

Mr. ROGERS of Kentucky. Madam Speaker, I yield myself such time as I may consume.

This motion to instruct is well-intentioned but unnecessary. The motion would urge adoption of the Senate-passed level for VA medical research, which is \$50 million above the House-passed level.

We all support our veterans and honor their service and sacrifice. We, of course, support the important research work the VA is doing for our veterans in fields such as traumatic brain injury and posttraumatic stress disorder. We provided a robust level of funding for this research in the House-passed version of the bill at a time when our overall funding targets were constrained. In fact, the House bill provided a total of \$531 million for VA medical research, an increase of \$22 million above what the White House and the VA requested. In addition, the VA still has \$71 million in unobligated research funding left over from previous years that could be put to use. So even without the increase, the program level would still be well above the 2011 level.

We all agree that medical research at the VA is undeniably important and we want to do the best that we can for our veterans, particularly those in need of medical assistance. On that, there's no difference between the ranking minority member and myself and between the members of the subcommittee.

□ 1240

I can reassure the Members that we will work with our House and Senate colleagues to determine the appropriate level for VA research to continue to support and honor the service of our veterans.

While this motion is not necessary, I understand and agree with its intent; and I will work with the ranking member. And with reservations, I will accept the motion at this time.

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

Mr. DICKS. I would ask for a vote on my motion to instruct, and I yield back the balance of my time.

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

There was no objection.

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

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

Mr. DICKS. Madam 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.

MOTION TO INSTRUCT CONFEREES ON H.R. 1540, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012

Mr. McKEON. Madam Speaker, by direction of the Committee on Armed

Services, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1540) to authorize appropriations for fiscal year 2012 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

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

There was no objection.

Mr. SMITH of Washington. Madam Speaker, I have a motion to instruct at the desk.

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

The Clerk read as follows:

Mr. Smith of Washington moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1540 be instructed to insist on the amendments contained in subtitle I of title V of the House bill (sections 581 through 587 relating to improved sexual assault prevention and response in the Armed Forces).

The SPEAKER pro tempore. Pursuant to clause 7 of rule XXII, the gentleman from Washington (Mr. SMITH) and the gentleman from California (Mr. McKEON) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. SMITH of Washington. Madam Speaker, I yield myself such time as I may consume.

This is a very important provision of the House bill dealing with better combating sexual assault within the military. Now, this is a significant problem that has been documented by many studies and many media reports. I want to particularly congratulate members of my committee, Ms. LORETTA SANCHEZ, Ms. TSONGAS, Ms. SPEIER, and Mrs. SUSAN DAVIS, who have taken a leadership role in this to try to implement policies to control sexual assault within the military. The provisions that we've put together in the House help move us forward towards addressing that issue, make sure that it takes on the importance that it deserves, and empower the military to make the decisions they need to better protect against sexual assault within the military.

I particularly applaud Ms. TSONGAS. This is her motion to stick to the House provisions in this area. I urge the conference committee to do that going forward.

With that, I reserve the balance of my time.

Mr. McKEON. I reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding. And, Madam Speaker, good afternoon.

Sexual assault in the military continues to be a serious problem. It impacts thousands of service women and men each year.

While I'm pleased with the recent improvements made by the Department of Defense, there remains much more to be done. It is vital that we do all we can to protect the men and women in the military who protect us.

I am very pleased that both the House and the Senate passed language improving the military's response to sexual assault in their respective versions of the National Defense Authorization Act.

□ 1250

Earlier this week, I, along with Representative TURNER and 45 colleagues, sent a letter to the House and Senate Armed Services Committees asking them to strongly consider the House-passed provisions dealing with military sexual assault.

The language contained in the House version makes necessary improvements to protect our service women and men. Specifically, the House-passed language strengthens the rights of sexual assault victims by clarifying victim access to legal counsel, and record maintenance and confidentiality, which are critically important. It also ensures expedited unit or station transfer when a servicemember has been victimized.

Imagine being a victim of rape, which one young soldier told me about at a hearing, while serving in the military, and every morning she had to salute her rapist. That's what the members of our Armed Forces have experienced and will continue to experience if we don't do something to change that situation.

The House-passed language also stresses the need for the NDAA to include comprehensive training and education programs for sexual assault prevention within the Department of Defense. The Senate version does not include this protection, which is part of H.R. 1709, the Force Protection and Readiness Act, which I introduced earlier this year.

