

parents whose lives he touched during his career.

The former principal is 87 years old, and he retired in 1986. He started out his education at Lock Haven State Teachers College in 1938, but served from 1942 through 1945 with the Army in World War II. Rathmell served in Europe for 9 months and became active in his American Legion post on his return. He returned to college and finished his bachelor's degree in 1947. It was that year that he began teaching at Renovo High School.

Over the years, he taught physical education, English, civics, history, arithmetic, biology and related sciences. As principal, he was the person who was involved in nearly all aspects of the design and construction of both Bucktail Area High School and of Renovo Elementary.

Naming the campus after Rathmell is a fitting tribute to his life dedicated to educating children.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

#### PROVIDING FOR CONSIDERATION OF H.R. 5136, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011

Ms. PINGREE of Maine. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1404 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 1404

*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. 5136) to authorize appropriations for fiscal year 2011 for military activities of the Department of Defense, to prescribe military personnel strengths for such fiscal year, 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.

(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 or germane modifications of any such amendments. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), 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. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. 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 his 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. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 6. The Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 7. In the engrossment of H.R. 5136, the Clerk shall—

(a) add the text of H.R. 5013, as passed by the House, as new matter at the end of H.R. 5136;

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

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

SEC. 8. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution re-

ported through the legislative day of June 1, 2010.

SEC. 9. It shall be in order at any time through the calendar day of May 30, 2010, for the Speaker to entertain motions that the House suspend the rules. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. JACKSON of Illinois). The gentlewoman from Maine is recognized for 1 hour.

Ms. PINGREE of Maine. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague from the Rules Committee, 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. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to 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. I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1404 provides for consideration of H.R. 5136, the National Defense Authorization Act for Fiscal Year 2011, under a structured rule.

The rule makes in order 82 amendments and provides 1 hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The rule provides that the chair of the Committee on Armed Services or his designee may offer amendments en bloc, debatable for 20 minutes, and may offer germane modifications of amendments. The rule allows the Chair to recognize for consideration amendments out of order printed in the Rules Committee report if 30-minutes' notice is given by the chair of the Committee on Armed Services or his designee.

The rule provides one motion to recommit with or without instructions, provides that the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Armed Services or his designee, and provides that the Chair may not entertain a motion to strike out the enacting words of the bill.

The rule provides that, in engrossment, the text of H.R. 5013, the IMPROVE Act, as passed by the House, will be added as new matter at the end of H.R. 5136.

The rule waives clause 6(a) of rule XIII, requiring a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee, against rules reported from the Rules Committee through June 1, 2010.

Finally, the rule provides that measures may be considered under suspension of the rules at any time through May 30, 2010, and that the Speaker or her designee will consult with the minority leader or his designee on the

designation of any matter for consideration under suspension of the rules.

Mr. Speaker, last week, the House Armed Services Committee reported H.R. 5136 favorably to the House, by a unanimous vote, after nearly 13 hours of debate. As a member of that committee, I am proud of our work, but I can say firsthand that crafting this bill was not easy.

The needs of our country are endless and challenging; the threats to our security are numerous and always changing, and the resources we can devote to these problems are precious and limited.

In the end, the bill that we will vote on later today will strengthen our national defense, will give our troops the equipment they need to do their jobs and will take care of them and their families. The bill also invests in military infrastructure and technology, which will create jobs here in the United States and will stimulate growth throughout the economy.

Mr. Speaker, there is nothing more important in this bill than the provisions that address men and women in uniform. They deserve the best care and the best benefits, and this bill meets both of those requirements.

The bill provides a 1.9 percent pay increase for active duty soldiers, increases the family separation allowance for servicemembers who are deployed away from their families, increases hostile fire and imminent danger pay for the first time since 2004, and expands college loan repayment benefits.

Earlier this year, we passed historic health care reform legislation, which included a provision requiring private insurance policies to cover adult children until age 26 on their parents' policies.

I am very pleased to see that this bill incorporates those changes for TRICARE and CHAMPVA beneficiaries and that it will give retirees and veterans the option to extend coverage to their adult children until age 26.

I am also proud that this bill contains a provision I wrote, which will guarantee that retiring National Guard and Reserve personnel will get a full explanation of the benefits due to them. This provision will require the Department of Defense to brief retiring personnel on benefits like VA health care and TRICARE.

Too often, members of the Guard and Reserve leave the service without a clear picture of the benefits that are owed them. Given all that we ask of them, that's not right. They have made great sacrifices, and I believe that Congress has a moral obligation to educate those heroes on the benefits they have earned. This is just one way we can begin to repay them for all they have done to protect this country.

I am very encouraged and pleased by the fact that this rule allows for an amendment to be made in order by Mr. MURPHY from Pennsylvania, which, if passed, will finally put the military on

the path to repealing the misguided and outdated Don't Ask, Don't Tell policy. I am looking forward to voting for the amendment and to seeing the end of this discriminatory policy once and for all.

Though, while there is much in this bill that I support, there are also parts of it I strongly disagree with.

I am extremely disappointed that this bill contains an authorization for an additional \$33.1 billion for the President's fiscal year 2010 budget request for the surge in Afghanistan as well as \$159.3 billion for fiscal year 2011 for overseas contingency operations, the majority of which will, no doubt, be spent in Afghanistan and Iraq.

We are pursuing a misguided strategy at a tremendous cost to the American people. The loss of one American service man or woman is simply too high a cost for a mission that does not strengthen our national security.

An astonishing half billion dollars is included in this bill for an alternate extra engine for the Joint Strike Fighter. In 1996, the Department of Defense conducted a competition to choose the engine for this plane, and Pratt & Whitney won it. The engine they make meets the program requirements, and it is perfectly adequate. Unfortunately, a major defense contractor, who by 2012 would have had 90 percent of the military engine industrial base, lost the competition, doesn't want to take "no" for an answer, and has been lobbying hard to keep a program for a second engine funded.

The Bush administration opposed the funding for this extra engine, and the Obama administration opposes it. Secretary Gates has said that the funding for the extra engine will be detrimental to the overall Joint Strike Fighter program. If Congress decides to ignore those in the Defense Department and those in the administration on this, estimates show that we will be forced to purchase 50-80 fewer planes, which will definitely affect our national security.

Let there be no mistake. Spending half a billion dollars to build an engine that isn't needed and that the Pentagon doesn't want is a colossal waste of money. This rule makes in order an amendment, which I have sponsored, to strip the authorization for this program, which I believe is the right thing to do.

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.

Mr. Speaker, since the terrorist attacks of September 11, 2001, our Armed Forces have been deployed in two major theaters of operation—Afghanistan and Iraq. Like their forefathers of long-ago wars, too many of these noble servicemembers have paid with what Abraham Lincoln called the "last full measure of devotion to the Nation." Many more brave men and women bear

the physical and mental scars of battle, which will last their lifetimes.

Just this past week, two of my constituents were killed in the line of duty. Marine Lance Corporal Patrick Xavier, Jr., of Pembroke Pines, fell during a firefight in Afghanistan; and Army Staff Sergeant Amilcar Gonzalez, of Miami, who signed up 1 week after the cowardly attacks of September 11, 2001, passed away in Iraq when insurgents attacked his unit.

□ 1045

I know I speak on behalf of the entire Congress and a grateful Nation to express our deepest condolences to Patrick and Amilcar's families and pray for God's mercies upon them as they cope with their sorrow.

After learning of his son's death, Corporal Patrick Xavier's father said, He went out there to do what he wanted to do. He wanted to defend this Nation. Although I feel the loss, I am proud of how he conducted himself.

His father's words remind us about the solemn sacrifices that our veterans and family forces continue to make for us. The freedom we have is made possible by men and women like Lance Corporal Patrick Xavier and Staff Sergeant Amilcar Gonzalez. Each have stood ready in defense of the Nation. Our Nation owes them an immeasurable debt of gratitude. We have our freedoms because of their valor.

As a Congress, we are committed to ensuring our veterans and their families receive all the benefits and assistance they require and they certainly deserve. It is wholly appropriate, therefore, that we bring up this legislation, the National Defense Authorization Act for Fiscal Year 2011, on the eve of the Memorial Day weekend.

Among its provisions, the bill provides our military personnel a 1.9 percent pay raise, versus the 1.4 percent proposed by the Obama administration.

It increases the family separation allowance for service members who are deployed away from their families from \$250 to \$285 a month.

It increases hostile fire and imminent danger pay from \$250 to \$260 per month.

For the purpose of the Federal student loan cancellation program, it defines a year of service as 6 months or longer of deployment in hostile fire or imminent danger zones.

Recognizing the critical role military families play and the sacrifices they make, the bill also establishes a career development pilot program for military spouses.

To address the physical and mental scars borne from combat, the legislation allows for an exemption for military medical providers older than 42 years to be considered for recruitment.

It also increases incentives for students in health care education programs to pursue military careers by allowing Health Professions Scholarship and Financial Assistance Program participants to also receive payments

from the Active Duty Health Professions Loan Repayment Program.

It also requires the services to increase the number of authorized mental health providers by 25 percent.

The legislation authorizes \$567 billion in budget authority for the Department of Defense and the national security programs within the Department of Energy.

The bill also authorizes \$159 billion to support overseas contingency operations and \$34 billion for the military operations in Iraq and Afghanistan, as well as disaster assistance for the victims of the Haiti earthquake.

Later today, we are expected to consider an amendment by Mr. MURPHY of Pennsylvania on the repeal of the so-called Don't Ask, Don't Tell policy. I am not interested in whatever legal activities adults engage in after-hours, off-base, out of uniform. Sexual preference should not even be a point of reference when judging individuals.

I also believe that when the President announced his decision to repeal the current policy and the military service chiefs and the Secretary of Defense requested the opportunity to carry out the President's directive in an orderly manner that would assure the maintenance of discipline and morale in the Armed Forces, and it was agreed to by all, including the President, that a survey would be sent to all the troops so that their input would be taken into account regarding how best to implement the new policy, and that a report with such recommendations as to how to best implement the new policy would be issued this December, before any legislative action was taken, it is my view that that process, which was agreed to by the President pursuant to the request of the service chiefs and the Secretary of Defense, should be followed.

So, breaking the agreement now by having this vote today is most unfortunate, and I strongly disagree with the decision of the President, the Speaker, and the majority leadership to do so, to break that agreement today.

I wish to thank Chairman SKELTON and Ranking Member McKEON for their hard work on the underlying legislation and their commitment to producing a bipartisan bill that enjoys widespread support. Through the process, members on both sides of the aisle on the Armed Services Committee worked to produce a bipartisan bill, but as the bill made it up to the Rules Committee, that bipartisan spirit did not survive.

The rule brought forth by the majority today allows the House to debate a total of 82 amendments. Eleven of those amendments are bipartisan ones, while 64 are majority amendments and 7 are minority amendments.

So the majority has decided that on this always bipartisan bill, the bill that authorizes our military programs, they will allow nine majority amendments for every one minority amendment. That is some bipartisanship.

But, again, it is typical of this majority to claim that they want to work with the minority, but even on bills that have overwhelming bipartisan support, they just can't seem to loosen their overwhelming urge to stifle debate, stifle debate, and block minority participation in the legislative process.

So, while I am disappointed by the majority's decision to allow such a disproportionate share of majority amendments compared to minority amendments, I have become quite accustomed to their behavior.

I reserve the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the chair of the Committee on Rules.

Ms. SLAUGHTER. Mr. Speaker, I thank Ms. PINGREE for yielding.

I want to take just a second to respond to my good friend Mr. DIAZ-BALART, and he is.

We had many, many fewer Republican amendments even offered. I think there were less than a quarter. The number of Democratic amendments was overwhelming. Almost every Republican amendment that was germane was made in order. We do believe in a spirit of bipartisanship.

But today I want to rise in support of the National Defense Authorization Act of 2011. After spending nearly a decade working to combat sexual assault in the military services, with my colleagues SUSAN DAVIS and JANE HARMAN, I am thrilled with the most comprehensive overhaul of the Department of Defense sexual assault policy ever.

Last week, we introduced legislation to ensure better training for JAG officers and victim advocates who handle sexual assault cases, create confidentiality protocols, to protect the victims' rights and raise the likelihood of victim reporting, and to ensure that victims are afforded expeditious state-based transfers to spare them from their alleged offenders.

I am pleased to see that this year's Authorization Act includes 28 new sections to amend the sexual assault policy within DOD, and that 5 of the 6 provisions that Representative HARMAN and I introduced are included.

While I believe the National Defense Authorization Act is critical to our efforts to overcome the problem of sexual assault in the Armed Forces, the task force's recommendation to ensure the ease of base or organization transfer for victims is absent from the bill that came from the Rules Committee.

See, I didn't get what I wanted either, Mr. DIAZ-BALART.

I worked in conjunction with Representative HARMAN to draft an amendment to NDAA, and I am proud to ask for this Congress to support it.

The Harman-Slaughter amendment calls for an expedited priority consideration of an application for permanent change of base or unit transfer for victims of sexual assault to reduce the possibility of retaliation against the victim. DOD reports that an estimated

90 percent of the cases of sexual assault go unreported in the military, and half of the women who do not report rape or sexual assault do so because of fear of retaliation.

We too often hear that the reporting process is more traumatic for the victim than the attack itself, and this provision is critical to help address the fear of retaliation that victims face.

The report estimates that 90 percent of sexual assault cases in the military go unreported. That is an extraordinarily high number. According to the DOD, half the women who don't report rape or sexual assault are scared, as I said before.

Furthermore, in half of all sexual assault cases in 2008, the commander took no action, and only 13 percent of reported cases were prosecuted and referred to courts marshal. These figures are far below the civilian prosecution rate. In fact, some women have told us that when they reported sexual assault or rape, they were told by the commander, "You don't want to ruin that young man's career, do you?"

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

Ms. PINGREE of Maine. I am glad to yield another minute to the gentlewoman.

Ms. SLAUGHTER. These disturbing findings indicate the need for policies to protect the rights and the welfare of the accuser.

I want to share a story by a young woman, a lieutenant in the Air Force, who was allegedly sexually assaulted by a fellow officer. According to her testimony, military criminal investigators and JAG officers told her, If I were a defense attorney, I would tell you that you gave the offender mixed signals and that "no" was not enough. She recalls she did not just say "no"; she physically held onto her underwear.

But even after she reported the rape, she was forced to salute her rapist every day. She trained for over a year for a highly classified mission, but since then has lost her security clearance. She concluded her testimony with, I feel like I am being punished for a rape that happened to me.

It is a very serious problem, and getting more serious. I thank the military for the work it is doing to try to control this, but surely when our young women and young men go off to protect the United States of America, they should be free from assaults from their fellow soldiers.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 3 minutes to my good friend from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in opposition to this rule.

Yesterday I testified in front of the Rules Committee on five amendments I offered to this National Defense Authorization Act. Unfortunately, House Democrats refused to allow any of my commonsense amendments to be debated today on the floor. And I am sure

they were germane, Mr. Speaker—things such as regarding the transfer of detainees at Guantanamo Bay, the use of alternative sources of fuel at DOD, excessive union activity on official time at the Department of Defense, and gun rights for the 40,000 active and reserve members of our military who reside in Washington, D.C.

However, the Rules Committee did make in order an amendment with which I have strong reservations. Today should be about what is best for the defense of our Nation and what is best for our brave men and women in uniform. However, it is clear that today, Mr. Speaker, many in this body intend to use our military as a means to placate a liberal political constituency, rather than taking the time to weigh the input of 2.5 million men and women and their families who wear the uniform, including the family of Lieutenant Tyler Brown, who gave his life for his country in Iraq almost 6 years ago. Today would be his 32nd birthday.

Mr. Speaker, the Chairman of the Joint Chiefs of Staff and the Secretary of Defense have asked Congress to delay voting on Don't Ask, Don't Tell repeal until the completion of a study on the impact of the repeal and the best ways to implement it. Simply put, we must know what impact repeal of the law will have on unit cohesion, readiness, recruiting, and retention.

But, unfortunately, rather than wait for the results, Mr. Speaker, our Democratic colleagues want to prejudge its conclusions and substitute their judgment for the collective findings of our military. This is without question the wrong way to legislate, but it is what the American people have come to expect from this Democratic majority.

It wasn't long ago that Speaker PELOSI told the American people that they would learn what was in the health care bill once it was passed. Now liberals in Congress are once again selling the American people this same bill of goods, Congress must act without fully knowing what the impact of acting will be.

The stakes are indeed high, Mr. Speaker. By ignoring the opinion of the military and their families, the majority will alienate the very institution that is fighting on the front lines of this global war on terror.

General George Casey, the Army Chief of Staff, has "serious concerns about the impact of the repeal of the law on a force that is fully engaged in two wars and has been at war for 8½ years." Similar concerns have been noted by every other service chief, by the American Legion, by over 1,500 retired general flag and general staff officers, and countless others. Clearly the Democrats believe they know better.

The American people want to trust their government, Mr. Speaker.

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

Mr. LINCOLN DIAZ-BALART of Florida. I yield the gentleman 30 additional seconds.

□ 1100

Mr. GINGREY of Georgia. The American people want to trust their government, Mr. Speaker, but the repeated bait-and-switch tactics of congressional liberals is making that virtually impossible.

So I urge my colleagues, vote against this rush to judgment.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2½ minutes to the gentleman from Colorado (Mr. POLIS), also a member of the Committee on Rules.

Mr. POLIS. Mr. Speaker, I rise today in support of the effort to legislatively repeal the statute of Don't Ask, Don't Tell and leave it up to the military to implement their own policy recommendation.

First of all, Don't Ask, Don't Tell is the only law in the country that requires people to be dishonest about their personal lives or face the possibility of being fired. It's a law that's not only hurtful to the men and women who currently serve in our Armed Forces, but it's a law that's hurtful to our national security as Americans.

George Washington, our Nation's first Commander in Chief, is enshrined in American history for telling his father, I cannot tell a lie. Yet more than 200 years later, this shameful law mocks Washington's words and makes lying required operating procedure for our military's rank-and-file. Today we have the opportunity to end this law.

I'd like to address some of the remarks from the gentleman from Florida and the gentleman from Georgia. This proposal and this compromise have been endorsed by Admiral Mullen, as well as Secretary Gates. Absent this statutory change, which we are doing consistent with our congressional time line of the defense authorization bill, the military would find itself in a position to be unable to implement its own recommendations.

This simple change today will remove this statutory albatross from around the neck of the military and allow them, the military, the Secretary of the Defense, the Chairman of the Joint Chiefs, to implement the policy that best enhances military readiness and best allows them to improve morale and unit cohesion within the military.

Absent an action today, their hands will be tied, and they will be unable to implement their own recommendations that take into full account the opinion of the men and women who serve the officers and the stakeholders within the military.

The vast majority of Americans, including majorities of Republicans, independents and Democrats, recognize that on the battlefield it doesn't matter if a soldier is lesbian, gay, or straight. What matters is they get the job done for our country.

Don't Ask, Don't Tell hurts military readiness and national security, while putting American servicemembers fighting overseas at risk. To date, it's forced out over 13,000 well-trained, at

taxpayer expense, and able-bodied soldiers out of the military.

It's time to repeal this law, and I applaud the leadership of my friend, the honorable Congressman and veteran, PATRICK MURPHY, in his efforts to do so.

By allowing the Pentagon to conduct a careful study of the implementation of the repeal, this amendment is a fair balance between ending the discriminatory policy and respecting the opinions of our military leaders.

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

Ms. PINGREE of Maine. I yield the gentleman an additional 30 seconds.

Mr. POLIS. In 1993 the passage of Don't Ask, Don't Tell was a result of a political process, not a military one. Today we can rectify that and continue with this process under way where the military consults with and listens to men and women and stakeholders in the military in deciding how to modify this policy and removing the statutory requirement for this policy and allowing the military to do the right thing to improve military readiness and enhance the protection of our country.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I hope my friend, the gentleman from Colorado, knows that I have extraordinary respect for him, and that we have a legitimate disagreement with regard to our analysis of what I consider was an agreement that was entered into, including by the President, after he announced his decision to repeal the current policy as Commander in Chief, that this study that will lead to a report in December that would be conducted before legislative action takes place. And so I reiterate my respect to the gentleman from Colorado.

And I have many friends who believe differently than I do with regard to the vote that I will be taking today. I studied this issue very thoroughly and know that it is a very serious matter. But I stand by what I said in my previous remarks.

Mr. Speaker, I yield 2 minutes to my distinguished friend from Ohio (Mrs. SCHMIDT).

Mrs. SCHMIDT. Mr. Speaker, I rise today to strongly urge my colleagues to reject the amendment proposing the elimination of funds to the Joint Strike Fighter Alternative Engine program, a amendment being lobbied by Pratt Whitney to eliminate their competition.

The Joint Strike Fighter is the Department of Defense's largest procurement program. Plans currently call for acquiring nearly 2,500 Joint Strike Fighters. Hundreds of additional F-35s are expected to be purchased by U.S. allies. This is a major acquisition.

The gentlelady from Maine is in error when she says that there was competition, because, in fact, in testimony just last week, both the Department of Defense and the GAO testified that this engine was never actually subject to competition.

The fact is, providing funds for competitive alternate engines will ultimately drive down costs, improve product quality and contractor responsiveness, drive technological innovation, and ensures that taxpayer dollars are not wasted.

History shows that competing engines can result in significant long-term savings. The "Great Engine War" saved the F-16 program 21 percent in overall costs, according to a 2007 GAO report. This represents \$20 billion in savings for the lifetime of the Joint Strike Fighter.

Just last year, the House and Senate unanimously voted on the Weapons Systems Acquisition Act, mandating competition on large military procurement. This is a large military procurement. Now some want to circumvent this law with an amendment.

Fully funding the alternate engine is not only prudent risk management, but an acknowledgment of the fundamental responsibility that Congress has to protect and provide the most reliable equipment to our men and women in uniform.

This is the right thing to do. It will save money for us in the long run, and I urge my colleagues to vote "no" on this amendment that will be offered later today.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Mr. Speaker, it is with great pride that I rise today in support of Mr. MURPHY's amendment to repeal Don't Ask, Don't Tell. At its core, this is a vote against discrimination and division, a symbolic gesture to the country and the world that Congress' commitment to equality will always triumph over inequality.

As LGBT activist David Mixner said at the inception of this unfortunate policy: "They frighten our neighbors with the big lie. They paint pictures that only contain dark colors. They resort to the same bigoted arguments that have been used for centuries to deny every minority their freedom and equal rights."

Today we must rise up against these forces that conspire against progress and equality in every generation. Today, it is our turn to send a message to the Nation: Congress will never again sanction bigotry in our Armed Forces.

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

Mr. FLAKE. Mr. Speaker, I come to the floor often on the rule and sometimes to thank the Rules Committee for allowing an effort to strike earmarks from legislation. This is the first time I've ever come to the floor on an authorization bill or an appropriation bill where I've been completely shut out of the process, not able to offer any amendments with regard to earmarks. And it's easy to see why right now.

In the past, I've always come to strike both Republican and Democratic earmarks from legislation. This time there are some 230 earmarks in the bill and only one was a bipartisan earmark request. The rest were Democratic earmark requests, no Republicans because Republicans have adopted an earmark moratorium.

So this looks like the start of a pattern. It was all well and good to challenge Republican and Democratic earmarks, but if there are only Democratic earmarks in a bill, then nobody is going to be allowed to challenge them.

Now, what kind of process is that?

Have we come to a point where we're simply going to shield Members and their earmarks from scrutiny?

We talk about disclosure till we're blue in the face and transparency, and it's all a lofty term. But then when it comes down to it, when there's only one party earmarking in a bill, when a Member comes up to challenge those earmarks, he's shut out. No, you aren't allowed to. You can only challenge Republican earmarks, and since there are none there, or Republican and Democratic earmarks, if there are no Republican earmarks, you're not going to be allowed to challenge any.

Now, I suppose that's what's going to happen with appropriation bills this year as well, and that's a shame. It's a doggone shame, because of all the rhetoric that's come, and some good measures that have been taken on both sides of the aisle with regard to transparency, this is a huge step backwards. We're going the wrong direction here.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. BEAN).

Ms. BEAN. Mr. Speaker, I rise in support of the 2011 National Defense Authorization Act, and I'm pleased that policy language that I authored regarding emergency medical technicians has been included in the committee report. With this inclusion, reciprocity between the armed services and States regarding certification for emergency medical technicians, EMTs, will be established.

Last year, the State of Illinois passed legislation which allows military "emergency medical technician" training of an honorably discharged member of the Armed Forces to be considered as reciprocal for its licensure requirements. Working with Representatives HARMAN and HERSETH SANDLIN, I included such a provision into H.R. 3199, the Emergency Medic Training, or EMT, Act which was later incorporated into the House Health Insurance Reform Bill.

Although the provision was not included in the final health reform legislation, the need for such direction to States has now been addressed. Our men and women in uniform will be able to use their real-time training and education in the field to help those in emergencies here at home, if they so choose, without the cost and redundancy retraining upon their return.

I thank Chairman SKELTON for his support and his efforts on the underlying bill.

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

Mr. GOHMERT. Mr. Speaker, there was an agreement with the military to do a study on what to do about the Don't Ask, Don't Tell policy. That was the agreement, and the study is due at the end of the year.

What this rule says, by bringing this amendment to the floor, is, while we send men and women out in harm's way to lay down their lives for us, we don't care what you think. We don't care what word you were given by your leaders that we do care what you think and will incorporate that and will work with that. We're saying we're shoving this down your throat. We don't care.

And think about the policy. Now, look, I have represented people in the Army who practiced homosexuality, and heterosexuality, and sexual assault victims. I understand this issue perhaps more than many of those on the floor here.

And I'm telling you, the military is not a social experiment. We are sending them out there with a mission to protect this country. And if someone has to be overt about their sexuality, whether it's in a bunker where they're confined under fire, then it's a problem. And that's what repeal of Don't Ask, Don't Tell does. It says, I have to be overt. I don't care. I want this to be a social experiment.

Our men and women in the military deserve better. Let's hear from them at the end of the year with a complete study, and then the leaders keep their word when we send our military out to die for this country.

We owe them better than this. This shouldn't have been part of the rule. It shouldn't be part of the vote. Let's keep our word for a change.

Ms. PINGREE of Maine. Mr. Speaker, I do have to disagree with the previous speaker for a whole variety of reasons, and I won't take up a lot of time. But this is not about being overt about your sexuality. This is about people who have been denied the right to talk about exactly who they are.

This is about 14,000 members of the military who have served this country, many with extremely vital skills, who have been asked to step down and leave; many people who choose not to go in the military for the fear of what could happen to them after they've served this country.

I yield 3 minutes to the gentleman from New York (Mr. ARCURI), one of my good colleagues and a member of the Rules Committee.

□ 1115

Mr. ARCURI. Mr. Speaker, I thank my friend from the great State of Maine for yielding me the time.

I rise today in strong support of this rule and the underlying bill. However, I

would like to voice my strong opposition to one of the amendments that will be offered later on today, and that is the amendment to strike the second jet fighter engine, for two reasons. One is I think the two things that are most critical for us in considering this bill is, one, obviously the security of our constituents and the people at home and our country; and, secondly, the cost.

On both of these, I think it's very important to note that, one, a second fighter engine gives us a strong sense of security, redundancy, and the insurance that we will have one good engine and that we will have a good backup engine. Secondly, the costs in the long run clearly will show the price will come down if we have competition. It has been demonstrated in the past. It will continue to demonstrate it.

I yield to someone who is much more familiar with that, the gentleman from Ohio (Mr. DRIEHAUS).

Mr. DRIEHAUS. I appreciate the gentleman from New York for yielding.

This is a critical issue, and I share his concern with regard to stripping of the authorization for the competitive engine. Just this past year, the Weapon Systems Acquisition Reform Act of 2009 was passed by this Congress. It passed by a vote of 411-0. And I would draw Members' attention to section 202, the acquisition strategies to ensure competition throughout the lifecycle of major defense acquisition programs. That includes the Joint Strike Fighter and its propulsion system subject to its provisions.

As a matter of fact, Mr. Speaker, the alternative engine has been funded every year since 1996. The House has voted nine times to support the competitive engine. Already \$2.9 billion has been invested in the alternative engine. And now that development is 75 percent complete, now that it has been qualified for production in 2012, now as both engines are approaching the starting line and are in the starting blocks, Pratt and the folks in Connecticut want to suggest that they should be declared the winners of the race before the race has even started.

We believe in competition when it comes to acquisition, Mr. Speaker. This is a critically important program. It's critically important to keep competition in the engine program.

And I will close with a quote from our former Member Jack Murtha, who fought for this competitive engine for years and years and years. "We're going to build thousands of Joint Strike Fighters. And when you look back at problems we've had in the past with large aircraft procurement programs, you realize why it's absolutely essential to build two different engines. An alternative engine will provide cost savings through competition as well as provide greater reliability down the road in case we have problems with one engine that could potentially ground our entire tactical aircraft fleet." That is from former Congressman Jack Murtha, July 16, 2009.

I would ask my colleagues to support the competitive engine program and defeat the amendment.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Speaker, we have been lucky, lucky over the skies of Detroit, lucky in Times Square, but we will not be lucky forever. We need to be proactive in our ability to gather intelligence and prevent terrorist attacks before they even get started. Catching somebody on the plane going back to Pakistan after they have delivered an explosive device is not success; it's failure. Catching them when they are on the plane in Pakistan coming to the United States would be an intelligence success.

Prevention means speed and agility. Prosecution means slow and methodical. Both have their place. But when we are trying to protect the United States of America, Mr. Speaker, we need to be quick and agile and move quickly and use every bit of intelligence we can get from a detainee before we move into the prosecution phase.

Unfortunately, the majority did not allow that to happen. We said, Listen, when somebody comes into detention, every bit of actionable intelligence should be exhausted before they are turned over to the Department of Justice to have their Miranda rights read. It's a simple amendment. It's an honest amendment. It's an amendment that will keep us safe. They tell you, Well, we already have that prohibition against soldiers reading Miranda rights on the battlefield. So what? They don't read Miranda rights on the battlefield, but Federal law enforcement agents do. And that's what's happening.

We are losing valuable information. And, predictably, these detainees are starting to say, Well, listen, if you are saying I don't have to talk until you provide me a lawyer, guess what, I won't. And equally predictably, guess what, we have had more almost successful attacks. And if we are counting on a t-shirt guy in Times Square to solve our terrorist problem, or the guy that's checking your luggage at the airport to catch that terrorist before they get on the plane, or the gate guard at a military base, we are going to lose.

This is about common sense. We should reject this rule. It has denied our ability for our intelligence agencies to get the information from detainees that will save lives. Again, I urge the rejection of this rule.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I thank the gentlewoman from Maine for yielding and for her leadership.

Mr. Speaker, I have long opposed additional funding to support the ongoing occupation of Iraq and a policy of open-ended war in Afghanistan that con-

tinues to undermine the economic and national security of the United States. Estimates for the direct and indirect costs of the wars in Iraq and Afghanistan are now as high as a staggering \$7 trillion.

Unfortunately, the \$726 billion authorized in this defense bill, including \$159 billion for operations in Iraq and Afghanistan, continues an unsustainable rise in military-related expenditures that have nearly doubled since 2001 and which now account for nearly 60 percent of Federal discretionary spending.

I want to thank the chairman for accepting en bloc my amendment to highlight and prioritize potential cost savings at the Department of Defense through reductions in waste, fraud, and abuse. Also, I want to thank the committee and Chairman SKELTON for continuing the prohibition on the establishment of permanent military bases in Iraq and Afghanistan, and for including language I offered calling for improvements in the budgeting of national security priorities to better reflect the needs of foreign engagement programs outside DOD.

Efforts to reduce the United States military footprint abroad and wasteful spending at the Pentagon are small steps toward what needs to be done for a fundamental shift in U.S. foreign policy. In recognizing the economic challenges we face here at home, high rates of unemployment, crumbling schools and infrastructure, there is no denying that the long-term success and security of our Nation is at stake.

Finally, I urge my colleagues to take this opportunity to begin to repeal Don't Ask, Don't Tell. That has unfairly denied fundamental human rights to highly qualified individuals who wish to serve our country. I believe this country is ready to immediately end this inequitable policy. Setting this process into motion today is a historic step on behalf of all those who have been discriminated against. Discrimination is un-American. It's un-American. Now is the time to end it in the military.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 2 minutes to my friend from Texas (Mr. OLSON).

Mr. OLSON. Yesterday, the Rules Committee rejected two amendments to the defense authorization bill I offered to strengthen national security and provide clarity to an area of law that badly needs it.

My first amendment would have prohibited Khalid Sheikh Mohammed or any other Gitmo detainee from enjoying the U.S. constitutional benefits of a civilian criminal trial. Supporters of the administration's plan will reference Richard Reid, Najibullah Zazi, and the most recent attempt carried out by Faisal Shahzad as examples of why KSM should be tried here. But these individuals were either U.S. citizens, reside here, or were arrested here. Congress must understand the difference.



Khalid Sheikh Mohammed is not an American citizen. He is an enemy combatant captured in a battle zone. The same can be said of every other Gitmo detainee. These individuals are not criminal defendants, and this Congress should recognize the difference.

My other amendment would have allowed Congress to make clear that enemy combatants at Bagram Air Base in Afghanistan do not have the same right to access our court system that U.S. citizens enjoy. Last week, the DC Court of Appeals ruled that three Bagram detainees lack access to rights in U.S. Federal courts. And while this ruling is helpful, my amendment would have sent a clear legislative message that enemy combatants detained in an active war zone do not have special rights.

The administration is oddly obsessed with giving foreign enemies of the United States the same rights American citizens enjoy. Enough. Respect the Constitution.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentlelady from California and I thank the Rules Committee for allowing amendments in that I have offered dealing with the expansion and opportunity for small and women-owned businesses and addressing the tragedy of Fort Hood as relates to the civilians who were impacted by that enormous tragedy.

First, of course, my honor and respect to the United States military for their service as we move toward the commemoration of Memorial Day.

But I would also like to suggest that an amendment that I offered could have been added that dealt with \$10 million going to the State Department to improve smart power diplomacy, and also some additional work on helping our families, having spoken to the Air Force families, to make sure that services are utilized during predeployment.

But I am grateful, of course, that we are moving forward on Don't Ask, Don't Tell, and in tribute to August Provost, an innocent who lost his life in San Diego because people did not understand that he, too, was a soldier even though, even though his lifestyle may have been different. It is a disgrace to eliminate those who want to serve their country.

And finally, I would offer to say that I look forward to a colloquy that would establish NASA, or begin to address the question of whether or not the Defense Department needs to assess whether NASA is a national security asset as we move toward commercialization.

Mr. Speaker, I believe it is important to honor our military. I also believe it is important to recognize their needs. We need to promote the needs of their families, the families of the United States military, and ensure those civilians who are on military bases, who

suffered as the soldiers did, will continue to have access to posttraumatic stress disorder counseling as they move forward to rebuild their lives.

I ask my colleagues to vote on the amendments and vote on the underlying rule.

Mr. Speaker, I rise in support of my amendment (#175) to H.R. 5136—"National Defense Authorization Act for Fiscal Year 2011."

My amendment would authorize the Secretary of Defense to transfer funds up to \$10,000,000 to the Department of State (DoS) if the Secretary of Defense deems such a transfer to be in the interest of National Security.

This amendment would give the Secretary of Defense the ability to transfer a portion of the Department of Defense's (DoD's) budget to the Department of State based on the need for diplomatic programs that boost national security. The Chairman of the Joint Chiefs of Staff and Secretary Gates have declared for years how they believe the State Department is better suited to carry out certain diplomatic activities in support of defense operations. Admiral Mullen even stated: "I would hand over part of my budget to the State Department, in a heartbeat, assuming it was spent in the right place."

Diplomatic efforts should always lead and shape our international relationships, and the leaders of our military believe that our foreign policy is still far too dominated by our military. The diplomatic and developmental capabilities of the United States have a direct bearing on our ability to shape threats and to reduce the need for military action. If this amendment is passed, it will be extremely significant and relevant to national defense, and improve the Department of Defense and the Department of State's ability to defend our nation.

Thank you again. I urge my colleagues to support this simple but important amendment.

I thank the Speaker for this opportunity to explain my amendment to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2010. My amendment would require the Secretary of Defense to provide an outreach program to educate small businesses, including minority-owned, women-owned, and disadvantaged businesses. The Secretary shall also provide access to procurement and contracting opportunities for these businesses.

Mr. Speaker, I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Small businesses employ 57.4 million Americans. Many Americans seek to fulfill the American dream by becoming small business owners, and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities, and it is important to provide educational resources that will enable women, minorities, and other disadvantaged business owners to arm themselves with the necessary tools that they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

For these reasons, I urge the Committee to make my amendment in order.

I thank the Speaker for this opportunity to explain my amendment to H.R. 5136, the National Defense Authorization Act for Fiscal Year 2010. My amendment would require the Secretary of Defense to maintain a website or searchable database of small businesses, including minority-owned, women-owned, and disadvantaged businesses with which the Department of Defense has contracts.

Mr. Speaker, I believe it is crucial that we have a mechanism in place that allows us to track the numbers of minorities, women, and other disadvantaged businesses that receive contracts from the Department of Defense. We need to make sure that women, minorities, and disadvantaged businesses are getting reasonable opportunities to establish and grow their businesses. One of the ways we can monitor this is to have public access to the numbers through a searchable database.

I have long supported efforts to increase opportunities for small businesses, especially those that are minority-owned, women-owned and disadvantaged. We know that small businesses are the engine to our economy and that they provide much needed support for communities across the country. Many Americans seek to fulfill the American dream by becoming small business owners, and everyone in the United States should be given the same opportunity to fulfill that dream.

Women and minorities have long been disadvantaged when it comes to getting business opportunities, and it is important to provide educational resources that will enable women, minorities, and other disadvantaged business owners to arm themselves with the necessary tools that they need to operate viable and thriving businesses. This will only improve communities throughout the United States.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to my friend from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, we are now considering a rule on the Armed Services bill. The rule allows 10 minutes to debate the question of Don't Ask, Don't Tell. A question in terms of policy which probably has more far-reaching implications than how many aircraft carriers we have is going to get 10 minutes just before Memorial Day. I think maybe some people in the rules department here don't really want to see this fully investigated or discussed.

The current rule of Don't Ask, Don't Tell says that if you are homosexual and you want to serve in the military, that's fine, but, if your behavior disrupts the mission, you can be discharged. The question then becomes, if we repeal Don't Ask, Don't Tell, what does that mean? Does that mean that we are going to then protect or condone homosexuality? Does it mean that we are going to have to create separate barracks? How do we deal with sexual harassment? What are the implications on recruiting? What are the implications on morale? What are the implications in terms of small unit cohesion? All of these are big question marks, and there are many more besides. Does this impact, for instance, the different benefits and how benefits are delivered?

Well, the military leadership doesn't know the answer to these questions

any more than we do, so they have said, Please, don't do this. Let us have time to take a look at it, see how it affects overall our national security. But we are being asked, in a period of 10 minutes, that we want to repeal this. So we are being asked once again to pass legislation when we don't even know what it means. That hasn't worked very well in the past.

Now, I have three sons, graduates of the Naval Academy, all three Marine Corps. One survived his experience in Fallujah in 2005. And it seems to me that when people are willing to give their lives and their limbs for our country, that that is quite a sacred obligation that they have placed in our hands as legislators to be careful how we handle that trust. And so as we consider something that has very far-reaching implications, is this something that we should do lightly, and particularly with little respect for them?

The military leadership, of course, is opposed to this. They are asking us for time. They are wanting to take a look and see what that means. Are we going to then protect and condone homosexuality in the military? That is a big question. And how does that work out? And is this the way that we show respect for the people who are willing to offer their lives and their limbs for our country? Is this the sort of thing that George Washington or our Founders would be proud of that we are doing today in this little quick flash before Memorial Day?

□ 1130

And why are we wanting to do this? To tickle the fancies of a very vocal but very small minority for political purposes. I will not betray my children or our armed services people just for mere politics.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlelady's courtesy.

I rise in support of the rule. I am pleased that we are going to be allowed to debate the wisdom of having two jet engines for the Joint Strike Fighter. I strongly hope the amendment that I have cosponsored along with Mr. LARSEN is in fact approved, adding \$485 million to reduce the deficit. It is an issue that I feel deserves debate, and I think people looking at it on the merits will understand that we don't need a second engine, that we can agree with the Secretary of Defense of the administration, and indeed the previous administration.

I am, however, a little frustrated that we continue to shortchange our efforts to deal with the toxic legacy of unexploded ordnances from military operations in the United States on our soil for the last 200 years. I had attempted to have a minor amendment to at least have the Department of Defense tell people in the community what the risks are from these toxic

chemicals, from fuels, from unexploded ordnance. People who are building schools, child care centers, and housing developments have a right to know what could happen, particularly since we are underfunding cleanup.

The gentlelady who is managing the rule is going to have another 50 years before the last site is cleaned up in her district—better than waiting for 200 years. We can do better.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, the Don't Ask, Don't Tell policy is not about equal rights. It's about the impact on the readiness, cohesiveness, and effectiveness of the U.S. military. And if the Murphy amendment passes, it could have a profoundly negative effect on all of those things. I believe it could translate to life-and-death implications on the battlefield, Mr. Speaker.

And yet ironically, on something that will affect 2.8 million service men in this country, this side of the aisle will receive 5 minutes to debate that—that's half as much as any other amendment. This will also be saying to our military, who—all they've asked is just a chance to study the issue and come back with their recommendations to this body. We're going to say no, we don't care what you say. You can die for us on the battlefield, but you have no input into this process. That's a disgrace to this institution, and it's an insult to the men and women who pour out their blood on foreign battlefields for the country that we all love so much.

Ms. PINGREE of Maine. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in opposition to the \$485 million earmark included in the Defense Authorization Bill for an extra engine for the F-35 Joint Strike Fighter. This extra engine is a prime example of government waste: \$3 billion already spent. This would require a further investment of \$2.9 billion, according to the Pentagon. Secretary of Defense Gates put it aptly: We have reached a critical point in this debate where spending more money on a second engine for the JSF, the Joint Strike Fighter, is unnecessary, wasteful. It simply diverts precious modernization funds from other more-pressing priorities.

Only two U.S. aircraft models, the F-16C and D, use multiple engine types. We have 114 U.S. aircraft models that use a single-source engine, the type the Pentagon would like to use with the F-35, yet we are making an exception for the F-35. Why? This isn't competition. Competition doesn't mean you buy two of everything.

Both the Bush and the Obama administrations have opposed this wasteful spending. Secretary Gates is strongly recommending a veto of the Defense Authorization bill if it contains funding for the extra engine.

I urge my colleagues to support an amendment to strip this wasteful spending from the bill. The Marines don't want it. The Air Force doesn't want it. The Navy doesn't want it. Why are we moving ahead with it?

If you are opposed to wasteful spending—as so many of my colleagues stand up on this floor and talk about—then this is your chance to prove it. Strip this \$485 million earmark out of the Defense Authorization Bill.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Florida (Mr. MILLER).

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

And I come to the floor today to, of course, announce opposition to the rule, because I just cannot understand why in the world one of the crowning principles that the Founding Fathers had of this country was the freedom of speech, and certainly in this body we believe in the freedom of debate.

But when we're talking about an issue such as the repeal of Don't Ask, Don't Tell, and the majority side wants to restrict the debate on this to 10 minutes—5 minutes for the minority side—on an issue that is so vitally important and should be discussed. We have our folks in the military that are trying to study this particular issue.

But the thing that's most egregious to me is that you're only providing the same amount of time that the manager's amendment is allowed. And when we have days and days and days here in Washington that we can debate on these issues, I ask the majority, why in the world on something this important to you and certainly those of us that oppose it, are you restricting our ability to debate this particular piece of legislation?

Ms. PINGREE of Maine. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. ANDREWS.)

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

Mr. ANDREWS. I thank the gentlelady for yielding.

Mr. Speaker, if you love your country, you ought to be able to serve your country. That's the change that Congress is talking about today.

The minority is opposing an amendment that doesn't exist. We've heard voices on the minority side say that the policy changes ignore the advice of those in uniform, and it's not listening to the report the military is presently preparing. They should read the amendment, Mr. Speaker.

The amendment says the policy change would not take effect until 60 days after the Secretary of Defense and the Chairman of the Joint Chiefs of Staff say the implementation of the necessary policies is consistent with the standards of military readiness.

Mr. MILLER of Florida. Will the gentleman yield?

Mr. ANDREWS. I will yield, yes.

Has the gentleman read the amendment?



Mr. MILLER of Florida. Yes, I have. And my question is—

Mr. ANDREWS. Reclaiming my time, am I correctly stating the amendment?

Mr. MILLER of Florida. No, you're not.

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

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, it is growing more and more clear that the Obama administration intends to allow Iran to gain nuclear weapons and then to adopt a policy of containment, and I am unable to fully express the danger of such a policy. Whatever challenges we have in dealing with Iran today will pale in comparison to dealing with an Iran that has nuclear weapons.

Now, I am grateful that the committee chose to accept my amendment to this bill requiring the Defense Department to develop and report to the Congress a national military strategic plan to counter Iran.

However, Mr. Speaker, the Obama administration remains asleep at the wheel while the last window we will ever have to stop Iran from gaining nuclear weapons is rapidly closing. I only pray that the President will wake up in time to prevent a nuclear-armed Iran from ushering a human family into the shadow of nuclear terrorism.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, yesterday I offered an amendment to the Rules Committee which would protect small businesses that support business on bases.

There's a movement right now to convert private employees to public or government employees at the detriment of small business. But this Rules Committee voted in a straight-line partisan way to deny this amendment to protect small businesses. And I am frustrated that as we are trying to help this economy, help small businesses grow, that they denied an amendment that would have protected small businesses.

Here's one small business owner in Bellevue, Nebraska, in support of Offutt Air Force Base. Dave Everhart, president of Veterans Defense Services, a small business in Bellevue, says, In many cases our employees are being told that they can either accept the government position at a reduced salary or lose their jobs. This is causing—when they are taking these employees from small businesses, many times they are taking their best talent, leaving only one option for these small businesses, and that's shuttering their doors, which leaves vacant bays and is impacting our communities in a negative way.

I am very frustrated with the Rules Committee's denial of this amendment.

Ms. PINGREE of Maine. I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

One of the big disappointments that I have about this rule is that the identity of service personnel who are accused of mistreating or torturing an al Qaeda terrorist if they capture them is not going to be agreed to. We think that their identity ought to be kept secret until they're proven guilty if they're charged with something like that.

We had three Navy SEALs that were accused of mistreating an al Qaeda terrorist because of what he said, because of what he got out of the al Qaeda training manual, and they were all found innocent, but their names were made public—all through the media they were made public—and as a result, they're at risk, their families are at risk, and their future careers are at risk because they've been accused of something but not convicted of it.

So I think the legislation that we proposed in this amendment should have been approved by the Rules Committee because it protects our service men and women from being exposed for something that they did not do.

And I am very disappointed the Rules Committee did not choose to protect the identity of our service personnel who are accused wrongfully by al Qaeda terrorists of mistreatment.

Ms. PINGREE of Maine. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. FRANK), chair of the Financial Services Committee.

Mr. FRANK of Massachusetts. Mr. Speaker, I congratulate Speaker PELOSI and others in the leadership for successfully insisting that this House get a chance to vote on repealing the rule that says that patriotic, able-bodied gay and lesbian Americans cannot serve their country.

Mr. Speaker, it strikes me as odd. If there was a situation in which we were at war, as we are now sadly in two situations—sadly because no one likes war—if I had proposed that gay and lesbian Americans be exempted from any drafts and from any requirement to serve and put their lives in danger, I would have been accused of a “special rights,” and it would have been a correct accusation. Instead, gay and lesbian people are asking for the right to serve, and we're told that will undo military cohesion.

Mr. Speaker, the Israeli Defense Forces have understandably, given the history of the Jewish people and our aversion to bigotry, because we know what it does to us, they have been free of any such prejudice. Gay and lesbian Israelis have not just the right but the obligation to serve their country. And those who tell me that the presence of

gay and lesbian members of the military undermine the effectiveness of a fighting force and undermine unit cohesion must have never heard of Israel. They must have never heard of as effective a fighting force as has existed in modern times.

So the notion that you must deny American gay and lesbian citizens their rights has no basis in reality.

□ 1145

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time I yield for the purpose of a unanimous consent request to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman.

Mr. Speaker, I ask unanimous consent that all germane amendments be allowed to be offered, because the chairlady said that all germane amendments were approved.

The SPEAKER pro tempore. The Chair will entertain that unanimous consent request only from the manager in charge of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would make that request.

The SPEAKER pro tempore. The Chair would recognize that request only from the proponent of the resolution.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 1 minute to my friend from Indiana (Mr. PENCE).

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

Mr. PENCE. Mr. Speaker, I rise in opposition to this rule. With all due respect to the gentleman from Massachusetts who just spoke with great passion about his position, I believe the American people don't want to see the American military used to advance a liberal political agenda, especially when the men and women who serve in our military haven't had a say in the matter. That's precisely what this Congress is poised to do today with a vote essentially repealing Don't Ask, Don't Tell.

Look, we all know that success on a battlefield requires high morale, unit cohesion. Standards of conduct over the years have been a critical part of this. Don't Ask, Don't Tell has been in place for 17 years. Repealing it without waiting till we hear from our military in December is essentially a disservice to those who are putting their lives on the line every day.

I urge this Congress to stop and put our priorities in order. The American people don't want the American military used as a vehicle to advance a liberal social agenda. Give the men and women in uniform a say before bringing this change to the floor of this House.

Ms. PINGREE of Maine. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it's been a good debate. It's unfortunate there is not

more fairness, procedural fairness in this rule with regard to what is traditionally a bipartisan bill. I urge a "no" vote on this resolution.

I yield back the balance of my time.

Ms. PINGREE of Maine. Mr. Speaker, I will be brief in my closing, but I want to say this is a major piece of legislation, and its effects will be felt across the country.

I am extremely proud of this body today, as I know we will be poised to finally repeal the issue we have had so much discussion about this morning, that is, Don't Ask, Don't Tell. This has had a lengthy process. Fourteen thousand members of the military who have served this country honorably have been forced to leave strictly because of their own personal status.

This is a long process. It will not be changed until the Secretary of Defense and the Joint Chiefs of Staff have had time to certify it will not disrupt the military, as we have heard from some of our colleagues.

This has happened in many other countries, whether it's Israel or Australia or even the United Kingdom. If they can do it, so can we as well.

I am proud to know that my colleagues are debating this topic, as well as making sure today that we remember, on top of everything else, to respect our military, to thank them for their service and to make sure they are well compensated.

I want to thank Chairman SKELTON, Ranking Member McKEON and all my colleagues on the Armed Services Committee for all their tireless work.

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

Ms. GIFFORDS, Mr. Speaker. I rise today in support of the underlying bill and to highlight a number of very important provisions related to DoD's energy usage.

Last year, the Department of Defense consumed nearly 6.9 billion barrels of oil to power everything from bases to fighters. But every day, the services are proving that this dependence no longer needs to tether us to supply lines.

In the last year, thanks in large part to efforts by the Armed Services Committee, the military has begun to take aggressive action.

At Davis-Monthan Air Force Base in my District, the Air Force completed construction of the largest solar community in America.

Last month the Navy flew a fighter jet for the first time on biofuel.

The Army continues testing battlefield energy solutions at Fort Irwin.

And today, we will have an opportunity to move forward with additional responsible energy language I have worked with the services to develop and with the Committee to move forward.

The Defense bill requires DoD to develop a testing and certification plan for the operational use of aviation biofuels.

I have also added language that integrates the hybrid drive platform that the Army developed for Future Combat Systems over the last decade into the vehicles of today.

We included \$130 million for Energy Conservation projects at bases across the country that save the military and the American taxpayer millions of dollars.

In theater, we reduce basic energy consumption by cutting waste. During a DoD pilot program to spray foam insulate facilities in Iraq and Afghanistan, fuel consumption was reduced by nearly 75% on average. These projects had a return on investment of less than six months. The Defense bill seeks to expand this program by seeking a comprehensive review of all facilities to identify low cost, energy-saving solutions.

New Energy Performance Goals, new implementation plans and new studies of how to more effectively supply the force make the energy provisions in this bill stronger than in any previous year.

The NDAA specifically addresses many of the battlefield energy challenges our servicemembers face in-theater every day. And the overwhelming bi-partisan support these provisions received at the Committee level validates the continued need for aggressive, smart and responsible solutions.

I urge my colleagues to support this rule and join me in passing the Defense Authorization bill.

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

The previous question was ordered.

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

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

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.

#### PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. PINGREE of Maine. Mr. Speaker, I send to the desk a privileged concurrent resolution and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

##### H. CON. RES. 282

*Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on any legislative day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, June 8, 2010, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on any day from Thursday, May 27, 2010, through Tuesday, June 1, 2010, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, June 7, 2010, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after con-

sultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

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

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, this 15-minute vote on agreeing to House Concurrent Resolution 282 will be followed by 5-minute votes on adoption of House Resolution 1404; the motion to suspend the rules on House Resolution 1161; and the motion to suspend the rules on House Resolution 1372.

The vote was taken by electronic device, and there were—yeas 230, nays 187, not voting 14, as follows:

[Roll No. 306]

YEAS—230

Ackerman	Edwards (MD)	Klein (FL)
Andrews	Edwards (TX)	Kucinich
Arcuri	Ehlers	Langevin
Baca	Ellison	Larsen (WA)
Baird	Engel	Larson (CT)
Baldwin	Eshoo	Lee (CA)
Barrow	Etheridge	Levin
Bean	Farr	Lipinski
Becerra	Fattah	Loebsack
Berkley	Filner	Lofgren, Zoe
Berman	Foster	Lowey
Berry	Frank (MA)	Lujan
Bishop (GA)	Fudge	Lummis
Blumenauer	Garamendi	Maffei
Bocieri	Giffords	Maloney
Boswell	Gohmert	Markey (MA)
Boucher	Gonzalez	Marshall
Boyd	Gordon (TN)	Matheson
Brady (PA)	Grayson	Matsui
Braley (IA)	Green, Al	McCarthy (NY)
Brown, Corrine	Green, Gene	McCollum
Butterfield	Grijalva	McDermott
Capps	Gutierrez	McGovern
Capuano	Hall (NY)	McIntyre
Cardoza	Halvorson	McNerney
Carnahan	Hare	Meek (FL)
Carson (IN)	Harman	Meeks (NY)
Castle	Hastings (FL)	Melancon
Castor (FL)	Heinrich	Miller (NC)
Chaffetz	Heller	Miller, George
Chandler	Herstatt Sandlin	Mollohan
Chu	Higgins	Moore (WI)
Clarke	Hill	Moran (VA)
Clay	Himes	Murphy (CT)
Cleaver	Hinchey	Murphy (NY)
Clyburn	Hinojosa	Murphy, Patrick
Cohen	Hirono	Nadler (NY)
Connolly (VA)	Hodes	Napolitano
Conyers	Holden	Neal (MA)
Cooper	Holt	Oberstar
Costa	Honda	Olson
Costello	Hoyer	Olver
Courtney	Inslee	Ortiz
Critz	Israel	Owens
Crowley	Jackson (IL)	Pallone
Cuellar	Jackson Lee	Pastor (AZ)
Cummings	(TX)	Paul
Davis (CA)	Johnson (IL)	Payne
Davis (IL)	Johnson, E. B.	Perlmutter
Davis (TN)	Jones	Peterson
DeFazio	Kagen	Pingree (ME)
DeGette	Kanjorski	Polis (CO)
Delahunt	Kaptur	Pomeroy
DeLauro	Kennedy	Price (NC)
Deutch	Kildee	Quigley
Dicks	Kilpatrick (MI)	Rahall
Dingell	Kind	Rangel
Doggett	Kirkpatrick (AZ)	Reyes
Doyle	Kissell	Richardson