Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, on rollcall No. 224, had I been present, I would have voted "no."

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4435, HOWARD P. ''BUCK'' McKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015; AND PROVIDING FOR CONSIDERATION OF H.R. 3361, USA FREEDOM ACT

The SPEAKER pro tempore. The gentleman from Florida (Mr. NUGENT) has 21½ minutes remaining. The gentleman from Colorado (Mr. POLIS) has 16 minutes remaining.

The Chair recognizes the gentleman from Florida.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I appreciate the gentleman yielding me time to address the subject of this rule.

Mr. Speaker, this House is considering a combined rule. It is a rule that addresses the NDAA and it is a rule that addresses the USA FREEDOM Act wrapped up together.

Mr. Speaker, I would reiterate the point that we are addressing a combined rule between the National Defense Authorization Act and the USA FREEDOM Act.

The first component that I would like to address with the time that I have is an expression of appreciation to the Rules Committee for going through all the amendments of the NDAA, taking a look at that and coming down with a rule that recognizes that the jurisdiction of the Judiciary Committee is immigration policy, not Armed Services.

□ 1515

Mr. Speaker, I commend the Rules Committee for the decision that they made on the NDAA. Even though there were dozens and dozens, actually scores of amendments to consider last year, there was an amendment that addressed the immigration issue that was made in order on the bill. That brought about a debate and a discussion here on the floor.

Instead, that debate took place this time in the Rules Committee and the Rules Committee declined to approve essentially amendment number 58 that dealt with the immigration issue. It is the proper jurisdiction of the Judiciary Committee. Additionally, it was bad policy.

So I rise to thank the Rules Committee for that decision and transition into a discussion about the USA FREEDOM Act, which I am troubled by; and that is the process of regular order in this Congress, and the idea that, as the Congress put together a bill that blocked the Federal Government from collecting metadata on telephone bills, there was a negotiation that took place over the weekend, a substitute amendment was delivered, announced at 12:35 p.m. on a Monday, we took up the bill I believe the next day quickly, no amendments were accepted, we didn't have an opportunity to have a serious discussion about the national defense, national security implications of a bill that addressed the civil liberties.

I support the underlying bill, I support the effort to protect the civil liberties of the American people.

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

Mr. NUGENT. Mr. Speaker, I yield an additional minute to the gentleman from Iowa.

Mr. KING of Iowa. I thank the gentleman.

The amendment that I offered, even though it was voted on, the debate really didn't consider this proposal that the head of an element of the intelligence community may enter into an agreement to compensate for retaining call detail records for a period of time.

What the underlying bill does in section 215 is it limits the amount of time that we can get a FISA warrant to do a query of existing records in the private hands of the telecommunications companies to the 18 months that is required by the FCC. We need to have the opportunity for this Commander in Chief, the intelligence community, or a subsequent Commander in Chief to be able to expand that period of time while still protecting that data within the possession of the private sector companies, which we have confidence in.

That is an issue that I would like to see before this Congress. It is not going to be voted on in this bill. I am troubled by the national security implications of it, which brings me to the floor. I will support this rule. I do thank the Rules Committee. But I wanted to make that point that when national security issues come up, somebody has got to put the marker down.

I urge all to consider the point I have made here today.

Mr. POLIS. Once again, Mr. Speaker, this rule does not even allow a discussion of the war that we are currently engaged in in Afghanistan. How can we have a discussion about our national defense when being prohibited from any amendments relating to the war in Afghanistan?

Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I rise in strong opposition to this rule.

First, the underlying National Defense Authorization Act continues wasteful spending at the Pentagon and won't allow, as Congressman POLIS said, a full debate on the longest war in American history.

This bill continues the overseas contingency operations slush fund, and it is a slush fund at a time when the administration still hasn't decided on how much the Afghanistan war is going to cost or how many troops will be there.

Yet the Republican leadership of this House has failed to allow the American people to have a say in the future of America's longest war, while maybe, quite frankly, some of these amendments probably would pass.

Finally, we would be reflecting the views of the majority of the American people.

For many years, we have known that there is simply no military solution in Afghanistan, and our constituents are sick and tired of war. This bill simply ignores 82 percent of the Americans who oppose the war and 74 percent favoring all U.S. troops out by 2014.

