defense of this country. Indeed, the Constitution was in major part about how we defend this country.

This issue before us today, this bill, is on how we shape the military of the future and the military of the present, how we defend this country.

I would remind people that before World War II started, we had made a decision in this country we didn't need fighter jets any more and so we cut production of them. And when the war started, we were unprepared. Our fighter bombers suffered enormous casualties in those first runs in Europe. In fact, we suspended our bombing runs until we could produce the fighters to accompany those bombers that were necessary to protect our young men and women who were fighting in World War II.

We don't have the luxury of being unprepared in the future, and that is the core of this bill. This bill is about talking about the infrastructure that we have for our military so we are prepared for whatever the future may bring.

□ 1400

The base of this bill restores approximately $4 billion in authorization of necessary Department funding that was recommended by the President for deletion.

Sometime ago, Secretary Panetta went on the record publicly saying the possibility of sequestration would hollow out and have catastrophic impacts on the Department of Defense; it must be avoided. We agree. This bill attempts to do that.

Unfortunately, the Secretary pointed the finger at Congress saying that we were to blame for this situation. In all due respect, the Secretary was half right. We share in the situation. And we share the need for a cooperative administration—and very particularly, a cooperative President and Commander in Chief—to fix the immediate threat to our national security that could come back by sequestration. We don't need threats of vetoes and any attempt to roll back the sequestration cuts to the Department of Defense.

This is an alarming situation. Many of us in Congress would encourage Secretary Panetta to communicate the urgency of this need to his boss, the President, and try to persuade him not to oppose what we are attempting to do in this particular piece of legislation.

We have some military construction replacement projects that were needed yesterday and are being deferred year after year—pushed so far into the future as to render them meaningless. We can no longer make those kinds of mistakes as we did prior to World War II.

Our ICBM fleet will be aging out in the next 12 to 15 years; and as of yet we do not have an adequate replacement policy, nor have we provided the research and development funding needed to a follow-up replacement system. Instead, we are urging what will amount to unilateral nuclear reductions on our part, while China, Russia, India, and others are developing and fielding new and modernized ICBM nuclear systems for their countries as well. Those are the situations which we need to face. That is what is significant. That's what this bill addresses.

This bill addresses the funding and infrastructure needs of our military, and we should never lose sight of that core reason for this bill. And amendments—all 141 of them—either have to add to that concept of making the infrastructure viable, or we're talking about tangents. This is not the avenue for those particular places to be.

In short—I wasn't short, but in long, then, Madam Speaker, that's the purpose of the National Defense Authorization Act. That's what the base bill does. That's what the bulk of the 140 amendments we have authorized do. We need to proceed without getting lost in the purpose and the intent of this particular process and why it is so important. It is our core constitutional responsibility, and we need to take it seriously.

All the other issues that were talked about will be addressed. The issue of our policy in Afghanistan—which has multiple opportunities to be addressed—will be addressed on the floor. There will be an amendment made in order. There will be twice the amount of time in debate on that as any of the other significant issues of how we shape our military forces. The reason it is so significant is because we're not talking about what the military will be in the month of August of this year. The decisions we make on the infrastructure of the military today influence what our military will be in 15 to 20 years. It also influences what diplomatic capacities and opportunities we may have 15 or 20 years from now. That's why it is so significant. We cannot lose track of what is the purpose of this bill, and any amendment that distracts us from that is not productive in what we are trying to do.

I'll say this one more time: this is a fair rule. We have made 140 of the 240 amendments that were proposed in order. It covers a great variety of issues, issues that perhaps should have been covered in the committee as well, but they will be covered again here on the floor, including what we are doing as a policy in Afghanistan.

I urge adoption of this particular rule because it is a fair rule, one that makes more amendments than we did in years—and in years past when the other side was in charge of this. It's a good bill. It's a fair rule. I urge its adoption.

Mr. ANDREWS. Madam Speaker, I hereby submit the enclosed letters:

BUILDING AND CONSTRUCTION
TRADES DEPARTMENT—AFL–CIO
Washington, DC, May 4, 2012.

Rep. HOWARD P. ''BUCK'' MCKEON,
Chairman, House Committee on Armed Services, Rayburn HOB, Washington, DC.

DEAR MR. CHAIRMAN: The House Armed Services Committee has adopted legislation that would seriously weaken worker safety & health protections at Department of Energy (DOE) nuclear weapons complex. The legislation would not only transfer worker safety & health responsibilities from the DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA), but would also shift the entire safety & health program to ''performance-based'' oversight thereby effectively eliminating current health and safety standards that impose fines and penalties for violations. This would be a terrible mistake and we are strongly opposed to any such tinkering with the lives of our many members working at these facilities.

For years the BCTD has made the safety & health of these workers one of our highest priorities. We have worked with successive Administrations to develop the current program that the proposed legislation would now effectively destroy. As you might imagine the work that our members perform at these facilities is, by its very nature, inherently dangerous and requires the highest possible level of care and protection.