I am pleased this motion to instruct conferees on the NDAA recognizes the importance of this issue, and I ask the conferees to seriously consider including the strongest possible language to prevent and appropriately respond to incidents of sexual assault in the military.

Mr. McKEON. I continue to reserve the balance of my time.

Mr. SMITH of Washington. Madam Speaker, I yield the balance of my time to the gentlewoman from Massachusetts (Ms. TSONGAS).

The SPEAKER pro tempore. Without objection, the gentlewoman from Massachusetts will control the balance of the time.

There was no objection.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

While one in six women will experience sexual assault in her lifetime, as

many as one in three women leaving military service report that they have experienced some form of military sexual trauma.

By the Pentagon's own estimate, as few as 13.5 percent of sexual assaults are reported. Additionally, while 40 percent of sexual assault allegations in the civilian world are prosecuted, this number is a staggeringly low 8 percent in the military.

The military has been slow to take the appropriate actions necessary to protect victims of sexual assault. For example, rape victims still do not yet have the right to a unit or duty location transfer following an assault. This means victims of sexual assault are often forced to live and work alongside their perpetrator, facing repeated stress and trauma due to the constant contact they may have with an assailant who is part of their unit.

As unbelievable as it sounds, this is exactly what happened to Marine Lance Corporal Maria Lauterbach, who accused her assailant of rape, and then spent the next 8 months exposed to the accused rapist, who later murdered her and buried her with the body of her unborn son in his backyard.

Although these events happened in 2007, the Department of Defense has not adopted provisions that would allow victims to escape constant contact with their assailant. We ask men and women who serve in the military to put their lives on the line for our country, and they shouldn't fear harm from their fellow servicemembers. We simply must do more to protect them.

In May, this House passed H.R. 1540, which included strong bipartisan provisions that would allow victims of sexual assault the right to transfer units, the right to counsel, the right to privileged communications between a victim and a victim advocate, and the right to get records of their sexual assault so they can be eligible for veterans' benefits. These provisions came from a bipartisan bill that I introduced with Mr. TURNER of Ohio.

Our language stipulates that confidential communications cannot be used by the defense attorney against a victim during court proceedings, and they remain actually confidential. These provisions will encourage more victims to come forward and get the help they need to heal, and will encourage more victims to participate in the legal process of prosecuting perpetrators of sexual assault, both of which are critical to maintaining readiness and unit cohesion in the military.

These provisions also establish full-time sexual assault response coordinators and victim advocates and ensure they are well trained for the job and able to properly serve victims of sexual assault. The 2009 Defense Task Force Report on Sexual Assault in the Military Services found that current victim advocates and sexual assault response coordinators are unprepared for the duties of the position.

In the words of a current unit victim advocate, "I would truly be unprepared

if a sexual assault were to occur and my services were needed. It is my opinion that active duty victim advocates are not prepared to deal with sexual assaults and could potentially deter individuals from coming forward."

Having full-time SARCs and VAs with extensive training and certification will ensure that they are truly a valuable resource to their unit and to victims who come forward.

This language also improves the retention of sexual assault records and guarantees that victims of sexual assault will have lifetime access to these records for a variety of purposes, such as being considered for veterans benefits and given priority consideration for counseling at Veterans Affairs.

Currently, survivors of sexual assault have to jump through multiple bureaucratic hurdles to prove that their symptoms are connected to an incident of sexual assault in the military in order to be prioritized for mental health counseling or be eligible for benefits. Servicemembers find it difficult to obtain documentation proving their sexual assault once they have left the services because many of these documents are destroyed at DOD after only a few years. This language ensures that the documents are maintained.

This language also requires DOD to prepare a record of all court proceedings in which a charge of sexual assault is adjudicated and provide a copy to the victim. Because victims of sexual assaults serve as a witness rather than an active participant in trials where their case is litigated, they often do not understand the outcome of their case. These records are prepared where convictions result, but when charges are dismissed, or when a perpetrator is found innocent, the victim has no reliable way to understand what happened and why his or her case was dismissed.

Making sure victims understand the outcome of their case is important to providing closure for victims and making sure they are an active, respected participant in the legal process.

□ 1300

It will help to alleviate much of the mistrust that servicemembers and victims of sexual assault in the military harbor when it comes to how a sexual assault case will be handled if they make a report.

Similar provisions were included in the Senate's version of the defense authorization, but these provisions do not clearly spell out a victim's right to counsel and do not provide for a comprehensive education and training program.

Yesterday a bipartisan group of 47 Members, led by Ms. SLAUGHTER and Mr. TURNER, sent a letter to the chairman and ranking member of both the House and Senate Armed Services Committees in support of the House's language. This motion simply instructs our conferees to insist on the House language, language that will protect our servicewomen.

I urge my colleagues on both sides of the aisle to support the motion to instruct conferees.

With that, Madam Speaker, I reserve the balance of my time.

Mr. McKEON. I continue to reserve the balance of my time.

Ms. TSONGAS. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California who has taken such an interest in this very grave issue and played an important leadership role, Congresswoman SPEIER.

Ms. SPEIER. I thank Ms. TSONGAS and the ranking member, Mr. SMITH, for bringing this motion. Thank you, Madam Speaker, for the opportunity to say a few words here.

This is a cancer that is eating up our military. For 25 years, we have debated and discussed and reported on it, and yet the numbers are staggering. By DOD's own estimates, 19,000 men and women in the military each and every year are sexually assaulted or raped. Only 13 percent actually report these sexual assaults and rapes, and 90 percent of them are involuntarily honorably discharged.

There is a message in the military: Shut up, take an aspirin, go to bed, sleep it off. These very modest elements are really very important, but if we're really going to deal with this issue, if we're truly going to say that you are no longer going to be more likely to be a victim of violence in the military by a fellow officer than by the enemy, if we're really going to be able to change that construct, then we're going to have to take the reporting of these crimes away from the chain of command and put it in a separate office where we will have experts, both military and civilian, that will be able to prosecute these cases and actually investigate them.

Right now there's a huge conflict of interest. I spoke on the floor this morning about Petty Officer De Roche who was raped by two officers in Thailand when they were on port of call. She was raped twice by each of these men. She then went to report it and was told to leave it alone. She was then put in a medical hold for 24 hours, for days. And then what happened, she was eventually allowed to leave the ship and be put in another service setting.

But do you know what happened to those two assailants, both of whom admitted that they had raped her?

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

Ms. TSONGAS. I yield the gentlewoman an additional minute.

Ms. SPEIER. One of them had 6 months of reduction in pay; one of them got demoted, one of them did not; but neither of them served any time for having admitted that they had raped her. They got what was called non-judicial punishment.

What a joke that in this country we give a unit commander the authority to be judge and jury and then not even have these individuals who commit

these violent crimes have to pay anything. It doesn't go on a record; there is no sexual assault database. That's the way we've been running the military, and that must stop.

Ms. TSONGAS. I yield back the balance of my time.

Mr. McKEON. Madam Speaker, I yield myself such time as I may consume.

I just have to respond to the last speaker that we had.

We have this language in the bill. We have worked with Ms. TSONGAS. She's done great work with Mr. TURNER. We have been out of the majority for 4 years. We now have the majority. I'm not going to say that it shouldn't have been fixed before; it should have. But we have this in the bill. But to attack the military and make them like they are the worst people in the world—19,000 is excessive. It is something that never should have happened. This will take care of it.

We just had talk of a revered football coach we found right in their organization of a very upstanding university that we all have thought great things about, has all kinds of problems with sexual abuse.

I refuse to have the innuendo or the charge that the military is corrupt top to bottom, which is what you basically inferred in what you just said.

We support this. We put it in the bill. We think that it is very important to take care of this problem.

Ms. SPEIER. Will the gentleman yield?

Mr. McKEON. I'd be happy to yield.

Ms. SPEIER. I did not say that the military was corrupt. What I did say was that the way—

Mr. McKEON. Reclaiming my time, you did charge them with some very serious issues and besmirch the character of the military.

Ms. SPEIER. Will the gentleman yield?

Mr. McKEON. I'd be happy to yield.

Ms. SPEIER. What I would say to the gentleman from California is this: that the Congress of the United States has, for almost a quarter of a century now, been looking at this issue. We have not done a good job—

Mr. McKEON. Reclaiming my time, as the new chairman of the committee, the first bill that we have brought forward, we have it in the bill. We are moving to take care of it.

Ms. SPEIER. Will the gentleman yield?

Mr. McKEON. No. I think we've probably said enough.

What I would say at this time is we do support this. The bill was overwhelmingly supported out of committee 60-1, 322-96 in the House. We're moving strongly on this issue. We will support it through the conference and do our best to see that it remains in the bill because it is such a very important issue.

With that, I yield back the balance of my time.

Ms. TSONGAS. Madam Speaker, I did not mean to yield back my time; so I

ask unanimous consent to reclaim my time.

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

Mr. McKEON. Reserving the right to object, I understand that I did that once myself, yield back my time inadvertently.

With that, I would be happy to see that my colleague has the balance of her time to close, and I withdraw my reservation.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts is recognized.

There was no objection.

Ms. TSONGAS. I thank the chairman.

It has been my honor and pleasure to work in a bipartisan fashion on this legislation that seeks to address the great challenge of military sexual trauma. I think that we have incorporated into the House version of the bill some very significant reforms that will help to protect victims, unfortunate victims of this great affront to young people serving in our military; will seek to better protect them as they seek to bring to justice the perpetrators; will better train those who are put in a place designed and created—these are positions created to help victims deal with this tremendous trauma, seek out appropriate legal remedies and do it in a way that does not further victimize the victim.

Does that mean there is not always going to be additional work to do? Absolutely, always; otherwise, we would all be out of a job if we didn't have to simply come back and revisit and revisit and revisit these issues.

But I want to make it very clear that this has been a great bipartisan effort. I'm very thankful for the support we have received. The military has made tremendous efforts. But obviously we would not be here today discussing this if there were still not a long way to go.

I appreciate the fact that this has been recognized on both sides of the aisle, and I thank you for allowing me to reclaim my time.

I will now yield 1 minute to the gentlelady from California, Congresswoman SPEIER.

Ms. SPEIER. I thank the gentlelady from Massachusetts for yielding me the time.

I would just like to say to the gentleman from California and to my colleagues on the Armed Services Committee, I am very grateful that this language is in the motion to instruct the conferees.

My only point is that until we create an independent office to handle these cases, we continue to place the unit commanders and the base commanders in a conflict of interest. What happens when the unit commander is, in fact, the assailant? That means that the rape victim has to go to her rapist and seek to have help and to report that rape to her unit commander.

□ 1310

What we need to do is create an independent authority that will have the expertise, which a unit commander is not going to have, regarding sexual assault and rape and have investigators who have, again, the expertise to look at these cases so that the unit commanders and the base commanders are not flummoxed by the various issues surrounding this very, very serious subject.

Ms. TSONGAS. I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mr. SMITH of Washington. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on the motion to instruct will be followed by 5-minute votes on the motion to permit closed conference meetings on H.R. 1540 and the motion to instruct on H.R. 2550.

The vote was taken by electronic device, and there were—ayes 421, noes 2, not voting 10, as follows:

[Roll No. 892]

AYES—421

Ackerman	Burton (IN)	DeFazio
Adams	Butterfield	DeGette
Aderholt	Calvert	DeLauro
Akin	Camp	Denham
Alexander	Campbell	Dent
Altmire	Canseco	DesJarlais
Amodei	Cantor	Deutch
Andrews	Capito	Dicks
Austria	Capps	Dingell
Baca	Capuano	Doggett
Bachmann	Cardoza	Dold
Bachus	Carnahan	Donnelly (IN)
Baldwin	Carney	Doyle
Barletta	Carson (IN)	Dreier
Barrow	Carter	Duffy
Bartlett	Cassidy	Duncan (SC)
Barton (TX)	Chabot	Duncan (TN)
Bass (CA)	Chaffetz	Edwards
Bass (NH)	Chandler	Ellison
Becerra	Chu	Ellmers
Benishek	Cicilline	Emerson
Berg	Clarke (MI)	Engel
Berkley	Clarke (NY)	Eshoo
Berman	Clay	Farenthold
Biggert	Cleaver	Farr
Blibray	Clyburn	Finler
Bilirakis	Coble	Fincher
Bishop (GA)	Coffman (CO)	Fitzpatrick
Bishop (NY)	Cohen	Flake
Bishop (UT)	Cole	Fleischmann
Black	Conaway	Fleming
Blackburn	Connolly (VA)	Flores
Blumenauer	Conyers	Forbes
Bonner	Cooper	Fortenberry
Bono Mack	Costa	Fox
Boren	Costello	Frank (MA)
Boswell	Courtney	Franks (AZ)
Boustany	Cravaack	Frelinghuysen
Brady (PA)	Crawford	Fudge
Brady (TX)	Crenshaw	Gallely
Braley (IA)	Critz	Garamendi
Brooks	Crowley	Gardner
Brown (GA)	Cuellar	Garrett
Brown (FL)	Culberson	Gerlach
Buchanan	Cummings	Gibbs
Bucshon	Davis (CA)	Gibson
Buerkle	Davis (IL)	Gingrey (GA)
Burgess	Davis (KY)	Gohmert