I want to just read the authorization that we are talking about today. The Authorization for Use of Military Force was passed sorrowfully. Let me tell you, after the horrific events of 9/11—some were not here during that period—it was passed September 14, and we had probably about maybe 1 hour of debate, maybe 1 hour of debate.

That resolution said—which is what we are talking about today, which is what we are insisting on a debate on—it said:

> That the President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

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

Mr. POLIS. I yield 30 seconds to the gentlewoman.

Ms. LEE of California. We are 13 years into this war without end.

So, Mr. Speaker, I authored H.R. 4608. I had an amendment to come here on this bill that would really get us back to the drawing board so that we could have this full debate to determine whether or not this resolution, the one of 9/14/2001, should still hold. Minimally, we should have a full debate on this.

I am really pleased though to see that the administration finally agreed to release a secret drones memo. That is a good thing. That is happening I think today. But we need to have a debate on this resolution, and we need to have it today.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. BISHOP), whom I have the honor of serving not only on the Rules Committee with, but also in Armed Services.

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman from Florida.

The underlying defense authorization bill is a good bill. This is a good rule with maybe one caveat that there are too many amendments that are in here.

Henry Clay, as the first Speaker of the House who went from the Senate over here and was elected Speaker on the first day and served as Speaker every day he served in the House, he is

given credit for starting the standing committee process where people with expertise discuss all these issues before they actually come to the floor. Some of these amendments we have had have not gone through that process and will be given 10 minutes of debate time on the floor, which is rather small when you compare it to the process of each subcommittee on the Armed Services Committee: having established their bill, going to the full committee, with a full day of debate on the bill before it comes here.

There is, for example, one amendment that is made in order, has a great sponsor, a wonderful Member of this body, but it has untold side consequences that probably need that experience of being explored. Let me give you a simple example. It starts with the words ''notwithstanding any other provision of law.'' That should be something that scares someone. It means this bill, except for section B, which it exempts, takes precedent over everything else that already exists in law, and not only for the military issue, but also in every element of Federal Government.

I am only going to talk about the military side because that is the only expertise I actually have. The one part that is not exempt deals with the concept known as ''inherent governmental functions.'' Unfortunately, the reference this makes is to title 31. Most of the military stuff, especially dealing with our depots, is in title X. There is a reason those are in different titles—because they have a different substance and a different purpose.

At the end of this reference, there is also the provision put in there—actually, it is in the first of this reference—that what is an inherent governmental function can be changed by any official of OMB, the Office of Management and Budget, which simply means, I assume, that is one of the reasons the Defense Department is opposed to this particular amendment, because it removes decisions from the Defense Department over to the President through OMB. That is not the way we wish to go.

When it deals with programs, weapons, and systems that we have, there is an acquisition side and a sustainment side. On the acquisition side, often competition is extremely important to driving down cost. When it comes to sustainment, the maintenance of those provisions, sometimes that saving has a detrimental effect that is an unintended consequence because the maintenance is directly tied to the readiness issue, which is why we define in title X what is a core workload, which would be overturned by the very first phrase in this particular piece of legislation, this particular amendment.

Core workload by law has to be brought into the depots for work once every 4 years, or at least at one time in the initial 4 years of operating capability. Prior to that time, maintenance is usually done by the contractor.

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

Mr. NUGENT. I yield an additional minute to the gentleman.

Mr. BISHOP of Utah. But after that, it goes into what is known as an endangered mission readiness that is determined by the military, and should be determined by the military.

What it simply means is we have military depots for a military reason. There is a direct extension, or these depots are a direct extension, of the soldier on the field. Civilian workers at these depots cannot go on strike, they cannot undertake a work stoppage. Sometimes, especially in times of war, Federal civilian employees have been ordered to work around-the-clock or do other kinds of dangers.

All of these things which have been worked out traditionally in title X are overturned by the first phrase in this amendment: A wonderful amendment in its purpose and goal, has a wonderful sponsor, but it has unintended consequences. As we go through this bill, as we go through these amendments, we should consider what those unintended consequences may or may not be. It is one of the reasons why the Committee process was so wisely established by Henry Clay back in the 1800s and should be respected today.