According to a recent report by the Project on Government Oversight; unlike the private sector, nuclear weapons facilities are ultra-hazardous, have very large radioactive waste legacies, excess cancer and beryllium disease among its employees, a long history of safety problems, and contractor mismanagement enabled by self-regulation. For more than 20 years, the Government Accountability Office (GAO) has listed DOE's nuclear weapons program on its high risk list of programs most vulnerable to waste, fraud and abuse.

By eliminating the role of the DOE's HSS for oversight and enforcement of safety & health and requiring only performance standards, the legislation would substitute existing DOE standards with those of OSHA. In some critical cases DOE's standards are more stringent than OSHA especially with respect to the standard for Beryllium that this change would eliminate. DOE's Beryllium worker exposure standard is 10 times as protective as federal OSHA's. The legislation would now turn over Beryllium protection to the tender mercies of the National Laboratories and other DOE contractors even though, in 2010, DOE fined the Livermore Lab (LLNL) some $200,000 for a series of Beryllium violations.

Moreover, the bill eliminates the ALARA radiation exposure standard (As Low As (is) Reasonably Achievable) and reverts back to a worker radiation concept used 40 years ago called ALARP (As Low As Reasonably Practicable); a time when workers were exposed to outrageous levels of radiation. This is completely unacceptable, and our members at the weapons facilities will simply not stand for it.

Since its creation, we have worked closely with HSS in developing its worker safety & health program including the Chronic Beryllium Disease Prevention Program and ALARA radiation exposure standard that have been integrated into the work culture at the DOE facilities. These programs have been accepted by the workforce and are essential to a safe and more productive workplace.

To now seek to disrupt the HSS safety & health program by transferring it to NNSA and weakening the current standards of protection makes no sense. Other than to satisfy the demands of the National Laboratories and contractors, there is little or no justification for this proposal and we appeal to you to stop it. The health, safety and lives of the men and women who do the dangerous work at these facilities demand no less.

Sincerely,

SEAN MCGARVEY,
President.

METAL TRADES DEPARTMENT,
AFL–CIO,
Washington, DC, May 3, 2012.

Representative ADAM SMITH,
Ranking Member, House Committee on Armed Services, Rayburn House Office Bldg., Washington, DC.

DEAR REPRESENTATIVE SMITH: The House Armed Services Committee has recently proposed legislation that would seriously weaken worker safety and health protections at Department of Energy (DOE) nuclear weapons complex.

The legislation proposes to transfer worker safety and health responsibilities from the DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA) and would also shift the entire safety and health program to ''performance-based'' oversight thereby effectively eliminating current health and safety standards that impose fines and penalties for violations.

The House bill limits the occupational safety and health standards that may be applied to the NNSA facilities to those promulgated under section 6 of the OSHAct. This not only excludes stronger protections afforded by DOE rules, it also excludes protections provided under OSHA regulations issued under section 8 of the OSHAct. These regulations include the OSHA 1904 record-keeping rules, the 1977 regulations on anti-retaliation and the 1903 inspection rules which set out the rights of workers and unions to participate in inspections.

We are strongly opposed to these changes. It would endanger the lives of the many members we have working at these facilities.

For years, the Metal Trades Department has made the safety and health of our nuclear workers a top priority. As you might imagine the work that our members perform at these facilities is, by its very nature, inherently dangerous and requires the highest possible level of care and protection and it has taken us years of work with past Administrations to develop the current safety and health program that this legislation would destroy.

According to a recent report by the Project on Government Oversight, unlike the private sector, nuclear weapons facilities are ultra-hazardous, have very large radioactive waste legacies, excess cancer and beryllium disease among its employees, a long history of safety problems, and contractor mismanagement enabled by self-regulation. For more than 20 years, the Government Accountability Office (GAO) has listed DOE's nuclear weapons program on its high-risk list of programs most vulnerable to waste, fraud and abuse.

By eliminating the role of the DOE's HSS for oversight and enforcement of safety and health and requiring only performance standards, the legislation would substitute existing DOE standards with those of OSHA. In critical cases, DOE's standards are more stringent than OSHA especially with respect to the standard for Beryllium that this change would eliminate. DOE's Beryllium worker exposure standard is 10 times as protective as federal OSHA's. The legislation would now turn over Beryllium protection to the tender mercies of the National Laboratories even though, in 2010, DOE fined the Livermore Lab (LLNL) $200,000 for a series of Beryllium violations including:

Failure to identify and inventory beryllium contamination facilities to control worker exposures to beryllium;

Failure to perform hazard assessments for buildings identified in the beryllium baseline inventory;

Failure to implement proper hazard control and prevention measures to eliminate or abate the hazards associated beryllium;

Failure to ensure that potential airborne beryllium exposures were accurately measured;

Failure to control materials and equipment located in beryllium contaminated work areas;

Failure to evaluate cases of beryllium sensitization and to identify workgroups at increased risk of chronic beryllium disease; and,

Failure to effectively train employees to perform work within beryllium contaminated areas.

Since its creation, we have worked closely with HSS in developing its worker safety and health program including the Chronic Beryllium Disease Prevention Program that have been integrated into the work culture at the DOE facilities. These programs have been accepted by the workforce and are essential to a safe and more productive workplace.

Transferring the current safety and health program to NNSA is a terrible decision and it's unjustified. The health, safety and lives of the men and women who do the dangerous work at these facilities depend on you to stop this proposal.

Sincerely

RONALD E. AULT,
President.

THE NATIONAL TREASURY
EMPLOYEES UNION,
Washington, DC, May 15, 2012.

DEAR REPRESENTATIVE: The National Treasury Employees Union (NTEU) represents employees at the Department of Energy (DOE) including those in the Office of Health, Safety and Security (HSS) that enforce health and safety rules at DOE nuclear weapons facilities. NTEU is strongly opposed to a provision negatively impacting worker health and safety at these facilities included in Title XXXI of the National Defense Authorization Act as reported by the House Armed Services Committee. We understand that an amendment has been filed by Representative George Miller to modify that section. We ask that the Miller Amendment be made in order by the Rules Committee.

Section 3113 and 3115 of Title XXXI in the bill would severely weaken worker health and safety protection at DOE nuclear weapons facilities. It would transfer worker safety and health responsibilities from DOE's Office of Health, Safety and Security (HSS) to the National Nuclear Security Administration, while eliminating the current standards that impose fines and penalties for violations. The work done at these facilities is extremely hazardous and there is a long history of safety problems. Given this work involves the most dangerous substances and weapons in the world, it is probably the last workplace that should see reduced health and safety standards and inspections.

The employees of the Office of Health, Safety and Security are uniquely skilled, trained and experienced at protecting worker life and health at these facilities. Transferring their functions to bureaus without such experience or expertise would be a reckless act and endanger those employees that serve our country's defense in these facilities.

I appreciate your consideration of our views on this important worker health and safety issue. If you or your staff have any

further questions, please feel free to contact Kurt Vorndran at 202.572.5560 or kurt.vorndran@nteu.org. Thank you.

Sincerely,

COLLEEN M. KELLEY,
National President.

Ms. WOOLSEY. Madam Speaker, I hereby submit the enclosed letters:

PROJECT ON
GOVERNMENT OVERSIGHT,
Washington, DC, May 15, 2012.

HONORABLE MEMBERS,
U.S. House of Representatives, Washington, DC.

POGO'S PICKS FOR MORE SAVINGS, SECURITY, AND ACCOUNTABILITY IN THE NATIONAL DEFENSE AUTHORIZATION ACT: NINE AMENDMENTS TO SUPPORT

DEAR REPRESENTATIVE: As you prepare to vote on the National Defense Authorization Act of FY 2013 (NDAA) and dozens of proposed amendments, we recommend nine amendments for more savings, security, and accountability.

The Project On Government Oversight is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. POGO recently released an update to our recommendations for national security savings with Taxpayers for Common Sense—Spending Even Less, Spending Even Smarter—which includes $700 billion in spending reductions. Some of those recommendations are being offered as amendments to the NDAA.

We haven't assessed all of the proposed NDAA amendments, and don't yet know which ones will be made in order. However, POGO strongly supports the following sensible measures.

1. PREVENT HUMAN TRAFFICKING BY GOVERNMENT CONTRACTORS—AMENDMENT BY JAMES LANKFORD AND GERRY CONNOLLY

The End Trafficking in Government Contracting Act of 2012 is offered as a bipartisan amendment to stop U.S. taxpayer dollars from funding the abhorrent practice of human trafficking in war zones. In its final report to Congress last year, the Commission on Wartime Contracting said it had uncovered evidence of human trafficking in Iraq and Afghanistan by labor brokers and subcontractors. Commissioner Dov Zakheim later told a Senate panel that the Commission had only scratched the surface of the problem. He called it the ''tip of the iceberg.'' Existing contracting regulations to implement anti-trafficking plans are too weak. This amendment will strengthen the law and will require companies to closely monitor and report the activities of their subcontractors down the supply chain. It also would expand the definition of ''fraudulent recruiting'' to apply to laborers who work on U.S. government contracts outside the U.S., mandating responsible labor recruitment practices. It's time to end the suffering and abuses of our taxpayer-funded ''shadow army.''

2. RESTRICT TAXPAYER-FUNDED COMPENSATION FOR CONTRACTORS—AMENDMENT BY PAUL TONKO AND JACKIE SPEIER

This amendment is based on the Stop Excessive Payments to Government Contractors Act of 2011—part of a bipartisan, bicameral push for reform—and would lower the existing contractor compensation cap to $400,000 and apply it to all defense contractors. Importantly, the provision would also ensure that the cap is set in such a way that it will stop the exorbitant growth rate the current formula has enabled. Taxpayer-funded contractor compensation should be reined in from the ever-increasing cap that currently well exceeds what the government pays its own senior executives—including the President. The current cap for contractor compensation is $763,029. It's time to stop making taxpayers foot outrageous contractor payrolls and rein in the growing cost of the entire government workforce.

3. REDUCE FUNDING FOR THE CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT-NUCLEAR FACILITY—AMENDMENT BY ED MARKEY, LORETTA SANCHEZ, AND HANK JOHNSON

This amendment restores the cut already made by appropriators for a costly and unnecessary plutonium research facility. It also strikes sections from H.R. 4310 that would require the completion of the proposed facility and forbid Congress from funding less expensive alternatives. The cost of this nuclear boondoggle—known as the Chemistry and Metallurgy Research Replacement-Nuclear Facility (CMRR–NF)—has swelled from $375 million to nearly $6 billion over the past ten years. Earlier this year, the National Nuclear Security Administration (NNSA) said it does not need CMRR–NF in order to fulfill its nuclear weapons and science missions. What's more, there is plentiful scientific evidence and expert testimony that says that the increased plutonium pit production enabled by CMRR–NF is not necessary to national security. The President's budget and House Appropriations have already zeroed-out the funding, but one member of House Armed Services—Representative Michael Turner—has ignored the evidence and sought to send more taxpayer dollars into this nuclear money pit. Support this amendment to restore sensible savings.

4. DELAY THE NEW LONG-RANGE PENETRATING BOMBER AIRCRAFT—AMENDMENT BY ED MARKEY, PETER WELCH, AND JOHN CONYERS

This amendment delays development of the next-generation long-range penetrating bomber aircraft through FY 2023 and reduces funds for the program by about $291 million. The Administration initially cancelled the program in FY 2010 as there was ''no urgent need'' for a new bomber because the Air Force expects its fleet of bombers to be operational for years to come. According to FY 2013 budget requests, the program is projected to cost at least $6.3 billion in the next five years alone, and would likely cost billions more over its lifetime. Deferring development of this costly and unnecessary system saves money and is low-risk because of robust U.S. bomb delivery capabilities that will be available for decades.

5. STOP THE ROLLBACK OF OVERSIGHT OF NUCLEAR WEAPONS LABORATORIES—AMENDMENT BY GEORGE MILLER, PETER VISCLOSKY, AND LORETTA SANCHEZ

This amendment would restore oversight over the nuclear weapons laboratories by modifying Section 3113 and striking Sections 3115 and 3202 of H.R. 4310. These sections pose dangerous rollbacks of health, safety, security, and financial oversight at the Department of Energy's nuclear weapons laboratories. Section 3113 gives the NNSA's contractor-operated labs the ability to self-report and self-regulate their performance, despite the fact that the Government Accountability Office (GAO) has included these labs on its list of programs that are at ''high risk'' for waste, fraud, and abuse for over 20 years. Section 3115 lowers the bar for health and safety standards at the labs by shifting oversight from the Department of Energy to the NNSA and its contractors. Section 3202 would weaken the Defense Nuclear Facilities Safety Board in its role as independent adviser to the nuclear weapons laboratories. Ever since the Board was created in reaction to serious safety issues at nuclear sites, the Department of Energy has been required to accept Board recommendations or give a reason for their rejection, but section 3202 requires the Board to submit drafts of its recommendations to the Department first, which would strip the Board of its complete independence. Section 3202 also increases the amount of time the Department has to respond to recommendations, which could undermine public health and safety. We need more oversight of the contractors at our nuclear laboratories—not less.

6. REPLACE THE COSTLY VARIANT OF THE F–35 WITH SUPER HORNETS—AMENDMENT BY JOHN CONYERS AND KEITH ELLISON

The Marine Corps' variant of the F–35 fighter plane is the most expensive variant of the most expensive DoD weapon program ever, and has been plagued by cost overruns and schedule delays. This amendment would replace the 6 Marine Corps F–35s the DoD plans to buy in FY 2013 with proven F/A–18E/F Super Hornets, which have many capabilities that rival the F–35 and cost far less to buy and operate. This amendment will save taxpayers $1.7 billion in FY 2013 and millions more in operating costs over the life of these planes.

7. IMPROVE SERVICE CONTRACTOR INVENTORIES—AMENDMENT BY JACKIE SPEIER

Currently, service contract inventories released by the Pentagon provide little, if any, useful data about service contracts. Moreover, those inventories do not provide the agency with any information that allows it to make informed personnel decisions that will save taxpayer dollars. The offered amendment, which falls in line with Pentagon efforts to increase the data reported in the inventories, would require DoD to collect additional data about the labor, hours, and costs of service contract workers that can be used for comparing the cost of the civilian, military, and contractor workforces.

8. REDEFINE ''COMMERCIAL ITEM'' FOR CONTRACTS AS PROPOSED BY DOD—AMENDMENT BY LEONARD BOSWELL

This amendment mirrors the DoD's legislative proposal and would result in improved oversight of billions of dollars' worth of so-called ''commercial'' goods and services. It would narrow the definition of a ''commercial item'' to mean goods or services that are actually sold to the general public in like quantities. This would be a huge improvement over the current definition, which includes good or services ''of a type'' that are ''offered'' for sale or lease. POGO has promoted such a change to the definition since 1999, and now have been joined by DoD, the Department of Defense Panel on Contracting Integrity, and the Acquisition Advisory Panel. Since the mid-1990s, the government has been buying so-called ''commercial'' goods and services that are not actually sold in the commercial market. Making matters worse, these purchases are often without any government review of the cost data that leads to the final price the contractors are proposing. Would you buy a car if the dealer told you that you couldn't see the window sticker? We doubt it, and the government shouldn't either.

9. RIGHT-SIZE THE BLOATED TOP RANKS—AMENDMENT BY MIKE COFFMAN

This amendment would cap the number of General/Flag Officers at ''0.05 percent of the combined authorized strengths for active duty personnel.'' In other words, for every 2,000 troops there can be no more than one General or Admiral. This amendment will reduce the General and Flag Officer ranks by less than 5 percent. At the end of FY 2011, the military was more top-heavy than it had ever been in U.S. history. While the enlisted ranks have been shrinking, the top ranks

have grown. Since 2001, the very top ranks, 3- and 4-star General/Flag Officers, have grown faster than any other personnel group at the DoD. It's time to right-size the top-heavy top ranks.

We welcome the opportunity to discuss these and other national security issues with you. For more information, please contact me at 202–347–1122 or acanterbury@pogo.org.

Sincerely,

ANGELA CANTERBURY,
Director of Public Policy.

Ms. FUDGE. Madam Speaker, I hereby submit the enclosed letter:

PITTSBURGH, PA, MAY 8, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Armed Services Committee, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: On behalf of the United Steelworkers (USW) union, I write to express our strong concern with language included in the House Armed Services Committee's FY13 National Defense Authorization Bill (NDAA). As we understand it, the language will necessitate a change of worker health and safety enforcement at Department of Energy (DOE) weapons complex sites from the DOE's office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA). In addition, this legislation would shift the entire safety and health structure to performance-based oversight based on Occupational Safety and Health Administration (OSHA) standards. Performance-based oversight effectively eliminates the current DOE specific health and safety standards that provide the means for protections to be implemented at these facilities and also removes the enforcement mechanisms that are vital to ensure worker and public safety.

The USW represents workers at several DOE facilities. Our members at these sites are exposed to a variety of radioactive and toxic materials. Many of the operations of these facilities are completely unique to the DOE. These unique hazards have resulted in specific worker safety orders being issued to provide requirements for the contractors to follow, and for the workers to understand proper workplace protections.

Some of the protections that will be stripped from workers are those included in DOE Order 850. DOE Order 850 provides specific worker protections for exposure to beryllium. Beryllium is an extremely toxic and dangerous compound. It causes a devastating lung disorder called chronic beryllium disease. The DOE Order is significantly better than the current standard for beryllium from OSHA including an exposure limit that is 10 times less than OSHA's. The OSHA standard for beryllium was adopted in 1970; the beryllium industry itself acknowledges that it is woefully inadequate. In contrast, the DOE beryllium standard is far more protective. Another example is the DOE's Order 851, which requires the sites to have defined, proactive safety and health programs. There is no equivalent OSHA rule. Most important, the DOE can order a contractor to correct a hazard immediately. OSHA can do so only in the most extreme cases. An employer who contests an OSHA citation can delay abatement until he or she exhausts every appeal up to the U.S. Supreme Court, a process that can take years.

We are also extremely concerned with the consequences this legislation would have on worker radiation safety. The current standard within the DOE is to provide protections to workers that are as low as reasonably achievable (ALARA). This legislation would strip away the gains in radiation safety that have been made over the past half century and instead implement lesser protections that are as low as reasonably practicable (ALARP). We know that ALARP protections will increase the radiation exposure to workers in these facilities. This will result in today's workers being our next generation of occupational disease victims.

We urge you to remove this language from the FY13 NDAA as it will serve to weaken critical health and safety protection for workers. We stand ready to meet with you or other members of the committee to explore this matter further and provide information from the USW as a stakeholder in this process.

Sincerely,

LEO W. GERARD,
International President.

ALLIANCE OF
NUCLEAR WORKER ADVOCACY GROUPS,
May 14, 2012.

Hon. HOWARD P. ''BUCK'' MCKEON,
Chairman, Armed Services Committee, House of Representatives, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN MCKEON: The Alliance of Nuclear Worker Advocacy Groups (ANWAG) has learned that language is included in the FY 2013 National Defense Authorization Bill (NDAA) that will reduce the protection of workers exposed to radiological hazards from the current standard of ''as low as reasonably achievable'' (ALARA) to ''as low as reasonably practicable'' (ALARP). This amendment also allows the protection standard for other hazards to meet the Occupational Safety and Health Administration's instead of the current policies implemented by the Department of Energy (DOE). This language is not acceptable.

ANWAG monitors the implementation of the Energy Employees Occupational Illness Compensation Program Act of 2000, as amended, (EEOICPA) and advocates for the workers and families under EEOICPA who were damaged performing nuclear weapons work. EEOICPA was legislated in part because employees of the DOE's nuclear weapons facilities contractors placed those workers in harm's way by not providing adequate protection to their daily exposure of the unique toxic brew of potentially hazardous chemicals and radioactive materials present at those facilities. In fact, Congress found,

§ 7384. Findings; sense of Congress

(a)FINDINGS.—The Congress finds the following:

(1) Since World War II, Federal nuclear activities have been explicitly recognized under Federal law as activities that are ultra-hazardous. Nuclear weapons production and testing have involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers have not covered and recurring exposures to radioactive substances and beryllium that, even in small amounts, can cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, a large number of nuclear weapons workers at sites of the Department of Energy (DOE) and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Many previously secret records have documented unmonitored exposures to radiation and beryllium and continuing problems at these sites across the Nation, at which the Department of Energy and its predecessor agencies have been, since World War II, self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to be carried out under such sweeping powers of self-regulation.

Substantial costs now being incurred are an undeniable consequence of the negligence in the past. Does Congress want to repeat the mistakes made 60, 40, even 20 years ago?

ANWAG fears that if this language remains in the NDAA the workplace environment at the nuclear weapons facilities will revert back to the ''profit over protection'' philosophy. This would result in, once again, workers needlessly placed in harm's way. Great strides have been taken by DOE to better protect their workers from exposure to radiation and chemical hazards, such as exposure to beryllium. While immediate radiological illnesses are not anticipated with this proposed change in the protection standard, it is known that the effects from long term low dose exposure to ionizing radiation produces serious and sometimes fatal illnesses after a lengthy latency period.

It is unconscionable that the current dedicated and patriotic workforce would be unnecessarily exposed and subjected to increased hazards because of this proposed change in protection standards. Knowledge of the serious pain and suffering incurred by the workers through lax policies of the past should lead any ethical politician to vote to protect the life and health of these nuclear weapons workers.

ANWAG urges you to keep these workers safe by deleting this language from NDAA. Do not consider language which will increase the possibility that these workers could contract debilitating and sometimes fatal diseases. Do not let the families of these workers share in the nightmare of watching their loved one die from a disease that could have been prevented if the worker had the proper protection.

If you require further information on the history of EEOICPA and its implementation, please do not hesitate to contact us.

Sincerely,

Alliance of Nuclear Worker Advocacy Groups: Harry Williams, ANWAG Founding Member; Terrie Barrie, ANWAG Founding Member; Scott Yundt, Staff Attorney, Tri-Valley CAREs; Paul Mullens, Union Local #5–689; Deb Jerison, Director, Energy Employees Claimant Assistance Project; Faye Vlieger, Advisory Committee Member, Cold War Patriots; David M. Manuta, Ph.D., FAIC, President, Manuta Chemical Consulting, Inc; D'Laine Blaze, TheAeroSpace.org; Laura Schultz, President, Rocky Flats Support Group; Jan Lovelace, Advocate, ORNL Firefighters; Ann Suellentrop, MSRN, Kansas City Physicians for Social Responsibility; Dr. Kathleen Burns, Director, Sciencecorps.

Mr. KUCINICH. Madam Speaker, I hereby submit the enclosed letters:

MAY 9, 2012.

Re Workers and Nuclear Safety Protection in the Department of Energy FY 2013 National Defense Authorization Act (HR 4310).

Hon. HOWARD MCKEON,
Chairman, House Armed Services Committee, U.S. House of Representatives Washington, DC.

Hon. ADAM SMITH,
Ranking Member, House Armed Services Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN MCKEON AND RANKING MEMBER SMITH: On behalf of the Communications Workers of America (CWA), I write to express CWA's strong concern with language

included in the House Armed Services Committee's FY 2013 National Defense Authorization Act (NDAA). As introduced, key sections of Title XXXI of the NDAA will weaken worker and nuclear safety protections for affected employees and community members living near facilities operated by the National Nuclear Security Administration (NNSA) within the U.S. Department of Energy (DOE).

Section 3115 of the proposed legislation will transfer responsibilities for worker safety and health enforcement at DOE weapons complex sites from the DOE's Office of Health, Safety and Security to the National Nuclear Security Administration (NNSA). Unfortunately, this will result in worker safety standards being limited to those issued under Section 6 of the Occupational Safety and Health Act (OSHA). Further, nuclear facility safety would be based upon ensuring the safety and health of workers of NNSA and its contractors- as well as the general public- are as low as practicable (as opposed to achievable) and that adequate protection is provided. This new standard will provide a lower level of protection than that used by the Nuclear Regulatory Commission for commercial nuclear power plants. As such, this weakening of workplace and worker safety and health protections will result in today's workers becoming the next generation of occupational disease victims.

Under the legislation, there would be a drastic shift in the entire safety and health structure to a performance-based oversight system based on Occupational Safety and Health Administration (OSHA) standards. Such performance-based oversight will effectively eliminate the current DOE-specific safety and health standards that provide the means for adequate safety and health protections to be implemented at covered facilities and remove the enforcement mechanisms vital to ensuring worker and public safety. This change represents a dramatic shift towards contractor self-regulation and all but eliminates the government's role in ensuring the protection of workers and members of the public.

CWA represents several thousand workers at three of the targeted facilities, i.e., Lawrence Livermore National Laboratory, Lawrence Berkeley National laboratory, and Los Alamos National Laboratory. Our members at these facilities are exposed to a variety of radioactive and toxic materials. Many work operations at these facilities are unique to the DOE resulting in the issuance of specific worker safety orders setting requirements for contractors to follow and providing guidance helping workers to understand proper workplace protections.

As noted, the proposed legislation would eliminate such DOE safety orders including important provisions of DOE Order 850 which provides specific worker protections for beryllium exposure. Beryllium is an extremely toxic, life-threatening compound which causes a devastating lung disorder—Chronic Beryllium Disease. Further, the DOE Order provides significantly more protection than the OSHA beryllium standard—including an exposure limit which is ten times less than the OSHA standard.

In addition, the harmful legislation would eliminate coverage of DOE Order 851 which requires DOE facilities to have defined, proactive safety and health programs. (Unfortunately, there is no equivalent OSHA rule); eliminate DOE's current authority to order an employer to immediately correct a workplace hazard. (OSHA has limited authority to require such action of employers); and, as provided in the OSHAct, allow employers to delay workplace hazard abatement until lengthy legal procedures/appeals are exhausted.

CWA urges you to reject HR 4310 and any other efforts to weaken critical safety and health protections for DOE workers. As a stakeholder in this process, we are prepared to meet with you and/or other members of the committee to further explore and discuss this matter.

Sincerely,

SHANE LARSON,
LEGISLATIVE DIRECTOR,
Communications Workers of America.

MAY 16, 2012.

To: House Military Staff
From: Alliance for Nuclear Accountability
Subject: Protect Nuclear Safety Oversight—Support Miller-Visclosky-Sanchez Amendment to FY13 National Defense Authorization Act

The House Armed Services Committee mark of the National Defense Authorization Act (NDAA) contains several provisions that, if enacted, will adversely affect safety oversight at nuclear weapons facilities. Representatives Miller, Visclosky, and Sanchez are wisely offering an amendment to strike these provisions. Please support this important amendment that would protect workers at and communities surrounding nuclear weapons facilities.

These onerous provisions include:

Moving away from the ''adequate protection standard'' that has been the cornerstone of nuclear safety oversight for over 25 years.

Moving away from the existing ''transactional'' model of oversight to the more reactionary ''performance-based'' model.

Removing independence from nuclear weapons oversight, making all oversight agencies subservient to the Undersecretary for Nuclear Security.

Adding layers of unnecessary bureaucracy to the Defense Nuclear Facilities Safety Board.

If these provisions are included in the final NDAA, our nuclear safety will be significantly imperiled.

TALKING POINTS:

This bill would overturn the ''adequate protection standard'' that has guided nuclear safety oversight for over two decades. The adequate protection standard has been defined through legal precedent as not allowing cost considerations to impact safety recommendations. This standard would be muddled by a new ''low as reasonably practicable'' standard, an imprecise measure undefined by statute and almost certain to favor cost-cutting measures over public safety.

The NDAA would mandate that ''performance-based oversight'' replace ''transactional oversight'' for regulators. Right now nuclear oversight is ''transactional'', meaning that it prescribes best practices for contractors to follow in the hopes of avoiding an accident. ''Performance-based'' oversight is the style used by the National Transportation Safety Board, which would only investigate an airline's safety procedures after a plane crash, based on an airline's performance.

The NDAA would degrade the independent nature of oversight organizations such as the Defense Nuclear Facilities Safety Board (DNFSB) and OSHA. The bill would make these previously independent agencies subservient to the head of the National Nuclear Security Administration (NNSA) while conducting oversight activities. The stunning thing about this is that the NNSA is already free to disregard advice offered by agencies such as the DNFSB. The NDAA's new requirement would go further and allow the Undersecretary for Nuclear Security to directly interfere in investigations.

By enshrining contractors' role in determining how to achieve safety standards, the NDAA moves closer to allowing our nation's nuclear weapons labs to oversee themselves. The bottom line for these contractors is profit, not community or worker safety and they require appropriate oversight. We saw the result in Fukushima, Japan when nuclear oversight took a backseat to profits.

There is no reason to saddle the DNFSB with additional reporting and staffing requirements. DNFSB members are all appointed for their technical expertise and have a dedicated staff at their disposal; there is no reason to require that all Board members employ personal technical assistants or to micro-manage how information is communicated to and among Board members.

The Board should maintain primary responsibility for technical safety evaluations, allowing the Department of Energy to decide how best to implement DNFSB recommendations. Cost should not be the primary factor driving safety measures, the DNFSB should base its decisions on science and what's best for workers and communities. It should be the NNSA's responsibility to consider cost restrictions and determine implementation steps.

Thank you,

Katherine Fuchs, Program Director, Alliance for Nuclear Accountability (NM, SC, DC); Roger Herried, Abalone Alliance Clearinghouse (CA); Katie Heald, Coordinator, Campaign for a Nuclear Weapons Free World (CA); Renee Nelson, President, Clean Water and Air Matter (CA); Mark Donham, Coordinator, Coalition for Health Concerns (IL); Bob Kinsey, Co-Chair, Colorado Coalition for the Prevention of Nuclear War (CO); Joni Arends, Executive Director, Concerned Citizens for Nuclear Safety (NM); Gar Smith, Co-Founder, Environmentalists Against War (CA); Lisa Crawford, President, Fernald Residents for Environmental Safety and Health (OH); David Culp, Legislative Representative, Friends Committee on National Legislation (PA, DC); Jean Mcmahon, National Committee Delegate, Green Party of Oklahoma (OK); Tom Carpenter, Executive Director, Hanford Challenge (WA); Gerry Pollet, JD, Executive Director, Heart of America Northwest (WA); Donald B. Clark, Network for Environmental & Economic, Responsibility—United Church of Christ (TN); Rick Wayman, Program Director, Nuclear Age Peace Foundation (CA); Ralph Hutchison, Coordinator, Oak Ridge Environmental Peace Alliance (TN); Kevin Martin, Executive Director, Peace Action Education Fund (MD); Jon Rainwater, Executive Director, Peace Action West (CA); Jerry Stein, Coordinator, Peace Farm (TX); Catherine Thomasson, MD, Executive Director, Physicians for Social Responsibility (DC); Ann Suellentrop, R.N., President, Kansas City Physicians for Social Responsibility (MO); Robert Gould, President, San Francisco-Bay Area Physicians for Social Responsibility (CA); Lewis E. Patrie, M.D, M.P.H., Western North Carolina Physicians for Social (NC); Jay Coghlan, Executive Director, Nuclear Watch New Mexico (NM); Glenn Carroll, Coordinator, Nuclear Watch South (GA); Gene Stone, Coordinator, Residents Organized for a Safe Environment (CA); Judith Mohling, Coordinator, Nuclear Nexus Project, Rocky Mountain Peace and Justice Center (CO); Linda Seeley, Vice President, San Luis Obispo Mothers for Peace (CA); Liz Woodruff, Executive Director, Snake River Alliance (ID); Don Hancock, Director, Nuclear

Waste Safety Program, Southwest Research and Information Center (NM); Marylia Kelley, Executive Director, Tri-Valley Communities Against a Radioactive Environment (CA); Kathy Crandall-Robinson, Public Policy Director, Women's Action for New Directions (MA, DC); Bobbie Paul, Executive Director, Georgia Women's Action for New Directions (GA).

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 661 OFFERED BY MR. MCGOVERN OF MASSACHUSETTS

At the end of the resolution, add the following:

SEC. 5. Notwithstanding any other provision of this resolution, the amendment printed in section 6 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative McGovern of Massachusetts or a designee. That amendment shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 6. The amendment referred to in section 5 is as follows:

Strike section 1216 and insert the following:

SEC. 1216. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) IN GENERAL.—In coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, the President shall—

(1) complete the accelerated transition of United States combat operations to the Government of Afghanistan by not later than December 31, 2013;

(2) complete the accelerated transition of United States military and security operations to the Government of Afghanistan and redeploy United States Armed Forces from Afghanistan (including operations involving military and security-related contractors) by not later than December 31, 2014; and

(3) pursue robust negotiations leading to a political settlement and reconciliation of the internal conflict in Afghanistan, to include the Government of Afghanistan, all interested parties within Afghanistan and with the observance and support of representatives of donor nations active in Afghanistan and regional governments and partners in order to secure a secure and independent Afghanistan and regional security and stability.

(b) SENSE OF CONGRESS.—It is the sense of Congress that should the President determine the necessity to maintain United States troops in Afghanistan to carry out missions after December 31, 2014, such presence and missions should be authorized by Congress.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed so as to limit or prohibit any authority of the President to—

(1) modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) attack Al Qaeda forces wherever such forces are located;

(3) provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(4) gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

(The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

Because the vote today may look bad for the Republican majority they will say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BISHOP of Utah. With that, I yield back the balance of my time and move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adopting the rule, if ordered: and motions to suspend the rules with regard to H. Res. 568 and H.R. 5740.

The vote was taken by electronic device, and there were—yeas 236, nays 182, not voting 13, as follows:

[Roll No. 259]

YEAS—236

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions

Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—182

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—13

Amodei
Costello
Filner
Holden
Issa
Miller, George
Nunnelee
Pascrell
Sanchez, Loretta
Scalise
Slaughter
Southerland
Wasserman Schultz

□ 1427

Messrs. LOEBSACK, COSTA, SHULER, and Ms. HOCHUL changed their vote from ''yea'' to ''nay.''

Messrs. LONG, MILLER of Florida, and DUFFY changed their vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 259, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore (Mr. GRIMM). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 178, not voting 9, as follows:

[Roll No. 260]

AYES—244

Adams
Aderholt
Akin
Alexander
Amash
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—178

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Campbell
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)
Fudge
Garamendi
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Israel
Jackson (IL)
Jackson Lee (TX)
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz