Mr. VISCLOSKY. I thank the gentlewoman for yielding, and I join in support of her amendment.

As she indicated, more than 14 years have passed. The United States withdrew their large troop presence and marked the end of combat operations in Iraq since then. Security operations for Afghanistan were transferred to the Afghan National Security Forces in June of 2013. The basic mission of U.S. and NATO forces in Afghanistan has been to train those forces, including the Afghan Army.

I think the gentlewoman made a very good point. She and I may not agree on what that resolution and authority should look like in the end, all the more reason for all of us collectively, both parties, to have a fulsome debate on that issue.

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

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition.

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

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

In order to prosecute the global war on terrorism, one of our primary current missions, the President, our Commander in Chief, relies on this Authorization for the Use of Military Force, which he is trying and attempting to repeal.

This AUMF, better known as the 9/11 AUMF, is necessary for the Department of Defense and U.S. military forces to address conducting campaigns against al Qaeda and al Qaeda-related affiliated forces worldwide by using this authority. It has been used by both this President and his predecessor since 2001.

Granted, this amendment was written to sunset on the last day of this calendar year, but without a follow-on authority in place, killing the 9/11 AUMF would tie our Nation's hands and our Commander in Chief's hands with regard to combating worldwide terrorism in 7 short months.

This amendment cripples our ability to conduct counterterrorism operations with partner nations and our allies against al Qaeda and their affiliates.

Once again, the gentlewoman attempts to put in place a major policy change that does not belong in an appropriations bill, this Defense bill.

The terrorist threat today is no less real and, in many ways, far more dangerous than it was when Congress overwhelmingly gave the President that authority in 2001 to protect us against those who want to do us harm.

These terrorist organizations pose a real threat to United States persons and interests. It is my judgment this amendment erroneously assumes that al Qaeda and its affiliates ended their terrorist acts once major military operations ceased in Afghanistan. Obviously, they haven't.

Recent disastrous events in Yemen and, most recently, frightening developments in Iraq and Syria have shown its affiliates and new terrorist groups are on the rise.

This amendment would effectively eliminate the President's ability to address that threat or other emerging threats from al Qaeda and like-minded groups in north Africa, the Horn of Africa, and elsewhere and leave our Nation and our allies more vulnerable to attacks.

Therefore, I strongly urge opposition to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE. 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 gentlewoman from California will be postponed.

□ 2330

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. WOODALL) having assumed the chair, Mr. MOONEY of West Virginia, 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. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

PROVIDING FOR CONSIDERATION OF H.R. 1295, TRADE PREFERENCES EXTENSION ACT OF 2015

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that it be in order at any time to take from the Speaker's table H.R. 1295, with the Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chair of the Committee on Ways and Means or his designee that the House, one, concur in the Senate amendment to the title and, two, concur in the Senate amendment to the text with the amendment printed in the portion of the CONGRESSIONAL RECORD designated for that purpose in clause 8 of rule XVIII and numbered 1; that the Senate amendments and the motion be considered as read; that the motion be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and that the previous question be considered as ordered on the motion to its adoption without intervening motion or demand for division of the question.

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

There was no objection.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore. Pursuant to House Resolution 303 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. 2685.

Will the gentleman from West Virginia (Mr. MOONEY) kindly resume the chair.

□ 2331

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. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, with Mr. MOONEY of West Virginia (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 an amendment offered by the gentlewoman from California (Ms. LEE) had been postponed, and the bill had been read through page 162, line 25.

AMENDMENT OFFERED BY MS. MCSALLY

Ms. MCSALLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 divest, retire, transfer, or place in storage or on backup aircraft inventory status, or prepare to divest, retire, transfer, or place in storage or on backup aircraft inventory status, any EC–130H aircraft.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Arizona.

Ms. MCSALLY. Mr. Chairman, I want to thank the chairman for including funds to support our fleet of EC–130H Compass Call aircraft in this bill. The underlying legislation restores $27.3 million to support 15 EC–130H aircraft next year.

My amendment today does not cost a dime. The chairman has already provided full funding for our entire EC–130H fleet, and my amendment simply ensures that the chairman's intentions are carried out, and that the Air Force does not use backdoor means to try to retire these important aircraft.

The Compass Call is the only dedicated U.S. Air Force electronic warfare

aircraft. I can tell you in this unclassified setting that it can perform electronic warfare, suppression of enemy air defenses, and offensive counter-information operations.

It was successfully employed during Desert Storm, Iraqi Freedom, Enduring Freedom, and provided electronic warfare support in operations in Kosovo, in Haiti, Panama, Serbia, and Afghanistan. It was the most heavily-tasked special mission C–130 in operations in Afghanistan.

Despite plans to divest 50 percent of the fleet, the Air Force has not identified a follow-on capability, and no other platform currently performs this mission. In fact, Air Force Deputy Chief of Staff Lieutenant General James Holmes confirmed there are things that only the EC–130H does and does best.

Right now, the Compass Call is currently deployed both in Afghanistan and in the fight against ISIS. Divesting it without a replacement for the unique capabilities it offers would be irresponsible, especially given its high rate of deployment.

I restate that my amendment would not cost a dime, simply ensures the chairman's decision to fund the fleet is carried out. This is a critical capability, and we cannot afford to dispose it without a replacement.

I want to thank the chair, and urge support of my amendment.

Mr. FRELINGHUYSEN. Will the gentlewoman yield?

Ms. MCSALLY. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. We are pleased to accept your amendment. May I also say, we are proud of your service to our Nation. Thank you for the time.

Ms. MCSALLY. Thank you, Mr. Chairman, for your support.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Arizona (Ms. MCSALLY).

The amendment was agreed to.

VACATING PROCEEDINGS ON AMENDMENT NO. 2 OFFERED BY MR. HUIZENGA OF MICHIGAN

Mr. BOST. Mr. Chairman, I ask unanimous consent that the proceedings on the vote on amendment No. 2 be vacated to the end that the Chair put the question de novo.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. Without objection, the vote on the amendment is vacated, and the Chair will put the question de novo.

There was no objection.

AMENDMENT NO. 2 OFFERED BY MR. HUIZENGA OF MICHIGAN

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

The amendment was rejected.

AMENDMENT OFFERED BY MS. LEE

Ms. LEE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be obligated or expended pursuant to the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note).

Ms. LEE (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. LEE. Mr. Chairman, this amendment would prohibit funding pursuant to the 2002 Iraq Authorization for Use of Military Force. And once again I am proud to offer this amendment with my colleagues, Representative ELLISON and GRIJALVA.

Now, why is this amendment necessary?

Three years ago, mind you, President Obama declared that the Iraq war was over. Since then, the President has stated a number of times that the 2002 AUMF is no longer necessary, and that Congress should work to repeal it. Yet, Congress has allowed this war authorization to remain on the books indefinitely.

Now, we all are familiar with the report, and we know what is taking place in Iraq, Syria, and across the Middle East as it relates to ISIL. We all agree that they must be degraded and dismantled.

But just as with the 2001 resolution, the 2002 AUMF is completely inappropriate to deal with this threat.

This is a new war, Mr. Chairman, not an old war. This is a new war, which the people of this country have a right to have their Members of Congress debate and vote on.

Even the President included a repeal of the 2002 AUMF in the proposed authorization he sent to Congress in February. Yet, we can't even get that authorization brought up for a debate and a vote.

So, simply put, the 2002 authorization is no longer necessary. We need to come back to the drawing board and decide, based on what this body wants to do, should we vote for a new authorization or not.

If we want to commit the United States to another war in Iraq, then Congress must have that debate and decide whether or not to authorize another war.

I am pleased that my sense of Congress resolution—it was an amendment actually—affirming this was passed on a bipartisan basis in committee and is included in this bill.

Mr. Chairman, this amendment is common sense, and we cannot continue to leave authorizations for the use of military force on the books indefinitely. It is time for us to reassert our constitutional prerogative to declare war or not, to debate and vote on any military action in Iraq.

Mr. VISCLOSKY. Will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I will just reiterate my comments in the gentlewoman's last amendment and that is, after the passage of 13 years, things have changed. And one of the changes we ought to make in this Chamber is to have, again, that fulsome debate as to what the parameters of our military involvement overseas is going forward from this point in time, not the beginning of the previous decade. I appreciate the gentlewoman offering the amendment.

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

The Acting CHAIR. The gentlewoman from California has 2 minutes remaining.

Ms. LEE. Mr. Chairman, let me just say with regard to this amendment, Congress has a constitutional responsibility. It is our prerogative to declare war or not. It is our prerogative to debate and vote on any military action anywhere in the world. More than a prerogative, it is our constitutional responsibility.

We represent the American people. The American people deserve to have a voice in such grave matters. That is why the Constitution required that. And for us not to do our job and to continue to rely on old authorizations from 13 and 14 years ago really is an abdication of our responsibility.

People did not elect us to Congress to duck and dodge the hard questions and the hard issues. Some of us agree that we need to go to war. Some of us don't agree. But that is not the issue, and that is not what this amendment, nor my prior amendment, was about.

It was about doing our job here, laying out the pros and cons, making some heavy-duty decisions—and that is what they are, but that is why we are here—and then instructing our Commander in Chief what Congress believes should be the appropriate course of action.

Many would vote for it; many would vote against it, but, again, not to have this debate and vote when we are now 10 months into another war is downright wrong. It is almost lawless. It is something that it is hard to imagine getting away with this long.

So I hope that we get a good bipartisan vote on this. It is about time that we do debate this again. If the Speaker did not like the President's authorization that he brought forward, then let's get another authorization. Let's write one ourselves. I have one. I know other Members have one. Let's bring forth an authorization and debate what we want to do moving forward. That is the wise thing to do. That is the smart thing to

do. That is the right thing to do. We have troops in harm's way. They need to know what their Members of Congress believe, what the Constitution requires in terms of doing our job. They deserve us to do better.

The Acting CHAIR. The time of the gentlewoman has expired.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, as I said a few minutes ago, currently U.S. forces are conducting multiple airstrikes against ISIL in Iraq and Syria. Without this authority, those campaigns would stop. And certainly, much has happened since the authority was first given. As a matter of fact, things are getting far worse than they have been in the past.

Acceptance of this amendment would rob our country of one of the key authorities our Commander in Chief needs and relies on to keep us safe and to address these types of crises, which seem to occur all over the Middle East. Therefore, I strongly reject and oppose the amendment and urge others to do likewise.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

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

Ms. LEE. 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 gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. HUNTER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 in contravention of section 2483(b)(5) of title 10, United States Code.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUNTER. Mr. Chairman, first, I want to thank the chairman from New Jersey and just thank him for the wonderful job he has done protecting our troops and our people around world and making sure that the world remains a safer place than it would be otherwise without the United States there.

□ 2345

Mr. Chairman, I offer an amendment that would prohibit the Department of Defense from increasing the prices paid by our troops and their families, our veterans and their families at military commissaries, especially overseas.

The commissary benefit is one of a number of benefits that our servicemembers receive upon joining the military, and it is one that our servicemembers and their families rely upon to maintain their access to wholesome, affordable, and healthy food.

The Defense Commissary Agency, or DeCA, has embarked upon a poorly researched plan to raise prices on commissary consumers as part of a move towards what they call a ''commercial'' business model.

This amendment requires the Department of Defense to continue using the existing model of produce sourcing for commissaries in Asia and the Pacific unless and until the Secretary of Defense can certify that a new sourcing model will not raise prices on the shelves. This maintains the promised benefits that our warriors and their families expected to receive when they raised their right hand and became a United States sailor, airman, soldier, or marine.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SABLAN

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to establish any live-fire range, training course, or maneuver area within the Commonwealth of the Northern Mariana Islands in contravention of section 801 of Public Law 94–241 or section 2663 of title 10, United States Code.

Mr. SABLAN (during the reading). Mr. Chair, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIR. Is there objection to the request of the gentleman from the Northern Mariana Islands?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from the Northern Mariana Islands and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from the Northern Mariana Islands.

Mr. SABLAN. Mr. Chairman, many of us in this Chamber share a concern that the Federal Government has so much power and so many resources that it can overwhelm and even intimidate smaller State and local governments.

The amendment I am offering responds to that concern. It requires, before any funds are expended in the Northern Mariana Islands for expanded activities by the military, that the Secretary of Defense reach agreement with the government of the Northern Mariana Islands on the nature and scope of those activities.

My amendment levels the playing field between the very powerful Federal Government and a very small territorial government.

A little history: in 1975, the people of the Northern Marianas elected to become a part of the United States, and 78 percent of the people voted for the negotiated agreement that defined our political union. Part of that agreement includes the lease of two-thirds of our island of Tinian to the U.S. military for 100 years and the lease of the entire island of Farallon de Medinilla. The cost to the United States—$175,000 a year. That is a Manhattan Island deal.

The people of the Northern Marianas committed those lands for the purpose of national defense willingly because we understood that with citizenship comes responsibility, and the United States recognized in the agreement negotiated with us that we have very little land and that any future acquisition, therefore, would be ''only the minimum area necessary.''

Today, however, the U.S. military is proposing the takeover of another entire island. It is called Pagan. One more out of only 14 islands in the Northern Marianas, when we have already given up all of Farallon de Medinilla and two-thirds of Tinian—25 percent of our total land area of only 183 square miles. The military is proposing to use these lands for live-fire ranges, training courses, and maneuver areas.

I should explain that these are public lands and that decisions about the use of public lands in the Northern Marianas rests in the hands of the Governor and our legislators.

To lease lands to the military or not, what the terms and conditions of any lease may be, those decisions are an exercise in local self-government, and I will respect those local decisions. But as the official in Congress representing the people of the Northern Marianas, I want to be sure that the Federal Government also respects the decisions of the government of the Northern Marianas.

Again, that is what my amendment would do. My amendment simply assures that none of the funds we appropriate today will be used for the activities the military is proposing for public lands in the Northern Marianas without first obtaining the consent and the agreement of the Northern Marianas government and actually obtaining an agreement for the use of that land.

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

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, I appreciate the gentleman raising the issue. Obviously, he is a wonderful representative of the Mariana Islands.

However, given the way this amendment is written, it is unclear to me the impact that this may have on our military's future ability to train. So, regretfully, I must oppose this amendment, but I look forward to working with the gentleman to address his concerns.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from the Northern Mariana Islands has 2 minutes remaining.

Mr. SABLAN. I thank Chairman FRELINGHUYSEN very much.

Mr. Chairman, let me put it this way. You have a piece of property, and it belongs to you in title. I come over; and without asking you if I could use your land, I come in with a yardstick. I bring surveyors. I bring architects and engineers to your land, and I start drawing up my plans.

Would any person alive allow that to happen in the United States of America? They won't. Two-thirds of Tinian they already have. They are asking for an entirely new island, Mr. Chairman, and they would own 25 percent of the Northern Marianas.

They are going to fire howitzers in our community. They have claimed that on this one island there are no inhabitants. I happen to live two doors from these people. And that they are from Pagan. They live in Pagan. They are residents of Pagan. Many of them are in Saipan for work, just like many of us, 541 Members of Congress who come to Washington to work and go home every break—except for one, the Delegate from the District of Columbia. This is her home. All of us come to D.C. to work. Some of us, even those who don't have homes in our districts, claim that we go back to our districts because that is our home.

Present Federal law says that the United States Government, the military must first seek permission and obtain access to the property. They don't have that access. And in the meantime, until they obtain that access or an agreement for the use of that land, then they should cease and desist from any plans that they are making for the use of an island that they don't own.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. SABLAN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the compassion and his conviction and would join in wanting to work with you, as the chairman has indicated, to see if there is some resolution to your concern.

Mr. SABLAN. Mr. Chairman, I don't own the land. I am just bringing out facts here and bringing out the sentiments of my constituents.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from the Northern Mariana Islands (Mr. SABLAN).

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

Mr. SABLAN. 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 the Northern Mariana Islands will be postponed.

AMENDMENT OFFERED BY MR. YOHO

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 under the heading ''Iraq Train and Equip Fund'' may be used to procure or transfer man-portable air defense systems.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOHO. Mr. Chairman, since August 8, 2014, in Iraq——

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. The committee is prepared to accept your amendment.

Mr. YOHO. I thank the chairman.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. YOHO

Mr. YOHO. Mr. Chairman, I have another amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 under section 9014 for ''Assistance and Sustainment to the Military and National Security Forces of Ukraine'' may be used to procure or transfer man-portable air defense systems.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. We are prepared to accept your amendment.

Mr. YOHO. I thank the chairman.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSAR

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. 10003. None of the funds made available by this Act may be expended by the Department of the Navy to divest or transfer, or prepare to divest or transfer, any search and rescue units from the Marine Corps.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise to offer an amendment which would preserve a very important component of the Marine Corps: its search and rescue units.

According to the most recent Marine aviation plan, the Corps had these units slated for a divestiture by the end of the calendar year. I was glad to see that, after some public backlash on that plan, the Corps decided to temporarily postpone those divestiture plans. But just as easily as the Marines postpone their decision, they could also recommence.

I still believe such actions would be a bad decision, and I am not alone. That is why I am offering this bipartisan amendment with my colleagues, Representatives JONES, SINEMA, and BUTTERFIELD.

After many years, there were only two remaining search and rescue units left: one at Marine Corps Air Station Yuma, Arizona, and one at MCAS Cherry Point, North Carolina.

Marine Corps Air Station Yuma search and rescue unit performed 72 rescue missions to aid surrounding communities from 2010 to 2014. Last October, the Yuma unit facilitated the rescue of 28 Boy Scouts and four chaperones who were lost during a canoe trip.

MCAS Cherry Point's search and rescue unit, known as VMR–1, performs roughly 50 missions annually to help retrieve lost paddlers and hikers. Just this past March, VMR–1 rescued a man who was reported missing during a kayaking trip near Cedar Island, North Carolina. This was not only a nighttime mission, but there was a heavy fog as well, so much so that the first rescue helicopter, known affectionately as Pedro, had to abort its first landing at a hospital in Morehead and ultimately travel 75 miles to Greenville, where the man was finally admitted for treatment.

But none of us have yet heard a viable alternative to sustain the mission of these search and rescue units. Law enforcement and first responders do not have these capabilities, and, apparently, no contractor does either. This proposed divestiture would literally cost lives.

I ask: What would have happened to these Boy Scouts if these marines didn't come to help? I ask my colleagues to support this amendment which was meant to save lives.

I thank the chair and ranking member.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition.

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

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

The Marine Corps has an aviation plan calling for the orderly transfer of this capability to other entities. The East Coast mission will be assumed by the Coast Guard, while the West Coast mission will be competitively contracted out, as I understand it, in fiscal year 2017.

While we respect the gentleman's concerns, this amendment takes a rifle shot approach against the Department of Defense's force structure plan, and we believe that this is not good policy. Therefore, I urge opposition to the amendment and would appreciate the gentleman making the case for his position.

I yield to the gentleman from Indiana (Mr. VISCLOSKY), my ranking member.

Mr. VISCLOSKY. Mr. Chair, I join with the chairman in expressing my opposition.

Again, I appreciate the gentleman's concern, but we have had a series of amendments like this brought to the debate limiting transfers, limiting consideration of any movement or decisions or changes at the Department of Defense. At some point, we are going to have to allow the Department of Defense to run itself as well and not to second-guess that maybe sometime they actually will make improvements because of a decision they make, and for that reason, I do support my chairman in his opposition.

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

□ 0000

Mr. GOSAR. Mr. Chairman, the idea that the East Coast may be absorbed may be one thing; but accordingly, from what I have heard down in Yuma, there is no viable option or contractor that has been and will be found for Yuma.

I yield back the balance of my time.

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

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

Mr. GOSAR. 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 Arizona will be postponed.

AMENDMENT OFFERED BY MR. JOHNSON OF GEORGIA

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 transfer a flash-bang grenade under section 2576a of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, on May 28, 2014, narcotics agents, assisted by members of the Habersham County, Georgia, Special Response Team, executed a no-knock search warrant on a home on a quiet street. Officers terrified the sleeping family but did not find any drugs when they entered the home.

During the raid, a 2-year-old child, baby Bou Bou, was badly burned when the officers tossed a flash-bang grenade into his playpen which was located in a darkened room. The officers justified their actions by saying that their intelligence indicated that there would be no children present.

Mr. Chairman, as an editorial in The Washington Post noted: ''A flash-bang grenade is an explosive device that emits a deafening boom and a blinding flash of light. It is designed to temporarily stun the occupants of a building so that the armed men who deployed it can clear the building. It is an instrument of war.''

My amendment is simple. It would prohibit the transfer of flash-bang grenades from the Department of Defense to local law enforcement. The Department of Defense's 1033 program has helped to sometimes distort the relationship between the police and the communities they serve by allocating over $5 billion in surplus military equipment to local police, including flash-bang grenades. Nothing in current law prevents the military from giving police, including school and university police departments, flash-bang grenades. Allowing this loophole to exist puts our communities at risk of increasing militarization.

Mr. Chairman, while we have real tensions across the country, our police and their communities are not at war. Funneling free military equipment to the police, however, helps to further deepen the divide in our communities. The same Washington Post article I mentioned earlier cited over a dozen incidents in recent years where police injured themselves or others while using flash-bang grenades.

This amendment is not about regulating what types of equipment law enforcement agencies should or should not have. Instead, it is about whether this Congress should purchase flash-bang grenades for fighting wars abroad and then allow these flash-bang grenades to be transferred by the Department of Defense back to local law enforcement agencies for use here at home.

Local governments, in consultation with law enforcement agencies that they oversee, should decide what types of equipment the law enforcement agencies can acquire. Law enforcement agencies should not unilaterally make that decision independent of civilian authority. The local government can purchase whatever equipment they deem necessary for use by the agencies under their control through the local budgeting process, and they can also seek financial assistance through Federal grants.

This amendment doesn't touch grant money or State or local governments' freedom to purchase the equipment they need. The local budget process and Federal grant programs involve making choices based on need and funding. The 1033 program is an unregulated pipeline of free equipment directly from the Pentagon to the law enforcement agency. When the equipment is free and is plentiful and civilian authority is not involved, the calculus is very simple: why not accept free gifts of military equipment. However, if acquiring this equipment militarizes our police departments beyond comprehension, what kind of community policing are we actually performing? Or are we just simply occupying?

This amendment, Mr. Chairman, is very common sense. We should consider whether or not we want our country to move in this direction of militarization, and we certainly need our civilian authorities to be involved in that process. So the consequences are too dangerous to keep proliferating this weaponry on our streets, and I would ask that my colleagues support this amendment.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. JOHNSON of Georgia. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. I appreciate the gentleman's amendment and rise in support of it. There is no question that every law enforcement officer in our country is in possession of a very dangerous job.

The Acting CHAIR (Mr. BOST). The time of the gentleman from Georgia has expired.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition.

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

Mr. FRELINGHUYSEN. I yield 1 minute to the gentleman from Indiana (Mr. VISCLOSKY) to finish his remarks.

Mr. VISCLOSKY. I appreciate the chairman yielding, and I do recognize the very tough and dangerous job that

local enforcement officers have, every last one of them, and what an important job they do. I certainly have been active over my career in Congress working with the Department of Defense to transfer necessary equipment to law enforcement agencies.

But I would agree with the assertion of the gentleman that we do have to make a distinction with some of these types of materials between civil law enforcement and military action.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentleman's amendment. The Department of Defense excess property program does provide valuable surplus equipment to State and local law enforcement agencies for its use in counternarcotics and counterterrorism operations and to enhance officer safety.

It has, on occasion, provided aircraft, including helicopters and small planes, four-wheel-drive vehicles, pickup trucks, ambulances, and mobile command vehicles. It has provided vests and helmets to protect officers, all sorts of important protection equipment, including binoculars, radios, clothing, and information technology.

In a time of declining budgets, at the Federal level but also at the State and local level, this program is a good example of a Federal-local partnership that ensures that we get the most out of each tax dollar spent.

This amendment would restrict the Department's ability to put equipment they no longer need to use protecting our citizens within our local communities. We think it is a good program. It obviously ought to be monitored, and things ought to be only put in proper hands.

□ 0010

On occasion, horrible incidents do occur, but all in all, this program has been a valuable thing to many communities across America.

I do rise in opposition to the amendment and urge a ''no'' vote.

I yield back the balance of my time.

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

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

Mr. JOHNSON of Georgia. 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 Georgia will be postponed.

AMENDMENT OFFERED BY MR. GOSAR

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to procure any Army Aircrew Combat Uniforms.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today to offer a cost-saving amendment to the Department of Defense Appropriations Act for fiscal year 2016.

Last year, it was brought to my attention by numerous sources in my district that in 2009, the Department of Army fully phased out the CWU–27/P Army aviation flight uniform and moved to the Army aircrew combat uniform, also known as the A2CU.

Those constituents of mine—many of whom are Active Duty, retired, or are friends and family of military personnel—have expressed a desire for the Army to go back to the CWU–27/P model uniform. There are multiple reasons to switch back to the CWU model uniform. The most important reasons to switch back to the CWU model are safety and efficiency.

To sweeten the deal when making the pitch to me, my constituents explained that moving back to the CWU model would also save the Department millions of dollars a year in procurement costs. All these factors led me to offer this same commonsense amendment last Congress, and it passed this body by a voice vote.

The CWU model has a proven track record of safety and practicality. The CWU model is still authorized for Army special operation aviators, all of the aviators in the other service branches of the U.S. military, and most air forces and navies around the world.

Yes, these points are a testament to the safety and efficiency of the CWU model, and the safety aspects are of paramount importance to our Army aviators because the chances of a fire in an aviation crash are very high.

The CWU model flight suits have an antistatic fiber woven into them to prevent sparks which, for obvious reasons, are not that desirable when operating an aircraft with thousands of pounds of highly volatile jet fuel on board. The one-piece design of the CWU model is also extremely important as it does not, in the event of fire, leave any opportunities for exposed skin.

Speaking to the cost savings, the A2CU model costs an average of 56 percent more than the CWU model, and the A2CU was proven to wear out faster than the CWU. Further, every time the Army decides to change the camouflage pattern of the duty uniform, they have to spend millions more purchasing the new flight uniform.

The nonpartisan Congressional Budget Office stated that this amendment does not score as it is written, but, being that the intent is to move back to the CWU model, the effects of the policy should actually net some cost savings. Conservative estimates show that the Army could save around $5 million a year in procurement costs if it were to move back to the CWU model.

Further, it should not cost anything to reintroduce the CWU model back into the supply system, as the rest of the service branches still use them. In other words, there is no need to reboot the supply chain.

The cost savings are tantalizing for someone like me, who was sent to this town to rein in spending, but more importantly, I listen to these Army aviators and flight operators. They tell me it is safer. Being that they are the ones doing the training and flying, I am going to have to take them at their word.

Given the safety and practicality applications and given that the United States is not exactly running a budget surplus right now, saving a few millions here and a few millions there in the name of safety and practicality is something we should all strive to achieve.

I urge my colleagues to once again support this commonsense amendment which cuts costs and improves safety.

With that, I reserve the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I claim the time in opposition.

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

Mr. FRELINGHUYSEN. Mr. Chairman, let me commend the gentleman from Arizona on his interest in the safety of our Army aviation personnel.

This amendment would prohibit the Army from spending additional funds to purchase the Army aircrew combat uniform. As an alternative, the Army could resume using a previous flight suit, the CWU–27/P that has not been authorized since 2009, except for special operators.

I understand this amendment is based on discussions with flight crews during visits with airfields and tactical training sites. The old model is a one-piece design. It is said to cost less and be more durable than the current model Army aircrew combat uniform.

The committee is interested in providing our soldiers with the best equipment possible; however, conclusions based on what appear—and I want to say this respectfully—on somewhat anecdotal information and brief discussions rarely lead to wise spending decisions.

I reluctantly urge a ''no'' vote on this amendment, and I am pleased to yield to Mr. VISCLOSKY.

Mr. VISCLOSKY. Mr. Chairman, I would want to associate myself with the chairman's remarks and again reiterate my previous comments that at some point, we ought to trust some judgments being made down at the Department of Defense and not just say no to everything. We ought to be making some decisions.

I appreciate the chairman's explanation of the situation and join him in opposition to the amendment.

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

Mr. GOSAR. Mr. Chairman, I would like to remind the two individuals that

the one-piece has been preferred by the aviators for the safety aspects because of the woven cloth. I think sometimes we have to have the administration start looking to the people that are actually in harm's way in this regard.

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

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

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

Mr. GOSAR. 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 Arizona will be postponed.

AMENDMENT OFFERED BY MR. CONYERS

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used to provide arms, training, or other assistance to the Azov Battalion.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Michigan and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I begin by thanking Mr. FRELINGHUYSEN and Mr. VISCLOSKY in conducting the amendments around these important considerations.

This amendment that I propose this evening limits arms, training, and other assistance to the neo-Nazi Ukrainian militia, the Azov Battalion.

Foreign Policy magazine has characterized the 1,000-man Azov Battalion as ''openly neo-Nazi'' and ''fascist.'' Numerous other news organizations, including The New York Times, The Guardian, and the Associated Press have corroborated the dominance of White supremacist and anti-Semitic views within the group; yet Ukraine's Interior Minister recently announced the Azov Battalion will be among the units to receive training and arms from Western allies, including the United States.

Azov's founder, Andriy Biletsky, organized the neo-Nazi group the Social-National Assembly in 2008. Azov men use neo-Nazi symbolism on their banner.

□ 0020

These groups run counter to American values, and once the fighting ends, they pose a significant threat to the Ukrainian Government and to the Ukrainian people. As we have seen many times, most notably within the Mujahedeen in Afghanistan, these groups will not lay down their arms once the conflict is over. They will turn their arms against their own people in order to enforce their hateful views.

I urge the support of my amendment and to make it U.S. law that we will not equip this dangerous neo-Nazi militia.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I think I speak for the committee in suggesting that we accept the gentleman's amendment and appreciate the fact that he wants to exercise care, as we do on the committee, to make sure whoever is trained is someone who is, if you would, a person of good intent, as opposed to someone who is not. I appreciate the gentleman's concern and for his offering the amendment.

Mr. CONYERS. I thank the gentleman from Indiana.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. Mr. Chairman, we accept the amendment.

Mr. CONYERS. I thank the gentleman from New Jersey.

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 amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHNSON OF GEORGIA

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 transfer a mine-resistant ambush protected vehicle under section 2576a of title 10, United States Code.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Georgia and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, sheriff's departments and local police departments are local peace officers. They enforce the law and maintain peace and order. Ideally, they are members of the communities in which they serve.

The Department of Defense's 1033 program has helped to sometimes distort the relationship between police and their communities by providing over $5 billion in surplus military equipment to local police, including armored vehicles and military grade weapons. Police who patrol the streets and neighborhoods in armored MRAPs, while armed to the hilt, can easily lose sight of their role, which is to protect and serve, and, instead, take on the mindset of a paramilitary occupation force. The routine showing of military authority on our streets creates mistrust that only further deepens the divide between law enforcement and the people they are sworn to protect and serve.

My amendment is simple. It would prohibit the transfer of mine resistant ambush protected vehicles, or MRAPs—for free—straight from the Department of Defense to local law enforcement agencies.

This amendment is not about regulating what types of equipment law enforcement agencies and police should not have. Instead, it is about whether this Congress should purchase MRAPs for fighting wars abroad and then allow the Department of Defense to give that equipment away to civilian law enforcement here at home, for free, to use on the streets of America.

Local governments, in consultation with the law enforcement agencies they oversee, should decide what types of equipment their law enforcement agencies can acquire. Law enforcement agencies should not unilaterally make that decision independent of civilian authority. The local governments can purchase whatever equipment they deem necessary for use by the agencies under their control through their local budgeting process, and they can seek financial assistance to purchase necessary equipment from Federal grant programs.

This amendment doesn't touch grant money or the State's or local government's freedom to purchase the equipment it needs. The local budget process and application for Federal grant programs involve making choices based on need and funding, while the 1033 program is an unregulated pipeline of free equipment directly from the Pentagon to the law enforcement agency.

When the equipment is free and in plentiful supply and civilian authority is not involved, the calculus is very simple: Why not accept free equipment? Why not obtain equipment based on desire rather than need? However, if acquiring the equipment required the use of local funds or involved applying for grant money, the decision would be more deliberative and inclusive of civilian authority. Other factors would be considered, including whether there is a need for such equipment, how the equipment would be used, and whether the community consents to being policed with such equipment.

This amendment simply shuts off the pipeline of military equipment from the battlefield to our main streets. This amendment forces us to consider whether MRAPs, designed and purchased for battle in the Iraqi desert, are suitable for our local police. It forces us to consider whether an ordinary American citizen would truly feel

comfortable in approaching an officer for help if the officer were behind the wheel of a 15-ton armored vehicle that had just been returned from combat in Afghanistan.

This amendment would end the transfer of these armored vehicles to school systems and to universities across the country. Are our children so unruly that order can only be maintained with the use of an MRAP?

Unless this amendment passes, a vote for the underlying bill will ultimately fund the purchase of MRAPs, which will, one day, be transferred back home for use against our constituents. The consequences are too dangerous to continue this indiscriminate flow of weaponry to the streets of this Nation. I urge support for this amendment.

I yield back 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. Rather than repeat myself, I think the Department of Defense excess property program does provide some very valuable equipment to local law enforcement. Of course, it is invaluable if it is used properly and with care. As a consequence, I 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 Georgia (Mr. JOHNSON).

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

Mr. JOHNSON of Georgia. 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 Georgia will be postponed.

AMENDMENT OFFERED BY MR. COLE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 a furlough (as defined in section 7511(a)(5) of title 5, United States Code) that—

(1) includes in the notice of the furlough made pursuant to section 752.404(b) of title 5, Code of Federal Regulations, ''sequestration'' as the reason for the furlough; and

(2) is of a civilian employee of the Department of Defense who is paid from amounts in a Working Capital Fund Account pursuant to section 2208 of title 10, United States Code.

Mr. COLE (during the reading). Mr. Chair, I ask unanimous consent to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Oklahoma and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oklahoma.

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

I am offering a bipartisan amendment which prohibits the furlough of civilian employees while funds remain in the defense working capital fund. The services provided by working capital fund employees are already fully funded apart from the appropriations process. In fact, imposing furloughs actually costs the taxpayers more through delayed production, overhead increases, and the need for overtime or the transfer of workload to more expensive sources of work. The amendment will prevent that from happening again as it did in 2013.

□ 0030

If working capital fund employees are furloughed, as they were in the last government shutdown, there will be no direct savings. Indeed, it will actually cost the taxpayers more money.

The furloughs delay production, increase the overhead, and in some cases transfer workload to more expensive sources of work. Indeed, senior military officials have expressed publicly that working capital fund employees, such as depot and shipyard workers, should be considered for exemption from furloughs because the furloughs actually hurt readiness and increase costs associated with production delays.

It is important to note that under this provision, DOD still has the authority to furlough working capital fund employees for disciplinary purposes. Further, working capital fund employees could be furloughed if funded workload dried up due to budget cuts or downsizing. Therefore, ending the threat of furloughs for these employees will save money, improve military readiness, and prevent needless delays and cost overruns from work that has already been funded.

I urge the support of the amendment.

I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, the gentleman from Oklahoma (Mr. COLE), my good friend and a member of our subcommittee, puts me in a very difficult position.

I complained in my opening remarks that some of our colleagues in the Congress, as I said earlier in the day, delight every time a civilian employee is furloughed. So I certainly appreciate the gist of the gentleman's amendment. We have a much larger problem that we and the administration need to address, and I know he feels the same way.

My concern with the particular amendment is we have other departments as well, whether it be the Department of Labor, Internal Revenue Service, EPA, Housing and Urban Development, and the list goes on, and ought not to select one agency over the other. I don't think it is the proper way to go.

We ought to collectively understand that the government actually does many good things to help the people of this country. We ought to value the work of each of our Federal employees, and we ought to block the furlough of any of them in any agency, not a particular one.

So I certainly do not disagree with the intent of the gentleman. I realize we are talking about the Department of Defense, but do believe that we ought to be looking at the broader question.

I yield back the balance of my time.

Mr. COLE. Mr. Chairman, I just want to quickly respond to my friend. I share many of his sentiments. I certainly don't like to see anybody furloughed. I was not in favor of previous government shutdowns. I thought they were quite counterproductive.

This is, however, a unique case. The funds are already in existence. There is no savings. We are literally taking people out of work when we have funds set aside outside the appropriations process for them to continue their work. So in this case they really deserve to be excepted if we happen to make a mistake and stumble into a process like this again.

Again, I don't disagree with my friend's sentiments about the larger workforce. I have never found these things to be particularly productive. Indeed, as I recall, in every case we have always gone back and made everybody whole, so really the ultimate loser has usually been the taxpayer because we paid for work, created uncertainty that our Federal employees didn't deserve, but ultimately compensated them.

In this case, the funds are available. We should just keep people at work. They are doing an important job for the national security. So again, I would urge the passage of the amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAYSON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 enter into a contract with any offeror or any of its principals if the offeror certifies, pursuant to the Federal Acquisition Regulation, that the offeror or any of its principal—

(1) within a three-year period preceding this offer has been convicted of or had a civil judgment rendered against it for commission

of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) contract or subcontract; violation of Federal or State antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, violating Federal criminal tax laws, or receiving stolen property; or

(2) are presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in paragraph (1); or

(3) within a three-year period preceding this offer, has been notified of any delinquent Federal taxes in an amount that exceeds $3,000 for which the liability remains unsatisfied.

Mr. GRAYSON (during the reading). Mr. Chair, I ask unanimous consent to waive the reading, please.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chair, the chairman of the committee has shown a great deal of courtesy and kindness and consideration, so I am going to try to keep this as short as possible.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. We are prepared to accept your amendment because it is so incredibly reasonable.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GOSAR

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC.____. None of the funds made available by this Act may be used for Government Travel Charge Card expenses by military or civilian personnel of the Department of Defense for gaming, or for entertainment that includes topless or nude entertainers or participants, as prohibited by Department of Defense FMR, Volume 9, Chapter 3 and Department of Defense Instruction 1015.10 (enclosure 3, 14a and 14b).

Mr. GOSAR (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Arizona and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise to offer one final amendment to the DOD Appropriations Act for the fiscal year 2016.

Let me express again my sincerest thanks to Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for their dedication.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. Mr. Chairman, we will be pleased to accept the gentleman's amendment.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GRAYSON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

Sec.____. None of the funds made available by this Act may be used to consult, as the term is used in reference to the Department of Defense and the National Security Agency, in contravention of the assurance provided in section 20(c)(1)(A) of the National Institute of Standards and Technology Act (15 U.S.C. 278g3(c)(1)(A).

Mr. GRAYSON (during the reading). Mr. Chair, I ask unanimous consent that we waive the reading, please.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Florida and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. GRAYSON. Mr. Chairman, this amendment is identical to an amendment offered last year that passed the House by voice vote. The amendment seeks to prohibit the intelligence community from subverting or interfering with the integrity of any cryptographic standard that is proposed, developed, or adopted by NIST. I urge continued support for this amendment by both sides of the aisle.

I reserve the balance of my time.

Mr. FRELINGHUYSEN. I claim time 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 rise in opposition to the gentleman's amendment. Frankly, we don't know its full impact. It could have some unintended consequences. This amendment could hamper legitimate communications between the intelligence community and NIST regarding security standards. This amendment is very broadly drafted. It could prevent NIST from consulting with other intelligence community agencies about that agency's internal computer system.

I know it was reported that the 2006 NIST cryptographic standard had a NASA back door. I want to make it clear that NIST says they did not deliberately weaken cryptographic standards at the behest of other government agencies. They assure us they will not do so in the future. I urge my colleagues to vote ''no'' on this amendment, given that assurance.

Mr. VISCLOSKY. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Indiana.

Mr. VISCLOSKY. Mr. Chairman, I appreciate the gentleman yielding and would associate myself again with his remarks and objection to the bill. We go to great pains on the subcommittee to protect the privacy of the American people, and I would agree with the assertions the chairman has made. I appreciate him yielding to me.

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

Mr. GRAYSON. Mr. Chairman, let me see if I can try to allay some of the concerns that have been expressed.

My amendment seeks to address a serious problem. A year-and-a-half ago it was revealed that the National Security Agency deliberately subverted American cryptographic standards. Cryptographic standards for the national security community and the commercial software industry are developed by the National Institute of Standards and Technology, known as NIST. These standards are intended to protect Americans from foreign intelligence agencies, from cyber criminals, from industrial espionage, and from privacy violations by those who wish us harm.

□ 0040

They are embedded in software products which are used and sold widely—in fact, almost universally—in this country and elsewhere.

Unfortunately, media reports have confirmed that the National Security Agency successfully and deliberately weakened encryption standards promulgated by NIST to further NSA surveillance goals at the cost of privacy of ordinary U.S. citizens. This is extremely dangerous. It leaves users of those standards vulnerable to anybody who is familiar with those weaknesses, friend or foe.

As World Wide Web inventor Tim Berners-Lee put it:

It is naive to imagine that, if you deliberately introduce a weakness into a system, you will be the only one to use it.

My amendment would seek to address this issue and resolve it once and for all by prohibiting the intelligence community from subverting or interfering with the integrity of any cryptographic standard that is proposed, developed, or adopted by NIST.

To be clear about it, the intelligence community can continue to provide advice. What the intelligence community

cannot do is deliberately set out to weaken cryptographic standards because whatever it does in that regard will certainly be understood and exploited by our enemies, as we saw just last week when we witnessed the decryption of information regarding classified information and U.S. employees.

It is only common sense that we should not want taxpayers' dollars that are appropriated to one agency to be used to deliberately and actively subvert the work of another agency.

Therefore, I respectfully request support for this amendment on both sides of the aisle, and I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. MCCLINTOCK

Mr. MCCLINTOCK. Mr. Chairman, I have an amendment at the desk replacing amendment No. 3 printed in the CONGRESSIONAL RECORD.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read 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 any of the following:

(1) Sections 2(b), 2(d), 2(g), 3(c), 3(e), 3(f), or 3(g) of Executive Order 13423.

(2) Sections 2(a), 2(b), 2(c), 2(f)(iii-iv), 2(h), 7, 9, 12, 13, or 16 of Executive Order 13514.

(3) Sections (3)(b), 3(c), 3(d), 3(e), 3(g), 7, 8, 9, 11, 12, 13, 14, or 15 of Executive Order 13963.

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

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

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

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

Mr. MCCLINTOCK (during the reading). Mr. Chairman, I ask unanimous consent to dispense with the reading.

The Acting CHAIR. Is there objection to the request of the gentleman from California?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from California 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 allocated to fund three executive orders and several other provisions of law that require our military to squander billions of dollars in so-called green energy. The House adopted this amendment by a voice vote last year.

I would again remind the House that, just a few weeks ago, the so-called defense hawks warned that our defense budget has been strangled by sequestration, that every dollar wasted long ago had been wrung out of the Pentagon budget, and that our national security was directly imperiled as a result.

That argument carried the day, even though it will add billions of dollars to the national debt; yet, although we were told we didn't have enough money to adequately pay and supply troops in the field, it seems that we do have plenty of defense money to indulge the ''green energy'' mandates that are imposed on our Armed Forces.

What truly troubles me is that this was all aired during debate on the DOD Appropriations bill last year. The limiting amendments were adopted by voice vote; yet we see the same waste being allowed in this year's bill.

Let me refresh memories about the green energy mandates. 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 cost just $2.50 per gallon.

These mandates forced the Air Force to pay $59 per gallon for 11,000 gallons of biofuel in 2012. That is 10 times more than regular jet fuel costs.

It is not just biofuels. Last year, 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 at various facilities. At Naval Station Norfolk, for example, the Navy spent $21 million to install a 10-acre solar array which will supply a grand total of 2 percent of the base electricity.

According to the inspector general's office, this project will save enough money to pay for itself in just 447 years. It is too bad solar panels only last about 25 years.

We don't know exactly how much 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.''

Outside estimates are as much as $7 billion for the Department of Defense last year, a figure that is expected to grow in the future.

We are told this program is necessary for flexibility. Really? Shouldn't ''flexibility'' free us to get cheaper and more plentiful fuels, not 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. That, I fear, is the real reason for this wasteful spending, to sacrifice our military budget on the altar of climate change.

This is part of an ideological crusade imposed on our military that will pointlessly consume billions of defense dollars mainly to keep money flowing to politically well-connected ''green energy'' companies that can't get anyone else to buy their products.

There is a reason that Admiral Mullen warned us that, in his professional military judgment, the greatest threat to our national security is our national debt. We just increased that debt because of assurances that we had stretched the defense budget to the breaking point.

As long as this program continues to consume billions of our defense dollars, that claim cannot be taken seriously.

I reserve the balance of my time.

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

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

Mr. VISCLOSKY. I would start my remarks by saying the gentleman from California has me at a disadvantage because we just received a copy of the final amendment that was offered in the House. Lines 7 and 8 are new to the amendment and refer to Executive Order No. 13963, which is in addition to other items that I am opposed to.

I am told that those sections in that executive order refer to planning for sustainability, but I cannot confirm that to the Members of the House.

I do rise in strong opposition to the gentleman's amendment. He talks about exotic items—exotic items. The Department of Defense would be blocked from purchasing recycled paper. Let's not buy recycled paper at the Department of Defense. Now, there is a great idea.

The Department would be blocked from generating renewable energy that might include using tents with photovoltaic materials that generate solar power onsite for our troops in God-forsaken places on this planet with no other access to energy sources.

The Department would be blocked from considering sites for new Federal facilities that are pedestrian friendly and accessible to, God forbid, public transit. Perhaps we should move the Pentagon because it is near a Metro stop.

The Department would be blocked from cooperating with the Department of Energy's efforts to maximize the use of alternative fuels for our Federal fleet.

The Department of Defense is the largest purchaser of energy in the United States of America. As a former member of the Congress, I have a profound respect for Senator Dick Lugar from Indiana, as he characterized energy. It is not an energy problem so much as it is a national security issue, given where and how much energy we import.

The Department would also be blocked from advancing sustainable acquisition by trying to procure either less toxic or more water-efficient alternatives. My sense is that, in some portions of the State of California and

other areas, they are desperate for a couple of extra drops of water, but that might just be too exotic.

□ 0050

These are programs and initiatives that make sense, both for the environment and for fiscal responsibility. Moreover, the Department has been a leader in spurring new technologies, and I thought that is what drives the economy in America.

This amendment is terribly ill-advised, and I would strongly urge all of my colleagues to oppose it.

I yield back the balance of my time.

Mr. MCCLINTOCK. Mr. Chairman, the gentleman is absolutely right. The military is the largest purchaser of energy in our economy. That is exactly the point.

They should not be forced to purchase energy at vastly inflated prices to soothe the ideological itch of the environmental left.

No one in his right mind would pull into a gas station to pay $26.60 per gallon for fuel when the gas station next door is selling it for $2.50. That is exactly what these executive orders are requiring our military to do. It is squandering billions of our dollars and making a mockery of any claim that we are stretching our defense dollars to the utmost.

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 amendment was agreed to.

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. GUINTA) having assumed the chair, Mr. BOST, 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. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 1314, ENSURING TAX EXEMPT ORGANIZATIONS THE RIGHT TO APPEAL ACT, AND PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENTS TO H.R. 644, FIGHTING HUNGER INCENTIVE ACT OF 2015

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 114–146) on the resolution (H. Res. 305) providing for consideration of the Senate amendment to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations, and providing for consideration of the Senate amendments to the bill (H.R. 644) to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory, which was referred to the House Calendar and ordered to be printed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore. Pursuant to House Resolution 303 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. 2685.

Will the gentleman from Illinois (Mr. BOST) kindly resume the chair.

□ 0053

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. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, with Mr. BOST (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, an amendment offered by the gentleman from California (Mr. MCCLINTOCK) had been disposed of, and the bill had been read through page 162, line 25.

AMENDMENT OFFERED BY MR. ELLISON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. _____. None of the funds made available in this Act may be used to enter into a contract with any person whose disclosures of a proceeding with a disposition listed in section 2313(c)(1) of title 41, United States Code, in the Federal Awardee Performance and Integrity Information System include the term ''Fair Labor Standards Act'' and such disposition is listed as ''willful'' or ''repeated''.

Mr. ELLISON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from State?

There was no objection.

The Acting CHAIR. Pursuant to House Resolution 303, the gentleman from Minnesota and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, no hard-working American should ever have to worry that her employer will refuse to pay her when she works overtime or takes money out of her paycheck, especially if she works for a Federal contractor. This practice is known as wage theft.

Right now, Federal contractors who violate the Fair Labor Standards Act are allowed to apply for Federal contracts. This amendment will ensure that funds may not be used to enter into a contract with a government contractor that willfully, and this is important, Mr. Chairman, willfully or repeatedly violates the Fair Labor Standards Act.

Other iterations of this amendment have simply identified any violations of the Fair Labor Standards Act. This one identifies only those contracts wherein the violator has been found to have been willfully or repeatedly in violation.

Now, I hope that both Republicans and Democrats can agree that willful and repeated violations of the Fair Labor Standards Act are unacceptable; that we can find other contractors who do not violate the Fair Labor Standards Act willfully and repeatedly. And this amendment ensures that those in violation of the law do not get taxpayer support.

It also ensures that honest, good contractors who do not willfully and repeatedly violate the Fair Labor Standards Act can have contracts.

Why shouldn't the Federal Government work with contractors who have some modicum of respect for their employees and who do not willfully and repeatedly violate the Fair Labor Standards Act?

This amendment relies upon the violations reported to the Federal Awardee Performance and Integrity Information System.

Again, when a contractor applies for a Federal contract, there is documentation they have to fill out, including the Federal Awardee Performance and Integrity Information System, and that system looks back to look at the prior 5 years worth of criminal, civil, or administrative agency actions which have a final disposition.

None of these things are pending. None of these things are under appeal. They have been decided.

And this amendment says that wherein violations of the Fair Labor Standards Act have been decided and determined conclusively, and only in the category of those that have been willful and/or repeated, then those particular contractors are contractors whom the U.S. Government shouldn't be doing business with, at least for 5 years, until they clean their act up.

Now, I hope that no one in this body would want to stand on the side of the willful and repeated violators of the Fair Labor Standards Act. It is impossible to me that any Member would want to do that, particularly when we are trying to promote and do business with honest, decent contractors, or at least average and mediocre contractors.

This one has gone to the, again, willful and repeated violators. Very difficult to stand next to them, and I hope