Mr. POLIS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GARAMENDI).

Mr. GARAMENDI. Mr. Speaker, I appreciate the rather elucidating discussion on the way in which the committee system is supposed to work.

Unfortunately, in the Armed Services Committee, the most expensive single project was never allowed to be discussed, and that is the war in Afghanistan—$79 billion in the NDAA for Afghanistan and not 1 second of discussion about the role of America in Afghanistan and about the ongoing war.

The committee structure did not work. Therefore it is to this floor, it is to the membership of this House to take up this critical issue of what is the role of America in Afghanistan. Are we to continue this war or not? If we are to continue it, how are we going to do that? That is our business. That is the business that we were elected to do, and we have been prevented by the actions of the majority in the committee and on this floor to even deal with this issue, to even discuss it for one moment, except in this issue of how the rule is to be written.

This is not right, it is not fair to those of us who want to have a legitimate debate on the role of America in Afghanistan, and it is not in the interest of this country that this House forsake and forgo its responsibilities.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Speaker, I thank my good colleague for yielding.

I rise in support of the rule, as well as the underlying bill, the National Defense Authorization Act.

One of the provisions in there is the addition of a defense audit advisory panel. It comes as no shock to anyone in this room that the Department of Defense is unauditable, or their financial statements are unauditable. There are Herculean efforts going on across the river at the Pentagon and throughout the entire system to try to correct this issue. There are millions and millions of dollars being spent to try to make this happen and try to get to a point, in fact, where they can.

The current law requires that the Defense Department be auditable by the end of 2017 and that the fiscal 2018 books and records be audited and a report provided to Congress by 2018. There will be important decisions going on throughout that timeframe. We need a canary in the coal mine. We need an early warning system in this House that tracks that process, and this panel will do that. I was pleased that it was included in the underlying bill. It is important that Congress watch this process throughout.

The Department of Defense gives us a report every 6 months, but we need better insight, we need a line of sight into what is going on on a much more relevant basis quicker so that we don't wait until the end of 2017 and suddenly discover that the Department is not achieving that goal, or we don't get to the end of 2018 and can't, in fact, audit the books and records of the Department of Defense.

This is a stunningly difficult problem to fix. For decades, the Department of Defense has had an accounting system that was set up to meet its needs and the needs of providing the mission support. It was not set up to be audited. Consequently, in order to be able to audit something, they have got to go back and rebuild all these legacy systems that are out there. This is hard work and a lot of it.

The Department of Defense, as my colleague earlier said, this is one of the largest enterprises on the face of Earth. It is not easy, and it takes good hardworking people to get it done, and that is what has been going on.

□ 1530

Our Congress, though, needs to have the insight into that process to make sure that they get it right. This effort doesn't fall, really, within the structure of the committee or of the subcommittees, naturally, so this defense audit panel will correct that oversight, and it will allow us to see the progress in as real time a basis as we can get.

If we do need to take corrective actions and if we do need to do something to make that happen, then this will give us a quicker insight into that.

For this reason and for a whole lot of others, I support the underlying bill, and I support this rule. I urge my colleagues to vote in favor of this rule and, when it comes time for the bill itself, to vote ''yes'' on the National Defense Authorization Act, which would be the Howard P. ''Buck'' McKeon National Defense Authorization Act.

Mr. POLIS. Mr. Speaker, it is critical that this House reject this rule because it is impossible to have a discussion about meeting our national security needs and defense without this body's being able to issue any guidance or to even debate the ongoing war in which this Nation is engaged in Afghanistan.

Mr. Speaker, I yield 1 minute and 15 seconds to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. Mr. Speaker, I rise today to express my support for two amendments I am submitting to the National Defense Authorization Act.

The first I am offering would require the Secretary of Defense to report to Congress no later than 30 days after the enactment of this law on the barriers to implementing audit reporting requirements and recommendations in order to ensure reporting deadlines are met. This would ensure that taxpayer money is being well spent.

The second, offered by me and Mr. COOK, would create a pilot program to take the California National Guard's Work for Warriors job placement program nationwide.

Since the State of California created the program in 2012, more than 2,500 Guard members have been placed in jobs and at only $500 per placement, far cheaper than any other employment programs, which can cost as much as $10,000 per placement.

Placing 2,500 California guardsmen in jobs is a great start, but I know that that number can multiply many times over if the Work for Warriors program is expanded nationwide.

I urge my colleagues to support these amendments.

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

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute and 15 seconds to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, there are few greater threats to the security of American families than those which could arise from the failure of the ongoing nuclear negotiations with Iran.

Parts of this bill seek to disrupt the administration's tough, persistent diplomacy. Some would even assign to Israel the job of starting what could become World War III. Even the Bush-Cheney administration rejected that approach.

Iranian Revolutionary Guard hard-liners may ultimately doom these negotiations. Our responsibility is to ensure that hard-liners here don't do the obstruction for them.

Our arsenal of democracy includes more than bombs. It includes tough negotiations and strong sanctions to reach a carefully monitored, verifiable agreement that will protect our families and our allies.

Given the high cost of failure, we certainly cannot afford to surrender to defeatists, who capitulate on the negotiations before they are even completed. It is too soon to wave the white flag and give up in favor of war.

The obstinate objections raised last year to the interim agreement were proven to be unjustified. The International Atomic Energy Agency has determined that Iran has taken verifiable actions to halt the progress of its nuclear program.

Let's give peace a chance.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield a minute and 15 seconds to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Thank you so very much.

Mr. Speaker, let me indicate that there are many reasons to be concerned about the rule. I am certainly concerned that we are not able to debate a very important issue dealing with Afghanistan.

Having spent almost a decade-plus in dealing with provision 215 under the PATRIOT Act and in helping to construct the Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet Collection, and Online Monitoring Act, it is imperative that we move the USA FREEDOM Act forward.

For example, I introduced H.R. 2440, the FISA Court in the Sunshine Act of 2013. Specifically, my bill would require the Attorney General to expose the FISA Court, allowing Americans to know the broad, illegal authority it had, even having an advocate for the American people in sections 402 and 604. This is in the bill.

In addition, I strongly support this act because section 301 of the bill continues the prohibition against reverse targeting, which is an amendment that I had in the RESTORE Act; then, of course, it goes forward with ensuring that this megadata—this bulk collection—does not occur.

I am grateful that the Jackson Lee-Wilson-Lee amendment that deals with Boko Haram is in this national defense bill because we have to stop the tragedy that is going on, but more importantly, the devastation of Boko Haram.

Finally, I would have wanted the amendment that deals with the contracting out of our intelligence services. I believe it is too extensive. I believe that my amendment would have been effective in determining how much we use outside contractors. This is a rule that is, unfortunately, without a lot of point to it.

Mr. Speaker, I rise in strong support of H. Res. 590, the rule governing debate on H.R. 3361, the "USA Freedom Act," and amendment to H.R. 4435, the National Defense Authorization Act for Fiscal Year 2015.

Regarding H.R. 3361, I support the rule and am a co-sponsor of the the underlying bill, the USA Freedom Act, which stands for "Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act."

The USA Freedom Act is the House's unified response to the unauthorized disclosures and subsequent publication in the media in June 2013 regarding the National Security Agency's collection from Verizon of the phone records of all of its American customers, which was authorized by the FISA Court pursuant to Section 215 of the Patriot Act.

Public reaction to the news of this massive and secret data gathering operation was swift and negative.

There was justifiable concern on the part of the public and a large percentage of the Members of this body that the extent and scale of this NSA data collection operation, which exceeded by orders of magnitude anything previously authorized or contemplated, may constitute an unwarranted invasion of privacy and threat to the civil liberties of American citizens.

In response, many Members of Congress, including the Ranking Member CONYERS, and Mr. SENSENBRENNER, and myself, introduced legislation in response to the disclosures to ensure that the law and the practices of the executive branch reflect the intent of Congress in passing the USA Patriot Act and subsequent amendments.

For example, I introduced H.R. 2440, the "FISA Court in the Sunshine Act of 2013," bipartisan legislation, that much needed transparency without compromising national security to the decisions, orders, and opinions of the Foreign Intelligence Surveillance Court or "FISA Court."

Specifically, my bill would require the Attorney General to disclose each decision, order, or opinion of a Foreign Intelligence Surveillance Court (FISC), allowing Americans to know how broad of a legal authority the government is claiming under the PATRIOT ACT and Foreign Intelligence Surveillance Act to conduct the surveillance needed to keep Americans safe.

I am pleased that these requirements are incorporated in substantial part as Sections 402 and 604 of the USA Freedom Act, which requires the Attorney General to conduct a declassification review of each decision, order, or opinion of the FISA court that includes a significant construction or interpretation of law and to submit a report to Congress within 45 days.

Significantly, the USA Freedom Act contains an explicit prohibition on bulk collection of tangible things pursuant to Section 215 authority. Instead, the USA Freedom Act provides that Section 215 may only be used where a specific selection term is provided as the basis for the production of tangible things.

Finally, I strongly support the USA Freedom Act because Section 301 of the bill continues the prohibition against "reverse targeting," which became law when an earlier Jackson Lee Amendment was included in H.R. 3773, the RESTORE Act of 2007.

"Reverse targeting" is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

The Jackson Lee Amendment, codified in Section 301 of the USA Freedom Act, reduces even further any such temptation to resort to reverse targeting by requiring the Administration to obtain a regular, individualized FISA warrant whenever the "real" target of the surveillance is a person in the United States.

I support the the USA Freedom Act because it will help keep us true to the Bill of Rights and strikes the proper balance between liberty and security.

I urge my colleagues to support the rule and the underlying USA Freedom Act.

Finally, I am pleased that the rule also makes in order the Jackson Lee-Wilson-Lee

Amendment to H.R. 4435, the National Defense Authorization Act for FY2015.

This amendment makes three important contributions to the bill:

1. First, it strongly condemns the ongoing violence and the systematic gross human rights violations against the people of Nigeria carried out by the militant organization Boko Haram, especially the kidnapping of the more than 200 young schoolgirls kidnapped from the Chibok School by Boko Haram;

2. Second, it expresses support for the people of Nigeria who wish to live in a peaceful, economically prosperous, and democratic Nigeria; and

3. Third, it requires that not later than 90 days after the date of the enactment, the Secretary of Defense shall report to Congress on the nature and extent of the crimes against humanity committed by Boko Haram in Nigeria.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentlelady from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I rise to express my serious concern about the USA FREEDOM Act.

First, it is important for all of the Members to know that what is being considered is not the bill that was marked up by the House Judiciary Committee. After it was reported out unanimously by the House Judiciary Committee, certain key elements of this bill were changed.

I think it is ironic that a bill that was intended to increase transparency was secretly changed between the committee markup and its floor consideration, and it was altered in worrisome ways.

The definition of ''selector,'' rather than being narrowed, has been defined in such a way that it would allow for the large-scale acquisition of data. This is a concern that has been expressed to me by both Republicans and Democrats.

The way the definition is lodged, you could get first the southern half of the United States, then the eastern half of the United States, then Missouri. Those could be the selectors.

I offered nine amendments. None were put in order. We should insist that we do better than this.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, as Ms. LOFGREN said, the bill under consideration is not the bill that passed committee. It is a different bill that was changed 24 hours ago in secret, behind closed doors.

Mr. Speaker, I yield 1 minute to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise to highlight my amendment, which will be considered later today, to improve TRICARE for our military moms and their families.

Doctors are now recommending that new moms exclusively breastfeed their babies, but we know that, despite their intentions, far too many women who want to breastfeed these infants find the cost of lactation supplies and support to be a barrier to that choice. While most women covered by private health insurance have access to these services, women with TRICARE do not.

That is why I introduced the TRICARE Moms Improvement Act, which will be on the floor today as an amendment. My amendment would end this discrepancy—this disparity—and would create a parity of access to health care for servicemembers, along with private civilians.

I urge my colleagues to join the many medical groups, women's organizations, and military family associations which support this effort.

Please vote ''yes'' on this amendment.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentlelady from Maine (Ms. PINGREE).

Ms. PINGREE of Maine. Mr. Speaker, I rise today in opposition to this rule.

This legislation would authorize over $520 billion to the Department of Defense, not including over $79 billion in war funding, which I oppose; yet, for such a large bill, there are many amendments that my colleagues wanted to offer that will never see the House floor because of this very limited rule.

One issue that, I think, deserves discussion is the inclusion of an $800 million authorization for an unbudgeted 12th LPD–17 class ship. While we are still addressing the effects of the sequester, which I voted against, I have concerns about this provision.

In particular, I am concerned that the committee does not address the fact that there is a Navy shipbuilding agreement in place regarding the DDG–51s and the LPDs.

This agreement requires that the Navy obligate funding and support for another DDG–51 destroyer if another LPD is awarded. Under a different rule, we may have been able to have had an open discussion about this issue and about so many others.

I urge my colleagues to oppose this rule.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. Thank you.

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

Here are the facts, Members: We have a crisis in the military when it comes to sexual assault cases. We have a 50 percent increase in the number of persons filing claims for sexual assault in the military as a result of the most recent study.

Here are the facts, Members: There are more than 200 Members in this House right now who support taking sexual assault cases out of the chain of command, and yet we do not have the ability to have a vote on the floor of this House on whether or not Members of this House support taking sexual assault cases out of the chain of command and putting them in the hands of a chief prosecutor, who has legal training.

Members, the elephant is in this room. It is time for us to have the guts to stand up and be counted on whether or not we want all members of the military to be safe or only those who do not file claims for sexual assault.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to yield 1 minute to the gentleman from Illinois (Mr. ENYART).

Mr. ENYART. Mr. Speaker, I rise in opposition to this rule and in support of Representative SPEIER's amendment.

I am unique in this Chamber. I have served as a military prosecutor, a military defense attorney, a staff judge advocate; and, indeed, before coming to Congress, I served as a commanding general. I understand the impact of sexual violence in the military.

Justice needs to be properly served to victims of sexual assault and to all members of our military. Decades ago, military defense attorneys were taken out of the chain of command. We must do the same with the prosecution. It is the only way that justice can be properly served, without influence, perceived or real.

My fellow colleagues, I urge you to join us in ending the appearance of undo influence in military prosecutions.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I would like to inquire as to how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Colorado has 3¾ minutes remaining, and the gentleman from Florida has 12 minutes remaining.

Mr. POLIS. I would like to inquire of the gentleman from Florida if he has any additional speakers.

Mr. NUGENT. I do not.

Mr. POLIS. I thought, perhaps, they had been holding their tongues all along, wanting to speak after ours. Very well then. I am prepared to close.

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

I am grateful that this rule does include several of the amendments that I have had the opportunity to work on.

One is a bipartisan amendment with my colleagues Mr. PERLMUTTER and Mr. WHITFIELD, with regard to Rocky Flats in my district, which will help increase transparency to ensure that cold war nuclear workers will have their benefit applications reviewed expeditiously.

There are many survivors in my district who have been exposed to radiation and who are suffering from severe

health effects. If they had been on the military side, they would have been taken care of. They are on the civilian side, but have put their lives in harm's way, and they deserve to be taken care of for their service to our country.

I am also pleased with my amendment with Mr. BLUMENAUER, which would defund the midlife nuclear refueling and overhaul of the *George Washington* aircraft carrier, which would save $5 billion. The administration released a statement of administrative policy, expressing concern about this unneeded reoverhaul of an aircraft carrier that we do not need as we shrink our carrier fleet permanently to 10 vessels.

Finally, I am pleased with my amendment with Representative NADLER, which is to encourage the Department of Defense to ensure that our ground-based missile defense systems actually work and that there are operational, realistic tests before additional purchases are made of systems that do not keep Americans safe.

This will also be permitted on the floor of the House today.

□ 1545

However, 131 ideas—good, bad, and other—from my colleagues on both side of the aisle are not even allowed to be debated or voted on under this bill.

The single biggest issue, the pressing national issue of the ongoing war in which this Nation is engaged is not even able to have 10 minutes or 1 minute of floor debate, as it has that very same issue, the ongoing presence in Afghanistan. And I have my opinions; my colleague, Mr. MCGOVERN, has his; and folks on the other side and both sides of the aisle have theirs.

This is not a partisan issue. It is simply one that we as representatives of the American people deserve to be able to be their voice on: How long and in what capacity should we continue to send American men and women to Afghanistan?

The only way that we can ensure that this body is allowed to have their voice—Democrats, Republicans, people who want us to stay there, people who don't—is to bring down this rule and to bring forward a rule that allows a debate of the single most significant pressing national policy issue.

In addition, there are a number of amendments around military preparedness and making sure our military has the very best and brightest aspiring Americans to draw from to keep our country safe that is not even allowed to be discussed under the rules of the bill.

And finally, the USA FREEDOM Act, which is no longer the USA FREEDOM Act but a bill that has a loophole as wide as the Grand Canyon that was not in the original USA FREEDOM Act, passed on a bipartisan basis on a voice vote out of committee, and yet 20 amendments—again, good, bad, indifferent, some of which would have addressed the flaws—not even allowed 10 minutes, not allowed 1 minute, not allowed 30 seconds, not allowed 10 seconds, not allowed a vote.

Why are we scared of letting the Members of this body, Republican and Democrat, have a voice in addressing the very legitimate privacy concerns about the NSA?

If people think this bill will somehow address the concerns and they are gone, they are wrong.

I plan on voting against this stripped version, which is no longer the USA FREEDOM Act, to show that it no longer even comes remotely close to addressing the concerns that my constituents have about the NSA overreach with regard to their privacy.

We need to reject this rule to ensure that this body, representatives of the American people, Republican and Democratic, can bring forward the issues that pertain to national defense and our privacy.

I urge my colleagues to vote ''no'' on the rule, and I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, the rule today, before us today, continues the process of allowing Members to provide input on the NDAA. That process is important.

This rule makes in order 162 amendments to the NDAA. I know some of the other side don't think that is enough. Remember, in committee, we were there from 10 o'clock in the morning until after midnight, and we heard another 155 amendments from both sides of the aisle. And 155 amendments were considered in order and were voted on or added to the NDAA.

So it is not like there hasn't been any input. It is just the opposite. It has been impressive this year as compared to other years, and unprecedented.

It is also important to stress that both of these underlying pieces of legislation are bipartisan agreements. They include the input of Members on both sides of the aisle. Any time you get agreements like this, no one is going to get everything they want. I sure didn't. But it doesn't have to be all or nothing. That approach doesn't work, not for this body and not for the American people.

But what this rule allows is for debate on both of these issues. On the USA FREEDOM Act there will be a separate hour of debate to debate the merits of that particular piece of legislation, and we are going to have debate on the remaining amendments that have been made in order that we are bringing forward today as relate to the NDAA.

That is a lot of input. Is it ever enough? It probably could never be enough. But for this body, it is kind of unprecedented the amount of debate that we have had already on the NDAA.

I have only been here 3 years, but it is long enough to know that if you insist on all or nothing 99 percent of time, you know what you are going to get? You are going to get nothing. And that is not what we want.

We have an opportunity here to debate the USA FREEDOM Act and the merits of it or not, but we also have the ability to debate amendments to the NDAA that support our troops.

We need to recognize that when this happens, the American people win when this body works its will in committee. They are American people, and this body has a voice in regard to what occurs in the future.

We have made significant progress on issues central to American rights and freedoms. Trust me; I have been the biggest opponent of the massive collection of metadata that was going on in the United States. I thought it was unconstitutional and a violation of our privacy rights. I absolutely do.

What we have today is a vast improvement on what we have now. I wish we would come together more often and we wouldn't let our differences outweigh our common goals.

Like I said before, is the USA FREEDOM Act perfect? By no means. But it is certainly better than what we have today when this government has the right—and is doing it up to this moment—and is collecting an unprecedented amount of data, metadata, on all of us, which I believe is directly against the Constitution.

But I am particularly encouraged once again that we are united around our constitutional requirement as it relates to the NDAA on common defense. That is one of the responsibilities this body has is the common defense of this country, and nothing more. That is paramount. Because if we don't have common defense, we don't have anything that we enjoy today, whether it is back home or here in Washington, D.C. We don't have the ability to have freedom of speech. We don't have the ability to sit here and debate back and forth and have differing opinions. But at the end of the day, we move forward, and that is what makes America great. What has made America great is that 1 percent that protect us today.

Mr. Speaker, like I said, I have three sons. They all currently serve. They do it willingly and not just because Mom or Dad wanted them to. Probably just the opposite. Because when we had them deploy to Iraq and Afghanistan—and now our youngest just came back from a deployment to Africa—we would rather them not be in harm's way.

But they have made a decision that this country is worth it. Those that have led the way before them made that decision, and some have paid the ultimate sacrifice. We owe it to them to finish up the NDAA and move this rule forward so we can have a common debate, particularly as it relates to the USA FREEDOM Act.

I don't know how we can look our servicemen and -women in the eye. I hear this all the time. We have a debt we can never repay. They are looking at what we do today. They are looking at what we do on the NDAA, in how we are supporting them.

If you think back to the Armed Services Committee, it was 61–0 in support of this particular piece of legislation. That is pretty good coming out of this place that is dysfunctional, to say the least.

But we can unite on one singular cause, and we have. We have the ability to continue to support our troops. We have the ability to continue to support the families that support our troops.

Let me tell you, they listen and they watch. They wonder where we are in the whole process. Do we really support them or is it just lip service. Do we just give speeches and say how much we appreciate their service and sacrifice, or is it lip service?

I would suggest to you that the Armed Services Committee stepped up to the plate, and it is not lip service from them. They went above and beyond what the President requested to support our troops, our warfighters, and that is the right thing to do.

I would hope that we would do this now and in the future. We want to make sure that they have the best possible equipment and the best possible training.

When my kids were in Iraq and Afghanistan, the one thing that gave my wife, Wendy, and me solace was the fact that we knew they were the best equipped, best fighting force on the face of the Earth that give them the best opportunity to come home. And that is what we want. It is as simple as that. These are real people.

So I strongly urge my colleagues to support the rule and the underlying legislation.

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

The previous question was ordered.

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

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

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

APPOINTMENT OF MEMBERS TO SELECT COMMITTEE ON THE EVENTS SURROUNDING THE 2012 TERRORIST ATTACK IN BENGHAZI

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 2(a) of House Resolution 567, 113th Congress, and the order of the House of January 3, 2013, of the following Members to the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi:

Mr. CUMMINGS, Maryland;

Mr. SMITH, Washington;

Mr. SCHIFF, California;

Ms. LINDA T. SÁNCHEZ, California;

Ms. DUCKWORTH of Illinois

RECESS

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

Accordingly (at 3 o'clock and 56 minutes p.m.), the House stood in recess.

□ 1701

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BENTIVOLIO) at 5 o'clock and 1 minute p.m.

HOWARD P. ''BUCK'' McKEON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2015

The SPEAKER pro tempore. Pursuant to House Resolution 585 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. 4435.

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

□ 1702

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. 4435) to authorize appropriations for fiscal year 2015 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, with Mr. COLLINS 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 on Tuesday, May 20, 2014, amendment No. 7 printed in House report 113–455 offered by the gentleman from Colorado (Mr. LAMBORN) had been disposed of.

VACATING DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 5 OFFERED BY MR. GARAMENDI

Mr. GARAMENDI. Mr. Chair, I ask unanimous consent to withdraw my request for a recorded vote on amendment No. 5 to the end that the amendment stand rejected by the earlier voice vote.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Without objection, the request for a recorded vote is withdrawn, and the amendment, as modified, stands rejected in accordance with the previous voice vote thereon.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113–455 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. BLUMENAUER of Oregon.

Amendment No. 3 by Ms. LORETTA SANCHEZ of California.

Amendment No. 6 by Mr. DAINES of Montana.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 229, not voting 10, as follows:

[Roll No. 225]

AYES—192

Bachmann
Barber
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Cleaver
Clyburn
Cohen
Connolly
Conyers
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Duncan (TN)
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Herrera Beutler
Higgins
Himes
Hinojosa
Honda
Horsford
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lowenthal
Lowey
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Massie
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Poe (TX)
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Smith (WA)
Speier
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey