

Well, we have 67 terrorists convicted since 9/11 in American prisons and supermaxes in the United States. No one has ever escaped from a supermax prison. It is pure fear-mongering to say that a State or any place in the United States would be endangered by having a terrorist or anyone else in a supermax prison.

If the terrorist from Orlando had not been shot dead, he would presumably be either sentenced to death or sentenced to life in prison. He would be in a prison in the United States, and no one would say that is unsafe. No one would say: You have got to export him from the country. That is just pure, aberrant nonsense.

So we ought to shut the prison because it is fiscally sound. It would remove a terrorist propaganda point from al Qaeda and ISIS and everybody else. And not all those 91—some of them may be the worst of the worst. Some of them may not be. Some of them we know were simply handed over to bounty hunters because some other tribe in Afghanistan thought this is a good way—the Americans are handing out \$5,000, \$10,000—this is a good way to get rid of our rivals.

They ought to be tried. If guilty, they ought to be kept in prison for life, perhaps, depending on what they are guilty of. But if innocent, they ought to be released. And to say they ought to stay in Guantanamo without trial—and we know the military tribunals don't work; they haven't managed to convict anybody and make it stick—forever is un-American.

Mr. LAMBORN. Mr. Chairman, President Obama's policy of releasing people willy-nilly from Guantanamo is a bad policy. The risk is real. In recent months, the administration has finally admitted that there have been Americans who have died because of Guantanamo detainees who have been released. The Director of National Intelligence has said one of every three released detainees has rejoined the fight.

Even if detainees are brought to the U.S. and never escape, to address what my colleague from New York said, there is a very real danger of proselytization within the prison system, radicalizing the inmate population, and allowing terrorists to have increased legal rights, the risk of contraband, and access to communications. If there ever were a trial on U.S. soil, they would have the right to access methods and sources used by our intelligence agencies, and those would be given away to the bad guys. The people of Colorado and other States certainly don't feel safe having these terrorists in their backyards for those reasons.

Transferring Guantanamo prisoners to American soil is illegal, period. We need to do everything we can to ensure the President doesn't break the law or overturn the will of the American people and increase the risk to the American people, all because of a foolish and misguided campaign promise.

I would like to inform the President that 9/11 happened way before there

ever was a Guantanamo prison. That is not why the Islamic radicals attacked us. They oppose our very way of life. They oppose us for who we are, not for what we do.

Let's keep GTMO open.

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

Mr. VISCLOSKY. Mr. Chairman, following up on part of the discussion, we have had 443 people convicted of terrorist-related charges held in U.S. prisons, and as has already been indicated, they are very secure because no one has escaped.

I don't think it is necessarily wrong, even if a person is evil, that they have some modicum of legal rights under the United States of America. And you have 63 people being held in Guantanamo today for over 10 years with no trial. I just don't think that is according to the constitutional principles of this country.

But what I find upsetting is the prohibition on surveys, assessment, and reviews, the search for knowledge. There may be no better way to deal with the detention issue than keeping Guantanamo open. I would acknowledge that to the gentleman. There may not be a better way.

But if we don't search for knowledge and information and the truth, we will never know. What is the harm in asking?

I am opposed to the gentleman's amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Colorado (Mr. LAMBORN).

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

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

REPORT ON H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

Mr. CRENSHAW, from the Committee on Appropriations, submitted a privileged report (Rept. No. 114-624) on

the bill (H.R. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. Pursuant to House Resolution 783 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5293.

Will the gentleman from Georgia (Mr. CARTER) kindly take the chair.

□ 1807

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, with Mr. CARTER of Georgia (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 29, printed in House Report 114-623, offered by the gentleman from Colorado (Mr. LAMBORN), had been postponed.

AMENDMENT NO. 30 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in House Report 114-623.

Mr. MASSIE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds appropriated or otherwise made available in this Act may be used for drug interdiction or counter-drug activities in Afghanistan.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chair, today my friend, Congressman JONES, and I are offering an amendment to end the DOD's involvement in and funding of the futile war on drugs in Afghanistan.

In his most recent quarterly report from April 2016, the Special Inspector General for Afghanistan, Mr. John Sopko, said that the United States has provided a total of \$8.5 billion in funding for counternarcotics efforts in Afghanistan since 2002. But these efforts have failed. They have been a colossal failure.

Afghanistan remains the world's leading opium supplier. It provides over 90 percent of the world's opium today, and since our efforts in Afghanistan to counter poppy production and opium production, would you believe that their production has doubled?

That is right. We have spent over \$3 billion in counternarcotics efforts in Afghanistan, and they have doubled their production in that period of time. If this isn't a measure of failure, I don't know what it is.

Congress annually appropriates counternarcotics funds through the DOD drug interdiction and counterdrug accounts. It also appropriates drug interdiction funds via the State Department's International Narcotics Control and Law Enforcement account and through the Drug Enforcement Administration.

My amendment would specifically end DOD funding for the Afghanistan drug war, which would substantially cut the United States overall spending on antidrug efforts there. Since 2002, Congress has appropriated a total of \$3 billion, that is billion with a B, for the DOD drug interdiction and counterdrug activities fund.

That is \$3 billion that could have been spent here at our border on border control efforts or on antidrug efforts or counternarcotics efforts here in the United States.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, for years, the production and trafficking of heroin in Afghanistan has provided an important source of revenue to the Taliban and other antigovernment forces in the region. It is estimated the Taliban receives between \$70 million and \$100 million per year from the illicit drug trade.

Regional heroin trafficking is also fueling corruption and impeding legitimate economic activity critical for Afghans' continued development and stability.

\$140.8 million was requested to provide direct counternarcotic support for Afghanistan. It is badly needed. These activities directly support the activities of the Department of Defense Operation Freedom's Sentinel by building their capacity and neighboring countries' capacities, their counternarcotics force, to disrupt illicit trafficking and deny proceeds from being used to fund terrorists' insurgent activities.

Funds support the training and equipping of special Afghan units, including their counternarcotics police as well as their national interdiction unit. It is important.

Allowing more illicit narcotics cultivation and trade to continue, without any methods or action to counter or

interdict it, would be a total disaster, a total mistake.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKY), the ranking member, for any comments he may wish to make.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and join with the chairman in opposition to the gentleman's amendment.

I would agree with the gentleman from Kentucky that it is hard at times to measure progress in Afghanistan. However, with the continued presence of 10,000 troops, with the sacrifice, both in terms of life and our treasury, that have been expended over the last decade and a half, I do not believe that it is now time to completely desist, particularly, as the chairman rightfully points out, that this is a profit center for one of our enemies. So I would ask my colleagues to oppose the gentleman's amendment.

Mr. MASSIE. Mr. Chair, you know, in Congress, we often make the mistake of confusing activity with progress. And no doubt there has been a lot of activity—and the goals are noble—to cut off the funding for the Taliban. This is a source of income, opium production. And the activity has been there. We have spent \$8 billion.

The problem is they have doubled their production. Ironically, we have helped them with irrigation and better roads, their infrastructure. Something we are doing over there isn't working, unless our goal is to increase their profits, because they have tripled the acreage that they are growing of poppy fields over there.

So we need to do something differently. What we are doing is not working. And throwing money at the problem will not solve it.

What I am proposing today is to stop the war on drugs there. It has been ineffective.

I would also remind folks—I probably don't need to remind any of my colleagues, there is a heroin epidemic here in the United States, and it is terrible in my district. My constituents are asking me, why are we throwing the money away in Afghanistan when we have the problems here? In Afghanistan, when we see no positive results—we see negative results—why don't we, instead, use that money to secure our border and prevent the influx of opium and heroin? Why don't we first focus our efforts on cleaning up our own streets, keeping our young people away from deadly drugs, versus throwing billions of dollars more away in Afghanistan on a program that has proven, by any objective measure, to be ineffective?

We had a hearing on this in the Oversight and Government Reform Committee, and there was no evidence there that any of these efforts have curtailed the opium production in Afghanistan. That is why I am offering this amendment today with Congressman JONES. I encourage my colleagues to support me in this.

□ 1815

Stop throwing money away. Stop wasting it in foreign countries. Bring that money back home and spend it here domestically instead for our constituents.

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

Mr. FRELINGHUYSEN. Mr. Chairman, in closing, there has been progress in Afghanistan. As long as we have nearly 10,000 troops over there, this is one of the things we need to focus on because it has a lot to do with protecting those that are there fighting on our behalf doing the work of freedom.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

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

Mr. MASSIE. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 31 OFFERED BY MR. MASSIE

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in House Report 114-623.

Mr. MASSIE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. (a) Except as provided in subsection (b), none of the funds made available by this Act may be used by an officer or employee of the United States to query a collection of foreign intelligence information acquired under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) using a United States person identifier.

(b) Subsection (a) shall not apply to queries for foreign intelligence information authorized under section 105, 304, 703, 704, or 705 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805; 1842; 1881b; 1881c; 1881d), or title 18, United States Code, regardless of under what Foreign Intelligence Surveillance Act authority it was collected.

(c) Except as provided for in subsection (d), none of the funds made available by this Act may be used by the National Security Agency or the Central Intelligence Agency to mandate or request that a person (as defined in section 101(m) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(m))) alter its product or service to permit the electronic surveillance (as defined in section 101(f) of such Act (50 U.S.C. 1801(f))) of any user of such product or service for such agencies.

(d) Subsection (c) shall not apply with respect to mandates or requests authorized under the Communications Assistance for Law Enforcement Act (47 U.S.C. 1001 et seq.).

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Kentucky (Mr. MASSIE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, our Founding Fathers included the Fourth Amendment in our Constitution for a reason: to require probable cause and a warrant before the government and government agents can spy on any of its citizens. Our Founding Fathers were fed up, and, frankly, I think our citizens are fed up with being spied on by the government.

I am here to offer an amendment today that would prevent warrantless surveillance of Americans. I am offering it with many of my colleagues. I want to mention that this amendment has passed this House, this body, twice previously: once by 293-123, and another time by 255-174. It enjoys broad bipartisan support.

My cosponsors are Mr. JORDAN, Mr. O'ROURKE, Mr. AMASH, Representative POCAN, Representatives NADLER, GABBARD, FARENTHOLD, TED LIEU of California, ISSA, BUTTERFIELD, LABRADOR, GOSAR, DELBENE, POE of Texas, CONYERS, SENSENBRENNER, and Ms. ZOE LOFGREN from California.

Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, warrantless bulk collection of U.S. person communications and information was not ended with the USA FREEDOM Act. Twice in the last 2 years the House voted overwhelmingly to close two loopholes, but House leadership blocked us. The first back door will be shut by prohibiting search of government databases for information pertaining to U.S. citizens without a warrant. You can get the information, but you have to get a warrant.

In October of 2011, in a declassified FISA court decision, we learned that tens of thousands of wholly domestic communications—which are not even allowed to be collected under 702—have been collected. We need to make sure that, when you look for an American in that database, you get a warrant as the Fourth Amendment requires.

The second door to be shut prohibits the government from coercing companies into weakening security protections by creating back doors in products to make surveillance easier.

What is encryption? It is sophisticated computer code that is the most powerful tool we have for preventing outsiders from gaining entry into digital systems. Encryption protects the power grid, the air traffic control system, and your smartphone. Even if a weakness in encryption is promoted and created with good intentions, it is only a matter of time until a hacker finds and exploits it.

Such flaws put data security of every person and business—and really, the security of the United States—at risk. Our government should strengthen the technology that protects our privacy, our businesses, and our country—*not* take advantage of it.

The Massie-Lofgren amendment will make America safer, and it will defend the Fourth Amendment.

Mr. Chairman, I urge its adoption.

Mr. MASSIE. Mr. Chairman, I thank the gentlewoman from California.

May I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 2 minutes remaining.

Mr. MASSIE. Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment would impose greater restrictions on the intelligence community's ability to protect our national security and create an impediment to the government's ability to locate threat information already in its possession. Such an impediment, therefore, would put a lot more American lives at risk both at home and abroad.

Colleagues, as recent events have tragically reminded us, this issue is critical to our national security. Lawful queries can enable analysts to identify potential terror plots, to identify foreign nations trying to hack into our networks, to locate foreign intelligence officers spying within our borders, and, yes, to locate hostage victims.

These authorities were fully considered, as they should be, and we will hear in a moment from Chairman GOODLATTE during the development and the consideration of the USA FREEDOM Act.

Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKY), my ranking member.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the time and simply associate myself with the chairman's remarks. I am opposed to the amendment. I do appreciate the seriousness of people's opinion on both sides of this issue.

I am an appropriator. I don't have a complete allergic reaction to authorizing in an appropriation bill, but given the seriousness of this issue and the complexity of it, I don't think this is the right venue to make that decision. It should be done in the authorizing process.

I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I would just like to reiterate that all this amendment basically does is reassert the Fourth Amendment to the Constitution. All of the tools currently available to our intelligence agencies and those that keep us safe in the United States would still be available.

The only thing that changes after this amendment passes is that the warrant is required to search for information on Americans. It has been this way constitutionally since the begin-

ning of our country. We are just trying to reassert that. Let them have all the tools they have today; just require a warrant if you want to search for information on Americans.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Utah (Mr. STEWART), a member of the Intelligence Committee.

Mr. STEWART. Mr. Chair, I rise today to oppose the Massie amendment and the inaccurate accusations that underlie it. Let me restate that. The supposition of this amendment is based off a fundamental misunderstanding of intelligence operations.

Contrary to rumor, it is illegal to use 702 surveillance authorities to spy on Americans. It is subject to multiple layers of oversight, and section 702 is an extremely powerful tool that has proven effective in disrupting terror plots, including, for one example, the 2009 plot to bomb the New York City subway. If this amendment were in effect today, the intelligence community would be unable to query the 702 database for the names of the Orlando nightclub attacker, for his wife, or even the nightclub itself.

We should be focusing on thwarting terror attacks, not on thwarting the ability of intelligence professionals to investigate and to stop them.

Mr. Chairman, I urge Members to prioritize the safety of U.S. citizens and to reject false allegations. Let me say that one more time: false and irresponsible allegations of government spying on Americans. We can scarcely afford to hamstring our intelligence community as it investigates these horrific shootings and tries to prevent similar plots from reaching fruition.

All of us want to protect our privacy and our constitutional rights. I want to protect our privacy and our constitutional rights. But objections to intelligence operations must be based on facts and not rumors or misunderstandings. Limiting access to critical law enforcement tools to stop these plots would directly put Americans in danger.

Mr. MASSIE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Kentucky has 1¼ minutes remaining.

Mr. MASSIE. Mr. Chairman, I include in the RECORD a letter from the Director of National Intelligence that shows that Americans are being spied on without a warrant using the 702 program.

DIRECTOR OF NATIONAL INTELLIGENCE,
Washington, DC, March 28, 2014.

Hon. RON WYDEN,
U.S. Senate,
Washington, DC.

DEAR SENATOR WYDEN: During the January 29, 2014, Worldwide Threat hearing, you cited declassified court documents from 2011 indicating that NSA sought and obtained the authority to query information collected under Section 702 of the Foreign Intelligence and Surveillance Act (FISA), using U.S. person

identifiers, and asked whether any such queries had been conducted for the communications of specific Americans.

As reflected in the August 2013 Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702, which we declassified and released on August 21, 2013, there have been queries, using U.S. person identifiers, of communications lawfully acquired to obtain foreign intelligence by targeting non U.S. persons reasonably believed to be located outside the U.S. pursuant to Section 702 of FISA. These queries were performed pursuant to minimization procedures approved by the FISA Court as consistent with the statute and the Fourth Amendment. As you know, when Congress reauthorized Section 702, the proposal to restrict such queries was specifically raised and ultimately not adopted.

For further assistance, please do not hesitate to contact Deirdre M. Walsh in the Office of Legislative Affairs.

Sincerely,

JAMES R. CLAPPER.

Mr. MASSIE. Mr. Chairman, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, who has the right the close?

The Acting CHAIR. The gentleman from New Jersey has the right to close.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. MASSIE. Mr. Chairman, I yield 30 seconds to the gentleman from Texas (Mr. POE).

Mr. POE of Texas. Mr. Chairman, our government spies on Americans. Section 702 was designed to go after the bad guys overseas, but it is being used to collect communications of Americans in America without a search warrant under the Fourth Amendment.

The amendment that the gentleman from Kentucky has introduced does something very basic. It says the Fourth Amendment will apply to a 702(a). If you have got a search warrant, go see a judge like I used to be; and if you have probable cause, then let a judge sign it. If you don't have probable cause, then you don't get a warrant. That is all it does.

It says the Constitution must apply to Americans, and fear tactics—I am sorry—on the other side don't change the facts. Get a warrant if you have probable cause. That is all the gentleman from Kentucky's amendment does.

Mr. MASSIE. To the judge's point, I would say that this doesn't take any tools away from those who want to investigate what happened in Orlando, none whatsoever. That is a mischaracterization, a complete mischaracterization of this amendment. You obviously can get a warrant on the perpetrator of this crime. So it would be wrong to characterize it in the way it is being characterized. It is unfortunate that my colleagues would take advantage of that situation to try and motivate people to vote "no" against this amendment.

Mr. Chairman, I urge my colleagues to vote "yes" on this amendment. It doesn't take away any of the tools. Read the amendment; you will find out. Just get the warrant; do the search.

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

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield my time, how much time remains on my side?

The Acting CHAIR. The gentleman from New Jersey has 2 minutes remaining.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield the remainder of my time to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the House Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, I thank the chairman of the subcommittee.

Mr. Chairman, the tragic mass shooting in Florida Sunday morning is but the latest in a string of terror attacks here in America. Sadly, these plots have not been carried out by foreign terrorists but by Americans against Americans, on American soil.

We are all searching for the same answer: What motivated Omar Mateen to kill?

Investigators are still combing through evidence to determine whether Mateen was in contact with known or suspected terrorists. This amendment prohibits the government from searching data already in its possession, collected lawfully under section 702 of FISA, to determine whether Omar Mateen was in contact with foreign terrorists overseas.

Despite the characterization by proponents of the amendment that a search could occur if the government has obtained a FISA or criminal probable cause-based order, the exception does not, in fact, authorize such a query. Section 702 and the other provisions of the FISA Amendments Act are not set to expire until December 31 of next year.

The House Judiciary Committee shares the concerns of all here that we protect all Americans' rights under the Fourth Amendment of the United States Constitution. The committee has engaged and will continue to be engaged in robust oversight of the programs operated under the act.

A floor amendment to a spending bill debated for 10 minutes is not the appropriate venue for Congress to alter our intelligence gathering capabilities. This complicated issue must be closely examined and appropriately vetted by the committees of jurisdiction.

Sunday's deadly attack proves once again that the terror threat has not dissipated. The FBI has roughly 1,000 active ISIS probes in the United States, and these are probes into those we know about. Now is not the time to block the use of a critical investigative tool.

Mr. Chairman, I urge my colleagues to oppose this amendment, and I thank the gentleman for yielding.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Kentucky (Mr. MASSIE).

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

Mr. MASSIE. Mr. Chairman, I demand a recorded vote.

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

□ 1830

AMENDMENT NO. 32 OFFERED BY MR. MCCLINTOCK

The Acting CHAIR. It is now in order to consider amendment No. 32 printed in House Report 114-623.

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds appropriated or otherwise made available in this Act may be used to carry out any of the following:

(1) Section 2, 3, 4, 5, 6(b)(iii), or 6(c) of Executive Order 13653 (78 Fed. Reg. 66817).

(2) Section 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, or 15(b) of Executive Order 13693 (80 Fed. Reg. 15869).

(3) Paragraph (4), (9), (10), or (12) of subsection (c) or subsection (e) of section 2911 of title 10, United States Code.

(4) Section 400AA or 400FF of the Energy Policy and Conservation Act (42 U.S.C. 6374, 6374e).

(5) Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212).

(6) Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852).

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. MCCLINTOCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCCLINTOCK. Mr. Chairman, this amendment forbids scarce defense dollars from being spent to fund two executive orders and several other provisions of law that require the military to squander billions of dollars on so-called green energy.

The House adopted this amendment by voice vote last year and the year before, and I hope it will do so again.

We have been told this year that the defense budget is so tight that the Air Force has to scavenge museums for spare aircraft parts. Yet, it seems we have plenty of defense money to indulge the green energy mandates that are imposed upon our Armed Forces.

The GAO reports that these mandates have cost the Navy as much as \$150 per gallon for jet fuel. In 2012, the Navy was forced to purchase 450,000 gallons of biofuel for its so-called green fleet at the cost of \$26.60 per gallon when conventional petroleum costs just \$2.50 per gallon.

These mandates forced the Air Force to pay \$59 per gallon for 11,000 gallons of biofuel in 2012—10 times more than regular jet fuel cost. And it is not just biofuels.

Two years ago, the Pentagon was required to purchase over 1,000 Chevy Volts at a subsidized price of \$40,000

each. As Senator Coburn's office pointed out, each one of these \$40,000 Chevy Volts represents the choice not to provide an entire infantry platoon with all new rifles, or 50,000 rounds of ammunition that cannot be used for realistic training.

These green energy mandates have required the Army and Navy to install solar arrays in various facilities. At Naval Station Norfolk, the Navy spent \$21 million to install a 10-acre solar array, which will supply a grand total of 2 percent of the base's electricity. According to the Inspector General's Office, this project will save enough money to pay for itself in only 447 years. Too bad solar panels only last 25 years.

We don't know how much all of these mandates waste because, as the GAO reports, "There is currently no comprehensive inventory of which Federal agencies are implementing renewable energy related initiatives and the types of initiatives they are implementing." But outside estimates are as much as \$10 billion for the Department of Defense last year, a figure that continues to grow.

We are told this program is necessary to maintain flexibility. Well, shouldn't flexibility free us to get cheaper and more plentiful fuels rather than more expensive and more exotic ones?

We are told the military should do its part for the environment, as if it is possible to fight an environmentally sensitive war.

I feel the real reason for this wasteful spending is part of an ideological agenda imposed on our military that will pointlessly consume billions of defense dollars, namely, to keep money flowing to politically well-connected green energy companies that can't get anybody else to buy their products.

As long as this product continues to consume our defense dollars, we cannot say that we are stretching our defense budget to the utmost.

I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I would point out to my House colleagues that the gentleman's amendment is very extensive and, for all practical purposes, will prohibit the Department of Defense in pursuing green energy initiatives. We have had previous debates today about the issue of climate change and the defense issues it presents to our Nation.

The gentleman says no funds shall be used for a wide range of initiatives. It would prohibit sections 2, 3, 4, 5, 6(b)(iii), or 6(c) of an executive order; sections 2, 3, 7, 8, 9, 10, 11, 12, 13, 14, or 15(b) of an executive order; paragraphs (4), (9), (10), or (12) of subsection (c) or subsection (e) of section 2911 of title 10, United States Code; section 400AA or 400FF of the Energy Policy and Con-

servation Act; section 303 of the Energy Policy Act of 1992; and section 203 of the Energy Policy Act of 2005 under the last administration.

As I mentioned earlier in my remarks, sometimes we are very good at doing nothing. This would essentially block the Department of Defense from buying recycled paper.

The gentleman talked about solar arrays. Maybe if we continued to develop solar power and made them available to help in the field for tents, for example, we wouldn't have so many casualties in fuel convoys.

And we do have, unfortunately, a Metro stop at the Pentagon. This would block considering sites for pedestrian-friendly or public transportation access. So I assume we should essentially close the Metro stop at the Pentagon.

I think that this amendment is wrongheaded, unwarranted, and I am opposed to it.

I reserve the balance of my time.

Mr. McCLINTOCK. Mr. Chairman, I thank the gentleman for pointing out just how much we are wasting in this program. If the Metro stop at the Pentagon cost us \$10 billion a year, maybe we should close it; but that is not the point of this bill.

We have to ask ourselves how serious we are about meeting the defense needs of our Nation. We have been constantly warned how poorly funded our military is. The program this amendment would end is an estimated \$10 billion of sheer waste, grossly inflated energy costs that come directly out of our military preparedness—\$10 billion. Divide that by the number of families in America, and it comes to about \$80 per family. It makes a mockery of claims that we have cut the military to the bone and puts the lie to any claim that we are serious about meeting our basic defense needs without bankrupting our country.

I would remind the House of Admiral Mullen's chilling warning that in his professional military judgment, our greatest national security threat is the national debt, because before we can provide for the common defense, we have to be able to pay for it, and waste like this robs us of our ability to defend our Nation and the Treasury upon which our defense depends.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, in his closing remarks, the gentleman suggested that if the Metro stop at the Pentagon costs \$10 billion, perhaps we should close it. It doesn't. It doesn't cost \$10 billion, and it doesn't cost that money to the Department of Defense.

We can debate and we can disagree on facts. We should not use exaggeration during debate in the House.

I am adamantly opposed to the gentleman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. McCLINTOCK).

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

Mr. VISCLOSKY. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 33 OFFERED BY MR. MULVANEY

The Acting CHAIR. It is now in order to consider amendment No. 33 printed in House Report 114-623.

Mr. MULVANEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by title IX may be used in contravention of section 101(a)(13) of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from South Carolina (Mr. MULVANEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. MULVANEY. Mr. Chairman, I am here, once again, to talk about the overseas contingency operations budget. My opinion of it by now should be no secret to anybody. I don't like it very much. There are other folks who agree with me. Unfortunately, not enough. But I will continue to come here and try to draw attention to what I believe to be a tremendous waste of taxpayer dollars.

There are folks, by the way, who agree with me. I don't often come to this microphone and cite JOHN MCCAIN as somebody who agrees with me on something, but he has described it as a gimmick and thinks that we can do better. The CBO described it as a method of spending with "relatively little backup." Other folks in this Chamber from both parties have described as a slush fund. I happen to agree with all of those statements.

In the past, I have come here, Mr. Chairman, to try and simply get rid of the OCO budget because of the weaknesses that I think it contains. We are not doing that today. We have tried something different. We have tried to drill down a little bit and be a little bit more detailed in how we address the OCO budget by simply trying to define what it means to be OCO. We call it the war budget, but we don't really know what it means.

We tried today to figure out a way to define what it means. Lo and behold, we found out that in law, it is already defined. If you turn to title 10, section 101 of the U.S. Code, the definition of the Armed Forces section of the U.S. Code, General Military Law, Organization and General Military Powers, Chapter 1—Definitions, lo and behold, in section 13, the term "contingency

operation” is defined. It reads as follows:

“The term ‘contingency operation’ means a military operation that:

“(A) is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

“(B) results in the call or order to, or retention on, active duty of members of the uniformed services . . . or any other provision of law during a war or during a national emergency declared by the President or Congress.”

Contingency operations are defined in law, and have been for quite some time. Mr. Chairman, we have been ignoring that.

My amendment is very simple. It puts a stop to that. My amendment simply says that none of the funds available under title IX of this bill should be used in contravention of section 101(a)(13) title 10 of the United States Code. That is it. That is all it does. It simply says, in layman’s terms, the overseas contingency operations will be used for contingency operations. To change the words a little bit to the stuff that ordinary people can understand, what the amendment does is make sure that the war budget is used for warfighters in the war effort and is no longer used as a slush fund to hide government spending from the taxpayers.

I urge my colleagues, even those who have opposed my efforts before, to completely discontinue the OCO budget, to bring some modicum of discipline to spending the war budget, making sure that it is spent on what the law provides, and not used on things that we have no idea where the money is being spent, which is so often the case.

I urge my colleagues to support the amendment.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman’s amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the opportunity to talk about the important investments our bill makes in our military, investments that the President’s request simply did not make.

As I outlined in general debate, this bill shifts roughly \$16 billion from the President’s request for the overseas contingency account, which we call in our bill also the war on terror account, for their operations into critical investments in our personnel training and equipment by providing a bridge fund for our overseas operations through the end of April of next year.

Need I remind my colleagues that we currently have the lowest manning level in the Army since before World War II. At this time when North Korea, Iran, Russia are threatening inter-

national stability, ISIS isn’t drawing back, and other groups are actually on the attack across the Middle East in northern Africa.

This legislation also boosts the Army and Marine Corps end strength to begin rebuilding our forces eroded in strength and morale by years of underinvestment. We also have the smallest Navy since before World War I—World War I. Let me assure my colleagues that Russia and China aren’t slowing down their shipbuilding, and neither is Iran doing the same in terms of their Navy.

The readiness level for all of our services are alarmingly low, seriously risking our ability to defend American interests when called to do so. This is simply an unacceptable risk. It is the highest priority of all of us, and has been, on our committee, which is entirely bipartisan, to ensure that we have a strong national defense.

□ 1845

We have corrected deficiencies to the best of our ability. With what the President has provided us, we have provided oversight and have promoted accountability. These dollars are well spent. I strongly oppose the gentleman’s amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the gentleman.

Mr. Chairman, I rise in opposition to the amendment. I say that with very strong respect for the gentleman who offered it. I think his heart is in the right place. He wants to see that we spend in a very disciplined manner. Yet, in the way that the amendment is currently crafted, we are going to see a significant downside to our readiness.

As the chairman mentioned, we are on a path to having the smallest military since 1939. We just have a point of disagreement with the administration about that. We are trying to stop, roughly, 70,000 troops from getting pink slips between now and 2018, and we are doing that in a manner that ensures they have the kit—all the modernization, the operations, and maintenance—that goes with it.

I would suggest to the gentleman, if he withdrew his amendment and if he worked with us, that on my committee—the Armed Services Committee and the Appropriations Committee—there is a sentiment to begin to move and get it back. In fact, we even use language that it is designated for base requirements. To the gentleman’s point, I would agree, but I would also say that, in the way the amendment is currently crafted, we will end up with the smallest military since 1939, and in this world, as described by the chairman, we cannot afford to do that.

I have one last thing, Mr. Chairman. This whole House is united in its support for veterans. Veterans have had to continually go overseas and come back at a rapid pace because of its being a small

force, so one way of looking after our servicemen and -women and our veterans is to make sure that we have the right-sized force. That is why we must reject this amendment.

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

Mr. MULVANEY. Mr. Chairman, again, with all due respect to my friend, the gentleman from New York, to suggest that if my amendment passes, that somehow readiness will go down admits that we are spending money in violation of the law. Contingency operations are not meant for readiness. That is what the base military budget is for. We should be doing that anyway. I share in the concern of my colleagues on both sides of the aisle about the size of the military and our readiness, but that is not war. Readiness to go to war is not war. This is not supposed to be a replacement for the base budget. This should be, as my colleague from New York correctly pointed out, part of the war on terror. The OCO budget should be used to fight ISIS overseas, and it should be used to fight in Iraq and to fight in Syria. It should not be used for items that are not contingency operations.

I go back to the example of the MILCON-VA bill that we had here a couple of weeks ago. We had no direction as to where money was being spent. I had a subcommittee chairman get up and say, “Well, it is going to be a health facility in Djibouti.” Nothing in law says that—nothing. The only thing we passed out of this House was X number of dollars to be spent overseas before 2022. That is it. You could sit here and say, “Well, this money is for the troops, or this money is for a base.” No, it is not. This money is for whatever we decide we want to spend it on, and that is not right.

The OCO budget came into existence for a good reason. We were caught in 2011 without the ability to fund a war on terror, and we started spending money off budget to solve that problem. It is no longer an emergency. We should be having this money for readiness in the base budget. We should pass this amendment so that the OCO budget returns to what it is meant to be.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKEY), the ranking member.

Mr. VISCLOSKEY. Mr. Chairman, I rise to tell the gentleman from South Carolina that, in my opening remarks, I said, as I have said in previous years, we should eliminate the reliance on OCO funding, in the first instance, and shift activities to the base budget. I also said in my opening remarks that I am concerned that other committees have placed our subcommittee in a very difficult position by authorizing this particular transfer, while not violative of the caps, in violation, from my perspective, of the budget agreement we made last year when we were to have certainty for 2 years in a row.

I would point out that the one fallacy I see with the gentleman's amendment is that, under that agreement that, I believe, gave us 2 years of predictability, there was an internal agreement that you could have that transfer of \$5 billion of OCO to base, and because I was upset that that continuity of certainty was broken, I would have to oppose the gentleman's amendment, but he is on the right track.

Mr. FRELINGHUYSEN. Mr. Chair, I strongly oppose the gentleman's amendment.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. MULVANEY).

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

Mr. MULVANEY. Mr. Chair, I demand a recorded vote.

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

AMENDMENT NO. 34 OFFERED BY MR. DESANTIS

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in House Report 114-623.

Mr. DESANTIS. Mr. Chair, as the designee of the gentleman from Kansas (Mr. POMPEO), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds appropriated or otherwise made available in this Act may be used to pay for any salaries or expenses of the office or position of the Special Envoy for Guantanamo Detention Closure or the Principal Director, Detainee Policy.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Florida (Mr. DESANTIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. DESANTIS. Mr. Chair, as we have seen with stark clarity recently, Islamic jihadists are on the march, not only abroad but here at home. I think, once we have individuals in our custody who we know are committed to this destructive ideology and to waging war against the United States—like we have almost 80 of them in Guantanamo Bay now—they should remain in custody. We don't want to get into a situation in which we are transferring these detainees unwittingly simply because we are on an ideological mission to close Guantanamo Bay, and this facility is a key part of our strategy in fighting the war on terror.

The Obama administration recently admitted that they were not seeking to use an executive order in order to close Gitmo's detention facility, and that is a welcome admission, because that was

something that had been reported was being considered behind the scenes.

Recent news reports, perhaps, shed light on why this is a nonstarter. Recent news reports have shown that at least 12 released Guantanamo detainees have attacked U.S. personnel or allied forces in Afghanistan, and they are responsible for killing at least six Americans. These are terrorists we had in our custody who were then released and who went out to kill a half dozen Americans, according to U.S. officials. This is totally unacceptable.

This amendment, which I am cosponsoring with Congressman POMPEO, would ban funding to two DOD offices whose purposes are, simply, to close the detention facility at Guantanamo Bay.

The facts and the reality show that their mission is unwise and unneeded. My amendment would prohibit funds for salaries or expenses for the Office of the Special Envoy for Guantanamo Detention Closure and the Principal Director of the Office of Detainee Policy. The sole mission of the Principal Director of the Office of Detainee Policy is to end detainee operations at Guantanamo Bay. That means either transferring people to the United States or overseas, where we know many of them go back to the jihad once they are released. President Obama also established the Office of the Special Envoy for Guantanamo Detention Closure, which has the same objective.

This amendment will eliminate unnecessary bureaucracy and will help keep Americans safe. As President Obama himself begins to give up on his misguided campaign to close Gitmo, Americans, especially the people whom I represent, can rest assured that none of these terrorists will be brought to their States or, hopefully, will be transferred to countries that are not going to keep tabs on them.

It is time we end the funding for these two offices and get back to protecting Americans and holding those hardened terrorists in a secured facility we already have that is located off our shores.

I reserve the balance of my time.

Mr. NADLER. Mr. Chair, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Mr. Chair, this amendment is another amendment in a series we have seen today to prevent any movement toward closing the Guantanamo Bay facility, obviously, and it would prevent the expenditure for any officials who are trying to do that. A number of myths have been propounded as to why we should do this.

One, we cannot bring terrorists to the United States. First of all, not everybody in Guantanamo is a terrorist. Some are. Some are not. There should be trials. There should be some form of due process. It is un-American to hold people there for life. Apparently, the

people who are in favor of these amendments—this one included—want everyone in Guantanamo to be held forever because you can't spend any money to release them. You can't spend any money to close the prison. You can't spend any money to put them in a facility in the United States. You can't spend any money to do anything except to hold them in jail in Guantanamo forever and for \$5 million a piece per year.

Several reasons have been introduced for doing this.

One, if they are brought to the United States and to a supermax prison, that is dangerous. No, it is not. No one has ever escaped from a supermax prison, and the executive director, Jim Gondles, of the American Correctional Association recently submitted a statement for the record to a House Homeland Security subcommittee stating that U.S. corrections systems, both military and civilian, already hold extremely dangerous people, including terrorists, and have done so for years. No matter how dangerous the detainees are, U.S. correctional systems professionals, military and civilian, have the ability, training, and capacity to take them on.

Second, we are told that there is a risk if these people are released—and some of them should be because they are not guilty—that, at some point, they could return to terrorism, assuming they are all terrorists. The fact of the matter is the recidivism rate—now it is true—under the Bush administration was 20.9 percent. Twenty-one percent of the detainees who were released under the Bush administration have returned to some sort of combat or insurgent activity. They didn't do a great job in screening under the Bush administration. Under the Obama administration—in other words, for the last 7½ years—the figure is not 21 percent; it is a little under 5 percent, 4.9 percent. The White House recently confirmed that no detainees who have been released in this administration—that is to say in the last 8 years—have been responsible for the death of any American. Let's get rid of that bogus point.

It has also been misstated on this floor tonight that we don't want to bring Guantanamo prisoners to a supermax facility in the United States: A, because it is dangerous, which is nonsense; B, because they can radicalize other prisoners, which they can be kept apart from; and, C, because they would have more constitutional rights in the United States than in Guantanamo. The Supreme Court has ruled that prisoners at Guantanamo have exactly the same constitutional rights as prisoners who are held in the United States—no more, no less. The attempts to give them fewer constitutional rights are why every single conviction in the military tribunal in Guantanamo has been overturned on appeal so far.

They should be brought to the United States or released, depending on the

case. They should be tried in a Federal court and put in a supermax prison forever if they are guilty, and if they are not guilty, they ought to be released. That is the American tradition. That is our way of life. It is what we are fighting to defend, at least presumably.

I reserve the balance of my time.

Mr. DESANTIS. Mr. Chair, the fact of the matter is, if you inject them into American prisons with the idea that you are going to be able to 100 percent segregate them and that they are not going to be able to radicalize any other inmates, why would you even want to run that risk?

In terms of bringing them to trial, the problem is that these guys were not captured under civilian law. They were captured under the law of war. If you are expecting our troops to amass legal cases against people they are capturing in war zones, that is going to put more of our troops' lives at risk. If you are in a hot fire zone but if you need to get evidence to make sure that that could withstand a court of law, they should be held under the law of war, not under civilian laws under which Americans would be.

I am sorry. I don't care if Bush released a detainee—or Obama. It is not about partisan games for me. If detainees are released in Afghanistan and they kill Americans, that is a bad thing, and I don't want to repeat that. The people who are there right now are some of the most radical detainees. These are people who have been reviewed for years, and no one would have ever thought that they should have been released. So why on Earth would you want to run the risk of putting more of these guys out into circulation given that we know Americans have already been killed?

I reserve the balance of my time.

□ 1900

Mr. NADLER. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentleman from New York has 1¼ minutes remaining.

Mr. NADLER. Mr. Chair, I yield myself such time as I may consume.

Number one, they can be segregated in Federal prisons in the United States, and maybe they should be. Number two, some of them are indeed great terrorists and some aren't. Number three, they may have been captured in war zones, but they weren't in uniform, which means some of them may not have been combatants. That is what has to be determined. If they were combatants, they can be held under the law of war; but if they weren't combatants and they haven't committed any crimes, they should be released.

There has to be some due process. We can't hold people in prison forever with no trial, no due process because we think maybe—and remember, some of these people were. We offered bounties to tribes in Afghanistan. And like the Hatfields and the McCoys, the Hatfields turned in the McCoys, and we

don't really know that all the McCoys were guilty of anything or engaged in combat.

Before we can hold them under the laws of war, we ought to at least have some sort of review to find that out. It is not true that all of them are the most dangerous. Some are; some are not. We owe it to our own traditions to figure out the difference.

Not to mention the fact that, to hold them in the United States, it costs \$34,000 a year, and to hold them in Guantanamo costs \$5 million a year, each. Who is the fiscally responsible party today?

I yield back the balance of my time.

Mr. DESANTIS. Mr. Chair, like a lot of these numbers, I mean, they get around-the-clock medical care and halal meals. I would be fine with curtailing that. If we could have paid that money to save those American troops, I would pay it every day, every single day.

I am a little confused by this argument that we would actually reward people who were picked up in combat zones when they are not wearing uniforms. That is essentially rewarding these terrorists who are not wearing insignia and they are not following the laws of war. So to then give them a civilian trial where someone actually followed the laws of war, they would simply end up being held under Geneva III. To me, that totally skews the incentive.

I think it is a good amendment, and I urge my colleagues to support it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. DESANTIS).

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

Mr. NADLER. Mr. Chair, I demand a recorded vote.

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

AMENDMENT NO. 35 OFFERED BY MR. REICHERT

The Acting CHAIR. It is now in order to consider amendment No. 35 printed in House Report 114-623.

Mr. REICHERT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds made available by this Act may be used to carry out Executive Order 13688 entitled "Federal Support for Local Law Enforcement Equipment Acquisition".

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Washington (Mr. REICHERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. REICHERT. Mr. Chairman, tragically, as we saw in San Bernardino and most recently in Orlando, we are living in a time with increasing threats in our local communities. This leaves our law enforcement officers and first responders with the responsibility of fighting from the front lines against the war on terror.

Not only is more being asked of our first responders, but as local budgets get cut, they are asked to undertake these tasks with fewer and fewer resources. This is why the Defense Logistics Agency transfer of excess military equipment to civilian law enforcement agencies, otherwise known as the 1033 Program, has been critical for first responders throughout the country and a necessity to keep our cities and neighborhoods safe.

The name 1033, by the way, comes from a section of the 1997 National Defense Authorization Act that made that program permanent. However, the law enforcement officers who might be listening to this presentation tonight know that 1033 in the 10 code means "officer needs help." As a former law enforcement officer for 33 years, I have had many occasions to use a 1033 call for officer needs help.

Mr. Chairman, we are in, today, a world where our first responders are saying: 1033, we need help; we need support; we need you to stand by us and support us, provide us with the tools that we need to protect this country.

This is a cost-neutral program that allows civilian law enforcement offices to acquire military equipment, giving them the tools to respond to the new and dangerous threats that America faces.

For example, during the tragic San Bernardino terrorist attack in December 2015, the local police used an armored vehicle acquired through the 1033 Program for officers to take cover in while the attackers were shooting hundreds of rounds at them. They were then able to move the vehicle, to maneuver and eventually take down the attackers.

Firefighters have also used the 1033 Program. In fact, in my own district, the Kittitas County Search and Rescue team has acquired a light military tactical vehicle that can access the mountain terrain in my district where wildfires constantly affect remote households. The Kittitas Valley Fire and Rescue agency spent \$65,000 for a \$250,000 machine that will be used to save lives in our community.

The President's Executive Order 13688 prohibits our law enforcement officers from acquiring some of the equipment needed to carry out their critical missions of protecting our communities.

Mr. Chairman, I have already said I served in law enforcement for 33 years. I know, from my own experience and from speaking with members of the law enforcement community, that by not fully equipping our first responders, we expose the American people to dangers that they don't need to be exposed to, and we can't be there to help them.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. REICHERT. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. Mr. Chair, law enforcement in my community, New Jersey sheriffs and police chiefs, are grateful for appropriate Defense Department equipment that allows them to do their jobs. It is all about, certainly, protecting the public, public safety, and allowing our law enforcement people to do their job on behalf of the people.

I am proud to support the gentleman's amendment.

Mr. REICHERT. Mr. Chairman, I reserve the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR (Mr. NEWHOUSE). The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKY. Mr. Chairman, I don't think any of us are in disagreement in the Chamber that anything we can do, particularly as far as excess military equipment to help local law enforcement, is the right thing to do.

Relatively recently, in my congressional district, we were successful in helping the community of Munster, Indiana, secure a wheeled armored tactical vehicle for the very purpose that the gentleman recognized: to help people safely egress a very dangerous situation or to ingress one.

I do think, however, we need to make a distinction as to some of the types of help to be transferred to local communities. I don't think we can object—and the President's executive order allows it to take place—that those wheeled armored tactical vehicles continue to be transferred, or that, with justification, specialized firearms and ammunition be transferred to local authorities, or that explosives and pyrotechnics can be transferred under the executive order to local communities, or that riot equipment can be transferred to local communities under the executive order. There is broad discretion here.

What can't be transferred under the executive order are tanks. What can't be transferred are grenade launchers. What can't be transferred are bayonets.

So I do think there has to be some limit, and I am opposed to the gentleman's amendment. I think it was drafted overly broad.

I reserve the balance of my time.

Mr. REICHERT. Mr. Chairman, well, with respect to the gentleman's comments, I think it is important for us to remember that this equipment is required to be demilitarized. You can't acquire this equipment and have it still maintain a military component. You can't mount machine guns on top of the armored vehicles.

I don't know of any police chief or sheriff in the country who has asked for grenade launchers or rocket launchers or explosives, Mr. Chairman. These are reasonable requests. And there is a process in place, a very restrictive

process that has been in place prior to the President's executive order.

The problem is that the President's executive order has created so much restriction now that it has essentially prevented law enforcement agencies and fire departments and rescue agencies across the country from acquiring the needed equipment that they so need to protect our communities.

Mr. Chairman, I think this is a commonsense amendment, again, that really spells out the need for law enforcement to have this equipment. It has been used properly in the past. I myself have used this equipment as the sheriff in King County and as a SWAT team commander.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I suggest to my colleague we should be discerning and to recognize, again, under the executive order, that things like specialized firearms and ammunition, riot equipment, explosives, and pyrotechnics still can be transferred.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. REICHERT).

The amendment was agreed to.

AMENDMENT NO. 36 OFFERED BY MR. ROHRABACHER

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in House Report 114-623.

Mr. ROHRABACHER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds appropriated or otherwise made available in this Act may be used to provide assistance to Pakistan.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I thank the ranking member and the chairman for all of the hard work they are putting into this very important piece of legislation. It is part of the job that we must do in Congress.

My amendment prohibits funds in the bill from being used to provide assistance to Pakistan. Since 9/11, we have given Pakistan well over \$30 billion, the majority of which goes to military and security services of Pakistan. And Pakistan has used those services to murder and oppress their people, people like the heroic Baloch people or the Sindhis, who are struggling for freedom under Pakistani oppression.

It is a grotesque charade for us to suggest that our aid is buying Pakistani cooperation in the war on radical Islamic terrorism or in anything else.

The Pakistani Government is neither our friend nor shares a common interest with our country. They are hard-core, two-faced enemies of our country.

If you don't believe that, then take a close look at what has happened to Dr. Afridi, a Pakistani medical doctor who helped pinpoint the location of Osama bin Laden and continues to languish in a Pakistani prison. This is because Dr. Afridi helped us bring to justice Osama bin Laden for the slaughter of 3,000 Americans on 9/11.

Last year, I came here to speak on this same issue, and this has been something we have been calling on. If the Pakistanis wanted to show a sign of good faith that they really were our friends, they would have released Dr. Afridi a long time ago.

While Dr. Afridi continues to remain in prison, we continue to provide weapons and cash to his tormenters. Arresting him and now keeping him in prison is a slap in the face to Americans and an insult to the families of those who died on 9/11.

Given the miserable human rights track record of the Pakistani Government—as well as the ongoing struggle of the people of Pakistan, who are seeking their own self-determination and freedom, such as the Baloch and Sindhi minorities—this is morally wrong for us to continue to give weapons and assistance to this dictatorial and corrupt government.

□ 1915

Unless my amendment passes, our aid will continue to strengthen and bolster a government that has committed crimes against their own people, and we will be then basically giving money to a government that not only represses its own people but, through its support of terrorism and terrorist organizations, threatens the people of the United States as well as those peoples elsewhere.

I would ask my colleagues to vote for this amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. First of all, I would like to recognize the gentleman's passion and perseverance on this issue. I do want to pay tribute to the gentleman's perseverance and strong feelings. We engage in the elevator since we share the same third floor. I just want to recognize his passion about this issue.

Let me say, whatever the failings of Pakistan, they have been one of our allies for over 30 or 40 years, and the Coalition Support Fund does remain a critical tool to enable Pakistan to effectively deal with present and future challenges that are coming, quite honestly, as a result of our drawdown. It is a more cost-effective tool than putting more of our troops on the ground.

I respect the gentleman's passion, but I strongly oppose his amendment.

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

Mr. ROHRABACHER. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from California has 1¾ minutes remaining.

Mr. ROHRABACHER. Let me just note I respect the chairman's leadership and the hard work he is putting in on this as well as the ranking member. This is a needed piece of legislation, and I respect that. Our primary job is to watch out for the security of our country, and this bill is supposed to address that. That is one reason why I have decided that unless the Pakistanis prove to us that I am wrong by simply releasing Dr. Afridi, basically they are insulting us, they are insulting the victims and the families of 9/11, and the fact is they can't even do this.

If they can't even do this, how do we expect them not to be supporting terrorism behind the scenes, which many of us believe the Pakistanis are guilty of? I suggest that what more can they do—who will trust us around the world if we let our friends like Dr. Afridi linger and let them sit there in a dungeon? Here is the man who helped us get Osama bin Laden, and the Pakistanis won't even let him out of jail. He is an American hero, for God's sake. What more can they do to us before we cut them off from all the billions of dollars of aid we have given them? I ask my colleagues to join me in supporting this resolution, this moral resolution.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, before I yield to Ranking Member VISCLOSKEY, let me say that Dr. Afridi needs to be freed. We certainly want to go on public record that Pakistan needs to free this man who did remarkable things. He needs to be recognized for his courage. He needs to get out of prison or jail, wherever he is. I think all Members of Congress feel very strongly that he needs to be released.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Chairman, I would associate myself with the chairman's remarks at this point in time. I do appreciate the gentleman's passion, his search for justice in this world, but I also do believe that the amendment is overly broad. The chairman of the committee certainly recognizes the difficulties we face in Pakistan. Hence, the inclusion of section 9017, which prohibits funds being spent unless there are certain certifications made. For that reason, I would be opposed and join with my chairman against the amendment. I thank the gentleman for yielding.

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

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

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 37 OFFERED BY MR. WALBERG

The Acting CHAIR. It is now in order to consider amendment No. 37 printed in House Report 114-623.

Mr. WALBERG. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), add the following new section:

SEC. ____ None of the funds made available in this Act may be used to enforce, implement, or carry out the second proviso in the paragraph designated "Afghanistan Security Forces Fund" in Public Law 114-113.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Mr. Chairman, I thank the chairman of the committee and the ranking member for the work that has been done, and I look forward to supporting this important appropriations, but I rise to offer a bipartisan amendment with the gentleman from Tennessee (Mr. COHEN), the gentleman from North Carolina (Mr. JONES), the gentleman from Rhode Island (Mr. CICILLINE), the gentleman from Kentucky (Mr. MASSIE), the gentleman from Vermont (Mr. WELCH), the gentleman from Virginia (Mr. RIGELL), and the gentleman from Minnesota (Mr. NOLAN) that works to ensure the appropriate use of American taxpayer dollars in Afghanistan.

This amendment is in keeping with the clear position of the House, as we have voted several times in bipartisan fashion, to limit funds for the Afghanistan Infrastructure Fund, a program which has been poorly run and is lacking in oversight. Last year, the House passed my bipartisan amendment that would have prevented the Department of Defense from redirecting \$50 million in funds from the Afghanistan Security Forces Fund to the Afghanistan Infrastructure Fund. Unfortunately, the fiscal year 2016 omnibus did not retain the House language and provided DOD the authority to obligate funds for the Afghanistan Infrastructure Fund through the end of fiscal year 2017.

My current amendment would turn off this authority. Mr. Chairman, we have spent billions of dollars toward rebuilding the infrastructure of Afghanistan. In fact, Congress has provided \$1.3 billion to the Afghanistan Infrastructure Fund since it was created in 2011. However, funds have been slow

to be spent, and as of March 31, 2016, \$488 million of these infrastructure funds have yet to be expended.

SIGAR has already expressed reservations about the Afghans' ability to even operate and maintain these projects upon completion. So, Mr. Chairman, I ask with almost 50 percent of funds remaining to be expended, why take away from other programs and give to this one?

I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Let me thank the gentleman for his amendment and his thoughtfulness and his concerns, which we share about a lot of projects we have invested in in Afghanistan.

I understand the gentleman's intentions are well placed. There were a few projects that were initiated, and the Afghanistan Infrastructure Fund ran into hurdles, as construction projects do, and are yet to be completed. The construction hurdles are by and large complete. The Kandahar bridging solution—this is the plan to provide electrical power to Kandahar—should be completed soon. This was a top counterinsurgency priority.

Initiated in fiscal year 2011, the Afghanistan Infrastructure Fund funded infrastructure projects in Afghanistan to lock in security gains and maintain stability by providing basic essential infrastructure to the people of Afghanistan. Our appropriations act enacted last year was not to extend funding or add any new projects but merely to have the authority to respond to out-of-scope adjustments on existing projects so they can be completed and functional for the Afghan people.

We, of course, realize we have infrastructure needs here at home in the United States, but what message does it send to the Afghan people, yet to the world, that we would leave nine major power-generation projects unfinished, including the Kajaki Dam? Six of these projects are estimated to be completed by the end of the year, with only three completions remaining.

May I say the committee opposes the amendment. They like to see these projects through so we can give the Afghani people a fighting chance. I am opposed to the amendment.

I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. I thank the gentleman. I do appreciate the sentiments of the gentleman who offered the amendment. As I said earlier in our debate this evening, it is very hard at times to measure progress in Afghanistan, but I would agree with the chairman that after the sacrifice that has been expended—we are towards the end—we ought to give them a chance to stand on their own and join with the chair in opposition to the amendment.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve the balance of my time.

Mr. WALBERG. Mr. Chairman, I appreciate the chairman and ranking member's concerns, but 50 percent of the funds still remain to be used. They are there for that purpose. I think that is sufficient. Last year, 233 of us voted in favor of this amendment in a bipartisan fashion. I think that directs also the will of the House.

I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE), my good friend and colleague.

Mr. CICILLINE. Mr. Chairman, I thank the gentleman for yielding. I rise in strong support of this amendment offered by the gentleman from Michigan.

We have enormous infrastructure needs here in our own country. And, in fact, the Federal Highway Administration estimates that we have \$106 billion of work to be done to our Nation's deteriorating bridges. As a country, it is absolutely critical that we make investments in repairing our own Nation's infrastructure.

Instead, we continue to invest taxpayer money in the Afghanistan Infrastructure Fund. To make matters worse, the Afghanistan Infrastructure Fund is notorious for inefficiencies and shortfalls. Several government watchdog groups have said that projects under this account have lagged significantly behind schedule, have lacked proper oversight, and have been poorly administered. There has been documented serious waste and fraud in this program.

When this program was established in 2011, it was intended to identify a handful of infrastructure projects that were shovel-ready and able to be completed by the middle of 2013. According to the Special Inspector General for Afghanistan Reconstruction, projects funded under this account have been consistently over budget and behind schedule.

Since 2003, the taxpayers of the United States have spent \$1.3 billion rebuilding Afghanistan. As of April of this year, the Department of Defense has yet to disburse nearly \$500 million for this program. With so much funding still waiting to be spent, why should we, in fact, provide additional funds for this program in light of that?

It is time that we put the needs of our own roads and bridges first. This amendment would prohibit funds from being reprogrammed for this very troubled program. I urge my colleagues to support this so that we can really refocus our attention on rebuilding our own country and put an end to this wasteful, inefficient program that has been fraught with fraud and waste.

I thank my colleague for allowing me to cosponsor the amendment. I strongly urge my colleagues to support the amendment.

Mr. WALBERG. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentleman from Michigan has 15 seconds remaining.

Mr. WALBERG. Mr. Chairman, in closing, I ask my colleagues to support this. I appreciate the sentiment and the concern of the ranking member and the chairman of the committee, but this is an issue that has weighed concerns for too long. It is time to give the infrastructure improvements our direction. Afghanis understand that, I believe. SIGAR has proved the concerns, so I ask for support of my amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG).

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

Mr. WALBERG. Mr. Chairman, I demand a recorded vote.

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

It is the understanding of the Chair that amendment No. 38 will not be offered.

□ 1930

AMENDMENT NO. 39 OFFERED BY MR. CARTWRIGHT

The Acting CHAIR. It is now in order to consider amendment No. 39 printed in House Report 114-623.

Mr. CARTWRIGHT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title) insert the following:

SEC. ____ . None of the funds appropriated by this Act may be used to plan for, begin, continue, complete, process, or approve a public-private competition under the Office of Management and Budget Circular A-76.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Pennsylvania (Mr. CARTWRIGHT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CARTWRIGHT. Mr. Chairman, with my compliments to the chairman of the subcommittee, the gentleman from New Jersey, as well as the ranking member, the gentleman from Indiana, I rise today to offer a bipartisan amendment which would prohibit the Department of Defense from conducting new A-76 studies, a process that both the GAO and the inspector general of the Department of Defense concluded could not demonstrate any savings to the taxpayer, and which has been subject to a congressional moratorium since the year 2010.

Specifically, the A-76 process uses faulty methodology, not updated since 2003, to determine whether Federal civilian jobs should be outsourced. The

DOD inspector general's report noted that this A-76 process fails to keep track of costs and savings.

A-76, Mr. Chairman, is unmoored from fact, incorporating an arbitrary 12 percent overhead factor cost for Federal employees as opposed to contractors. The inspector general concluded that "multimillion-dollar decisions are based, in part, on a factor not supported by data . . . Unless DOD develops a supportable rate or an alternative method to calculate a fair and reasonable rate, the results of future competitions will be questionable . . ."

Making decisions based on such a faulty process is an irresponsible use of taxpayer dollars.

Maintaining the moratorium on the A-76 process is particularly important to the bipartisan House Military Depot, Arsenal, Ammunition Plant, and Industrial Facilities Caucus. While statutory law currently shields the core work of depots from the A-76 process, this process could still subject a depot's non-core work to its flawed assumptions.

Absent the protections of my amendment, significant depot workload, as well as arsenals, ammunition plants, and the rest of the organic industrial base operations, will be open to these flawed A-76 studies and eventual outsourcing.

This risks disruption, putting at risk the critical skills needed to support our warfighters, and interrupting workflow just when our military is in great flux. This kind of disruption could lead to significant delays in providing weapons and equipment to our warfighters, reducing readiness and weakening our organic industrial base, as well as reducing jobs in our local communities.

This body, this House, owes a duty to our warfighters and the taxpayers. Allowing A-76 studies to move forward would be a breach of both.

I urge my colleagues to vote "yes" on this amendment to maintain the moratorium on A-76 studies, shielding our military readiness from a process in desperate need of drastic revision.

I thank Representative DON BEYER, as well as Representatives WALTER JONES and ROB BISHOP across the aisle, for their support on this important amendment.

Additionally, I would like to thank the American Federation of Government Employees for their support as well, especially the hardworking men and women at Tobyhanna Army Depot in my own district.

Mr. Chairman, I yield to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Chairman, I appreciate the gentleman offering his amendment. I believe it is a very good one, and I rise in support of it.

Mr. CARTWRIGHT. Mr. Chairman, I urge my colleagues to vote "yes" on this amendment.

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

Mr. BEYER. Mr. Chair, I rise today in support of the Rep. CARTWRIGHT's Amendment to H.R. 5293, the Department of Defense Appropriations Act, 2017, of which I am a proud co-sponsor.

Rep. CARTWRIGHT's amendment would keep in place a moratorium on the use of the Office of Management and Budget's Circular A-76 privatization studies at the Department of Defense. These studies use a faulty methodology to determine whether or not to outsource federal civilian jobs.

It is wrong to jeopardize their livelihood in the name of privatization, especially when the tools to justify it are so faulty and biased against our federal workforce. Multiple reports, including by the Government Accountability Office and the Department of Defense Inspector General, criticized the A-76 process for failing to properly track costs and savings.

A-76 studies improperly alienate our hard working civilian employees critical to the military. These personnel provide depot maintenance and equipment recapitalization, logistics capabilities, engineering expertise necessary for modernization, warfighter training, base support and facilities sustainment, medical care and treatment, and family care programs that are critical to our Soldiers, Sailors, Airmen, Marines and their families.

We cannot afford to leave such costly decisions up to faulty data. A-76 studies cost the Department of Defense money, at the expense of military readiness, troop safety, and our federal civilian workforce. We should not lift this moratorium.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CARTWRIGHT).

The amendment was agreed to.

AMENDMENT NO. 40 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 40 printed in House Report 114-623.

Mr. CONYERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill (before the short title), insert the following:

Sec. __. None of the funds made available by this Act may be used to transfer or authorize the transfer of any cluster munitions to Saudi Arabia.

The Acting CHAIR. Pursuant to House Resolution 783, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I urge the support of every Member in this body for this amendment to block the transfer of American-made cluster bombs to Saudi Arabia.

This amendment is endorsed by the United States Conference of Catholic Bishops, as well as Human Rights Watch, Amnesty International, and a number of other organizations.

American-manufactured cluster bombs are currently being used by the Saudi-led coalition that is bombing Yemen. That campaign has caused the deaths of over 900 children, 3,000 civilians, and has forced 2.8 million people from their homes.

In violation of American law, the Saudis have used cluster bombs in civilian areas, endangering innocent civilians and threatening agriculture and other industries in Yemen.

Since the United States is supplying cluster bombs to the Saudis, and is a member of the coalition led by the Saudis, the United States could be held responsible for careless Saudi actions in this widely criticized bombing campaign.

The Obama administration recently took unilateral action to stop the sale of some cluster bombs to the Saudis. This amendment would put that prohibition into law, and make it more transparent and accountable.

I urge my colleagues to pass this reasonable amendment.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. The Department of Defense strongly opposes this amendment. They advise us that it would stigmatize cluster munitions, which are legitimate weapons with clear military utility, and are effective weapons, providing distinct advantages against a range of targets, and can result in less collateral damage than unitary weapons.

The United States should be encouraging other states, such as the Kingdom of Saudi Arabia, to upgrade their cluster munitions stockpiles rather than making it more difficult for new sales and transfers.

Advancements in Sensor Fuzed technology have enabled newer types of cluster munitions to select and engage individual targets, which are not possible with older types of cluster munitions. These advancements in precisions dramatically reduce the likelihood of unintended harm to civilians and civilian infrastructure from the use of cluster munitions.

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

Mr. CONYERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of this amendment.

We have all seen the horrific reports coming from human rights groups on the ground in Yemen, where American-made cluster bombs are being used by Saudi Arabia against innocent bystanders—all under the guise of attacking Houthi rebels.

Earlier this year, the Saudi-led coalition dropped cluster bombs in Yemen's capital of Sana'a, specifically targeting known civilian neighborhoods. One of the buildings hit was the Al Noor Center for Care and Rehabilitation for the Blind, which also has a school for blind children. The destruction of the school and the injuries sustained by the children was unbearably gruesome.

This deliberate and reckless use of cluster munitions by Saudi Arabia

highlights their complete disregard for the welfare of innocent people.

These actions are unacceptable. There is something fundamentally wrong with preaching human and civil rights here at home while we export death abroad. We cannot ignore our duty to protect basic human rights and values here and around the world. Unfortunately, as long as we sell cluster munitions to Saudi Arabia, these outrageous violations will continue to occur.

I ask my colleagues to support this amendment.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. VISCLOSKEY).

Mr. VISCLOSKEY. Mr. Chairman, I rise in strong support of the gentleman's amendment.

While I applaud the administration for their recent suspension of sales of these weapons to Saudi Arabia, as of May 23, the gentleman's amendment would add certainty to the administration's position. I do support him in his effort, and I appreciate him offering the amendment.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I continue to oppose the amendment.

Relating to the newer munitions that I talked about a few minutes ago, with improved performance, Human Rights Watch stated that, in perhaps the greatest technological advance, Sensor Fuzed weapon munitions, known as Air Force tank busters, are capable of independently sensing and attacking specific targets, like armored vehicles.

Without the Saudi order—this is a lot of what this is focusing on—this U.S. production line will close in 2017, significantly impacting the industrial base and prevent future U.S. procurement. For the record, over 85 suppliers in 30 States will be shuttered.

If the administration holds up or Congress blocks the sale, Saudi Arabia will likely purchase legacy cluster munitions from Russia, China and others, which, when used, will leave significant hazardous, unexploded munitions on the battlefield, further endangering civilians, as opposed to improve manufactured munitions.

Therefore, for these and other reasons, I strongly reject this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Michigan will be postponed.

Mr. FRELINGHUYSEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTER of Texas) having assumed the chair, Mr. NEWHOUSE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, had come to no resolution thereon.

□ 1945

HELPING FAMILIES IN MENTAL HEALTH CRISIS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, earlier today, I noted with particular joy that the House Energy and Commerce Committee moved through, by unanimous vote and complete bipartisanship, the Helping Families in Mental Health Crisis Act, H.R. 2426.

Without question, it is one of the most important pieces of legislation to address the serious mental illness crisis that has plagued our Nation since de-institutionalization turned millions of seriously ill citizens out on our streets, assuming they could function in the community in the second half of the 20th century. That proved not to be possible for millions of our fellow citizens.

Lacking effective treatment, many froze to death in back alleys, sat in their own excrement on the sidewalks of our cities, sought refuge under bridges and in doorways and street grates, became victims of abuse, and, too often, disappeared into the vapors of life, propelled by the force of their own unquiet minds.

Let me thank profusely and recognize Congressman TIM MURPHY of Pennsylvania, a psychologist who relied on his three decades of experience, and Congresswoman EDDIE BERNICE JOHNSON of Texas, a psychiatric nurse with two decades of experience in practice, for their visionary and unrelenting efforts to move the plight of the mentally ill into the main arena of this Congress.

I urge the Speaker to swiftly allocate time for its advancement to the House floor for a vote. Let us do something in our time and generation worthy of being remembered. This bill is it.

HOURLY MEETING ON TOMORROW

Mr. MCCLINTOCK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore (Mr. NEWHOUSE). Is there objection to the

request of the gentleman from California?

There was no objection.

THE GROWING THREAT OUR NATION FACES FROM ISLAMIC TERRORISM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from California (Mr. MCCLINTOCK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCCLINTOCK. Mr. Speaker, the terrorist attack on Orlando should bring into sharp focus the growing threat that our Nation faces from Islamic terrorism, and that begins with realizing that although Islam is a religion, it is often accompanied by a poisonous political ideology that is antithetical to everything that our country stands for. That ideology now poses a direct threat to the liberty and safety of our people, and we have every right to defend ourselves against it.

We knew for years that the terrorist's father was broadcasting pro-Taliban and anti-American rhetoric aimed principally at a large and growing Afghan Islamic population within the United States.

We knew that the terrorist, himself, had traveled repeatedly to Saudi Arabia under mysterious circumstances, associated with known terrorists and Islamic radicals in the United States, and expressed the most virulent anti-American views. And we took no action because there are far more instances of such threats than we can begin to assess or address.

This administration has drastically increased the admission of refugees from regions where overwhelming majorities believe in imposing sharia law. Those who are fleeing sharia law and Islamist political ideology should be welcome in this country at assimilable levels; but those who are coming here to impose it are a direct threat to our Constitution, and they have no business being admitted to our shores. Yet this administration makes no distinction between the two.

Indeed, earlier this year, when Governor Rick Scott of Florida, acting on behalf of law enforcement, requested information on the Islamic immigrants being inserted into his State, he was refused that vital public safety information.

While seeking to rapidly increase the number of Islamists being admitted to this country, this administration has failed not only to enforce our immigration laws, but it has actively undermined those laws. As a result of these deliberate government policies, we are enduring Islamist attacks within our borders that will continue to increase in both frequency and severity.

There is no blinking at the fact that these policies have encouraged a large and growing fifth column that is violently hostile to our country, and it has become deeply embedded within

our communities. San Bernardino and Orlando were just the first bloody foretaste of what is to come until and unless these policies are stopped and reversed.

Last year, the House passed the SAFE Act. That is an acronym for Safety Against Foreign Enemies. It was the first tentative step toward properly screening refugees from hotbeds of Islamic extremism. It merely required affirmative verification of a refugee's lack of hostile intent if they were coming from Islamist strongholds in Iraq and Syria. 135 Democrats in this House opposed the SAFE Act, and Senate Democrats killed it in January at the behest of their President.

The very same politicians who will not allow us even to confirm the intent of Islamists entering America are at the same time using the Orlando atrocity as an excuse to disarm loyal and law-abiding Americans. Within minutes of the attack, the left began to use this terrorist atrocity to justify more restrictions on the rights of Americans to defend themselves. They would have us believe that terrorists who are bent on destroying our country by violently killing Americans will somehow make one exception to their contempt for our Nation by meticulously obeying our gun control laws.

The leftists tell us to leave it to the police. Really? In Orlando, it took 3 hours for police to secure the scene and confront the attacker, while hostages were being shot and the wounded were left to bleed to death—3 hours. In San Bernardino, the terrorists had already fled before police even arrived at the scene.

The first line of defense against an armed terrorist is an armed American; yet the Democrats seek to make it harder for Americans to arm themselves, while increasing the threat posed by mass immigration from those countries where Islamist ideology is rampant.

Is it possible that they don't understand that there is an international arms market and that terrorists can get their hands on any kinds of weapons they want as effortlessly as teenagers can buy pot?

While the Orlando terrorist got his guns legally, he could just as easily have gotten them illegally. But that is not the case of law-abiding American citizens. Law-abiding citizens obey our laws; terrorists do not.

The left's vision for our country is one in which Americans cannot shoot back and must helplessly wait to be rescued while they are being terrorized by Islamic extremists who should never have been in this country in the first place. And that is going to continue in this country until it wakes up to the danger that it faces and takes decisive action at the ballot box.

That is ultimately the choice before us: we can either suffer increasingly violent attacks on increasingly defenseless Americans, or we can choose to finally take seriously the nature of