

Mr. PRICE of North Carolina. I thank the gentleman.

Now I yield to Mr. ROTHMAN.

Mr. ROTHMAN of New Jersey. I thank the chairman.

First, I would like to thank Chairman PRICE and Ranking Member ROGERS and my fellow subcommittee members for their leadership on this entire Homeland Security legislation and for their support for this project. As you know, the Department of Homeland Security reviewed this project and had no objection to it. This is a good bill and a good project.

Mr. FLAKE's amendment would remove funding for this project that would otherwise help local, State, and Federal emergency response agencies better communicate and coordinate in the aftermath of a terrorist attack or natural disaster.

My district is across the river from what were the Twin Towers in New York City, and we know firsthand the difficulties that arose in that terrible tragedy because of the inoperability, the lack of communication technologies working together amongst police, fire, and other emergency services.

There was a landmark publication, "Why Can't We Talk," which was produced in the wake of 9/11 by a national task force of 18 associations representing public safety and elected officials. It noted five key reasons why first responders struggle to communicate sometimes with their own agencies.

This \$1 million project would support specific initiatives established in the National Emergency Communications Plan delivered to Congress in July 2008 by the U.S. Department of Homeland Security's Office of Emergency Communications. Working in partnership with that office, the National Institute for Communications Interoperability would address the most critical issue facing the first responder community today, their ability to command and control emergency resources in response to terrorist attacks, natural disasters and crimes through inter-agency communication.

This project will not only help to make our Nation safer by demonstrating how various regional emergency responses can better coordinate, but it will help to ensure that local, State and Federal tax dollars that have already been allocated in previous Homeland Security measures and in previous budgets throughout the United States are used more wisely. The primary goal of this project is to ensure the best possible use of taxpayer money by public safety officers and first responder organizations.

Federal, State, and local governments have invested a substantial amount of capital, as they should have, on first responder equipment, emergency plans, and safety personnel. It makes sense for Congress to support a project that will help to coordinate these efforts and maximize the return on these essential investments.

I urge the defeat of this amendment. Madam Chairman, I yield back the balance of my time.

Mr. FLAKE. May I inquire as to the time remaining.

The CHAIR. The gentleman from Arizona has 2 minutes remaining.

Mr. FLAKE. I would urge adoption of the amendment. As I mentioned, when you look at the bill itself, you see again the spoils system that's occurring here: 71 percent of the dollar value of earmarks in this legislation go to just 25 percent of this body; 71 percent goes to 25 percent. That's not an equal distribution.

As we know, Mother Nature does not target those districts represented by appropriators or powerful Members, yet we have a system that awards earmarks based on those criteria.

Mr. ROTHMAN of New Jersey. May I ask the gentleman to yield for a short question?

Mr. FLAKE. Yes.

Mr. ROTHMAN of New Jersey. Is the gentleman aware that there will be five areas across this country that will be supported by this program as determined by this organization which has been established by 50 States and the territories?

Mr. FLAKE. That's right. And I'm also aware that the Department of Homeland Security has a similar program that does similar things, yet we are earmarking over and above on top of that.

I simply think that if we don't like the way the Department of Homeland Security is allocating resources, we need to change that or we need to give them guidance; we need to oversee what they do. For example, in my district a couple of years ago, the Department of Homeland Security spent money to synchronize street lights in a small town in my district. That wasn't an appropriate use of funds. But instead of spending time rooting out that kind of waste, we're saying we don't like the way you did that, so we're going to do some of our own. And so it is a duplicative program. And in the end, we end up spending more money and more money; and that's why the budget increases for this agency every year.

We simply cannot continue to do this when we have a \$2 trillion budget deficit this year alone. At some point we've got to say we've got to save taxpayer money, spend it wisely, and do it in a way that actually addresses risk, not seniority.

Mr. ROTHMAN of New Jersey. Will the gentleman yield for one more question?

The CHAIR. The time of the gentleman has expired.

The gentleman from North Carolina has 1 minute remaining.

Mr. PRICE of North Carolina. I am happy to yield to my friend from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN of New Jersey. I thank the gentleman.

My friend from Arizona does not, Madam Chairman, dispute the validity

and the importance of coordinating emergency communication throughout the United States, nor does my friend from Arizona dispute that this project represents five pilot projects across the country. So I find it difficult to believe that there would be any objection to this very valuable program that has already met with success and that is deserving of additional new outreach to the first responders emergency personnel across the country.

Ms. MATSUI. Madam Chair, SEARCH, the National Consortium for Justice Information and Statistics, is headquartered in my district in Sacramento, CA. I know this organization, and I support the earmark that will allow SEARCH to continue to perform its important work across the country supporting the homeland security efforts of state and local entities.

Over the past 40 years, this fine organization has accomplished a great deal to promote information sharing solutions among first responders. As a non-profit organization of the states with a membership body of gubernatorial appointees, SEARCH has served local, state, tribal, and federal information sharing and communications interoperability initiatives nationwide and continues to benefit the whole country.

SEARCH is uniquely qualified to develop and implement the program funded by this earmark. That is why I rise in support of the SEARCH National Institute for Communications Interoperability to promote interoperability in communications among first responders.

I urge Members to vote "no" on this amendment and support funding to SEARCH for the National Institute for Communications Interoperability.

The CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. FLAKE. Madam Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

Mr. PRICE of North Carolina. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SERRANO) having assumed the chair, Ms. DEGETTE, Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2892) making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2010, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 2647, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2010

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 572 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 572

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 2647) to authorize appropriations for fiscal year 2010 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2010, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 10 of rule XXI.

(b) Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report (except as specified in section 4 of this resolution), may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived except those arising under clause 9 or 10 of rule XXI.

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

SEC. 4. The Chair of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules accompanying this resolution out of the order printed, but not sooner than 30 minutes after the chair of the

Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. In the engrossment of H.R. 2647, the Clerk shall—

(a) add the text of H.R. 2990, as passed by the House, as new matter at the end of H.R. 2647;

(b) conform the title of H.R. 2647 to reflect the addition to the engrossment of H.R. 2990;

(c) assign appropriate designations to provisions within the engrossment; and

(d) conform provisions for short titles within the engrossment.

SEC. 7. Upon the addition of the text of H.R. 2990 to the engrossment of H.R. 2647, H.R. 2990 shall be laid on the table.

SEC. 8. During consideration of H.R. 2647, the Chair may reduce to two minutes the minimum time for electronic voting under clause 6 of rule XVIII and clauses 8 and 9 of rule XX.

□ 1930

The SPEAKER pro tempore. The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for purposes of debate only I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Ms. PINGREE of Maine. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maine?

There was no objection.

Ms. PINGREE of Maine. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 572 provides for consideration of H.R. 2647, the National Defense Authorization Act for Fiscal Year 2010, under a structured rule.

Last week the House Armed Services Committee reported H.R. 2647 favorably to the House by unanimous vote. The final vote came at 2:30 in the morning after more than 14 hours of thorough debate.

During that time the members of the committee did not see eye-to-eye on every issue, but we did not split by party lines on every vote, and we often had differing views on how to devote limited resources to endless challenges. In the end, we all agreed by a unanimous vote that we must take steps to keep our country safe and keep our

military prepared. We must work to eliminate wasteful spending and restore fiscal discipline, and we must provide our troops and their families with the care that they need and the quality of life that is worthy of their sacrifice.

Mr. Speaker, H.R. 2647 makes significant progress on all these fronts. It strengthens our national security by focusing resources on the most immediate and severe threats to our troops and our country. The bill enhances efforts to prevent the spread of weapons of mass destruction by increasing funding for the Cooperative Threat Reduction Program and by fully supporting the Department of Energy's non-proliferation programs.

The bill cuts extensive spending, excessive spending on flawed missile-defense programs and, instead, invests more resources in systems that are proven to work and strategies that meet immediate threats.

H.R. 2647 also takes an important step forward in strengthening accountability and increasing oversight of the defense contracting process. The bill grows the size of the civilian acquisition workforce, which will reduce our reliance on defense contractors and cut down on wasteful spending.

The bill improves the quality of life and the quality of care for our men and women in uniform by providing a 3.4 percent pay raise for each servicemember, by expanding access to education and training, by increasing funding for family housing programs, and by expanding TRICARE coverage for members of the Reserve and their families prior to mobilization.

After 7 years of conflict in Afghanistan and Iraq, this bill provides a basis for ensuring that the plans for progress are sound and that the objectives for victory are clear. The bill requires frequent reports to Congress on the objectives and measurements for success in Afghanistan and the progress of withdrawing our troops from Iraq.

The bill also directs the GAO to provide Congress with separate reports, which will assess strategic plans for both Iraq and Afghanistan.

Congress must do everything in its power to ensure that our military strategies are working and our ultimate goals are achievable. I believe that we can always do more, but I also believe that this bill provides a starting point for that process. Lastly, Mr. Speaker, while this bill addresses broad strategic issues and threats across the globe, it also has a direct impact on our districts.

While communities across the country are saving, struggling and working to recover from this recession, other communities are preparing for even tougher times ahead. In 2011, scores of military bases will close for good as a result of the 2005 BRAC. For decades, these bases have been the backbones of communities and provided the surrounding areas with jobs, tenants, customers and neighbors, which will now be lost in a matter of years.

H.R. 2647 expands the use of no-cost economic development conveyances as a tool to redevelop and restart communities affected by base closure. This provision allows the Department of Defense to transfer property to a local redevelopment authority at no cost if the land will be used for purposes of economic development.

At a time of declining property values, devastating job loss and crippling economic hardship, we must provide communities with every possible tool to redevelop and reorganize. This bill will assist in that effort.

I am looking forward to completing our work on this year's defense authorization.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank my friend, the gentlewoman from Maine (Ms. PINGREE) for the time, and I yield myself such time as I may consume.

While our men and women in uniform are risking their lives in war zones, we, in Congress, need to support them. I am proud to once again support the bipartisan National Defense Authorization Act to honor and support the brave men and women of the United States Armed Forces.

I also wish to commend and congratulate both the Armed Services Committee Chairman SKELTON and Ranking Member MCKEON for their commitment to put partisanship aside in order to get this important bill to the floor.

The National Defense Authorization Act, which passed unanimously out of the Armed Services Committee, authorizes \$550.4 billion for the activities of the Department of Defense. It also provides \$130 billion to support our combat operations in Iraq, Afghanistan and other fronts of the war on terror.

Our men and women in uniform and their families have sacrificed dearly to protect the United States, and that is why I am pleased that the bill will provide our troops with a 3.4 percent pay raise.

Furthering our commitment to our troops, the bill extends TRICARE eligibility to Reserve members so they can receive full TRICARE coverage 100 days before they go on active duty and provides almost \$2 billion for family housing programs to expand and improve the quality of military housing.

The bill authorizes the expansion of the size of the military by 15,000 Army troops, 8,000 Marines, over 14,500 Air Force personnel, and approximately 2,500 sailors in the Navy.

I would like to thank the committee and the distinguished chairman for including my request for funding, authorization obviously of funding, for the construction of a new, permanent headquarters for the United States Southern Command that is located in the congressional district that I am honored to represent. Currently the Department of Defense is leasing the land for SOUTHCOM from a private individual. The funds authorized by this

bill will be used to build a new headquarters on land adjacent to the current location and lease it from the State of Florida for the grand sum of \$1 per year.

This provision is extremely important to my community because SOUTHCOM personnel and supporting services have contributed over \$1.2 billion and over 20,000 jobs to south Florida's economy.

Mr. Speaker, while I support the underlying legislation, I have deep reservations about the majority's decision to block full restoration of missile defense funding. This comes as North Korea's demented despot continues to mock global condemnation of his nuclear program and threatens the United States and our friends and our allies with mass destruction.

Just today an official from the North Korean Central News Agency, a mouthpiece for the dictatorship said, "If the U.S. imperialists start another war, the army and the people of Korea will wipe out the aggressors on the globe once and for all."

At the same time, the Iranian tyranny, while it massacres its own people in the streets, continues to threaten to wipe Israel off the face of the map. It is clear to me that the world faces a grave and, I believe, imminent threat from both of those dictatorships in North Korea and Iran. Now is not the time to cut missile defense.

Since the beginning of military aviation, the United States has wisely invested in our military air superiority, and in recent military operations we have clearly seen our investments pay off. Our military air superiority saves the lives of our men and women in uniform and also saves the lives of countless civilians. Unfortunately, the Obama administration feels that it is not necessary to continue our long history of investment in air superiority and is calling for the termination of the F-22 fighter aircraft production, even though the chief of staff of the Air Force publicly called for continued production of F-22s.

Now, thankfully, the Armed Services Committee successfully reinstated over \$300 million to at least keep alive F-22 production. Unfortunately, I am shown at this time a statement of administration policy where it reads that if the final bill presented to the President contains this provision keeping alive the F-22 production line, that the President's senior advisers would recommend a veto. Mr. Speaker, I think that's most unfortunate.

I am also concerned that the majority failed to support a repeal of the so-called widow's tax. This provision penalizes surviving spouses of service-members who die on active duty or from service-related conditions by forcing them to accept a dollar-for-dollar reduction in their military survivor benefit plan payments in order to receive tax-free dependency and indemnity compensation from the Department of Veterans Affairs.

I have cosponsored two-pieces of legislation introduced by Mr. BUYER and Mr. ORTIZ to remedy this injustice, and I am hopeful that Congress will soon address it.

Now, as supportive as I am of the underlying legislation, I must oppose the rule brought forth by the majority.

□ 1945

Prior to the consideration of the rule, Members from both sides of the aisle submitted 129 amendments to the Rules Committee. The vast majority of amendments, 79, were introduced by members of the majority party. Last night, the majority on the Rules Committee decided to make in order for discussion on this floor two-thirds of the majority amendments and one-third of the minority amendments.

Last week, when members of the minority submitted a number of amendments to the Commerce, Justice, and Science Appropriations bill, the majority claimed the minority were using dilatory tactics and shut down the ability of Members to offer amendments. This week, when the majority party offered a large number of amendments, the majority rewarded them for doing their jobs and representing their constituents by allowing 51 of their amendments for debate by the House.

At the same time, minority party members who were also representing the interests of their constituents were once again punished by the majority for doing their jobs and were only allowed 11 amendments.

In the end, the majority gets about five times the number of amendments made in order as the minority, and I think that's unfair. I think it's petty and unfair. What does the majority gain by using such an unfair process? In reality, nothing more than ending comity and diminishing the stature of this House and its Members.

I reserve the balance of my time.

Ms. PINGREE of Maine. I yield 3 minutes to a member of the Committee on Armed Services, the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. Mr. Speaker, I thank the gentlewoman from Maine for yielding and would also like to thank, in particular, Chairman SKELTON and Ranking Member MCKEON for their leadership in crafting this legislation before us.

This year's National Defense Authorization Act takes significant steps forward in supporting our National Guard and Reserve. Earlier this month, Iowa observed the 1-year anniversary of the floods that devastated large parts of my district. The Iowa National Guard played a critical role in the response to those floods, and their heroic work is a testament to the vital function the National Guard plays in domestic disaster response, even as their role in operations abroad increases.

Nationwide, more than 700,000 National Guard and Reserve soldiers have been called to duty since September 11, 2001, and as the National Guard continues to transform into an operational

reserve, it is essential that they are properly resourced for both their overseas and homeland missions.

This bill provides \$6.9 billion, \$600 million more than the President's request, to address equipment shortfalls in the Reserve components. It also extends health care coverage for the National Guard and Reserve and makes essential investments in National Guard facilities, including the Fairfield, Cedar Rapids, Muscatine, and Middletown facilities in my district.

I am very proud also that the NDAA includes an amendment I offered with Ms. BORDALLO to improve National Guard readiness by requiring the Secretary of the Army to report to Congress on the creation of a Trainees, Transients, Holders, and Students Account.

At any given time, 13.3 percent of the Army National Guard is nondeployable, and this account would serve as a temporary unit for these soldiers. In so doing, it would end the practice of borrowing soldiers from one unit in order to improve the readiness of others and will improve both morale and overall readiness.

I strongly urge support for the rule and for the underlying bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to the distinguished Republican whip, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman from Florida.

Mr. Speaker, today we are considering the rule for a bill to develop and deploy defensive capabilities for the protection of the American people, our stationed men and women, and our allies. The rising threat from North Korea and Iran highlights why our national security strategy must include a comprehensive, multilayered, and robust missile defense program to protect our homeland.

Both of these rogue nations, Mr. Speaker, provocatively flaunt their growing capabilities with long-range missiles and nuclear programs. Just last week, we learned that North Korea is planning to launch a missile towards the U.S. around the 4th of July holiday. To repeat a phrase used by our President just last week, these regimes pose a "grave threat" to the safety and security of our citizens and our allies.

Yet the bill which is the subject of this rule, Mr. Speaker, sustains an inexplicable \$1.2 billion cut from the missile defense budget. Mr. Speaker, the question before us is very simple: How do we reconcile gutting missile defense when it will defend against what our own President rightfully calls a "grave threat"? It simply doesn't make sense.

The cuts include a 35 percent reduction to the Ground-based Midcourse Defense program, a system located in Alaska and California for the purpose of protecting this country against the type of missile North Korea is gearing up to launch.

This is not the time to be reducing our commitment to missile defense. We

must fund the current missile defense systems that protect us today and the forward-looking programs that will protect us tomorrow.

Mr. Speaker, we must restore the \$1.2 billion cut from the missile defense programs today.

Ms. PINGREE of Maine. I yield 3 minutes to the Chair of the Committee on Financial Services, the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I cannot remember the last time I was as deeply disappointed in the actions of people with whom I generally agree and continue to admire as I am by this rule.

President Obama, to his credit, has become the first President to try to put on to military spending the same kind of notion that resources are limited that people apply elsewhere. Military spending, in which old threats are continued to be dealt with while new threats are dealt with, make it impossible for us to talk about curtailing a deficit without doing damage elsewhere.

To his credit, President Obama and Secretary Gates said we do not need to build more F-22s. It was conceived to defeat the Soviet Union in a war. It's over. It's a wonderful weapon. It just has a terrible defect for a weapon—no enemy, no military mission. It will never be fired in anger.

It is bad enough that the committee, by only a 31-30 vote, undercut this President's effort to begin to apply fiscal discipline everywhere. Sure, military is important, but health care is important and highway safety is important and local police are important. All of those impinge on our life and all must be dealt with in discipline in the fiscal area, except military gets a pass.

I was particularly disappointed when the Rules Committee, because of some in the leadership, decided not even to allow us to debate it. A major initiative of the new President to curtail excess military spending is overturned by one vote in committee, and we are not even allowed to debate it.

And I have to say to my Republican friends, it is clear to me that their interest in open debate is very selective. They are for openly debating anything they want to debate, but they were opposed to this amendment coming on as well. So there's no consistency or principle of: Let's have open debate. It's: Let's get what we want and let's forget about the rest.

It has been said that truth is the first casualty of war. Apparently, intellectual integrity and logical consistency are the first casualties of a military bill.

I heard Members say a few months ago, Oh, an economic recovery program. Federal spending can't bring jobs. Federal Government spending adds to the deficit. It doesn't bring jobs.

Lo and behold, the F-22 became a jobs bill. It's what I call weaponized Keynesianism. Only if you're building

weapons, particularly weapons that will never be used, is there a stimulative effect in the economy.

Mr. LINCOLN DIAZ-BALART of Florida. Will the gentleman yield?

Mr. FRANK of Massachusetts. If the gentleman yields me time, I will.

Secondly, we are told that we have to deal with the deficit. The President made a beginning in trying to curtail military spending on weapons he said we do not need. If this bill goes through, as it apparently will, because we could not even debate it, his efforts will be undercut. The floodgates will be open, and any effort to have reasonable constraints on military spending, as we have on police and fire and emergency medical and other things that are important for health and safety, will be undercut.

This is a terrible decision and a terrible precedent. Of course, to add injury to injury, they did it by taking money out of environmental cleanup.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I simply wanted to point out to my friend that despite the fact that we support the committee having maintained the production line for the F-22, we made a motion in committee for an open rule that would have permitted the gentleman's amendment.

Mr. FRANK of Massachusetts. Will the gentleman yield?

Mr. LINCOLN DIAZ-BALART of Florida. I will yield.

Mr. FRANK of Massachusetts. I will acknowledge that. I was in error, and I apologize. It had been reported to me that there were votes against it, so I apparently got bad information. And I thank the gentleman for that futile gesture on my behalf.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the gentleman for his debate. Despite the fact that we're in disagreement on this issue, he is a great parliamentarian and it's an honor to serve with him.

At this time, I yield 3 minutes to the distinguished gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I want to thank my friend from Florida for yielding time. Mr. Speaker, there is no greater priority for the Federal Government than the defense of our Nation, and the Defense Authorization bill is a vehicle for setting military priorities for our country.

This bill also has jurisdiction over the Nation's defense nuclear waste cleanup program administered by the Department of Energy. The Environmental Management program within the Department is responsible for cleaning up the waste of our Nation's nuclear weapons production sites; production sites like Hanford, in my district, that secured our Nation's victory in World War II and in the Cold War.

As a result of that work, these sites are now contaminated with massive volumes of radioactive and hazardous waste. The Federal Government has a legal obligation to clean up these sites.

As this bill, Mr. Speaker, has moved through the process, there have been several proposals by both Democrats and Republicans to move specific military projects by reducing the authorization for nuclear waste funding. Mr. Speaker, let's be clear on what these proposals are really about. It's about setting our Nation's defense priorities and not a judgment on the merits of cleaning up our nuclear waste sites.

The nuclear cleanup program is being used as a piggy bank for these priorities since, Mr. Speaker, it's the only sizable source of funds within this bill that doesn't directly fund our troops or equipment.

Now, Mr. Speaker, I know why nuclear cleanup is being used by both parties as a piggy bank. I absolutely don't support those actions, and I will vote against those actions, but in doing so, I want to be clear that it is in the appropriations process where cleanup money becomes real.

Insufficient funding in the appropriations process would have real and serious consequences on cleaning up these sites. The cleanup program simply cannot sustain continued appropriation reductions without jeopardizing progress, breaking legally binding commitments to States, and increasing long-term costs to taxpayers.

Mr. Speaker, for 15 years I have worked in a bipartisan way to raise awareness of the Federal Government's cleanup obligation and to remind my colleagues again that the effort at these sites helped us win both World War II and the Cold War.

I will continue to stand up for cleanup where needed. In doing so, I am determined that the effort to promote cleanup be a bipartisan effort.

With that, I thank my friend from Florida for yielding.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to a member of the Committee on Armed Services, the gentlewoman from Arizona (Ms. GIFFORDS).

□ 2000

Ms. GIFFORDS. Mr. Speaker, I rise today in support of this bill and to praise Chairman SKELTON and Ranking Member MCKEON as well as the chairmen and ranking members of the subcommittees on Armed Services and especially the staff for getting this bill right.

This week we're having a great debate about energy in our country. Most Americans don't realize that the Department of Defense is responsible for approximately 80 percent of all the energy used by the Federal Government. The final bill that we were able to pass out of committee this week includes groundbreaking language to encourage continued advances on responsible energy. Working with the Department, we included a series of new reporting requirements. We increase the use of electric and hybrid vehicles; we speed up the development of biofuels; and we encourage additional investment and

use of geothermal energy. We also made some commonsense decisions regarding our fighter aircraft fleet. As a committee working in a bipartisan manner, we set aside the rhetoric, and we took into account current and future threats to balance the force. We sustained the current operational fleet. We supported additional F-22s requested by our combatant commanders. We maintained robust F-35 funding. And we provided additional flexibility for the Air Force to fill the impending fighter gap with less expensive but quite capable 4.5 Generation fighters.

I again congratulate Chairman SKELTON, Ranking Member MCKEON and the committee staff for their hard work on this legislation. I strongly encourage my colleagues to support it.

The SPEAKER pro tempore. The Chair will note that the gentleman from Florida has 15½ minutes remaining, and the gentlewoman from Maine has 17¼ minutes.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule. I offered an amendment on Monday to address an injustice against the members of our armed services that were shut out from consideration by this rule.

Briefly, my amendment would have given an across-the-board pay raise of 5 percent to our military personnel. According to estimates made by the Congressional Research Service, the pay gap between military personnel and civilians in comparable positions is 3 percent. Given that the cost of living increase for 2010 is 2.9 percent, my amendment is an important first step to addressing this problem. Particularly during a recession but really at any time it is unacceptable that our men and women in uniform receive less than their civilian counterparts.

Recently I was in Afghanistan and had the opportunity to see firsthand the professionalism and the commitment of our troops, what service they render to us, why are they being treated this way. I received assurances from the House Parliamentarian that my amendment was in order, and the Congressional Budget Office said it complies with all PAYGO requirements. I cannot understand why the majority would deny our troops the right to an up-or-down vote or, at the very least, a debate that would at least bring out the issues. If we have time to debate an amendment that would require a study of the number of subcontractors used by the Department of Defense, we should have time to debate giving our troops a fair wage.

Mr. Speaker, this is the second time that I've offered this amendment to increase the pay of our troops and the second time that it has been denied. I would urge my colleagues to oppose this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. DRIEHAUS), a member of the Committee on Armed Services.

Mr. DRIEHAUS. I thank the gentlewoman for this opportunity.

There has been much talk about fiscal responsibility on the floor of this House, and I come to the floor to support the rule and support the bill. I support it because of the inclusion of the Joint Strike Fighter competitive engine program because when we talk about fiscal responsibility, it is through competition that we achieve fiscal responsibility. Since fiscal year 2006, nearly \$2.5 billion has been provided for the development of the Joint Strike Fighter competitive engine program, and last month President Obama signed the Weapons Systems Acquisitions Reform Act of 2009 into law. This supported an increased use of competition and defense procurement. The expected cost of the primary Joint Strike Fighter propulsion system has increased by \$1.8 billion while the competitive engine program has not experienced any cost growth at all. In fact, the contractor has indicated a willingness to negotiate on fixed price terms for the remaining development and production of the competitive engine.

We know that competition works. When we looked at the F-15 and F-16 in the 1970s, we found that the great engine war brought lower prices, better engines, better competition, and more reliability. We have the same thing today with the Joint Strike Fighter; and in this bill we have included the competitive engine program, which is critical to the success of the Joint Strike Fighter engines.

I urge you to support the rule because with it comes enhanced contractor responsiveness, technological innovation, improved operation readiness, and a more robust industrial base for the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. I am going to oppose this rule and ask my colleagues also to oppose it based on what's not in it.

An amendment that I presented yesterday to the Rules Committee was not made in order; and consequently, the Members of this House will not be allowed to take a stance on a very important issue that our colleagues on the other end of the building, the Senators, have taken a stance on unanimously to oppose, the release of the detainee photographs.

The President of the United States has said, listening to his field commanders, General Petraeus and General Odierno, that the release of these photographs would work to put Americans in danger, would be used as a recruiting tool and, in my view, might also be used by President Ahmadinejad to turn the pro-democracy protests going on in his country away from protests against Ahmadinejad and protests

against America, given the nature of these photographs.

This is a discrete body of photographs taken between September 1, 2001, to January 22, 2009, that have no business being released in the public arena. We need a legislative fix that would prevent the release of these photographs into the public arena; and my amendment, married up with an exact replica in the Senate, would have allowed these photographs to be protected properly.

The amendment would have protected on a rolling 3-year basis these photographs, certified by the Secretary of Defense that they would, in fact, be used as recruiting tools, and could be used to incite violence against American troops that might not otherwise be there should these photographs not be released. There is no good reason to release these photographs.

I wish the Rules Committee would have allowed this debate. As our colleague from Massachusetts said last night, for some reason we're afraid of debate on this floor, the way the Rules Committee works. Why are we afraid to have this debate? It is unanimous on the other end of this building that they believe these photographs should be protected. The President has come out saying that it is appropriate to protect these photographs. And we're not talking about forever. We're simply talking about 3 years at a time to protect these photographs. I'm disappointed that the Rules Committee failed to allow the Members of this body to express their will, as opposed to the will of the chairman of the committee and maybe a couple of others who, in their judgment, believe that these photographs should, in fact, be released.

The courts have said that they recognize the validity of the consequences that are set forth in General Petraeus' comments as well as General Odierno's comments to the courts. The other side can simply say they believe it is better to have these photographs be used as recruitment tools for al Qaeda as well as the other ill uses that they will be put to.

It's unfortunate the Rules Committee, led by the chairman, ruled this way. As a consequence, I will be voting against this rule, and I ask my colleagues to vote likewise.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. I thank the gentlewoman for the time.

I rise today to support my colleague, Chairman BARNEY FRANK. I am equally or even more disappointed than he is that his amendment on the F-22 funding was not made in order for the defense authorization debate.

There is absolutely no need for additional funding for this flawed program. The Cold War is over. The existing 187 F-22 planes have already cost the United States a total of \$65.1 billion; and while this bill only includes \$369 million for advanced procurement, the

total amount for 12 additional F-22s will run \$2 billion.

Think of what we could do with \$2 billion in the United States of America. We have schools that are in need. We have a health care system that's broken. We have to move on with our global warming program. Mr. Speaker, \$2 billion would help any one of those issues. The F-22 has never been used in Iraq or Afghanistan. It is absolutely not necessary or useful in counterinsurgency operations. The existing 187 that we have right now are actually adequate for any single contingency that could happen in the United States of America. Both civilian and military leadership of the Pentagon support ending production at 187, including the President of the United States. The idea that this House will not have a chance to have a full debate on Chairman FRANK's amendment is unacceptable, and this rule is truly flawed.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend, the distinguished gentleman from Georgia, Dr. BROUN.

Mr. BROUN of Georgia. I thank the gentleman for yielding. I rise today in adamant opposition to this rule.

This is one of many rules which do nothing but censor our side from being able to put forth amendments that make sense, that cut the size of the Federal Government, that cut the size of the huge growth in Federal spending.

Now under the Constitution, national defense should be and must be the major function of the Federal Government. We have to have a strong national Federal defense, and we have to have the experts tell us how that comes about. We need to have the experts tell us what defense systems are needed, such as the F-22.

The prior speaker was talking about how it's unneeded and how those funds could be utilized for social programs, but I disagree. National defense should and must be the major function of the Federal Government. We need to fund our defense because we have people around this world, countries as well as the terrorists, who want to destroy what this country stands for. So we need to fund missile defense; we need to fund the F-22; we need to fund those defense programs as well as the research and development that's absolutely critical to make sure that we stay a sovereign and a secure nation.

But also many Republican amendments were submitted. In fact, I submitted some myself. But the majority decided to stifle our ability to be able to bring those amendments to the floor, to talk about things that Members of Congress think are very important in this bill. But we were hushed. Our voices were quieted. Why? Because we have a steamroller of socialism that's being forced down the throats of the American people. We're trying very hard on our side to stop the outrageous spending. We're trying on our side to have a fiscally responsible government,

not only in defense spending but also all across the board. We have an energy tax that's being proposed just this week that's going to cost jobs. It's going to put people literally out of work. It's going to raise the cost of food, medicine and all goods and services in this Nation.

Unfortunately, over and over again we've seen this majority, the leadership of this Congress, prevent Republican proposals from being brought to this floor, from being debated, from being presented to the American public for public examination and for us to be able to debate them. But we've been censored, and it's wrong. The American public needs to stand up and say "no." I very adamantly encourage my colleagues to say "no" to this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. HARMAN), the Chair of the Homeland Security Subcommittee on Intelligence.

Ms. HARMAN. I thank the gentlewoman for yielding to me.

Mr. Speaker, I rise in support of the rule and the underlying bill and commend Chairman SKELTON and Ranking Member MCKEON for moving another unanimous bipartisan authorization bill out of their committee. As a former member of the House Armed Services Committee, I admire the bipartisan way in which the committee operates. My aerospace-centric congressional district is grateful too. Thanks too to Personnel Subcommittee Chair SUSAN DAVIS and her staff for working with me on an issue of paramount importance, the epidemic of rape and sexual assault in the military.

Mr. Speaker, the math is shocking. Women who serve in the U.S. military are more likely to be raped by a fellow soldier than killed by enemy fire in Iraq.

□ 2015

Only 317 out of the 2,763 subjects investigated during fiscal year 2008 were referred to courts martial. That's 11 percent, a figure far below civilian prosecution rates where 40 percent of those arrested for rape are prosecuted.

DOD must close the gaps in prosecution and remove obstacles to legal enforcement. Effective investigation and prosecution are the keys to turning this epidemic around, by drawing bright red lines around unacceptable conduct.

This bill includes language from a resolution I authored with our colleague MIKE TURNER, who has been a champion on this issue; and I thank him for his hard work. Our provision calls for review of DOD's capacity and infrastructure to investigate and prosecute sexual assault and rape cases and to identify any deficiencies. The legislation also requires that DOD develop a sexual assault prevention plan for Congress' review. This would include action plans for reducing the number of sexual assaults and timelines for implementation of the program. DOD

would be required to develop a mechanism to measure the effectiveness of its prevention program.

While this bill is commendable and includes good steps towards eliminating rapists in the ranks, I believe we can do even more. We must build on these efforts and insist on real accountability from the chain of command. And a major step toward eradicating rape in the military is making sure that blue-on-blue attacks are punished.

Mr. Speaker, this is a force protection issue and a moral issue. Congress and DOD must do better. And when our colleague JOHN MCHUGH becomes Army Secretary, I urge him to pursue the issue and support the Army's impressive "I am strong" campaign initiated by his predecessor, our former colleague, Pete Geren. I urge an "aye" vote.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this rule.

This body at this time sits under a cloud. We have investigations from the Justice Department and an investigation by our own Ethics Committee into the intersection between campaign contributions and earmarks. More specifically, earmarks that go to for-profit companies, sole-source contracts, no-bid contracts, that's what earmarks basically are, that are going to, in particular, defense contractors. And then contributions come back from individuals who represent those groups and the lobbyists who represent those groups, so-called "circular fundraising." That's being investigated, as I mentioned, by the Justice Department and our own Ethics Committee.

And yet this rule will set in motion a process by which we will approve more than 300 in this bill alone, 300 earmarks, no-bid contracts, for private companies, for-profit companies. Again, in this legislation, if this rule is approved, this legislation will provide more than 600 earmarks, more than half of which, over 300 of which, represent no-bid contracts to private companies. We simply cannot continue to do this, Mr. Speaker.

I offered an amendment that would prohibit Members from giving earmarks or no-bid contracts to their campaign contributors. That amendment was not ruled in order. It should have been. We should as a body decide that we cannot continue this practice. We need to remove the cloud that hangs over this body that rains on Republicans and Democrats alike.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, I read this evening with interest the President of the United States has threatened to veto the Defense bill if the ad-

ditional funding exists for F-22 fighter planes.

Mr. Speaker, the President is absolutely right. And the real problem today is that opportunity to vote against those unnecessary planes are not allowed in this rule. In the end we have to stop spending more and start spending smarter.

I was extremely disappointed to learn that the administration's recommendation to halt the F-22 program was overriden. 187 F-22 Raptor fighter jets are not enough? The Raptor has not even been deployed to Iraq or Afghanistan, our two largest military fronts.

While I am not an expert on defense procurement, our Defense Secretary, Robert Gates, is. So I tend to believe him when he said that the notion of not buying 60 more F-22s imperils the national security of the United States is "completely nonsense."

We are far and away the most superior air force in the world. Why would we pour billions more into an area where we already dominate and continue to support an aircraft that is not suited to the current battlefields in which we fight? We have to invest in low-tech equipment such as unmanned drones, which are effective in those areas of conflict.

And always remember that every defense dollar spent to bolster an area where we already dominate is a dollar we don't have to spend to take care of our soldiers, strengthen our forces, and improve in areas where we may be vulnerable and our soldiers may be vulnerable.

Again, we have to simply stop spending more and start spending smarter. Our soldiers deserve it. The taxpayers deserve it.

Mr. LINCOLN DIAZ-BALART of Florida. I thank my friend from Maine and I thank you, Mr. Speaker, for your courtesy, and I want to thank all who have come to participate in this debate. This legislation enjoys extraordinarily wide bipartisan support.

It's unfortunate that the rule that brings it to the floor is not fair. As I pointed out, it makes about two-thirds of the amendments that were introduced to the Rules Committee from the majority party in order and only about one-third of the amendments presented or introduced, proposed for debate by Members of the minority party. That's not fair. And it maintains a pattern that obviously we have seen deepened, augmented significantly in a very worrisome way in the appropriations process, where for the first time all of the appropriations bills are being brought to the floor under restrictive rules. We have had significant debate, but that's something that is also unfair and unfortunate, and it diminishes the rights of each of the Members of this House.

So I do think it's important we get to debate on legislation, in this case, this authorization of the Armed Forces legislation that enjoys such widespread bipartisan support.

So once again, opposing the rule and opposing the previous question, I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I thank my friend from Florida (Mr. LINCOLN DIAZ-BALART) for the dialogue that we have had here on the floor tonight.

Mr. Speaker, the rule before us today will continue the open debate that was held on committee, some of which continue tonight, and further our efforts to find solutions to those pressing problems.

In particular, this rule adds the text of H.R. 2990 to the underlying bill, which funds a 1-year expansion of concurrent receipts for retired veterans, extends retention bonuses and special pay authorities for enlisted servicemembers and funds provisions in the Federal Retirement Reform Act of 2009. I would like to thank the Chair, Chairman SKELTON, Ranking Member MCKEON, and all my colleagues on the House Armed Services Committee for their tireless work on this bill.

I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

APPOINTMENT AS MEMBER TO THE PUBLIC INTEREST DECLASSIFICATION BOARD

The SPEAKER pro tempore. Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note) and the order of the House of January 6, 2009, the Chair announces the Speaker's appointment of the following member on the part of the House to the Public Interest Declassification Board for a term of 3 years:

Mr. David Skaggs, Longmont, Colorado

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 111-52)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States: