

Pitts	Schakowsky	Thompson (CA)
Platts	Schauer	Thompson (MS)
Poe (TX)	Schiff	Thompson (PA)
Polis (CO)	Schmidt	Thornberry
Pomeroy	Schock	Tiahrt
Posey	Schrader	Tiberi
Price (GA)	Schwartz	Tierney
Price (NC)	Scott (GA)	Titus
Putnam	Scott (VA)	Tonko
Quigley	Sensenbrenner	Towns
Rahall	Serrano	Turner
Rangel	Sessions	Upton
Rehberg	Sestak	Van Hollen
Reichert	Shadegg	Velázquez
Reyes	Shea-Porter	Visclosky
Richardson	Sherman	Walden
Rodriguez	Shimkus	Walz
Roe (TN)	Shuler	Wamp
Rogers (AL)	Shuster	Wasserman
Rogers (KY)	Simpson	Schultz
Rogers (MI)	Sires	Waters
Rohrabacher	Skelton	Watson
Rooney	Slaughter	Watt
Ros-Lehtinen	Smith (NE)	Waxman
Roskam	Smith (NJ)	Weiner
Ross	Smith (WA)	Welch
Rothman (NJ)	Snyder	Westmoreland
Roybal-Allard	Souder	Wexler
Royce	Space	Whitfield
Ruppersberger	Spratt	Wilson (OH)
Rush	Stark	Wilson (SC)
Ryan (OH)	Stearns	Wittman
Ryan (WI)	Stupak	Wolf
Salazar	Sullivan	Woolsey
Sanchez, Linda	Sutton	Wu
T.	Tanner	Yarmuth
Sanchez, Loretta	Taylor	Young (AK)
Sarbanes	Teague	Young (FL)
Scalise	Terry	

NOT VOTING—16

Carney	Marshall	Radanovich
Conyers	McCarthy (NY)	Smith (TX)
Cuellar	Moran (VA)	Speier
Johnson, Sam	Murtha	Tsongas
Kaptur	Neugebauer	
Maloney	Pingree (ME)	

□ 1215

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CUELLAR. Mr. Speaker, on rollcall No. 768, had I been present, I would have voted "yea."

CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Mr. SKELTON. Mr. Speaker, pursuant to House Resolution 808, I call up the conference report on the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, to provide special pays and allowances to certain members of the Armed Forces, expand concurrent receipt of military retirement and VA disability benefits to disabled military retirees, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 808, the conference report is considered read.

(For conference report and statement, see proceedings of the House of October 7, 2009, at page H10565.)

□ 1215

POINT OF ORDER

Mr. PRICE of Georgia. Mr. Speaker, I raise a point of order against H.R. 2647.

The SPEAKER pro tempore. The gentleman will state his point of order.

Mr. PRICE of Georgia. Pursuant to clause 10 of rule XXII that states that nongermane items may not be included in conference reports and that this bill contains a nongermane item in the hate crimes legislation that was included in it, I raise a point of order against H.R. 2647.

The SPEAKER pro tempore. Pursuant to House Resolution 808, all points of order against the conference report are waived.

PARLIAMENTARY INQUIRY

Mr. PRICE of Georgia. Mr. Speaker, parliamentary inquiry.

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

Mr. PRICE of Georgia. Mr. Speaker, many Members have grave concerns about the thought-crimes legislation that's included in H.R. 2647. Is there any way for any Member to gain a separate vote on the thought-crimes legislation included in H.R. 2647 under the rule?

The SPEAKER pro tempore. A conference report is considered as a whole.

Mr. PRICE of Georgia. Mr. Speaker, further parliamentary inquiry.

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

Mr. PRICE of Georgia. Mr. Speaker, because thought-crimes legislation is included in H.R. 2647, is there any remedy that a Member of the House has for gaining access to have a separate vote on the thought-crimes legislation?

The SPEAKER pro tempore. A conference report is considered as a whole.

Mr. PRICE of Georgia. I thank the Speaker.

The SPEAKER pro tempore. Pursuant to House Resolution 808, all points of order against the conference report are waived.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on the conference report currently under consideration.

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

There was no objection.

Mr. SKELTON. I yield myself such time as I may consume.

Mr. Speaker, I am pleased to bring before the House the conference report on H.R. 2647, the National Defense Authorization Act for fiscal year 2010. I especially want to thank my ranking

member, my good friend, BUCK McKEON, the gentleman from California, our partners in the Senate, Senator CARL LEVIN and Senator JOHN MCCAIN, and all the conferees from the Armed Services and 13 other committees who have made this conference report a reality.

Mr. McKEON, brand new as ranking member of our committee, hit the ground running and has done yeoman's work, and I particularly wish to single him out and express my appreciation for the work he has done to help bring this to the floor.

Mr. Speaker, this bill has a base of \$550 billion for the United States military. This has \$130 billion for the wars in Afghanistan and in Iraq, which total \$680 billion.

Mr. Speaker, we are at war. This is a deadly serious moment in this body. This bill is critical for national security, and I am pleased to say this bill gets it right.

The conference report provides several major victories for our troops and their families, and the bill strikes a right balance between our focus on the immediate fights in Afghanistan and Iraq and the long-term needs of our military.

The vast majority of this bill has bipartisan support. The bill provides almost \$20 billion combined for Army and Marine Corps reset and equipment shortfalls in the Guard and Reserves. It has \$550 million for Army barracks and Guard and Reserve infrastructure. To boost readiness and reduce the strain on our forces, the bill increases the size of the military all across four services and authorizes an additional 30,000 Army troops in fiscal years 2011 and 2012.

This bill reflects our effort to recognize 2009 as the Year of the Military Family by providing a 3.4 percent pay raise for all servicemembers. The bill also extends the authority of the Defense Department to offer bonuses and incentive pay. It expands TRICARE health coverage. It prohibits fee increases on TRICARE inpatient care for a year, provides for \$2.2 billion for family housing programs and improves the benefits available to wounded warriors.

To ensure our strategy in Afghanistan and neighboring Pakistan is effective, this bill requires the President to assess U.S. efforts and report on the progress. The bill authorizes funds to train and equip the Afghan National Security Forces and authorize the Pakistan Counterinsurgency Fund. The bill improves accountability and oversight of U.S. assistance. The bill also requires the Secretary of Defense to submit a report on the responsible redeployment of U.S. forces out of Iraq.

On acquisition reform, the conference report supports the plan to increase the size of the acquisition workforce and reduce reliance on contractors for acquisition functions.

It eliminates waste, fraud, and abuse through better contract oversight. The bill also repeals the National Security

Personnel System, returning employees to the general schedule over 2 years while providing additional flexibility for hiring and personnel management.

The conference agreement prohibits the release of Guantanamo Bay detainees into the United States, its territories and possessions, and restricts detainee transfers until after the President has submitted a plan to Congress.

The conference report revises the Military Commissions Act to make military commissions fair and effective and ensure that convictions stick.

Let me briefly address two difficult aspects of the conference report.

First, I am disappointed, and so very disappointed, that we were not able to retain the House's provision implementing the President's proposal on concurrent receipt for disabled military retirees. The Armed Services Committee fought hard with the assistance of our leadership and many other committees to pay for that proposal. The Senate's budget rules, however, would not support a solution. And I urge the President to work with us in a way to pay for this, which will meet the budgetary rules of both the House and the Senate.

Finally, regarding the Hate Crimes Prevention Act, I have said several times that I would have preferred it to have been enacted as a stand-alone bill, not on this Defense bill. But it's important to note that the conferees included important sentencing guidelines for crimes against military servicemembers and added protections for the first amendment rights of preachers and ministers to that bill.

I might add, Mr. Speaker, that the Senate passed its version of the bill with the hate crimes provision by a vote of 87-7, which is a strong bipartisan vote in the United States Senate.

Whatever one's position on hate crimes, I believe that the enormous good done in this legislation merits its support by every Member of the House.

Mr. Speaker, we are at war. We should support the troops. We should support their families. We should make sure that they have the finest equipment and training possible. That's what this bill does. This bill will support our troops in the field and their families at home and meet our Nation's immediate military requirements and preserve the ability to deter and respond to future threats.

I urge the House to vote for this conference report and move it to the President's desk as soon as possible.

I reserve the balance of my time.

Mr. McKEON. Mr. Speaker, as legislators, we meet once again to address a wide range of important national security activities undertaken by the Departments of Defense and Energy.

We all take our legislative responsibilities very seriously. This is especially true during a time of war, and it's always true of my good friend and colleague, Armed Services Committee Chairman IKE SKELTON, the gentleman from Missouri. I commend Chairman

SKELTON for shepherding this bill through the conference process. IKE, you've done a remarkable job.

As most of you in the Chamber know, this conference report contains hate crimes legislation. This is anathema to me. I am opposed to hate crimes legislation, and I am especially opposed to the procedure of putting it on a Defense bill—especially in time of war, using our troops to get this legislation passed. It's not germane to the work of the committee and needlessly introduces a partisan matter in an otherwise bipartisan bill.

I've consistently opposed the passage of hate crimes legislation personally, and I continue to oppose it today. Unfortunately, congressional Democrats made the political decision to attach the hate crimes legislation to this bill. I oppose, as I said, using the men and women of the military as a leverage to pass this partisan legislation.

What should have been included in the bill is concurrent receipts. The House bill included a one-year expansion of concurrent receipts of military disability retired pay and veterans' disability compensation for our medically retired veterans. The House provision should have prevailed over the Senate procedural hurdles. We owe this to our veterans.

Though flawed, this bill has my support.

This conference report authorizes over \$550 billion in budget authority for the Department of Defense and the national security programs of the Department of Energy. Additionally, the legislation authorizes over \$129 billion in supplemental funding to support operations in Iraq, Afghanistan, and elsewhere in the global war on terror.

This bill rightfully acknowledges that the United States has a vital national security interest in ensuring that Afghanistan does not once again become a safe haven for terrorists and supports a comprehensive counterinsurgency strategy that is adequately resourced and funded by Congress.

The conference report supports our strategy in Afghanistan in a number of ways. The bill authorizes \$1.3 billion for the Commander's Emergency Response Program, which is unique authority critical to implementing General McChrystal's counterinsurgency operations. Additionally, the conference report authorizes \$7.4 billion for the Afghan Security Forces Fund. These funds are the key to increasing the size and professionalism of the Afghan National Security Forces.

Finally, this bill reauthorizes expired DOD contingency construction authority to rapidly authorize and build facilities needed to support the war in Afghanistan.

With respect to Iraq, the report ensures that the Congress will support the President's plan to redeploy combat forces while providing our commanders on the ground the flexibility to hold hard-fought security gains and to ensure the safety of our forces.

Mr. Speaker, as Members of Congress, we owe our soldiers, sailors, airmen, and marines the very best available equipment, training, and support in order to provide them with the best possible tools to undertake their mission. The provisions in this bill go a considerable way in demonstrating this support. In particular, the House provision prevailed in a couple of critical areas.

This bill funds the alternate engine for the Joint Strike Fighter, provides \$430 million in RDT&E for continued development of the F136 engine, and provides \$130 million for F136 engine procurement. Finally, the conference report includes a multi-year procurement contract for additional F-18s.

As a Nation, we owe more than our gratitude to the brave men and women in uniform and their families, past and present, for the sacrifices they make to protect our freedom. I am pleased that this legislation includes a 3.4 percent pay raise, which is a half percentage point above the President's request. We also increase active duty end strength by 55,227 over fiscal year 2009 levels. This is essential for easing the burden on our current forces.

□ 1230

I'm pleased that this conference report prohibits any increases to TRICARE Prime and TRICARE Standard health care fees. Finally, the bill increases from \$500 to \$1,100 the maximum monthly supplemental subsistence allowance paid by DOD to low-income members with dependents, so that military members need not rely on food stamps.

In closing, Mr. Speaker, I want to say to my fellow Republicans, I understand your opposition to the inclusion of hate crimes in the Defense authorization bill. I committed to each of you that this vote should be a vote of conscience, and I understand you're on the horns of a dilemma. I understand your opposition to hate crimes, and I understand this terrible position you've been put in. But I know that if you vote against this bill because of the hate crimes legislation, it does not diminish in any way your support of the troops and the men and women in our Armed Forces.

When I became ranking member of the Armed Services Committee, I made a commitment to each of you and our men and women in uniform and their families that I would do everything in my power to provide our soldiers, sailors, airmen and marines with the support they desperately need and deserve. As the ranking member of the Armed Services Committee, so long as America's sons and daughters are under fire in combat, fighting for our country, I have the obligation to support them first above everything else.

Mr. Speaker, I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I commend the gentleman from California (Mr. McKEON) for his straightforward

commitment to the young men and women in American uniform. At this time I yield 3 minutes to my colleague, my friend, the chairman of the Subcommittee on Readiness, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Speaker, I rise in support of the conference report for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. This is, my friends, a very, very good bill; and we cannot ignore the fact that we are fighting two wars. We're fighting a war in Afghanistan and a war in Iraq. The conference report before us today reflects our efforts to strengthen the readiness posture of our Armed Forces. It authorizes a total of \$244.5 billion for operations and maintenance, including \$4.7 billion for Army training, \$13 billion for Army and Marine Corps equipment reset, and \$255.3 million for prepositioned stocks.

The conference report adds \$70 million to address Navy aviation depot maintenance. It provides \$350 million to replace rundown Army barracks, and adds \$200 million for National Guard and Reserve construction projects. It funds the 2005 BRAC account at \$7.4 billion and adds \$100 million to address the environmental issues at bases closed prior to 2005.

The conference report expands the Homeowners Assistance Program and provides \$300 million to help ensure that servicemembers who were forced to move during the real estate downturn are not severely affected financially. The conference report supports energy security by authorizing \$12.3 million for energy conservation projects on military installations and programs that enable the Defense Department to reduce energy used during times of peak demand.

The conference report repeals the NSPS and transitions DOD civilian employees back to the General Schedule by January 1, 2012. At the same time, it provides the Department flexibilities to ensure efficient hiring and effective personnel management. The conference report allows FERS employees to receive credit for unused sick leave toward their retirement annuity. It provides locality pay for Federal workers in Hawaii, Alaska and the United States territories.

My friends, this is a good conference report that reflects our bipartisan desire to improve readiness and balance the many priorities of our military around the world and domestically. My friends, I urge you to support this bill. It is a good bill and it gives our troops what they deserve and they need.

Mr. McKEON. I am happy to yield, at this time, to the gentleman from Maryland, ranking member on the Air, Land Subcommittee, Mr. BARTLETT, such time as he may consume.

Mr. BARTLETT. Mr. Speaker, I want to thank my subcommittee chairman, Mr. ABERCROMBIE, as well as HASC chairman IKE SKELTON and Ranking Member BUCK McKEON for their collaborative leadership drafting this

vital bill. I also thank the staff members who serve us so well. Thank you, thank you.

Overall, this is an excellent conference report. That is why I'm appalled that my colleagues would violate House rules and pervert this annual national military strategy bill by including the totally unrelated partisan Senate amendment. With deep regret, I resolutely urge my colleagues to vote "no" on this conference report. I've dedicated almost 40 years to protecting the lives of the men and women who serve in our military. For 20 years I invented and worked on defense projects to provide them lifesaving equipment, including 19 military patents.

I've been honored to serve for 17 years on the Armed Services Committee with colleagues who have worked tirelessly to achieve our bipartisan goals of providing rules and equipment so that our soldiers, airmen, marines, sailors, and the civilians who support them will succeed in their missions and return home safe.

There isn't time to review all provisions, but highlights of the Air and Land Forces portions which I worked on so hard with Chairman ABERCROMBIE include 30 F-35 aircraft and an increase of \$430 million in research and development for continued F136 engine development and \$130 million for F136 engine procurement; an additional \$600 million, for a total of \$6.9 billion to reduce equipment shortfalls in our National Guard and Reserves; inclusion of my proposed requirements for DOD to establish specific budget line items within the procurement and research, development, test and evaluation accounts for body armor.

This will improve accountability, increase transparency, as well as facilitate the advancement of lighter weight technologies. \$6.7 billion for Mine Resistant Ambush Protected vehicles, \$1.2 billion above the President's request, \$2.45 billion for the President's request for Future Combat Systems communications network and spin-out equipment sets expected to continue as separate programs in fiscal year 2010.

I would like to especially thank Chairman ABERCROMBIE for his leadership and relentless efforts to ensure continued funding for the F-35 alternate engine program. My unavoidable and regrettable "no" vote is due solely to the inclusion of this extraneous amendment. It violates House rules. It sets a dangerous precedent by including an extraneous and nongermane bill in Congress' annual national defense strategy and policy bill.

Mr. SKELTON. Mr. Speaker, I yield 3½ minutes to my friend, the chairman of the Subcommittee on Military Personnel, the gentlelady from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I rise in support of H.R. 2647, the National Defense Authorization Act of Fiscal Year 2010. As the chairwoman of the Military Personnel Subcommittee,

I'm proud to speak for this bill which continues our commitment to our men and women in uniform and their dedicated families. I want to recognize the ranking member on the subcommittee, Representative JOE WILSON, for his support and assistance.

Mr. Speaker, I would also like to recognize the chairman of the House Armed Services Committee, IKE SKELTON, and the ranking member, BUCK McKEON, for their leadership. These gentlemen exercised extraordinary direction in order to complete another solid Defense authorization bill. I urge my colleagues in the House to vote for this conference report as it provides vital, and I mean vital, support for the armed services during this time of conflict and especially for their families, their families, who face the daily stress and strains of 8 years of war.

Let me highlight a few of the important programs and policies in the conference report which reflect that this has been deemed the year of the military family. The bill provides for a 3.4 percent pay raise. It makes mandatory face-to-face mental health screening for all returning servicemembers. To help schools with large enrollments of military children, it provides \$30 million for Impact Aid, as well as funds to assist military children with severe disabilities.

To that end, it also establishes an Office of Community Support for Military Families with Special Needs. The report expands TRICARE eligibility when it comes to dental programs and provides TRICARE for Reservists called to duty 180 days before they reactivate. It also allows Reserve retirees and their families to buy into TRICARE Standard coverage, and it prohibits an increase in TRICARE fees for inpatient care for 1 year.

To reduce the strain on our forces, the conference report authorizes an additional end-strength increase for the Army for 2010 and makes further increases possible. It also sets up a program to account for missing persons from conflicts beginning with World War II.

Mr. Speaker, we have a moral and constitutional responsibility to ensure that those who volunteer to defend our Nation have the training and equipment they need to successfully execute their mission. The bill before us recognizes the sacrifices that those in uniform, survivors, retirees and their families are making on behalf of our Nation.

Mr. Speaker, before I yield back, I would also like to express my support for the inclusion of language to strengthen our Federal hate crime laws in this conference report. Hate crimes perpetuate and reinforce historic discrimination and persecution against particular groups. They are committed not simply to harm one particular victim, but to send a message of threat and intimidation to others. Left unchecked, crimes of this kind threaten to unravel the very fabric of American

society that our servicemembers fight to protect.

Mr. McKEON. Mr. Speaker, I am happy now to yield to the gentleman from Missouri (Mr. AKIN), ranking member on the Sea Power Subcommittee, 2 minutes.

Mr. AKIN. Mr. Speaker, the bill that's before us today is a product of hundreds and hundreds of hours of hearings, all kinds of work by Members and staff, and by and large it's a good product. It's a political product. It has trade-offs here and there to try to balance one requirement against the other; and it is, once again, a reflection of a committee that I have been honored to be able to serve on for 9 years, a committee that has been largely bipartisan, a committee that has focused on solving problems, defending our Nation, and supporting our troops.

And in all of those regards, this bill is fine, except for there is an elephant in the room. The elephant in the room was an invention of the Senate. They decided to put onto a bill that is focused on supporting our troops their own liberal social agenda of hate crimes legislation. Now, they claim they have the votes to pass that so why don't they pass it somewhere else? Instead, they put it on the backs of our service men and women and expect to use a blackmail kind of approach to have us, to dare us to vote against adding something that's totally extraneous to defense of this Nation on the backs of our service people.

A number of us are saying, as much as we support our troops, as much as we support the hard work of this committee, we believe that this is a poison pill, poisonous enough in fact that we refuse to be blackmailed into voting for a piece of social agenda that has no place in this bill. This is the kind of shenanigans that makes the American public irate. This is the kind of thing, like passing 300 pages of amendments at 3 in the morning, that makes the public nauseous.

And I, for one, as much as I support our troops, indeed, I even have a son going to Afghanistan in 3 weeks, as much as I support him and the rest of our troops, I will not allow us to be blackmailed into voting for something totally extraneous on this bill; and that's the reason why I will not support the bill.

Mr. SKELTON. I wish to remind my fellow Missourian that the United States Senate voted for the Defense bill with the inclusion of the section that he objects to by 87 votes to 7, a strong bipartisan vote.

I now yield 3 minutes to my friend, the chairman of the subcommittee on Strategic Forces, Mr. LANGEVIN.

□ 1245

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

Mr. LANGEVIN. I thank the gentleman for yielding. Mr. Speaker, I rise in strong support of the conference

agreement on H.R. 2647, the 2010 National Defense Authorization Act. I'd like to personally thank Chairman SKELTON for his outstanding leadership in bringing this bill to the floor and always looking out for our troops, as he always has in the course of his career. I also want to recognize the leadership of Ranking Member McKEON.

As chairman of the Strategic Forces Subcommittee, I'm proud of the provisions this legislation includes to sustain and modernize our strategic weapons systems.

In the area of nuclear weapons, the conference agreement increases funding for the Stockpile Stewardship Program by \$48.7 million and establishes important new guidelines for nuclear weapons stewardship, including a new Stockpile Management Program. The program clarifies that changes to the U.S. nuclear weapons stockpile must be limited to sustaining current capabilities and requires that any changes use weapons components that can be certified without nuclear testing.

Now, regarding ballistic missile defense, this Congress has made this program a priority. The conference agreement fully funds the administration's request of \$9.3 billion for missile defense programs. It authorizes \$1.8 billion for Aegis Ballistic Missile Defense, adding \$23 million for additional SM-3 missiles, and authorizes \$1.1 billion for the Theater High Altitude Area Defense system, or THAAD. These amounts reflect an increase in the funding for these proven systems by \$900 million over the FY 2009 levels.

The bill also authorizes up to \$309 million for the recently announced European missile defense plan if the Secretary of Defense certifies that the system is operationally effective and cost effective in providing protection for Europe and the United States.

Further, the bill includes over \$1 billion to test, sustain, and improve the existing Ground-based Midcourse Defense system, and includes a provision requiring the Department to establish a plan to maintain its operational effectiveness of the system over the course of its service life.

Within the strategic intelligence programs, the conference agreement requires the Department of Energy to develop a plan to ensure that our national security laboratories have sufficient funding and technical abilities to monitor, analyze, and evaluate foreign nuclear weapons activities and requires the Department of Defense to assess gaps in U.S. intelligence for foreign ballistic missile programs and prepare a plan to ensure our intelligence centers can sufficiently address these shortfalls.

Lastly, in addition to our national security priorities, I am pleased that the Federal hate crimes legislation is included in this bill to allow law enforcement to more aggressively pursue individuals who commit violent crimes that are motivated by a person's religion, disability, or sexual orientation.

Finally, I urge my colleagues to support this important legislation. I, again, thank Chairman SKELTON for his outstanding leadership on bringing this bill to the floor and shepherding it through the process. It clearly shows that this Congress is clearly behind our Nation's military and our warfighters.

Mr. McKEON. I'm happy to yield, at this time, 1½ minutes to our conference chairman, the gentleman from Indiana (Mr. PENCE).

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

Mr. PENCE. I thank the ranking member for yielding, and I thank the ranking member and the distinguished chairman of this committee for their work on the defense elements of this legislation, but I rise with a heavy heart to express my opposition to the National Defense Authorization Act because today's vote isn't just all about providing for the national defense.

Because of actions taken in the United States Senate, unrelated, divisive, liberal social policies have been added to this legislation in the form of hate crimes. For that reason, I must oppose it.

The majority in this Congress and in the Senate has included hate crimes provisions in this legislation that have nothing to do with our national defense and will threaten the very freedoms of speech and freedom of religion that draws the American soldier into the uniform in the first place. Thomas Jefferson said it best: "Legislative powers should reach actions only and not opinions."

The reality is that by expanding the Federal definition of hate crimes, as this legislation does, we will generate a chilling effect on religious leaders in this country. Pastors, preachers, rabbis, and imams will now hesitate to speak about the sexual traditions and teachings of their faith for fear of being found culpable under the aiding, abetting, or inducing provisions of current law, and that must not be. It is just simply wrong to use a bill that's designed to support our troops to erode the very freedoms for which they fight.

As a result, I urge my colleagues to oppose this bill.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, a member of the Committee on Armed Services, the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Speaker, I rise today to express my views on the final conference report on the National Defense Authorization Act for Fiscal Year 2010. I want to thank Chairman SKELTON and Ranking Member McKEON for working so closely with me on a compromise to H.R. 44, the Guam World War II Loyalty Recognition Act. I also want to thank Erin Conaton, Paul Arcangeli, Dave Sienicki, Eryn Robinson, Vickie Plunkett, Julie Unmacht, and Andrew Hunter.

Unfortunately, I was disappointed that H.R. 44 was not included in the

final Defense authorization bill, but I'm confident that the commitments made by the House and the Senate conferees to hold hearings and to readdress war claims in next year's Defense bill will be honored and that further debate on this important legislation will bring us closer to finally passing this bill.

I, again, want to thank my colleagues in the House who have supported including H.R. 44: Speaker PELOSI, Majority Leader HOYER, Congressman LARSON of our caucus, Members across the aisle, and many others.

Finally, Mr. Speaker, the conference committee report has significant funding commitments for the military buildup, and I thank the committee for this.

Mr. MCKEON. I'm happy to yield, at this time, 2 minutes to the Republican whip, the gentleman from Virginia (Mr. CANTOR).

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

Mr. CANTOR. I thank the gentleman from California and also salute the gentleman from Missouri.

Mr. Speaker, today could have been and should have been marked by bipartisan support for our troops, but instead has become something very different.

The sole purpose of the Department of Defense authorization legislation is to authorize funds to ensure a strong national defense, but today it is being used as a vehicle to force hate crimes legislation through the House, and it is with deep regret that I'm left with no choice but to oppose it.

This legislation and this vote is a political ploy and symbolic of everything that is wrong with Washington. Those who support the Federal criminalization of hate crimes should demand that it be removed from this legislation and be considered solely upon its own merit, not that of our national defense.

I believe that all Americans should be protected from violent crime and viewed equally under the law, and the truth of the matter is that all violent crimes are hateful. Thought crimes are no different.

Our message is simple: All Republicans support our troops, and the issue of hate crimes has nothing to do with our national defense.

One must really question the priorities of this majority. We must not, should not treat our service men and women as political pawns in their effort to force a social agenda upon the court system and the American people.

Mr. SKELTON. I yield 3 minutes to my friend, my colleague, the chairman of the Subcommittee on Seapower and Expeditionary Forces, the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR. Let me begin by thanking our chairman and ranking member for the phenomenal job they've done.

Let me begin by telling the gentleman from Virginia that I agree with much of what he said. I would also re-

mind the gentleman from Virginia that, like him, I voted to send those young men and women to Iraq and Afghanistan. With that vote came my commitment to equip them, to pay them, to take care of their families should something bad happen to them, to provide them with the very best equipment.

The one thing that every American can agree on is we have the world's best Army. We have the world's best Navy. We have the world's best Marine Corps. We have the world's best Air Force. This bill keeps it that way.

I regret that the other body, by a vote of 87-7, put some language in there that should never be in this bill. But the bottom line is, come November, sometime between Thanksgiving and Christmas, I'm going to be visiting at least 7,000 Mississippians, to the best of my ability trying to see every one of them that I voted to send there. And when I look them in the eye, I want them to know that I voted in support of them over the reservations of one small part of this bill.

The bill does a lot of good things for our Navy. It pays for seven new ships: a DDG-51 class destroyer, the best Destroyer in the world, one that we're going to build for at least another decade; two Littoral Combat Ships; two T-AKE dry cargo ships; a Joint High Speed Vessel; and a Virginia class submarine.

It includes language to see to it that our next generation of carrier, with the all-important electromagnetic launch system, will have the proper oversight so that it is delivered on time and on budget. It includes language to see that the Littoral Combat system that, to date, has been poorly handled will be done better in the future with a 10-ship buy, followed by a 5-ship buy, at the best price for whoever is willing to make that ship.

It funds the F-18E/F program, the world's best fighter, except for the F-22, and, quite frankly, a lot more affordable fighter than the F-22.

Lastly, it includes \$6 billion for the most important weapon in our inventory at the moment, and that is the next generation of mine resistant vehicles. Look at the casualty list from Afghanistan. Almost every casualty is a result of an improvised explosive device on a vehicle that is not mine resistant.

The magnificent vehicles that we have built that work so well in Iraq and have saved so many lives in Iraq were, unfortunately, too big and too bulky for the terrain in Afghanistan. That's why we have to come up with a second-generation vehicle. This bill funds 5,000 of those vehicles that when they are delivered, from day one, will start saving lives and bring our friends and our family members back home with their limbs.

So, Mr. Speaker, again, like many of you, I have very, very, very deep concerns and, in fact, anger over some language that was included in this bill.

But that is not enough to keep me from voting for funding the troops that serve our Nation so well, giving them the equipment they deserve.

Mr. MCKEON. Mr. Speaker, I'm happy to yield at this time 1½ minutes to the ranking member on the Terrorism, Unconventional Threats and Capabilities Subcommittee, the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. I thank the gentleman for yielding.

Mr. Speaker, it is with great disappointment and, really, sadness today that I rise to inform my colleagues that I, too, will be voting against the Defense authorization conference report.

As the ranking member of the Terrorism, Unconventional Threats and Capabilities Subcommittee, the underlying bill does, in fact, carry a tremendous amount of good things that will help our troops and our Armed Forces, providing what they need as a warfighter to better face today's security challenges.

We have extended to the Secretary of Defense the authority to offer rewards for those individuals who provide information and nonlethal assistance in support of the Department's combating terrorism efforts. We increased the authorization level for Special Operations Command's 1208 authority.

But this is a big thing to many of us. The hate crimes bill is not at all germane to this piece of legislation. The House passed it as a standalone piece of legislation. Our authorization bill, I believe, should not be used as a vehicle to forward this controversial and unconventional—and I think unconstitutional—piece of legislation that attacks our First Amendment rights.

□ 1300

The fiscal year 2010 National Defense bill started off as a bipartisan bill. Unfortunately, it has ended up in an extremely partisan fashion. The outstanding work of this committee, I think, is being belittled.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, the gentleman from New Jersey (Mr. ANDREWS), a member of the Armed Services Committee.

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

Mr. ANDREWS. Mr. Speaker, there is not a word in this bill that silences a religious voice or a voice of conscience because of the hate crimes legislation. What there is in this bill is a very important choice that my friend, Mr. TAYLOR, just talked about a minute ago. A few years ago, we discovered to our horror that when vehicles drove over roadside bombs, the floors of the vehicles were not capable of stopping the explosion from killing the troops inside. That problem has manifested itself again in Afghanistan on rugged terrain. This bill funds 5,000 vehicles that will protect the lives of the young Americans who travel that rough terrain.

The choice is not about House procedure or civil rights arguments. The choice is yes or no. For those 5,000 vehicles, for those troops who travel that rough terrain, yes or no. The right vote is "yes." The way to honor our commitment is "yes." I would urge both Republicans and Democrats to vote "yes."

Mr. WILSON of South Carolina. Mr. Speaker, I yield myself 2 minutes.

(Mr. WILSON of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, the conference report increases active and reserve component end-strengths; provides a 3.4 percent pay raise; prohibits increases in TRICARE Prime and Standard cost shares; improves the ability of service-members to vote and have their votes counted; and provides numerous improvements to assist wounded warriors.

As a veteran myself and father of four sons serving in the military, I know this is an important bill. However, this conference report falls short of what should be done on behalf of our military and our military families. I am disappointed that the conference report fails to adopt a House provision to allow for concurrent receipt of military disability retired pay and veterans' disability compensation for all disability retirees regardless of disability rating percentage or years of service.

There are numerous explanations for why we did not adopt this paid-for provision, including that the President did not provide the proper offsets, or that the Senate objected to the proposed offsets for the mandatory spending.

In my view, these reasons do not justify inaction on this issue. It sends the wrong message to our military and veterans that this provision was kept out of the conference report.

It is past time we stop talking about support for concurrent receipt and repeals of the offset in the Survivor Benefit Plan-Dependency Indemnity Compensation SBP-DIC offset, the tragic widow's tax. It is time for action to do the right thing now to remove these unfair burdens on widows and disabled military veterans. Sadly, billions of dollars for Cash for Clunkers but lack of consideration for widows and disabled veterans.

Mr. Speaker, the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, has many provisions that improve the strengths and quality of life of active duty and reserve personnel and their families. It increases active and reserve component end-strengths; provides a 3.4% pay raise; prohibits increases in TRICARE Prime and Standard cost shares; improves the ability of service members to vote and have their votes be counted; and provides numerous improvements to assist wounded service members. As a veteran myself, and a father of four sons today in the military, I know this is an important bill. I am the ranking Republican serving on the Military Personnel Subcommittee led by Chairwoman SUSAN DAVIS who I know is devoted to our troops and families.

There are, however, areas where this conference report falls short of what should be done on behalf of our military and their families. I am disappointed that the conference report fails to adopt a House provision, based on the President's proposal, to allow for concurrent receipt of military disability retired pay and veterans' disability compensation for all Chapter 61 disability retirees regardless of disability rating percentage or years of service.

There are numerous explanations for why we did not adopt this paid-for provision, including that the President did not provide the proper offsets, or that the Senate objected to the proposed offsets for the mandatory spending. There are also concerns that the Senate could not muster enough votes on this veterans' issue to overcome a budget point of order against the provision on the floor.

In my view, all these reasons do not justify inaction on this issue. It appears that if this provision had been given the level of priority it demands, leadership both in the House and in the Senate would have found a way to adopt it in the conference report. Just as they found \$3 billion of borrowed money for cash for clunkers in a matter of hours.

The House proposal, based on President Obama's budget request, was paid for, even though it was a flawed proposal to start with. It provided only nine months of concurrent receipt benefits which means they would have expired before the House and Senate could have completed another defense authorization bill to extend the benefit.

If the House Democratic leadership had wanted to, it could have found the funding necessary to offset a fully funded benefit (\$5.2B over 10 years), or, as a minimum, to fund at least 12 to 18 months of benefit to ensure Congress had time to act again.

It sends the wrong message to our military and veterans that this provision was kept out of the conference report. It sends the wrong message in particular when the objection is a procedural matter—a budgetary point of order—that has been ignored by the Senate in previous instances. In fact, the last time it did arise was when we passed TRICARE for Life and there were votes necessary to defeat the budget point of order.

It should be noted that we had avenues that could have been pursued to address this budgetary concern—namely allowing House repeal of the deepwater drilling to stand as a spending offset. Unfortunately, that option and this opportunity to take action on this issue were not supported.

The bottom line is this. The failure to adopt this provision sends the wrong message to our disabled military veterans that we would not take a modest first step in providing concurrent receipt for all disabled military personnel.

It is past time we stop talking about support for concurrent receipt and repeals of the offset in the Survivor Benefit Plan—Dependency Indemnity Compensation, (SBP-DIC offset) the so-called tragic widow's tax. It is time for action to do the right thing to remove these unfair burdens on widows and disabled military veterans. Sadly, billions for cash for clunkers, but lack of consideration for widows.

I reserve the balance of my time.

Mr. SKELTON. Mr. Speaker, I yield 2 minutes to my friend, my colleague, a member of the Armed Services Committee, the gentleman from Georgia (Mr. MARSHALL).

Mr. MARSHALL. Thank you, Mr. Chairman.

Mr. Speaker, I want to second what the gentleman from New Jersey said just a minute ago. I'm not going to get into the details of the Armed Services authorization part of this bill except to simply say that we do an awful lot of very important good things for our soldiers, their families and for the defense of this country in this bill. It would take an awful lot, an awful lot for me to vote against the bill because something that is nongermane has been included in the bill.

Now I did vote to keep hate crimes out of the bill. That didn't work. I can't tell you how often in this Chamber I have had to vote on bills that included things I didn't want in the bill. It is rare that we have a bill, a large bill, that doesn't include all kinds of things I would prefer to not be in the bill.

There is something that I think is very important to point out about the hate crimes legislation that is in the bill. It's language that was added by Senator Sam Brownback on the Senate side, and it's language which addresses the principal concern that I hear from my constituents about hate crimes legislation. My constituents don't mind putting people in jail for being violent with other folks. They don't have a problem with that at all. They don't have a problem with increasing sentences, not one whit. The longer the better. If you're a criminal, you do the time, and as far as my folks are concerned, you can do more time.

The worry was that somehow the right of individuals, of pastors and others to criticize behavior, to talk about sin, that somehow that right would be infringed upon, that free speech would be chilled. And I have to thank Senator BROWNBACK because in the bill we have language that takes care of that issue.

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

Mr. SKELTON. I yield the gentleman 1 additional minute.

Mr. MARSHALL. Thank you, Mr. Chairman.

On pages 1366 and 1367 of the bill, it states:

Nothing in this division, or an amendment made by this division, shall be construed or applied in a manner that infringes any rights under the First Amendment to the Constitution of the United States. Nor shall anything in this division, or an amendment made by this division, be construed or applied in a manner that substantially burdens a person's exercise of religion (regardless of whether compelled by, or central to, a system of religious belief), speech, expression, or association, unless the Government demonstrates that application of the burden to the person is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest, if such exercise of religion, speech, expression, or association

was not intended to plan or prepare for an act of physical violence; or incite an imminent act of physical violence against another.

My folks don't want people planning or preparing for physical violence. They don't want people inciting physical violence against other folks. They want people to be free to criticize, to argue, to speak and to condemn sin. I think Senator BROWNBACK has hit it exactly right.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the former mayor of Dayton, Ohio.

Mr. TURNER. Mr. Speaker, I would like to thank Chairman SKELTON and Ranking Member MCKEON for their leadership and their steadfast support for our men and women in uniform.

The portion of this bill that relates to our strategic forces legislation reflects broad bipartisan agreement. The conference report retains a provision to establish the stockpile management program, strengthen the stockpile stewardship program and preserve the intellectual infrastructure.

I am pleased that the report includes a provision on the START follow-on treaty, which makes it clear that the treaty should not include limitations on missile defense or advanced conventional weapons; and that the enhanced safety, security and reliability of the nuclear weapons stockpile and modernization of the nuclear weapons complex are key to enabling further stockpile reductions.

I am disappointed that the conference sustains the President's cut of \$1.2 billion to our missile defense systems. These cuts come despite significant activity in Iran and North Korea's ballistic missile and nuclear weapons programs.

I introduced a provision which would have increased funds for the European missile defense sites in Poland and the Czech Republic and open the door to an alternative only if the Secretary of Defense certified that it was at least as cost effective and operationally available as the Czech and Polish-based system. Unfortunately, my amendment was diluted as the Defense bill passed. However, I still expect the administration to address its intent.

In missile defense, I am pleased that the report authorizes an increase of \$20 million to sustain the GMD industrial base and \$23 million for additional SM-3 interceptors.

In another area, I am concerned that this report does not include the House-passed language protecting child custody arrangements for servicemembers. I want to thank Chairman SKELTON for his bipartisan support on this issue. The language which I offered has consistently been opposed by the Senate and the Department of Defense, although it has passed the House four times.

While the report includes a study to be undertaken by March 31, 2010, studying this issue and waiting for States to

enact custody protections is not a strategy to solve this problem. Our men and women in uniform serve in a Federal military and deserve Federal action on this issue.

I appreciate the work that has been done on this bill.

Mr. SKELTON. May I inquire as to the amount of time remaining.

The SPEAKER pro tempore. The gentleman from Missouri has 5½ minutes remaining. The gentleman from South Carolina has 11 minutes remaining.

Mr. SKELTON. I yield 1 minute to my friend, the gentleman from New York (Mr. NADLER).

Mr. NADLER of New York. I thank the gentleman.

Mr. Speaker, I rise in support of this conference report with some serious reservations. This legislation will finally enact the Local Law Enforcement Hate Crimes Prevention Act. That is a historic, albeit long overdue, accomplishment.

I am concerned, however, about the section dealing with military commissions. President Obama's goal, which I share, is a system that is fair, legitimate and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class military commissions system. But given the existing Military Commissions Act of 2006, which allows for the admission of statements obtained through the use of cruel, inhuman and degrading interrogation methods, we should support the improvements in this bill—placing further limits on the use of coerced testimony and hearsay; expanding the scope of appellate review to include review of facts and not just law; and taking greater account of the need for adequate defense counsel and resources. These changes do not go far enough, and additional changes suggested by the Judiciary Committee—including a sunset provision, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military commission—should have been adopted. Nonetheless, I support the improvements made by this conference report with the hope that we can make further progress in the future.

I urge my colleagues to vote for this conference report.

Mr. Speaker, whether it is because of the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity, or disability of the victim, these violent acts causing death or bodily injury target not just an individual but an entire group. These crimes do, and are often intended to, spread terror among all members of the group.

Today, we have the opportunity to do the right thing. I hope we can agree to do so.

I am concerned, however, about the section dealing with military commissions. It makes some important improvements, but in some key ways the system will remain at odds with our best traditions.

When President Obama initially suspended use of military commissions, I was optimistic that we had seen the end of this flawed system. President Obama has since signaled his intent to revive the commissions, and has called for reforms that would bring them in line with the rule of law. President Obama's goal which I share, is a system that is fair, legitimate, and effective. But we already have that in the Uniform Code of Military Justice and our Article III courts. We should use these existing tools and stop insisting on a new and inevitably second-class military commission system.

But, given the existing Military Commissions Act of 2006, which can be used to try detainees and allows for the admission of statements obtained through the use of cruel, inhuman, and degrading interrogation methods, we should support the improvements in this bill. This bill improves existing law by placing further limits on the use of coerced testimony and hearsay, expanding the scope of appellate review to include review of facts and not just law, and taking greater account of the need for adequate defense counsel and resources. These changes do not go far enough, and additional changes suggested by the Judiciary Committee—including a sunset provision, a limitation on the use of military commissions for Guantanamo detainees, a voluntariness requirement for all statements, a different appeals structure, and a prohibition on the trial of child soldiers by military commission—should have been adopted. Nonetheless, I support the improvements made by this conference report, with the hope that we can make further progress in the future.

So I will support this conference report, mindful that our work is not done. I urge my colleagues to do the same.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 2 minutes to Congressman WITTMAN who represents America's historic First District of Virginia.

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

Mr. WITTMAN. Mr. Speaker, I rise today to speak on the conference report for H.R. 2647, the National Defense Authorization Act.

The members of the House Armed Services Committee are dedicated to supporting our servicemembers and their families, and as such, this bill includes an appropriate increase in military pay and improves veterans care.

I am pleased to see that the bill makes progress towards strengthening our naval presence on the high seas. We must continue to develop the industrial base and promote shipbuilding to establish a floor, not a ceiling, of 313 ships in our Navy.

I do, though, remain troubled by the absence of a 30-year shipbuilding plan and a 30-year military aviation plan. Without these, critical perspective is lost. The bill provides a temporary waiver for the number of carriers to dip below 11, but my reservations remain. Maintaining 11 aircraft carriers is essential to maintaining our long-term naval superiority.

The strategic risk we accept in this Defense authorization bill is also of particular importance. As we consider

strategic threats urgently facing our country today, it is troubling that the bill reduces missile defense funding by \$1.2 billion.

This bill also includes \$46 million for channel dredging at Naval Station Mayport, Florida. It is fiscally irresponsible to spend money on dredging and preparing to homeport a nuclear aircraft carrier prior to the conclusion of the Quadrennial Defense Review.

Unfortunately, the Senate also added a provision to expand the Federal jurisdiction over hate crimes. Proponents of this provision are using this national security bill to get this legislation to the President's desk through the back door, a tactic we have seen repeated over the last 9 months. This bill is about national security, not social legislation. To use the circumstances of our sons and daughters in harm's way to legislate on social issues is unconscionable. We should not use a bill in support of our servicemembers to promote social legislation. I urge my colleagues to continue in the future to work towards a better alternative.

I would like to thank my colleagues, Ranking Member McKEON and Chairman SKELTON, for their work in bringing this bill to the floor. But we can do better, and we must.

Mr. SKELTON. I yield 1½ minutes to my friend and chairman of the committee on Oversight and Government Reform, the gentleman from New York (Mr. TOWNS).

Mr. TOWNS. Thank you very much, Chairman SKELTON.

As chairman of the Oversight and Government Reform Committee, I rise in support of the conference agreement on the National Defense Authorization Act for Fiscal Year 2010. Title 19 of the bill makes important updates to the retirement system for Federal employees.

□ 1315

These changes will improve the retirement system's effectiveness as a recruiting and management tool at a time when we need to attract the best and the brightest of the Federal workforce. The reforms eliminate inconsistency in the way part-time service, breaks in service, and unused sick leave are considered in calculating retirement benefits. It helps civilian workers at the Department of Defense, the largest employer in the Federal Government.

I also support the repeal of the National Security Personnel System. This system implemented by DOD has been a near-total failure, and I support making a fresh start.

I also support the report's continued funding for programs at historically black colleges, universities, and minority-serving institutions to ensure that students are trained to meet our Nation's defense research and technological needs.

I thank Chairman SKELTON and the other conferees for their support. I urge all Members to support this con-

ference report. Again, I want to thank all of the staff members who made this possible.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I do appreciate our dear chairman from Missouri, Chairman SKELTON. He commented that we are at war, this is deadly serious, and he is right. Our troops need our support, and having been in the Army at Fort Benning at a time when we were being cut in the late 1970s, I am very sensitive to that. But our troops are fighting for freedom as well.

Bringing a hate crimes bill that is based on two false premises and putting it on the backs of our soldiers is wrong. It should not be done. We have heard from a majority Member that if we vote this down, the hate crimes will be pulled off, and then we can vote for the pay raise that these people justly deserve. There is no escalation in hate crime numbers. The FBI statistics show they have been continually going down. This would not change the outcome of the Matthew Shepard case. They got life; the maximum here is life. In the James Byrd case, the two most culpable got the death penalty; the maximum here is life. All this would do is bring that penalty down.

This is based on false assumptions. It should not be added to our soldiers' backs. Let's get a clean bill.

Mr. SKELTON. Mr. Speaker, I reserve the balance of my time.

Mr. WILSON of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, we all support our troops. I don't think anybody doubts that. So why are we adding a hate crimes amendment to this bill? Why are we doing social engineering on the backs of our troops on a defense bill? I think it is being done for political purposes. I think that there are people on the other side that want to put Republicans in a political trick bag in the next election, and I think that is very unfortunate.

We should be worrying about the defense of this Nation and the men and women fighting in Afghanistan and Iraq today. We should not be doing social engineering on this bill. It is just wrong. I think it is being done for political purposes. I just say to my colleagues on the other side who are doing it, shame on you.

Mr. SKELTON. I continue to reserve my time.

Mr. WILSON of South Carolina. Mr. Speaker, I respectfully reserve my time on behalf of the Republican leader who will be here shortly.

Mr. SKELTON. Mr. Speaker, I yield 1 minute to my friend, my colleague, the distinguished majority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the chairman for yielding. I thank the ranking member for his leadership.

I want to say particularly as I start that the distinguished chairman of this

committee does America a great service. This is a critical bill for our Nation and for our men and women in uniform. There is no greater advocate of America's readiness or the quality of life of our service personnel than the gentleman from Missouri (Mr. SKELTON). I want to thank him for his leadership.

Mr. Speaker, I rise to support the conference report on this vital bill for fiscal year 2010, which takes important steps to enhance our military readiness, our national security, and the well-being of our military families, and I might add our Federal employees, our civilian personnel as well.

I particularly want to thank Chairman SKELTON, the Armed Services Committee and staff for their months of hard work to bring this legislation close to enactment. I know on the staff, this has been tough. The conference was tough.

In sum, the conference report authorizes \$550.2 billion in budget authority for the Department of Defense and the national security programs at the Department of Energy, as well as \$130 billion for overseas contingency operations. It is a serious response to the real, immediate, and rapidly changing threats our Nation and our troops face.

Among its most important provisions are those that help to rebuild our Armed Forces, which are worn down after years of war.

It provides \$11 billion and \$2 billion to re-equip the Army and Marine Corps respectively, as well as \$6.9 billion to meet equipment shortfalls in the National Guard and Reserve.

In line with President Obama's request, it also adds an additional 30,000 troops to the Army, 14,650 to the Air Force, 8,100 to the Marines, and 2,477 to the Navy. I believe these are critical provisions. We are asking our men and women to serve long tours at great risk. The trauma that they are experiencing is very substantial. The ops tempo, as we call it, is such that if we do not increase our forces, we will not be able to give the proper rest that our troops need. So I congratulate the committee for attending to that issue.

It authorizes 30,000 more Army troops in fiscal years 2011 and 2012. Our Nation has made the proper decision to confront those who would cause us risk. But if we are going to do so, we must properly resource our services with the proper number of personnel.

To ensure safety and dignified living standards for those troops, it commits \$350 million to construct new Army training barracks and \$200 million for facilities in the National Guard and Reserve.

This conference report also orients our country in the direction of the new national security strategy put forward by the Obama administration, which includes redeployment from Iraq and a commitment to the stability of Afghanistan and Pakistan. The conference report reflects those priorities.

Mr. Speaker, I have other matters that I could speak to, but I think everyone on this floor knows the importance of this bill. I note the presence on the floor of, like Mr. SKELTON, one of the great leaders in supporting our Armed Forces on the floor with me, my good and dear friend BILL YOUNG from the State of Florida, as the ranking Republican on the Appropriations Subcommittee. I want to thank him for his leadership. Mr. YOUNG has been here, IKE, longer than either one of us has been here, and he has served his country very well. It is appropriate that he is on the floor as we consider this important bill.

In closing, Mr. Speaker, I would urge every Member in this House to support this bill which supports our troops, to support this bill which authorizes the funds necessary to respond to the needs and the policies of the United States of America in protecting our citizens and our homeland from those who would undermine our security and safety, who would attack our property and persons. That's what this bill is about.

This bill has many items in it, some more controversial than others. But at heart, this bill is about our troops and about America's security. I would hope and urge every one of my colleagues, when the roll is called, to vote "aye" on this critically important bill for the security of the United States of America.

Mr. SKELTON, I congratulate you for your leadership. You are one of America's great patriots and leaders, and I am proud to be your colleague.

Mr. WILSON of South Carolina. Mr. Speaker, I reserve the balance of my time for the gentleman from Ohio (Mr. BOEHNER), the Republican leader, for when he arrives.

Mr. SKELTON. Does the gentleman from South Carolina have any additional speakers?

Mr. WILSON of South Carolina. We are reserving our full time for the gentleman from Ohio (Mr. BOEHNER) as soon as he arrives.

Mr. SKELTON. I prefer to close, Mr. Speaker, after the gentleman from Ohio speaks.

Mr. WILSON of South Carolina. Mr. Speaker, as we close on the Republican side, indeed, this is such an important bill for the military of our country. As has been indicated by so many of my colleagues, with the highest regard that we have for the chairman of the House Armed Services Committee, there is great distress over the additional language that should not have been added to this bill.

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

Mr. SKELTON. Mr. Speaker, in your mind's eye picture a young Army corporal preparing to drive down a road in his security vehicle to help in an ongoing firefight in the mountains of Afghanistan. Picture in your mind this young corporal dressed in the Army fatigue uniform, an M16A2 standard-issue rifle in his hand with bullets made in

America for that M16A2, wearing body armor furnished him and in the latest security vehicle provided by the United States Army.

□ 1330

That M16A2 rifle was furnished by the Congress of the United States. The ammunition for that rifle was furnished by the Congress of the United States. The body armor on that soldier was furnished by the Congress of the United States, and the vehicle in which he rides, that security vehicle was furnished by the Congress of the United States.

As a young soldier, this young corporal goes down the road, look at that soldier and answer the question, Did you vote to support me as a Member of Congress of the United States?

Ms. LEE of California. Mr. Speaker, for the first time in my tenure I rise today in support of the conference report on H.R. 2647, the National Defense Authorization Act for FY 2010.

I still believe that we must bring common sense to our runaway defense spending and end support for outdated cold war era weapons systems that are costing taxpayers over \$60 billion a year without any appreciable benefit to our national security.

While I am pleased to see that H.R. 2647 includes language prohibiting the establishment of permanent military bases in Iraq or Afghanistan, I continue to have serious concerns that the authorization for overseas operations included in this bill threatens to further entrench the United States in conflict and continue us down a path to war without end.

Mr. Speaker, I will continue to oppose a military-first foreign policy strategy which endangers our troops and our national security, and undermines our ability to meet the needs of the American people.

But today, I will be supporting this bill in the interest of all past, present, and potential victims of hate crimes and discrimination.

It is long past time that we protect Americans against hate violence by ensuring hate crimes are fully prosecuted under the law, as provided for in this bill.

No individual should face discrimination, fear, or violence on the basis of race, color, religion, national origin, gender, sexual orientation, gender identity, or disability.

Mr. POSEY. Mr. Speaker, this is a sad day in the House of Representatives. The Majority chose to add to the defense bill a totally unrelated and highly controversial bill, commonly called the Thought Crimes Bill or the Hate Crimes bill. There are serious concerns that religious leaders promoting traditional morality may be subject to potential criminal liability under this bill as prosecutors blur the line between what constitutes a "hate crime" and what they deem hate speech. Last minute changes to the Thought Crimes bill stripped important religious freedom protections and constitute further abuse of power. While no one should condone acts of hatred toward others, this bill goes far beyond its stated purpose.

To airdrop this totally unrelated legislation onto a bill that authorizes our national defense budget is a travesty and abuse of power in the highest degree.

Adding vague unrelated provisions that are likely to be proven unconstitutional to the de-

fense bill is more than inappropriate. I have joined many of my colleagues in sending a letter to the President expressing our concerns, stating "Each of us takes very seriously the responsibility to ensure the men and women who volunteer to serve in our Armed Forces have the resources they need to defend this nation. Using our troops to pass divisive social policy does a profound disservice to them, this institution, and the constituents we serve."

Fortunately, this bill is not the last word on national defense this year, and we will soon have before us the Defense Appropriations bill—the bill that actually provides funding for our troops. Congressional leaders should resist the urge to again engage in such abuses of power.

I am introducing legislation today that will block the House from engaging in such behaviors in the future. My bill will bring some common sense to this place by ending the practice of merging totally unrelated bills in secret conference committees. Separate issues should be kept separate.

It is also troubling that once again, the Majority failed to give Members of Congress and the public at least 72 hours to understand how \$680 billion in taxpayer dollars are being spent. What last minute earmarks were included in the 2,200 page bill? No one knows!

I am also disappointed with several shortcomings in the bill. The bill fails to include provisions to guarantee that Guantanamo Bay terrorist detainees will not be sent to the United States. At a time when Iran is advancing its nuclear and missile technology programs, the bill unwisely cuts over \$1.2 billion from our national Missile Defense program. While there is also much good in this bill, I am glad that we will still have an opportunity to vote on the actual spending bill in the next few weeks. I would urge the Majority to resist the temptation to lard up that bill with last minute airdropped earmarks or play politics with our troops by adding extraneous liberal social policies.

Mr. MORAN of Virginia. Mr. Speaker, I rise to support the conference report on H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010. In particular, I would like to thank Chairman SKELTON and Ranking Member McKEON for their leadership in negotiating this piece of legislation.

As others have attested, this bill will provide more than \$600 billion for our troops, so that they will be ready to confront today's adversaries and prepared to prosecute tomorrow's conflicts, all while knowing that the U.S. public stands ready to support their needs at home and abroad.

Also included in the Defense Authorization are three provisions that will greatly benefit the federal employees that not only support the warfighter, but often serve alongside our men and women in uniform.

The first is known as the Federal Employee Retirement Service (FERS) Sick Leave provision. This piece will allow FERS-enrolled employees to use their accumulated, unexpended sick leave towards the computation of their annuities upon retirement. This provision puts FERS employees on par with those in the Civil Service Retirement System, CSRS, which includes employees who joined the civil service prior to 1984.

The second provision important to so many federal employees is known as the CSRS Part-Time Fix. It allows CSRS workers to

phase-down to part-time status at the end of their careers without reducing their final annuities and pensions. Today, under CSRS, part-time service occurring during the final years of federal service negatively impacts the high-three annuity calculation, leading to earlier full-time service being calculated as part-time. This flaw often pushes out the most experienced and knowledgeable federal employees just at the time when this nation needs their service and expertise.

The final federal employee provision contained in this bill is known as FERS Redeposit. This provision allows returning FERS employees, who earlier left federal service, to repay a deposit to the civil service trust fund, with interest, in order to be able to combine their past and new federal service for future annuity credit purposes. Like the other two federal employee provisions, the FERS Redeposit will help the federal government better recruit and retain the skilled men and women that are critically vital to our armed services.

Though I have championed these provisions in the past, I must take some time to personally thank Chairman SKELTON, Ranking Member MCKEON, Chairman TOWNS, and Chairman LYNCH for their tremendous efforts to ensure that these provisions survived conference. Without the effort of these esteemed Congressmen, hundreds of thousands of federal employees would not be the beneficiaries of such provisions.

Lastly, I strongly support the inclusion of The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act in this legislation. This provision, which has passed Congress several times over the past few years, would extend federal hate crimes law to protect individuals targeted because of their sexual orientation, gender, gender identity, or disability. In addition to expanding the categories of hate crimes, it would allow the Justice Department to aid in the investigation and prosecution of hate crimes at the local level through technical assistance and supplemental funding.

Hate crimes have a chilling effect beyond a particular victim, spreading fear of future attacks among the targeted group. Congress cannot prevent hate from motivating individuals to commit violence, but we can ensure that the proper laws and resources are available to prosecute these cases to the fullest extent of the law. Enactment of this legislation is a long overdue step in combating all forms of hate-based violence that impact communities across the country.

Mr. Speaker, I once again thank Chairman SKELTON for his leadership.

Mr. KUCINICH. Mr. Speaker, I rise in strong opposition to H.R. 2647. Throughout my time in Congress I have been a champion for human rights. My opposition to the wars in Iraq and Afghanistan, and by extension, the inclusion of an authorization for an additional \$130 billion to fund these wars, is in part predicated on an understanding that war violates the human rights of the affected populations.

The war and occupation in Iraq has taken the lives of over one million people. Thousands more innocent lives have been lost due to military operations in Afghanistan. These lives are often referred to as "collateral damage." But in reality these lives represent innocent children, mothers, sisters, brothers, and fathers, among others, that were killed because a war and occupation has been im-

posed on them. Military operations have caused their homes to be invaded, their communities to be bombed and their resources, including food and water, to be increasingly scarce.

Unemployment in both Iraq and Afghanistan is devastatingly high; access to humanitarian aid is limited; medical care and education are difficult to obtain or completely unavailable. The wars in Iraq and Afghanistan have clearly violated the human rights of the civilian populations in which they are being waged.

The people of Afghanistan are suffering horribly from 8 years of war. During that time the Afghan central government has become increasingly corrupt and has failed to meet the needs of the Afghan people. Iraq has been decimated during more than six years of war and occupation. The people of Iraq continue to wonder when the killing of the innocent will be enough to satisfy the U.S. and question when the U.S. will end the occupation of their country.

The majority of the Iraqi and Afghan people are not extremists or insurgents, but they are the victims of the global war on terror whose daily lives now entail little more than struggling to feed their families and survive the violence of the war. Furthermore, the war in Iraq was based on false intelligence and an inaccurate, government sponsored, propaganda campaign.

I ask this body: Where is our dedication to the human rights of the innocent people around the world who will be killed, maimed or displaced by the bombs, weapons and death machines that this bill funds?

As a staunch supporter of human rights I have consistently supported, voted in favor of, and advocated for passage of hate crimes legislation. I am fully committed to ensuring that the human rights of all individuals are protected. Therefore, I believe that passage of hate crimes legislation is essential to ensuring strong human rights protections for the victims of violent crimes that are perpetrated based on the actual or perceived race, color, religion, national origin, sexual orientation, gender, gender identity or disability of the victim.

But there is a deep-seated irony in including a human rights provision in a funding bill that will inevitably ensure the continuation of human rights violations in parts of the world. I believe that, as a Nation and a part of the global community, we cannot fully ensure the protection of our own human rights here in the United States without being equally diligent in ensuring the human rights of our global society. I cannot trade the human rights of some for the human rights of others.

Ms. CORRINE BROWN of Florida. Mr. Speaker, I rise today to support the National Defense Authorization Act for Fiscal Year 2010. I want to thank Chairman SKELTON for his hard work and leadership on working with all members and the Senate in passing an important bill to authorize the funding for our entire armed forces.

I am especially grateful for the provision to authorize funding to dredge the St. Johns River at Mayport Naval Station. It is important for our Navy to have the flexibility to station all of our vessels where they can be safe and provide the maximum amount of protection for national security.

I am proud of the men and women of our military who, every day and every night, protect the freedoms we hold so dear. Congress

determined the mission and it is up to us to make sure our soldiers have the proper resources to carry out that mission.

The Navy and the President determined that part of that mission included making the harbor at Mayport Naval Station suitable for all the ships in our fleet. They included that requirement in the budget submitted to the Congress. And it is included in the conference report. This is a key military construction and force protection project.

The U.S. Navy has an alternative docking location for every ship in the Navy except for aircraft carriers stationed on the East Coast. In order to provide this emergency docking location, the Navy requested funding in the Fiscal Year 2010 Budget for Channel Dredging at Naval Station Mayport.

Right now, the channel to Naval Station Mayport is dredged to 42 feet plus a 2 foot overdraft. For a full loaded nuclear aircraft carrier to pull into Mayport without tide restrictions, the channel must be dredged to 50 feet plus a 2 foot overdraft.

I was pleased to speak with Secretary of Defense Robert Gates earlier this year and he expressed his commitment to make the Mayport Naval Station a viable option for all naval ships in the event of emergency.

This provision to allow the dredging to continue represents a huge victory not only for the First Coast community, but also for the brave men and women of the U.S. Navy, whose vulnerability to attack is decreased by avoiding consolidation of carriers in any single location. The attack on Pearl Harbor in 1941 highlighted the danger associated with docking large naval fleets in only one location. I am thrilled that the Department of Defense has decided to take advantage of the Jacksonville port in order to increase the safety of our men and women in uniform.

This is about national security and ensuring we provide our Navy leaders with operational flexibility they need. Our aircraft carriers are too valuable of assets not to provide a backup docking location.

I am pleased at the support of the entire Florida delegation for working in a bipartisan matter to support the men and women of our military who, every day and every night, protect the freedoms we hold so dear. Congress determined the mission and it is up to us to make sure our soldiers have the proper resources to carry out that mission.

I support this provision and the entire bill and urge my colleagues to support this bill as well.

Mr. JORDAN of Ohio. Mr. Speaker, I am disappointed to have to vote today in opposition to the conference report on H.R. 2647, the 2010 National Defense Authorization Act. For House Democrats to bring it to the Floor in its current form shows that they are not above playing politics with our troops.

I commend the House Armed Services Committee and House conferees on the bill for their good work in support of our military. The conference report provides much-needed funding for our operations in Iraq and Afghanistan at a time when the Administration's commitment to those missions is in question. We must continue to do everything in our power to give our troops the resources they need to succeed, and also to support their loved ones at home.

I applaud the important provisions of this conference report that authorize funding for

equipment acquisition, research and development, and reset. I am pleased that the legislation increases the size of the Army, Navy, Air Force, and Marine Corps to address current and future threats.

The conference report bars the transfer of detainees at Guantanamo Bay to the United States pending a review on the threats they would pose to Americans. I find it unconscionable that the Obama Administration is still contemplating bringing terrorists to American soil after this Congress and the American people have gone on the record against such a reckless move.

Most importantly, the conference report authorizes an across-the-board military pay raise above what President Obama's defense budget requested. I was proud to vote to fund this pay raise in July when it was included in the 2010 defense appropriations bill, and look forward to quick action on a final version of that bill to provide this well-deserved increase.

The extraordinary sacrifices of our men and women in uniform make it of utmost importance that we give them the equipment and the support they need to complete their mission. They deserve far more than they are getting today from Congress, which is cynically using this bill to advance social policies favored by the Left. Attached to the bill by Senate Democrats is a wholly unrelated and unconstitutional so-called hate crimes bill.

This hate crimes bill represents an unprecedented departure from the deeply rooted American principle of equal justice under law. Justice should be blind, rendered through a criminal justice system that does not take into consideration such issues as race, gender, and religion.

Mr. Speaker, all violent crime is rooted in hatred. All violent crime is deplorable and should be punished to the fullest extent. Crimes not aimed at certain classes of people are just as reprehensible as those committed for other reasons. Crimes committed against one citizen should not be punished any more or any less than crimes committed against another.

But this hate crimes bill treats senseless, random violence less harshly than other, less "random" crimes. Justice will depend on whether a victim is a member of a category deemed worthy of protection under this bill—a list, for the record, that does not include the unborn, pregnant women, the elderly, and others who are among society's most vulnerable.

In fact, when the hate crimes bill was considered in the Judiciary Committee earlier this year, I offered an amendment to add the unborn to this list. The amendment was ruled non-germane on the outrageous grounds that the unborn are not "persons." So much for defending our most defenseless.

I find it intriguing that a provision offered by Republicans but opposed by Democrats in committee—heightening penalties for attacks on servicemembers—is now hailed by Democrats as a vital part of this legislation.

The hate crimes bill raises the very real possibility that religious teachers of every faith could be prosecuted based on the sermons they give. By permitting legal action against anyone who "willfully causes" action by another person, it is not hard to imagine charges being filed against a pastor if a misguided parishioner claimed that the pastor's message caused him to commit a violent act. Subjecting pastors' sermons to prosecutorial scrutiny

would prove a chilling effect on the rights of all individuals to freely practice their religion.

It is beyond shameful that these hate crimes provisions have been stapled onto the defense authorization. They are completely irrelevant to the protection of our troops, and provide yet another example of how terrified the Democrat majority is of free and open debate. Just as the hate crimes bill was originally debated in the House under a closed rule allowing for no amendments, it is now being presented to the House for only one hour of debate with no opportunity to amend it.

Mr. Speaker, defense authorization bills have traditionally been free of politics, almost always garnering widespread bipartisan support. The actual defense provisions in this authorization bill are good. I would be proud to support this bill, absent the unrelated and unconstitutional hate crimes provisions included in it.

The American people have a right to be ashamed of the poisoned process that forces pro-defense members of Congress to vote against what might otherwise be a good defense bill.

Mr. HOLT. Mr. Speaker, I feel strongly that all men and women must be treated equally, regardless of their race, religion, gender, sexual orientation, gender identity or disability. That is why I am an original cosponsor of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Hate crimes are real. They spread fear and intimidation among entire communities. This bill would strengthen local law enforcement's ability to prosecute hate crimes based on race, color, religion, national origin, gender, sexual orientation, gender identity and disability to the victim. It's long past time for Congress to pass this important legislation to help prosecute those who would commit these heinous acts.

Some have opposed this bill by saying it would legislate "thought crimes." It is patently false to say that we're criminalizing thought. We are criminalizing the brutality that results when these thoughts lead to the death and serious injury of an innocent victim. This is no more about criminalizing thought than the antilynching laws were about criminalizing knot tying.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act authorizes the Attorney General to provide technical, forensic and prosecutorial assistance in the criminal investigation or prosecution of any crime of violence that is motivated by prejudice based on race, color, religion, national origin, gender, sexual orientation, gender identity or disability of the victim. It also authorizes the Department of Justice to award grants to state and local law enforcement to assist in hate crime prevention.

This bill is about hate crimes and giving law enforcement the tools they need to prosecute them. This bill has strong support from over 300 civil rights, religious, LGBT, law enforcement and civic organizations, and I'm particularly pleased to identify the support of the Garden State Equality, a group that has fought tirelessly to fight discrimination against all Americans, including discrimination based on gender identity.

The bill has in the past been approved by the House and the Senate only to fail to reach the president's desk. Yet, today we will finally pass the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act into law.

Mr. BILIRAKIS. Mr. Speaker, I want to explain my vote in opposition to the Conference Report to H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010.

I absolutely support ensuring that our brave men and women serving in the Armed Forces have the necessary and best possible training, equipment, and other resources to accomplish their missions as quickly and safely as possible.

I sought a seat on the House Committee on Veterans Affairs in my first term so I could in some small measure help repay our debt to past soldiers and their families by protecting and strengthening their health, disability, and retirement benefits.

I have introduced legislation to increase the pay of members of the military, provide tax cuts to active duty military personnel, give tax credits to our military to help them purchase homes, allow for concurrent receipt of military retired pay and disability compensation, and encourage employers to hire members of the Reserve and National Guard.

I have also traveled to Iraq and Afghanistan to visit with our troops and let them know that I understand and appreciate what they are doing and will do whatever I can to support them.

Very simply, I believe our brave warriors who are standing in harm's way to keep us safe are the true heroes in our society and deserve our complete and unfettered support. That is why I supported the House-passed defense authorization bill earlier this year. I am terribly disappointed that I cannot vote for this conference report, however, because it includes several misguided provisions that should not become law.

This bill is shamelessly being used to enact unrelated and controversial hate crimes legislation, to which many, including me, strongly object. The inclusion of this language in a bill to ensure our national security and meet our commitment to the troops is unconscionable.

I believe that all crimes should be vigorously prosecuted and the convicted should be swiftly and appropriately punished. I do not believe that the federal government should be in the business of criminalizing thought and creating classes of people who supposedly are more deserving of protection than others.

The bill cuts funds for missile defense by more than a billion dollars from last year's level and permanently prohibits the deployment of long-range missile defense interceptors in Europe; unless a lengthy certification process occurs, effectively shutting down a system that would protect us and our European allies from nuclear attack.

The bill also strikes funding included in the House-passed bill for the production of additional F-22 fighters. These provisions leave us more vulnerable to attack from nuclear nations and those countries developing more advanced air assets.

Mr. Speaker, I will not play along with this political charade and allow our men and women in uniform to be used as cover to pass controversial social policies that cannot be enacted on their own. My constituents know how strongly I support our troops and our military efforts to prevent terrorists from striking in this country again like they did on 9/11.

I hope the next time we consider a defense authorization bill we do so in a manner that reflects and upholds the very ideals that our troops are fighting for, unlike the shameful process that brought us to this point today.

Mr. WOLF. Mr. Speaker, I cannot support the Conference Report for H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010 because it includes more than just the comprehensive annual defense policies and budget authority for the Department of Defense, which is the intended purpose of the bill.

I continue to fully support the efforts of our troops on the ground, but have serious concerns about controversial hate crimes legislation added by the Senate. When the House voted on this legislation in June, I voted yes, because I supported the policies laid out in the House version of the bill. But the Senate's addition has no place in this bill.

I was also disappointed to see that provisions to fix Concurrent Receipt that were included in the House version of the bill were removed in conference. This is a well deserved and long overdue benefit for our nation's veterans.

I want to express my support for the provisions in this legislation which will improve the quality of life for military personnel and their families, strengthen commitments to military retirees, and bolster our national security. Without the hate crimes provision, this bill in total is good legislation for our troops and veterans. In addition to the pay raise for our military, it includes important TRICARE provisions that I continue to support. I have a long history of supporting our troops and veterans and will continue to work to support policies that benefit our military and hope that future defense related legislation can be considered without the inclusion of extraneous and inappropriate provisions.

I also strongly support provisions included in this legislation with regard to federal employees that will improve the efficacy of the federal workforce and remedy historic inequalities in federal retirement benefits. These improvements will strengthen our national security workforce, including more than 700,000 civilians employed worldwide by the Department of Defense.

I am particularly pleased that legislation I have introduced with Representative JIM MORAN, which would credit unused sick leave for federal employees, has been included in this bill. According to a Congressional Research Service report, current inequities in sick leave policy result in a loss of productivity costing taxpayers more than \$68 million each year. This will remedy this and result in a more productive and cost-effective workforce.

The other important federal workforce provisions included in this legislation will: change the computation of certain annuities based on part-time service; expand the class of individuals eligible to receive an actuarially reduced annuity under the Civil Service Retirement System; authorize the re-deposit of retirement funds under the Federal Employee Retirement System; change the retirement credit for service of certain employees transferred from the District of Columbia service to the federal service; alter the retirement treatment of Secret Service employees; and phase in the use of locality-based comparability payments to replace cost-of-living adjustments for certain federal employees, and include a provision from the Senate-passed bill allowing for the re-employment of federal retirees on a limited, part-time basis without offsetting their annuity from salary.

I have worked with colleagues on both sides of the aisle over the last several months to ad-

vocate for the inclusion of these provisions from the House and Senate bills and I am pleased that they have been maintained in the conference agreement. Although I am disappointed that I cannot support this bill, I strongly support the inclusion of these provisions strengthening the federal workforce.

Mr. STARK. Mr. Speaker, I rise in opposition to the Defense Authorization bill. As we focus on slowing the rising cost of health care, we should be just as vigilant about ever higher levels of defense spending.

No one on the international stage comes close to our military spending. The United States accounted for 41.5 percent of the entire world's military spending in 2008—the next closest country was China at 5.8 percent. To put this in perspective, if we spent only six times as much as the next closest country, instead of seven times as much, we would have more than enough money to completely pay for health care reform.

I urge my colleagues to join me in voting against the Defense Authorization bill. That said, there is an important provision in the bill that I support, extending hate crimes laws to cover sexual orientation, gender, gender identity, and disability. I have supported hate crimes legislation throughout my career in Congress, including as a co-sponsor of this legislation when it was approved by the House in April, and I am glad that the hate crimes provision in this bill will finally become law.

Ms. FOXX. Mr. Speaker, I rise today to voice my opposition to the recently enacted policies rammed through Congress in this defense bill.

The so-called "Hate crimes" language in this bill contradicts Americans' First Amendment rights and sets a very dangerous precedent.

We can all agree that any form of bigotry in America is unacceptable. Unfortunately, the "hate crimes" provisions in this defense bill not only have no business in this unrelated legislation, they are also so sweeping and broad that they may very well encompass legitimate religious beliefs.

As a result, under this legislation, any pastor, preacher, priest, rabbi or imam who gives a sermon out of their moral traditions about sexual practices could be found guilty of a federal crime. This is far outside of the current of American freedom that flows through our history.

These "hate crimes" provisions will have a negative effect on the ability of people of deep religious convictions to express those convictions freely. They will inevitably have a "chilling effect" on religious expression from churches, temples and mosques. The most responsible thing for Congress to do is to take steps to rein in this infringement on Americans' First Amendment rights.

Mr. THORNBERRY. Mr. Speaker, this is a sad day—a day in which a domestic social agenda has hijacked the Defense Authorization bill. The men and women in our armed services should be the first and foremost priority of this bill. Instead, this domestic social agenda is being strapped on the backs of our troops. We should not do it.

Creating new "hate crimes" is controversial. A stand-alone bill has passed the House, but apparently its advocates do not believe they can get it through the Senate. So they have attached it to the Defense Authorization Bill.

However one feels about hate crimes, it is wrong to include that provision in this bill. The

hate crimes provisions have nothing to do with the Defense Authorization Bill, and it should not be here.

There are a number of good things in this bill—provisions I support and issues I have worked on. But I cannot condone forcing a domestic political issue into a national security bill.

And I worry that doing this makes it less likely than ever that national security will stay above domestic politics.

We are faced with a serious situation in Afghanistan which requires our best efforts and our concentrated focus. Mr. Speaker, our troops and our nation expect better of us than this.

Mr. CONYERS. Mr. Speaker, I rise in support of the rule on the National Defense Authorization Act. While this legislation addresses many important defense related matters, such as military readiness and pay raises for our troops. It also includes other provisions like reform of the Federal Employee Retirement System. Most important, from the perspective of my Chairmanship of the Judiciary Committee and as author of the House legislation, it also touches on the issue of hate crimes by including the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act.

Some have objected loudly to the inclusion of hate crimes legislation in a defense authorization bill. However, hate crimes legislation is of critical importance to this nation and has passed with broad bipartisan support in the House for the last three (3) Congresses, only to fail in the other body by being stripped out at Conference. I hope that this year is different.

As the names in the title of this provision demonstrate, hate crimes are a blight on this nation. Despite what some would claim, the number of hate crimes each year demonstrate that federal action is crucial to bringing these offenses under control. Since 1991, the FBI has documented over 118,000 hate crimes. In the year 2007, the most current data available, the FBI compiled reports from law enforcement agencies across the country identifying 7,624 bias-motivated criminal incidents that were directed against an individual because of their personal characteristics. These offenses range from assaults to murder.

This legislation will provide assistance to state and local law enforcement and amend federal law to streamline the investigation and prosecution of hate crimes. It is important to note that states will retain primary responsibility for prosecuting these offenses, but with aid of the Federal government.

In the cases of James Byrd and Matthew Shepard local prosecutors acknowledge the crucial role of federal investigative assistance in obtaining prosecutions. In the Shepard case in particular, the local officials could have used a key provision of the bill to help defray the costs of the prosecutions and thus avoid the furlough of law enforcement personnel.

The key element of the bill is its expansion of federal jurisdiction to cover crimes motivated by bias against the victim's perceived sexual orientation, gender, gender identity or disability. I believe that the expansion of jurisdiction to cover additional groups is the key issue to those opposing this legislation. After all, our first hate crimes statute was enacted in 1968 and there has been no move to repeal that law (18 U.S.C.A. Section 245).

At the core of this bill is its protection of First Amendment rights, while protecting communities from bias-based violence. The bill contains a provision that protects the First Amendment rights of the accused at trial and provisions that protect freedom of speech and conduct generally. Despite argument to the contrary, no person can be prosecuted under this act for mere speech or belief. This legislation sanctions violent conduct and the Constitution does not protect speech, conduct or activities consisting of planning for, conspiring to commit, or committing an act of violence.

These hate crimes prevention provisions are supported by a long list of groups (more than 300), including law enforcement groups, religious groups, civil rights groups, disability groups, and numerous other organizations. Behind each of the statistics is an individual or community targeted for violence for no other reason than race, religion, ethnicity, sexual orientation, gender, gender identity, or disability. Law enforcement authorities and civic leaders have learned that a failure to address the problem of bias crime can cause a seemingly isolated incident to fester into wide spread tension that can damage the social fabric of the wider community.

After more than a decade, it is time to send hate crimes legislation to the President.

While I strongly support certain provisions of the bill, I remain concerned about the military commission system despite the reforms that are included in Title XVIII of the Conference Report. Those changes undoubtedly improve existing law in several important ways. For example, the bill prohibits the admission of statements that have been obtained through cruel, inhuman, and degrading interrogation methods. It also expands the scope of appellate review of military commission trial decisions to allow the reviewing court to consider issues of fact as well as law. Congress previously restricted all appeals to issues of law only, an unprecedented departure from how our existing military justice and Article III courts operate. So these changes are positive. In many respects, however, the reforms simply do not go far enough. Several recommendations made by the Judiciary Committee—including a sunset provision for the law, limiting the use of military commissions for trial of detainees held at Guantanamo Bay, Cuba; requiring a voluntariness standard for all statements; adopting a different appeals structure; and prohibiting the trial of child soldiers in military commissions—should also have been adopted.

In July, the Judiciary Committee's Subcommittee on the Constitution, Civil Rights, and Civil Liberties held two hearings on military commissions and possible reforms. Though I voted against the Military Commission Act of 2006, I participated in those hearings with an open mind to determine why military commissions are necessary and whether we can create a system that complies with our laws and our Constitution. After hearing from several witnesses, including representatives from the Departments of Justice and Defense, I am not convinced that we need military commissions or that, even with these reforms, the military commission system is lawful. The last administration seemed to believe that military commissions were desirable because they made it easier to obtain convictions, regardless of the evidence. President Obama has assured us that he seeks a system that is fair, legitimate, and effective. We have just that in

our existing Article III courts and courts-martial system. Our efforts to create an alternative system already have proven unwise and unconstitutional. We should work toward retiring, not reforming, this system. In the meantime, however, I cannot in good conscience oppose changes that will improve the existing system.

I urge a vote in support of the rule.

Mr. WAMP. Madam Speaker, I rise today to oppose the inclusion of hate crimes legislation within the National Defense Authorization Act (H.R. 2647). Throughout my 15 years in Congress, I have always been a passionate supporter of our military and their families. I stand on my strong record of support for our brave service men and women. Regrettably, however I cannot, in good conscience, vote for the National Defense Authorization Act for Fiscal Year 2010.

Using the broad admiration for our military, the majority has hijacked this Defense Authorization bill to pass a hate crimes provision that could not pass on its own merits.

Every jurisdiction in the United States prohibits battery and murder. If we prioritize crimes based on the victim's status, we threaten the very notion of equal protection under the law that is the foundation of our legal system. Instead, all violations of the law should be dealt with in a manner that delivers justice on behalf of victims and their families. As a society, we must do what we can to prevent all crimes.

The use of violence against any innocent person is wrong, regardless of that individual's race, religion, nationality, or sexual orientation. Crimes of violence should be prosecuted to the fullest extent of the law.

With two wars waging overseas, now is not the time to be playing politics with the lives of our brave service men and women. They deserve a clean defense bill, but today's vote sends the wrong message to all those who stand in defense of our Nation.

Mr. HOLT. Madam Speaker, I rise in support of this bill.

Every year, this bill provides us with an opportunity to make sure we are doing right by the men and women who serve our Nation in uniform. The National Defense Authorization Act for Fiscal Year 2010 (H.R. 2647) would provide a 3.4-percent pay raise for our troops. It also would expand TRICARE health coverage for reserve component members and their families for 180 days prior to mobilization and prohibit fee increases on TRICARE inpatient care for one year. To help our wounded warriors with their recovery, the bill authorizes funding for travel and transportation for three designated persons, including non-family members, to visit hospitalized service members. It also authorizes funding to allow seriously injured service members to use a non-medical attendant for help with daily living or during travel for medical treatment.

H.R. 2647 also contains provisions designed to improve and rationalize our policy on detainees. I am especially pleased that the bill contains a provision I wrote that requires the videorecording of interrogations of detainees held at theater-level detention facilities in Iraq and Afghanistan. For the first time, the Defense Department will have a uniform standard for collecting videorecorded intelligence from detainees through this mandatory program. Law enforcement organizations across our country use this technique routinely in interrogations, and it is past time the Defense De-

partment adopted a common standard for videorecording interrogations to maximize intelligence collection and protect both the interrogators and the detainees.

I'm pleased that this bill contains strong hate crimes prevention provisions that I have supported for years. The Local Law Enforcement Hate Crimes Prevention Act, which is included in this bill, would provide technical and financial support to local law enforcement and prosecutors so that they can more aggressively try violent crimes which are motivated by a victim's race, color, religion, national origin, gender, sexual orientation, gender identity, or disability and expands Federal jurisdiction to cover such crimes. Additionally, the bill would make it a Federal crime to attack U.S. servicemembers or their property on account of their service to country. The bill also includes stronger protections for freedom of speech and association, including religious speech and association, than the House passed version of this legislation. These changes will ensure that religious leaders will not have to change the expression of their beliefs or how they serve their congregations, as a result of the enactment of hate crimes legislation.

I am also pleased to see that the Conference Report includes most of Senator SCHUMER's Military and Overseas Voter Empowerment Act, which had been attached to the Senate-passed bill. That bill would facilitate the ability of military and overseas voters to request voter registration and absentee ballot applications by mail and electronically, the ability of election officials to transmit blank absentee ballots to military and overseas voters, and the ability of military voters to return their completed paper ballots safely, securely and free of charge by express mail, with generous pick-up and delivery time-frames. The latter provisions are similar to my own legislation on that topic, the Military and Overseas Voting Enhancement Act, which was the very first election reform bill I introduced in the House this session.

I would also like to commend my colleague Ms. MALONEY, who I was pleased to collaborate with on her Overseas Voting Practical Amendments Act, which included provisions to facilitate the use of electronic transmission for outgoing applications and ballots similar to those in the Schumer bill that were not covered by my bill. I agree with Senator SCHUMER that facilitating the ability of our service men and women to vote conveniently, expeditiously, securely, and—to say the least—for free—should be our top priority. They put their lives on the line for us every day, and the electoral process should recognize their sacrifice accordingly.

However, whatever we do to facilitate the ability of our military personnel to vote, we must never do it at the expense of the security or privacy of their votes. The strong language included in the conference report requires that the privacy of our military and overseas voters be protected. And in providing only for the express mail return of completed hard copy ballots, it also recognizes that return of completed ballots by electronic means presents security risks. However, the bill calls for the study of "new election technology" to facilitate the ability of our military and overseas voters to vote. We must remember that "new" does not necessarily mean better, and that too often technology has been adopted before being

properly evaluated for the potential unintended consequences it may cause.

Chlorofluorocarbons were hailed as an innovation in refrigeration; we've since discovered that they damaged the ozone layer, so they are now banned. Asbestos was hailed for its insulation properties; we've since discovered that it causes lung disease, so it is now banned. DDT was hailed as a disease-fighting pesticide and its inventor was awarded the Nobel Prize; we've since discovered it causes serious harm to living organisms, so it is now banned. Electronic voting machines were hailed as making voting easier and more accessible; we've since learned that in most cases their results cannot be reliably and consistently verified. Whatever we do to enhance the ability of our military and overseas voters to vote, we must never implement anything that could compromise the accuracy, integrity, and security of the vote count.

One key provision in the House version of the bill that is not in this conference report is a requirement that the Secretary of Defense conduct suicide prevention outreach to every Individual Ready Reserve member who has done at least one tour in Iraq or Afghanistan. I was astonished to learn that some in the Senate objected to this provision on the grounds of costs. How much would it cost the Defense Department to task the Assistant Secretary of Defense for Health Affairs to have his staff make phone calls to check up on IRR members who might be at risk of taking their own lives? If we can find tens of millions of dollars to buy extra engines for the F-35 fighter that the Pentagon doesn't want, there is no excuse for the Congress not to find the money to help prevent combat veterans from killing themselves.

Finally, this bill requires the Government Accountability Office (GAO) to "submit to the congressional defense committees separate reports containing assessments of the extent to which the campaign plan for Iraq and the campaign plan for Afghanistan (including the supporting and implementing documents for each such plan) each adhere to military doctrine." Unfortunately, we need far more than a simple assessment as to whether our armed forces are fighting according to established doctrine. What we need is a critical examination of whether they should be fighting in Afghanistan at all. Some of us have asked for a plan of success or a plan of withdrawal before sending another wave of soldiers. We have received no such plan.

As I've stated previously, I will not support an endless military commitment in this region. If a year from now I do not see unambiguous indicators of success—fewer civilian casualties, Afghan and Pakistani security forces in the lead on the security mission, genuine progress in rebuilding Afghanistan's devastated infrastructure and civil institutions—I will not support further funding for operations and will support only measures that will bring our forces home, and quickly.

On balance, this is a good bill and I urge my colleagues to join me in supporting it.

Mr. BUYER. Mr. Speaker, I am very disappointed that I must vote against the conference report for H.R. 2647, the FY2010 National Defense Authorization Act, because it includes "hate crimes" provisions of H.R. 1913. The provisions were added by the Senate in an effort to facilitate the social engineering and partisan political agenda of the Demo-

crat leadership in Congress. The "hate crimes" language has absolutely nothing to do with the funding and equipping of our servicemembers, and it is especially unfortunate that such a blatant partisan action would be taken during a time of war when our nation's sons and daughters are in harm's way. My no vote supports the values, goals, and mission of the United States military.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of the 2010 Defense Authorization Conference Report.

This conference agreement reflects our commitment to the national security objectives of the country and demonstrates our support for our servicemembers and their families.

The bill authorizes \$680 billion for military personnel, equipment and global operations. To improve the quality of life for our troops and their families the report provides a 3.9 percent military pay raise for personnel and preserves important health benefits including prohibiting fee increases in TRICARE and the TRICARE pharmacy program and creating new preventive health care initiatives.

The National Defense Authorization Act covers a large number of federal employees and this conference report includes important benefit improvements for many of them. The report includes a provision to allow employees under the FERS system to use unused sick leave when computing their annuities upon retirement; a provision to allow CSRS workers to phase-down to part-time status at the ends of their careers without reducing their final annuities; and a provision I introduced that permits a small number of returned CSRS employees to receive a reduced annuity rather than being forced to repay interest on their required deposit to the civil service trust fund.

This FY10 Defense Authorization Conference Report promotes our national security priorities, provides for our troops and their families, and improves oversight, and accountability.

I encourage my colleagues to join me in supporting the bill.

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

The SPEAKER pro tempore. All time for debate has expired. Pursuant to House Resolution 808, the previous question is ordered.

Pursuant to clause 1(c) of rule XIX, further proceedings on the conference report are postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 31 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1447

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SERRANO) at 2 o'clock and 47 minutes p.m.

CONFERENCE REPORT ON H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

MOTION TO RECOMMIT

Mr. McKEON. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. McKEON. I am in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. McKeon moves to recommit the conference report on the bill H.R. 2647 to the committee of conference with instructions to the managers on the part of the House as follows:

(1) To not accept any provision that would provide for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, as described in section 1023(d) of the bill as passed by the House, into the United States or its territories or possessions.

(2) To insist on section 121 of division D of the bill as passed by the House (regarding expansion of eligibility for concurrent receipt of military retired pay and veterans' disability compensation).

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

Mr. McKEON. Mr. 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 the motion to recommit will be followed by 5-minute votes on adoption of the conference report, if ordered; and motion to suspend the rules on H. Res. 804.

The vote was taken by electronic device, and there were—yeas 208, nays 216, answered "present" 2, not voting 7, as follows:

[Roll No. 769]

YEAS—208

Aderholt	Brown (SC)	Diaz-Balart, L.
Adler (NJ)	Brown-Waite,	Diaz-Balart, M.
Akin	Ginny	Donnelly (IN)
Alexander	Buchanan	Dreier
Altmire	Burgess	Duncan
Austria	Burton (IN)	Ehlers
Bachmann	Buyer	Emerson
Bachus	Calvert	Fallin
Barrett (SC)	Camp	Flake
Barrow	Cantor	Fleming
Bartlett	Cao	Forbes
Barton (TX)	Capito	Fortenberry
Biggert	Carter	Foster
Bilbray	Cassidy	Fox
Bilirakis	Castle	Franks (AZ)
Bishop (UT)	Chaffetz	Frelinghuysen
Blackburn	Childers	Gallegly
Blunt	Coble	Garrett (NJ)
Bocchieri	Coffman (CO)	Gerlach
Boehner	Cole	Gingrey (GA)
Bonner	Conaway	Gohmert
Bono Mack	Crenshaw	Goodlatte
Boozman	Culberson	Granger
Boren	Dahlkemper	Graves
Boustany	Davis (AL)	Griffith
Brady (TX)	Davis (KY)	Guthrie
Bright	Deal (GA)	Hall (NY)
Broun (GA)	Dent	Hall (TX)