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No. 73

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DOLD).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
May 13, 2015.

I hereby appoint the Honorable ROBERT J. DOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

### POLICE MEMORIAL WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, police officers are the barrier between good and evil. They do society's dirty work. They are the fence between the law and the lawless. These men and women in uniform are our Nation's peace officers. Every day, peace officers rush into chaos and toward crime that everyone else is running away from. And every day, these officers risk their lives for the rest of us.

When New York Police Officer Brian Moore set out for patrol on Saturday,

May 2, he did not know that would be his last day on patrol. Officer Moore and fellow Officer Erik Jansen were driving in Queens, New York, that evening when they saw someone who was obviously suspicious, so they did what they should do. They went up to that individual to check out what was going on.

Officer Moore drove up behind the suspicious individual and asked him this question: "Do you have something in your waist?" Allegedly, the callous criminal, Mr. Speaker, coldly replied: "Yeah, I've got something in my pocket," and he pulled out a gun and fired three shots into Officer Moore's patrol car, killing Officer Moore. The soulless criminal then fled in the darkness of the night.

Officer Moore was rushed to the hospital, where he spent 2 days before he died. He was 25 years of age when he was killed. He was young, bright, and committed to the badge that he wore over his heart.

In his short career, Officer Moore received two exceptional police service commendations. Police Commissioner Bill Bratton of the New York Police Department noted, "They don't give those medals out easily. He worked very hard for those." Officer Moore earned those two medals in less than 5 years. He was an exceptional police officer, even at a very young age.

Being a peace officer wasn't a job for Officer Moore; it was a cause. It was in his blood. He was the son, nephew, and cousin of New York police officers, and the job had deep roots in the Moore family. Officer Moore lived with his father, a retired police officer. He was meant for the uniform, and he was killed because of the uniform. It is an absolute tragedy that his young life was stolen from not only his family, but the police department and the community that he honorably served and protected.

Last Monday, as Officer Moore's body was transferred from a Queens hos-

pital, the ambulance drove by a thin blue line of peace officers who stood in silent salute, paying their respects to Officer Moore.

Peace officers, Mr. Speaker, are the first to respond to the call for help when someone is in trouble. That is who they call. The police are the first and last line of defense between criminals and citizens. And it is somewhat ironic, Mr. Speaker, that our society counts on police officers to protect their communities, to protect their property, and restore order, yet they are targeted and criticized when they try to do their job to protect the rest of us.

We thank the peace officers who, in spite of this, continue to protect and serve neighborhoods. As long as criminals are on our streets and in our neighborhoods refusing to follow society's law, peace officers are absolutely necessary.

As a country, we should mourn the loss of all those in law enforcement who devote their life's work to restoring order in our community. Since Officer Moore's murder on May 2, two other peace officers were murdered in Hattiesburg, Mississippi.

Mr. Speaker, this week is National Police Week. This Friday, right here on the west side of the Capitol, the families of 126 peace officers killed in the line of duty last year, as well as the families of those from previous years, will gather. They will be surrounded by thousands of peace officers from all over the country and by citizens showing their respect during National Police Week.

Of the 126 killed last year, which is a 24 percent increase from the previous year, 11 of those who were killed were from Texas. And here is the rollcall of the fallen:

Mark Uland Kelley of the Trinity University Police Department.

Detective Charles Dinwiddie of the Killeen Police Department.

This symbol represents the time of day during the House proceedings, e.g.,  1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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Sergeant Paul A. Buckles of the Potter County Sheriff's Office.

Chief of Police Lee Dixon of the Little River-Academy Police Department.

Chief of Police Michael Pimentel of the Elmendorf Police Department.

Border Patrol Agent Tyler R. Robledo.

Senior Deputy Jessica Laura Hollis of the Travis County Sheriff's Office.

Sergeant Michael Lee Naylor of the Midland County Sheriff's Office.

Deputy Sheriff Jesse Valdez, III, of the Harris County Sheriff's Office.

Constable Robert Parker White of the El Paso County Constable's Office.

Sergeant Alejandro "Alex" Martinez of the Willacy County Sheriff's Office.

Mr. Speaker, all of these officers died because they were wearing the badge. As a former prosecutor and a former judge, I have known a lot of police officers. I have known some who have been killed in the line of duty. They, like Officer Moore, represent the best of America.

This week, other police officers throughout the country will be wearing the black cloth of sacrifice over their badge or their star, showing respect for those who have fallen in the line of duty in this country.

So we thank the families of the fallen. We thank the fallen for what they have done. We thank all of those who still protect and serve America. They are the best we have.

And that is just the way it is.

#### TRANSPORTATION FUNDING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, as the clock ticks down, May 31—18 calendar days and 6 legislative days away—is the expiration of the latest of now 24 short-term extensions that are testimony to Congress' inability to face up to America's transportation challenges.

As I predicted last summer, States around the country are now cutting back on their summer construction projects because Congress has not met its responsibility for the transportation partnership.

Why is it that five States have been able to raise the gas tax this year, 19 States have raised transportation revenues in the previous 2 years, and we in Congress are confused and in disarray? We have to think of elaborate mechanisms to enact short-term patches and not give America the certainty of a big, bold 6-year transportation reauthorization the country needs.

Maybe it is because we never listened to the strong voices with real experience about those needs. It is past time to have that broad perspective.

Maybe if we had 2 days of honest-to-goodness hearings like legislative bodies do in the States, like we used to do in Congress, it wouldn't be so hard.

What if we invited Richard Trumka, the president of the AFL-CIO, and Tom

Donohue, the president of the U.S. Chamber, who don't usually agree on much of anything, but do on this? Or, former Kansas Governor Bill Graves, who is not just president of the American Trucking Associations but was a Republican Governor who raised the gas tax not once, but twice.

What if we invited former Mayor Bloomberg, Governor Schwarzenegger, and former Governor Ed Rendell? What if we brought in the head of American Road & Transportation Builders Association, Dr. Pete Ruane? The electrical contractors are in town this week. They could tell us. I have got a great constituent, Ted Aadland, who used to be chair of AGC.

There are countless people, government leaders, and legislative leaders who have stepped up and met their responsibility, all expecting that Congress would do its part.

These experts, leaders, and politicians know what the problem is. They fashion solutions. And they are willing to give the politicians in Congress cover to do something that appears hard only in the abstract.

There is broad consensus for the same solution that was advocated by Ronald Reagan, who in 1982 raised the gas tax. Or, Dwight Eisenhower, who helped establish the gas tax for the modern transportation system. It is hard only because we don't do our job.

The leaders who say the gas tax is off the table never explained why it is off the table and, more important, have not allowed the experts and advocates from around the country to come and make the case.

Republicans took control 55 months ago, and we have not had a single hearing on transportation finance before the Ways and Means Committee. Not one hearing. Maybe if the Ways and Means Committee would do its job, not with a carefully scripted, selected couple of witnesses that reaffirm somebody's biases, but the people who actually head the organizations that do this work, that understand the need, that have helped States around the country meet their responsibilities, maybe we could act. I suspect after 2 full days of hearings, the American public and the rest of Congress would get the message.

It doesn't have to be this hard. Show some courage, show some vision, show some action. Maybe then we won't have a 25th short-term extension. What country became great building its infrastructure 9 months at a time? Maybe we could finally enact a 6-year robust reauthorization that would solve this problem for the current administration and the next and put hundreds of thousands of people to work at family wage jobs.

Let's end this hopeless charade that somehow it is too hard for Congress to do what happens in New Hampshire, South Dakota, Georgia, Wyoming, Utah, and Iowa. Let's get a grip, people, and do our job and listen to the experts.

No more evasion, gimmicks, and short-term extensions. Raise the gas tax, put those hundreds of thousands of people to work rebuilding and renewing America. Make our families safer, healthier, and more economically secure.

#### STANDING FOR LIFE—WE MUST NOT REMAIN SILENT

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. WALKER) for 5 minutes.

Mr. WALKER. Mr. Speaker, I rise today to speak on behalf of those who cannot speak for themselves.

As I consider the current state of our Nation's debate about abortion, I am a bit puzzled when I hear the word "health care" in discussing such a topic.

Unlike procedures for common ailments that would be typically associated with the term "health care," abortion has as its very object the taking of a human life. The term "abortion" forces the question: What—or, better said, who—is being terminated? Without a doubt, it is clear that abortion ends the life of these little human beings.

Many will want to discuss health care today, but I ask: Who is responsible for the health care of the baby? Who among us is assigned to protect this most precious life?

Each baby bears the unique imprint of our Creator, with goodness, truth, and beauty to offer the world. Yet these children will never be able to grow, play, dream, and reach their full God-given potential.

My wife, a nurse practitioner, and I faced a very unexpected pregnancy in our late thirties. After the shock wore off, we embraced the idea of a new little girl who would be part of our family. In fact, I have decided to bring a picture of her today.

I have a great screen shot of the ultrasound 3 months into the pregnancy. Interestingly enough, we never referred to her as fetus number three. We called her Anna Claire. Just like any of you, parent or grandparent, we all take great pride in displaying new life.

Please allow me to make this clear. I don't speak ill of or despise anyone who has made a fateful but very difficult decision. As a former minister, I have seen the anguish and the hurt both before and after what can be an excruciating process.

Yet today, we are faced with an historic decision that has nothing to do with trade or with budgets but, rather, has everything to do with life. In this moment, we have the opportunity to address something that many countries have already outlawed.

Though many of us would prefer legislation that would go even further, this bill would impose a simple restriction that follows naturally and universally shared rules of humanity and

compassion. To that end, H.R. 36 protects the unborn child from being aborted after 20 weeks of gestation.

Medical science tells us that the baby fights for survival in a second or third trimester abortion. He or she recoils in pain at the poison intended to stop their heart and the clamps used to dismember their tiny little body. We cannot deny this evidence. We must not look the other way.

While we show compassion to mothers who are facing difficult decisions, we must also protect the babies who are surely counted among the “least of these.” Who will be their voice? God forbid if we don’t speak out.

Martin Luther King, Jr., said:

“Our lives begin to end the day we become silent about things that matter.”

□ 1015

When this final page of human story is turned, what will we have done to embrace justice, to love mercy, and be a voice for those who have none?

The American people have grown weary of the rhetoric in D.C. Attention and being aware is good, but there comes a time when we have to move from the awareness stage to the action steps. Today is that time.

I urge my friends on both sides of this Chamber to break the silence, to stand up for life, and support H.R. 36, the Pain-Capable Unborn Child Protection Act.

#### BUDGET CUTS FOR THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MCGOVERN) for 5 minutes.

Mr. MCGOVERN. Mr. Speaker, a few weeks ago, MomsRising, a national grassroots organization of moms, delivered a petition signed by more than 25,000 moms from all across the country urging this Congress not to cut SNAP in the fiscal year 2016 budget.

Every Member of this House received the petition signed by moms in their districts. Today, that petition has grown to nearly 50,000 signatures, and it keeps on growing. This is just the latest petition from MomsRising urging Congress to prioritize children in the budget and protect SNAP from cuts and other structural changes.

I want to share one of the stories from a mom. Monique from Ohio writes:

I was raised to always work and so was my husband. We have tried to instill this in our daughter, even going so far as to work opposite shifts and have family babysit if there was an overlap. When my husband was laid off 2 years ago and then couldn’t find work, I tried my best to keep us floating on just my income, walking to work because I didn’t have the bus fare, often having \$20 or less after paying the bills to feed my family for a week.

I resisted getting on welfare, having been raised never to take a handout. My pastor

was the one who pointed out that I had already paid for that right through my taxes over several decades.

Since signing up for SNAP benefits, I can feed my family filling, nutritious meals again. Of course, my husband is still looking for work, and that will pick up the slack again if he gets work, and once he finds it, we will happily forego the benefits again. Until then, all I can say is thank God and the government for having a safety net in place.

Unfortunately, Monique’s story is not unique, but it shows that, without SNAP, her family would have been much worse off during these tough times.

One in five children in the United States experiences hunger. Without the Supplemental Nutrition Assistance Program, or SNAP, that number would sadly be much higher. Already, nearly half of all SNAP participants are children under the age of 18—nearly half, Mr. Speaker.

This is despite the fact that SNAP households with children have high work rates. Families with children who are working continue to earn so little that they still qualify for SNAP, and they will struggle to put food on the table.

Mr. Speaker, we know that hunger can lead to a myriad of negative outcomes for children. From health problems and compromised immune systems, to poor nutrition, to an inability to concentrate and succeed in school, childhood hunger means kids suffer.

Despite these sobering statistics, the Republican budget resolutions passed by the House and Senate made draconian cuts to SNAP and other critical programs to help poor children and their families.

The budget conference report only makes these cuts worse. It builds upon the \$125 billion cut to SNAP in the House budget. To achieve a cut of that magnitude by block granting the program and capping its allotment means that States would be forced to cut benefits or cut eligible individuals and families off the program. There are simply no good choices. In short, it would make hunger worse in America, much worse.

Mr. Speaker, SNAP is one of the only remaining basic protections for the very poor. For many of the poorest Americans, SNAP is the only form of income assistance they receive. SNAP provides food benefits to low-income Americans at a very basic level. SNAP benefits are already too low. They average less than \$1.40 per person, per meal. We should not be balancing the Federal budget on the backs of the poor and working families. We should not be making childhood hunger worse in America.

I commend MomsRising for their leadership and for taking action to protect SNAP and ensure that all children have access to healthy, nutritious foods.

Later today, MomsRising will start a Twitterstorm under the #missionpossible to highlight how

building a strong economy for women, families, and the Nation is mission possible with policies to protect SNAP, promote healthy nutrition, guarantee paid sick days, require equal pay for equal work, and make child care more affordable. These are economic security priorities that boost our families and our economy.

As the old adage goes, “Mother knows best.” We should listen to our moms, especially as we gather only a few days after Mother’s Day. We should be strengthening families’ economic security, and we should be working to end hunger now, not making it worse.

#### PROTECTING THE UNBORN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 5 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, for the sake of all those who founded this Nation and dreamed of what America could someday be and for the sake of all those since then who have died in darkness so America could walk in the light of freedom, it is so very important for those of us who are privileged to be Members of this Congress to pause from time to time and remind ourselves of why we are really all here.

Thomas Jefferson, whose words marked the beginning of this Nation said:

The care of human life and its happiness and not its destruction is the chief and only object of good government.

The phrase in the Fifth Amendment capsulizes our entire Constitution. It says:

No person shall be . . . deprived of life, liberty, or property without due process of law.

The 14th Amendment says:

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.

Mr. Speaker, protecting the lives of all Americans and their constitutional rights, especially those who cannot protect themselves, is why we are all here; yet today, Mr. Speaker, a great shadow looms over America because more than 18,000 very late-term abortions are occurring in America every year, placing the mothers at exponentially greater risk and subjecting their pain-capable unborn babies to torture and death without anesthesia or Federal protection of any kind in the land of the free and the home of the brave, and it is the greatest human rights atrocity in the United States today.

Almost every other civilized nation on this Earth, Mr. Speaker, protects pain-capable unborn babies at this age, and every credible poll of the American people shows that they are overwhelmingly in favor of protecting them; yet we have given these little babies less legal protection from unnecessary cruelty than the protection we have given farm animals under the Federal Humane Slaughter Act.

Mr. Speaker, it seems we are never quite so eloquent as when we decry the

crimes of past generations; yet we often become staggeringly blind when it comes to facing and rejecting the worst of atrocities in our own time. It is a heartbreaking thought.

I would submit to you, Mr. Speaker, that the winds of change are indeed now beginning to blow and that the tide of blindness and blood is finally turning in America because today—today—we are poised to pass the Pain-Capable Unborn Child Protection Act in this Chamber.

Mr. Speaker, no matter how it is shouted down or what distortions, deceptive what-ifs, distractions, diversions, gotchas, twisting of words, changing the subject, or blatant falsehoods the abortion industry hurls at this bill and its supporters, this bill is a deeply sincere effort, beginning at their sixth month of pregnancy, to protect both mothers and their little, pain-capable unborn babies from the atrocity of late-term abortion on demand. Ultimately, it is one all humane Americans can support if they truly understand it for themselves.

Mr. Speaker, this is a vote all of us will remember the rest of our lives, and it will be considered in the annals of history and, I believe, in the councils of eternity itself. It shouldn't be such a hard vote.

Protecting little, pain-capable unborn children and their mothers is not a Republican issue or a Democrat issue; it is a test of our basic humanity and who we are as a human family.

It is time to open our eyes and allow our consciences to catch up with our technology. It is time for the Members of the United States Congress to open our eyes and our souls, to remember that protecting those who cannot protect themselves is why we are all here.

It is time for all Americans, Mr. Speaker, to open our eyes and our hearts to the humanity of these little, pain-capable unborn children of God and the inhumanity of what is being done to them.

#### TRANS-PACIFIC PARTNERSHIP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, the President came to Oregon last week, and he has taken to insults and misstatements of fact in order to get his trade promotion authority bill done, the Trans-Pacific Partnership.

He said, "Number four, critics warn that parts of this deal would undermine American regulation, food safety, worker safety, even financial regulations. They are making this stuff up"—great applause from his audience. "This is not true. No trade agreement is going to force us to change our laws."

Well, the President has sort of a technical point there. He is a lawyer. They can't force us to change our laws. They can just make us pay to have them, and it has happened.

Mexican fishermen were paid by the U.S. Government to not kill dolphins because we had adopted a dolphin-safe label for tuna. We had to pay damages to Mexico because of their foregone profit because we wouldn't let them kill the dolphins.

Mexican trucks wanted to come into the U.S. Well, they don't meet our standards—kind of a problem, Mexican trucks rumbling around the U.S. with drivers that don't meet our standards, but they won a judgment under these same provisions.

Nope, he is right. They couldn't make us change the laws. They just imposed a whole range of punitive tariffs, politically targeted against people like me who had imposed the Mexican trucks, then-Speaker PELOSI, and others; and the U.S. relented.

Now, they didn't make us change our laws. We volunteered to do it after they imposed massive and unfair tariffs on Mexican goods.

But it works both ways. It has been great for America. There is a U.S. mining company that just won a judgment against Nova Scotia. They wanted to put a huge pit mine on the Bay of Fundy, destroy the fisheries' resource for their pit mine. They were denied. They won a judgment against the government of Nova Scotia and Canada.

Now, Nova Scotia and Canada don't have to change their laws. They can pay this country \$300 million of damages because they can't destroy the fishery with their pit mine.

Now, the President is a smart guy, went to Harvard, but I consulted a little bit higher and smarter authority. Last night, I was at a dinner with Joseph Stiglitz, Nobel Prize winning economist. He was on the Obama economic team when NAFTA was adopted.

He said we made a huge mistake. We did not understand that this ISDS was creating a regulatory taking in a special court available only to corporations. We didn't know that, and it opened the door on chapter 11 in NAFTA. He says Obama is opening the door all the way and putting full force behind those provisions in this legislation.

Bottom line, what he said? People will die. People will die because of this provision in the TPP. It is a huge win for the pharmaceutical industry. They get to wipe out the formularies in those countries, both developing and developed countries who are part of the TPP, which lowers drug prices. They will not be allowed under this agreement, and they can go to a secret tribunal to get damages if those countries won't revoke them.

It will wipe out access to generics in developing countries who are part of this agreement. That means AIDS drugs and other things that they can't afford, no longer generic—people will die.

□ 1030

Now, these are people overseas. Maybe we shouldn't care so much. I do.

But others might not; it is all about profits.

But ultimately, it is going to come home because a U.S.-based pharmaceutical company can open a subsidiary in any one of those countries, and it can go to a secret trade tribunal and it can challenge our reduced drug prices for veterans, which the pharmaceutical industry would really love to undo. That is billions of dollars of profits foregone every year because our veterans get the lowest price for drugs. Under this trade agreement, ultimately, that will be challenged, and in all probability, we will lose.

Now, the President is right: we won't have to repeal the law that gets the lowest-priced drugs for our veterans. We will just have to pay the pharmaceutical industry billions of dollars a year to continue to give our vets the drugs at a lower price so we can provide more care for more veterans.

This trade agreement, unfortunately, is what those of us who are critics say it is. It is built upon the faulty foundation of past trade agreements, including Korea.

The special trade representative to the President—also dissembling a little bit—comes to caucuses: "It is unbelievable. We have got 20,000 more cars into Korea last year. This thing is a success."

I said, "Oh, Mr. Ambassador, how many more Korean cars came in last year as a result of the agreement?"

"Oh, I don't have that number."

Well, of course he didn't have the number. Well, he knows the number. It is 461,000.

So we got 20,000 cars into Korea; they got 461,000 more into the U.S. That means a net loss of 441,000 cars. That is a heck of a lot of jobs lost in the auto industry.

This was a great day yesterday when the Senate slowed them down a little bit, and as the American people learn more, we will stop them.

The SPEAKER pro tempore. The Chair will remind Members to refrain from engaging in personalities toward the President of the United States.

#### NATIONAL POLICE WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. ZELDIN) for 5 minutes.

Mr. ZELDIN. Mr. Speaker, this week we celebrate National Police Week, when we recognize the service and sacrifice of the brave men and women who have lost their lives in the line of duty while serving to protect us.

National Police Week began in 1962, when President John F. Kennedy signed a proclamation designating May 15 as Peace Officers Memorial Day and the week in which that falls as Police Week.

The memorial service began in 1982 as a gathering in Senate Park of approximately 120 survivors and supporters of law enforcement. Decades later, National Police Week has grown

to a series of events which attracts thousands of survivors and law enforcement officers to our Nation's Capital each year. National Police Week draws in between 25,000 and 40,000 participants.

The National Peace Officers' Memorial Service, which is sponsored by the Grand Lodge of the Fraternal Order of Police, is one in a series of events which includes the candlelight vigil, which is sponsored by the National Law Enforcement Officers Memorial Fund, and seminars sponsored by Concerns of Police Survivors.

The attendees come from departments throughout the United States as well as from agencies throughout the world. This provides a unique opportunity to meet others who share a common brotherhood.

Our police force all around America plays an essential role in our communities, putting their lives on the line every day to protect us.

Just last week, in my home State of New York, a member of the NYPD, 25-year-old Brian Moore from Long Island, was killed in the line of duty. I would like to take this opportunity to speak for so many fellow Long Islanders who want his family to know that Brian remains in our thoughts and our prayers during this very difficult time.

Marc Mogil, a Floridian and former New Yorker, recently wrote to me very passionately, defending the law enforcement community, stating in part: "Police officers merit our unwavering appreciation and support as loyal Americans and our awareness of the traditional and touching parting words almost always used amongst them: 'stay safe.'"

It is my strongly held belief that no child should grow up fearing or lacking respect for law enforcement. And for those who consider themselves to be protesters, who resort to violence and stealing and burning down a church-run senior center, you lose any shot of moral high ground when you resort to those tactics. It is so unfortunate that today, in our society, we have this antipolice culture, with people acting with unjustified acts of violence against our police force.

Our police serve and protect us to keep our communities and citizens safe. This week, we honor them for their acts of selfless courage and leadership in our community.

#### INVESTING IN AMERICA'S INFRASTRUCTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. COSTA) for 5 minutes.

Mr. COSTA. Mr. Speaker, last night, America witnessed a tragic accident that occurred when the Amtrak train going from Washington, D.C., to New York derailed outside of Philadelphia. We mourn the loss of lives and those that were injured, and our thoughts and prayers go to the families who were involved in that tragic accident

last night. And while we do not know the cause of that accident, we do know that America desperately needs to invest in its infrastructure.

Yes, this week is National Infrastructure Week, and we have 6 legislative days left to fund America's national transportation system—6 days. For 2 years, we have been kicking this can down the road, and I suspect we will find some temporary means of funding before the end of this month. However, America needs a long-term means of investing in its infrastructure, a long-term means that will allow for 5 years of planning for investments in our roads, our bridges, in our transit systems, in our railway systems, and in our water infrastructure.

We are experiencing a terrible drought out in California, and it is long overdue that we invest in California and in America's water systems.

So as we acknowledge this week being National Infrastructure Week, it is important that we remember that it is long overdue that Congress come together in a bipartisan fashion to provide long-term funding that will allow long-term planning to provide the same kinds of investments that our parents and our grandparents made in this country years ago that we are living off of today.

#### THE HMONG VETERANS' SERVICE RECOGNITION ACT

Mr. COSTA. In addition, Mr. Speaker, I rise to honor the service of Hmong and Lao Americans who fought for the United States during the Vietnam war.

The Central Intelligence Agency in the 1960s covertly trained Hmong men and women in Laos, and the Hmong special guerilla unit was formed, otherwise known as the SGU. They directed them in the compact to support U.S. forces.

These indigenous forces conducted direct missions against communists, fighting side-by-side American soldiers and saving countless American lives. That is why President Ford, in 1975, signed an executive order granting these Hmong soldiers and their families the ability to gain access as permanent residents for their service to our country if they could make it to America, and many of them did.

More than 100,000 Hmong soldiers made the ultimate sacrifice. Today, approximately 6,000 of those veterans are still with us.

To honor and to recognize the service of these brave veterans, the gentleman from California, Congressman PAUL COOK, and I will be reintroducing a bipartisan piece of legislation, the Hmong Veterans' Service Recognition Act. This legislation would allow the burial of these Hmong veterans who live here today and their families in national cemeteries, like the San Joaquin Valley National Cemetery in Merced County.

This recognition is long overdue. We granted it to Filipino soldiers who fought side-by-side with American soldiers in World War II.

I hope my colleagues will support this legislation to ensure that those Hmong veterans and their families receive the proper recognition by providing them the burial rights that they have earned. Again, it is long overdue. There are less than 6,000 of them that are still alive today in America. I think it is appropriate that we finally honor them.

#### IN DEFENSE OF LIFE

The SPEAKER pro tempore. The Chair recognizes the gentleman from West Virginia (Mr. MOONEY) for 5 minutes.

Mr. MOONEY of West Virginia. Mr. Speaker, I rise today to speak about an issue that I care deeply about: protecting unborn babies.

Later today, this body will vote on H.R. 36, the Pain-Capable Unborn Child Protection Act. This legislation should not be controversial. It simply protects unborn babies that a preponderance of scientific evidence has proven can feel pain. We are talking about the sixth month of pregnancy.

This bill is an important step in protecting the unborn. I am a proud co-sponsor. I look forward to casting my vote in favor of the legislation later today.

Recently, a group of students at West Virginia University made news for courageously speaking out in defense of life at an abortion clinic near Morgantown. I know firsthand that it is not always politically correct to stand for your values, but we should never back down from protecting the unborn.

I applaud these brave WVU students for their actions. Their willingness to stand for life reminds me of my days at Dartmouth College, when I served as the president of the Dartmouth Coalition for Life. I remember standing in the cafeteria and handing out educational materials about protecting the unborn and the development of life. While I may not have won any popularity contest by standing up for my beliefs that life is precious and abortion is wrong, I sure got my fellow students thinking about the pro-life issue.

My pro-life commitment was cemented even further when I became a father. I have three children. And actually today, my youngest daughter turns 7 months old.

I am pleased to represent the State of West Virginia, where the pro-life movement is thriving, and the rights of the unborn are being restored. In fact, just this past February, our West Virginia State Legislature passed our own Pain-Capable Unborn Protection Act by wide bipartisan margins.

In the State Senate of West Virginia, the exact same bill banning abortion after 20 weeks passed the State Senate of West Virginia by a vote of 29-5, with 11 of 16 Democrat State senators in my State—that is 68 percent of the Democrats—voting for the bill. In the West Virginia State House of Delegates, the vote was 88-12; again, with two-thirds

of State house members that are Democrats voting for the bill. This is a bipartisan issue.

I am hopeful today that a strong bipartisan majority in this Chamber will follow the example of my home State of West Virginia and pass the Pain-Capable Unborn Child Protection Act so these protections are extended to unborn babies in every State in the United States.

I am honored to also be the lead cosponsor of the Life at Conception Act, which simply clarifies that human life begins at conception.

There is no question that we, in the pro-life community, have our work cut out for us. President Obama and most Democrats in Congress refuse to protect life at any stage.

One of the best examples of how out of touch the other side on this abortion issue came just a few weeks ago across the aisle in the Senate, where Democrats were willing to block a bill aimed at protecting victims of human trafficking simply because it included a provision that prohibited taxpayer funding of abortion. They are the extremists on this issue.

Look at President Obama, himself. In 2008, when he was running for President and he was in a debate against JOHN MCCAIN in the Saddleback Church forum moderated by Rick Warren, the moderator asked President Obama when life began, and the President's response was: "Whether you're looking at it from a theological perspective or a scientific perspective, answering that question with specificity, you know, is above my pay grade."

The President of the United States said it is above his pay grade to say when human life begins. That is a shame.

When I ran for Congress, I made the commitment to the people of the Second District of West Virginia that I would do everything in my power to defend the unborn. I continue to be guided by my faith, my values, my education, and my constituents on this issue. I look forward to working with my colleagues to defend the innocent and give a voice to the voiceless unborn babies.

□ 1045

#### THE DELAWARE RIVER BASIN CONSERVATION ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Delaware (Mr. CARNEY) for 5 minutes.

Mr. CARNEY. Mr. Speaker, I rise today to urge my colleagues to pass the bipartisan Delaware River Basin Conservation Act. Next to me is a beautiful photograph of the University of Delaware crew team rowing along the Christina River, a tributary within the Delaware River Basin. This site is just outside the city of Wilmington, Delaware's largest city, just south of the thriving riverfront development and the Amtrak station. It was taken

by one of my constituents, Mark Atkins. Along with Mark, more than 200 Delawareans over the past 3 weeks sent my offices photographs that demonstrate the importance of the Delaware River Basin to each of them.

We received lots of beautiful photographs all along the river and bay, from upstate New York along the Pennsylvania and New Jersey side down to the bottom of the basin in the Delaware on both sides of the Delaware River and Bay.

These photographs tell the story of the basin as a home to wildlife—thriving wildlife—in a very well populated area, as a spot for recreation like these rowers here in the photograph, and as a place to enjoy natural beauty. It is truly a beautiful part of our great country. This photo contest we have used to draw support, interest, and attention to our effort. I even did a little dance step which was caught on YouTube by my staff to promote this initiative.

The Delaware River Basin covers over 12,500 square miles from Delaware to upstate New York. It is home to more than 8 million people, and the basin provides drinking water to over 15 million people inside and outside the basin. This watershed is not only culturally and ecologically important, but it drives the economy of this important region in our country.

Mr. Speaker, the Delaware River Basin Conservation Act would encourage restoration and protection of the basin through competitive grants and public-private partnerships. We expect lots of partnerships among local governments up and down all those States and nongovernmental agencies like Ducks Unlimited, the Delaware Nature Society, and many others.

This legislation has cosponsors from both sides of the aisle and every State in the basin—eight Democrats and nine Republicans. When you consider the difficulties we have had in this Congress getting bipartisan support of any bill, that speaks to the importance of the basin and to this bill. I want to thank each of those cosponsors for their support. I look forward to working with them.

So today, Mr. Speaker, I am asking Congress to pass this legislation and protect and preserve the Delaware River Basin so Americans from New York State to the great State of Delaware can continue enjoying it for many generations to come.

#### ENCOURAGING FINANCIAL RE- SPONSIBILITY AT WEST IREDELL HIGH SCHOOL

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, each year, more than 600,000 students across all 50 States play the SIFMA Foundation's celebrated Stock Market Game, an online simulation of the global capital

markets. The program introduces students to economics, investing, and personal finance in order to prepare them for financially independent futures.

Last week, I had the privilege of visiting West Iredell High School in Statesville, North Carolina, where students in Ms. Brooke Campbell's personal finance class were wrapping up participation in the 12th annual Capitol Hill Challenge.

The Capitol Hill Challenge matches Members of Congress with students, teachers, and schools competing in the Stock Market Game. The 10 teams with the highest-ranked portfolios at the end of the competition win a trip to Washington, D.C.

Mr. Speaker, for 14 weeks, nine teams from West Iredell managed a hypothetical \$100,000 online portfolio and invested in real stocks, bonds, and mutual funds. Unfortunately, no one from the school finished in the top 10, but when the final results were tabulated at the end of the competition, five of the teams increased the value of their online portfolio. For high school students with little to no experience investing, that is a significant accomplishment.

Four of the teams at West Iredell finished with less money than when they started. However, they lost less than \$3,400 combined. As I said to the students, even great investors like Warren Buffett aren't bulletproof when it comes to the stock market. They may call him the Oracle of Omaha, but even Warren Buffett gets it wrong sometimes. These students made an admirable effort and learned important lessons about the volatility of investing.

During the visit, Mr. Speaker, I also participated in a simulation with students about the realities of money. Everyone was assigned a job and a salary with which to develop a budget and make purchases. This former educator was a teacher making \$60,000 a year, a scenario that definitely hit close to home.

As part of the simulation, students had to purchase a new door for their house. If they paid cash for the door, they discovered it would cost only \$300. However, if they bought the door on credit with the terms and conditions offered, they would pay nearly \$800 for the same door. Students learned important lessons about how interest is a double-edged sword. When you invest your money, it gains interest. When you buy on credit, you pay interest.

West Iredell High School and Ms. Campbell are doing these students a great service by teaching them the importance of financial literacy and ensuring they have a strong financial education. It is my belief the lessons they are learning in the classroom will lead to careful and thoughtful decision-making in the real world.

#### THE APPROACHING MEDICAID CLIFF IN PUERTO RICO

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, earlier this week, I sent a letter to President Obama regarding an approaching problem that is unique to Puerto Rico and the other U.S. territories and that can be called the Medicaid funding cliff. This morning, I rise to advise my colleagues about this cliff, which each territory will reach by 2019 and which Puerto Rico could reach by 2018 or even 2017.

My goal is to ensure that Federal officials have advance notice of the problem so we can begin working together now on a fair, thoughtful, and bipartisan plan to address this problem before it arrives. Timely action is critical. Inaction would be unacceptable from a moral and public policy perspective.

Let me outline the problem. The territories are treated unequally under Medicaid, which is funded in part by the Federal Government and in part by each State or territory government. In the States and D.C., Medicaid is an individual entitlement, meaning there is no limit on the amount of funding the Federal Government will provide so long as the State in question provides its share of matching funds. The Federal contribution, known as FMAP, can range from 50 percent in the case of the wealthiest States to 83 percent in the poorest States.

By contrast, Mr. Speaker, there is an annual ceiling on Federal funding for the Medicaid program in each territory. When I took office in 2009, Puerto Rico—home to 3.5 million American citizens—was subject to a ceiling of \$280 million a year and had the minimum statutory FMAP of 50 percent. Indeed, because of the annual ceiling, our true FMAP was less than 20 percent a year. Puerto Rico was spending more than \$1.4 billion in territory funds each year to provide healthcare services to about 1.2 million low-income beneficiaries and receiving only \$280 million from the Federal Government.

To place this in context, consider Mississippi, which has a 73 percent FMAP. In 2014, Mississippi—home to fewer people than Puerto Rico—paid \$1.3 billion in State funds and received \$3.6 billion in Federal funds. Or take Oregon with a 63 percent FMAP which paid \$1.8 billion in State funds and received \$5 billion in Federal funds. Again, Puerto Rico was receiving just \$280 million a year.

The Affordable Care Act provided a total of \$7.3 billion in additional Medicaid funding for the five territories, with Puerto Rico receiving \$6.3 billion of that amount. Each territory's FMAP was also increased from 50 percent to 55 percent. The result is that, instead of receiving about \$300 million a year from the Federal Government, Puerto Rico now draws down about \$1.1 billion to \$1.3 billion annually.

That is a major increase, and I can not adequately express how hard we

had to fight for it. But let me be clear. Our funding is nowhere close to State-like treatment and remains deeply inequitable.

Moreover, Mr. Speaker, this additional Medicaid funding for the territories expires at the end of fiscal year 2019—the only coverage provision in the law that sunsets in this manner. The Puerto Rico Government has less than \$3.6 billion of its \$6.3 billion in funding remaining. This is the cliff. It is coming, one way or another; it is just a question of whether it will arrive in 2017, 2018, or 2019. If this pool of funding is not replenished, Puerto Rico will go back to receiving less than \$400 million a year.

In the coming months, I will continue to brief Federal officials on this subject. I will explain how inaction will deepen the current health, migration, and fiscal crisis in Puerto Rico, and why action is not only in Puerto Rico's interest, but also in the national interest. In short, I will fight as hard to continue this essential funding as I fought to obtain it in the first place.

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#### IN RECOGNITION OF PETER SHIPMAN, CRAFTSMAN FOR THE CAPITOL

The SPEAKER pro tempore (Ms. FOXX). The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Madam Speaker, I rise today to honor the life of Peter Shipman and his many accomplishments for this great institution and his community. He is one of the many unsung champions of this body who kept the House running over the course of his career.

Peter began his career for the United States House of Representatives on November 1, 1979, shortly after graduating from VCU with a degree in arts, specializing in furniture making and design.

Peter soon established himself as a highly regarded craftsman among a shop of senior cabinetmakers. As his passion and talent for his craft became apparent, he soon earned the role of producing more high-profile projects.

Peter's drive for perfection, creativity, and attention to unique details were second to none. Many of his co-workers still are using his techniques today. From the time he became shop foreman until his retirement, Peter had a hand in the design of most of the pieces of newly constructed furniture built by the craftsmen in the Cabinet Shop. His hard work and dedication to his craft and to this House earned him the much sought-after job of shop foreman in 2001 and, indeed, manager of the shop in 2007.

Upon his retirement in 2012, Peter was asked about his proudest accomplishments during his service here in the United States House of Representatives. Peter said he was "proudest of the individuals who have made up the Cabinet Shop, Finishing Shop, Drap-

ery, Upholstery and Carpet Shops, and my association with all past and present individuals who have been part of these groups. Sincerely this is my proudest achievement."

A small sample of the projects that Peter was involved with includes the construction of the Speaker's Chair, Madam Speaker. He also designed and managed the construction of the podiums that we are using here on the House floor, the sideboard for Speaker Gingrich, the hand-painted hummingbird desk for Speaker Foley, and the display cabinets for Leader Bob Michel.

Examples of Peter's superior talents, along with his loyalty to this House, will live on for many years in the Capitol and in the House Office Buildings. His artistic approach to furniture design added a special touch that few craftsmen possess. He was truly dedicated to his art and the talented individuals whom he mentored along the way.

Madam Speaker, he will surely be missed by his peers who knew and loved him as well as by the entire House community. Peter is survived by his wife, Jennifer; their son, Walker; stepson, Derek; brother, Tourne; and sisters, Carie, Airlie, and Mellick. Our thoughts and prayers are with his family and his colleagues who continue his tradition of beautiful craftsmanship today.

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#### RECESS

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

Accordingly (at 10 o'clock and 59 minutes a.m.), the House stood in recess.

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□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PAULSEN) at noon.

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#### PRAYER

Reverend Larry Kendrick, Archer's Chapel United Methodist Church, Brownsville, Tennessee, offered the following prayer:

Father God, we place before Your throne of grace this day the United States of America and its government. Father, in Your Word, we are told that You reprove leaders for our sakes so that we may live a quiet and a peaceable life in godliness and honesty.

O God, as You anointed leaders and called prophets of old, lead us to recognize our true representatives and authentic leaders, men and women who love Your people, who walk with and among them, who feel their pain and share their joys, who dream their dreams and strive to help them achieve their common goal.

In Your spirit, empower us to serve Your people, to bring praise and glory to Your name.

We believe today that the hearts of these leaders are in Your hands, and their decisions will be divinely directed of the Lord.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

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

Mr. WILSON of South Carolina. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The point of no quorum is considered withdrawn.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina (Mr. PITTEMBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTEMBERG led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REVEREND LARRY KENDRICK

The SPEAKER pro tempore. Without objection, the gentleman from Tennessee (Mr. FINCHER) is recognized for 1 minute.

There was no objection.

Mr. FINCHER. Mr. Speaker, I rise today in support of the pastor who gave our opening prayer this morning, Brother Larry Kendrick, who preaches at my home church, Archer's Chapel United Methodist Church in Frog Jump, Tennessee.

I just want to tell him how much we appreciate his service to the kingdom. His wife and daughter, Karen and Vicki, are here with him also—and their service to God's kingdom—and we wish them the best.

God always be with you. Thank you for coming today and opening us up with prayer.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests

for 1-minute speeches on each side of the aisle.

### RECOGNIZING AN UNSUNG HERO

(Mr. BOST asked and was given permission to address the House for 1 minute.)

Mr. BOST. Mr. Speaker, sometimes, a tragedy has to happen for us to recognize unsung heroes.

On Monday, I received word that Lowell Ensel had passed away. Lowell was an intern here in our D.C. office for the past 3 months. His passing was sudden; it was unexpected, and it was painful to our entire office family.

He was just 20 years old; but, while Lowell's years have been short, his reach was very long. That was reflected when over 200 students attended a vigil earlier this week at the University of Maryland.

Lowell's love of life had a big impact on our office as well. He handled every project we gave him with a positive attitude and a smile on his face.

I offer my thoughts and prayers to Lowell's parents, Ellen and Fendwick, as well as his extended family and countless friends during this time of suffering, as difficult as it is.

To my colleagues, I know that each one of you have special people like Lowell in your office. These are young people who work long hours for little or no pay because they want to make a difference in this country.

In honor of Lowell, please take a moment and thank these unsung heroes that work in our offices every day.

### FUNDING THE VA IS A SACRED RESPONSIBILITY

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, recently, I met with two veterans and their families who traveled to Buffalo for medical treatment. Initially, I thought they were receiving care at our highly-regarded VA hospital, but in fact, they were brought to Buffalo by Operation Backbone, an organization that works with private doctors to provide specialty care that is not available within the VA system.

The families expressed frustration that they could not obtain through the VA the highly specialized and efficient care they were receiving in Buffalo. It was not until Operation Backbone arranged their treatments and the Buffalo Sabres hockey team facilitated recovery that these men received the care they needed.

I commend Operation Backbone and the Buffalo Sabres for their commitment to our veterans, but their work is necessary only because Congress is failing in its responsibility to these men and women. When we ask our service-members to put their bodies on the line, we incur a moral obligation to get them the best possible care when injury occurs.

Last year, Congress provided funding for the VA to hire more physician specialists. It was a good first step, but making sure the VA has the resources to care for our veterans is a sacred responsibility that will require our attention this year and for many years to come.

### SOUTH CAROLINA HEROES ON THE HONOR FLIGHT TO WASHINGTON

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, this morning, I was especially grateful to meet the Honor Flight members from South Carolina during their trip to Washington. These World War II and Korean war veterans are heroes for their honorable service in defense of American families.

I appreciate the Honor Flight network, coordinated by Bill Dukes, for enabling these veterans the opportunity to visit the memorials built to honor their service and sacrifices.

I was privileged to visit with Medal of Honor recipient Corporal Kyle Carpenter, a constituent and resident of Lexington, whose service and heroic actions in the United States Marine Corps during Operation Enduring Freedom saved the lives of countless Americans.

I have no doubt that, because of Corporal Carpenter's service, American families are more secure. Thank you, Kyle. And I thank all of the Honor Flight veterans who are visiting today, and thank all the veterans and military families in South Carolina and across our Nation for your dedication to America.

In conclusion, God bless our troops, and the President by his actions should never forget September the 11th in the global war on terrorism.

Our sympathy to the family of Lowell Ensel.

### RECOGNIZING MAY 2015 AS STROKE AWARENESS MONTH

(Mrs. BEATTY asked and was given permission to address the House for 1 minute.)

Mrs. BEATTY. Mr. Speaker, I rise today to highlight my introduction of H. Res. 256, a resolution to recognize May 2015 as Stroke Awareness Month.

Mr. Speaker, I proudly stand here today because of our Nation's commitment to greater awareness about stroke and funding to find treatments for stroke survivors.

Stroke is the fifth leading cause of death in the United States, killing nearly 130,000 Americans per year. On average, someone in the United States has a stroke every 40 seconds, while one American dies of stroke every 4 minutes.

In light of these sobering statistics, I am reintroducing my resolution recognizing May as Stroke Awareness

Month. This resolution strives to enhance public awareness, urges continued coordination and cooperation between researchers and families, and advocates for improved treatment for individuals who suffer stroke.

Mr. Speaker, together, we can combat this devastating illness and work together toward long-term solutions to prevent and treat and improve the lives of those suffering from strokes.

I am a stroke survivor, and I ask my colleagues to join me in recognizing May as Stroke Awareness Month.

#### IN SUPPORT OF THE PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise today in support of the Pain-Capable Unborn Child Protection Act, which would restrict the practice of abortion after the sixth month of an unborn child's life.

Today marks the second anniversary of the conviction of Dr. Kermit Gosnell of Pennsylvania, who ran a late-term abortion mill in Philadelphia. Despite media silence about the case, we were able to learn that Dr. Gosnell regularly delivered third-trimester babies and then snipped their spinal cords, their necks, with scissors.

He used unclean instruments, spreading infections among the women he treated, hospitalizing many of them, if he even allowed an ambulance to be called. Most of his victims were poor. One mother, a Ms. Mongar, died in the process.

It seems that some Members of this body want to regulate things like lightbulbs and rainwater and farm dust, but leave women helpless before the Dr. Gosnells of the world, late-term abortionists driven by profit, undeterred by the painful death of countless innocent lives.

We must protect these women and children by passing the bill.

#### WE ARE STARVING OUR NATION'S INFRASTRUCTURE

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the majority has found a new way to keep from funding a long-term surface transportation bill within 6 days: keep passing short-term patches. As a result, we are starving the Nation's infrastructure.

Twenty-three States are so desperate that they have either raised their State gas taxes or are in the process; still, the states are screaming for Congress to have the guts to do the same. State gas taxes were meant to partner with the Federal tax. States can't do it alone. The States have shown that the public understands the gas tax is a user fee.

The roads, bridges, and transit America most needs can't even be started with short-term patch funding. The people are leading us to their roads and bridges.

It is time we followed, Mr. Speaker.

#### HONORING CHARLOTTE-MECKLENBURG POLICE OFFICERS HARLAN PROCTOR, ASHLEY BROWN, AND SCOTT EVETT

(Mr. PITTENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTENGER. Mr. Speaker, I rise today in honor of Charlotte-Mecklenburg Police Officers Harlan Proctor, Ashley Brown, and Scott Evett, three officers who serve and protect our community.

In the aftermath of a recent tragic domestic violence homicide and arson, Officer Proctor was assigned to drive the victim's children to the police station and listened attentively as the children discussed losing everything, including an 8-year-old's favorite dress.

Officers Proctor, Brown, and Evett thoughtfully contacted Target to track down that favorite dress and, with donations from these officers and Target, were able to provide clothes, toys, and gift cards to help the family recover in this distressing time.

Mr. Speaker, I ask all my colleagues to join me in thanking Officers Proctor, Evett, and Brown for their humble act of service and to thank all of the brave and dedicated police officers across the United States who put their lives on the line to protect each and every one of us every day and still make time to perform thoughtful acts of kindness in our communities.

May God bless them.

□ 1215

#### HIGHWAY AND TRANSIT TRUST FUND

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, before I begin, I want to offer my condolences to everyone who was affected by the derailment of Amtrak train 188 yesterday. The victims and their loved ones are in our thoughts and prayers today.

This week, Mr. Speaker, is National Infrastructure Week. I rise today to underscore the importance of a long-term reauthorization for the highway and transit trust fund so we can address the urgent responsibility to repair and rebuild our roads, bridges, ports, and transit systems.

There are just 6 legislative days remaining until the expiration of the highway trust fund. We are putting at risk 6,000 infrastructure projects and more than 600,000 jobs.

The American Association of State Highway and Transportation Officials estimates that my home State of

Rhode Island could lose \$200 million in Federal funding, \$3 million in Federal transit funding, and 1,689 jobs, and 40 infrastructure projects are at risk.

Some on the other side of the aisle have suggested that we should pass another short-term patch rather than a long-term solution to the highway trust fund. If we are serious about rebuilding our economy, we need to be able to move goods, services, and information to compete in the 21st century.

It is critical that we pass a long-term reauthorization of the highway trust fund that provides the resources we need to rebuild our crumbling bridges, roads, and schools and helps create good-paying jobs for hard-working Americans. Our constituents deserve nothing less, and our economic recovery requires this.

#### INTRODUCING THE TREAT AND REDUCE OBESITY ACT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, with one in four seniors in America afflicted with obesity at a price of \$50 billion a year to Medicare, it is apparent that any attempts to put Medicare on a sound financial path must deal with this disease. That is why I am introducing the Treat and Reduce Obesity Act. The bill removes the exclusion for Medicare part D for covering drugs that treat and reduce obesity and makes more treatment options available for our seniors.

When Medicare part D was created in 2006, there were no widely accepted FDA-approved obesity drugs on the market, so they were declared exempt from coverage. However, with significant medical advances, a number of FDA-approved weight loss drugs are now available, and our Medicare rules should reflect that.

Mr. Speaker, obesity is responsible for nearly 20 percent of the increase in our health care spending over the last two decades, and it is time we take action to target, treat, and reduce obesity.

#### HONORING PRINCIPAL MICHAEL P. O'MALLEY

(Ms. KUSTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KUSTER. Mr. Speaker, today I rise to honor the achievements of an extraordinary educator from my district. Michael O'Malley will retire next month after 40 years of service, 30 of which he spent as a social studies teacher and soccer coach before becoming principal at Newfound Regional High School in Bristol, New Hampshire.

Under his leadership, the school has been named the New Hampshire Secondary School of Excellence in 2010,

and the State Association of Secondary School Principals twice honored Mr. O'Malley as an "outstanding role model." Even Education Week took notice, recognizing the school for its accomplishments under Mr. O'Malley's guidance.

Mr. O'Malley has made a difference beyond Newfound High School as well, through his work with the New England Association of Schools and Colleges and the Center for Secondary School Redesign.

Every student deserves a principal like Mr. O'Malley, one who is passionate about learning and committed to building relationships with students, while maintaining a focus on educational innovation at the same time.

As we continue our efforts to increase access to high-quality education, let's look to educators like Mr. O'Malley as examples of what dedicated schoolteachers can accomplish.

#### REFUNDABLE CHILD TAX CREDIT ELIGIBILITY VERIFICATION RE- FORM ACT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it is no secret that a majority of Americans oppose Obama's amnesty, and I have been fighting against it from day one. As part of my ongoing effort to combat Obama's amnesty, I am reintroducing my bill to stop illegals from claiming the refundable child tax credit.

Right now, the IRS does not require Social Security numbers for this credit. The inspector general said that as a result, illegals can get thousands of dollars from the IRS. It is no surprise that it also encourages more illegals to come here. To stop this, my bill requires individuals to provide their Social Security number if they want to claim the tax credit.

Last year, the House passed this measure, which was estimated to save taxpayers \$24.5 billion. This is a commonsense bill Americans want, need, and deserve. Let's get it done.

#### PAIN-CAPABLE UNBORN CHILD ACT

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, I rise in opposition to the Pain-Capable Unborn Child Act.

Mr. Speaker, enough is enough. Another painful piece of legislation inflicted on the women of this country by people who don't believe we are smart enough or moral enough to make our own life-changing decisions.

You want to talk about pain? Let's talk about the agony of a woman who is raped and again violated by unnecessary government intrusion. Or what

about the suffering of a woman and her family, knowing that her pregnancy will end in tragedy because her doctor would be sent to jail for saving her life?

Mr. Speaker, enough is enough.

#### NATIONAL POLICE WEEK

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, this week is National Police Week.

Every day law enforcement officials put their lives on the line to keep our communities safe. Sadly, in my district, Tarpon Springs Police Officer Charles "Charlie K" Kondek was shot and killed right before Christmas as he patrolled the streets on the midnight shift, while the rest of us slept securely in our homes.

Police officers don't have a typical day. On average, an officer dies in the line of duty every 58 hours—150 deaths per year.

This week and every day, we should be thankful for the good that police officers do for our communities. Let's never forget the sacrifices of Officer Kondek and others who have fallen in the line of duty, and let's be thankful for those who keep our communities safe. God bless them.

#### JOINT ECONOMIC COMMITTEE MOTHER'S DAY REPORT

(Mrs. CAROLYN B. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, another Mother's Day has come and gone, and millions of Americans took time out to express their gratitude to their mothers for all the wonderful things they do. But some still have an outdated picture in their minds of their mothers spending all their time home baking cookies when, more typically, American mothers are at a job bringing home the bacon.

According to a Mother's Day report produced by the Joint Economic Committee, the typical American family has changed dramatically over the last 50 years, and fewer than one in five families match the old stereotype of the father at the job and the mom at home. Today, fully 70 percent of mothers are in the labor force because they have to be in the labor force to provide for their families.

Our lives have changed dramatically, but our public policies haven't kept pace with these changes. For instance, the United States and Papua New Guinea are the only two countries in the world—the only two in the world—that do not provide paid leave for the birth of a child.

So before another Mother's Day rolls around, let's give mothers something they really want: policies that allow them to hold well-paying jobs so that they can help provide for their families.

#### HONORING OFFICER STEPHEN ARKELL

(Mr. GUINTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUINTA. Mr. Speaker, I rise today to honor Granite State hero and fallen police officer Stephen Arkell of Brentwood New Hampshire.

This time last year, the State of New Hampshire lost a true Granite State hero. During this time of great sadness, we remember and celebrate the life of not only a tremendous police officer, but also a father, brother, master carpenter, coach, and friend.

Arkell devoted his life to protecting our families and our communities, and ultimately died in the line of duty while responding to a domestic violence dispute.

As his family, friends, neighbors, and fellow police officers knew, Arkell was really one of a kind. The bravery and compassion he demonstrated during his 15 years of service are not—and will not—be forgotten.

It takes a remarkable individual like Stephen Arkell to risk their life daily to keep us safe and protect us from harm. So let us take a moment today and pause, reflect, and celebrate the life and valor of Officer Arkell. He put his life on the line to protect the Granite State, and we are forever grateful.

#### ISSUES OF THE DAY

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

Ms. JACKSON LEE. Mr. Speaker, I rise today to really speak to the American people.

First, let me say that I join my colleagues in standing, again, on Wednesday to ask to bring the girls back and to ask that the dastardly group of Boko Haram be brought to justice immediately and that they cease their violence in Nigeria.

I also stand today to ask the incredible question: How can we put on the floor of the House H.R. 36, the Pain-Capable Unborn Child Protection Act, which is merely a disregard, disrespect for the Constitution and a woman's right to choice. I look forward to a vigorous debate, standing on the side of the Constitution.

But as I look today, I also realize that more of Congress' work is not done. While we are dealing with violating women's rights, we are not dealing with the highway trust fund bill.

In my own county of Harris, there are 3,616 bridges, and 1,559 of them are deficient. Our citizens are driving over bridges that are destroying the economy, destroying their cars, and stopping them from moving about the community in the way that they should. Mothers and fathers and car-poolers and workers are trying to get to work. The total deficiency is 43 percent.

When are we going to get a long-term infrastructure bill? When are we going

to stand up as Americans and not Republicans and Democrats? Democrats want to stand up with Americans to pass a long-term infrastructure bill.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today in support of H.R. 36, the Pain-Capable Unborn Child Protection Act, which is expected to be voted on later today. This legislation, which is based on substantial scientific evidence, establishes Federal legal protection for unborn children at 20 weeks, with limited exceptions in the case of rape or incest.

Mr. Speaker, I believe this to be one of the human rights issues of our day. It has been scientifically proven that the unborn feel pain at 20 weeks and are, in many cases, capable of living outside of the womb. I remain greatly concerned that the United States of America continues to be one of the few countries in the world that allows for abortions this far into pregnancy.

This commonsense legislation, which is supported by 60 percent of all Americans, seeks to correct this injustice. I am proud to be a cosponsor of H.R. 36, and I urge my colleagues to join me and vote to protect the lives of the unborn.

#### HIGHWAY TRUST FUND

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, on Monday I held a press conference at a bridge in Perth Amboy, in my district, to highlight the dire need to renew the highway trust fund before it expires at the end of this month. This bridge, like thousands of other bridges and roads throughout the country, is in dire need of repair.

And let me be as clear as I can be: unless Republicans in Congress join with Democrats in our commitment to invest in our Nation's infrastructure, not only will our roads and bridges continue to deteriorate, jobs will be lost, and the economy will suffer.

Ever since Republicans took control of the House in January 2011, they have shown neglect and indifference towards the Nation's infrastructure needs. In fact, since Republicans assumed the majority in January 2011, the Republican-led Ways and Means Committee has not held a single hearing on financing options for the highway trust fund. All this, despite the U.S. being ranked 16th in quality of infrastructure, behind Switzerland, the United Arab Emirates, Japan, and others, according to the World Economic Forum; and the country received a D-plus from civil engineers for our infrastructure nationwide.

Mr. Speaker, I strongly urge my colleagues in Congress to quickly extend the highway trust fund. We only have another 6 legislative days. Jobs, economic strength, and the safety and health of our transportation system are at stake.

□ 1230

#### CALLING FOR A LONG-TERM TRANSPORTATION FUNDING BILL TO FIX OUR NATION'S INFRASTRUCTURE

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

Ms. HAHN. Mr. Speaker, as we celebrate national Infrastructure Week here in this country, I urge my colleagues across the aisle to work with us to develop a sensible, long-term solution to fix this trust fund and put an end to our infrastructure crisis.

We need reliable roads, highways, and bridges to keep our economy moving, and for almost 60 years we have depended on the highway trust fund to make necessary repairs to our Nation's deteriorating infrastructure. However, the gas tax hasn't been raised in 20 years and no longer generates enough revenue to meet our needs.

The highway trust fund faces a serious and immediate funding shortage. The deadline to fix this is just weeks away—just 6 legislative days. So unless we act now, construction projects across the country will come to a standstill, putting the jobs of 600,000 American workers on the line. Paving our highways and keeping our bridges safe and reliable is one of the most basic jobs of Congress. We have until May 31 to figure this out. Failing is not an option.

#### RECOGNIZING THE ACCOMPLISHMENTS OF NICK PELLAR, EAGLE SCOUT

(Mr. DOLD asked and was given permission to address the House for 1 minute.)

Mr. DOLD. Mr. Speaker, I rise today to recognize the accomplishments of Nick Pellar. Nick is an Eagle Scout in Troop 13 and is a senior at New Trier High School in north suburban Illinois.

Mr. Speaker, as you know, the Boy Scouts of America is the Nation's largest and most prominent values-based youth development organization. The Boy Scouts provide a program for young people that builds character, trains them in the responsibilities of participating in citizenship, and develops personal fitness.

Nick embodies all of these ideals and more. Mr. Speaker, Nick recently earned his 140th merit badge. That means not only does Nick have every single badge available, he actually has earned seven more than you can get today. As Scouts go into the program today, there are only 133 available merit badges. As merit badges are

added, some are taken off. He has actually earned 140 merit badges.

Eagle Scouts, Mr. Speaker, are some of the top 4 percent of Scouts across the country. Nick's accomplishments put him among the top handful of Eagle Scouts in the entire Nation.

He is so incredibly accomplished for a young man of his age, and this achievement demonstrates his personal dedication and moral fortitude. Mr. Speaker, I have known Nick personally for many years, and I am incredibly proud of this awesome accomplishment. Mr. Speaker, I offer my sincere congratulations to Nick and wish him the best as he starts college this fall at my alma mater, Denison University.

#### EXPORT-IMPORT BANK

(Mr. ASHFORD asked and was given permission to address the House for 1 minute.)

Mr. ASHFORD. Mr. Speaker, I rise today to express my unwavering support for the Export-Import Bank of the United States and its chairman, Fred Hochberg.

In fiscal year 2014 alone, the Ex-Im Bank supported approximately \$107 million in Nebraska exports. As the bank looks to extend its charter through the end of 2022, Chairman Hochberg graciously accepted my invitation to come to Omaha, where he recently sat down with several of the Nebraska firms which work hand-in-hand with the Ex-Im Bank.

Mr. Speaker, I also wish to express my support for the many Nebraska firms who work for the bank. Among these are Chief Industries of Kearney, Nebraska, which manufactures grain storage systems and employs 245 full-time workers. For the last 15 years, Chief Industries has worked with the bank to increase its export sales by 1,000 percent. That's right, 1,000 percent. It is this kind of success story which makes clear the significant contribution which the Ex-Im Bank makes to our Nation's economy.

Among these contributions are the 1.3 million American jobs the bank has helped create since 2009, while reducing the Federal deficit alone by \$7 billion over the last 20 years.

#### BRING BACK OUR GIRLS

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

Ms. WILSON of Florida. Madam Speaker, it has been over a year since the Chibok girls were stolen from their families by Boko Haram. Today I have asked my fellow Congresswomen to join me in wearing red on Wednesdays. Wear red in solidarity with the mothers and sisters who fear their stolen daughters and sisters have been sexually assaulted and sold into slavery.

Soldiers are beginning to capture abandoned Nigerian women and girls. So far, not one is a Chibok schoolgirl. So we will continue our advocacy.

This week, Madam Speaker, I have also asked the gentlemen of Congress to join us in wearing red on Wednesdays. Wear red in solidarity with the fathers and brothers who fear their daughters and sisters are being physically abused and have been married off against their will.

Until they have returned, we will continue to wear red on Wednesdays in solidarity with their families. We will continue to tweet, tweet, tweet, #bringbackourgirls, tweet, tweet, tweet #joinrepwilson.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

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

Ms. ADAMS, Madam Speaker, today I rise against H.R. 36, the Pain-Capable Unborn Child Protection Act, which should be called the Painful and Oppressive to Women Act.

In January, women of the Republican Conference were so appalled by H.R. 36 they blocked it from coming to the floor. Four months later it is back. Shameful.

Madam Speaker, the changes Republicans have made to this legislation are mere smokescreens and have done nothing to alleviate the burdens placed on women who are already grappling with the hard decision of whether or not to terminate a pregnancy.

H.R. 36 poses grave dangers to women. And the American people will not be fooled. Women's health and personal decisions should be between a woman, her family, and her doctor, not a male-dominated Congress.

Most abortions take place before 21 weeks, so many women who have abortions later in pregnancy do so because of medical complications and other barriers to access.

H.R. 36 would harm women in need and increase obstacles to obtaining safe and legal abortions. I urge my colleagues to oppose this legislation. It is really bad.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. WAGNER) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, May 13, 2015.

Hon. JOHN A. BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on May 13, 2015 at 9:45 a.m.:

That the Senate passed without amendment H.R. 1075.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF H.R. 1735, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016; PROVIDING FOR CONSIDERATION OF H.R. 36, PAIN-CAPABLE UNBORN CHILD PROTECTION ACT; PROVIDING FOR CONSIDERATION OF H.R. 2048, USA FREEDOM ACT OF 2015; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Ms. FOXX, Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 255 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 255

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1735) to authorize appropriations for fiscal year 2016 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. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. After general debate, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 36) to amend title 18, United States Code, to protect pain-capable unborn children, and for other purposes. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2048) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes. All points of order against consideration of the bill are waived. The amendment printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided

and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 4. It shall be in order at any time on the legislative day of May 14, 2015, or May 15, 2015, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentlewoman from North Carolina is recognized for 1 hour.

Ms. FOXX, Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Ms. FOXX, Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

Ms. FOXX, Madam Speaker, House Resolution 255 provides for general debate for H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016; provides for a closed rule for consideration of H.R. 36, the Pain-Capable Unborn Child Protection Act; and provides for a closed rule for consideration of H.R. 2048, the USA FREEDOM Act.

The rule before us today provides for general debate for H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016, also known as the NDAA. The NDAA, which has passed Congress and has been enacted for over 50 years in a row, is a vital exercise each year in providing for the common defense, one of our most profound constitutional responsibilities.

The NDAA includes over \$600 billion in important national security funding, providing resources to each of our four military branches, our nuclear deterrent, and related agencies. The legislation fully funds the President's request for funding for our warfighters overseas and includes important steps to advance Department of Defense acquisition policies to ensure we are saving taxpayer dollars and stretching our precious defense dollars as far as possible.

H.R. 1735 also includes provisions improving military readiness, strengthening our cyber warfare defenses, and holding the line on keeping terrorists in cells at Guantanamo Bay, not in our States or back on the battlefield.

This rule also provides for consideration of H.R. 2048, the USA FREEDOM Act which addresses critical national security investigation concerns while making much-needed changes to protect the privacy of Americans.

H.R. 2048 prohibits explicitly the bulk collection of all records under section 215 of the PATRIOT Act, the FISA

pen register authority, and National Security Letter statutes. This provision prevents government overreach by ending the indiscriminate collection of records that violates the privacy of all Americans.

Madam Speaker, this bill also improves transparency, making significant FISA interpretations available to the public and requiring the Attorney General and the Director of National Intelligence to disclose how they use these national security authorities.

Finally, the USA FREEDOM Act ensures that national security is strengthened by closing loopholes that prevented tracking of foreign terrorists, narrowly defining which records the Federal Government may obtain, and enhancing investigations of international proliferation of weapons of mass destruction.

□ 1245

Madam Speaker, I share the concern that our colleagues across the aisle have about the return of the young women taken by Boko Haram and salute their wearing red today and your wearing red today. However, Madam Speaker, I chose to wear pink today because we are dealing with a very sensitive issue about unborn children.

Today's rule also provides for consideration of H.R. 36, the Pain-Capable Unborn Child Protection Act. This is important legislation for the House to consider, particularly this week, 2 years after the conviction of Philadelphia-based late-term abortionist Kermit Gosnell, who was found guilty of first degree murder in the case of three babies born alive in his clinic.

He killed these children using a procedure he called "snipping," which involved Gosnell inserting a pair of scissors into the baby's neck and cutting its spinal cord, a procedure that was reportedly routine.

A neonatologist testified to the grand jury that one of the babies, known as Baby Boy A, spent his few moments of life in excruciating pain. Late-term abortions are agonizingly painful, and they are happening all too often in our Nation. Americans have been asking how different those abortions are from Gosnell's "snipping." Thankfully, they know the answer to those questions and support protecting these nearly fully developed lives.

A March 2013 poll conducted by The Polling Company found that 64 percent of the public supports a law prohibiting an abortion after 20 weeks when an unborn baby can feel pain. Supporters included 63 percent of women and 47 percent of those who identified themselves as pro-choice.

That finding was not an outlier; it is representative of the public's true beliefs. According to a 2013 Gallup poll, 64 percent of Americans support prohibiting second trimester abortions, and 80 percent support prohibiting third trimester abortions.

Even The Huffington Post found in 2013 that 59 percent of Americans sup-

port limiting abortions after 20 weeks; and *Cosmopolitan* magazine, not known for its traditional values, had an article recently all about the impact of smoking by pregnant women on their "unborn babies." They weren't blobs of tissue or even fetuses, but "unborn children."

Those unborn children can feel pain, which is why they are provided anesthesia when surgery is performed on them in the womb. They can even survive outside the womb, with The New York Times reporting just last week on a study that The New England Journal of Medicine published that found that 25 percent of children born prematurely at the stage of pregnancy covered by this legislation survive.

There are countless stories—no longer so uncommon we would call them miracles—of children surviving and thriving, such as Micah Pickering, who was born right at the stage when this legislation would protect other children in the womb and is now a "spunky almost 3-year-old," according to his mother.

The legislation we consider today, the Pain-Capable Unborn Child Protection Act, is carefully written to advance the consensus of a majority of Americans that these late-term abortions should cease.

In order to maintain that consensus, the bill includes provisions allowing abortions in cases of rape or where the life of the mother is in danger. It also provides strong protections for minors who have been sexually assaulted, stopping abortionists from ignoring child abuse that enters their facility.

Most importantly, it protects the lives of well-developed, pain-capable children who could well survive outside the womb. America is one of only seven nations that allow elective abortions after 20 weeks, which includes such well-known human rights leaders as North Korea, China, and Vietnam. The Pain-Capable Unborn Child Protection Act would finally put an end to that.

Madam Speaker, I commend this rule and the underlying bills to my colleagues for their support, and I reserve the balance of my time.

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

Madam Speaker, I appreciate my colleague yielding me the time.

I rise today frustrated and angry by the state of affairs in the United States. Last night, an Amtrak train derailed which was traveling over the busiest track in the Nation. That tragedy killed at least six and injured more than 200 who were hospitalized, just days before the highway trust fund is about to expire. Republicans will spend billions of dollars in this bill on war, but let the roads and rails and bridges rot.

Thirty-eight billion dollars was concealed in a very clever way in the Defense bill under the OCO account because it does not affect the budget cap; but what are we going to do about the

busiest corridor in the United States? Nothing—as a matter of fact, according to Politico, on this very day, the Republicans in the Appropriations Committee, on a 21–29 vote, defeated an amendment offered by the ranking member, DAVID PRICE, that would have significantly boosted funding for several transportation programs, including Amtrak, the very day after this.

The Baltimore Sun tells us that the operations advisory commission for the Northeast corridor says that the estimation for loss of service on the corridor for a single day would cost \$100 million in travel delays and lost productivity.

Six people have died; 200 were hospitalized. Add the medical cost on all of that. It will only take a week or a little bit more to use up the entire account for the amount of money the Appropriations Committee is willing to put into Amtrak.

As we look at that, what we do here—saving money and cutting out and dropping everything—has to be the costs that are borne outside by people with their medical costs by the delay by being unable to get the goods and things to market. If I have ever seen a case of pennywise and dollar foolish, this one is it.

Moreover than that, that isn't even our discussion today. What I really want to talk about here is that the majority's priorities are so misplaced that they cannot even govern this body in an organized way.

Today, under this single rule—one rule—we will consider a 20-week abortion ban, which is unconstitutional, and we know it, but they are going to do it anyway; we will consider bulk data collection under the Foreign Intelligence Surveillance Act; and then we will also do the general debate for the National Defense Authorization Act. We have an hour to do this rule to talk about those. These bills have no commonality at all, and there is no need at all to entwine them in a single rule.

The rule is called a grab bag rule that governs the floor debate for two or more unrelated pieces of legislation. Debate in this Chamber suffers when many unrelated bills are crammed into a single rule. It is legislative malpractice, Madam Speaker, practiced here all the time and getting worse term after term.

Under this procedure, arguments for and against multiple measures are interspersed, which leads to disjointed, fragmented, and confusing debates. Furthermore, each bill does not get its due consideration, which harms not only the Rules Committee, but the House of Representatives, and, above all, the American people; but the most egregious use of our time is prioritizing attacking women's health over everything else that is going on in the country.

This majority has introduced yet another 20-week abortion ban that prohibits abortions after 20 weeks based

on a widely disputed scientific claim that a fetus can feel pain at that point in time in a pregnancy, but this is not the first time we have seen this bill. It is not even the first time we have seen it in this Congress, which is only 5 months old.

Just weeks ago, on the 42nd anniversary of the Supreme Court's landmark ruling on *Roe v. Wade*, the majority prepared to bring this bill to the floor, but it was so odious, the provision in it so offensive, that even women in the majority's own party balked and rebelled against their leadership. The uproar was so loud that, in the middle of the night, the majority pulled the bill from the floor.

The first version was bad enough. It included abortion exceptions for rape and incest only to reported cases of rape. Within 48 hours, a woman had to go to report that to law enforcement, or she could not be eligible for an abortion. The new bill is worse because it says that she has to have 48 hours of counseling, but she can't get it at the hospital where the abortion would be done, so she has to go from pillar to post.

The most odious thing that they have done is the unmitigated cruelty to the victims of incest. They put an age limit on it. Can you imagine that? It is unbelievable.

I know that this bill will not go anywhere. I doubt the Senate will even take it up. It is simply something to appease people who believe anything that they hear about this, such as there is abortion on demand. There is not.

Third trimester abortions are all medically necessary, as one of my colleagues mentioned this morning. If you haven't talked to any of those women, you don't know what they have been through. In almost every one of those cases, they desperately want that baby, but sometimes, they have no brains. Sometimes, they are born with no organs. They are unable to survive.

Many times, there is a case of a woman who can preserve her reproductive system so that she can have more children. How incredibly cruel it is that we want to take that decision away from the woman and her doctor—whomever she wants to consult, but certainly scientific laws ought to apply—and put it in the hands of legislators.

Maybe we should decide who should have gall bladder operations, or maybe we should decide whether broken legs should be treated; we are all-seeing here. What happened here today is disgustingly cruel, as I said before.

The Supreme Court has long held that a woman has the unequivocal right to choose abortion care until the point of fetal viability, which is largely accepted by the scientific community to be 24 weeks.

A 20-week abortion ban brazenly challenges the Supreme Court's standards and deliberately attempts to push the law earlier and earlier into a wom-

an's pregnancy because that is the number one issue, and we have been told that.

When I started working on this issue four decades ago, I surely thought, by now, we would not decide whether or not a woman can make a decision about her own health.

How awful it is that, just less than a week after Mother's Day, when we all are reminded how brilliant and how wonderful they were, how farseeing, how great in their judgment, but we decide that every other woman in the country has not the ability to make decisions for herself.

Enough of these insults, enough of practicing medicine without a license, let's get to the business at hand and fix the rotting infrastructure in the United States of America and make it safe for our fellow citizens to get to work.

The idea that all those people are wounded and hurt today and died because we failed to keep up the tracks in the United States of America, which was known worldwide for its infrastructure and now spends barely a pittance on trying to maintain those old tracks—and the mayor of New York had just said he has bridges in New York that are over 100 years old.

I have the same thing in my district. I have bridges over the Erie Canal. Fire trucks can't even go over them and haven't been able to for the last decade.

But, no, we are not going to talk about that. We are going to talk about making women do what we want them to do.

I reserve the balance of my time.

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

Probably throughout the day, we will be setting the record straight on things my colleague has said. Victims of rape can get counseling from a hospital that performs abortion; but most egregiously, Madam Speaker, the arguments raised across the aisle about incest are astounding.

Let me be clear. If a woman is sexually assaulted and that leads to a pregnancy, there is a rape exception in this legislation that applies, regardless of the family status of her aggressor or the age of the victim.

□ 1300

As the legislation includes an exception for all women who are sexually assaulted, those across the aisle who raise incest appear to believe we should provide special exemptions under Federal law to individuals in consensual incestuous relationships. That boggles the mind. This objection is a shameful distraction from the important debate we are having about protecting well-developed, unborn children from being ripped apart in the womb.

Madam Speaker, I yield 1 minute to the gentleman from Kansas (Mr. HUELSKAMP).

Mr. HUELSKAMP. I appreciate the work of my colleague from North Carolina.

Madam Speaker, 2 years ago today, America was awakened to the horrors of the abortion industry as abortionist Kermit Gosnell was convicted of murdering three innocent, newborn infants in his filthy abortion complex, and one of his former employees reported nearly 100 other living babies who were also murdered.

Gosnell cut the spines of crying 5-month-old babies who survived his first attempts to kill them, and our human dignity makes it impossible to ignore that image. He further brutalized the mothers—killing two of them by drug overdose; with filthy, unsanitary instruments; and by perforating their wombs and bowels.

It is no less painful for babies to have their spines snipped before birth than by Gosnell after birth. By 5 months, if not before, babies can feel pain—intense pain. It is simply barbaric to allow Gosnell or anyone else to rip these babies apart, limb by limb, whether they are in or out of their mothers' wombs.

That is why we must take a stand today to protect the defenseless unborn and pass the Pain-Capable Unborn Child Protection Act.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank my good friend for her work on this bill that shows she is strong and protective of women.

Madam Speaker, I want to speak about where this bill started.

The District of Columbia was the stalking horse for H.R. 7 until women's groups and I protested vigorously.

Sorry, colleagues.

We may have chased the majority from the D.C. 20-week abortion bill only to see them now target all of the Nation's women with an even worse bill. However, not even the Republican majority can overrule the *Roe v. Wade* holding that H.R. 36 is unconstitutional for lowering the Court's as well as scientific findings on when a fetus becomes viable.

H.R. 36 focuses on a previability fetus, but it excludes any protection for the health of the woman involved. Shamefully, even traumatized rape victims are punished further by steps that require that they virtually prove they were raped before they can get an abortion.

My colleagues, now is the time to oppose H.R. 36. The Supreme Court already has.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. I thank the gentlewoman.

Madam Speaker, this is a very commonsense bill, H.R. 36, which is being presented by my colleague Mr. FRANKS from Arizona.

Why do we have to do this? I am going to tell you something.

It is because scientific evidence now shows that unborn babies can feel pain

by 20 weeks postfertilization and, likely, even earlier. It is because a late-term abortion is an excruciatingly painful and inhumane act against children who are waiting to be born and against their mothers. It is because women who terminate pregnancies at 20 weeks are 35 times more likely to die from abortion than they are in the first trimester, and they are 91 times more likely to die from abortion at 21 weeks or beyond. It is because, after 5 months into a pregnancy, the baby is undeniably a living, growing human, and the government's first duty is to protect innocent life. It is because, overwhelmingly, most Americans—and I am talking about men and women, young and old—support legislation to protect these innocent people. It is because the hideous case of Kermit Gosnell in Philadelphia is a brutal reminder of what can occur without this type of legislation in place.

H.R. 36 would federally ban almost all abortions from being performed beyond the 20th week of pregnancy with exceptions for instances of rape, incest, or when the life of the mother is at stake.

I want to tell my colleagues to just think of how little effort it would be today to take their voting cards out, to put them in the machine, and to press on the green button. By doing that, they are saying “yes” to protecting the most vulnerable people in our society from going through unbelievable amounts of pain.

Isn't it amazing that, in America's House, we have to pass legislation to protect the most innocent life? This is incredible that we have to even come forward and debate this. My goodness. This is just so intuitive of who we are, not as Republicans or Democrats, but as human beings. We have to protect the unborn because they cannot protect themselves. Vote “yes” on this today. Let's make sure that our children are not subjected to this pain and that their mothers are not subjected to the same pain and to the resulting loss of life.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from Colorado (Ms. DEGETTE), co-chair of the Pro-Choice Caucus.

Ms. DEGETTE. Madam Speaker, in 6 days, the highway trust fund expires. So what is Congress spending its time doing today? Of course, it is debating a bill that will limit a woman's access to a safe and legal medical procedure and that will place politicians in a place they should never be—between a woman and her doctor. Ask your mother, your sister, your daughter, your wife, or your neighbor, and she will tell you that women don't need politicians' interference when making their own healthcare decisions. Yet here we are again today, debating a bill that does just that.

Everybody remembers that this bill was pulled from the floor in January because it was so extreme, but, today,

the bill that is on the floor is even worse than the bill that they pulled in January.

H.R. 36 is particularly harmful to victims of rape and incest. Women who have had unbelievable trauma would be effectively forced to get permission before they could seek the medical treatment that they needed to regain some control over their bodies, their health, and their safety. They would have to jump through complex and punitive legal hoops before they could have the procedures that they need. Therefore, somebody who has been victimized once would end up being victimized again by our government.

Let's be clear. The new provisions in this law include a number of burdensome requirements on rape and incest victims:

First, there is a waiting period of 48 hours for an adult rape survivor;

Second, there is a requirement that a minor who is a victim of rape or incest would give written proof after 20 weeks that she reported the crime to law enforcement or to a government agency. A minor who is a victim of incest has to do this. There is language that specifies that the counseling or medical treatment described above may not be from a health center that provides abortion services. So let's say she goes to her doctor, and she gets counseling, but someone else in that medical practice provides abortion. She is out of luck. If she doesn't thread that needle, too bad. She can't get it.

Perhaps the most outrageous thing about this bill, though, is the fundamental disrespect that it shows to women. It assumes that women will just wake up in this country after 20 weeks of pregnancy, decide to have abortions, and then lie about being victims of rape or incest. That view is just wrong, and it is offensive to women.

By the way, as Ms. SLAUGHTER mentioned, this bill is patently unconstitutional, and even if it didn't get vetoed by the President, it would be struck down by the Supreme Court. I suggest that we vote “no” now and that we respect women's ability to make their own health decisions.

Ms. FOXX. Madam Speaker, the claim that minors have to report to law enforcement is false. They do not need to report anything to law enforcement. The law provides that the abortionist must report to social services or to law enforcement to ensure that they do not let child abuse that comes to their attention continue unchecked.

I yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. Madam Speaker, this is a bill that is protecting babies who can survive outside the womb. These are babies who can feel pain. Knowing that this institution won't stand up for those vulnerable children in our society is a sad day for this institution.

I have seven children. This is my sixth. This is MariV. This picture was taken with the two of us the day she was born. She is now 5 years old, and

she is gregarious, awesome, fun—the most beautiful joy in our family. The way the law stands today is that, the day before this picture was taken, it would have been legal to have aborted MariV.

I want to talk about women's rights. This is a little girl. This is a little baby girl who will one day grow up to be a woman. Let's stand up and protect this little girl, not the day that she was born only, but also the day that she was in the womb. Let's protect her from the pain of abortion, from the silent screams of those babies who were aborted in the womb who aren't heard because they don't have voices in this institution defending them.

Madam Speaker, I listen to the floor debate day after day, whether in this Chamber or on C-SPAN, and I hear the other side talk about how they fight for the forgotten, how they fight for the defenseless, how they fight for the voiceless, and they pound their chests, and they stomp their feet. You don't have anyone in our society that is more defenseless than these little babies.

I believe in life at conception. I know my colleagues are not going to agree with me on that, but can't we come together as an institution and say that we are going to stand with little babies who feel pain? that we are going to stand with little babies who can survive outside the womb—ones who don't have lobbyists, who don't have money, who can't rally, who can't offer contributions to one's campaign? Don't we stand with those little babies?

If you stand with the defenseless, with the voiceless, you have to stand with little babies. Don't talk to me about cruelty in our bill when you look at little babies being dismembered and feeling excruciating pain. If we can't stand to defend these children, what do we stand for in this institution? What do we stand for in America if we can't stand up for the most defenseless and voiceless among us?

Ms. SLAUGHTER. Madam Speaker, I want to just correct my friend from North Carolina, who said that nothing has to be reported to law enforcement.

It reads: if pregnancy is the result of rape against a minor or incest against a minor and if the rape or incest has been reported to either, one, a government agency legally authorized to act on reports of child abuse or, two, law enforcement.

I hope my colleague stands corrected. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. SPEIER).

Ms. SPEIER. I thank my colleague from New York.

Madam Speaker and Members, I am just so perplexed by our willingness every time an abortion issue is brought up that we don the equivalent of a white coat, that we believe that we are doctors in this august body, that we should be making decisions on behalf of women who are pregnant and on behalf of their spouses and of their physicians, and that we know better than

everyone else. If we had women in America who saw their doctors as frequently as we talk about their health on the House floor, boy, they would have a lot of access to doctors.

Four months ago, this bill was taken up, and many of the women in the Republican caucus thought it went too far, so it has been amended a little bit, and now they think it doesn't go too far. Let me tell you what "too far" is.

First of all, remember that only 1.5 percent of abortions take place after 20 weeks. They take place for a lot of personal and profoundly physical reasons, and the decision is made by the physician in conjunction with the pregnant woman and her family. What in the heck are we doing putting our noses in their lives?

□ 1315

It is constitutional, Members; it is legal in this country to have an abortion.

Now, rape. If you are raped, and it is after 20 weeks, you have to go to a law enforcement officer or you have to have mental health services.

Now, let me remind you, of the sexual assaults that take place in the military, 81 percent of them are never reported. When you are raped, the last thing you want to do is relive that experience, to be victimized again because you are so offended and feel so violated. And now we are going to say, whether you are 17 or 19, you are going to have to go report this to law enforcement or you are going to have to go to a mental health officer.

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

Ms. SLAUGHTER. I yield an additional 1 minute to the gentlewoman.

Ms. SPEIER. I thank the gentlewoman for yielding me the additional time.

Beyond that, we are saying if there is an anomaly and your fetus is not going to be able to survive as an infant outside the womb that you are going to have to carry that to term.

Ladies and gentlemen, let me say this: I have had two abortions. One was at 10 weeks, when the fetus no longer had a heartbeat, and I was told, Well, you are going to have to wait a few days before you have that D&C. A D&C is an abortion. I said, I can't. I am in so much pain. I have just lost this baby that I wanted, and you are going to make me carry around a dead fetus for 2 days? I finally got that D&C in time. At 17 weeks, I lost another baby. It was an extraordinarily painful experience. It was an abortion.

Women who go through these experiences go through them with so much pain and anguish, and here we are as Members of this body, trying to don another white coat. I think we should put the speculums down. I think we should stop playing doctor.

Ms. FOXX. Madam Speaker, I yield 1½ minutes to the gentlewoman from Indiana (Mrs. WALORSKI).

Mrs. WALORSKI. Madam Speaker, I rise today because I believe that all

human life is worth protecting. Each of us are here today because we all stand for something greater. We believe that all human life is precious. We believe that each life is worth living, that life deserves respect and protection, and every human being has equal worth and dignity. That is why everybody matters. That is why everyone counts.

The Pain-Capable Unborn Child Protection Act protects life, empowers women, and will save lives. This legislation represents the will of the American people. Over 60 percent of Americans support protecting unborn children after 20 weeks.

A critical component of this legislation ensures that women receive counseling or medical care for a traumatic event that precipitated her pregnancy prior to obtaining an abortion. Because the pain of an abortion is felt by both mother and child, a woman who feels that abortion is her only option over halfway through her pregnancy deserves medical treatment and emotional assistance beyond what can be provided by an abortionist.

We have a responsibility, as the elected body representing our constituents, to protect the most vulnerable among us and ensure that women facing unwanted pregnancies do not face judgment or condemnation but have positive support structures and access to health care to help them through their pregnancies. This bill protects life.

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

One of our former colleagues, Barney Frank from Massachusetts, made one of the most telling statements, I think, that many of the people who are speaking today obviously, by their actions, believe that life begins at conception but ends at birth, because these are often the very same people who refuse to fund schools, who cut back on food stamps, who pay no attention to children who grow up under unseemly, unsanitary, and dreadful conditions, who take away from their parents the unemployment insurance on which they might be able to live and keep the children together.

That callous disregard of the living makes the piety of the statement of how they love life a little bit odd. You have to practice that for the living as well. The children and the neglected in this country, the rates are becoming appalling. The number of children who live under the poverty line in America, who suffer every day, frankly, who get the only food they get often at school, if they are able to get there, should really somehow soften the hearts of all the people who want to make sure that every fetus is born.

Nobody has to have an abortion, but for women who need it for medical reasons and are protected by the Constitution and make that decision—and how awful it is—and I have to echo what Ms. SPEIER said and what I said earlier, the idea that Members of the House of

Representatives or any other legal body—I have been in three. Many have usually carried this debate and decided what women should do, but in the three legislatures I have been in, I have seen people with no medical experience of any sort, never talk to anybody who was in the position, but I also do know people who change their minds when their daughters perhaps got into a position where they had to make that decision or not.

So, for heaven's sakes, let's examine really what we do here in this House of Representatives. As you say what you are going to do, tell me that you are going to make sure that children are fed, that you are going to make sure that children are housed decently, that you are going to make sure that they are able to afford their education, and that the health care they are going to need is going to be there for them so they have the opportunity to grow up into a healthy, strong American that you are talking about, because the actions belie it.

I will never forget the pain that we suffered in here while doing away with the unemployment insurance. People lost their homes, gave up almost everything. In some cases they sent their children to live with relatives. We can't divorce this debate today from that reality in America.

Go visit in your districts some of the children who live that way. Go into some of the poor areas and see what their housing is like. See what kind of nutrition that they have, and then it makes it much more palatable, I think, to understand that real point of view. But isn't a piece a whole piece, and what it really comes down to is that once people are born in this country that we are our brother's keeper, and Hillary Clinton was absolutely right: it does take a village to raise a child. Do your part on that.

I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, 2 years ago today Pennsylvania abortion doctor Kermit Gosnell was convicted of murder, conspiracy to kill, and involuntary manslaughter and sentenced to life imprisonment.

Even though the news of Gosnell's child slaughter was largely suppressed by the mainstream media, many of my colleagues may remember that Dr. Gosnell operated a large Philadelphia abortion clinic where women died and countless babies were dismembered or chemically destroyed, often by having their spinal cord snipped, all gruesome procedures causing excruciating pain to the victim.

Today, the House considers landmark legislation authored by Congressman TRENT FRANKS to protect unborn children beginning at the age of 20 weeks postfertilization from these pain-filled abortions.

The Pain-Capable Unborn Child Protection Act is needed now more than

ever because there are Gosnells all over America, dismembering and decapitating pain-capable babies for profit: men like Steven Brigham of New Jersey, an interstate abortion operator—some 35 aborted babies were found in his freezer; men like Leroy Carhart, caught on videotape joking about his abortion toolkit, complete with, as he said, a pickaxe and drill bit, while describing a 3-day-long late-term abortion procedure and the infant victim as “putting meat in a Crock-Pot.”

Some euphemistically call this choice, but a growing number of Americans rightly regard it as violence against children, and huge majorities—60 percent, according to the November Quinnipiac poll—want it stopped.

Fresh impetus for this bill came from a huge study of nearly 5,000 babies, preemies, published last week in *The New England Journal of Medicine*. The next day *The New York Times* article titled “Premature Babies May Survive At 22 Weeks If Treated” touted the Journal’s extraordinary findings of survival and hope.

Just imagine, Madam Speaker, preemies at 20 weeks are surviving, as technology and medical science advances. Alexis Hutchinson, featured in *The New York Times* story, is today a healthy 5-year-old who originally weighed in at a mere 1.1 pounds. Thus, the babies we seek to protect from harm today may indeed survive if treated humanely, with expertise and with an abundance of compassion.

I urge support for the legislation.

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

I would like to read from patients’ stories that I have here today, starting with the fact that women need access to abortion care later in pregnancy for a variety of reasons and must have the ability to make decisions that are right for them, in consultation with their healthcare providers and those they trust. A woman’s health, not politics, should be the basis of important medical decisions.

Kris from Indiana. When Kris went on her 20-week ultrasound, she thought she would learn the sex of her pregnancy but, instead, found out that her fetus had cystic hygroma and fetal hydrops. The doctor advised her there was no chance of survival. The only two options were to wait until she miscarried, which would risk her health and her future fertility, or to safely terminate the pregnancy. Kris said it was a hard decision, but she was happy she was able to make it with her family and those she trusted. Because of a 20-week ban in Indiana, she had to travel to Ohio to obtain her abortion care. If H.R. 36 were passed, she would have no place to go.

Lorna from Florida. Lorna is a mother of three, with a number of health issues, including lupus, a tumor on her upper intestines, and two uterine abrasions. When Lorna found out she was pregnant, she knew immediately that

the carrying of the pregnancy to term was not an option for her. She had hemorrhaged while giving birth to her last child, and her sister, who also had lupus, had died after giving birth. Lorna didn’t want to risk another potentially dangerous delivery and potentially leave her three children without a mother, and she went to the closest abortion care facility, got a free ultrasound, but was unable to obtain an abortion because of her health issues. The clinic recommended that Lorna obtain abortion care in a hospital setting, but due to her complex condition, the closest hospital that could handle her healthcare needs was in California. With help from the clinic and the NAF Hotline, Lorna was able to fly more than 2,000 miles to California to obtain the abortion care she needed at almost 22 weeks pregnant. She would not be able to do that under this bill.

Josephine from Florida. Josephine recently moved from Texas to Florida with two children to escape her abusive partner after he threatened to kill her. While trying to create a new stable home for her children, Josephine was raped and became pregnant. She couldn’t afford to pay for her abortion, nor could she arrange for transportation to get to the closest provider, who was more than 80 miles away, so Josephine attempted to terminate the pregnancy on her own by ingesting poison. She ended up being hospitalized, needing several blood transfusions, and was still pregnant. By the time she was able to gather enough resources to cover her abortion procedure and transportation, she was 23 weeks pregnant and would not have been able to do that under this law.

Mya lives in Georgia. She and her mom tried borrowing money from friends and family to pay for her abortion but couldn’t gather enough resources in time for her appointment, so they had to delay the care and reschedule. By the time Mya was able to raise enough money to make her appointment, she found out she was further along in the pregnancy than she expected and was now 21 weeks pregnant. She was able to access care, but if H.R. 36 were the law, she would have been prohibited.

Niecy from Florida was raped by a man she thought was her friend. When she realized she was pregnant due to the rape, she knew immediately she wanted to terminate the pregnancy. As a full-time student, she had no income and couldn’t tell her mom because she knew her mom would try to keep the pregnancy due to her mom’s anti-choice religious beliefs. Niecy spent 2 months trying to raise enough money to pay for her procedure. She had nothing to pawn or sell and was so desperate that she even asked the rapist for money, but he refused to help her.

□ 1330

When Niecy was past 20 weeks, she was finally put in touch with the NAF

Hotline and other funds available to provide the financial money that she needed.

Serafina from South Carolina started a new job and was working to build a stable life for her and her two kids in a homeless shelter when she found out she was pregnant. She decided terminating her pregnancy was the best decision for herself and her family. They had no home.

Unfortunately, Serafina found out that she was already more than 20 weeks pregnant. She had no items to pawn or sell, living in a shelter. Thanks to a friend willing to help her with money and a ride—and support—Serafina was able to get the care she needed, which she could not do if H.R. 36 were passed.

Gloria from Washington moved in with her parents in order to financially support them when she was faced with an unwanted pregnancy.

Do you notice in all of this, the men involved don’t have to pay anything or do anything at all? Isn’t that a strange circumstance?

When Gloria was faced with the unwanted pregnancy, she was fortunate to be working, but was only making minimum wage and had no paid sick leave and was still in her 90-day new job probationary period. Even after receiving her paycheck, she didn’t have enough funds to continue supporting her family to travel to the nearest abortion care provider 3 hours away and pay for the procedure itself.

Eventually, she decided not to pay her other bills in order to have enough funds to cover her travel and care, but then she ran into another barrier: her boss. Because the provider was more than 150 miles away, she needed to take time off work, but her employer wouldn’t allow her to do so. The situation placed the job she desperately needed in jeopardy and, fortunately, her boss eventually relented and she was able to obtain the abortion care she needed.

I will rest my case, and I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentlewoman for yielding.

Madam Speaker, I would like to first express my deepest and sincerest gratitude to every last person who played a role in the creation and development of the Pain-Capable Unborn Child Protection Act now before us on this unique and historic day.

Madam Speaker, we really understand what we are all talking about here. Protecting little pain-capable unborn babies really is not a Republican issue or a Democrat issue. It really is a test of our basic humanity and who we are as a human family.

I would just hope that Members of Congress, as well as all Americans, will go to [painscapable.com](http://painscapable.com) and see for themselves what technology is now upon us in 2015; that unborn children

entering their sixth month of pregnancy are capable of feeling pain is now beyond question.

The real question that remains is: Will those of us privileged to live and breathe in this, the land of the free and the home of the brave, finally come together and protect mothers and their little innocent pain-capable unborn babies from monsters like Kermit Gosnell? That is the question, Madam Speaker.

God help us to do it.

Ms. SLAUGHTER. Madam Speaker, I reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. ABRAHAM).

Mr. ABRAHAM. Madam Speaker, I stand here as a proud sponsor of the Pain-Capable Unborn Child Protection Act. This is strong, commonsense legislation focused on protecting the lives of unborn children and their mothers, and I am very happy that this new language is even stronger than the original bill in January.

As a doctor, I know—and I can attest—that this bill is backed by scientific research showing that babies can indeed feel pain at 20 weeks, if not before. That is why it is so important we stand up for life and stand up for this human rights issue. This is a pro-life effort that deserves bipartisan support.

I fully urge passage of this rule.

Ms. SLAUGHTER. Madam Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Madam Speaker, I rise today in support of the rights of the unborn and urge my colleagues to vote in favor of the rule for the Pain-Capable Unborn Child Protection Act.

I, along with many of my constituents in northern Michigan, believe that life inside the womb is just as precious as life outside the womb and that it must be protected. The Pain-Capable Unborn Child Protection Act will prevent abortions from occurring after the point at which many scientific studies have demonstrated that children in the womb can actually feel pain. All children, even the unborn, have the absolute right to life, and we need to do our utmost to protect the most defenseless among us.

I served as a doctor in northern Michigan, where I was able to witness the miracle of new life in the delivery room. Because of this, and because of my experience as a father and as a grandfather, I have made protecting the rights of the unborn my priority while serving in Congress.

I urge my colleagues to support this important legislation.

Ms. SLAUGHTER. Madam Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Madam Speaker, as a medical doctor, I took an oath to protect lives. As a cardiothoracic surgeon for many years, I worked day and night to save lives in the operating room. Today, I stand proudly with my colleagues here on the House floor to defend the lives of those poor, innocent unborn children who don't have anybody else to stand up to defend them.

The scientific evidence is clear: unborn babies feel pain. They feel pain at 20 weeks postfertilization. This bill bans late-term abortions, with very limited exceptions.

According to the Charlotte Lozier Institute, the United States is currently one of only seven countries worldwide, including North Korea and China, that allows elective late-term abortions.

The nonpartisan Congressional Budget Office estimates enacting this bill will save 2,750 lives each year. Twenty-four States, including my home State of Louisiana, have already acted to ban these late-term abortions.

I urge my colleagues to be compassionate. I urge my colleagues to support the Pain-Capable Unborn Child Protection Act so that unborn lives in all 50 States are protected from painful late-term abortions.

Ms. SLAUGHTER. Madam Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1½ minutes to the gentlewoman from South Dakota (Mrs. NOEM).

Mrs. NOEM. Madam Speaker, today, I rise in support of the rule for H.R. 36, the Pain-Capable Unborn Child Protection Act. This is a strong bill that prevents abortions after 20 weeks, except in certain circumstances, and I urge my colleagues to support this bill today.

As a mother of three, I know the worry and anxiety that comes along with carrying a child. And many times, that worry doesn't end after birth. I still think about my children with concern every day, and I understand the difficulties and the decisions that many women have during this time.

Motherhood is a big responsibility and a huge change. As a community, we need to help women through this time. But we also have the responsibility to come together as a country and protect the most innocent and the vulnerable among us.

In this bill, we are talking about protecting unborn babies that are already 20 weeks old and mothers who are halfway through their pregnancy. That is about 5 months. At this stage, many women already have a baby bump and they are wearing maternity clothing. The baby can be as long as a banana is and kicking and moving around, even to the point where the mother will feel those kicks and that movement.

More importantly, this is the stage where we know the baby can feel pain and could be viable outside the womb with proper care. In fact, there is evidence that the pain that the unborn baby feels is even more intense than

what a young child or an adult would feel because their nervous system isn't developed enough to block that pain.

The majority of women in the United States are with us on this bill. We must protect these innocent lives when they are the most vulnerable and sensitive among us to feeling pain.

Ms. SLAUGHTER. Madam Speaker, I continue to reserve the balance of my time.

Ms. FOXX. Madam Speaker, I yield 1 minute to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I urge my colleagues to join me in supporting H.R. 36, the Pain-Capable Unborn Child Protection Act.

Scientific evidence has demonstrated that by 20 weeks, unborn babies are able to feel pain; and thanks to ongoing medical improvements, premature babies at this stage are increasingly able to live outside the womb.

This bill will protect unborn babies 20 weeks and older from having to suffer the excruciating pain of an abortion death. Abortions are brutal and extremely painful, where the child is either dismembered or poisoned.

H.R. 36 will punish abortionists who violate the law, while adding important additional protections for unborn children and their mothers.

Every life at this stage is a precious gift from God, and we, as Americans, should continue to protect life. This bill will do just that.

Madam Speaker, I urge full support of the rule and for this legislation.

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

In closing, let me continue with Amy from South Carolina. This is somewhat different but certainly poignant.

Amy and her husband, Chris, were very excited about their pregnancy. Amy's previous pregnancies had been uncomplicated, so they decided to forego genetic testing. However, during the scheduled 20-week ultrasound, the couple received the devastating news that their fetus had a structural and lethal abnormality known as trisomy 18. They were advised to go in for further genetic testing, which was very expensive.

The results to confirm this diagnosis took an additional 10 to 14 days, so Amy was past 20 weeks' gestation when she made the decision to obtain an abortion. With a nationwide 20-week ban, couples like Chris and Amy would not have been able to make decisions that were right for themselves and their families.

Karina from Arizona. The night before Karina called the NAF Hotline, she literally slept against a lamppost. She is homeless and makes and sells jewelry in order to buy food. She can't afford housing.

She called the hotline because she realized she was pregnant after being raped by the father of her five children. Even though she was raped, Arizona Medicaid would not cover her abortion care.

She could barely afford food most days and could not afford the cost of the abortion, so she had to delay her care. Thanks to multiple abortion funds, including the hotline fund and a discount from her care provider, she was able to obtain the abortion she needed. This bill would stop that.

Catherine from Georgia. Catherine was planning on carrying her pregnancy to term, even though she had a number of pregnancy complications, including having to receive blood transfusions throughout the pregnancy.

When she was post 20 weeks pregnant, Catherine found out her fetus had an anomaly. She had placed a child up for adoption in the past, so she knew that adoption was not an option for her again, nor was parenting this pregnancy.

She started to save money and tried pawning the title to her car but was told it was too old and worth nothing. Catherine was able to borrow money from friends, and called the hotline to find an abortion provider.

The night before her appointment, she said even though she knew she was making the right decision, she was nervous about the protesters who would be outside the clinic. The next day, she did not let the protesters yelling at her scare her away. She was able to obtain the care that she needed.

Madam Speaker, I have just received news that the death toll has risen to seven in the Amtrak tragedy.

It is past time to focus on the real priorities that face our country, and I will insert into the RECORD articles from The Baltimore Sun and Politico that I referred to previously.

[From the Baltimore Sun, May 13, 2015]

(By Kevin Rector and Jessica Anderson)

The derailment in Philadelphia of an Amtrak passenger train headed north from Washington and through multiple stops in Maryland left dozens of people injured and killed six—including a midshipman from the U.S. Naval Academy in Annapolis.

The academy notified its brigade of the death early Wednesday morning.

"I speak for the brigade of midshipmen, the faculty and staff when I say we are all completely heartbroken by this," said Cmdr. John Schofield, an academy spokesman.

The midshipman, who was not identified, was headed home on leave, the academy said. It did not say where the midshipman boarded the train.

An online timetable for Train 188, which was carrying a total of 238 passengers and five crew members, shows it had been scheduled to pass through Baltimore's Penn Station and several other stops in Maryland prior to reaching Philadelphia on Tuesday night, though it remained unclear Wednesday morning how many passengers boarded the train at those stations.

Officials said the train derailed at Frankford Junction in North Philadelphia shortly after 9 p.m. The online schedule had it departing Penn Station at 7:54 p.m.

The timetable also includes an original scheduled departure from Washington's Union Station at 7:10 p.m., and subsequent departures from New Carrollton at 7:22 p.m. and BWI Thurgood Marshall Airport at 7:37 p.m. prior to the train's reaching Penn Station.

After Penn Station, the train was scheduled to depart Aberdeen at 8:16 p.m., Wilmington, Del., at 8:43 p.m. and Philadelphia at 9:10 p.m., according to the online schedule.

Amtrak did not immediately respond to questions early Wednesday as to whether Train 188 made all of its locally scheduled stops and how many people boarded at each, or if it was on schedule.

On Wednesday morning, Lisa Bonanno stood in Penn Station looking at an electronic train schedule above, trying to figure out how to get to work in Washington. Bonanno said she was aboard Train 188 Tuesday night, but got off in Baltimore before its derailment in Philadelphia.

"I was on that train last night," she said. Bonanno said she would probably end up taking a MARC train to work, given some delays, but that the derailment in Philadelphia would not deter her from riding Amtrak in the future.

"This is very unusual," she said. "Driving is so much worse."

The derailment happened in Port Richmond, one of five neighborhoods in what's known as Philadelphia's River Wards, dense rowhouse neighborhoods located off the Delaware River. Area resident David Hernandez, whose home is close to the tracks, heard the derailment.

"It sounded like a bunch of shopping carts crashing into each other," he said.

The crashing sound lasted a few seconds, he said, and then there was chaos and screaming.

The derailment was the deadliest incident involving an Amtrak train on the Northeast Corridor since the Maryland collision between an Amtrak train and a Conrail freight engine near Chase, in which 16 people were killed and another 175 were injured.

Officials expect the death toll of Tuesday's derailment could increase as investigators continue to move through the wreckage. The Naval Academy said grief counselors were on hand at its Annapolis campus for grieving midshipmen, faculty and staff.

Navy Secretary Ray Mabus expressed his condolences to the brigade during previously scheduled morning remarks at the academy, which wrapped up its academic year on Tuesday.

The Northeast Corridor, which runs from Washington to Boston, is the busiest stretch of passenger rail line in the country, serving 750,000 passengers and 2,000 commuter, intercity and freight trains per day, according to the Northeast Corridor Infrastructure and Operations Advisory Commission.

The commission has estimated that a loss of service on the corridor for a single day would cost \$100 million in travel delays and lost productivity. Workers who ride trains on the corridor contribute \$50 billion to the U.S. economy annually, the commission has found.

Locally, the corridor is used for Amtrak and freight trains as well as the Maryland Transit Administration's passenger MARC train service. Baltimore, a traditional railroad town, has some of the system's oldest infrastructure.

The Baltimore & Potomac Tunnel under West Baltimore, for instance, is 140 years old and a key choke point for Amtrak and other rail traffic, forcing trains to slow their speeds substantially. It has been slated to be replaced, though Amtrak officials have questioned whether funding will be provided to cover the estimated \$1.5 billion price tag.

In a statement on the derailment Tuesday, Mayor Stephanie Rawlings-Blake said her "heart aches" for the passengers who were on the train.

"Amtrak service is a way of life for so many of our city residents, as well as visi-

tors from all across the Northeast who commute to, from and through our city every day," Rawlings-Blake said. "My prayers are with the families of those who lost their lives in this tragedy. We will support the recovery efforts in every way possible as authorities work to identify the cause of the crash."

Philadelphia Mayor Michael Nutter, who called the scene of the derailment "an absolute disastrous mess" on Tuesday night, said Wednesday that the train's black box had been recovered and was being analyzed.

Amtrak said rail service on the busy Northeast Corridor between New York and Philadelphia had been stopped. Nutter, citing the mangled train tracks and downed wires, said there was "no circumstance under which there would be any Amtrak service this week through Philadelphia."

A rapid-response team from the National Transportation Safety Board was on the scene Wednesday, but the cause of the derailment remained unknown. The Federal Railroad Administration also said it was dispatching at least eight investigators to the scene.

Amtrak canceled two local trains in Baltimore Wednesday, and trains on the Northeast Corridor between Philadelphia and New York were canceled. Those looking for information about family or friends on the train can call Amtrak's incident hotline at 800-523-9101, Amtrak said.

President Barack Obama expressed shock and sadness at the derailment in a statement in which he noted that Amtrak is "a way of life for many" who live and work along the Northeast Corridor. He also thanked police, fire fighters and medical personnel responding to the derailment.

"Philadelphia is known as the city of brotherly love—a city of neighborhoods and neighbors—and that spirit of loving-kindness was reaffirmed last night, as hundreds of first responders and passengers lent a hand to their fellow human beings in need," Obama said.

Pennsylvania Gov. Tom Wolf, who was in touch with Philadelphia's mayor and other state and local officials about the derailment, thanked the first responders for "their brave and quick action."

"My thoughts and prayers are with all of those impacted by tonight's train derailment," he said in a statement. "For those who lost their lives, those who were injured, and the families of all involved, this situation is devastating."

The impact on the East Coast's broader rail network was unclear. Rob Doolittle, a spokesman for railroad CSX Transportation, said the company had offered assistance to Amtrak but that its own mainline was unaffected and it was not experiencing any significant delays through Philadelphia.

Richard Scher, a spokesman for the Maryland Port Administration, said the derailment had occurred north of the port's main freight routings but that he was unsure if delays in Philadelphia were affected port cargo transports. A spokesman for railroad Norfolk Southern, which utilizes part of the Northeast Corridor for trains moving out of Maryland into Delaware, did not immediately respond to a request for comment.

Roel Bouduin, 35, arrived at Penn Station on time Wednesday morning for the beginning of a long day of travel. The resident of Belgium was scheduled to fly from New York to Toronto at 2:30 p.m.

"My plan was to take Amtrak. That's not going to work," he said as he waited at a ticket counter to get a refund.

Instead, his friend would take the day off from Johns Hopkins and drive to New York.

"We take trains daily at home. Taking a train is safer than taking a car," he said.

That said, as he rolled his suitcase from the ticket counter, Bouduin said he would enjoy “a nice drive” up to New York.

Many commuters prefer traveling from Baltimore to Washington or New York by train versus by car.

Reginald Exum is one of those travelers. He said he regularly travels to Washington and New York for his banking job. On Wednesday, though, he was riding to Washington from Penn Station, so the derailment didn't affect his commute.

“It's very unfortunate,” he said. “I feel bad for their families.”

In 1996, 11 people were killed when a MARC commuter train rammed into an Amtrak train in Silver Spring. That crash was blamed on the MARC engineer forgetting about a signal warning him to slow down.

In 1991, another incident occurred in nearly the same spot as the Chase accident in 1987, when an Amtrak train collided with a Conrail coal train—though no one was killed.

The site of Tuesday night's crash, near curving tracks at Frankford Junction, was also the scene of a previous crash.

In 1943, 79 people were killed and at least 120 injured when a Pennsylvania Railroad train carrying 541 people—including military servicemen returning from weekend furloughs—derailed in the same location, also on its way from Washington to New York.

[From Politico Pro, May 13, 2015]

House Appropriations Republicans voted down an amendment today that would have restored Amtrak funding levels seen in previous years, citing the spending caps under the Budget Control Act.

“Any increase in the caps under which we operate, that would go beyond current law, would require an understanding, an agreement, between the White House and the two bodies of Congress,” Committee Chairman Hal Rogers said, adding that the only White House response he's seen is “consternation.”

On a 21-29 vote, the committee defeated the amendment offered by THUD panel ranking member David Price that would have significantly boosted funding for several transportation programs, including Amtrak and WMATA.

House Appropriations ranking member Nita Lowey countered Republican arguments, saying it's critical that Amtrak be fully funded, especially after last night's deadly derailment.

“While we do not know the cause of this accident, we do know that starving rail of funding will not enable safer train travel,” Lowey said. “It's very clear that cutting the funding drastically does not help improve services at Amtrak.”

The House THUD bill would provide about \$1.13 billion in Amtrak funding for fiscal 2016, down from about \$1.4 billion this year.—Heather Caygle.

Ms. SLAUGHTER. Madam Speaker, we have before us a bill that once again solidifies the majority's insistence on putting political gain before women's health. We also have a ruling that unnecessarily governs consideration of three unrelated bills, each needing its own debate. These so-called grab-bag rules harm our institution, muddle debate, and dishonor the importance of the Rules Committee and its jurisdiction.

For all of these reasons, I urge my colleagues to vote “no” on the rule, and I yield back the balance of my time.

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

This rule provides for the consideration of several important pieces of legislation.

H.R. 1735, the FY16 NDAA, was the result of months of bipartisan work and includes crucial provisions to ensure our Armed Forces are agile, efficient, ready, and lethal.

No debate over these issues would be complete without an expression of our deep gratitude and thanks to the members of our military serving at home and overseas and the veterans who served before them. By providing their compensation, equipment, and vital skills education funding in this legislation, we make a small beginning on the impossible to repay debt that we owe them.

□ 1345

Consistent with our constitutional obligation to provide for the defense of our country fulfilled by consideration of the NDAA, H.R. 2048, the USA Freedom Act, similarly meets our responsibilities to secure America by tightening necessary authorities to combat potential terrorist threats, while making fundamental reforms, such as the end of bulk collection of phone records to protect Americans' privacy and civil liberties.

The provisions of this bill that increase transparency by declassifying decisions, orders, and opinions of the FISA court and requiring the public posting of reports to Congress also ensure that Congress and the public can hold these actors accountable.

These critical reforms strengthen our national security, give the Federal Government the tools needed to combat threats, and ensure that privacy and civil liberties are protected.

Our civil liberties aren't the only rights meriting protection, however. The right to life is the most fundamental of rights, and I am proud the people's House will consider H.R. 36, the Pain Capable Unborn Child Protection Act, getting America out of a group with North Korea, China, and Vietnam as one of only seven nations permitting such late-term abortions.

H.R. 36 provides commonsense protections for 20-week-old and older unborn children who can feel pain as you and I do. They have fingers and toes, a heartbeat, and can kick hard enough to startle their mothers. Thanks to the grace of God and the advances of modern science, many of them can even survive outside the womb.

Millions of Americans welcome these developments, and a majority of our constituents support defending the lives of almost fully developed unborn children. That is no surprise in the wake of Kermit Gosnell's horrors and will only continue as more Americans learn about the dismemberment and other grotesque practices that accompany killing an unborn child of that age.

This legislation is a necessary step in recognizing the truth that science has made more clear with the passage of

time; the unborn child in the womb is alive and a functioning member of the human family.

I urge my colleagues to join me in speaking for those who cannot speak for themselves by supporting this legislation, and I thank all of my eloquent colleagues who came down today to speak on this rule.

Madam Speaker, the rule before us provides for action by the House on three critical pieces of legislation, and I strongly urge my colleagues' support.

Ms. JACKSON LEE. Madam Speaker, I rise in strong opposition to the rule for the underlying H.R. 36, the Pain Capable Unborn Child Protection Act, because it would allow politicians, not women or medical experts to decide women's personal medical decisions.

If it becomes law, H.R. 36 would ban abortion care after 20 weeks.

This is a blatant attempt to deny all women their constitutional rights and it will pose an extremely serious threat to the health of many women in the most desperate of circumstances.

To ban abortion care would block a woman's access to safe health care and deny her ability to make decisions according to her physician's advice.

Supreme Court precedent establishes that a woman has the unequivocal right to choose abortion care until the point of fetal viability.

This twenty-week abortion ban brazenly challenges the Supreme Court's standards and deliberately attempts to push the law earlier and earlier into a woman's pregnancy.

This ban would cause a hardship for women in need of safe, legal, later abortion care for a variety of reasons including menopausal women not expecting to become pregnant and who may not discover it for many weeks.

H.R. 36 interferes with the doctor-patient relationship, the sanctity of which is a cornerstone of medical care in our country.

25,000 women in the United States become pregnant as a result of rape here in the U.S. every year.

Approximately 30 percent of rapes involves women under age 18.

According to the Department of Justice, only 35 percent of women who are raped or sexually assaulted reported the assault to police.

This ban requires women rape victims to report their ordeal before they can terminate pregnancy resulting from rape or incest.

Our vote today on this legislation will have real life consequences.

Take for example the case of Tiffany Campbell.

When she was 19 weeks pregnant, Tiffany and her husband Chris learned her pregnancy was afflicted with a severe case of twin-to-twin transfusion syndrome, a condition where the two fetuses unequally share blood circulation.

This news was devastating to the Campbells.

The diagnosis was that one of the fetuses had a strained heart and acute risk of heart failure while the other had a blood supply that was insufficient to sustain normal development.

The Campbells were told that without a selective termination, they risked the loss of both fetuses.

At 22 weeks, in consultation with their doctors, they made the difficult decision to abort one fetus in order to save the other.

Today, the lifesaving procedure for one of the fetuses would be illegal under the new 20-week ban mode.

Then there is the ordeal that Vikki Stella faced.

Vikki is a diabetic who discovered months into her pregnancy that the fetus she was carrying suffered from several major anomalies and had no chance of survival.

As a result of her diabetic medical condition, Vikki's doctor determined that induced labor and Caesarian section were both riskier procedures for Vikki than an abortion.

The procedure not only protected Vikki from immediate medical risks, but also ensured that she would be able to have children in the future.

As you see from each woman's story, every pregnancy is different.

In fact, none of us here is in the position to decide what is best for a woman and her family in their unique circumstances.

H.R. 36 would deprive women the ability to make very difficult and extremely personal medical decisions.

A woman's health, not politics should drive important medical decisions and ignoring a woman's individual circumstances threatens her health and takes an extremely personal medical decision away from a woman and her health care provider.

The Administration urges Congress in its Statement of Administration Policy to oppose H.R. 36 because it would unacceptably restrict women's health and reproductive right to choose.

Women, regardless of their status in life should be able to make choices about their bodies and their healthcare, and we as elected officials should not inject ourselves into decisions best made between a woman and her doctor.

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.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 240, nays 186, not voting 6, as follows:

[Roll No. 221]

YEAS—240

Abraham	Bucshon	Denham
Aderholt	Burgess	Dent
Allen	Byrne	DeSantis
Amodעי	Calvert	DesJarlais
Babin	Carter (GA)	Diaz-Balart
Barr	Carter (TX)	Dold
Barton	Chabot	Donovan
Benishק	Chaffetz	Duffy
Bilirakis	Clawson (FL)	Duncan (SC)
Bishop (MI)	Coffman	Duncan (TN)
Bishop (UT)	Cole	Ellmers (NC)
Black	Collins (GA)	Emmer (MN)
Blackburn	Collins (NY)	Farenthold
Blum	Comstock	Fincher
Bost	Conaway	Fitzpatrick
Boustany	Cook	Fleischmann
Brady (TX)	Costello (PA)	Fleming
Brat	Cramer	Flores
Bridenstine	Crawford	Forbes
Brooks (AL)	Crenshaw	Fortenberry
Brooks (IN)	Culberson	Fox
Buchanan	Curbelo (FL)	Franks (AZ)
Buck	Davis, Rodney	Frelinghuysen

Garrett	Luetkemeyer	Ross	Maloney, Sean	Pocan	Speier
Gibbs	Lummis	Rothfus	Massie	Polis	Swalwell (CA)
Gibson	MacArthur	Rouzer	Matsui	Price (NC)	Takai
Gohmert	Marchant	Royce	McCollum	Quigley	Takano
Goodlatte	Marino	Russell	McDermott	Rangel	Thompson (CA)
Gosar	McCarthy	Ryan (WI)	McGovern	Rice (NY)	Thompson (MS)
Gowdy	McCauley	Salmon	McNerney	Richmond	Titus
Granger	McClintock	Sanford	Meeks	Roybal-Allard	Tonko
Graves (GA)	McHenry	Scalise	Meng	Ruppersberger	Torres
Graves (LA)	McKinley	Schweikert	Moore	Rush	Tsongas
Griffith	McMorris	Scott, Austin	Moulton	Ryan (OH)	Van Hollen
Grothman	Rodgers	Sensenbrenner	Murphy (FL)	Sánchez, Linda	Vargas
Guinta	McSally	Sessions	Nadler	T.	Veasey
Guthrie	Meadows	Shimkus	Napolitano	Sanchez, Loretta	Vela
Hanna	Meehan	Shuster	Neal	Sarbanes	Velázquez
Hardy	Messer	Simpson	Nolan	Schakowsky	Visclosky
Harper	Mica	Smith (MO)	Norcross	Schiff	Walz
Harris	Miller (FL)	Smith (NE)	O'Rourke	Schrader	Wasserman
Hartzler	Miller (MI)	Smith (NJ)	Pallone	Scott (VA)	Schultz
Heck (NV)	Moolenaar	Smith (TX)	Pascrell	Scott, David	Waters, Maxine
Hensarling	Mooney (WV)	Stefanik	Payne	Serrano	Watson Coleman
Herrera Beutler	Mullin	Stewart	Pelosi	Sewell (AL)	Welch
Hice, Jody B.	Mulvaney	Stivers	Perlmutter	Sherman	Wilson (FL)
Hill	Murphy (PA)	Stutzman	Peters	Sinema	Yarmuth
Holding	Neugebauer	Thompson (PA)	Peterson	Sires	
Hudson	Newhouse	Thornberry	Pingree	Slaughter	
Huelskamp	Noem	Tiberi			
Huizenga (MI)	Nugent	Nunes			
Hultgren	Nunes	Trott			
Hunter	Olson	Turner			
Hurd (TX)	Palazzo	Upton			
Hurt (VA)	Palmer	Valadao			
Issa	Paulsen	Pearce			
Jenkins (KS)	Pearce	Walberg			
Jenkins (WV)	Perry	Walden			
Johnson (OH)	Pittenger	Walker			
Johnson, Sam	Pitts	Walorski			
Jolly	Poe (TX)	Walters, Mimi			
Jones	Poliquin	Weber (TX)			
Jordan	Pompeo	Webster (FL)			
Joyce	Posey	Wenstrup			
Katko	Price, Tom	Westerman			
Kelly (PA)	Ratcliffe	Westmoreland			
King (IA)	Reed	Whitfield			
King (NY)	Reichert	Williams			
Kinzinger (IL)	Renacci	Wilson (SC)			
Kline	Ribble	Wittman			
Knight	Rice (SC)	Womack			
Labrador	Rigell	Woodall			
LaMalfa	Roe (TN)	Yoder			
Lamborn	Roe (TN)	Yoho			
Lance	Rogers (AL)	Young (AK)			
Latta	Rogers (KY)	Young (IA)			
LoBiondo	Rohrabacher	Young (IN)			
Long	Rokita	Zeldin			
Loudermilk	Rooney (FL)	Zinke			
Love	Ros-Lehtinen				
Lucas	Roskam				

NAYS—186

Adams	Crowley	Higgins
Aguilar	Cuellar	Himes
Amash	Cummings	Honda
Ashford	Davis (CA)	Hoyer
Bass	Davis, Danny	Huffman
Beatty	DeFazio	Israel
Becerra	DeGette	Jackson Lee
Bera	Delaney	Jeffries
Beyer	DeLauro	Johnson (GA)
Bishop (GA)	DelBene	Johnson, E. B.
Blumenauer	DeSaulnier	Kaptur
Bonamici	Deutch	Keating
Boyle, Brendan	Dingell	Kelly (IL)
F.	Doggett	Kennedy
Brady (PA)	Doyle, Michael	Kildee
Brown (FL)	F.	Kilmer
Brownley (CA)	Duckworth	Kind
Bustos	Edwards	Kirkpatrick
Butterfield	Ellison	Kuster
Capuano	Engel	Langevin
Cárdenas	Eshoo	Larsen (WA)
Carney	Esty	Larson (CT)
Carson (IN)	Farr	Lawrence
Cartwright	Fattah	Lee
Castor (FL)	Foster	Levin
Castro (TX)	Frankel (FL)	Lewis
Chu, Judy	Fudge	Lieu, Ted
Cicilline	Gabbard	Lipinski
Clark (MA)	Gallego	Loeback
Clarke (NY)	Garamendi	Lofgren
Clay	Graham	Lowenthal
Cleaver	Grayson	Lowe
Clyburn	Green, Al	Lujan Grisham
Cohen	Green, Gene	(NM)
Connolly	Grijalva	Luján, Ben Ray
Conyers	Gutiérrez	(NM)
Cooper	Hahn	Lynch
Costa	Hastings	Maloney,
Courtney	Heck (WA)	Carolyn

Maloney, Sean	Pocan	Speier
Massie	Polis	Swalwell (CA)
Matsui	Price (NC)	Takai
McCollum	Quigley	Takano
McDermott	Rangel	Thompson (CA)
McGovern	Rice (NY)	Thompson (MS)
McNerney	Richmond	Titus
Meeks	Roybal-Allard	Tonko
Meng	Ruppersberger	Torres
Moore	Rush	Tsongas
Moulton	Ryan (OH)	Van Hollen
Murphy (FL)	Sánchez, Linda	Vargas
Nadler	T.	Veasey
Napolitano	Sanchez, Loretta	Vela
Neal	Sarbanes	Velázquez
Nolan	Schakowsky	Visclosky
Norcross	Schiff	Walz
O'Rourke	Schrader	Wasserman
Pallone	Scott (VA)	Schultz
Pascrell	Scott, David	Waters, Maxine
Payne	Serrano	Watson Coleman
Pelosi	Sewell (AL)	Welch
Perlmutter	Sherman	Wilson (FL)
Peters	Sinema	Yarmuth
Peterson	Sires	
Pingree	Slaughter	

NOT VOTING—6

Barletta	Graves (MO)	Ruiz
Capps	Hinojosa	Smith (WA)

□ 1416

Mr. LUETKEMEYER changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION TO POSTPONE PROCEEDINGS ON MOTION TO RECOMMIT

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that the Chair may postpone further proceedings today on a motion to recommit as though under clause 8 of rule XX.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Virginia? There was no objection.

UNITING AND STRENGTHENING AMERICA BY FULFILLING RIGHTS AND ENSURING EFFECTIVE DISCIPLINE OVER MONITORING ACT OF 2015

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 255, I call up the bill (H.R. 2048) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 255, the amendment printed in part B of House Report 114-111 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 2048

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Uniting and Strengthening America by Fulfilling Rights and Ensuring Effective Discipline Over Monitoring Act of 2015” or the “USA FREEDOM Act of 2015”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

- Sec. 1. Short title; table of contents.  
Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

**TITLE I—FISA BUSINESS RECORDS REFORMS**

- Sec. 101. Additional requirements for call detail records.  
Sec. 102. Emergency authority.  
Sec. 103. Prohibition on bulk collection of tangible things.  
Sec. 104. Judicial review.  
Sec. 105. Liability protection.  
Sec. 106. Compensation for assistance.  
Sec. 107. Definitions.  
Sec. 108. Inspector General reports on business records orders.  
Sec. 109. Effective date.  
Sec. 110. Rule of construction.

**TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM**

- Sec. 201. Prohibition on bulk collection.  
Sec. 202. Privacy procedures.

**TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS**

- Sec. 301. Limits on use of unlawfully obtained information.

**TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS**

- Sec. 401. Appointment of amicus curiae.  
Sec. 402. Declassification of decisions, orders, and opinions.

**TITLE V—NATIONAL SECURITY LETTER REFORM**

- Sec. 501. Prohibition on bulk collection.  
Sec. 502. Limitations on disclosure of national security letters.  
Sec. 503. Judicial review.

**TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS**

- Sec. 601. Additional reporting on orders requiring production of business records; business records compliance reports to Congress.  
Sec. 602. Annual reports by the Government.  
Sec. 603. Public reporting by persons subject to FISA orders.  
Sec. 604. Reporting requirements for decisions, orders, and opinions of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.

**TITLE VII—ENHANCED NATIONAL SECURITY PROVISIONS**

- Sec. 701. Emergencies involving non-United States persons.  
Sec. 702. Preservation of treatment of non-United States persons traveling outside the United States as agents of foreign powers.  
Sec. 703. Improvement to investigations of international proliferation of weapons of mass destruction.  
Sec. 704. Increase in penalties for material support of foreign terrorist organizations.  
Sec. 705. Sunsets.

**TITLE VIII—SAFETY OF MARITIME NAVIGATION AND NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION**

**Subtitle A—Safety of Maritime Navigation**

- Sec. 801. Amendment to section 2280 of title 18, United States Code.

Sec. 802. New section 2280a of title 18, United States Code.

Sec. 803. Amendments to section 2281 of title 18, United States Code.

Sec. 804. New section 2281a of title 18, United States Code.

Sec. 805. Ancillary measure.

Subtitle B—Prevention of Nuclear Terrorism

Sec. 811. New section 2332i of title 18, United States Code.

Sec. 812. Amendment to section 831 of title 18, United States Code.

**SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

**TITLE I—FISA BUSINESS RECORDS REFORMS**

**SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL RECORDS.**

(a) **APPLICATION.**—Section 501(b)(2) (50 U.S.C. 1861(b)(2)) is amended—

(1) in subparagraph (A)—  
(A) in the matter preceding clause (i), by striking “a statement” and inserting “in the case of an application other than an application described in subparagraph (C) (including an application for the production of call detail records other than in the manner described in subparagraph (C)), a statement”; and  
(B) in clause (iii), by striking “; and” and inserting a semicolon;  
(2) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively; and  
(3) by inserting after subparagraph (B) (as so redesignated) the following new subparagraph:

“(C) in the case of an application for the production on an ongoing basis of call detail records created before, on, or after the date of the application relating to an authorized investigation (other than a threat assessment) conducted in accordance with subsection (a)(2) to protect against international terrorism, a statement of facts showing that—  
“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and  
“(ii) there is a reasonable, articulable suspicion that such specific selection term is associated with a foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor; and”.

(b) **ORDER.**—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—  
(1) in subparagraph (D), by striking “; and” and inserting a semicolon;  
(2) in subparagraph (E), by striking the period and inserting “; and”; and  
(3) by adding at the end the following new subparagraph:

“(F) in the case of an application described in subsection (b)(2)(C), shall—  
“(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;  
“(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1) of this subsection;

“(iii) provide that the Government may require the prompt production of a first set of call detail records using the specific selection term that satisfies the standard required under subsection (b)(2)(C)(ii);  
“(iv) provide that the Government may require the prompt production of a second set of call detail records using session-identifying information or a telephone calling card number identified by the specific selection term used to produce call detail records under clause (iii);  
“(v) provide that, when produced, such records be in a form that will be useful to the Government;  
“(vi) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and  
“(vii) direct the Government to—  
“(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and  
“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

**SEC. 102. EMERGENCY AUTHORITY.**

(a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsections:  
“(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.**—  
“(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—  
“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;  
“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;  
“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and  
“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.  
“(2) If the Attorney General requires the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.  
“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.  
“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.  
“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived

“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

“(ii) there is a reasonable, articulable suspicion that such specific selection term is associated with a foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor; and”.

(b) **ORDER.**—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—  
(1) in subparagraph (D), by striking “; and” and inserting a semicolon;  
(2) in subparagraph (E), by striking the period and inserting “; and”; and  
(3) by adding at the end the following new subparagraph:

“(F) in the case of an application described in subsection (b)(2)(C), shall—  
“(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;  
“(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1) of this subsection;

“(iii) provide that the Government may require the prompt production of a first set of call detail records using the specific selection

term that satisfies the standard required under subsection (b)(2)(C)(ii);

“(iv) provide that the Government may require the prompt production of a second set of call detail records using session-identifying information or a telephone calling card number identified by the specific selection term used to produce call detail records under clause (iii);  
“(v) provide that, when produced, such records be in a form that will be useful to the Government;  
“(vi) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and  
“(vii) direct the Government to—  
“(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and  
“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

**SEC. 102. EMERGENCY AUTHORITY.**

(a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsections:  
“(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.**—  
“(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—  
“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;  
“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;  
“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and  
“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.  
“(2) If the Attorney General requires the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.  
“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.  
“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.  
“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived

“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

“(ii) there is a reasonable, articulable suspicion that such specific selection term is associated with a foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor; and”.

(b) **ORDER.**—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—  
(1) in subparagraph (D), by striking “; and” and inserting a semicolon;  
(2) in subparagraph (E), by striking the period and inserting “; and”; and  
(3) by adding at the end the following new subparagraph:

“(F) in the case of an application described in subsection (b)(2)(C), shall—  
“(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;  
“(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1) of this subsection;

“(iii) provide that the Government may require the prompt production of a first set of call detail records using the specific selection

term that satisfies the standard required under subsection (b)(2)(C)(ii);  
“(iv) provide that the Government may require the prompt production of a second set of call detail records using session-identifying information or a telephone calling card number identified by the specific selection term used to produce call detail records under clause (iii);  
“(v) provide that, when produced, such records be in a form that will be useful to the Government;  
“(vi) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and  
“(vii) direct the Government to—  
“(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and  
“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

**SEC. 102. EMERGENCY AUTHORITY.**

(a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsections:  
“(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.**—  
“(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—  
“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;  
“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;  
“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and  
“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.  
“(2) If the Attorney General requires the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.  
“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.  
“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.  
“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived

“(i) there are reasonable grounds to believe that the call detail records sought to be produced based on the specific selection term required under subparagraph (A) are relevant to such investigation; and

“(ii) there is a reasonable, articulable suspicion that such specific selection term is associated with a foreign power engaged in international terrorism or activities in preparation therefor, or an agent of a foreign power engaged in international terrorism or activities in preparation therefor; and”.

(b) **ORDER.**—Section 501(c)(2) (50 U.S.C. 1861(c)(2)) is amended—  
(1) in subparagraph (D), by striking “; and” and inserting a semicolon;  
(2) in subparagraph (E), by striking the period and inserting “; and”; and  
(3) by adding at the end the following new subparagraph:

“(F) in the case of an application described in subsection (b)(2)(C), shall—  
“(i) authorize the production on a daily basis of call detail records for a period not to exceed 180 days;  
“(ii) provide that an order for such production may be extended upon application under subsection (b) and the judicial finding under paragraph (1) of this subsection;

“(iii) provide that the Government may require the prompt production of a first set of call detail records using the specific selection

term that satisfies the standard required under subsection (b)(2)(C)(ii);  
“(iv) provide that the Government may require the prompt production of a second set of call detail records using session-identifying information or a telephone calling card number identified by the specific selection term used to produce call detail records under clause (iii);  
“(v) provide that, when produced, such records be in a form that will be useful to the Government;  
“(vi) direct each person the Government directs to produce call detail records under the order to furnish the Government forthwith all information, facilities, or technical assistance necessary to accomplish the production in such a manner as will protect the secrecy of the production and produce a minimum of interference with the services that such person is providing to each subject of the production; and  
“(vii) direct the Government to—  
“(I) adopt minimization procedures that require the prompt destruction of all call detail records produced under the order that the Government determines are not foreign intelligence information; and  
“(II) destroy all call detail records produced under the order as prescribed by such procedures.”.

**SEC. 102. EMERGENCY AUTHORITY.**

(a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is amended by adding at the end the following new subsections:  
“(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF TANGIBLE THINGS.**—  
“(1) Notwithstanding any other provision of this section, the Attorney General may require the emergency production of tangible things if the Attorney General—  
“(A) reasonably determines that an emergency situation requires the production of tangible things before an order authorizing such production can with due diligence be obtained;  
“(B) reasonably determines that the factual basis for the issuance of an order under this section to approve such production of tangible things exists;  
“(C) informs, either personally or through a designee, a judge having jurisdiction under this section at the time the Attorney General requires the emergency production of tangible things that the decision has been made to employ the authority under this subsection; and  
“(D) makes an application in accordance with this section to a judge having jurisdiction under this section as soon as practicable, but not later than 7 days after the Attorney General requires the emergency production of tangible things under this subsection.  
“(2) If the Attorney General requires the emergency production of tangible things under paragraph (1), the Attorney General shall require that the minimization procedures required by this section for the issuance of a judicial order be followed.  
“(3) In the absence of a judicial order approving the production of tangible things under this subsection, the production shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of 7 days from the time the Attorney General begins requiring the emergency production of such tangible things, whichever is earliest.  
“(4) A denial of the application made under this subsection may be reviewed as provided in section 103.  
“(5) If such application for approval is denied, or in any other case where the production of tangible things is terminated and no order is issued approving the production, no information obtained or evidence derived

from such production shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or a political subdivision thereof, and no information concerning any United States person acquired from such production shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(6) The Attorney General shall assess compliance with the requirements of paragraph (5).”.

(b) CONFORMING AMENDMENT.—Section 501(d) (50 U.S.C. 1861(d)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “pursuant to an order” and inserting “pursuant to an order issued or an emergency production required”;

(B) in subparagraph (A), by striking “such order” and inserting “such order or such emergency production”;

(C) in subparagraph (B), by striking “the order” and inserting “the order or the emergency production”;

(2) in paragraph (2)—

(A) in subparagraph (A), by striking “an order” and inserting “an order or emergency production”;

(B) in subparagraph (B), by striking “an order” and inserting “an order or emergency production”.

#### SEC. 103. PROHIBITION ON BULK COLLECTION OF TANGIBLE THINGS.

(a) APPLICATION.—Section 501(b)(2) (50 U.S.C. 1861(b)(2)), as amended by section 101(a) of this Act, is further amended by inserting before subparagraph (B), as redesignated by such section 101(a) of this Act, the following new subparagraph:

“(A) a specific selection term to be used as the basis for the production of the tangible things sought;”.

(b) ORDER.—Section 501(c) (50 U.S.C. 1861(c)) is amended—

(1) in paragraph (2)(A), by striking the semicolon and inserting “, including each specific selection term to be used as the basis for the production;”;

(2) by adding at the end the following new paragraph:

“(3) No order issued under this subsection may authorize the collection of tangible things without the use of a specific selection term that meets the requirements of subsection (b)(2).”.

#### SEC. 104. JUDICIAL REVIEW.

(a) MINIMIZATION PROCEDURES.—

(1) JUDICIAL REVIEW.—Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended by inserting after “subsections (a) and (b)” the following: “and that the minimization procedures submitted in accordance with subsection (b)(2)(D) meet the definition of minimization procedures under subsection (g)”.

(2) RULE OF CONSTRUCTION.—Section 501(g) (50 U.S.C. 1861(g)) is amended by adding at the end the following new paragraph:

“(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit the authority of the court established under section 103(a) to impose additional, particularized minimization procedures with regard to the production, retention, or dissemination of nonpublicly available information concerning unconsenting United States persons, including additional, particularized procedures related to the destruction of information within a reasonable time period.”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 501(g)(1) (50 U.S.C. 1861(g)(1)) is amended—

(A) by striking “Not later than 180 days after the date of the enactment of the USA PATRIOT Improvement and Reauthorization Act of 2005, the” and inserting “The”; and

(B) by inserting after “adopt” the following: “, and update as appropriate.”.

(b) ORDERS.—Section 501(f)(2) (50 U.S.C. 1861(f)(2)) is amended—

(1) in subparagraph (A)(i)—

(A) by striking “that order” and inserting “the production order or any nondisclosure order imposed in connection with the production order”;

(B) by striking the second sentence; and

(2) in subparagraph (C)—

(A) by striking clause (ii); and

(B) by redesignating clause (iii) as clause (ii).

#### SEC. 105. LIABILITY PROTECTION.

Section 501(e) (50 U.S.C. 1861(e)) is amended to read as follows:

“(e)(1) No cause of action shall lie in any court against a person who—

“(A) produces tangible things or provides information, facilities, or technical assistance in accordance with an order issued or an emergency production required under this section; or

“(B) otherwise provides technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act of 2015.

“(2) A production or provision of information, facilities, or technical assistance described in paragraph (1) shall not be deemed to constitute a waiver of any privilege in any other proceeding or context.”.

#### SEC. 106. COMPENSATION FOR ASSISTANCE.

Section 501 (50 U.S.C. 1861), as amended by section 102 of this Act, is further amended by adding at the end the following new subsection:

“(j) COMPENSATION.—The Government shall compensate a person for reasonable expenses incurred for—

“(1) producing tangible things or providing information, facilities, or assistance in accordance with an order issued with respect to an application described in subsection (b)(2)(C) or an emergency production under subsection (i) that, to comply with subsection (i)(1)(D), requires an application described in subsection (b)(2)(C); or

“(2) otherwise providing technical assistance to the Government under this section or to implement the amendments made to this section by the USA FREEDOM Act of 2015.”.

#### SEC. 107. DEFINITIONS.

Section 501 (50 U.S.C. 1861), as amended by section 106 of this Act, is further amended by adding at the end the following new subsection:

“(k) DEFINITIONS.—In this section:

“(1) IN GENERAL.—The terms ‘foreign power’, ‘agent of a foreign power’, ‘international terrorism’, ‘foreign intelligence information’, ‘Attorney General’, ‘United States person’, ‘United States’, ‘person’, and ‘State’ have the meanings provided those terms in section 101.

“(2) ADDRESS.—The term ‘address’ means a physical address or electronic address, such as an electronic mail address or temporarily assigned network address (including an Internet protocol address).

“(3) CALL DETAIL RECORD.—The term ‘call detail record’—

“(A) means session-identifying information (including an originating or terminating telephone number, an International Mobile Subscriber Identity number, or an International Mobile Station Equipment Identity

number), a telephone calling card number, or the time or duration of a call; and

“(B) does not include—

“(i) the contents (as defined in section 2510(8) of title 18, United States Code) of any communication;

“(ii) the name, address, or financial information of a subscriber or customer; or

“(iii) cell site location or global positioning system information.

“(4) SPECIFIC SELECTION TERM.—

“(A) TANGIBLE THINGS.—

“(i) IN GENERAL.—Except as provided in subparagraph (B), a ‘specific selection term’—

“(I) is a term that specifically identifies a person, account, address, or personal device, or any other specific identifier; and

“(II) is used to limit, to the greatest extent reasonably practicable, the scope of tangible things sought consistent with the purpose for seeking the tangible things.

“(ii) LIMITATION.—A specific selection term under clause (i) does not include an identifier that does not limit, to the greatest extent reasonably practicable, the scope of tangible things sought consistent with the purpose for seeking the tangible things, such as an identifier that—

“(I) identifies an electronic communication service provider (as that term is defined in section 701) or a provider of remote computing service (as that term is defined in section 2711 of title 18, United States Code), when not used as part of a specific identifier as described in clause (i), unless the provider is itself a subject of an authorized investigation for which the specific selection term is used as the basis for the production; or

“(II) identifies a broad geographic region, including the United States, a city, a county, a State, a zip code, or an area code, when not used as part of a specific identifier as described in clause (i).

“(iii) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to preclude the use of multiple terms or identifiers to meet the requirements of clause (i).

“(B) CALL DETAIL RECORD APPLICATIONS.—For purposes of an application submitted under subsection (b)(2)(C), the term ‘specific selection term’ means a term that specifically identifies an individual, account, or personal device.”.

#### SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS RECORDS ORDERS.

Section 106A of the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 200) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by inserting “and calendar years 2012 through 2014” after “2006”;

(B) by striking paragraphs (2) and (3);

(C) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively; and

(D) in paragraph (3) (as so redesignated)—

(i) by striking subparagraph (C) and inserting the following new subparagraph:

“(C) with respect to calendar years 2012 through 2014, an examination of the minimization procedures used in relation to orders under section 501 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861) and whether the minimization procedures adequately protect the constitutional rights of United States persons;”;

(ii) in subparagraph (D), by striking “(as such term is defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)))”;

(2) in subsection (c), by adding at the end the following new paragraph:

“(3) CALENDAR YEARS 2012 THROUGH 2014.—Not later than 1 year after the date of enactment of the USA FREEDOM Act of 2015, the Inspector General of the Department of Justice shall submit to the Committee on the

Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the audit conducted under subsection (a) for calendar years 2012 through 2014.”;

(3) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(4) by inserting after subsection (c) the following new subsection:

“(d) INTELLIGENCE ASSESSMENT.—

“(1) IN GENERAL.—For the period beginning on January 1, 2012, and ending on December 31, 2014, the Inspector General of the Intelligence Community shall assess—

“(A) the importance of the information acquired under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) to the activities of the intelligence community;

“(B) the manner in which that information was collected, retained, analyzed, and disseminated by the intelligence community;

“(C) the minimization procedures used by elements of the intelligence community under such title and whether the minimization procedures adequately protect the constitutional rights of United States persons; and

“(D) any minimization procedures proposed by an element of the intelligence community under such title that were modified or denied by the court established under section 103(a) of such Act (50 U.S.C. 1803(a)).

“(2) SUBMISSION DATE FOR ASSESSMENT.—Not later than 180 days after the date on which the Inspector General of the Department of Justice submits the report required under subsection (c)(3), the Inspector General of the Intelligence Community shall submit to the Committee on the Judiciary and the Select Committee on Intelligence of the Senate and the Committee on the Judiciary and the Permanent Select Committee on Intelligence of the House of Representatives a report containing the results of the assessment for calendar years 2012 through 2014.”;

(5) in subsection (e), as redesignated by paragraph (3)—

(A) in paragraph (1)—

(i) by striking “a report under subsection (c)(1) or (c)(2)” and inserting “any report under subsection (c) or (d)”;

(ii) by striking “Inspector General of the Department of Justice” and inserting “Inspector General of the Department of Justice, the Inspector General of the Intelligence Community, and any Inspector General of an element of the intelligence community that prepares a report to assist the Inspector General of the Department of Justice or the Inspector General of the Intelligence Community in complying with the requirements of this section”;

(B) in paragraph (2), by striking “the reports submitted under subsections (c)(1) and (c)(2)” and inserting “any report submitted under subsection (c) or (d)”;

(6) in subsection (f), as redesignated by paragraph (3)—

(A) by striking “The reports submitted under subsections (c)(1) and (c)(2)” and inserting “Each report submitted under subsection (c)”;

(B) by striking “subsection (d)(2)” and inserting “subsection (e)(2)”;

(7) by adding at the end the following new subsection:

“(g) DEFINITIONS.—In this section:

“(1) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(2) UNITED STATES PERSON.—The term ‘United States person’ has the meaning given that term in section 101 of the Foreign Intel-

ligence Surveillance Act of 1978 (50 U.S.C. 1801).”.

#### SEC. 109. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by sections 101 through 103 shall take effect on the date that is 180 days after the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to alter or eliminate the authority of the Government to obtain an order under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) as in effect prior to the effective date described in subsection (a) during the period ending on such effective date.

#### SEC. 110. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the production of the contents (as such term is defined in section 2510(8) of title 18, United States Code) of any electronic communication from an electronic communication service provider (as such term is defined in section 701(b)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881(b)(4))) under title V of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1861 et seq.).

### TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

#### SEC. 201. PROHIBITION ON BULK COLLECTION.

(a) PROHIBITION.—Section 402(c) (50 U.S.C. 1842(c)) is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following new paragraph:

“(3) a specific selection term to be used as the basis for the use of the pen register or trap and trace device.”.

(b) DEFINITION.—Section 401 (50 U.S.C. 1841) is amended by adding at the end the following new paragraph:

“(4)(A) The term ‘specific selection term’—

“(i) is a term that specifically identifies a person, account, address, or personal device, or any other specific identifier; and

“(ii) is used to limit, to the greatest extent reasonably practicable, the scope of information sought, consistent with the purpose for seeking the use of the pen register or trap and trace device.

“(B) A specific selection term under subparagraph (A) does not include an identifier that does not limit, to the greatest extent reasonably practicable, the scope of information sought, consistent with the purpose for seeking the use of the pen register or trap and trace device, such as an identifier that—

“(i) identifies an electronic communication service provider (as that term is defined in section 701) or a provider of remote computing service (as that term is defined in section 2711 of title 18, United States Code), when not used as part of a specific identifier as described in subparagraph (A), unless the provider is itself a subject of an authorized investigation for which the specific selection term is used as the basis for the use; or

“(ii) identifies a broad geographic region, including the United States, a city, a county, a State, a zip code, or an area code, when not used as part of a specific identifier as described in subparagraph (A).

“(C) For purposes of subparagraph (A), the term ‘address’ means a physical address or electronic address, such as an electronic mail address or temporarily assigned network address (including an Internet protocol address).

“(D) Nothing in this paragraph shall be construed to preclude the use of multiple terms or identifiers to meet the requirements of subparagraph (A).”.

#### SEC. 202. PRIVACY PROCEDURES.

(a) IN GENERAL.—Section 402 (50 U.S.C. 1842) is amended by adding at the end the following new subsection:

“(h) PRIVACY PROCEDURES.—

“(1) IN GENERAL.—The Attorney General shall ensure that appropriate policies and procedures are in place to safeguard nonpublicly available information concerning United States persons that is collected through the use of a pen register or trap and trace device installed under this section. Such policies and procedures shall, to the maximum extent practicable and consistent with the need to protect national security, include privacy protections that apply to the collection, retention, and use of information concerning United States persons.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection limits the authority of the court established under section 103(a) or of the Attorney General to impose additional privacy or minimization procedures with regard to the installation or use of a pen register or trap and trace device.”.

(b) EMERGENCY AUTHORITY.—Section 403 (50 U.S.C. 1843) is amended by adding at the end the following new subsection:

“(d) PRIVACY PROCEDURES.—Information collected through the use of a pen register or trap and trace device installed under this section shall be subject to the policies and procedures required under section 402(h).”.

### TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

#### SEC. 301. LIMITS ON USE OF UNLAWFULLY OBTAINED INFORMATION.

Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended by adding at the end the following new subparagraph:

“(D) LIMITATION ON USE OF INFORMATION.—

“(i) IN GENERAL.—Except as provided in clause (ii), if the Court orders a correction of a deficiency in a certification or procedures under subparagraph (B), no information obtained or evidence derived pursuant to the part of the certification or procedures that has been identified by the Court as deficient concerning any United States person shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired pursuant to such part of such certification or procedures shall subsequently be used or disclosed in any other manner by Federal officers or employees without the consent of the United States person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(ii) EXCEPTION.—If the Government corrects any deficiency identified by the order of the Court under subparagraph (B), the Court may permit the use or disclosure of information obtained before the date of the correction under such minimization procedures as the Court may approve for purposes of this clause.”.

### TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

#### SEC. 401. APPOINTMENT OF AMICUS CURIAE.

Section 103 (50 U.S.C. 1803) is amended by adding at the end the following new subsections:

“(i) AMICUS CURIAE.—

“(1) DESIGNATION.—The presiding judges of the courts established under subsections (a) and (b) shall, not later than 180 days after the enactment of this subsection, jointly designate not fewer than 5 individuals to be eligible to serve as amicus curiae, who shall

serve pursuant to rules the presiding judges may establish. In designating such individuals, the presiding judges may consider individuals recommended by any source, including members of the Privacy and Civil Liberties Oversight Board, the judges determine appropriate.

“(2) AUTHORIZATION.—A court established under subsection (a) or (b), consistent with the requirement of subsection (c) and any other statutory requirement that the court act expeditiously or within a stated time—

“(A) shall appoint an individual who has been designated under paragraph (1) to serve as amicus curiae to assist such court in the consideration of any application for an order or review that, in the opinion of the court, presents a novel or significant interpretation of the law, unless the court issues a finding that such appointment is not appropriate; and

“(B) may appoint an individual or organization to serve as amicus curiae, including to provide technical expertise, in any instance as such court deems appropriate or, upon motion, permit an individual or organization leave to file an amicus curiae brief.

“(3) QUALIFICATIONS OF AMICUS CURIAE.—

“(A) EXPERTISE.—Individuals designated under paragraph (1) shall be persons who possess expertise in privacy and civil liberties, intelligence collection, communications technology, or any other area that may lend legal or technical expertise to a court established under subsection (a) or (b).

“(B) SECURITY CLEARANCE.—Individuals designated pursuant to paragraph (1) shall be persons who are determined to be eligible for access to classified information necessary to participate in matters before the courts. Amicus curiae appointed by the court pursuant to paragraph (2) shall be persons who are determined to be eligible for access to classified information, if such access is necessary to participate in the matters in which they may be appointed.

“(4) DUTIES.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2)(A), the amicus curiae shall provide to the court, as appropriate—

“(A) legal arguments that advance the protection of individual privacy and civil liberties;

“(B) information related to intelligence collection or communications technology; or

“(C) legal arguments or information regarding any other area relevant to the issue presented to the court.

“(5) ASSISTANCE.—An amicus curiae appointed under paragraph (2)(A) may request that the court designate or appoint additional amici curiae pursuant to paragraph (1) or paragraph (2), to be available to assist the amicus curiae.

“(6) ACCESS TO INFORMATION.—

“(A) IN GENERAL.—If a court established under subsection (a) or (b) appoints an amicus curiae under paragraph (2), the amicus curiae—

“(i) shall have access to any legal precedent, application, certification, petition, motion, or such other materials that the court determines are relevant to the duties of the amicus curiae; and

“(ii) may, if the court determines that it is relevant to the duties of the amicus curiae, consult with any other individuals designated pursuant to paragraph (1) regarding information relevant to any assigned proceeding.

“(B) BRIEFINGS.—The Attorney General may periodically brief or provide relevant materials to individuals designated pursuant to paragraph (1) regarding constructions and interpretations of this Act and legal, technological, and other issues related to actions authorized by this Act.

“(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court may have access to classified documents, information, and other materials or proceedings only if that individual is eligible for access to classified information and to the extent consistent with the national security of the United States.

“(D) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require the Government to provide information to an amicus curiae appointed by the court that is privileged from disclosure.

“(7) NOTIFICATION.—A presiding judge of a court established under subsection (a) or (b) shall notify the Attorney General of each exercise of the authority to appoint an individual to serve as amicus curiae under paragraph (2).

“(8) ASSISTANCE.—A court established under subsection (a) or (b) may request and receive (including on a nonreimbursable basis) the assistance of the executive branch in the implementation of this subsection.

“(9) ADMINISTRATION.—A court established under subsection (a) or (b) may provide for the designation, appointment, removal, training, or other support for an individual designated to serve as amicus curiae under paragraph (1) or appointed to serve as amicus curiae under paragraph (2) in a manner that is not inconsistent with this subsection.

“(10) RECEIPT OF INFORMATION.—Nothing in this subsection shall limit the ability of a court established under subsection (a) or (b) to request or receive information or materials from, or otherwise communicate with, the Government or amicus curiae appointed under paragraph (2) on an ex parte basis, nor limit any special or heightened obligation in any ex parte communication or proceeding.

“(j) REVIEW OF FISA COURT DECISIONS.—Following issuance of an order under this Act, a court established under subsection (a) shall certify for review to the court established under subsection (b) any question of law that may affect resolution of the matter in controversy that the court determines warrants such review because of a need for uniformity or because consideration by the court established under subsection (b) would serve the interests of justice. Upon certification of a question of law under this subsection, the court established under subsection (b) may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

“(k) REVIEW OF FISA COURT OF REVIEW DECISIONS.—

“(1) CERTIFICATION.—For purposes of section 1254(2) of title 28, United States Code, the court of review established under subsection (b) shall be considered to be a court of appeals.

“(2) AMICUS CURIAE BRIEFING.—Upon certification of an application under paragraph (1), the Supreme Court of the United States may appoint an amicus curiae designated under subsection (i)(1), or any other person, to provide briefing or other assistance.”

**SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND OPINIONS.**

(a) DECLASSIFICATION.—Title VI (50 U.S.C. 1871 et seq.) is amended—

(1) in the heading, by striking “**REPORTING REQUIREMENT**” and inserting “**OVERSIGHT**”; and

(2) by adding at the end the following new section:

**“SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS, ORDERS, AND OPINIONS.**

“(a) DECLASSIFICATION REQUIRED.—Subject to subsection (b), the Director of National Intelligence, in consultation with the Attorney General, shall conduct a declassification review of each decision, order, or opinion issued by the Foreign Intelligence Surveil-

lance Court or the Foreign Intelligence Surveillance Court of Review (as defined in section 601(e)) that includes a significant construction or interpretation of any provision of law, including any novel or significant construction or interpretation of the term ‘specific selection term’, and, consistent with that review, make publicly available to the greatest extent practicable each such decision, order, or opinion.

“(b) REDACTED FORM.—The Director of National Intelligence, in consultation with the Attorney General, may satisfy the requirement under subsection (a) to make a decision, order, or opinion described in such subsection publicly available to the greatest extent practicable by making such decision, order, or opinion publicly available in redacted form.

“(c) NATIONAL SECURITY WAIVER.—The Director of National Intelligence, in consultation with the Attorney General, may waive the requirement to declassify and make publicly available a particular decision, order, or opinion under subsection (a), if—

“(1) the Director of National Intelligence, in consultation with the Attorney General, determines that a waiver of such requirement is necessary to protect the national security of the United States or properly classified intelligence sources or methods; and

“(2) the Director of National Intelligence makes publicly available an unclassified statement prepared by the Attorney General, in consultation with the Director of National Intelligence—

“(A) summarizing the significant construction or interpretation of any provision of law, which shall include, to the extent consistent with national security, a description of the context in which the matter arises and any significant construction or interpretation of any statute, constitutional provision, or other legal authority relied on by the decision; and

“(B) that specifies that the statement has been prepared by the Attorney General and constitutes no part of the opinion of the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review.”

(b) TABLE OF CONTENTS AMENDMENTS.—The table of contents in the first section is amended—

(1) by striking the item relating to title VI and inserting the following new item:

“TITLE VI—OVERSIGHT”;

and

(2) by inserting after the item relating to section 601 the following new item:

“Sec. 602. Declassification of significant decisions, orders, and opinions.”

## TITLE V—NATIONAL SECURITY LETTER REFORM

### SEC. 501. PROHIBITION ON BULK COLLECTION.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b) of title 18, United States Code, is amended in the matter preceding paragraph (1) by striking “may” and inserting “may, using a term that specifically identifies a person, entity, telephone number, or account as the basis for a request”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114(a)(2) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(2)) is amended by striking the period and inserting “and a term that specifically identifies a customer, entity, or account to be used as the basis for the production and disclosure of financial records.”

(c) DISCLOSURES TO FBI OF CERTAIN CONSUMER RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) in subsection (a), by striking “that information,” and inserting “that information that includes a term that specifically identifies a consumer or account to be used as the basis for the production of that information.”;

(2) in subsection (b), by striking “written request,” and inserting “written request that includes a term that specifically identifies a consumer or account to be used as the basis for the production of that information.”; and

(3) in subsection (c), by inserting “, which shall include a term that specifically identifies a consumer or account to be used as the basis for the production of the information,” after “issue an order ex parte”.

(d) DISCLOSURES TO GOVERNMENTAL AGENCIES FOR COUNTERTERRORISM PURPOSES OF CONSUMER REPORTS.—Section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)) is amended by striking “analysis,” and inserting “analysis and that includes a term that specifically identifies a consumer or account to be used as the basis for the production of such information.”.

**SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SECURITY LETTERS.**

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended by striking subsection (c) and inserting the following new subsection:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no wire or electronic communication service provider that receives a request under subsection (b), or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under this section.

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A wire or electronic communication service provider that receives a request under subsection (b), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (b) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) in-

formation otherwise subject to a nondisclosure requirement shall notify the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended—

(1) in subsection (a)(5), by striking subparagraph (D); and

(2) by inserting after subsection (b) the following new subsection:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no financial institution that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose to any person that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A financial institution that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to

whom such disclosure was made prior to the request.”.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended by striking subsection (d) and inserting the following new subsection:

“(d) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (e) is provided, no consumer reporting agency that receives a request under subsection (a) or (b) or an order under subsection (c), or officer, employee, or agent thereof, shall disclose or specify in any consumer report, that the Federal Bureau of Investigation has sought or obtained access to information or records under subsection (a), (b), or (c).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the Director of the Federal Bureau of Investigation, or a designee of the Director whose rank shall be no lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge of a Bureau field office, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a) or (b) or an order under subsection (c), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the Director of the Federal Bureau of Investigation or the designee of the Director.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request under subsection (a) or (b) or an order under subsection (c) is issued in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the Director of the Federal Bureau of Investigation or the designee of the Director, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the Director or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”.

(d) CONSUMER REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended by striking subsection (c) and inserting the following new subsection:

“(c) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (d) is provided, no consumer reporting agency that receives a request under subsection

(a), or officer, employee, or agent thereof, shall disclose or specify in any consumer report, that a government agency described in subsection (a) has sought or obtained access to information or records under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of the government agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A consumer reporting agency that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the government agency described in subsection (a) or a designee.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request under subsection (a) is issued in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of the government agency described in subsection (a) or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”

(e) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended by striking subsection (b) and inserting the following new subsection:

“(b) PROHIBITION OF CERTAIN DISCLOSURE.—

“(1) PROHIBITION.—

“(A) IN GENERAL.—If a certification is issued under subparagraph (B) and notice of the right to judicial review under subsection (c) is provided, no governmental or private entity that receives a request under subsection (a), or officer, employee, or agent thereof, shall disclose to any person that an authorized investigative agency described in subsection (a) has sought or obtained access to information under subsection (a).

“(B) CERTIFICATION.—The requirements of subparagraph (A) shall apply if the head of an authorized investigative agency described in subsection (a), or a designee, certifies that the absence of a prohibition of disclosure under this subsection may result in—

“(i) a danger to the national security of the United States;

“(ii) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(iii) interference with diplomatic relations; or

“(iv) danger to the life or physical safety of any person.

“(2) EXCEPTION.—

“(A) IN GENERAL.—A governmental or private entity that receives a request under subsection (a), or officer, employee, or agent thereof, may disclose information otherwise subject to any applicable nondisclosure requirement to—

“(i) those persons to whom disclosure is necessary in order to comply with the request;

“(ii) an attorney in order to obtain legal advice or assistance regarding the request; or

“(iii) other persons as permitted by the head of the authorized investigative agency described in subsection (a) or a designee.

“(B) APPLICATION.—A person to whom disclosure is made under subparagraph (A) shall be subject to the nondisclosure requirements applicable to a person to whom a request is issued under subsection (a) in the same manner as the person to whom the request is issued.

“(C) NOTICE.—Any recipient that discloses to a person described in subparagraph (A) information otherwise subject to a nondisclosure requirement shall inform the person of the applicable nondisclosure requirement.

“(D) IDENTIFICATION OF DISCLOSURE RECIPIENTS.—At the request of the head of an authorized investigative agency described in subsection (a), or a designee, any person making or intending to make a disclosure under clause (i) or (iii) of subparagraph (A) shall identify to the head of the authorized investigative agency or such designee the person to whom such disclosure will be made or to whom such disclosure was made prior to the request.”

(f) TERMINATION PROCEDURES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General shall adopt procedures with respect to nondisclosure requirements issued pursuant to section 2709 of title 18, United States Code, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act (12 U.S.C. 3414), or section 802 of the National Security Act of 1947 (50 U.S.C. 3162), as amended by this Act, to require—

(A) the review at appropriate intervals of such a nondisclosure requirement to assess whether the facts supporting nondisclosure continue to exist;

(B) the termination of such a nondisclosure requirement if the facts no longer support nondisclosure; and

(C) appropriate notice to the recipient of the national security letter, or officer, employee, or agent thereof, subject to the nondisclosure requirement, and the applicable court as appropriate, that the nondisclosure requirement has been terminated.

(2) REPORTING.—Upon adopting the procedures required under paragraph (1), the Attorney General shall submit the procedures to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

(g) JUDICIAL REVIEW.—Section 3511 of title 18, United States Code, is amended by striking subsection (b) and inserting the following new subsection:

“(b) NONDISCLOSURE.—

“(1) IN GENERAL.—

“(A) NOTICE.—If a recipient of a request or order for a report, records, or other information under section 2709 of this title, section 626 or 627 of the Fair Credit Reporting Act (15 U.S.C. 1681u and 1681v), section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414), or section 802 of the National

Security Act of 1947 (50 U.S.C. 3162), wishes to have a court review a nondisclosure requirement imposed in connection with the request or order, the recipient may notify the Government or file a petition for judicial review in any court described in subsection (a).

“(B) APPLICATION.—Not later than 30 days after the date of receipt of a notification under subparagraph (A), the Government shall apply for an order prohibiting the disclosure of the existence or contents of the relevant request or order. An application under this subparagraph may be filed in the district court of the United States for the judicial district in which the recipient of the order is doing business or in the district court of the United States for any judicial district within which the authorized investigation that is the basis for the request is being conducted. The applicable nondisclosure requirement shall remain in effect during the pendency of proceedings relating to the requirement.

“(C) CONSIDERATION.—A district court of the United States that receives a petition under subparagraph (A) or an application under subparagraph (B) should rule expeditiously, and shall, subject to paragraph (3), issue a nondisclosure order that includes conditions appropriate to the circumstances.

“(2) APPLICATION CONTENTS.—An application for a nondisclosure order or extension thereof or a response to a petition filed under paragraph (1) shall include a certification from the Attorney General, Deputy Attorney General, an Assistant Attorney General, or the Director of the Federal Bureau of Investigation, or a designee in a position not lower than Deputy Assistant Director at Bureau headquarters or a Special Agent in Charge in a Bureau field office designated by the Director, or in the case of a request by a department, agency, or instrumentality of the Federal Government other than the Department of Justice, the head or deputy head of the department, agency, or instrumentality, containing a statement of specific facts indicating that the absence of a prohibition of disclosure under this subsection may result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.

“(3) STANDARD.—A district court of the United States shall issue a nondisclosure order or extension thereof under this subsection if the court determines that there is reason to believe that disclosure of the information subject to the nondisclosure requirement during the applicable time period may result in—

“(A) a danger to the national security of the United States;

“(B) interference with a criminal, counterterrorism, or counterintelligence investigation;

“(C) interference with diplomatic relations; or

“(D) danger to the life or physical safety of any person.”

#### SEC. 503. JUDICIAL REVIEW.

(a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of title 18, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

## “(d) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (b) or a nondisclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511.

“(2) NOTICE.—A request under subsection (b) shall include notice of the availability of judicial review described in paragraph (1).”.

(b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—Section 1114 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection:

## “(d) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or a nondisclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).”.

(c) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u) is amended—

(1) by redesignating subsections (e) through (m) as subsections (f) through (n), respectively; and

(2) by inserting after subsection (d) the following new subsection:

## “(e) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or (b) or an order under subsection (c) or a non-disclosure requirement imposed in connection with such request under subsection (d) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) or (b) or an order under subsection (c) shall include notice of the availability of judicial review described in paragraph (1).”.

(d) IDENTITY OF FINANCIAL INSTITUTIONS AND CREDIT REPORTS.—Section 627 of the Fair Credit Reporting Act (15 U.S.C. 1681v) is amended—

(1) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection:

## “(d) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or a non-disclosure requirement imposed in connection with such request under subsection (c) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).”.

(e) INVESTIGATIONS OF PERSONS WITH ACCESS TO CLASSIFIED INFORMATION.—Section 802 of the National Security Act of 1947 (50 U.S.C. 3162) is amended—

(1) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(2) by inserting after subsection (b) the following new subsection:

## “(c) JUDICIAL REVIEW.—

“(1) IN GENERAL.—A request under subsection (a) or a nondisclosure requirement imposed in connection with such request under subsection (b) shall be subject to judicial review under section 3511 of title 18, United States Code.

“(2) NOTICE.—A request under subsection (a) shall include notice of the availability of judicial review described in paragraph (1).”.

## TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

### SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING PRODUCTION OF BUSINESS RECORDS; BUSINESS RECORDS COMPLIANCE REPORTS TO CONGRESS.

(a) REPORTS SUBMITTED TO COMMITTEES.—Section 502(b) (50 U.S.C. 1862(b)) is amended—

(1) by redesignating paragraphs (1), (2), and (3) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting before paragraph (6) (as so redesignated) the following new paragraphs:

“(1) a summary of all compliance reviews conducted by the Government for the production of tangible things under section 501;

“(2) the total number of applications described in section 501(b)(2)(B) made for orders approving requests for the production of tangible things;

“(3) the total number of such orders either granted, modified, or denied;

“(4) the total number of applications described in section 501(b)(2)(C) made for orders approving requests for the production of call detail records;

“(5) the total number of such orders either granted, modified, or denied;”.

(b) REPORTING ON CERTAIN TYPES OF PRODUCTION.—Section 502(c)(1) (50 U.S.C. 1862(c)(1)) is amended—

(1) in subparagraph (A), by striking “and”;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

“(C) the total number of applications made for orders approving requests for the production of tangible things under section 501 in which the specific selection term does not specifically identify an individual, account, or personal device;

“(D) the total number of orders described in subparagraph (C) either granted, modified, or denied; and

“(E) with respect to orders described in subparagraph (D) that have been granted or modified, whether the court established under section 103 has directed additional, particularized minimization procedures beyond those adopted pursuant to section 501(g).”.

### SEC. 602. ANNUAL REPORTS BY THE GOVERNMENT.

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by section 402 of this Act, is further amended by adding at the end the following new section:

#### “SEC. 603. ANNUAL REPORTS.

“(a) REPORT BY DIRECTOR OF THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS.—

“(1) REPORT REQUIRED.—The Director of the Administrative Office of the United States Courts shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate, subject to a declassification review by the Attorney General and the Director of National Intelligence, a report that includes—

“(A) the number of applications or certifications for orders submitted under each of sections 105, 304, 402, 501, 702, 703, and 704;

“(B) the number of such orders granted under each of those sections;

“(C) the number of orders modified under each of those sections;

“(D) the number of applications or certifications denied under each of those sections;

“(E) the number of appointments of an individual to serve as amicus curiae under section 103, including the name of each indi-

vidual appointed to serve as amicus curiae; and

“(F) the number of findings issued under section 103(i) that such appointment is not appropriate and the text of any such findings.

“(2) PUBLICATION.—The Director shall make the report required under paragraph (1) publicly available on an Internet Web site, except that the Director shall not make publicly available on an Internet Web site the findings described in subparagraph (F) of paragraph (1).

“(b) MANDATORY REPORTING BY DIRECTOR OF NATIONAL INTELLIGENCE.—Except as provided in subsection (d), the Director of National Intelligence shall annually make publicly available on an Internet Web site a report that identifies, for the preceding 12-month period—

“(1) the total number of orders issued pursuant to titles I and III and sections 703 and 704 and a good faith estimate of the number of targets of such orders;

“(2) the total number of orders issued pursuant to section 702 and a good faith estimate of—

“(A) the number of search terms concerning a known United States person used to retrieve the unminimized contents of electronic communications or wire communications obtained through acquisitions authorized under such section, excluding the number of search terms used to prevent the return of information concerning a United States person; and

“(B) the number of queries concerning a known United States person of unminimized noncontents information relating to electronic communications or wire communications obtained through acquisitions authorized under such section, excluding the number of queries containing information used to prevent the return of information concerning a United States person;

“(3) the total number of orders issued pursuant to title IV and a good faith estimate of—

“(A) the number of targets of such orders; and

“(B) the number of unique identifiers used to communicate information collected pursuant to such orders;

“(4) the total number of orders issued pursuant to applications made under section 501(b)(2)(B) and a good faith estimate of—

“(A) the number of targets of such orders; and

“(B) the number of unique identifiers used to communicate information collected pursuant to such orders;

“(5) the total number of orders issued pursuant to applications made under section 501(b)(2)(C) and a good faith estimate of—

“(A) the number of targets of such orders;

“(B) the number of unique identifiers used to communicate information collected pursuant to such orders; and

“(C) the number of search terms that included information concerning a United States person that were used to query any database of call detail records obtained through the use of such orders; and

“(6) the total number of national security letters issued and the number of requests for information contained within such national security letters.

“(c) TIMING.—The annual reports required by subsections (a) and (b) shall be made publicly available during April of each year and include information relating to the previous calendar year.

“(d) EXCEPTIONS.—

“(1) STATEMENT OF NUMERICAL RANGE.—If a good faith estimate required to be reported under subparagraph (B) of any of paragraphs (3), (4), or (5) of subsection (b) is fewer than 500, it shall be expressed as a numerical

range of 'fewer than 500' and shall not be expressed as an individual number.

“(2) NONAPPLICABILITY TO CERTAIN INFORMATION.—

“(A) FEDERAL BUREAU OF INVESTIGATION.—Paragraphs (2)(A), (2)(B), and (5)(C) of subsection (b) shall not apply to information or records held by, or queries conducted by, the Federal Bureau of Investigation.

“(B) ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBERS.—Paragraph (3)(B) of subsection (b) shall not apply to orders resulting in the acquisition of information by the Federal Bureau of Investigation that does not include electronic mail addresses or telephone numbers.

“(3) CERTIFICATION.—

“(A) IN GENERAL.—If the Director of National Intelligence concludes that a good faith estimate required to be reported under subsection (b)(2)(B) cannot be determined accurately because some but not all of the relevant elements of the intelligence community are able to provide such good faith estimate, the Director shall—

“(i) certify that conclusion in writing to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives;

“(ii) report the good faith estimate for those relevant elements able to provide such good faith estimate;

“(iii) explain when it is reasonably anticipated that such an estimate will be able to be determined fully and accurately; and

“(iv) make such certification publicly available on an Internet Web site.

“(B) FORM.—A certification described in subparagraph (A) shall be prepared in unclassified form, but may contain a classified annex.

“(C) TIMING.—If the Director of National Intelligence continues to conclude that the good faith estimates described in this paragraph cannot be determined accurately, the Director shall annually submit a certification in accordance with this paragraph.

“(e) DEFINITIONS.—In this section:

“(1) CONTENTS.—The term ‘contents’ has the meaning given that term under section 2510 of title 18, United States Code.

“(2) ELECTRONIC COMMUNICATION.—The term ‘electronic communication’ has the meaning given that term under section 2510 of title 18, United States Code.

“(3) NATIONAL SECURITY LETTER.—The term ‘national security letter’ means a request for a report, records, or other information under—

“(A) section 2709 of title 18, United States Code;

“(B) section 1114(a)(5)(A) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A));

“(C) subsection (a) or (b) of section 626 of the Fair Credit Reporting Act (15 U.S.C. 1681u(a), 1681u(b)); or

“(D) section 627(a) of the Fair Credit Reporting Act (15 U.S.C. 1681v(a)).

“(4) UNITED STATES PERSON.—The term ‘United States person’ means a citizen of the United States or an alien lawfully admitted for permanent residence (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a))).

“(5) WIRE COMMUNICATION.—The term ‘wire communication’ has the meaning given that term under section 2510 of title 18, United States Code.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents, as amended by section 402 of this Act, is further amended by inserting after the item relating to section 602, as added by section 402 of this Act, the following new item:

“Sec. 603. Annual reports.”

(c) PUBLIC REPORTING ON NATIONAL SECURITY LETTERS.—Section 118(c) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (18 U.S.C. 3511 note) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “United States”; and

(B) in subparagraph (A), by striking “, excluding the number of requests for subscriber information”;

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following:

“(2) CONTENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), each report required under this subsection shall include a good faith estimate of the total number of requests described in paragraph (1) requiring disclosure of information concerning—

“(i) United States persons; and

“(ii) persons who are not United States persons.

“(B) EXCEPTION.—With respect to the number of requests for subscriber information under section 2709 of title 18, United States Code, a report required under this subsection need not separate the number of requests into each of the categories described in subparagraph (A).”

(d) STORED COMMUNICATIONS.—Section 2702(d) of title 18, United States Code, is amended—

(1) in paragraph (1), by striking “; and” and inserting a semicolon;

(2) in paragraph (2)(B), by striking the period and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(3) the number of accounts from which the Department of Justice has received voluntary disclosures under subsection (c)(4).”

**SEC. 603. PUBLIC REPORTING BY PERSONS SUBJECT TO FISA ORDERS.**

(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.), as amended by sections 402 and 602 of this Act, is further amended by adding at the end the following new section:

**“SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO ORDERS.**

“(a) REPORTING.—A person subject to a nondisclosure requirement accompanying an order or directive under this Act or a national security letter may, with respect to such order, directive, or national security letter, publicly report the following information using one of the following structures:

“(1) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply into separate categories of—

“(A) the number of national security letters received, reported in bands of 1000 starting with 0-999;

“(B) the number of customer selectors targeted by national security letters, reported in bands of 1000 starting with 0-999;

“(C) the number of orders or directives received, combined, under this Act for contents, reported in bands of 1000 starting with 0-999;

“(D) the number of customer selectors targeted under orders or directives received, combined, under this Act for contents reported in bands of 1000 starting with 0-999;

“(E) the number of orders received under this Act for noncontents, reported in bands of 1000 starting with 0-999; and

“(F) the number of customer selectors targeted under orders under this Act for noncontents, reported in bands of 1000 starting with 0-999, pursuant to—

“(i) title IV;

“(ii) title V with respect to applications described in section 501(b)(2)(B); and

“(iii) title V with respect to applications described in section 501(b)(2)(C).

“(2) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply into separate categories of—

“(A) the number of national security letters received, reported in bands of 500 starting with 0-499;

“(B) the number of customer selectors targeted by national security letters, reported in bands of 500 starting with 0-499;

“(C) the number of orders or directives received, combined, under this Act for contents, reported in bands of 500 starting with 0-499;

“(D) the number of customer selectors targeted under orders or directives received, combined, under this Act for contents, reported in bands of 500 starting with 0-499;

“(E) the number of orders received under this Act for noncontents, reported in bands of 500 starting with 0-499; and

“(F) the number of customer selectors targeted under orders received under this Act for noncontents, reported in bands of 500 starting with 0-499.

“(3) A semiannual report that aggregates the number of orders, directives, or national security letters with which the person was required to comply in the into separate categories of—

“(A) the total number of all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 250 starting with 0-249; and

“(B) the total number of customer selectors targeted under all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 250 starting with 0-249.

“(4) An annual report that aggregates the number of orders, directives, and national security letters the person was required to comply with into separate categories of—

“(A) the total number of all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 100 starting with 0-99; and

“(B) the total number of customer selectors targeted under all national security process received, including all national security letters, and orders or directives under this Act, combined, reported in bands of 100 starting with 0-99.

“(b) PERIOD OF TIME COVERED BY REPORTS.—

“(1) A report described in paragraph (1) or (2) of subsection (a) shall include only information—

“(A) relating to national security letters for the previous 180 days; and

“(B) relating to authorities under this Act for the 180-day period of time ending on the date that is not less than 180 days prior to the date of the publication of such report, except that with respect to a platform, product, or service for which a person did not previously receive an order or directive (not including an enhancement to or iteration of an existing publicly available platform, product, or service) such report shall not include any information relating to such new order or directive until 540 days after the date on which such new order or directive is received.

“(2) A report described in paragraph (3) of subsection (a) shall include only information relating to the previous 180 days.

“(3) A report described in paragraph (4) of subsection (a) shall include only information for the 1-year period of time ending on the date that is not less than 1 year prior to the date of the publication of such report.

“(c) OTHER FORMS OF AGREED TO PUBLICATION.—Nothing in this section prohibits the Government and any person from jointly agreeing to the publication of information referred to in this subsection in a time, form, or manner other than as described in this section.

“(d) DEFINITIONS.—In this section:

“(1) CONTENTS.—The term ‘contents’ has the meaning given that term under section 2510 of title 18, United States Code.

“(2) NATIONAL SECURITY LETTER.—The term ‘national security letter’ has the meaning given that term under section 603.”

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents, as amended by sections 402 and 602 of this Act, is further amended by inserting after the item relating to section 603, as added by section 602 of this Act, the following new item:

“Sec. 604. Public reporting by persons subject to orders.”

**SEC. 604. REPORTING REQUIREMENTS FOR DECISIONS, ORDERS, AND OPINIONS OF THE FOREIGN INTELLIGENCE SURVEILLANCE COURT AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.**

Section 601(c)(1) (50 U.S.C. 1871(c)(1)) is amended to read as follows:

“(1) not later than 45 days after the date on which the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review issues a decision, order, or opinion, including any denial or modification of an application under this Act, that includes significant construction or interpretation of any provision of law or results in a change of application of any provision of this Act or a novel application of any provision of this Act, a copy of such decision, order, or opinion and any pleadings, applications, or memoranda of law associated with such decision, order, or opinion; and”

**SEC. 605. SUBMISSION OF REPORTS UNDER FISA.**

(a) ELECTRONIC SURVEILLANCE.—Section 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by striking “the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, and the Committee on the Judiciary of the Senate,” and inserting “the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

(b) PHYSICAL SEARCHES.—The matter preceding paragraph (1) of section 306 (50 U.S.C. 1826) is amended—

(1) in the first sentence, by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, and the Committee on the Judiciary of the Senate,” and inserting “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”; and

(2) in the second sentence, by striking “and the Committee on the Judiciary of the House of Representatives”.

(c) PEN REGISTERS AND TRAP AND TRACE DEVICES.—Section 406(b) (50 U.S.C. 1846(b)) is amended—

(1) in paragraph (2), by striking “; and” and inserting a semicolon;

(2) in paragraph (3), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

“(4) each department or agency on behalf of which the Attorney General or a designated attorney for the Government has made an application for an order authorizing

or approving the installation and use of a pen register or trap and trace device under this title; and

“(5) for each department or agency described in paragraph (4), each number described in paragraphs (1), (2), and (3).”

(d) ACCESS TO CERTAIN BUSINESS RECORDS AND OTHER TANGIBLE THINGS.—Section 502(a) (50 U.S.C. 1862(a)) is amended by striking “Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate” and inserting “Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate”.

**TITLE VII—ENHANCED NATIONAL SECURITY PROVISIONS**

**SEC. 701. EMERGENCIES INVOLVING NON-UNITED STATES PERSONS.**

(a) IN GENERAL.—Section 105 (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (f), (g), (h), and (i) as subsections (g), (h), (i), and (j), respectively; and

(2) by inserting after subsection (e) the following:

“(f)(1) Notwithstanding any other provision of this Act, the lawfully authorized targeting of a non-United States person previously believed to be located outside the United States for the acquisition of foreign intelligence information may continue for a period not to exceed 72 hours from the time that the non-United States person is reasonably believed to be located inside the United States and the acquisition is subject to this title or to title III of this Act, provided that the head of an element of the intelligence community—

“(A) reasonably determines that a lapse in the targeting of such non-United States person poses a threat of death or serious bodily harm to any person;

“(B) promptly notifies the Attorney General of a determination under subparagraph (A); and

“(C) requests, as soon as practicable, the employment of emergency electronic surveillance under subsection (e) or the employment of an emergency physical search pursuant to section 304(e), as warranted.

“(2) The authority under this subsection to continue the acquisition of foreign intelligence information is limited to a period not to exceed 72 hours and shall cease upon the earlier of the following:

“(A) The employment of emergency electronic surveillance under subsection (e) or the employment of an emergency physical search pursuant to section 304(e).

“(B) An issuance of a court order under this title or title III of this Act.

“(C) The Attorney General provides direction that the acquisition be terminated.

“(D) The head of the element of the intelligence community conducting the acquisition determines that a request under paragraph (1)(C) is not warranted.

“(E) When the threat of death or serious bodily harm to any person is no longer reasonably believed to exist.

“(3) Nonpublicly available information concerning unconsenting United States persons acquired under this subsection shall not be disseminated during the 72 hour time period under paragraph (1) unless necessary to investigate, reduce, or eliminate the threat of death or serious bodily harm to any person.

“(4) If the Attorney General declines to authorize the employment of emergency electronic surveillance under subsection (e) or the employment of an emergency physical

search pursuant to section 304(e), or a court order is not obtained under this title or title III of this Act, information obtained during the 72 hour acquisition time period under paragraph (1) shall not be retained, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person.

“(5) Paragraphs (5) and (6) of subsection (e) shall apply to this subsection.”

(b) NOTIFICATION OF EMERGENCY EMPLOYMENT OF ELECTRONIC SURVEILLANCE.—Section 106(j) (50 U.S.C. 1806(j)) is amended by striking “section 105(e)” and inserting “subsection (e) or (f) of section 105”.

(c) REPORT TO CONGRESS.—Section 108(a)(2) (50 U.S.C. 1808(a)(2)) is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) the total number of authorizations under section 105(f) and the total number of subsequent emergency employments of electronic surveillance under section 105(e) or emergency physical searches pursuant to section 301(e).”

**SEC. 702. PRESERVATION OF TREATMENT OF NON-UNITED STATES PERSONS TRAVELING OUTSIDE THE UNITED STATES AS AGENTS OF FOREIGN POWERS.**

Section 101(b)(1) is amended—

(1) in subparagraph (A), by inserting before the semicolon at the end the following: “, irrespective of whether the person is inside the United States”; and

(2) in subparagraph (B)—

(A) by striking “of such person’s presence in the United States”; and

(B) by striking “such activities in the United States” and inserting “such activities”.

**SEC. 703. IMPROVEMENT TO INVESTIGATIONS OF INTERNATIONAL PROLIFERATION OF WEAPONS OF MASS DESTRUCTION.**

Section 101(b)(1) is further amended by striking subparagraph (E) and inserting the following new subparagraph (E):

“(E) engages in the international proliferation of weapons of mass destruction, or activities in preparation therefor, for or on behalf of a foreign power, or knowingly aids or abets any person in the conduct of such proliferation or activities in preparation therefor, or knowingly conspires with any person to engage in such proliferation or activities in preparation therefor; or”.

**SEC. 704. INCREASE IN PENALTIES FOR MATERIAL SUPPORT OF FOREIGN TERRORIST ORGANIZATIONS.**

Section 2339B(a)(1) of title 18, United States Code, is amended by striking “15 years” and inserting “20 years”.

**SEC. 705. SUNSETS.**

(a) USA PATRIOT IMPROVEMENT AND REAUTHORIZATION ACT OF 2005.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note) is amended by striking “June 1, 2015” and inserting “December 15, 2019”.

(b) INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.—Section 6001(b)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 1801 note) is amended by striking “June 1, 2015” and inserting “December 15, 2019”.

(c) CONFORMING AMENDMENT.—Section 102(b)(1) of the USA PATRIOT Improvement and Reauthorization Act of 2005 (50 U.S.C. 1805 note), as amended by subsection (a), is further amended by striking “sections 501, 502, and” and inserting “title V and section”.

**TITLE VIII—SAFETY OF MARITIME NAVIGATION AND NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION**

**Subtitle A—Safety of Maritime Navigation**

**SEC. 801. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.**

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A)(i), by striking “a ship flying the flag of the United States” and inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in paragraph (1)(A)(ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in paragraph (1)(A)(iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsection (d);

(4) by striking subsection (e) and inserting after subsection (c) the following:

“(d) DEFINITIONS.—As used in this section, section 2280a, section 2281, and section 2281a, the term—

“(1) ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999;

“(2) ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature;

“(3) ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict;

“(4) ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except where intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement including domestic riot control purposes,

as long as the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B);

“(5) ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country;

“(6) ‘explosive material’ has the meaning given the term in section 841(c) and includes explosive as defined in section 844(j) of this title;

“(7) ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5) of this title;

“(8) ‘international organization’ has the meaning given the term in section 831(f)(3) of this title;

“(9) ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility;

“(10) ‘national of the United States’ has the meaning stated in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(11) ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968;

“(12) ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty;

“(13) ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty;

“(14) ‘place of public use’ has the meaning given the term in section 2332f(e)(6) of this title;

“(15) ‘precursor’ has the meaning given the term in section 229F(6)(A) of this title;

“(16) ‘public transport system’ has the meaning given the term in section 2332f(e)(7) of this title;

“(17) ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora;

“(18) ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up;

“(19) ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(20) ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956;

“(21) ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law;

“(22) ‘toxic chemical’ has the meaning given the term in section 229F(8)(A) of this title;

“(23) ‘transport’ means to initiate, arrange or exercise effective control, including decisionmaking authority, over the movement of a person or item; and

“(24) ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.”; and

(5) by inserting after subsection (d) (as added by paragraph (4) of this section) the following:

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—

The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master’s intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master’s possession that pertains to the alleged offense.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers,

agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

**SEC. 802. NEW SECTION 2280A OF TITLE 18, UNITED STATES CODE.**

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following new section: “§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the terri-

tory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraph (A), (B), (D), or (E) of this section or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the subsection (a)(2) offense pertains to subparagraph (A); or

“(E) attempts to do any act prohibited under subparagraph (A), (B) or (D), or conspires to do any act prohibited by subparagraphs (A) through (E) or subsection (a)(2), shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) THREATS.—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) JURISDICTION.—There is jurisdiction over the activity prohibited in subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are under-

stood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following new item:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

**SEC. 803. AMENDMENTS TO SECTION 2281 OF TITLE 18, UNITED STATES CODE.**

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by inserting after subsection (d) the following:

“(e) EXCEPTIONS.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

**SEC. 804. NEW SECTION 2281A OF TITLE 18, UNITED STATES CODE.**

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following new section: “§ 2281a. Additional offenses against maritime fixed platforms

“(a) OFFENSES.—

“(1) IN GENERAL.—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B),

shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be imprisoned for any term of years or for life.

“(2) **THREAT TO SAFETY.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited in subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) **EXCEPTIONS.**—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) **DEFINITIONS.**—In this section—

“(1) ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea; and

“(2) ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following new item:

“2281a. Additional offenses against maritime fixed platforms.”

#### SEC. 805. ANCILLARY MEASURE.

Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2280a (relating to maritime safety),” before “2281”, and by striking “2281” and inserting “2281 through 2281a”.

#### Subtitle B—Prevention of Nuclear Terrorism SEC. 811. NEW SECTION 2332I OF TITLE 18, UNITED STATES CODE.

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

##### “§ 2332i. Acts of nuclear terrorism

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—Whoever knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes

with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act,

shall be punished as prescribed in subsection (c).

“(2) **TREATS.**—Whoever, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) **ATTEMPTS AND CONSPIRACIES.**—Whoever attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraph (1) or (2) shall be punished as prescribed in subsection (c).

“(b) **JURISDICTION.**—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) **PENALTIES.**—Whoever violates this section shall be fined not more than \$2,000,000 and shall be imprisoned for any term of years or for life.

“(d) **NONAPPLICABILITY.**—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) **DEFINITIONS.**—As used in this section, the term—

“(1) ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(2) ‘device’ means:

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment;

“(3) ‘international organization’ has the meaning given that term in section 831(f)(3) of this title;

“(4) ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(5) ‘national of the United States’ has the meaning given that term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22));

“(6) ‘nuclear facility’ means:

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space objects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material;

“(7) ‘nuclear material’ has the meaning given that term in section 831(f)(1) of this title;

“(8) ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment;

“(9) ‘serious bodily injury’ has the meaning given that term in section 831(f)(4) of this title;

“(10) ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title;

“(12) ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States;

“(13) ‘vessel’ has the meaning given that term in section 1502(19) of title 33; and

“(14) ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after the item relating to section 2332h the following:

“2332i. Acts of nuclear terrorism.”

(c) **DISCLAIMER.**—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

(d) **INCLUSION IN DEFINITION OF FEDERAL CRIMES OF TERRORISM.**—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2332i (relating to acts of nuclear terrorism),” before “2339 (relating to harboring terrorists)”.

#### SEC. 812. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9);

(2) by inserting after paragraph (2) the following:

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”;

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5)”;

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7)”;

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8)”;

(2) in paragraph (2), by striking “(8)” and inserting “(9)”;

(c) in subsection (c)—

(1) in subparagraph (2)(A), by adding after “United States” the following: “or a stateless person whose habitual residence is in the United States”;

(2) by striking paragraph (5);

(3) in paragraph (4), by striking “or” at the end; and

(4) by inserting after paragraph (4), the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”;

(d) by redesignating subsections (d) through (f) as (e) through (g), respectively;

(e) by inserting after subsection (c) the following:

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11) of this title;

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the same meaning as that term has under international law, and includes all political subdivisions thereof;

“(11) the term ‘state or government facility’ has the meaning given that term in section 2332f(e)(3) of this title; and

“(12) the term ‘vessel of the United States’ has the meaning given that term in section 70502 of title 46.”.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

#### GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2048, currently under consideration.

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

There was no objection.

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

Mr. Speaker, as we speak, thousands—no, millions—of telephone metadata records are flowing into the NSA on a daily basis, 24 hours a day, 7 days a week. Despite changes to the NSA bulk telephone metadata program announced by President Obama last year, the bulk collection of the records has not ceased and will not cease unless and until Congress acts to shut it down.

Not even last week’s decision by the Second Circuit Court of Appeals will end this collection. The responsibility falls to us, and today we must answer the call and the will of the American people to do just that.

When we set out to reform this program 1 year ago, I made the pledge to my colleagues in Congress and to the American people that Americans’ liberty and America’s security can coexist, that these fundamental concepts are not mutually exclusive. They are embedded in the very fabric that makes this Nation great and that makes this Nation an example for the world.

Mr. Speaker, the legislation before the House today—H.R. 2048, the USA FREEDOM Act—protects these pillars of American democracy. It affirmatively ends the indiscriminate bulk collection of telephone metadata. But it goes much further than this. It prohibits the bulk collection of all records under section 215 of the PATRIOT Act, as well as under the FISA pen register trap and trace device statute and the National Security Letter statutes.

In place of the current bulk telephone metadata program, the USA FREEDOM Act creates a targeted program that allows the intelligence community to collect non-content call detail records held by the telephone companies, but only with the prior approval of the FISA court and subject to the “special selection term” limitation. The records provided to the government in response to queries will be limited to two “hops,” and the government’s handling of any records it acquires will be governed by minimization procedures approved by the FISA court.

The USA FREEDOM Act prevents government overreach by strengthening the definition of “specific selection term”—the mechanism used to prohibit bulk collection—to ensure the

government can collect the information it needs to further a national security investigation while also prohibiting large-scale, indiscriminate collection, such as data from an entire State, city, or ZIP Code.

The USA FREEDOM Act strengthens civil liberties and privacy protections by authorizing the FISA court to appoint an individual to serve as amicus curiae from a pool of experts to advise the court on matters of privacy and civil liberties, communications technology, and other technical or legal matters. It also codifies important procedures for recipients of National Security Letters to challenge nondisclosure requests.

The bill increases transparency by requiring declassification of all significant FISA court opinions and provides procedures for certified questions of law to the FISA court of review and the United States Supreme Court.

Additionally, Mr. Speaker, H.R. 2048 requires the Attorney General and the Director of National Intelligence to provide the public with detailed information about how the intelligence community uses these national security authorities, and provides even more robust transparency reporting by America’s technology companies.

The USA FREEDOM Act enhances America’s national security by closing loopholes that make it difficult for the government to track foreign terrorists and spies as they enter or leave the country; clarifying the application of FISA to foreign targets who facilitate the international proliferation of weapons of mass destruction; increasing the maximum penalties for material support of a foreign terrorist organization; and expanding the sunsets of the expiring PATRIOT Act provisions to December 2019.

From beginning to end, this is a carefully crafted, bipartisan bill that enjoys wide support. I would like to thank the sponsor of this legislation, Crime, Terrorism, Homeland Security, and Investigations Subcommittee Chairman JIM SENSENBRENNER; full committee Ranking Member JOHN CONYERS; and Courts, Intellectual Property, and the Internet Subcommittee Ranking Member JERRY NADLER for working together with me on this important bipartisan legislation.

I also want to thank the staffs of these Members for the many hours, weeks, yes, even months of hard work they have put into this effort. Furthermore, I would like to thank my staff, Caroline Lynch, the chief counsel of the Crime, Terrorism, Homeland Security, and Investigations Subcommittee, and Jason Herring, as well as Aaron Hiller with Mr. CONYERS and Bart Forsyth with Mr. SENSENBRENNER for their long hours and steadfast dedication to this legislation.

I urge my colleagues to support this bipartisan bill, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES, PERMANENT SELECT COMMITTEE ON INTELLIGENCE,

Washington, DC, May 4, 2015.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: On April 30, 2015, the Committee on the Judiciary ordered H.R. 2048, the USA Freedom Act of 2015, reported to the House.

As you know, H.R. 2048 contains provisions that amend the Foreign Intelligence Surveillance Act, which is within the jurisdiction of the Permanent Select Committee on Intelligence. As a result of your prior consultation with the Committee, and in order to expedite the House's consideration of H.R. 2048, the Permanent Select Committee on Intelligence will waive further consideration of the bill.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the jurisdictional interest of the House Permanent Select Committee on Intelligence over this bill or any similar bill. Furthermore, this waiver should not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future, including in connection with any subsequent consideration of the bill by the House. The Permanent Select Committee on Intelligence will seek conferees on the bill during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on H.R. 2048. I appreciate the constructive work between our committees on this matter and thank you for your consideration.

Sincerely,

DEVIN NUNES,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 7, 2015.

Hon. DEVIN NUNES,  
Chairman, Permanent Select Committee on Intelligence, Washington, DC.

DEAR CHAIRMAN NUNES: Thank you for your letter regarding H.R. 2048, the "U.S.A. Freedom Act of 2015." As you noted, the Permanent Select Committee on Intelligence was granted an additional referral on the bill.

I am most appreciative of your decision to waive further consideration of H.R. 2048 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Permanent Select Committee on Intelligence is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. Further, I understand the Committee reserves the right to seek the appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Committee Report as well as in the Congressional Record during floor consideration of H.R. 2048.

Sincerely,

BOB GOODLATTE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FINANCIAL SERVICES,  
Washington, DC, May 8, 2015.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: On April 30, 2015, the Committee on the Judiciary ordered H.R. 2048, the USA FREEDOM Act, to be reported favorably to the House. As a result of your having consulted with the Committee on Financial Services concerning provisions of the bill that fall within our Rule X jurisdiction, I agree to discharge our committee from further consideration of the bill so that it may proceed expeditiously to the House Floor.

The Committee on Financial Services takes this action with our mutual understanding that, by foregoing consideration of H.R. 2048 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I would appreciate your response to this letter confirming this understanding with respect to H.R. 2048 and would ask that a copy of our exchange of letters on this matter be included in your committee's report to accompany the legislation and/or in the Congressional Record during floor consideration thereof.

Sincerely,

JEB HENSARLING,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, May 11, 2015.

Hon. JEB HENSARLING,  
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HENSARLING: Thank you for your letter regarding H.R. 2048, the "U.S.A. Freedom Act of 2015." As you noted, the Committee on Financial Services was granted an additional referral on the bill.

I am most appreciative of your decision to waive further consideration of H.R. 2048 so that it may proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Financial Services is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. Further, I understand the Committee reserves the right to seek the appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, for which you will have my support.

I will include a copy of your letter and this response in the Congressional Record during floor consideration of H.R. 2048.

Sincerely,

BOB GOODLATTE,  
Chairman.

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

Ladies and gentlemen, with the passage of the USA FREEDOM Act today, the House will have done its part to enact historic and sweeping reforms to the government's surveillance program and powers. This legislation ends bulk

collection, creates a panel of experts to guide the Foreign Intelligence Surveillance Court, and mandates extensive government reporting.

Today we have a rare opportunity to restore a measure of restraint to surveillance programs that have simply gone too far. For years the government has read section 215 of the PATRIOT Act to mean that it may collect all domestic telephone records merely because some of them may be relevant at some time in the future.

Last week, endorsing a view that I and many of my colleagues have held for years, the Second Circuit Court of Appeals held that "the text of section 215 cannot bear the weight the government asks us to assign it, and it does not authorize the telephone metadata program."

Now, with section 215 set to expire on June 1, we have the opportunity—and the obligation—to act clearly and decisively and end the program that has infringed on our rights for far too long.

A vote in favor of the USA FREEDOM Act is an explicit rejection of the government's unlawful interpretation of section 215 and similar statutes. Put another way, a vote in favor of this bill is a vote to end dragnet surveillance in the United States.

Mr. Speaker, the ban on bulk collection contained in this legislation turns on the idea of a "specific selection term" and requires the government to limit the scope of production as narrowly as possible. This definition is much improved from the version of this bill that passed the House last Congress.

The bill further requires the government to declassify and publish all novel and significant opinions of the Foreign Intelligence Surveillance Court.

□ 1430

It also creates a panel of experts to advise the court on the protection of privacy and civil liberties, communications technology, and other legal and technical matters.

These changes, along with robust reporting requirements for the government and flexible reporting options for private companies, create a new and inescapable level of that all-important consideration of transparency. The government may one day again attempt to expand its surveillance power by clever legal argument, but it will no longer be allowed to do so in secret.

Mr. Speaker, there are Members of the House and Senate who oppose this bill because it does not include every reform to surveillance law that we can create, and then there are others who oppose it because it includes any changes to existing surveillance programs.

This bill represents a reasonable consensus, and it will accomplish the most sweeping set of reforms to government surveillance in nearly 40 years.

H.R. 2048 has earned the support of privacy advocates, private industry,

the White House, and the intelligence community. It ends dragnet surveillance and does so without diminishing in any way our ability to protect this country.

I want to extend my sincere thanks to Chairman GOODLATTE, to Mr. SENSENBRENNER of Wisconsin, and to Mr. NADLER of New York for working with me to bring a stronger version of the USA FREEDOM Act to the floor. I think we succeeded. I also want to thank Chairman NUNES and Ranking Member SCHIFF for helping us to reach this point.

I urge all of my colleagues to support H.R. 2048, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time, it is my pleasure to yield 5 minutes to the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Crime, Terrorism, Homeland Security, and Investigation Subcommittee and the chief sponsor of this legislation.

Mr. SENSENBRENNER. Mr. Speaker, you know you have drafted a strong bill when you unite both national security hawks and civil libertarians. The USA FREEDOM Act has done that. It also has the support of privacy groups, tech companies, and the intelligence community.

This bill is an extremely well-drafted compromise, the product of nearly 2 years of work. It effectively protects America's civil liberties and our national security. I am very proud of the USA FREEDOM Act and am confident it is the most responsible path forward.

I do not fault my colleagues who wish that this bill went further to protect our civil liberties. For years, the government has violated the privacy of innocent Americans, and I share your anger, but letting section 215 and other surveillance authorities expire would not only threaten our national security, it would also mean less privacy protections. I emphasize it would also mean less privacy protections.

The USA FREEDOM Act also ends bulk collections across all domestic surveillance authorities, not just section 215. It also expands transparency with increased reporting from both government and private companies. If the administration finds a new way to circumvent the law, Congress and the public will know. The bill also requires the FISC to declassify significant legal decisions, bringing an end to secret laws.

If the PATRIOT Act authorities expire and the FISC approves bulk collection under a different authority, how will the public know? Without the USA FREEDOM Act, they will not. Allowing the PATRIOT Act authorities to expire sounds like a civil libertarian victory, but it will actually mean less privacy and more risk—less privacy and more risk.

Now, to my colleagues who oppose the USA FREEDOM Act because they don't believe it does enough for national security, this bill is a significant

improvement over the status quo. Americans will be safer post USA FREEDOM than they would be if Congress passes a clean reauthorization of the expiring provisions.

I am not ignorant to the threats we face, but a clean reauthorization would be irresponsible. Congress never intended section 215 to allow bulk collection. That program is illegal and based on a blatant misinterpretation of the law. That said, the FREEDOM Act gives the intelligence community new tools to combat terrorism in more targeted and effective ways.

Specifically, the bill replaces the administration's bulk metadata collection with a targeted program to collect only the records the government needs without compromising the privacy of innocent Americans.

It includes new authorities to allow the administration to expedite emergency requests under section 215 and fills holes in our surveillance law that require intelligence agencies to go dark on known terrorists or spies when they transit from outside to inside the U.S. or vice versa.

Under current law, the administration has to temporarily stop monitoring persons of interest as it shifts between domestic and international surveillance authorities. What is more likely to stop the next terrorist attack: the bulk collection of innocent Americans or the ability to track down a known terrorist as soon as he or she enters the United States?

If you answer that question the same way I do, then don't let the bluster and fear-mongering of the bill's opponents convince you we are safer with a clean reauthorization than we are with this bill.

Attorney General Lynch and Director of National Intelligence Clapper recognize this. In a recent letter of support, they wrote:

The significant reforms contained in this legislation will provide the public greater confidence in how our intelligence activities are carried out and in the oversight of those activities, while ensuring vital national security authorities remain in place.

Let's not kill these important reforms because we wish this bill did more. There is no perfect. Every bill we vote on could do more. I play the lottery. When I win, I don't throw away the winning ticket because I wish the jackpot were higher.

It is time to pass the USA FREEDOM Act. I am asking all my colleagues—Democrats and Republicans, security hawks, and civil libertarians—to vote for it. Let's speak with one voice in the House of Representatives and together urge the United States Senate to work quickly and adopt these important reforms.

Mr. CONYERS. Mr. Speaker, I am pleased now to yield 3 minutes to the gentleman from New York (Mr. NADLER), to recognize his indefatigable work, a senior member of the Judiciary Committee.

Mr. NADLER. Mr. Speaker, I thank the chairman.

Mr. Speaker, the USA FREEDOM Act represents a return to the basic principle of the Fourth Amendment, the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures.

Before the government may search our homes, seize our persons, or intercept our communications, it must first make a showing of individualized suspicion. The intrusion it requests must be as targeted and as brief as circumstances allow. The Fourth Amendment demands no less.

That is why we are here today. We have learned that the government has engaged in unreasonable searches against all of us. It has gathered an enormous amount of information about every phone call in the United States. It has deemed all of our phone calls relevant to a terrorism investigation. It is intolerable to our sense of freedom.

Today, we are acting to stop it. The bill before us prohibits the intelligence community from engaging in bulk data collection within the United States.

This practice, the dragnet collection without a warrant of telephone records and Internet metadata, is the contemporary equivalent of the British writs of assistance that early American revolutionaries opposed and that the Fourth Amendment was drafted to outlaw. It has never complied with the Constitution and must be brought to an end without delay.

The legal theories that justified these programs were developed and approved in secret, and that practice must also come to an end. There must not be a body of secret law in the United States.

Section 215 says tangible things may be seized if they are relevant to a terrorism investigation. The government's interpretation that this means "everything" is obviously wrong, could only have been advanced in secret, and cannot withstand the public scrutiny to which it is now subjected. The Second Circuit Court of Appeals threw out this notion last week, and now, we must do so as well.

This bill further requires the government to promptly declassify and release each novel or significant opinion of the Foreign Intelligence Surveillance Court. In the future, if the government advances a similarly dubious legal claim, there will be an advocate in court to oppose it. If the court should agree with the novel claim, the public will know about it almost immediately, and the responsibility will lie with us to correct it just as quickly.

Before I close, I want to be clear. Not every reform I would have hoped to enact is included in this bill. We must do more to protect U.S. person information collected under section 702 of FISA. We must act to reform other authorities, many of them law enforcement rather than intelligence community authorities, to prevent indiscriminate searches in other circumstances.

I will continue to fight for these reforms, among others, and I know that I

will not be alone in taking up that challenge in the days to come, but I am grateful that we have the opportunity to take this first major step to restore the right of the people to be secure in their persons, houses, papers, and effects and to do so without in any way endangering national security.

I thank Chairman GOODLATTE, Chairman SENSENBRENNER, and Ranking Member CONYERS for their continued leadership on this legislation, and I urge every one of my colleagues to support this bill.

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

Before I yield to the next speaker, I want to say to him and his colleagues on the House Intelligence Committee that they did marvelous work in protecting not only the national security, but the civil liberties of Americans.

They worked with the Judiciary Committee together to prove that we can have very high levels of civil liberty and very high levels of national security. I thank Chairman NUNES and his staff for that outstanding work.

Now, it is my pleasure to yield 3 minutes to the gentleman from California (Mr. NUNES), the chairman of the House Intelligence Committee.

Mr. NUNES. Mr. Speaker, I rise in support of H.R. 2048, the USA FREEDOM Act of 2015.

Ideally, we would reauthorize section 215 of the U.S. PATRIOT Act and other expiring FISA authorities without making any changes. These provisions authorize important counterterrorism programs, including the NSA bulk telephone metadata program.

What is more, they are constitutional, authorized by Congress, and subject to multiple layers of oversight from all three branches of government. As threats to Americans at home and abroad increase by the day, now is not the time to be weakening our national security with all the tragic consequences that may follow.

However, I also realize that some of my colleagues disagree. Despite the fact that the NSA bulk telephone metadata program has never been intentionally misused, many Members wish to make changes to increase confidence in the program and allow greater transparency into intelligence activities.

Like the bill the House passed last year with more than 300 votes, this bill would replace the bulk program that will expire on June 1 with a targeted authority. This new targeted authority will be slower and potentially less effective than the current program. Along with Ranking Member SCHIFF, I have worked with the Judiciary Committee to ensure these changes still allow as much operational flexibility as possible.

Chairman GOODLATTE, Ranking Member CONYERS, and Subcommittee Chairman SENSENBRENNER, thank you for the constructive work between our committees.

In addition, the USA FREEDOM Act of 2015 contains several significant measures to improve national security that were not part of last year's bill. It closes a loophole in current law that requires the government to stop monitoring the communications of foreign terrorists, including ISIL fighters from Syria and Iraq, when they enter the United States.

It streamlines the process for the government to track foreign spies who temporarily leave the United States. It helps the government investigate proliferators of weapons of mass destruction. It increases the maximum sentence for material support to a foreign terrorist organization.

Those changes are real improvements that will make it easier for our intelligence and law enforcement agencies to keep Americans safe.

Again, I would prefer a clean reauthorization, but the bill we consider today is the best way forward in the House to ensure Congress takes responsible action to protect national security. I urge my colleagues to support it.

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS,  
Washington, DC, May 4, 2015.

Hon. DEVIN NUNES,  
Chairman, Permanent Select Committee on Intelligence,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I write regarding H.R. 2048, the "USA Freedom Act," which was recently ordered reported by the Judiciary Committee, to provide perspectives on the legislation, particularly an assessment that the pending version of the bill could impede the effective operation of the Foreign Intelligence Surveillance Courts.

In letters to the Committee on January 13, 2014 and May 13, 2014, we commented on various proposed changes to the Foreign Intelligence Surveillance Act (FISA). Our comments focused on the operational impact of certain proposed changes on the Judicial Branch, particularly the Foreign Intelligence Surveillance Court ("FISC") and the Foreign Intelligence Surveillance Court of Review (collectively "FISA Courts"), but did not express views on core policy choices that the political branches are considering regarding intelligence collection. In keeping with that approach, we offer views on aspects of H.R. 2048 that bear directly on the work of the FISA Courts and how that work is presented to the public. We sincerely appreciate the ongoing efforts of the bipartisan leadership of all the congressional committees of jurisdiction to listen to and attempt to accommodate our perspectives and concerns.

We respectfully request that, if possible, this letter be included with your Committee's report to the House on the bill.

#### SUMMARY OF CONCERNS

We have three main concerns. First, H.R. 2048 proposes a "panel of experts" for the FISA Courts which could, in our assessment, impair the courts' ability to protect civil liberties by impeding their receipt of complete and accurate information from the government (in contrast to the helpful amicus curiae approach contained in the FISA Improvements Act of 2013 ("FIA"), which was approved in similar form by the House in 2014). Second, we continue to have concerns with the prospect of public "summaries" of FISA Courts' opinions when the opinions themselves are not released to the public.

Third, we have a few other specific technical concerns with H.R. 2048 as drafted.

#### NATURE OF THE FISA COURTS

With the advent of a new Congress and newly proposed legislation, it seems helpful to restate briefly some key attributes of the work of the FISA Courts.

The vast majority of the work of the FISC involves individual applications in which experienced judges apply well-established law to a set of facts presented by the government—a process not dissimilar to the *ex parte* consideration of ordinary criminal search warrant applications. Review of entire programs of collection and applications involving bulk collection are a relatively small part of the docket, and applications involving novel legal questions, though obviously important, are rare.

In all matters, the FISA Courts currently depend on—and will always depend on—prompt and complete candor from the government in providing the courts with all relevant information because the government is typically the only source of such information.

A "read copy" practice—similar to the practices employed in some federal district courts for Title III wiretap applications—wherein the government provides the FISC with an advance draft of each planned application, is the major avenue for court modification of government-sought surveillance. About a quarter of "read copies" are modified or withdrawn at the instigation of the FISC before the government presents a final application—in contrast to the overwhelming majority of formal applications that are approved by the Court because modifications at the "read copy" stage have addressed the Court's concerns in cases where final applications are submitted.

The FISC typically operates in an environment where, for national security reasons and because of statutory requirements, time is of the essence, and collateral litigation, including for discovery, would generally be completely impractical.

At times, the FISA Courts are presented with challenging issues regarding how existing law applies to novel technologies. In these instances, the FISA Courts could benefit from a conveniently available explanation or evaluation of the technology from an informed non-government source. Congress could assist in this regard by clarifying the law to provide mechanisms for this to occur easily (e.g., by providing for pre-cleared experts with whom the Court can share and receive information to the extent it deems necessary).

#### THE "PANEL OF EXPERTS" APPROACH OF H.R. 2048 COULD IMPEDE THE FISA COURTS' WORK

H.R. 2048 provides for what proponents have referred to as a "panel of experts" and what in the bill is referred to as a group of at least five individuals who may serve as an "amicus curiae" in a particular matter. However, unlike a true amicus curiae, the FISA Courts would be required to appoint such an individual to participate in any case involving a "novel or significant interpretation of law" (emphasis added)—unless the court "issues a finding" that appointment is not appropriate. Once appointed, such amici are required to present to the court, "as appropriate," legal arguments in favor of privacy, information about technology, or other "relevant" information. Designated amici are required to have access to "all relevant" legal precedent, as well as certain other materials "the court determines are relevant."

Our assessment is that this "panel of experts" approach could impede the FISA Courts' role in protecting the civil liberties of Americans. We recognize this may not be the intent of the drafters, but nonetheless it

is our concern. As we have indicated, the full cooperation of rank-and-file government personnel in promptly conveying to the FISA Courts complete and candid factual information is critical. A perception on their part that the FISA process involves a “panel of experts” officially charged with opposing the government’s efforts could risk deterring the necessary and critical cooperation and candor. Specifically, our concern is that imposing the mandatory “duties”—contained in subparagraph (1)(4) of proposed section 401 (in combination with a quasi-mandatory appointment process)—could create such a perception within the government that a standing body exists to oppose intelligence activities.

Simply put, delays and difficulties in receiving full and accurate information from Executive Branch agencies (including, but not limited to, cases involving non-compliance) present greater challenges to the FISA Courts’ role in protecting civil liberties than does the lack of a non-governmental perspective on novel legal issues or technological developments. To be sure, we would welcome a means of facilitating the FISA Courts’ obtaining assistance from nongovernmental experts in unusual cases, but it is critically important that the means chosen to achieve that end do not impair the timely receipt of complete and accurate information from the government.

It is on this point especially that we believe the “panel of experts” system in H.R. 2048 may prove counterproductive. The information that the FISA Courts need to examine probable cause, evaluate minimization and targeting procedures, and determine and enforce compliance with court authorizations and orders is exclusively in the hands of the government—specifically, in the first instance, intelligence agency personnel. If disclosure of sensitive or adverse information to the FISA Courts came to be seen as a prelude to disclosure to a third party whose mission is to oppose or curtail the agency’s work, then the prompt receipt of complete and accurate information from the government would likely be impaired—ultimately to the detriment of the national security interest in expeditious action and the effective protection of privacy and civil liberties.

In contrast, a “true” *amicus curiae* approach, as adopted, for example, in the FIA, facilitates appointment of experts outside the government to serve as *amici curiae* and render any form of assistance needed by the court, without any implication that such experts are expected to oppose the intelligence activities proposed by the government. For that reason, we do not believe the FIA approach poses any similar risk to the courts’ obtaining relevant information.

“SUMMARIES” OF UNRELEASED FISA COURT OPINIONS COULD MISLEAD THE PUBLIC

In our May 13, 2014, letter to the Committee on H.R. 3361, we shared the nature of our concerns regarding the creation of public “summaries” of court opinions that are not themselves released. The provisions in H.R. 2048 are similar and so are our concerns. To be clear, the FISA Courts have never objected to their opinions—whether in full or in redacted form—being released to the public to the maximum extent permitted by the Executive’s assessment of national security concerns. Likewise, the FISA Courts have always facilitated the provision of their full opinions to Congress. *See, e.g.*, FISC Rule of Procedure 62(c). Thus, we have no objection to the provisions in H.R. 2048 that call for maximum public release of court opinions. However, a formal practice of creating summaries of court opinions without the underlying opinion being available is unprece-

ented in American legal administration. Summaries of court opinions can be inadvertently incorrect or misleading, and may omit key considerations that can prove critical for those seeking to understand the import of the court’s full opinion. This is particularly likely to be a problem in the fact-focused area of FISA practice, under circumstances where the government has already decided that it cannot release the underlying opinion even in redacted form, presumably because the opinion’s legal analysis is inextricably intertwined with classified facts.

ADDITIONAL TECHNICAL COMMENTS ON H.R. 2048

The Judiciary, like the public, did not participate in the discussions between the Administration and congressional leaders that led to H.R. 2048 (publicly released on April 28, 2015 and reported by the Judiciary Committee without changes on April 30). In the few days we have had to review the bill, we have noted a few technical concerns that we hope can be addressed prior to finalization of the legislation, should Congress choose to enact it. These concerns (all in the *amicus curiae* subsection) include:

Proposed subparagraph (9) appears inadvertently to omit the ability of the FISA Courts to train and administer *amici* between the time they are designated and the time they are appointed.

Proposed subparagraph (6) does not make any provision for a “true *amicus*” appointed under subparagraph (2)(B) to receive necessary information.

We are concerned that a lack of parallel construction in proposed clause (6)(A)(i) (apparently differentiating between access to legal precedent as opposed to access to other materials) could lead to confusion in its application.

We recommend adding additional language to clarify that the exercise of the duties under proposed subparagraph (4) would occur in the context of Court rules (for example, deadlines and service requirements).

We believe that slightly greater clarity could be provided regarding the nature of the obligations referred to in proposed subparagraph (10).

These concerns would generally be avoided or addressed by substituting the FIA approach. Furthermore, it bears emphasis that, even if H.R. 2048 were amended to address all of these technical points, our more fundamental concerns about the “panel of experts” approach would not be fully assuaged. Nonetheless, our staff stands ready to work with your staff to provide suggested textual changes to address each of these concerns.

Finally, although we have no particular objection to the requirement in this legislation of a report by the Director of the AO, Congress should be aware that the AO’s role would be to receive information from the FISA Courts and then simply transmit the report as directed by law.

For the sake of brevity, we are not restating here all the comments in our previous correspondence to Congress on proposed legislation similar to H.R. 2048. However, the issues raised in those letters continue to be of importance to us.

We hope these comments are helpful to the House of Representatives in its consideration of this legislation. If we may be of further assistance in this or any other matter, please contact me or our Office of Legislative Affairs.

Sincerely,

JAMES C. DUFF,  
Director.

□ 1445

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the gen-

tlewoman from California (Ms. LOFGREN), an effective member of the House Judiciary Committee.

Ms. LOFGREN. Mr. Speaker, I believe this bill makes meaningful reform to a few of the surveillance programs, but it in no way stops all of the bulk collection of U.S. person communications currently occurring. This bill won’t stop the most egregious and widely reported privacy violations that occur under section 702 and Executive Order No. 12333.

In a declassified decision, the FISA court said that the NSA had been collecting substantially more U.S. person communications through its upstream collection program than it had originally told the court. With upstream collection, the NSA directly taps into international Internet cables to search through all of the communications that flow through it, looking for communications that map certain criteria.

Four years ago, the court found that the government was collecting tens of thousands of wholly domestic communications a year. Why? Because all of your data is everywhere. No accurate estimate can be given for the even larger number of communications collected in which a U.S. person was a party to the communication.

The Director of National Intelligence confirmed the government searches this vast amount of data, including the content of email and of telephone calls, without individualized suspicion, probable cause, and without a warrant. The Director of the FBI says they use information to build criminal cases against U.S. persons. This is an end run around the Fourth Amendment, and it has to stop.

This bill did not create those problems. However, this bill doesn’t correct those problems. During the markup of the bill, Chairman GOODLATTE stated that these issues would be next, but we can’t afford to wait until the final hour of expiration to take action like we did with this bill. To do so would mean at least another 2 years of the mass surveillance of Americans, which is unconscionable. Last year, the House voted 293–123 to close these backdoor loopholes, but the Rules Committee would not allow the House to vote today to put these fixes into this bill.

I voted in committee to advance this bill for a couple of reasons, and I do want to thank all of the members who worked on this but single out Congressman JIM SENSENBRENNER, who was the author of the bill and who has worked so hard to make sure that improvements are made. The bill is an improvement over a straight reauthorization of the bill. I also listened carefully to the verbal commitments that the 702 fix would be included, and I reserve the right to oppose this bill when it comes back from the Senate if we can’t close these loopholes.

Mr. GOODLATTE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. FORBES), a

member of the House Judiciary Committee and an original cosponsor of this legislation.

Mr. FORBES. I thank the chairman.

Mr. Speaker, I rise today in support of the USA FREEDOM Act, which passed the Judiciary Committee with bipartisan support just 2 weeks ago.

The bill accomplishes the twin goals of protecting our Nation from our enemies while safeguarding the civil liberties that our servicemembers fight for every day.

Americans across the country have called for the NSA to listen less and elected officials to listen more. The USA FREEDOM Act will end the NSA's bulk collection program, which was established under section 215 of the PATRIOT Act, and it will further protect Americans' Fourth Amendment rights by strengthening oversight and accountability of the intelligence community.

As a member of the House Armed Services Committee, I work with our servicemembers and military leaders daily to ensure our adversaries do not harm this great Nation. That is why I applaud Chairman GOODLATTE and Mr. SENSENBRENNER for including provisions in the bill to address the growing threat of ISIL.

With continued threats of terrorism, our Nation's intelligence community must be equipped to protect our Nation and national security interests. However, any intelligence framework must be confined within the boundaries of the United States Constitution. Striking this balance between safeguarding privacy and protecting Americans is a challenge in today's post-9/11 world, but it is one that should not tip towards allowing the government to trample on our constitutional rights. Security must not come at the cost of Americans' liberties. That is why I urge my colleagues today to support this bill.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 2½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Let me thank the ranking member and the chairman of the full committee. As my colleagues have done, let me also acknowledge the chairman of the Crime Subcommittee, Mr. SENSENBRENNER, on which I serve as the ranking member. As many have noted, let me acknowledge the work of Mr. GOODLATTE and Mr. CONYERS and their leadership on a very important statement on behalf of the American people.

Mr. Speaker, 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 were authorized by the FISA court pursuant to section 215 of the PATRIOT Act.

You can imagine, Mr. Speaker, the public was not happy. There was jus-

tifiable concern on the part of the public and by a large percentage of the Members of this body that the extent and scale of the NSA data collection bundling, which, by orders of magnitude, exceeded anything previously authorized or contemplated, may have constituted an unwarranted invasion of privacy and a threat to the civil liberties of Americans.

Mr. Speaker, I have been a decade-plus-long member of the Homeland Security Committee. I do not in any way want to infringe upon the security of this Nation, but if we allow the terrorists to terrorize us, then we are in very bad shape, and I am glad the voices of opposition were raised.

To quell the growing controversy, the Director of National Intelligence declassified and released limited information about the program, but it did not, by any means, satisfy the concern raised by Americans. The DNI stated that the only type of information acquired under the court's order was telephone metadata, such as telephone numbers dialed and length of calls. That did not satisfy our concern.

I am very pleased that we are here on the floor of the House putting forward something that addresses the concerns but that does not undermine the security of America. For example, I introduced the FISA court in the Sunshine Act of 2013 in response to this. Without compromising national security, it was bipartisan legislation that gave much-needed transparency to the decision orders and opinions of the Foreign Intelligence Surveillance Court, or FISA.

My bill would require the Attorney General to disclose each decision. I am glad that, in this bill, we have positions and points where the Attorney General is conducting declassification review. I am also pleased that the bill before us contains an explicit prohibition and a restraint, pursuant to section 215, on the bulk collection of tangible things.

We are making a difference with the USA FREEDOM Act, and it is interesting that groups as different as the R Street Institute and the Human Rights Watch are, in essence, supporting this legislation.

Mr. Speaker, I believe that we can do what we need to do by passing this legislation and by then going to an amendment on section 702, which I will support. Security goes along with protection, and I believe this particular legislation does it.

Mr. Speaker, as a senior member of the Judiciary Committee and an original co-sponsor, I rise in strong support of H.R. 2048, the "USA Freedom Act," which is stands for "Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act."

I support the USA Freedom Act for several reasons:

1. The bill ends all bulk collection of business records under Section 215 and prohibits bulk collection under the FISA Pen Register/Trap and Trace Device authority and National Security Letter authorities.

2. The USA Freedom Act strengthens the definition of "specific selection term," the mechanism used to prohibit bulk collection, which prevents large-scale, indiscriminate data collection while at the same time ensuring the government can collect the information it needs to further a national security investigation.

3. The USA Freedom Act strengthens protections for civil liberties by creating a panel of experts to advise the FISA Court on matters of privacy and civil liberties, communications technology, and other technical or legal matters and also codifies important procedures for recipients of National Security Letters.

4. The bill increases transparency by requiring declassification of all significant opinions of the FISA Court and provides procedures for certified questions of law to the FISA Court of Review and the Supreme Court.

5. The USA Freedom Act requires the Attorney General and the Director of National Intelligence to provide the public with detailed guidance about how they can use these national security authorities, and provides even more reporting by America's technology companies.

6. The USA Freedom Act contains several important national security enhancements, including closing loopholes that make it difficult for the government to track foreign terrorists and spies as they enter or leave the country.

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.

To quell the growing controversy, the Director of National Intelligence declassified and released limited information about this program. According to the DNI, the information acquired under this program did not include the content of any communications or the identity of any subscriber.

The DNI stated that "the only type of information acquired under the Court's order is telephony metadata, such as telephone numbers dialed and length of calls."

The assurance given by the DNI, to put it mildly, was not very reassuring.

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 provided 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 required 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 in 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.

As I indicated, perhaps the most important reasons for supporting passage of H.R. 2048 is the bill's prohibition on domestic bulk collection, as well as its criteria for specifying the information to be collected, applies not only to Section 215 surveillance activities but also to other law enforcement communications interception authorities, such as national security letters.

Finally, I strongly support the USA Freedom Act because Section 301 of the bill continues to contain protections 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," a concept well known to members of this Committee but not so well understood by those less steeped in the arcana of electronic surveillance, is the practice where the government targets foreigners without a warrant while its actual purpose is to collect information on certain U.S. persons.

One of the main concerns of libertarians and classical conservatives, as well as progressives and civil liberties organizations, in giving expanded authority to the executive branch was the temptation of national security agencies to engage in reverse targeting may be difficult to resist in the absence of strong safeguards to prevent it.

The Jackson Lee Amendment, preserved in Section 301 of the USA Freedom Act, reduces even further any such temptation to resort to reverse targeting by making any information concerning a United States person obtained improperly inadmissible in any federal, state, or local judicial, legal, executive, or administrative proceeding.

Mr. Speaker, I noted in an op-ed published way back in October 2007, that as Alexis DeTocqueville, the most astute student of American democracy, observed nearly two centuries ago, the reason democracies invariably prevail in any military conflict is because democracy is the governmental form that best rewards and encourages those traits that are indispensable to success: initiative, innovation, courage, and a love of justice.

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

I urge my colleagues to support the USA Freedom Act.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from California (Mrs. MIMI WALTERS), a member of the House Judiciary Committee and an original cosponsor of this bill.

Mrs. MIMI WALTERS of California. Mr. Speaker, I rise today in support of

H.R. 2048, the USA FREEDOM Act, of which I am proud to be an original cosponsor.

This vital bill will reform our Nation's intelligence-gathering programs to end the bulk collection of data, strengthen Americans' civil liberties, and protect our homeland from those who wish to do us harm.

In passing this legislation, we can provide officials with the tools they need to combat terrorist groups, such as ISIL, by closing a current loophole that requires the government to stop tracking foreign terrorists upon their entering the United States.

This bill will also provide for the robust oversight of our intelligence agencies by requiring additional reporting standards on how FISA authorities are employed. Furthermore, H.R. 2048 will prevent government overreach and will increase privacy protections by ending the large-scale, indiscriminate collection of data, which includes all records from an entire State, city, or ZIP Code.

With section 215 of the PATRIOT Act set to expire soon, it is vital that Congress acts quickly to pass this bipartisan bill so that we can keep our country safe and so that we can work to restore the trust of the American people.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished gentleman from New York (Mr. JEFFRIES).

Mr. JEFFRIES. I thank the distinguished gentleman from Michigan.

Mr. Speaker, in a democracy, there must be a balance between effective national security protection on the one hand and a healthy respect for privacy and civil liberties interests on the other. This is a balance that traces all the way back to the founding of the Republic. It is rooted most prominently in the Bill of Rights, in the Constitution, in the Fourth Amendment. Yet, in its zeal to protect the homeland, our national security apparatus overreached into the lives of everyday, hard-working Americans in a manner that was inconsistent with our traditional notions of privacy and civil liberties. This overreach was unnecessary, unacceptable, and unconstitutional.

By ending bulk collection through section 215, we have taken a substantial step in the right direction toward restoring the balance. More must be done, but I am going to support this legislation because of the meaningful effort that has been made to help strike the appropriate balance.

Mr. GOODLATTE. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. ISSA), who is the chairman of the Courts, Intellectual Property, and the Internet Subcommittee and a strong supporter of this legislation.

Mr. ISSA. I thank the chairman.

Mr. Speaker, each person who comes up here will talk to you about the painstaking work that the chairman and the ranking member went through to craft a bill that would both strengthen our security, following on

with things we have learned since the enactment of the PATRIOT Act, and also make changes based on both lessons learned of things the PATRIOT Act overdid and excesses by the Presidential usurping of the intent of Congress. We have achieved that by a 25–2 vote in our committee, a vote that is almost unheard of.

I think, most importantly, though, we are doing something the American people need to know, and that is we are bringing transparency to the process for the first time. Under this legislation, a FISA court, working in secrecy, that makes a decision to expand or to in some other way add more surveillance will have to publish those findings, declassify them, and make them available not just to Congress but to the American people.

We cannot guarantee that behind closed doors secret—and necessarily secret—judge actions would always be what we would like, but under this reform, we can ensure that Congress and the American people will have the transparency and oversight as to those actions, not by whom they were after but what they did. That is going to bring the true reform that has been needed in a process in which the trust of the American people has been in doubt since the Snowden revelation.

I, personally, want to thank the ranking member and the chairman. This could not have happened without bipartisan work and without the support of those who want to strengthen our security and of those who want to strengthen and retain our freedoms under the Fourth Amendment.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from Washington (Ms. DELBENE).

Ms. DELBENE. Mr. Speaker, last week, the Second Circuit confirmed what a lot of Members have been saying for years: the NSA has brazenly exploited the PATRIOT Act to conduct surveillance far beyond what the law permits; but the court refrained from enforcing its decision, instead placing the burden on Congress to protect Americans from unwarranted mass surveillance.

That is why I am proud to be a cosponsor of this year's USA FREEDOM Act, a serious reform bill that would go a long way to protecting Americans' privacy by ending bulk collection and by creating greater transparency, oversight, and accountability.

□ 1500

After the House acts today, it is up to the Senate leaders to pass these reforms or let the expiring provisions of the PATRIOT Act sunset on June 1 because a clean reauthorization is absolutely unacceptable. I urge my colleagues in each Chamber to support this critical effort to end bulk collection and protect both Americans' privacy and America's security.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 3 minutes to the gentleman from Texas (Mr. HURD).

Mr. HURD of Texas. I thank the chairman for yielding me this time.

Mr. Speaker, as a former CIA officer, I completely understand the need for the men and women in our intelligence agencies to have access to timely, vital information as they track down bad guys.

As an American citizen, I know how important our civil rights are and that it is the government's job to protect those rights, not infringe upon them. I believe that we, as a nation, as a government, as a people can do both, and that is why I am supporting the USA FREEDOM Act. Because it prioritizes both and strikes the right balance between privacy and security, Americans can rest assured that their private information isn't being subjected to bulk collection by the NSA. They can be confident that there are privacy experts advising the FISA court advocating for our civil liberties, and they can be proud of an intelligence community who works hard every day to make sure that our country is protected.

I have seen firsthand the value these programs bring, but I also know that if Americans don't feel they can trust their own government, we are losing the battle right here at home. It is my hope that this bill will increase transparency and accountability to the program so that our hard-working intelligence community can continue their job of defending the country, and American citizens can be confident that they are being protected from enemies both foreign and domestic. Upholding civil liberties are not burdens; they are what make all of us safer and stronger.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 8 minutes to the gentleman from California (Mr. SCHIFF), who is the distinguished ranking member of the House Permanent Select Committee on Intelligence. I ask unanimous consent that he be permitted to manage that time.

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

There was no objection.

Mr. SCHIFF. Mr. Speaker, I thank the gentleman for yielding me the time, and I yield myself such time as I may consume.

First, let me say thank you to Chairman GOODLATTE and Ranking Member CONYERS as well as to my colleague, Chairman NUNES. We have worked this issue together for a long time, and I am very proud of the bipartisan legislation that we have produced. I also want to thank the administration that worked with us so long and hard, and the work done in the last Congress by former HPSCI Chairman Mike Rogers and former HPSCI Ranking Member DUTCH RUPPERSBERGER. I rise today in strong support of H.R. 2048.

This Nation was founded on the revolutionary principle that liberty need not be sacrificed to security, that public safety can and must coexist with in-

dividual liberty. Our Founders set out to create a lasting Union and a great Nation, one in which the people would be free to govern themselves, to express themselves, to worship for themselves, while also being secure in their homes, their papers, and their persons.

Nearly two-and-a-half centuries later, it is easy to forget that these freedoms were enshrined in the Constitution amidst great peril. Americans had only recently fought a war for independence and would be confronted by powerful and often hostile forces in the future, including the powerful empires of Britain, France, and Spain. Here were truly existential threats, and still the Founders said, We can be secure and we can be free. They were right; we can and we must.

So today, at another moment of national danger, we are challenged to reaffirm our commitment to these twin imperatives—security and liberty—and to prove again that we can find the right balance for our times. The USA FREEDOM Act strikes that delicate but vitally important balance.

On the side of freedom, it ends bulk collection, not just of telephone metadata under section 215, but of any bulk collection under any other authority. It creates a specific procedure for telephone metadata that allows the government, upon court approval, to query the data that the telephone companies already keep, something I have long advocated. It increases transparency by requiring a declassification review of all significant FISA court opinions and by requiring the government to provide the public with detailed information about how they use these national security authorities. And it provides for a panel of experts to advocate for privacy and civil liberties before the FISA court, also something that I have advocated for quite sometime.

At the same time, the USA FREEDOM Act of 2015 preserves important capabilities and makes further national security enhancements by closing loopholes that make it difficult for the government to track foreign terrorists and spies as they enter or leave the country, clarifying the application of FISA to those who facilitate the international proliferation of weapons of mass destruction and increasing the maximum penalties for those who provide material support for terrorism. This is a strong bill and should advance with such an overwhelming majority that it compels the Senate to act.

But this is not a one-and-done legislative fix or the end of our work. Rather, it is a reaffirmation of our commitment to constantly recalibrate our laws to make sure that privacy and security are coexisting and mutually reinforcing. While the public may have begun its debate on these programs 2 years ago, many of us—myself included—have been working these issues long before, and we will continue to work them long afterwards. That is our responsibility and the great obligation the Founders bequeathed to us.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Speaker, at this time I yield 2 minutes to the gentleman from North Carolina (Mr. HOLDING).

Mr. HOLDING. Mr. Speaker, I thank the gentleman from Virginia, the chair of the Committee on the Judiciary, for both the time today and for his diligent work on the USA FREEDOM Act of 2015.

Mr. Speaker, the world we live in is a dangerous place. Indeed, it is far more dangerous than it ever has been. Acts of terror reached a record level last year, and with the wickedness of groups like ISIS and Boko Haram showing continued, complete disregard for human life, our Nation must always remain prepared and vigilant.

The legislation before us today, Mr. Speaker, builds on the reforms from the legislation passed last Congress, championed by my friend Representative SENSENBRENNER, and it accounts for the absolute need to protect civil liberties while also remaining clear-eyed and vigilant about the real threats that we face every day around the world.

I thank the chairman and I thank the committee for their work. I urge support for H.R. 2048.

Mr. SCHIFF. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. RUPPERSBERGER).

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the USA FREEDOM Act, which virtually deletes the National Security Agency's database of Americans' phone and email records. The bulk collection of what we know now as metadata will end.

Under this bill, the government will now have to seek court approval before petitioning private cell phone companies for records. The court will have to approve each application except in emergencies, and major court decisions will be made public.

It is very similar to legislation drafted and introduced last year by the Permanent Select Committee on Intelligence, under the leadership of former Chairman Rogers and myself, together with our colleagues on the Committee on the Judiciary, led by Congressmen GOODLATTE and CONYERS. That bill passed with an overwhelming bipartisan majority, and I want to thank Congressmen GOODLATTE and CONYERS, as well as Congressmen SCHIFF and NUNES, also with Congressmen SENSENBRENNER and NADLER and other Members who worked hard and continued the pursuit on this much-needed reform.

We need this bill, though, to keep our country safe. Section 215 of the PATRIOT Act, which is the part that legalizes much of NSA's critical work to protect us from terrorists, expires in less than 3 weeks, on June 1. If we do not reauthorize it with the reforms demanded by the public, essential capabilities to track legitimate terror suspects will expire also. That couldn't happen at a worse time. We live in a

dangerous world. The threats posed by ISIS and other terrorist groups are just the tip of the iceberg.

We also need strong defenses against increasingly aggressive cyberterrorists and the lone wolf terrorists who are often American citizens, for example. This bill restores Americans' confidence that the government is not snooping on its own citizens by improving the necessary checks and balances to our democracy. This bill balances the need to protect our country with the need to protect our constitutional rights and civil liberties.

Mr. GOODLATTE. Mr. Speaker, at this time I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. MARINO), chairman of our Regulatory Reform, Commercial and Antitrust Law Subcommittee and a strong supporter of this legislation.

Mr. MARINO. I thank the chairman for yielding me this time.

Mr. Speaker, I rise in support of the USA FREEDOM Act. I applaud my colleagues on both sides of the aisle for their hard work on a true compromise piece of legislation. It protects the privacy of American citizens, according to the Constitution, while ensuring our national security, which is a priority. I understand the importance of reauthorizing these important FISA provisions.

As a U.S. attorney, I had these tools at my disposal, and I used them to protect Americans in Pennsylvania and across the country. We needed them at the time, and we need them now. However, I equally understand the importance of also protecting the privacy interests of American citizens. The act ends bulk collection; it strengthens protections of civil liberties; it increases transparency; all while ensuring that our intelligence and national security agencies have the tools they need to fight terrorism abroad. In addition, the USA FREEDOM Act protects American citizens at home.

Mr. SCHIFF. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Connecticut (Mr. HIMES).

Mr. HIMES. Mr. Speaker, let me begin by thanking the chairman and ranking member of the Committee on the Judiciary, as well as Chairman NUNES and Ranking Member SCHIFF of the Permanent Select Committee on Intelligence, for their good, bipartisan work on a bill that I think is long overdue.

The good work on this bill, Mr. Speaker, goes back to the fact that the PATRIOT Act, a piece of legislation crafted in haste and in fear after the tragic events of 9/11, in my opinion, pushed the boundaries too far on the government's ability to surveil and gather information on people, including American citizens.

The USA FREEDOM Act, which I stand today to support, goes a very long way to restoring an appropriate balance between the imperative of national security and the civil liberties which we hold so dear. This bill makes

important reforms to the FISA court, but, importantly, it prohibits—I will say again, prohibits—the bulk collection, under section 215, under the pen register authorities, and under National Security Letter statutes, of data on American citizens. Americans will now rest easy knowing that their calls or other records will not be warehoused by the government, no matter how careful that government is in the procedures it uses to access those files.

Mr. Speaker, whatever the legal interpretations, most recently definitively ruled upon by the Second Circuit Court of Appeals, whatever the legal interpretations, there is something about the idea of a government keeping extensive records on its free citizens which damages our intuitive sense of freedom and liberty. So whatever the law and whatever the legal interpretations—and I do believe those have been settled—what we do here today, which is to say that the government of the United States will not keep detailed call or other bulk records on its free citizens, I believe is an important step forward for this country.

I urge all of my colleagues to vote in favor of the USA FREEDOM Act.

Mr. GOODLATTE. Mr. Speaker, may I inquire how much time is remaining on each side?

The SPEAKER pro tempore. The gentleman from California has 30 seconds remaining, the gentleman from Virginia has 8½ minutes remaining, and the gentleman from Michigan has 6½ minutes remaining.

Mr. GOODLATTE. Mr. Speaker, 30 seconds, is that the total amount of time the other side has?

The SPEAKER pro tempore. The minority has 7 minutes total remaining.

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

Mr. SCHIFF. Mr. Speaker, once again I want to thank my colleagues for their good work. I also want to acknowledge Mr. SENSENBRENNER for his strong advocacy on this measure.

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

□ 1515

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

Mr. Speaker and Members of the House, I would like to simply ask my colleagues to reject an unlawful surveillance program, to restore limits to a range of surveillance authorities, to compel the government to act with some measure of transparency, and to end the practice of dragnet surveillance in the United States.

In addition, I would like to thank the staff who have worked so hard on this bill: Caroline Lynch, Jason Herring, Bart Forsyth, Lara Flint, Chan Park, Matthew Owen, and Aaron Hiller.

I close by thanking in advance my colleagues who, like many of us, are inclined to strongly support H.R. 2048.

I yield back the balance of my time.

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

From the founding of the American Republic, this country has been engaged in a profound debate about the responsibilities and the limits of our Federal Government.

The tension between these two essential functions of the government did not suddenly spring into existence in this age of cyber attacks and terrorist plots. Americans have long grappled with their need for security and their innate desire to protect their personal liberty from government intrusion.

Benjamin Franklin is often quoted as saying:

Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.

After the horrific attacks on September 11, the country was determined not to allow such an attack to occur again. The changes we made then to our intelligence laws helped keep us safe from implacable enemies. Today, we renew our commitment to our Nation's security and the safety of the American people.

We also make this pledge that the United States of America will remain a nation whose government answers to the will of its people. This country must be what it always has been, a beacon of freedom to the world, a place where the principles of the Founders—including the commitment to individual liberties—will continue to live, protected and nourished for future generations.

Mr. Speaker, I urge my colleagues to support this important bipartisan legislation.

I yield back the balance of my time.

Mr. SANFORD. Mr. Speaker, last week a federal appeals court declared that the NSA's bulk data collection on American citizens over the past 14 years was illegal. So why is Congress considering a bill that would legalize a program already deemed illegal? Unfortunately, that is what the USA FREEDOM Act does, and I believe codifies a program that violates the Constitution. When the Fourth Amendment says that the American people have the right to be free from warrantless searches and seizures of themselves and their property, I think it's a pretty clear statement on the limits of governmental action. Unfortunately, the bill today does not fully protect that right and accordingly I don't support it. The bill's purpose was to rein in the NSA's bulk data collection program but failed on that front, and I wanted to offer a few thoughts as to why.

First, the bill uses broad language to define who and what the government can search, which means that it still could technically collect Americans' information in bulk—just not as much as before. The bill does this by leaving the door open for the government to search geographic regions instead of the entire country as it does now. For example, the government could require phone companies to turn over all the records of their customers in South Carolina or even in a town like Mt. Pleasant in my district. I don't think the Founding Fathers' intent of the Fourth Amendment was to have it apply only in cases of nationwide warrantless searches; rather it should apply to any search anywhere.

Second, the bill doesn't even address a part of the PATRIOT Act called Section 702 that covers data that crosses our borders. This section allows the government to sweep up the content of an American citizen's emails, instant messages and web browsing history just because they happen to be communicating with someone outside the U.S. In fact, the former NSA director General Keith Alexander admitted that the NSA specifically searches Section 702 data using "U.S. person identifiers." This so-called "back door search loophole" should have been closed in this bill because it violates the Fourth Amendment by getting around the warrant requirement. The notion that Americans' rights are contingent on the geography of where a call is directed is not consistent with the Constitution and highlights why this particular section needs to be changed.

Third, this bill does not require the government to destroy information obtained on Americans who are not connected to an investigation. The way this happens is the government stores the information it collected on a particular phone call, even if one of those individuals on the call is suspected of no wrongdoing. The Constitution I believe is rather clear in the principle that organizations like the NSA and the FBI should not be able to store information that is inadvertently collected on people who are not suspected of committing a crime, and at a very minimum the FREEDOM Act does not use this opportunity to shine a light on the problem.

Pericles, the Greek general of Athens, once said that "Freedom is the sure possession of those alone who have the courage to defend it." Ultimately, I believe this bill is another missed opportunity for Congress to address what the judiciary has now ruled to be the unconstitutional and unlawful actions of the Executive branch. It really matters the Second Circuit federal court in New York issued an opinion last week stating that the NSA has stretched the meaning of the text of the PATRIOT Act so that it no longer represents congressional intent and called the NSA's bulk data collection illegal. It really matters that this bill would codify actions of the NSA that were ruled to be outside the bounds of law. I think it also matters that the debate that is taking place is as old as civilization as there has always been a tension between security and freedom. And it really matters that historically those civilizations that have given up freedom in the interest of security have historically lost both. For all these reasons each one of us should care deeply about what happens next on bulk collections at the NSA—and the way this bill comes up short in protecting liberty's foundation, civil liberty.

Mr. THORNBERRY. Mr. Speaker, out of necessity to reauthorize the expiring intelligence gathering authorities, I reluctantly vote for H.R. 2048. A recent federal appeals court decision has increased our need to address these authorities. Unfortunately, their pending expiration is now forcing Congress to act hastily rather than take the necessary time to adequately analyze the court's decision and update the laws accordingly.

I recognize the distrust created by the Obama Administration's abuse of power, as well as the damage caused by recent intelligence leaks containing fragments, inaccuracies, and speculation. It is unfortunate that those actions will continue to make it more dif-

ficult to gather the information necessary to counter terrorism. It is even more alarming that this trend will inevitably make our country less safe.

Very few Americans will ever learn the full details of the considerable successes of the National Security Agency (NSA). But through the dedication and commitment of its men and women, the NSA has helped to keep our nation and its citizens safe. I remain confident in their professionalism as they strive to prevent future terrorist attacks and support our warfighters overseas.

I believe the first job of the federal government is to defend the country and protect our citizens within the framework of the Constitution, and I will continue to do all I can to contribute to that effort.

Mr. FARR. Mr. Speaker, tonight I must rise to voice my concerns with the USA Freedom Act. While I recognize the improvements this bill attempts to make with regard to mass surveillance and information gathering efforts, I simply cannot vote for this bill.

I was pleased to hear that the Second Circuit Court recently found metadata collection to be illegal and commend the bi-partisan work that resulted in a bill that attempts to adhere to the court's decision. I recognize that the USA Freedom Act includes positive changes such as tighter language dictating when the NSA can access a database of call records, new allowances that grant technology companies the right to disclose governmental inquiries to their users and increases penalties for people caught aiding in terrorist efforts.

Mr. Speaker, I am concerned that other provisions in the bill would continue to allow for large swaths of information gathering. Simply put, I cannot vote for a bill that does not protect the privacy enshrined in the Fourth Amendment and guaranteed to all Americans. The risk of faulty information collection is not a risk I am willing to take with any American's privacy. Upholding the U.S. Constitution is non-negotiable.

Mrs. CAPPS. Mr. Speaker, I would like to submit for the RECORD my strong support of H.R. 2048, the USA Freedom Act of 2015, which I am proud to cosponsor.

This bipartisan bill will go a long way to reign in the abusive bulk surveillance practices that have left many Americans concerned for their privacy protections.

Furthermore, this bill will establish additional civil liberty protections and increased transparency, accountability, and oversight for over our national security practices.

As a policymaker, I am proud to support legislation that will protect our values of privacy and civil liberties while also providing our national security officials with the targeted tools that they need to ensure the safety of all Americans.

This bill is also a testament to what we can accomplish when we come together to work in a bipartisan way to meet the needs of the American people.

I urge my colleagues to support H.R. 2048. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 255, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

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

The yeas and nays were ordered.

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

#### MESSAGE FROM THE PRESIDENT

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

#### CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO YEMEN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114-36)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13611 of May 16, 2012, with respect to Yemen is to continue in effect beyond May 16, 2015.

The actions and policies of certain members of the Government of Yemen and others continue to threaten Yemen's peace, security, and stability, including by obstructing the implementation of the agreement of November 23, 2011, between the Government of Yemen and those in opposition to it, which provided for a peaceful transition of power that meets the legitimate demands and aspirations of the Yemeni people for change, and by obstructing the political process in Yemen. For this reason, I have determined that it is necessary to continue the national emergency declared in Executive Order 13611 with respect to Yemen.

BARACK OBAMA.

THE WHITE HOUSE, May 13, 2015.

#### PAIN-CAPABLE UNBORN CHILD PROTECTION ACT

Mr. GOODLATTE. Mr. Speaker, pursuant to House Resolution 255, I call up the bill (H.R. 36) to amend title 18, United States Code, to protect pain-capable unborn children, and for other

purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 255, the amendment in the nature of a substitute printed in part A of House Report 114-111 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 36

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Pain-Capable Unborn Child Protection Act”.

**SEC. 2. LEGISLATIVE FINDINGS AND DECLARATION OF CONSTITUTIONAL AUTHORITY FOR ENACTMENT.**

Congress finds and declares the following:

(1) Pain receptors (nociceptors) are present throughout the unborn child’s entire body and nerves link these receptors to the brain’s thalamus and subcortical plate by no later than 20 weeks after fertilization.

(2) By 8 weeks after fertilization, the unborn child reacts to touch. After 20 weeks, the unborn child reacts to stimuli that would be recognized as painful if applied to an adult human, for example, by recoiling.

(3) In the unborn child, application of such painful stimuli is associated with significant increases in stress hormones known as the stress response.

(4) Subjection to such painful stimuli is associated with long-term harmful neurodevelopmental effects, such as altered pain sensitivity and, possibly, emotional, behavioral, and learning disabilities later in life.

(5) For the purposes of surgery on unborn children, fetal anesthesia is routinely administered and is associated with a decrease in stress hormones compared to their level when painful stimuli are applied without such anesthesia. In the United States, surgery of this type is being performed by 20 weeks after fertilization and earlier in specialized units affiliated with children’s hospitals.

(6) The position, asserted by some physicians, that the unborn child is incapable of experiencing pain until a point later in pregnancy than 20 weeks after fertilization predominately rests on the assumption that the ability to experience pain depends on the cerebral cortex and requires nerve connections between the thalamus and the cortex. However, recent medical research and analysis, especially since 2007, provides strong evidence for the conclusion that a functioning cortex is not necessary to experience pain.

(7) Substantial evidence indicates that children born missing the bulk of the cerebral cortex, those with hydranencephaly, nevertheless experience pain.

(8) In adult humans and in animals, stimulation or ablation of the cerebral cortex does not alter pain perception, while stimulation or ablation of the thalamus does.

(9) Substantial evidence indicates that structures used for pain processing in early development differ from those of adults, using different neural elements available at specific times during development, such as the subcortical plate, to fulfill the role of pain processing.

(10) The position, asserted by some commentators, that the unborn child remains in a coma-like sleep state that precludes the unborn child experiencing pain is inconsistent with the documented reaction of unborn children to painful stimuli and with the

experience of fetal surgeons who have found it necessary to sedate the unborn child with anesthesia to prevent the unborn child from engaging in vigorous movement in reaction to invasive surgery.

(11) Consequently, there is substantial medical evidence that an unborn child is capable of experiencing pain at least by 20 weeks after fertilization, if not earlier.

(12) It is the purpose of the Congress to assert a compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain.

(13) The compelling governmental interest in protecting the lives of unborn children from the stage at which substantial medical evidence indicates that they are capable of feeling pain is intended to be separate from and independent of the compelling governmental interest in protecting the lives of unborn children from the stage of viability, and neither governmental interest is intended to replace the other.

(14) Congress has authority to extend protection to pain-capable unborn children under the Supreme Court’s Commerce Clause precedents and under the Constitution’s grants of powers to Congress under the Equal Protection, Due Process, and Enforcement Clauses of the Fourteenth Amendment.

**SEC. 3. PAIN-CAPABLE UNBORN CHILD PROTECTION.**

(a) IN GENERAL.—Chapter 74 of title 18, United States Code, is amended by inserting after section 1531 the following:

**“SEC. 1532. PAIN-CAPABLE UNBORN CHILD PROTECTION.**

“(a) UNLAWFUL CONDUCT.—Notwithstanding any other provision of law, it shall be unlawful for any person to perform an abortion or attempt to do so, unless in conformity with the requirements set forth in subsection (b).

“(b) REQUIREMENTS FOR ABORTIONS.—

“(1) ASSESSMENT OF THE AGE OF THE UNBORN CHILD.—The physician performing or attempting the abortion shall first make a determination of the probable post-fertilization age of the unborn child or reasonably rely upon such a determination made by another physician. In making such a determination, the physician shall make such inquiries of the pregnant woman and perform or cause to be performed such medical examinations and tests as a reasonably prudent physician, knowledgeable about the case and the medical conditions involved, would consider necessary to make an accurate determination of post-fertilization age.

“(2) PROHIBITION ON PERFORMANCE OF CERTAIN ABORTIONS.—

“(A) GENERALLY FOR UNBORN CHILDREN 20 WEEKS OR OLDER.—Except as provided in subparagraph (B), the abortion shall not be performed or attempted, if the probable post-fertilization age, as determined under paragraph (1), of the unborn child is 20 weeks or greater.

“(B) EXCEPTIONS.—Subparagraph (A) does not apply if—

“(i) in reasonable medical judgment, the abortion is necessary to save the life of a pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, but not including psychological or emotional conditions;

“(ii) the pregnancy is the result of rape against an adult woman, and at least 48 hours prior to the abortion—

“(I) she has obtained counseling for the rape; or

“(II) she has obtained medical treatment for the rape or an injury related to the rape; or

“(iii) the pregnancy is a result of rape against a minor or incest against a minor, and the rape or incest has been reported at any time prior to the abortion to either—

“(I) a government agency legally authorized to act on reports of child abuse; or

“(II) a law enforcement agency.

“(C) REQUIREMENT AS TO MANNER OF PROCEDURE PERFORMED.—Notwithstanding the definitions of ‘abortion’ and ‘attempt an abortion’ in this section, a physician terminating or attempting to terminate a pregnancy under an exception provided by subparagraph (B) may do so only in the manner which, in reasonable medical judgment, provides the best opportunity for the unborn child to survive.

“(D) REQUIREMENT THAT A PHYSICIAN TRAINED IN NEONATAL RESUSCITATION BE PRESENT.—If, in reasonable medical judgment, the pain-capable unborn child has the potential to survive outside the womb, the physician who performs or attempts an abortion under an exception provided by subparagraph (B) shall ensure a second physician trained in neonatal resuscitation is present and prepared to provide care to the child consistent with the requirements of subparagraph (E).

“(E) CHILDREN BORN ALIVE AFTER ATTEMPTED ABORTIONS.—When a physician performs or attempts an abortion in accordance with this section, and the child is born alive, as defined in section 8 of title 1 (commonly known as the Born-Alive Infants Protection Act of 2002), the following shall apply:

“(i) DEGREE OF CARE REQUIRED.—Any health care practitioner present at the time shall humanely exercise the same degree of professional skill, care, and diligence to preserve the life and health of the child as a reasonably diligent and conscientious health care practitioner would render to a child born alive at the same gestational age in the course of a natural birth.

“(ii) IMMEDIATE ADMISSION TO A HOSPITAL.—Following the care required to be rendered under clause (i), the child born alive shall be immediately transported and admitted to a hospital.

“(iii) MANDATORY REPORTING OF VIOLATIONS.—A health care practitioner or any employee of a hospital, a physician’s office, or an abortion clinic who has knowledge of a failure to comply with the requirements of this subparagraph must immediately report the failure to an appropriate State or Federal law enforcement agency or both.

“(F) DOCUMENTATION REQUIREMENTS.—

“(i) DOCUMENTATION PERTAINING TO ADULTS.—A physician who performs or attempts to perform an abortion under an exception provided by subparagraph (B)(ii) shall, prior to the abortion, place in the patient medical file documentation from a hospital licensed by the State or operated under authority of a Federal agency, a medical clinic licensed by the State or operated under authority of a Federal agency, from a personal physician licensed by the State, a counselor licensed by the State, or a victim’s rights advocate provided by a law enforcement agency that the adult woman seeking the abortion obtained medical treatment or counseling for the rape or an injury related to the rape.

“(ii) DOCUMENTATION PERTAINING TO MINORS.—A physician who performs or attempts to perform an abortion under an exception provided by subparagraph (B)(iii) shall, prior to the abortion, place in the patient medical file documentation from a government agency legally authorized to act on reports of child abuse that the rape or incest was reported prior to the abortion; or, as an alternative, documentation from a law enforcement agency that the rape or incest was reported prior to the abortion.

“(G) INFORMED CONSENT.—

“(i) CONSENT FORM REQUIRED.—The physician who intends to perform or attempt to perform an abortion under the provisions of subparagraph (B) may not perform any part of the abortion procedure without first obtaining a signed Informed Consent Authorization form in accordance with this subparagraph.

“(ii) CONTENT OF CONSENT FORM.—The Informed Consent Authorization form shall be presented in person by the physician and shall consist of—

“(I) a statement by the physician indicating the probable post-fertilization age of the pain-capable unborn child;

“(II) a statement that Federal law allows abortion after 20 weeks fetal age only if the mother’s life is endangered by a physical disorder, physical illness, or physical injury, when the pregnancy was the result of rape, or an act of incest against a minor;

“(III) a statement that the abortion must be performed by the method most likely to allow the child to be born alive unless this would cause significant risk to the mother;

“(IV) a statement that in any case in which an abortion procedure results in a child born alive, Federal law requires that child to be given every form of medical assistance that is provided to children spontaneously born prematurely, including transportation and admittance to a hospital;

“(V) a statement that these requirements are binding upon the physician and all other medical personnel who are subject to criminal and civil penalties and that a woman on whom an abortion has been performed may take civil action if these requirements are not followed; and

“(VI) affirmation that each signer has filled out the informed consent form to the best of their knowledge and understands the information contained in the form.

“(iii) SIGNATORIES REQUIRED.—The Informed Consent Authorization form shall be signed in person by the woman seeking the abortion, the physician performing or attempting to perform the abortion, and a witness.

“(iv) RETENTION OF CONSENT FORM.—The physician performing or attempting to perform an abortion must retain the signed informed consent form in the patient’s medical file.

“(H) REQUIREMENT FOR DATA RETENTION.—Paragraph (j)(2) of section 164.530 of title 45, Code of Federal Regulations, shall apply to documentation required to be placed in a patient’s medical file pursuant to subparagraph (F) of subsection (b)(2) and a consent form required to be retained in a patient’s medical file pursuant to subparagraph (G) of such subsection in the same manner and to the same extent as such paragraph applies to documentation required by paragraph (j)(1) of such section.

“(I) ADDITIONAL EXCEPTIONS AND REQUIREMENTS.—

“(i) IN CASES OF RISK OF DEATH OR MAJOR INJURY TO THE MOTHER.—Subparagraphs (C), (D), and (G) shall not apply if, in reasonable medical judgment, compliance with such paragraphs would pose a greater risk of—

“(I) the death of the pregnant woman; or

“(II) the substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant woman.

“(ii) EXCLUSION OF CERTAIN FACILITIES.—Notwithstanding the definitions of the terms ‘medical treatment’ and ‘counseling’ in subsection (g), the counseling or medical treatment described in subparagraph (B)(ii) may not be provided by a facility that performs abortions (unless that facility is a hospital).

“(iii) RULE OF CONSTRUCTION IN CASES OF REPORTS TO LAW ENFORCEMENT.—The require-

ments of subparagraph (B)(ii) do not apply if the rape has been reported at any time prior to the abortion to a law enforcement agency or Department of Defense victim assistance personnel.

“(iv) COMPLIANCE WITH CERTAIN STATE LAWS.—

“(I) STATE LAWS REGARDING REPORTING OF RAPE AND INCEST.—The physician who performs or attempts to perform an abortion under an exception provided by subparagraph (B) shall comply with such applicable State laws that are in effect as the State’s Attorney General may designate, regarding reporting requirements in cases of rape or incest.

“(II) STATE LAWS REGARDING PARENTAL INVOLVEMENT.—The physician who intends to perform an abortion on a minor under an exception provided by subparagraph (B) shall comply with any applicable State laws requiring parental involvement in a minor’s decision to have an abortion.

“(c) CRIMINAL PENALTY.—Whoever violates subsection (a) shall be fined under this title or imprisoned for not more than 5 years, or both.

“(d) BAR TO PROSECUTION.—A woman upon whom an abortion in violation of subsection (a) is performed or attempted may not be prosecuted under, or for a conspiracy to violate, subsection (a), or for an offense under section 2, 3, or 4 of this title based on such a violation.

“(e) CIVIL REMEDIES.—

“(1) CIVIL ACTION BY A WOMAN ON WHOM AN ABORTION IS PERFORMED.—A woman upon whom an abortion has been performed or attempted in violation of any provision of this section may, in a civil action against any person who committed the violation, obtain appropriate relief.

“(2) CIVIL ACTION BY A PARENT OF A MINOR ON WHOM AN ABORTION IS PERFORMED.—A parent of a minor upon whom an abortion has been performed or attempted under an exception provided for in subsection (b)(2)(B), and that was performed in violation of any provision of this section may, in a civil action against any person who committed the violation obtain appropriate relief, unless the pregnancy resulted from the plaintiff’s criminal conduct.

“(3) APPROPRIATE RELIEF.—Appropriate relief in a civil action under this subsection includes—

“(A) objectively verifiable money damages for all injuries, psychological and physical, occasioned by the violation;

“(B) statutory damages equal to three times the cost of the abortion; and

“(C) punitive damages.

“(4) ATTORNEYS FEES FOR PLAINTIFF.—The court shall award a reasonable attorney’s fee as part of the costs to a prevailing plaintiff in a civil action under this subsection.

“(5) ATTORNEYS FEES FOR DEFENDANT.—If a defendant in a civil action under this subsection prevails and the court finds that the plaintiff’s suit was frivolous, the court shall award a reasonable attorney’s fee in favor of the defendant against the plaintiff.

“(6) AWARDS AGAINST WOMAN.—Except under paragraph (5), in a civil action under this subsection, no damages, attorney’s fee or other monetary relief may be assessed against the woman upon whom the abortion was performed or attempted.

“(f) DATA COLLECTION.—

“(1) DATA SUBMISSIONS.—Any physician who performs or attempts an abortion described in subsection (b)(2)(B) shall annually submit a summary of all such abortions to the National Center for Health Statistics (hereinafter referred to as the ‘Center’) not later than 60 days after the end of the calendar year in which the abortion was performed or attempted.

“(2) CONTENTS OF SUMMARY.—The summary shall include the number of abortions performed or attempted on an unborn child who had a post-fertilization age of 20 weeks or more and specify the following for each abortion under subsection (b)(2)(B):

“(A) the probable post-fertilization age of the unborn child;

“(B) the method used to carry out the abortion;

“(C) the location where the abortion was conducted;

“(D) the exception under subsection (b)(2)(B) under which the abortion was conducted; and

“(E) any incident of live birth resulting from the abortion.

“(3) EXCLUSIONS FROM DATA SUBMISSIONS.—A summary required under this subsection shall not contain any information identifying the woman whose pregnancy was terminated and shall be submitted consistent with the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note).

“(4) PUBLIC REPORT.—The Center shall annually issue a public report providing statistics by State for the previous year compiled from all of the summaries made to the Center under this subsection. The Center shall take care to ensure that none of the information included in the public reports could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted. The annual report shall be issued by July 1 of the calendar year following the year in which the abortions were performed or attempted.

“(g) DEFINITIONS.—In this section the following definitions apply:

“(1) ABORTION.—The term ‘abortion’ means the use or prescription of any instrument, medicine, drug, or any other substance or device—

“(A) to intentionally kill the unborn child of a woman known to be pregnant; or

“(B) to intentionally terminate the pregnancy of a woman known to be pregnant, with an intention other than—

“(i) after viability to produce a live birth and preserve the life and health of the child born alive; or

“(ii) to remove a dead unborn child.

“(2) ATTEMPT.—The term ‘attempt’, with respect to an abortion, means conduct that, under the circumstances as the actor believes them to be, constitutes a substantial step in a course of conduct planned to culminate in performing an abortion.

“(3) COUNSELING.—The term ‘counseling’ means counseling provided by a counselor licensed by the State, or a victims rights advocate provided by a law enforcement agency.

“(4) FACILITY.—The term ‘facility’ means any medical or counseling group, center or clinic and includes the entire legal entity, including any entity that controls, is controlled by, or is under common control with such facility.

“(5) FERTILIZATION.—The term ‘fertilization’ means the fusion of human spermatozoon with a human ovum.

“(6) MEDICAL TREATMENT.—The term ‘medical treatment’ means treatment provided at a hospital licensed by the State or operated under authority of a Federal agency, at a medical clinic licensed by the State or operated under authority of a Federal agency, or from a personal physician licensed by the State.

“(7) MINOR.—The term ‘minor’ means an individual who has not attained the age of 18 years.

“(8) PERFORM.—The term ‘perform’, with respect to an abortion, includes inducing an abortion through a medical or chemical intervention including writing a prescription

for a drug or device intended to result in an abortion.

“(9) PHYSICIAN.—The term ‘physician’ means a person licensed to practice medicine and surgery or osteopathic medicine and surgery, or otherwise legally authorized to perform an abortion.

“(10) POST-FERTILIZATION AGE.—The term ‘post-fertilization age’ means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum.

“(11) PROBABLE POST-FERTILIZATION AGE OF THE UNBORN CHILD.—The term ‘probable post-fertilization age of the unborn child’ means what, in reasonable medical judgment, will with reasonable probability be the post-fertilization age of the unborn child at the time the abortion is planned to be performed or induced.

“(12) REASONABLE MEDICAL JUDGMENT.—The term ‘reasonable medical judgment’ means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

“(13) UNBORN CHILD.—The term ‘unborn child’ means an individual organism of the species homo sapiens, beginning at fertilization, until the point of being born alive as defined in section 8(b) of title 1.

“(14) WOMAN.—The term ‘woman’ means a female human being whether or not she has reached the age of majority.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 74 of title 18, United States Code, is amended by adding at the end the following new item:

“1532. Pain-capable unborn child protection.”

(c) CHAPTER HEADING AMENDMENTS.—

(1) CHAPTER HEADING IN CHAPTER.—The chapter heading for chapter 74 of title 18, United States Code, is amended by striking “**Partial-Birth Abortions**” and inserting “**Abortions**”

(2) TABLE OF CHAPTERS FOR PART I.—The item relating to chapter 74 in the table of chapters at the beginning of part I of title 18, United States Code, is amended by striking “**Partial-Birth Abortions**” and inserting “**Abortions**”.

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 36, currently under consideration.

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

There was no objection.

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

Since the Supreme Court’s decision in Roe v. Wade, medical knowledge regarding the development of unborn babies and their capacities at various stages of growth has advanced dramatically.

To give you a sense of how much technology has advanced, here is the issue of The New York Times announcing the Roe v. Wade decision in 1973. It

contains ads for the latest in advanced technology, including a computer the size of a file cabinet you could rent for \$3,000 a month that only had one-thousandths the memory of a modern cell phone and a basic AM radio that was as big as your hand.

Thirty-five years later, in the age of ultrasound pictures, the same newspaper would report on the latest advanced research on the pain experienced by unborn children, focusing on the research of Dr. Sunny Anand, an Oxford-trained neonatal pediatrician who held an appointment at Harvard Medical School.

As Dr. Anand has testified regarding abortions: “If the fetus is beyond 20 weeks of gestation, I would assume that there will be pain caused to the fetus, and I believe it will be severe and excruciating pain.”

A few years later, the terrifying facts uncovered in the grand jury report regarding the prosecution of late-term abortionist Kermit Gosnell would contain references to a neonatal expert who said the cutting of babies’ spinal cords intended to be late-term aborted would cause them “a tremendous amount of pain.”

Congress has the power and the responsibility to acknowledge these developments in our understanding of the ability of unborn children to feel pain by prohibiting abortions after 20 weeks of pregnancy, postfertilization, the point at which scientific evidence shows the unborn can experience great suffering.

The bill before us would do just that. It also includes provisions to protect the life of the mother and additional exceptions for cases of rape and incest.

Some Members, last Congress and today, have called this bill extreme; but such claims are clearly false, as evidenced by the polls, which show astounding support for this bill.

A Quinnipiac poll found that 62 percent of people surveyed supported a ban on abortions after 20 weeks or earlier. A clear majority of men, women, Whites, Blacks, Hispanics, married people, and single people support a ban on abortion after 20 weeks or earlier.

Among women, 68 percent of women support a ban on abortion at 20 weeks or earlier, including 66 percent of single women and 71 percent of married women. Even 49 percent of the Democrats polled support a ban on abortion at 20 weeks or earlier, significantly more than those who opposed it.

A Washington Post poll similarly found 66 percent support for this bill, and a Huffington Post poll found support at 59 percent.

Today, America is one of the few countries on Earth, including North Korea and China, that allows permissive late-term abortions. These polls show the American people want to change that.

Today is the second anniversary of Kermit Gosnell’s conviction for first degree murder. Following the Gosnell trial, we were all reminded that when

late-term babies are taken from the womb and cut with scissors, they whimper and cry and flinch from pain. Unborn babies, when cut inside the womb, also whimper and cry and flinch from pain.

Delivered or not, babies are babies, and they can feel pain at least by 20 weeks. It is time to welcome young children who can feel pain into the human family, and this bill, at last, will do just that.

Finally, I would note that it is rare for the nonpartisan Congressional Budget Office to be so confident that a bill would save lives that it makes an estimate as to the number of lives that would be saved were the bill to be enacted; but the CBO did just that, conservatively estimating that this bill, if enacted, would save 2,500 lives each year. It could save many thousands more.

Let that sink in for a moment. This bill, if enacted, would probably save, at a minimum, thousands of lives per year. It would give America the gift of thousands more children and, consequently, thousands more mothers and thousands more fathers, with all the wondrous human gifts they will bring to the world in so many amazing forms, including their own children, for generations to come.

I congratulate Subcommittee on the Constitution and Civil Justice Chairman TRENT FRANKS for introducing this vital legislation, and I urge my colleagues to support it.

I reserve the balance of my time.

□ 1530

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

Madam Speaker and Members of the House, this legislation is a dangerous and far-reaching attack on a woman’s constitutional right to choose whether or not to terminate a pregnancy, a right that the Supreme Court guaranteed 42 years ago in the case of Roe v. Wade.

One of the most significant problems with this legislation is that it fails to include any exception for a woman’s health. Many serious health conditions materialize or worsen late in pregnancy, including damage to the heart and kidneys, hypertension, and even some forms of hormone-induced cancer; yet, by failing to include a health exception, H.R. 36 would force a woman to wait until her condition was nearly terminal before she could obtain an abortion to address her health condition.

In addition, H.R. 36 is unconstitutional based on longstanding Supreme Court precedent. I will explain. Roe v. Wade’s basic holding is that a woman has a constitutional right to have an abortion prior to the fetus’ viability. Viability is generally considered to be around 24 weeks from fertilization, not 20 weeks. By banning previability abortions, H.R. 36 is a direct challenge to Roe v. Wade.

In addition, Roe made clear that any regulation on abortion, even after viability, must not pose a substantial risk to the woman's health; but, as I have already noted, H.R. 36 lacks any exception to protect a pregnant woman's health. It is, therefore, not surprising that the Nation's leading civil rights organizations, medical professionals, and women's groups oppose this bill.

In addition, 15 religious organizations noted in a letter to Members of Congress opposing nearly identical legislation in the last Congress that "the decision to end a pregnancy is best left to a woman in consultation with her family, her doctor, and her faith."

Finally, I want to be clear that, contrary to assertions made by the bill's proponents, this legislation still contains a woefully inadequate exception for victims of rape. The so-called rape exception is still based on a complete lack of understanding of the very real challenges rape survivors face and why a rape may go unreported.

It is also grounded in the distrust of women, assuming that women cannot be trusted to tell the truth or to make the best medical decisions for themselves and their families.

For adult rape survivors, the bill no longer requires that the rape be reported to law enforcement. However, a woman must still obtain counseling 48 hours prior to the abortion, and the fact that she has obtained counseling for a rape must be certified and documented in her medical file. This counseling cannot be obtained in the same facility where the abortion is provided.

For minor victims of rape or incest, an exception from the bill's onerous and unconstitutional restrictions only applies if the rape has been reported to law enforcement or "a government agency legally authorized to act on reports of child abuse," so rape is not rape unless the minor has reported it, even if that means putting her own safety at risk.

For these reasons, my colleagues, I urge opposition to this dangerous legislation, and I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that the gentlewoman from Tennessee (Mrs. BLACK) be permitted to control the remainder of the time as my designee.

The SPEAKER pro tempore (Ms. FOXX). Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mrs. BLACK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when I became a nurse more than 40 years ago, I took a vow to "devote myself to the welfare of those committed to my care," but our understanding of the science limited to the extent to which I could fulfill that promise has evolved.

During my first years of nursing, if a woman came into our hospital in labor at 32 weeks of pregnancy, our odds of saving her child were slim. However, today, babies are being saved as early

as 22 weeks into fetal development, according to a study that was just released this past week by The New York Times. What's more, there is significant evidence that, at 20 weeks of development, unborn children have the capacity to feel pain.

Sadly, while we celebrate advances in technology that prove life has value and worth before leaving the hospital, we also continue to be one of only seven nations that allow elective, late-term abortions—one of only seven nations around this world.

It is difficult to imagine a more important measure of society than how it treats the most innocent and defenseless population. By condoning the destruction of unborn life that could otherwise live outside the womb, the United States tragically fails to meet this most fundamental human rights standard.

Basic decency and human compassion demand that something has to change. Polls consistently show that upwards of 60 percent of Americans support putting an end to the dangerous and inhumane practice of late-term abortions. To be clear, we have a mandate to act.

That is why I strongly support the Pain-Capable Unborn Child Protection Act this week, which will provide Federal protection for an unborn child at 20 weeks, with exceptions to saving the life of the mother or in cases of rape and incest.

Today's vote coincides with the 2-year anniversary of the conviction of the evil abortionist, Kermit Gosnell, who killed babies born alive in his clinic and who is responsible for the death of an adult woman. Americans were rightfully outraged when they were told of his crimes.

The truth is that innocent, unborn children routinely suffer that same fate as Gosnell's victims did through "normal" late-term abortions and the government does not bat an eye. The only difference between these casualties and the loss of life that resulted in Gosnell's murder conviction is the location.

Madam Speaker, if we cannot appeal to my pro-abortion lawmakers' sense of compassion when it comes to this issue, then surely we can at least appeal to their senses of logic and fact.

Knowing that premature babies are being saved as early as 22 weeks into fetal development, there is no legitimate reason to oppose this bill. In the year 2015, the United States has no business aborting a life that can live outside the womb. Science agrees and so do the majority of Americans.

The Pain-Capable Unborn Child Protection Act will right this wrong.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased now to yield 3 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Madam Speaker, I thank the gentleman for the time.

I appreciate the good feelings and earnest arguments made by the gentle-

woman from Tennessee and the gentleman from Arizona, but the fact is this bill is patently unconstitutional because this bill is not about viability; it is a subterfuge for viability and talks about the issue of pain. Pain is not the issue; viability is the issue.

What the real issue is, politicians are not medical experts, and women should make these decisions based upon information from people they trust. Women should make these decisions based upon information from people they trust.

The information given about this bill is limited, and the fact is Dr. Anand, who was cited by my friend, the chairman of the committee, is from the University of Tennessee in Memphis, where I am from.

The fact is Dr. Anand, if he had gone further, since 2005, has turned down requests to testify in regard to this type of legislation because he doesn't think that his studies have been used properly. Abortion is not the focus, and the politicization of his work has gotten completely out of hand.

The fact is there are polls that say one thing and polls that say another. The poll that I respect most shows it to be about an even one-third split on support, opposition, and indecision.

This isn't about polls; this is supposed to be about the Constitution and upholding Roe v. Wade and medical experts and not politicians making decisions that are poll-driven and possibly favorable to their own constituencies.

The exceptions for incest are the most egregious. If a woman is pregnant because of incest, under this law, if the lady is under 18 years of age, there is one rule; but, if she is 18 years of age or older, there is another rule.

What it says is, if you are 18 or over and you are pregnant as a result of incest, then you cannot get an abortion—you cannot—but, if you are under 18, you can if you report it to the law enforcement authorities.

In the discussion last night at Rules Committee, the vice chair of Rules Committee errantly compared rape and incest. Incest does not necessarily involve rape. It involves intercourse between parties that are not legally supposed to have intercourse and issues which could result in problems for the child.

Incest should always be an exception, and the life and health of the mother should always be an exception, and the health exceptions are limited to physical and not mental and emotional, which are the most pressing for women. There is also a 48-hour waiting period in this bill.

This bill is unconstitutional and wrong. We should respect medical experts and not politicians and women to make decisions with people they trust.

Mrs. BLACK. Madam Speaker, it is my pleasure to yield 1 minute to the gentleman from Louisiana (Mr. SCALISE), our majority whip.

Mr. SCALISE. Madam Speaker, I want to thank the gentlewoman from

Tennessee for yielding and for her leadership and for all of the people that have worked so hard to bring this important bill to the House floor.

If you look at what we are doing here today, we are standing up for life of our most innocent. We are talking about babies that are more than 20 weeks in the womb. Scientific evidence shows that after 20 weeks, these babies can feel pain, and so this bill prohibits abortions after 5 months of pregnancy.

I am proud to come from Louisiana, which has the distinction of being the most pro-life State in the Nation. Our State already bans this procedure, as do many.

It is not just States we are talking about. Most nations in the world don't allow this procedure after 20 weeks. The United States will finally be joining the vast majority of other countries around the world and the vast majority of Americans who understand that it is not right to have abortions after 20 weeks.

This is an important bill. I think it is a very strong message that we are going to be sending in defense of life by passing it. I urge my colleagues to support it as well.

Mr. CONYERS. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. NADLER), a senior member of the House Judiciary Committee.

□ 1545

Mr. NADLER. I thank the gentleman for yielding.

Madam Speaker, I rise in opposition to H.R. 36.

For more than 40 years, the Supreme Court has clearly and consistently held that women have the constitutional right to terminate a pregnancy prior to viability or at any time to protect the life and health of the mother. This bill is unconstitutional as it violates both of those provisions.

The bill provides a narrow exemption to protect women's lives, allowing physicians to terminate pregnancy after 20 weeks only if a woman's life is at imminent risk. This exemption fails to account for the many severe health issues that may arise late in pregnancy and forces physicians to think about legal implications rather than about a patient's health.

Perhaps most cruelly, this legislation includes only a very narrow exemption for victims of rape and incest, requiring that any woman seeking an abortion after 20 weeks prove that she either reported the rape to the authorities or sought counseling services. The unfortunate reality is only 35 percent of sexual assaults are ever reported, and we know that there are many reasons for not reporting a rape: the toll our criminal justice system takes on victims, the humiliation and intimidation faced by victims of assault, and even the additional risk to their personal safety.

So why place this limit on the rape exception? What does this narrow ex-

emption say about our Republican colleagues' view of women? It is quite simple. This bill says they believe women lie. The Republicans seem to think that women are too dishonest to believe when they say they have been raped.

This bill continues a too long tradition of treating women like second class citizens. Measures introduced at the State and Federal level to restrict abortions imply that women lie about rape, that women are misinformed about their own pregnancies and must undergo invasive tests and exams, and that women are immoral for ever making the choice to terminate a pregnancy no matter what the circumstance. That is insulting. It is, frankly, none of our business.

Enough is enough. Doctors, not politicians, should be providing women guidance, support, and medical advice throughout their pregnancy, and particularly when making a deeply personal decision to terminate a pregnancy. And women, not politicians, should make that decision for themselves.

We must defeat this unconstitutional bill and continue to afford women their constitutional right enjoyed by every man, without question, to make decisions about their health care in the privacy of their doctors' offices. I urge my colleagues to vote "no" on this terrible bill.

Mrs. BLACK. Madam Speaker, it is my honor now to yield 5 minutes to the gentleman from Arizona (Mr. FRANKS), who is the sponsor of the bill.

Mr. FRANKS of Arizona. I thank the gentlewoman for yielding.

Madam Speaker, for the sake of all of those who founded this Nation and dreamed of what America could someday be, and for the sake of all of those who died in darkness so Americans could walk in the light of freedom, it is so very important that those of us who are privileged to be Members of this Congress pause from time to time and remind ourselves of why we are really all here.

Thomas Jefferson, whose words marked the beginning of this Nation, said:

The care of human life and its happiness, and not its destruction, is the chief and only object of good government.

The phrase of the Fifth Amendment capsulizes our entire Constitution. It says no person shall "be deprived of life, liberty, or property, without due process of law."

And the 14th Amendment says that no State shall "deny to any person within its jurisdiction the equal protection of the laws."

Madam Speaker, protecting the lives of all Americans and their constitutional rights, especially those that can't defend themselves, is why we are all here. Yet today, Madam Speaker, a great shadow looms over America. More than 18,000 very late-term abortions are occurring in America every year, placing the mothers at exponen-

tially greater risk and subjecting their pain-capable unborn babies to torture and death without anesthesia and without any Federal protection of any kind in the land of the free and the home of the brave.

It is the greatest human rights atrocity in the United States today, and almost every other civilized nation on Earth protects pain-capable unborn babies, at this age particularly. And every credible poll of Americans shows the American people are overwhelmingly in favor of protecting them, yet we have given these little babies less legal protection from unnecessary cruelty than the protection we have given farm animals under the Federal Humane Slaughter Act.

Madam Speaker, it just seems that we are never quite so eloquent as when we decry the crimes of a past generation, but we often become so staggeringly blind when it comes to facing and rejecting the worst of atrocities in our own time.

Thankfully, Madam Speaker, I believe the winds of change are now beginning to blow and that this tide of blindness and blood is finally turning in America because today—today—we are poised to pass the Pain-Capable Unborn Child Protection Act in this Chamber. And no matter how it is shouted down or what distortions or deceptive what-ifs, distractions, diversions, gotchas, twisting of the words, changing of subject, or blatant falsehoods the abortion industry hurls at this bill and its supporters, it remains that this bill is a deeply sincere effort, beginning at the sixth month, at their sixth month of pregnancy, to protect both mothers and their pain-capable unborn babies from the atrocity of late-term abortion on demand. Ultimately, it is one that all humane Americans can support if they truly understand it for themselves.

Madam Speaker, this is a vote all of us will remember the rest of our lives. It will be considered in the annals of history and, I believe, in the counsels of eternity, itself.

But it shouldn't be such a hard vote because, in spite of all of the political noise, protecting little unborn, pain-capable babies is not a Republican issue, and it is not a Democrat issue. It is a test of our basic humanity and who we are as a human family.

It is time that we open our eyes and let our consciences catch up with our technology. It is time for the Members of the United States Congress to open our eyes and our souls and remember that protecting those who cannot protect themselves is why we are all here. That is why we are here.

Madam Speaker, it is time for all Americans to open our eyes and our hearts to the humanity of these little pain-capable unborn children of God and the inhumanity of what is being done to them.

Mr. CONYERS. Madam Speaker, I am now pleased to yield 1 minute to the gentlewoman from Washington (Ms.

DELBENE), a distinguished member of the House Judiciary Committee.

Ms. DELBENE. Madam Speaker, I rise in strong opposition to H.R. 36, a nationwide 20-week abortion ban.

It is truly appalling to me that House leaders keep ignoring the needs of middle class families while taking up bill after bill restricting women's access to health care—and during National Women's Health Week, no less.

The legislation we are debating today is an unconscionable attack that ignores medical safety and puts women's health at risk. It creates unnecessary burdens to care for sexual assault survivors, who are already facing extraordinarily difficult circumstances, and it injects ideology into the doctor-patient relationship. It puts politicians, rather than women, in charge of their medical care.

Madam Speaker, House leaders need to stop interfering in what is a deeply personal medical decision. The American people expect better from this Chamber, and they deserve real solutions to the challenges they are facing. This bill fails women and their families, and I urge my colleagues to vote "no."

Mrs. BLACK. Madam Speaker, it is now my delight to yield 1 minute to the gentleman from Ohio (Mr. BOEHNER), the Speaker of the House.

Mr. BOEHNER. Madam Speaker, I rise today to urge the whole House to support H.R. 36, the Pain-Capable Unborn Child Protection Act.

H.R. 36 is the most pro-life legislation to ever come before this body, and it reflects the will of the American people. As such, it also reflects the contributions of many people and many perspectives.

I want to take this opportunity to thank the gentlewoman from Tennessee (Mrs. BLACK), the gentleman from Arizona (Mr. FRANKS), the gentleman from Pennsylvania (Mr. PITTS), and the gentleman from New Jersey (Mr. SMITH) for their hard work in bringing this bill to the floor. I also want to thank the gentlewoman from Washington (Mrs. McMORRIS RODGERS), our Conference chair, for her leadership in helping us shepherd this bill to the floor.

I want to take a moment to recognize all of the Americans who spoke out for this bill. Their voices have been heard. After all, they have no higher obligation than to speak out for those who can't speak for themselves, to defend the defenseless. That is what this bill does.

We know that by 5 months in the womb, unborn babies are capable of feeling pain, and it is morally wrong to inflict pain on an innocent human being. Protecting these lives is the right thing to do. Again, a majority of Americans agree.

Madam Speaker, growing up with 11 brothers and sisters, I didn't need my parents to tell me that every child is a gift from God. But let me tell you, they did, and they did it often because that

respect, that sanctity, and that dignity is everything.

A vote for this bill is a vote to protect innocent lives and to protect our dearest values for generations to come. We should all be proud to take this stance today, and I urge my colleagues to vote for this bill today.

Mr. CONYERS. Madam Speaker, I am now pleased to yield 3 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON LEE), a distinguished member of the Judiciary Committee.

Ms. JACKSON LEE. Madam Speaker, I have had more than a momentous time to be in this body.

I was moved by the conviction of my friend and colleague and the Speaker, Mr. FRANKS and Mr. BOEHNER, because I know that they speak from their hearts.

But faith cannot be distributed on one side of the aisle. My faith, my God is no less than the Republicans'.

I speak for those who cannot be here today. I speak for mothers who suffer in corners, trying to provide for their children, but love their children and gave birth to them. I speak for those whom I sat in a room called the Judiciary Committee some years ago and listened to the pain of mothers who said: I want this child, but my doctor has advised me that my life would not have survived to take care of my other children had I not had the ability to be able to follow my doctor and my faith, praying with my husband, my faith leader, my extended family to make the decisions that would, in fact, provide for not only future children, but for my sanctity and ability to be the woman that I need to be.

Just outside this Chamber, I met the author of the song "Glory." Many of us heard it in the movie "Selma." In the opening line, it says: "One day when the glory comes, it will be ours. It will be ours."

Everybody's glory is different. But H.R. 36—besides being unconstitutional—speaks against 25,000 women in the United States who became pregnant as a result of rape. Madam Speaker, 30 percent of rapes involve women under 18. It speaks against those women because it requires a woman rape victim to report her ordeal before she can terminate a pregnancy, to go to a law enforcement officer.

It challenges their faith and their love of God. I am incensed that we challenge someone's faith. I speak for those women who cannot be here today, who love children, who love life, who are good mothers. And I take no less in the conviction of those who have spoken for my conviction and the conviction of those women.

Tiffany Campbell, when she was 19 weeks pregnant, Tiffany and her husband, Chris, learned her pregnancy was afflicted with a severe case of twin-to-twin transfusion.

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

Mr. CONYERS. Madam Speaker, I yield the gentlewoman an additional 1 minute.

□ 1600

Ms. JACKSON LEE. Twin-to-twin transfusion syndrome is a condition where the two fetuses unequally share blood circulation. The news was devastating, but they had to make a decision that was guided by the doctor and their faith. The Campbells were told that without selective termination, they risked the loss of both fetuses. They would not have any. At 22 weeks, in consultation with their doctors—and I know their faith—they made the difficult decision to abort one fetus in order to save the other. Today the life-saving procedure for one of the fetuses would be illegal under the new 20-week ban.

Madam Speaker, I beg of my colleagues. I know there will be those who will vote, but as I stand here today, I do not condemn the conviction of my friends. But right now I am welled up with tears because I have hugged those who had nowhere else to go. And no man can stand and tell a woman what rape is and how it feels and what the results of that is. That is why the Constitution in the Ninth Amendment and the Supreme Court interpreted Roe v. Wade as it did.

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

Mr. CONYERS. Madam Speaker, I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE. I thank the gentleman. I will come to a close. But I am welled with emotion, not for killing, but for saving; not for condemnation, but for appreciation; not for judging, but for letting people know that I have constituents who are huddled in places right now in Houston, Texas, in fear, huddled because laws have prevented them from good counseling, counseling before such tragedy would happen, laws that have prevented them from having facilities in their area. They fall victim to shysters because of laws that we pass here.

I cannot see that anymore, and H.R. 36 now makes it a Federal offense and offends doctors and people of faith. So I close by simply saying that I love that song "Glory." It says: "One day when the glory comes, it will be ours. It will be ours."

But glory has to be tolerance and acceptance of people's condition. Prayerfully we must do the right thing in this Congress and vote against H.R. 36.

Madam Speaker, I rise in strong opposition to H.R. 36, the "Pain Capable Unborn Child Protection Act."

I opposed this irresponsible and reckless legislation the last time it was brought to the floor under a suspension of the rules and fell well short of the two thirds majority needed to pass.

I oppose this bill because it is unnecessary, puts the lives of women at risk, interferes with women's constitutionally guaranteed right of privacy, and diverts our attention from the real problems facing American people.

A more accurate short title for this bill would be the "Violating the Rights of Women Act of 2015."

Instead of resuming their annual War on Women, our colleagues across the aisle should be working with Democrats to build upon the “Middle-Class Economics” championed by the Obama Administration that have succeeded in ending the economic meltdown it inherited in 2009 and revived the economy to the point where today we have the highest rate of growth and lowest rate of unemployment since the boom years of the Clinton Administration.

Madam Speaker, we could and should instead be voting to raise the minimum wage to at least \$10.10 per hour so that people who work hard and play by the rules do not have to raise their families in poverty.

Instead of voting to abridge the constitutional rights of women for the umpteenth time, we should bring to the floor for a first vote comprehensive immigration reform legislation or legislations repairing the harm to the Voting Rights Act of 1965 by the Supreme Court’s decision in *Shelby County v. Holder*.

The one thing we should not be doing is debating irresponsible “messaging bills” that abridge the rights of women and have absolutely no chance of overriding a presidential veto.

Madam Speaker, H.R. 36 seeks to take the misguided and mean-spirited policy that in 2013 was directed at the District of Columbia and make it the law of the land.

In so doing, the bill poses a nationwide threat to the health and wellbeing of American women and a direct challenge to the Supreme Court’s ruling in *Roe v. Wade*.

Madam Speaker, one of the most detestable aspects of this bill is that it would curb access to care for women in the most desperate of circumstances.

It is these women who receive the 1.5 percent of abortions that occur after 20 weeks.

Women like Vikki Stella, a diabetic, who discovered months into her pregnancy that her fetus she was carrying suffered from several major anomalies and had no chance of survival.

Because of Vikki’s diabetic, her doctor determined that induced labor and Caesarian section were both riskier procedures for Vikki than an abortion.

Because Vikki was able to terminate the pregnancy, she was protected from the immediate and serious medical risks to her health and her ability to have children in the future was preserved.

Madam Speaker, every pregnancy is different.

No politician knows, or has the right to assume what is best for a woman and her family.

These are decisions that properly must be left to women to make, in consultation with their partners, doctors, their God,

Madam Speaker, I also strongly oppose H.R. 36 because it lacks the necessary exceptions to protect the health and life of the mother.

In *Roe v. Wade*, the Court held that a state could prohibit a woman from exercising her right to terminate a pregnancy in order to protect her health prior to viability.

While many factors go into determining fetal viability, the consensus of the medical community is that viability is acknowledged as not occurring prior to 24 weeks gestation.

By prohibiting nearly all abortions beginning at “the probable post-fertilization age” of 20

weeks, H.R. 36 violates this clear and long standing constitutional rule.

Madam Speaker, the constitutionally protected right to privacy encompasses the right of women to choose to terminate a pregnancy before viability, and even later where continuing to term poses a threat to her health and safety.

This right of privacy was hard won and must be preserved inviolate.

I strongly oppose H.R. 36 and urge all members to join me in voting against this unwise measure that put the lives and health of women at risk.

Mrs. BLACK. Madam Speaker, I yield 1½ minutes to the gentlewoman from Missouri (Mrs. WAGNER).

Mrs. WAGNER. Madam Speaker, I thank the gentlewoman for yielding and for her leadership on this issue.

Madam Speaker, I rise today in support of life. Life begins at conception. We know that after 3 weeks, the baby has a heartbeat. After 7 weeks, the baby begins kicking in the womb. Believe me, as a mother of three, I know it well. By week eight, the baby begins to hear and fingerprints begin to form. After 10 weeks, the baby is able to turn his or her head, frown, and get the hiccups. By week 11, the baby can grasp with his or her hands. By week 12, the baby can suck his or her thumb. By week 15, the baby has an adult’s taste buds. By week 18, that baby can flex his or her arms. And by week of 20, Madam Speaker, not only can that baby recognize the sound of his or her own mother’s voice, but that baby can also feel pain.

Madam Speaker, it is not only the pain of the child that we must be concerned with, but it is also the pain of the mother.

H.R. 36, the Pain-Capable Unborn Child Protection Act, provides protections for both the woman and the child. This is not a bill restricting women’s rights. This is a bill that supports and protects life. This bill is prowoman. It encourages discussion, medical treatment, and counseling for women who have been victimized. This bill is prowoman. It empowers women with a civil right of action if this law is not followed.

This bill, Madam Speaker, is prochild. It ensures that a baby born alive will be given lifesaving treatment. This bill is a prowoman and prochild solution to what our science and our values—our deeply held values—already tell us: that a baby at 22 weeks can feel pain, and that that baby deserves protection.

Madam Speaker, I am for life at all stages. I am for the life of the baby and the life of the mother. I will continue to work for the day when not only is abortion illegal but, Madam Speaker, it is unthinkable.

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

Mr. CONYERS. Madam Speaker, I ask unanimous consent to yield the balance of my time to the gentleman from Tennessee (Mr. COHEN), and that he may control that time.

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

There was no objection.

Mr. COHEN. Madam Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to H.R. 36. Instead of considering legislation that would help to promote our economic recovery, expand educational opportunities, repair our crumbling infrastructure, or invest in science and research, our House colleagues on the Republican side continue to pursue an extreme social agenda.

I stand to strongly oppose H.R. 36, which would violate Supreme Court precedent and impose arbitrary and unconstitutional restrictions on women’s healthcare decisions. Every woman in America deserves access to affordable, comprehensive health care, including full reproductive health care. H.R. 36 would ban abortions after 20 weeks even though medical professionals have explained that some deadly and severe conditions cannot be diagnosed earlier.

Madam Speaker, politicians are not medical experts and should not be making healthcare decisions for women in this country. These decisions are properly made by women in consultation with their healthcare professionals, not by a bunch of politicians in Washington.

In addition, the bill contains an unreasonably narrow exception for cases in which the woman’s life is in danger or the pregnancy is the result of rape or incest: only if the woman has sought mental health counseling or reported the incident to law enforcement—even though we know that a majority of these crimes go undisclosed or unreported.

Madam Speaker, this bill is a dangerous distraction from the pressing needs facing our country. I urge my colleagues to oppose this terrible bill and leave healthcare decisions in the hands of the people they belong in, the women of this country.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Speaker, I thank the gentlewoman from Tennessee for her leadership on this important issue.

Madam Speaker, there is a rule in the House of Representatives that any little child who is a guest of ours can come right down here and be in the well with us. Now let’s assume for a moment that one of those children tripped and fell and hurt themselves and cried out in pain. There is not a Member of this body that wouldn’t rush to their side and comfort them. And that is what this bill does today. It rushes to the side of children who are feeling the pain of violence of abortion.

Let’s stand with them. Let’s stand with women who deserve better than

the aggressive tactics of the abortion industry and their profit seeking and marketing. Let's rebuild our Nation's compassion capacity so that we can understand what is right and just by protecting the little ones who are most vulnerable. Let's do something good for America today.

Mr. COHEN. I yield 1 minute to the gentlewoman from California (Ms. LEE).

Ms. LEE. I thank the gentleman for yielding and for his leadership.

Madam Speaker, of course I rise in strong opposition to H.R. 36, which is nothing more than another ideological attack on women's reproductive rights.

This bill would institute a nationwide ban on abortion after 20 weeks with no exceptions to protect women's health. It adds unnecessary burdens and obstacles to deny medical care to women in the most desperate of circumstances, including in the instance of rape, by requiring women to seek counseling or medical treatment prior to her medical procedure. I remember the days of back-alley abortions. Many women died, and more were permanently injured before *Roe v. Wade*.

Madam Speaker, with this egregious bill, Republicans have once again decided to take us back there, to threaten physicians, for instance, with criminal prosecution. This bill is unconstitutional; it is dangerous; and it is wrong. No woman should have a politician interfering in her personal health decisions. They should always be kept private, period. And my faith is as deep as those using their faith, imposing their faith on women who must make these very difficult personal decisions.

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

Mr. COHEN. Madam Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. LEE. Instead of passing yet another bill that attacks women, we should get back to the real work that American families desperately need, like eliminating poverty, instituting real criminal justice reform, and increasing job opportunities for all.

For those who say that they support life, then why not support universal preschool, paid family medical leave, affordable child care, and support those life-affirming measures that we are trying to get passed here? So I urge a "no" vote on this outrageous attack on women.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH), the chair of the Pro-Life Caucus.

Mr. SMITH of New Jersey. Madam Speaker, I thank my friend for yielding and for her extraordinary leadership. Thank you to TRENT FRANKS, Speaker BOEHNER, KEVIN MCCARTHY, CATHY MCMORRIS-RODGERS, and the gentlewoman presiding in the Chair—so many. This has been a team effort, and it will yield considerable protection when it is finally enacted into law.

Madam Speaker, the Pain-Capable Unborn Child Protection Act is land-

mark human rights law. It recognizes the compelling body of medical evidence that unborn children feel pain and seeks to safeguard and protect vulnerable children from the violence of abortion.

Dr. Anand, a leading expert in the area of fetal pain, has said: "It is my opinion that the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborns or older children."

Dr. Malloy testified before the Judiciary Committee and said:

When we speak of infants at 20 weeks we no longer have to rely on ultrasound imagery because premature patients are kicking, moving, and reacting and developing right before our eyes in the neonatal intensive care unit.

Today, Madam Speaker, surgeons routinely administer anesthesia to unborn children—society's littlest patients—to treat diseases and anomalies and to perform benign corrective surgeries.

Today, there are Kermit Gosnells—you remember him, the infamous abortionist who was convicted 2 years ago today in Philadelphia. They are all over America inflicting not only violence and death on very young children, but excruciating pain as well. And, you know, when it comes to pain, I don't know about you, but I feel this way, I dread it, we all seek to avoid it, we even fear it, and we go to great and extraordinary lengths to mitigate its severity and duration. This legislation protects an entire age-specific class of kids from preventable pain and death.

Madam Speaker, this is human rights legislation, and I urge my colleagues to support it.

Madam Speaker, two years ago today, Pennsylvania abortion doctor Kermit Gosnell was convicted of murder, conspiracy to kill and involuntary manslaughter and sentenced to life imprisonment.

Even though the news of Gosnell's child slaughter was largely suppressed by the mainstream media, many of my colleagues may remember that Dr. Gosnell operated a large Philadelphia abortion clinic where women died and countless babies were dismembered or chemically destroyed often by having their spinal cords snapped—all gruesome procedures causing excruciating pain to the victim.

Today, the House considers landmark legislation authored by TRENT FRANKS to protect unborn children beginning at the age of 20 weeks post fertilization from pain-filled abortions.

The Pain Capable Unborn Child Protection Act is needed now more than ever because there are Gosnells all over America, dismembering and decapitating pain-capable babies for profit.

Men like Steven Brigham of New Jersey, an interstate abortion operator—35 aborted babies were found in his freezer.

Men like Leroy Carhart, caught on video tape joking about his abortion toolkit—complete with a "pickaxe" and "drill bit"—while describing a three day long late term abortion procedure and the infant victim as "putting meat in a crock pot."

Or like Deborah Edge who wrote in an op-ed that she "saw the abortionist puncture the soft spot in the baby's head or snip his neck if it was delivered alive."

Some euphemistically call this choice, but, a growing number of Americans rightly regard it as violence against children. And huge majorities—60% according to November 2014 Quinnipiac poll—want it stopped!

Fresh impetus for the bill came from a huge study of nearly 5,000 babies—preemies—published last week in the *New England Journal of Medicine*. The next day, a *New York Times* article titled: "Premature Babies May Survive at 22 Weeks if Treated" touted the Journal's extraordinary findings of survival and hope. (Let me note that these 22 week old children referred to in the *Times* articles are the same age as the 20 week children that will be protected by this bill. The only difference is the method used to calculate age.)

Just imagine, Madam Speaker, preemies at 20 weeks are surviving as technology and medical science advance. And some like Alexis Hutchinson, featured in the *New York Times* story is today a healthy 5 year old who originally weighed in at a mere 1.1 pounds.

Thus the babies we seek to protect from harm today may survive if treated humanely, with expertise and compassion—not the cruelty of the abortion.

That is why, H.R. 36 requires that a late abortion permitted under limited circumstances provide the "best opportunity for the unborn child to survive" and that "a second physician trained in neonatal resuscitation" be "present and prepared to provide care to a child" consistent with the Born-Alive Infants Protection Act of 2002.

The Pain-Capable Unborn Child Protection Act recognizes the medical evidence that unborn children feel pain.

One leading expert in the field of fetal pain, Dr. Anand, at the University of Tennessee stated in his expert report, commissioned by the U.S. Department of Justice: "It is my opinion that the human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain perceived by a fetus is possibly more intense than that perceived by term newborns or older children."

Surgeons today entering the womb to perform corrective procedures on unborn children have seen those babies flinch, jerk, and recoil from sharp objects and incisions.

Surgeons routinely administer anesthesia to unborn children in the womb. We now know that the child ought to be treated as a patient, and there are many anomalies, many sicknesses that can be treated while the child is still in utero. When those interventions are done, anesthesia is given.

Dr. Colleen Malloy, assistant professor, Division of Neonatology at the Northwestern University, in her testimony before the House Judiciary Committee said: "When we speak of infants at 20 weeks post-fertilization we no longer have to rely on inferences or ultrasound imagery, because such premature patients are kicking, moving and reacting and developing right before our eyes in the neonatal intensive care unit."

Dr. Malloy went on to say, "in today's medical arena, we resuscitate patients at this age and are able to witness their ex-utero growth." She says "I could never imagine subjecting my tiny patients to horrific procedures such as those that involve limb detachment or cardiac injection."

Other provisions in H.R. 36 include:

An Informed Consent Form including the age of the child; a description of the law; an explanation that if the baby is born-alive, he or she will be given medical assistance and transported to a hospital; and information about the woman's right to sue if these protections are not followed. Women deserve this information.

The woman is empowered with a Civil Right of Action, so she may sue abortion providers who fail to comply with the law. Parents are also given a civil right of action if the law is not followed with regard to their minor daughter.

In the case of a minor who is pregnant as a result of rape or incest and is having an abortion at 20 weeks or later, the abortion provider must notify either social services, or law enforcement to ensure the safety of the child and stop any ongoing abuse.

In the case of an adult who is pregnant as a result of a sexual assault and is having an abortion at 20 weeks or later, the provider must ensure that she has received medical treatment or counseling at least 48 hours prior to the abortion.

Compliance with State Laws including parental involvement requirements, and state reporting requirements is required.

The National Center for Health Statistics will issue an Annual Statistical Report (without personally identifying information) providing statistical information about abortions carried out after 20 weeks post-fertilization age.

Finally, pain, we all dread it. We avoid it. We even fear it. And we all go to extraordinary lengths to mitigate its severity and its duration.

Today, there are Kermit Gosnells all over America inflicting not only violence, cruelty, and death on very young children, but excruciating pain as well. This legislation protects an entire age specific class of kids from preventable pain—and death.

[From Americans United for Life]

BACKGROUND: MATERNAL HEALTH AND LATE-TERM ABORTION

ABORTION POSES SIGNIFICANT RISKS TO MATERNAL HEALTH BY 20 WEEKS GESTATION

A well-respected peer-reviewed journal—one which is also frequently cited by abortion advocates—notes that, “Abortion has a higher medical risk to women when the procedure is performed later in pregnancy. Compared to abortion at eight weeks of an unborn child's gestation or earlier, the relative risk increases exponentially at higher gestations.” (L.A. Bartlett et al., Risk factors for legal induced abortion-related mortality in the United States, *Obstetrics & Gynecology* 103(4):729–37 (2004)). From the Bartlett study:

“The risk of death associated with abortion increases with the length of pregnancy, from one death for every one million abortions at or before eight weeks gestation to one per 29,000 abortions at sixteen to twenty weeks and one per 11,000 abortions at twenty-one or more weeks.”

As noted in the Bartlett study, gestational age is the strongest risk factor for abortion-related mortality. Compared to abortion at eight weeks gestation, the relative risk of mortality increases significantly (by 38 percent for each additional week) at higher gestations.

In other words, a woman seeking an abortion at 20 weeks is 35 times more likely to die from abortion than she was in the first trimester. At 21 weeks or more, she is 91 times more likely to die from abortion than she was in the first trimester.

Moreover, the researchers in the Bartlett study concluded that it may not be possible to reduce the risk of death in later-term abortions because of the “inherently greater technical complexity of later abortions.” This is because later-term abortions require a greater degree of cervical dilation, with an increased blood flow in a later-term abortion which predisposes the woman to hemorrhage, and because the myometrium is relaxed and more subject to perforation.

The same exact study is relied upon by the pro-abortion Guttmacher Institute in its *Facts on Induced Abortion in the United States*. In fact, Guttmacher emphasizes the increased risk by setting it apart in the text:

The risk of death associated with abortion increases with the length of pregnancy, from one death for every one million abortions at or before eight weeks to one per 29,000 at 16–20 weeks—and one per 11,000 at 21 or more weeks.

At least two studies have now concluded that second-trimester abortions (13–24 weeks) and third-trimester abortions (25–26 weeks) pose more serious risks to women's physical health than first-trimester abortions. Other researchers confirm a substantially increased risk of death from abortions performed later in gestation, equaling or surpassing the risk of death from live birth. Researchers have also found that women who undergo abortions at 13 weeks or beyond report “more disturbing dreams, more frequent reliving of the abortion, and more trouble falling asleep.”

Further, even Planned Parenthood, the largest abortion provider in the United States, agrees that abortion becomes riskier later in pregnancy. Planned Parenthood states on its national website, “The risks [of surgical abortion] increase the longer you are pregnant. They also increase if you have sedation or general anesthesia [which would be necessary at or after 20 weeks gestation].”

When the Supreme Court decided *Roe v. Wade* in 1973, there was no evidence in the record related to medical data showing the health risks to women from abortion. The “abortion is safer than childbirth” mantra of 1973 has been refuted by the plethora of peer-reviewed studies published in the last 40 years. Specifically, recent studies demonstrate that childbirth is safer than abortion especially at later gestations.

Moreover, studies reveal that abortion carries serious long-term risks other than the risk of death. These studies reveal significant long-term physical and psychological risks inherent in abortion—risks that, as agreed by both pro-life and pro-abortion advocates, increase with advancing gestational age.

In sum, it is undisputed that the later in pregnancy an abortion occurs, the riskier it is and the greater the chance for significant complications.

Mr. COHEN. I yield 1 minute to the gentleman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in strong opposition to this legislation, which amounts to nothing less than an assault on women's fundamental rights. This is about a woman's ability to make her own decisions in consultation with her doctor, not politicians.

Not only does this unconstitutional bill run afoul of longstanding judicial precedent, but it will also jeopardize women's health by banning abortion after 20 weeks even in cases where pregnancy complications arise from serious

health issues like pulmonary hypertension, heart condition, kidney disease, and cancer.

What about the life of the mother? Women facing desperate medical situations will see their healthcare options restricted through this unacceptable bill.

Furthermore, rape and incest victims will face additional hurdles when terminating a pregnancy. Doctors and healthcare providers will encounter threats of fines and even imprisonment when they are simply trying to provide compassionate care to women in need.

Madam Speaker, this bill inserts the government into one of the most personal decisions a woman can make and would interfere with the relationship between women and their doctors. So much for getting government off my back. I would like to see the government out of my bedroom.

Mrs. BLACK. Madam Speaker, I now yield 30 seconds to the gentleman from Pennsylvania (Mr. ROTHFUS).

□ 1615

Mr. ROTHFUS. Madam Speaker, our Declaration of Independence states that everyone is endowed by our creator with an unalienable right to life. Recognition of God-given rights is part of who we are.

Indeed, who could forget President Kennedy's words more than 50 years ago when he said:

Our rights do not come from the generosity of the State but from the hand of God.

This legislation expands protections for the right to life. It recognizes that a class of children, unborn babies older than 20 weeks who feel the pain of abortion, should be protected.

We must stand in solidarity with these vulnerable children and affirm: we will protect you.

I urge my colleagues to support H.R. 36.

Mr. COHEN. Madam Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Madam Speaker, this is an outrage. We are again debating a bill that takes away women's constitutional rights.

I agree with the gentleman from Arizona that we are privileged. We are privileged to be Members of Congress and represent our districts and our country, but we are not medical experts, and we are not privileged to insert ourselves into these most personal decisions that must remain with women, their doctors, their families, and their faith.

Clearly absent from this Congress' agenda is any discussion about persistent wage inequality hurting women and their families. What about paid parental leave? or making sure families get access to quality child care? What are we doing about feeding hungry children? or making sure that every child can access education? How about anything at all concerning women that doesn't have to do with restricting reproductive rights?

Let's call this bill what it is. It is an unconstitutional bill that would force survivors of sexual assault and incest to jump through hoops in order to get the medical care they need. This bill is an insult to women and to their families.

As women and families are working hard to move this country forward, we are seeing a Republican Congress obsessed with moving us backwards.

I urge this Congress to get back to work for them and reject this unconstitutional and insulting bill.

Mrs. BLACK. Madam Speaker, I yield 30 seconds to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Madam Speaker, I rise today in strong support of H.R. 36, the Pain-Capable Unborn Child Protection Act.

This bill takes an important step to protect innocent life. Scientific evidence shows that unborn babies have the capacity to experience pain after 20 weeks. Ending these lives through abortion is both unconscionable and inhumane.

As Members of Congress, it is our duty to protect those who are defenseless. Our bill affirms the humanity of the unborn while curbing the inhumanity of abortion. As one of seven children, with five children of my own, and grandfather of 12, I ask my colleagues to support this pro-life bill.

Mr. COHEN. Madam Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Tennessee has 7½ minutes remaining. The gentlewoman from Tennessee has 8½ minutes remaining.

Mr. COHEN. Madam Speaker, I yield 1 minute to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Madam Speaker, I thank my friend for yielding.

Here we are again, at a time when this Congress should be focusing on the American people's top priorities, drawing our economy, creating good-paying jobs, dealing with crumbling infrastructure, dealing with the big challenges that the American people sent us to do, and we are not doing that; we continue yet another attack on women's health.

Healthcare decisions should be made between a woman and her doctor, not politicians in Washington. Let me repeat, healthcare decisions should be made between a woman and her doctor, not politicians here in Washington. We need to work together on the things we agree on. This keeps coming up over and over again.

American people, American women, deserve the respect that should be accorded to them to exercise their right of privacy and their constitutionally protected right and not have people here in this Chamber continually attack their decisions that should be made in direct personal private consultation with their physician. To do anything other than that, I think, is taking this country and this Congress in the wrong direction.

Mrs. BLACK. Madam Speaker, I yield 30 seconds to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Speaker, I want to thank the gentlewoman from Tennessee for her work on this bill and all of my colleagues who had a hand in it, particularly the gentleman from Arizona (Mr. FRANKS) for authoring this important legislation.

I think most people would be surprised to learn that the United States is one of only seven countries in the world that allows elective abortions to be performed after 20 weeks. Science has shown us that unborn children can feel pain. Some may argue against this; but then why would unborn babies, who are given lifesaving operations while still in the womb, routinely given anesthesia?

The Founding Fathers strongly believed that human beings are created equal and are endowed by their Creator with certain unalienable rights, among which is the right to life. It is the duty of the Members of Congress to protect those who cannot speak for themselves.

I urge my colleagues to support this bill.

Mr. COHEN. Madam Speaker, I yield 1 minute to the gentleman from California (Mr. BERA), on the day after Yogi Berra's 90th birthday—not related.

Mr. BERA. Madam Speaker, I am a doctor. I have been a doctor for over 20 years. When I graduated from medical school, I took an oath. That oath contains that promise of patient autonomy, that I am going to sit with my patients, I am going to answer their questions, and I am going to empower them to make the decisions that best fit their lives and their health care. That is sacred to the oath that I swore when I became a doctor.

This bill will make it criminal for me to do my job as a doctor. It is all about empowering our patients to make the decisions that best fit their lives, answering their questions. It is personal.

I think about this as a father of a daughter. I want my daughter to grow up in a country where she is in charge of her own healthcare decisions. When we think about limited government, none of us wants the government to come into the examining room and get between that doctor-patient relationship.

This is sacred. This is what health care is all about. It is about working with our patients, answering their questions, and putting them in charge of their own healthcare decisions.

This is a bad bill; this is a bill with massive government overreach. Vote against this bill, and let us do our job as doctors.

Mrs. BLACK. Madam Speaker, I yield 30 seconds to the gentleman from North Dakota (Mr. CRAMER).

Mr. CRAMER. Madam Speaker, the most basic responsibility of a government of the people, by the people, and for the people is to protect the people. We protect our senior citizens' eco-

nomics security with Social Security. We protect our country with our national security. We have a Department of Homeland Security to protect all people.

It seems that the very least we can do for the most vulnerable, defenseless, and innocent among us is to protect them with this basic right, to protect them from the imposition of the excruciating pain imposed on them by government sanction no less—abortion.

I urge all my colleagues to vote "yes" on this important bill.

Mr. COHEN. Madam Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY).

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, I thank the gentleman for yielding and for his leadership.

I rise in opposition to H.R. 36. It endangers women's health. It contains a woefully inadequate rape exception, is patently unconstitutional, and it contains no health exception for the mother.

The entire premise that women must provide "proof of rape" is preposterous and hurtful to women who have already faced incredible trauma. Most of us cannot begin to fathom what a woman has faced in these situations. The FBI rates rape the second worst crime, preceded only by murder, in terms of the destruction and continuing harm to the victim.

This is truly adding insult to injury. The majority party expects survivors to be mindful of keeping good medical paper records and to file paperwork that they, the majority, have decided that the rape victim should file. The reality is that abortions after 20 weeks are rare and represent just 1.5 percent of pregnancies that are terminated.

In almost all of these cases, the women choosing an abortion are doing so because there is a grave problem with their pregnancy and their own health that affects their fetus. Some fetuses are incompatible with life, and in some cases, going to full term would destroy a woman's ability to have future children.

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

Mr. COHEN. I yield an additional 30 seconds to the gentlewoman.

Mrs. CAROLYN B. MALONEY of New York. Even after four decades of settled law, some of my colleagues still refuse to cede women their constitutional right and the autonomy and human dignity that goes with being allowed to make your own decisions about your own body and your own health care.

The party of individual rights and states' rights wants to go into medical, personal decisions of women in this country with their doctors.

I urge my colleagues to reject this awful bill, H.R. 36, and recognize that women are both capable and prepared to make decisions about their own bodies and their own medical care.

Mrs. BLACK. Madam Speaker, I yield 30 seconds to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Madam Speaker, I thank the gentlewoman for yielding.

I rise in support of H.R. 36.

I would point out that we have had an estimate of 58 million abortions in this country since *Roe v. Wade*. That is roughly 14 million by Planned Parenthood alone, and it is about 1 million abortions a year in this country.

We ended partial birth abortion for one reason: because those babies' lives were ended the moment before they could scream for their own mercy. Now, with the Pain-Capable Unborn Child Protection Act, we are going to be able to stop that abortion that is coming because we can see in 4-D ultrasound that these babies are writhing for their own mercy.

These babies need to be brought forward into us so that they can live, learn, laugh, and love so that, one day, they can stand here and celebrate the life that we gave them.

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

I would like to make note that we have the American College of Nurse-Midwives; the American Congress of Obstetricians and Gynecologists; the American Medical Student Association; the American Medical Women's Association; the American Nurses Association; the American Psychological Association; and many, many others against this bill. I would like to hear on the other side some of the medical groups that are supportive of this bill.

I reserve the balance of my time.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentlewoman from California (Mrs. MIMI WALTERS).

Mrs. MIMI WALTERS of California. Madam Speaker, I rise today in support of H.R. 36, the Pain-Capable Unborn Child Protection Act.

This bill will protect women and children by establishing Federal legal protections from unborn babies of 20 weeks. Substantial evidence has shown that children at 20 weeks, or the fifth month of pregnancy, have the capacity to feel pain and, due to modern medicine, are increasingly likely to survive a premature birth.

Furthermore, this bill protects the health of mothers when they are at their most vulnerable state. At 20 weeks, a woman is 35 times more likely to die from abortion than she would in the first trimester. After 21 weeks, that risk of death for the mother increases almost one hundredfold.

It is fitting that this bill comes before the House floor on National Women's Health Week, a weeklong observance led by the U.S. Department of Health encouraging women to prioritize their health.

I am pleased to stand in support of this piece of women's health legislation today. This bill will empower women in their healthcare provisions and protect the lives of the innocent unborn.

□ 1630

Mr. COHEN. Madam Speaker, I reserve the balance of my time.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Madam Speaker, I rise today in support of the Pain-Capable Unborn Child Protection Act.

This bill protects unborn children and ensures that those born alive are given the same level of care as other premature infants.

I would like to introduce you to Micah Pickering and his parents. His mom, Danielle, recalls being told that her son, if born early, was not going to be viable at 20 weeks. She says:

We were told that our baby would not cry upon birth. We were told that he would be stillborn. We were told that, if by some miracle he survived, he had a 95 percent chance of horrible, life-altering disabilities that would likely include not walking, not talking, not even eating on his own. On the morning Micah was born, he defied all odds. We didn't know what God's will for Micah was, but we do now—it is to be a voice for all of those other babies.

I insert into the RECORD Danielle Pickering's full story and letter.

"MIRACLE MICAH"

(By Danielle Pickering, Mom)

My son was not "viable". It was a word we were coming to hate. It all started the day my water broke, at 21 weeks. I was treated as if I had a Urinary Tract Infection, instead of a rupture of membranes. I was sent home with no instructions to do anything outside of my normal routine. I worked 8 hours a day in a warehouse, I cooked meals for my husband and myself, and I went to yard sales like normal, all with my water broken. One week later, at exactly 22 weeks, I started having small contractions and bleeding. My husband and I rushed to the Emergency Room, where they confirmed that my water was at less than 1 CM, and that I would be ambulated to the University of Iowa Hospitals and Clinics for the remainder of my pregnancy.

When I was admitted my heart rate was high, baby's heart rate was high, and I was running a fever. They determined that since baby was not "viable" they would like to induce labor as they feared I had a life threatening infection. We called on everyone we knew to start praying, and within two hours I was now stable. We were then told that it was our decision to induce or to hold out and see what baby does, but they couldn't do anything at that time to stop labor. We decided to wait. We couldn't induce when we were sure this baby was not going to make it.

For the next three days we were told horrific statistics that no parent should ever have to face. We were told that our baby would not cry upon birth. We were told that he will likely be stillborn. We were told that, if by some miracle he survived he had a 95% chance of horrible life altering disabilities that would likely include not walking, not talking, not even eating on his own.

On the morning of 22 weeks and 4 days, Micah was born. He defied all odds and cried two times upon birth. This was music to this devastated mom's ears. I didn't get to see him. He was rushed away by a huge team of Doctors and Nurses dedicated to saving his life, as that was the choice we had made. You see, we were told that we didn't have to choose to intubate him and put him on a ventilator, but we had to do all we could to save this precious life. He had trusted his Mommy from conception to care and nourish him, and though my body was failing him, I

wasn't going to! I was going to fight for him. I was going to advocate for him! I was going to be the voice of this tiny, fragile little boy who already I was so in love with, and hadn't even seen yet and thanks to an anterior placenta I hadn't even felt him kick or move yet.

The second I was able to meet Micah changed my life. He was so small. I didn't know what to expect. Would he look "normal"? Could I bond with this baby? Those questions were a mess in my head as I was wheeled into his room two hours after his birth. The sight I saw was a perfectly formed baby. Lots of tubes and monitors all set up to be an artificial womb to this baby born too soon. My husband and I stood there just staring at this beautiful little boy who we were told we couldn't hold as the skin was so sensitive it would hurt him. We were told we could press lightly on the skin so we each put our hand near him. HE reached up, and held our fingers. This was the strongest grasp I would ever feel. I never knew how strong a baby was until that moment! He had a powerful grip on our hands, and now our hearts.

Micah was about to spend the next 4 months in the Neonatal Intensive Care Unit. He was going to go through heart surgery, at 2 weeks old and just over a pound. He was going to hang on to life by a thread some days. There were days I couldn't leave his room. I slept on the floor next to his warmer bed many nights, because my heart was so grieved for this tiny baby and I couldn't leave him alone. He was going to go through every ventilator they had available. He was going to be on Nitric Oxide to help his lungs. He would get scores of X-Rays and heel pricks. He was going to do something amazing—all because we were able to say "Yes, Please save our baby".

Here was this little baby who was on morphine for pain. He still had his eyes fused shut. You could see his chest vibrate from the ventilators. It was heartbreaking. Here was a boy who we would see get to take his first sneeze. His first smile. We would get to see the hiccups, from the outside. We would watch his eyes slowly unfuse. We would watch his hair grow in and we would watch his body develop. It was indescribably the most joyful time of our life.

We knew the Lord had a plan for Micah. Our prayer to God from early on was that Micah's life, Micah's story, and Micah's example would help others, and could somehow save other babies born too soon. We didn't know what the will for Micah was, but we do now. It was to be a voice for all those other babies. We didn't understand at the time that Micah was right on time, but now we do. Until you are faced with a situation like this, you cannot grasp the intensity that will become every decision. You can read every doctor report, you can get advice from everyone. You can be knowledgeable on every part of prematurity, but that does not change the fact that Micah was just as much full of life at 22.4 weeks as he now is at almost 3 years old. Every scary moment has been worth it. Every doctor visit, every oxygen tank we went through, every middle of the night phone call from Neonatologists, was worth it. We now have a very perfect almost 3 year old we get to call son, when we were preparing for empty arms. Our hearts are full because we chose to give him a chance at life.

Mrs. HARTZLER. Madam Speaker, we must protect unborn children from cruel suffering, and we must ensure that any survivors get treated like any other premature baby. I urge my colleagues to support H.R. 36.

Mr. COHEN. Madam Speaker, I yield 1½ minutes to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank my friend for yielding.

Madam Speaker, my Republican colleagues have no interest in preventing abortions after 20 weeks. The motivation behind H.R. 36 could not be more transparent. They want to make abortion after 20 weeks illegal and abortions before 20 weeks impossible.

Consider the story of a young woman named Josephine, who recently moved to Florida from Texas with her two kids after escaping an abusive husband.

While trying to build a stable home for her children, she was raped, and she became pregnant. She couldn't afford an abortion or a trip to her provider who was more than 80 miles away, so Josephine attempted to terminate the pregnancy herself by ingesting poison. She ended up hospitalized, needing several blood transfusions. She was still pregnant. By the time she gathered enough resources to cover her procedure and transportation to a provider nearly 80 miles away, she was 23 weeks pregnant. If this Republican majority were to have its way, Josephine would be denied access to a safe and legal abortion.

From regulating providers out of business, to requiring waiting periods, to mandating counseling and medically unnecessary ultrasounds, this Republican majority has made securing an abortion—has made exercising a woman's constitutional right—a long and expensive process. Let's reject this bill and, instead, work to ensure that all women can control their own bodies, their own health, and their own destinies.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HARRIS).

Mr. HARRIS. Madam Speaker, I rise today in support of H.R. 36. Let's call this bill what it is—it is a late-term abortion ban. That is what it is, and a majority of Americans agree, Madam Speaker, that late-term abortions should be illegal in this country.

Whether it is unconstitutional is not up for this body to determine. I believe the Supreme Court will rule that this is constitutional because there is a reason a majority of Americans believe that late-term abortions should be illegal—because that baby is developed at 20 weeks postfertilization, developed enough to perceive pain. That is how developed. It is developed enough to survive outside the womb. That is how developed. That is why a majority of Americans believe that that baby has rights as well. That is what we are here to do today. H.R. 36 preserves the rights of that baby to survive.

I practiced OB anesthesia for over 20 years. I was always amazed that, in the labor and delivery suite, we would deliver 21-week postfertilization babies and that, down the corridor, they would abort them. This bill says that, if that baby being aborted is born alive,

someone is going to actually resuscitate that baby. That is what we need, Madam Speaker. That is why I support H.R. 36.

Mr. COHEN. Madam Speaker, I reserve the balance of my time.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the gentlewoman from Tennessee and everyone who has worked so hard on this bill.

Madam Speaker, I have sat here for 25 minutes—or for however long—listening to this debate, and I have been struck by the opposition to this bill's constant and consistent argument that this is about leaving these decisions to the mothers and their doctors.

What about the baby? Who is standing up for that baby who cannot speak for himself? That is what we are doing here today.

This is such an important measure on behalf of those who don't have a voice and who can feel pain. It is a shame that such a humane and compassionate measure has opposition at all, especially since great care has been taken to protect women and babies in this bill. If we won't stop abortions at 5 months, when unborn babies feel pain, when will we stop it? There have to be limits. Even those of us who want to end abortion altogether in any form support this restriction. Do you know why? It protects babies. It saves babies. It protects women. It assigns a greater value to human life.

Mr. COHEN. Madam Speaker, I reserve the balance of my time.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank my good friend from Tennessee.

Madam Speaker, I rise today as a physician, as a father, and as a grandfather in support of H.R. 36, the Pain-Capable Unborn Child Protection Act.

It is no surprise that unborn children as young as 20 weeks postfertilization feel, respond to, and recoil from pain. These tiny forming human beings make faces, yawn, stretch, and suck their thumbs. I have my own granddaughter, who is now about 20 months of age. When we viewed her 4-D ultrasound, her face compared to today is almost exactly the same. It is unbelievable how humanlike, how much like a baby, a baby really is in the womb because—let's admit it—it is a child; it is a human life.

We celebrate when our friends and families post these precious ultrasound pictures. In fact, life is always a celebration, and it is only right that we should be vigilant to ensure that the womb remains the most peaceful, protected place for a child to grow and be nurtured. I urge my colleagues to support H.R. 36, which will protect children in the fifth month of development from the excruciating pain and intended violent death of an abortion.

Mr. COHEN. Madam Speaker, I reserve the balance of my time.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentlewoman from Utah (Mrs. LOVE).

Mrs. LOVE. Madam Speaker, I was not planning on speaking today. I didn't put my name on the list to speak today. I was actually sitting in my office, listening to the debate about this bill, and I started thinking of my three children. I started thinking about the decisions that we have to make in order to protect them, and I am disappointed that there is even opposition to this piece of legislation.

I want you to know that we, as adults, have a voice. We are able to speak. We are able to speak in opposition to things, but we have children who do not have a voice. Those babies whom we know can feel pain do not have a voice.

Now, I want everyone who is watching today—because I am not trying to convince my colleagues—to think of their children, to think of their nieces, their nephews, their grandchildren—the ones that they love. Would they inflict this kind of pain to keep them from coming into the world?

We have a moral obligation in this country to protect life, liberty, and the pursuit of happiness. It is time that we do our job—life, liberty, and the pursuit of happiness.

The SPEAKER pro tempore. The gentlewoman from Tennessee has 1 minute remaining, and the gentleman from Tennessee has 1½ minutes remaining.

Mr. COHEN. I yield myself the balance of my time.

Madam Speaker, if people, I think, listen to this debate, they would see one thing clearly in that there is a difference on the two sides—a difference in perspective and a difference as to the facts.

Some say that, clearly, the fetus feels pain. My data shows that the majority of medical opinion says that the fetus does not; and Dr. Anand, whom they cite—my research shows—has retracted his position and doesn't want to be involved in this debate, and he is an outlier.

The bottom line is there are differences—differences as to the facts as well as to the opinions. What that should say to anybody who watches this debate, Madam Speaker, is this issue shouldn't be decided by politicians but by medical experts and by women with the people they trust—medical experts, not politicians—and by women with the advice of the people they trust.

The truth of this debate came down to a lady from North Carolina who testified contrary to what she said in January. In January, she said the bill that came before this House was not a good bill and that it shouldn't come to the House. It was withdrawn because incest is incest, and it shouldn't be seen that people 18 and over couldn't get an abortion if they were victims of incest. This bill allows it. She has changed her position, and at the close of her statement, she said: I will not rest until abortion is illegal.

That is what this is about. It is the beginning of the end of abortion at 20 weeks, at 17 weeks, at 12 weeks, at 1 week, at conception. This is an anti-abortion bill. It is not about fetal pain. It is not about 20 weeks. That is what it is about. American women need to wake up.

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

Mrs. BLACK. Madam Speaker, during the course of this debate, we have heard more than a few mischaracterizations against this legislation. In truth, this is just a modest, compassionate bill that does not in any way change abortion law for the first 5 months of pregnancy.

As a nurse for more than 40 years, I know that late-term abortion is not health, and it is not caring. It takes an innocent life we know can feel pain inside the womb and a life that is increasingly viable outside the womb. This is a human rights issue, and we have the responsibility to act. Therefore, I urge a "yes" vote on H.R. 36.

I yield back the balance of my time.

Mr. BLUM. Madam Speaker, I rise today in support of H.R. 36, the Pain-Capable Unborn Child Protection Act.

As a father of five children, I understand the precious joy children bring to the world. I firmly believe as a Member of Congress, I should defend the sanctity of life. I believe it is morally imperative to protect those who are unable to protect themselves.

As a cosponsor of the bipartisan legislation, I am confident this is a step in the right direction to protecting unborn children at the moment that they can feel pain. It is important that Congress continue to pursue legislation that protects the right to life.

I believe that most constituents in Iowa agree with me. According to a recent Quinnipiac poll, 62% of Americans support a ban on abortions after 20 weeks or earlier. Of women polled, 68% supported this bill's proposed ban on abortions.

I will continue to defend the lives of the unborn and I urge my colleagues in the Senate to act on this measure.

Mr. FARR. Madam Speaker, there are countless reasons why my colleagues should reject H.R. 36, the misnamed Pain-Capable Unborn Child Protection Act. I am unequivocally opposed to the substance of the bill and the process by which it arrived on the House Floor today.

According to the Centers for Disease Control and Prevention (CDC), a little over one percent of abortions that are performed annually are resulting from pregnancies over 21 weeks. There are a variety of reasons why abortion care may become necessary at this stage of a pregnancy. Some may not know that they are pregnant; some, barred by public funding bans on abortion, need time to gather the funds for the procedure; and sadly, a large majority of these abortions are medically necessary due to severe fetal anomalies or risks to the mother's health. Doctors must be allowed to offer their patients the best care possible. Tragically, doctors in violation of this bill, were it to become law, could face jail time. The new version of H.R. 36 puts even more burdens on doctors in an all out effort to prevent them from performing the procedure so

women will have nowhere to go for abortion services.

As you'll recall, H.R. 36 was introduced on the very first day of the new 114th Congress and just two months later, the Republican Majority rushed this anti-family bill to the House Floor. However, with Members of its own party rejecting H.R. 36, the bill was pulled from the floor the night before it was to be debated on and another anti-choice bill was put in its place. It has taken over a month to make a bad bill even worse? The revised bill also forces adult rape survivors either to report the crime or to seek medical care at least 48 hours prior to getting an abortion. In order for a woman to comply with this requirement, not only does a woman have to see a provider other than the one providing the abortion, but she cannot see any provider in the same facility where abortions are performed.

While we recently marked the 42nd anniversary of the Roe v. Wade decision allowing women to make their own reproductive choices, this legislation is nothing but a transparent attempt to restrict their choices once again. It takes any medical decision that should be made by a woman on the advice of her doctor and puts it into the hands of legislators. Now, I know there are several House Members who are also doctors, but I had no idea so many Members—medical or otherwise—feel empowered to take this decision on to themselves rather than leaving these reproductive decisions to the person doing the reproducing: the individual woman. I am particularly surprised that so many men feel comfortable making personal bodily medical decisions for women.

Madam Speaker, H.R. 36 is simply outrageous. This bill is unconstitutional and a blatant attempt to challenge Roe v. Wade at the expense of the reproductive health of our nation's women. And they claim there is no war on women. How can they say that when they try to pass bills like this?

Mrs. CAPPS. Madam Speaker, I rise in strong opposition to H.R. 36, the so-called "Pain-Capable Unborn Child Protection Act".

I am disappointed that yet again, Congress is debating and voting on this severely flawed legislation. H.R. 36 ignores the health issues and real life situations that women can face during pregnancy.

This bill is not based on sound science. And it is certainly not based on the real experiences of American women and families. This bill is simply yet another attack on women's health.

Women want—and need—to make their own personal health care decisions in consultation with their doctor and spiritual advisor—not their Member of Congress. It is time to start trusting our nation's women and families to make their own personal health care decisions.

Instead of this political attack on women's personal decision making, we should be focusing on empowering women by expanding education opportunities, ensuring equal pay for equal work and increasing access to quality child care—these are the things that really matter to women and their families. And these are the things that are going to strengthen working families and our economy.

We have many critical issues facing this nation that Congress should be focused on and this is certainly not one of them.

Again, I would like to state my strong opposition to this misguided and out of touch piece

of legislation and I urge my colleagues to vote no on H.R. 36.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 255, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Ms. BROWNLEY of California. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. BROWNLEY of California. I am in its current form.

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

The Clerk read as follows:

Ms. Brownley of California moves to recommit the bill H.R. 36 to the Committee on the Judiciary with instructions to report the same to the House forthwith with the following amendment:

Page 6, line 11, insert after "life" the following: "or health".

Page 6, beginning on line 12, strike "whose" and all that follows through "conditions" on line 17.

Page 11, line 13, insert after "life" the following: "or health".

Page 11, beginning on line 14, strike "by" and all that follows through "injury" on line 15.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California is recognized for 5 minutes in support of her motion.

□ 1645

Ms. BROWNLEY of California. Madam Speaker, this is the final amendment to H.R. 36, which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended.

My amendment would ensure that nothing in the bill would prevent a woman from terminating her pregnancy after 20 weeks if her health were at risk. Only 1.1 percent of abortions performed in the United States occur after the 20-week mark. These rare procedures are often the most medically difficult and dangerous cases where women—many of whom want and have dreamed of being parents—are faced with impossible decisions.

As it is written, H.R. 36 would force a doctor to wait until a condition becomes life threatening before performing an abortion. It shows no concern for the long-term health of the mother, her future ability to bear children, or her right to make her own medical decisions.

It ignores that there are very real and very serious reasons why a woman may need an abortion later in pregnancy. For example, pregnant women with severe fetal anomalies or women whose amniotic sacs rupture prematurely and cannot support the fetus

would be forced to give birth. The bill also treats doctors as criminals for providing care that has been the law of the land for 42 years, and it puts doctors' safety at risk by requiring public disclosure of doctors who provide abortion care around the country.

Both the American Medical Association and the American Congress of Obstetricians and Gynecologists understand that there is no appropriate one-size-fits-all solution. They oppose bills not based on sound science and that interfere with the physician's ability to provide the highest quality of care.

H.R. 36 does more than endanger the health and lives of women. It also robs rape victims of their constitutionally protected right to choose. The bill's revised rape exception continues to question rape victims' honesty by requiring that adult rape victims obtain counseling or medical treatment 48 hours before obtaining an abortion and prohibits both services from being performed by a woman's regular OB/GYN. By placing these onerous burdens on women, this bill revictimizes women who have already been traumatized and denies women the right to choose their own doctor.

Further, many women, especially victims of abuse, do not report rape for fear of reprisal. The National Institute of Justice estimates that only 35 percent of women report rape. Forcing a survivor to report her sexual assault before she can terminate a pregnancy resulting from rape or incest denies her basic rights.

If we are serious about reducing the number of abortions, we should improve access to birth control and family planning, we should support comprehensive sexual education, we should do anything but pass this misguided, misinformed, and ill-conceived legislation.

Instead of bills that harm women, we should work together on bipartisan legislation to help women and families, including passing legislation that provides equal pay for equal work, access to child care, and paid family leave. We should also pass a transportation bill, fix our crumbling infrastructure, create jobs, and strengthen the economy. Backward bills, not based in science, that fail to respect a woman's right to privacy and right to make her own health decisions have no place in local, State, or Federal legislation.

I urge my colleagues to vote "yes" on the motion to recommit, vote "yes" to protect women's health, vote "yes" for a woman's right to choose.

I yield back the balance of my time. Mrs. McMORRIS RODGERS. I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentlewoman from Washington is recognized for 5 minutes.

Mrs. McMORRIS RODGERS. Madam Speaker, we hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, and among these rights are the

rights of life, liberty, and the pursuit of happiness.

The bill before the House today affirms what a majority of Americans believe, that over halfway through a pregnancy, an unborn baby deserves the full protection of the law and the Constitution.

As a mother of three and a legislator, I have always believed that every life has value, every life deserves the opportunity to reach its full potential. We live in an extraordinary time in which we are not bound by the conditions of our birth. We are not sentenced by our circumstance. And we should not be defined by what limits us but empowered by what we can become. As lawmakers, it is our responsibility to ensure that our laws reflect that.

Medical science continues to evolve to create greater potential for life. Emerging research is challenging what we thought to be true of the earliest stages of human life. Just last week, The New York Times highlighted a study that showed a growing number of premature infants surviving after the point at which this bill would make abortion illegal.

As a society, we need to ask whether we want to move forward with a better standard of living or if we want to rely on the outdated scientific research of the past. I want to legislate for the future, and the future will be defined by how we use the advancements taking place today to protect and improve human life.

Those who represent the future are already there. There was a recent poll that 57 percent of millennials support this legislation, and they echo the voice of America. Sixty percent of Americans—Democrats, Republicans, Independents—support the Pain-Capable Unborn Child Protection Act.

Abortion is really a symptom of larger challenges that exist in our society, and these challenges demand attention of lawmakers. Pretending that there is a one-size-fits-all approach to abortion ignores the complex circumstances that surround each woman who is forced to consider choosing an abortion.

This bill recognizes that at the halfway point of a pregnancy, a baby who has developed 5 months, those circumstances are increasingly more unique. Research shows that abortion becomes riskier to a woman's health the later it occurs in pregnancy.

We should not trivialize the decision to undertake an abortion at 20 weeks by suggesting that it should be made without additional medical or emotional support. We should write laws that empower women to make these decisions. We should support laws that show compassion for women. We should trust individuals to make the best decisions for themselves. We want to empower every single person to reach their full potential.

This country has made great strides in empowering all people, no matter

where they started. That is why I am here, to stand as a fierce protector of every life. The human rights and dignity of each person should be reflected in every single piece of legislation we bring to the floor.

This bill asks us to consider whether we, as a society, will tolerate abortion at any point of development, even though we know babies can feel pain at 20 weeks and survive outside the womb. This bill asks us to consider if it is compassionate to maintain a system that does nothing to offer emotional or medical support for a woman facing the most difficult decision of choosing an abortion 5 months into her pregnancy.

These are questions that we must ask, and I am prepared to answer them by supporting the Pain-Capable Unborn Child Protection Act, and I urge my colleagues to reject the motion to recommit.

I yield back the balance of my time.

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

There was no objection.

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

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

Ms. BROWNLEY of California. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 36, if ordered; passage of H.R. 2048; and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 181, nays 246, not voting 5, as follows:

[Roll No. 222]

YEAS—181

Adams	Courtney	Grijalva
Aguilar	Crowley	Gutiérrez
Ashford	Cummings	Hahn
Bass	Davis (CA)	Hastings
Beatty	Davis, Danny	Heck (WA)
Becerra	DeFazio	Higgins
Bera	DeGette	Himes
Beyer	Delaney	Honda
Bishop (GA)	DeLauro	Hoyer
Blumenauer	DelBene	Huffman
Bonamici	DeSaulnier	Israel
Brown (FL)	Deutch	Jackson Lee
Brownley (CA)	Dingell	Jeffries
Bustos	Doggett	Johnson (GA)
Butterfield	Doyle, Michael	Johnson, E. B.
Capuano	F.	Kaptur
Cárdenas	Duckworth	Keating
Carney	Edwards	Kelly (IL)
Carson (IN)	Ellison	Kennedy
Cartwright	Engel	Kildee
Castor (FL)	Eshoo	Kilmer
Castro (TX)	Esty	Kind
Chu, Judy	Farr	Kirkpatrick
Ciциlline	Fattah	Kuster
Clark (MA)	Foster	Langevin
Clarke (NY)	Frankel (FL)	Larsen (WA)
Clay	Fudge	Larson (CT)
Cleaver	Gabbard	Lawrence
Clyburn	Gallego	Lee
Cohen	Garamendi	Levin
Connolly	Graham	Lewis
Conyers	Grayson	Lieu, Ted
Cooper	Green, Al	Loehsack
Costa	Green, Gene	Lofgren

Lowenthal	Pelosi	Sires	Shimkus	Trott	Whitfield	Long	Peterson	Smith (MO)
Lowe	Perlmutter	Slaughter	Shuster	Turner	Williams	Loudermilk	Pittenger	Smith (NE)
Lujan Grisham	Peters	Smith (WA)	Simpson	Upton	Wilson (SC)	Love	Pitts	Smith (NJ)
(NM)	Pingree	Speier	Smith (MO)	Valadao	Wittman	Lucas	Poe (TX)	Smith (TX)
Lujan, Ben Ray	Pocan	Swalwell (CA)	Smith (NE)	Wagner	Womack	Luetkemeyer	Poliquin	Stefanik
(NM)	Polis	Takai	Smith (NJ)	Walberg	Woodall	Lummis	Pompeo	Stewart
Lynch	Price (NC)	Takano	Smith (TX)	Walden	Yoder	MacArthur	Posey	Stivers
Maloney,	Quigley	Thompson (CA)	Stefanik	Walker	Yoho	Marchant	Price, Tom	Stutzman
Carolyn	Rangel	Thompson (MS)	Stewart	Walorski	Young (AK)	Marino	Ratcliffe	Thompson (PA)
Maloney, Sean	Rice (NY)	Titus	Stivers	Walters, Mimi	Young (IA)	Massie	Reed	Thornberry
Matsui	Richmond	Tonko	Stutzman	Weber (TX)	Young (IN)	McCarthy	Reichert	Tiberi
McCollum	Roybal-Allard	Torres	Thompson (PA)	Webster (FL)	Zeldin	McCaul	Renacci	Tipton
McDermott	Ruiz	Tsongas	Thornberry	Wenstrup	Zinke	McClintock	Ribble	Trott
McGovern	Ruppersberger	Van Hollen	Tiberi	Westerman		McHenry	Rice (SC)	Turner
McNerney	Rush	Vargas	Tipton	Westmoreland		McKinley	Rigell	Upton
Meeks	Ryan (OH)	Veasey				McMorris	Roby	Valadao
Meng	Sánchez, Linda	Vela	Barletta	Brady (PA)		Rodgers	Roe (TN)	Walger
Moore	T.	Velázquez	Boyle, Brendan	Capps		McSally	Rogers (AL)	Walberg
Moulton	Sanchez, Loretta	Visclosky	F.	Hinojosa		Meadows	Rogers (KY)	Walden
Murphy (FL)	Sarbanes	Walz				Meehan	Rohrabacher	Walker
Nadler	Schakowsky	Wasserman				Messer	Rokita	Walorski
Napolitano	Schiff	Schultz				Mica	Rooney (FL)	Walters, Mimi
Neal	Schrader	Waters, Maxine				Miller (FL)	Ros-Lehtinen	Weber (TX)
Nolan	Scott (VA)	Watson Coleman				Miller (MI)	Roskam	Webster (FL)
Norcross	Scott, David	Welch				Moolenaar	Ross	Wenstrup
O'Rourke	Serrano	Wilson (FL)				Mooney (WV)	Rothfus	Westerman
Pallone	Sewell (AL)	Yarmuth				Mullin	Rouzer	Westmoreland
Pascrell	Sherman					Mulvaney	Royce	Whitfield
Payne	Sinema					Murphy (PA)	Russell	Williams

## NOT VOTING—5

□ 1721

Messrs. MCKINLEY and MARINO changed their vote from “yea” to “nay.”

Ms. KAPTUR, Mr. HASTINGS, and Ms. MOORE changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

Mr. CONYERS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 184, answered “present” 1, not voting 5, as follows:

[Roll No. 223]

## AYES—242

Abraham	Foxx	Massie	Abraham	Cramer	Guthrie	Adams	Esty	Maloney, Sean
Aderholt	Franks (AZ)	McCarthy	Aderholt	Crawford	Hardy	Aguilar	Farr	Matsui
Allen	Frelinghuysen	McCaul	Allen	Crenshaw	Harper	Ashford	Fattah	McCollum
Amash	Garrett	McClintock	Amash	Cuellar	Harris	Bass	Foster	McDermott
Amodei	Gibbs	McHenry	Amodei	Culberson	Hartzler	Beatty	Frankel (FL)	McGovern
Babin	Gibson	McKinley	Babin	Curbelo (FL)	Heck (NV)	Becerra	Frelinghuysen	McNerney
Barr	Gohmert	McMorris	Barr	Davis, Rodney	Hensarling	Bera	Fudge	Meeks
Barton	Goodlatte	Rodgers	Barton	Denham	Herrera Beutler	Beyer	Gabbard	Meng
Benishek	Gosar	McSally	Benishok	DesJarlais	Hill	Bishop (GA)	Gallego	Moore
Bilirakis	Gowdy	Meadows	Bilirakis	DeSantis	Holding	Blumenauer	Garamendi	Moulton
Bishop (MI)	Granger	Meehan	Bishop (MI)	DesJarlais	Hudson	Bonamici	Graham	Murphy (FL)
Bishop (UT)	Graves (GA)	Messer	Bishop (UT)	Diaz-Balart	Hill	Brown (FL)	Grayson	Nadler
Black	Graves (MO)	Mica	Black	Donovan	Holding	Brownley (CA)	Green, Al	Napolitano
Blackburn	Griffith	Miller (FL)	Blackburn	Duffy	Hudson	Bustos	Green, Gene	Neal
Blum	Grothman	Miller (MI)	Blum	Duncan (SC)	Huelskamp	Butterfield	Grijalva	Nolan
Bost	Guinta	Mooney (WV)	Bost	Duncan (TN)	Huizenga (MI)	Capuano	Gutiérrez	Norcross
Boustany	Guthrie	Mullin	Boustany	Ellmers (NC)	Hultgren	Cárdenas	Hahn	O'Rourke
Brady (TX)	Hanna	Mulvaney	Brady (TX)	Emmer (MN)	Hurt (TX)	Carney	Hanna	Pallone
Brat	Hardy	Murphy (PA)	Brat	Fincher	Hurt (VA)	Carson (IN)	Hastings	Pascrell
Bridenstine	Harper	Neugebauer	Bridenstine	Fitzpatrick	Issa	Cartwright	Heck (WA)	Payne
Brooks (AL)	Harris	Newhouse	Brooks (AL)	Fleischmann	Isa	Castor (FL)	Higgins	Pelosi
Brooks (IN)	Hartzer	Noem	Brooks (IN)	Fleming	Jenkins (KS)	Castro (TX)	Himes	Perlmutter
Buchanan	Heck (NV)	Nugent	Buchanan	Flores	Jenkins (WV)	Chu, Judy	Honda	Peters
Buck	Hensarling	Nunes	Buck	Forbes	Johnson (OH)	Cioccilline	Hoyer	Pingree
Buchson	Herrera Beutler	Olson	Buchson	Fortenberry	Johnson, Sam	Clark (MA)	Huffman	Pocan
Burgess	Hice, Jody B.	Palazzo	Burgess	Foxx	Jolly	Clarke (NY)	Israel	Polis
Byrne	Hill	Palazzo	Byrne	Garrett	Jones	Clay	Jackson Lee	Price (NC)
Calvert	Holder	Paulsen	Calvert	Gibson	Jordan	Cleaver	Jeffries	Quigley
Carter (GA)	Holding	Pearce	Carter (GA)	Gibson	Joyce	Clyburn	Johnson (GA)	Rangel
Carter (TX)	Hudson	Perry	Carter (TX)	Gohmert	Katko	Cohen	Johnson, E. B.	Rice (NY)
Chabot	Huelskamp	Peterson	Chabot	Goodlatte	Kelly (PA)	Connolly	Kaptur	Richmond
Chaffetz	Huizenga (MI)	Pittenger	Chaffetz	Blum	King (IA)	Conyers	Keating	Roybal-Allard
Clawson (FL)	Hultgren	Pitts	Clawson (FL)	Blum	King (NY)	Cooper	Kelly (IL)	Ruiz
Coffman	Hunter	Poe (TX)	Coffman	Blum	Kinzingler (IL)	Costa	Kennedy	Ruppersberger
Cole	Hurt (VA)	Poliquin	Cole	Blum	Kline	Courtney	Kilmer	Rush
Collins (GA)	Issa	Pompeo	Cole	Blum	Knight	Crowley	Kind	Sánchez, Linda
Collins (NY)	Jenkins (KS)	Posey	Cole	Blum	Knight	Cummings	Kirkpatrick	T.
Comstock	Jenkins (WV)	Price, Tom	Cole	Blum	King (NY)	Davis (CA)	Kuster	Sanchez, Loretta
Conaway	Johnson (OH)	Ratcliffe	Cole	Blum	Kinzingler (IL)	Davis, Danny	Larsen (WA)	Sarbanes
Cook	Johnson, Sam	Reed	Cole	Blum	Kline	DeGette	Larson (CT)	Schakowsky
Costello (PA)	Jolly	Reichert	Cole	Blum	Kline	Delaney	Lawrence	Schiff
Cramer	Jones	Renacci	Cramer	Blum	Knight	DeLauro	Lee	Schrader
Crawford	Jordan	Ribble	Crawford	Blum	Knight	DelBene	Levin	Scott (VA)
Crenshaw	Joyce	Rice (SC)	Crenshaw	Blum	Knight	Dent	Lewis	Scott, David
Culberson	Katko	Rigell	Culberson	Blum	Knight	DeSaulnier	Lieu, Ted	Serrano
Curbelo (FL)	Kelly (PA)	Roby	Curbelo (FL)	Blum	Knight	Deutch	Liebovitch	Sewell (AL)
Davis, Rodney	King (IA)	Roe (TN)	Davis, Rodney	Blum	Knight	Dingell	Lofgren	Sherman
Denham	King (NY)	Rogers (AL)	Denham	Blum	Knight	Doggett	Lowenthal	Sinema
Dent	Kinzingler (IL)	Rogers (KY)	Dent	Blum	Knight	Dold	Lowe	Sires
DeSantis	Klaine	Rohrabacher	DeSantis	Blum	Knight	Doyle, Michael	Lujan Grisham	Slaughter
DesJarlais	Knight	Rokita	DesJarlais	Blum	Knight	F.	(NM)	Smith (WA)
Diaz-Balart	Labrador	Rooney (FL)	Diaz-Balart	Blum	Knight	Duckworth	Lujan, Ben Ray	Speier
Dold	LaMalfa	Ros-Lehtinen	Dold	Blum	Knight	Edwards	(NM)	Swalwell (CA)
Donovan	Lamborn	Roskam	Donovan	Blum	Knight	Ellison	Lynch	Takai
Duffy	Lance	Ross	Duffy	Blum	Knight	Engel	Maloney,	Takano
Duncan (SC)	Latta	Rothfus	Duncan (SC)	Blum	Knight	Eshoo	Carolyn	Thompson (CA)
Duncan (TN)	Lipinski	Rouzer	Duncan (TN)	Blum	Knight			
Ellmers (NC)	LoBiondo	Royce	Ellmers (NC)	Blum	Knight			
Emmer (MN)	Long	Russell	Emmer (MN)	Blum	Knight			
Farenthold	Loudermilk	Ryan (WI)	Farenthold	Blum	Knight			
Fincher	Love	Salmon	Fincher	Blum	Knight			
Fitzpatrick	Lucas	Sanford	Fitzpatrick	Blum	Knight			
Fleischmann	Luetkemeyer	Scalise	Fleischmann	Blum	Knight			
Fleming	Lummis	Schweikert	Fleming	Blum	Knight			
Flores	MacArthur	Scott, Austin	Flores	Blum	Knight			
Forbes	Marchant	Sensenbrenner	Forbes	Blum	Knight			
Fortenberry	Marino	Sessions	Fortenberry	Blum	Knight			

Thompson (MS)	Veasey	Waters, Maxine
Titus	Vela	Watson Coleman
Tonko	Velázquez	Welch
Torres	Visclosky	Wilson (FL)
Tsongas	Walz	Yarmuth
Van Hollen	Wasserman	
Vargas	Schultz	

ANSWERED "PRESENT"—1

Hice, Jody B.

NOT VOTING—5

Barletta	Brady (PA)
Boyle, Brendan F.	Capps Hinojosa

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1732

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOMENT OF SILENCE IN RECOGNITION OF NATIONAL POLICE WEEK

(Mr. REICHERT asked and was given permission to address the House for 1 minute.)

Mr. REICHERT. Madam Speaker, this is National Police Week, and Friday is Peace Officers Memorial Day. Today I have with me my two good friends who have served in law enforcement. There are some others, I think, in our body who have had that experience. So I brought some backup today with me.

Every year we take a moment to recognize our law enforcement officers across this great Nation, the men and women who wear the uniform, who wear the badge, who protect our families and our communities.

This year, 273 names will be added to the memorial wall—273 names. Already this year we have lost 44 police officers in the line of duty—44 already this year. That is one police officer dying in the line of duty every 3½ days—every 3½ days.

Madam Speaker, these men and women deserve our praise. They deserve our thanks, and they deserve the recognition that we can give them today on the floor of the House. There are families here who have lost loved ones. At the service on Friday, the President will be there to address them.

We rise today, the three of us together, to ask for a moment of silence to honor those who have lost their lives in the line of duty.

The SPEAKER pro tempore. Members will rise, and the House will observe a moment of silence.

UNITING AND STRENGTHENING AMERICA BY FULFILLING RIGHTS AND ENSURING EFFECTIVE DISCIPLINE OVER MONITORING ACT OF 2015

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection. The SPEAKER pro tempore. The unfinished business is the vote on the passage of the bill (H.R. 2048) to reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill. The SPEAKER pro tempore. The question is on the passage of the bill.

This is a 5-minute vote. The vote was taken by electronic device, and there were—yeas 338, nays 88, not voting 6, as follows:

[Roll No. 224]  
YEAS—338

Abraham	Curbelo (FL)	Jeffries
Adams	Davis (CA)	Jenkins (KS)
Aderholt	Davis, Rodney	Jenkins (WV)
Aguilar	Delaney	Johnson (GA)
Allen	DeLauro	Johnson (OH)
Amodei	DeBene	Johnson, E. B.
Ashford	Denham	Johnson, Sam
Babin	Dent	Jolly
Barr	DeSantis	Joyce
Barton	DeSaulnier	Kaptur
Beatty	Deutch	Katko
Becerra	Diaz-Balart	Keating
Benishek	Dingell	Kelly (IL)
Bera	Dold	Kelly (PA)
Beyer	Donovan	Kennedy
Bilirakis	Doyle, Michael F.	Kildeer
Bishop (GA)	Duckworth	Kind
Bishop (MI)	Duffy	King (NY)
Bishop (UT)	Ellmers (NC)	Kinzinger (IL)
Black	Engel	Kirkpatrick
Blackburn	Eshoo	Kline
Bonamici	Esty	Knight
Bost	Farenthold	Kuster
Boustany	Fincher	LaMalfa
Brady (TX)	Fleischmann	Lamborn
Bridenstine	Flores	Lance
Brooks (IN)	Forbes	Langevin
Brown (FL)	Portenberry	Larsen (WA)
Brownley (CA)	Foster	Larson (CT)
Buchanan	Foxx	Latta
Buck	Frankl (FL)	Lawrence
Bucshon	Franks (AZ)	Levin
Bustos	Frelinghuysen	Lipinski
Butterfield	Fudge	LoBiondo
Byrne	Gallego	Loebsack
Calvert	Garamendi	Lofgren
Cárdenas	Gibbs	Long
Carney	Goodlatte	Loudermilk
Carson (IN)	Gowdy	Love
Carter (GA)	Graham	Lowey
Carter (TX)	Granger	Lucas
Cartwright	Graves (MO)	Luetkemeyer
Castor (FL)	Green, Gene	Lujan Grisham
Chabot	Grothman	(NM)
Chaffetz	Guthrie	Lujan, Ben Ray
Chu, Judy	Gutiérrez	(NM)
Cicilline	Hahn	Lynch
Clay	Hardy	MacArthur
Clyburn	Harper	Maloney,
Coffman	Hartzler	Carolyn
Cohen	Heck (NV)	Maloney, Sean
Cole	Heck (WA)	Marchant
Collins (GA)	Hensarling	Marino
Collins (NY)	Higgins	Matsui
Comstock	Hill	McCarthy
Conaway	Himes	McCaul
Connolly	Holding	McCollum
Conyers	Hoyer	McDermott
Cook	Hudson	McHenry
Cooper	Huffman	McKinley
Costa	Huizenga (MI)	McMorris
Costello (PA)	Hultgren	Rodgers
Courtney	Hunter	McNerney
Cramer	Hurd (TX)	McSally
Crawford	Hurt (VA)	Meehan
Crenshaw	Israel	Meeks
Cuellar	Issa	Meng
Culberson	Jackson Lee	Messer
Cummings		

Mica	Roby	Stutzman
Miller (FL)	Rogers (AL)	Swalwell (CA)
Miller (MI)	Rogers (KY)	Thompson (CA)
Moolenaar	Rokita	Thompson (MS)
Mooney (WV)	Rooney (FL)	Thompson (PA)
Moore	Ros-Lehtinen	Thornberry
Moulton	Roskam	Tiberi
Mullin	Ross	Tipton
Murphy (FL)	Rothfus	Titus
Murphy (PA)	Rouzer	Tonko
Nadler	Roybal-Allard	Torres
Napolitano	Royce	Trott
Neugebauer	Ruiz	Tsongas
Newhouse	Ruppersberger	Turner
Noem	Russell	Upton
Nolan	Ryan (OH)	Valadao
Norcross	Ryan (WI)	Vargas
Nunes	Sánchez, Linda T.	Veasey
O'Rourke	Sanchez, Loretta	Vela
Olson	Sarbanes	Visclosky
Palazzo	Scalise	Wagner
Palmer	Schiff	Walberg
Pascrell	Schrader	Walden
Paulsen	Scott (VA)	Walker
Payne	Scott, Austin	Walorski
Pearce	Scott, David	Walters, Mimi
Pelosi	Sensenbrenner	Walz
Perlmutter	Sessions	Wasserman
Peters	Sewell (AL)	Schultz
Peterson	Sherman	Webster (FL)
Pittenger	Shimkus	Welch
Pitts	Shuster	Wenstrup
Poliquin	Simpson	Westerman
Pompeo	Sinema	Westmoreland
Price (NC)	Sires	Whitfield
Price, Tom	Slaughter	Williams
Quigley	Smith (MO)	Wilson (FL)
Ratcliffe	Smith (NE)	Wilson (SC)
Reed	Smith (NJ)	Wittman
Reichert	Smith (TX)	Womack
Renacci	Smith (WA)	Yarmuth
Ribble	Speier	Young (AK)
Rice (NY)	Stefanik	Young (IA)
Rice (SC)	Stewart	Young (IN)
Richmond	Stivers	Zeldin
Rigell		Zinke

NAYS—88

Amash	Gohmert	Neal
Bass	Gosar	Nugent
Blum	Graves (GA)	Pallone
Blumenauer	Graves (LA)	Perry
Brat	Grayson	Pingree
Brooks (AL)	Green, Al	Pocan
Burgess	Griffith	Poe (TX)
Capuano	Grijalva	Polis
Clark (MA)	Guinta	Posey
Hanna	Harris	Rangel
Clarke (NY)	Hastings	Roe (TN)
Clawson (FL)	Herrera Beutler	Rohrabacher
Cleaver	Hice, Jody B.	Rush
Crowley	Honda	Salmon
Davis, Danny	Huelskamp	Sanford
DeFazio	Jones	Schakowsky
DeGette	Jordan	Schweikert
DesJarlais	King (IA)	Serrano
Doggett	Labrador	Takai
Duncan (SC)	Lee	Takano
Duncan (TN)	Lewis	Van Hollen
Edwards	Lieu, Ted	Velázquez
Ellison	Lowenthal	Lowenthal
Emmer (MN)	Lummis	Waters, Maxine
Farr	Massie	Watson Coleman
Fattah	McClintock	Weber (TX)
Fitzpatrick	McGovern	Woodall
Fleming	Meadows	Yoder
Gabbard	Mulvaney	Yoho
Gibson		

NOT VOTING—8

Barletta	Brady (PA)	Hinojosa
Boyle, Brendan F.	Capps	
	Castro (TX)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE  
The SPEAKER pro tempore (Mr. YOUNG of Iowa) (during the vote). There are 2 minutes remaining.

□ 1746

So the bill was passed. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. CASTRO of Texas. Mr. Speaker, my vote was not recorded on rollcall No. 224 on H.R. 2048—USA Freedom Act of 2015. I was present for the vote but not recorded due to a mechanical problem with my voting card. I intended to vote “aye.”

## PERSONAL EXPLANATION

Mrs. CAPPES. Mr. Speaker, I was not able to be present for the following rollcall votes on May 13, 2015 and would like the record to reflect that I would have voted as follows:

Rollcall No. 221: No.  
Rollcall No. 222: Yes.  
Rollcall No. 223: No.  
Rollcall No. 224: Yes.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker’s approval of the Journal, which the Chair will put de novo.

The question is on the Speaker’s approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## PERMISSION TO EXTEND DEBATE TIME ON H.R. 1191, PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that debate under clause 1(c) of rule XV on a motion to suspend the rules relating to H.R. 1191 be extended to 1 hour.

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

There was no objection.

## NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

## GENERAL LEAVE

Mr. THORNBERRY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 1735.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 255 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1735.

The Chair appoints the gentleman from Louisiana (Mr. GRAVES) to preside over the Committee of the Whole.

□ 1750

## 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 consideration of the bill (H.R. 1735) to authorize appropriations for fiscal year 2016 for military activities of the Department of Defense and for military construction, to prescribe military per-

sonnel strengths for such fiscal year, and for other purposes, with Mr. GRAVES of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Texas (Mr. THORNBERRY) and the gentleman from Washington (Mr. SMITH) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. THORNBERRY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I am proud to bring to the floor H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016. This measure was reported by the Armed Services Committee by a vote of 60 members voting for and two members voting against. Of the two members, there was one from each party.

This bill follows the bipartisan tradition of the committee working collaboratively with an integrated staff to support the men and women who serve and protect our Nation.

All members of the committee have contributed to this product, and I am very grateful for all of their efforts throughout the year. I am especially grateful to the efforts of the ranking member, Mr. SMITH, not only for his contributions and for his partnership in the committee but doing so at a time where he has been dealing with surgeries and a variety of things. But it has been a true pleasure and continues to be to work with him for the benefit of our Nation.

Mr. Chairman, this bill authorizes spending for the Department of Defense at a level that is consistent with the congressional budget resolution and a level that is consistent with the President’s budget request. So there have been differences, and there will continue to be some differences about how some of that spending gets categorized, but when you add it all up together, this authorization measure meets exactly what the President has asked for, which is essentially \$611.9 billion for national defense.

Included is a program-by-program authorization for all of that spending; whether it is in the overseas contingency account or the base budget, it is all authorized program by program.

This bill also contains some significant reforms, including acquisition reform, to improve the way the Department purchases goods and services. We have been working with the Pentagon and with industry to thin out regulations, simplify the process, and make it easier to hold industry and government personnel accountable for the results.

This bill has overhead reform to reduce the amount of money that we are spending on overhead and bureaucracy so that more resources can be devoted to the men and women on the front lines.

This measure has reform in the area of personnel pay and benefits. Of the 15 recommendations by the personnel commission, this measure does some-

thing in 11 of those 15 so that we can be in better shape to continue to recruit and retain the top quality people that our Nation needs for decades to come.

Now, some people say, Well, there is too much reform here. Some people say, Well, there is not enough reform here. There isn’t enough if enough means you solve all the problems. But there is a start at significant reform that helps make sure we get better value for the money we spend and also that the Department is more agile in meeting the national security challenges we face.

Mr. Chairman, this morning in reading the papers, I made some notes about the headlines just in one newspaper today, May 13, 2015. Some of those headlines are “Kerry Meets Putin,” “U.S. Weighs Plan to Confront China in the South China Sea,” and “Fresh Earthquake Rattles Nepal.”

By the way, Mr. Chairman, I know that the Marines and their families who were involved in the helicopter, which has not yet been found to my understanding, are certainly in our thoughts and prayers. Our military is called upon to do humanitarian efforts.

The CHAIR. The time of the gentleman from Texas has expired.

Mr. THORNBERRY. Mr. Chairman, I yield myself an additional 1 minute.

“Somali Men Plead Guilty in Terror Plot,” “North Korea Executes Defense Chief,” and “Assad Still Has Chemical Arms.” The list goes on and on. This is the world that we face. This is the world we send our men and women out into to protect us and to defend our Nation. They deserve the best from us. They deserve something other than political games. They should not be used as pawns to make a point.

We should give them our best by doing our job under the Constitution, just as they give us their best in defending this country. Therefore, Mr. Chairman, I think this bill, H.R. 1735, deserves the support of all Members in this House, and I hope they will do so.

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

Mr. SMITH of Washington. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I want to congratulate the chairman—this is his first year as chairman—on his hard work on this bill, and there are a lot of very good things in this bill. I think most prominently is the reform the chairman mentioned, the compensation reform. We formed a commission to study how we do personnel compensation and the retirement system. In a very rare move, we actually followed some of the advice of that commission in this bill and made, I think, some very positive reforms to the personnel compensation system. There are a variety of other reforms the chairman has worked on that are important. There is also a whole slew of provisions in there that do, in fact, do an excellent job of providing for the men and women who defend our country. So there are a lot of very positive things about this bill.

I appreciate the hard work of everyone involved.

Unfortunately, for the first time in 19 years, I am going to be opposing the NDAA on the floor for two reasons, but one is really the big one, and it is understanding how our budget has worked.

We have not had a normal budget appropriations process since 2011, and this has affected every single government agency—and keep that fact in mind—not just the Department of Defense. I will talk about the Department of Defense at length. But the lack of a normal appropriations budget process has impacted every single Federal agency: transportation, infrastructure, education, housing, on down the line.

Ever since 2011, Mr. Chairman, they have faced one government shutdown and a succession of threatened government shutdowns and continuing resolutions. This has made it absolutely impossible to plan long term and also has cut a pretty dramatic amount of money out of all of these agencies. It has been particularly hard on the Department of Defense, which tries to do a 5-year plan when they are figuring out what they can procure. This sort of halt, stop, we are going to fund you, we are not going to fund you, we are going to shut down the government, CR, has had a devastating impact on the ability to fund government.

The budget resolution passed by the House and the Senate this year does not fix that because it relies on the overseas contingency operation fund, which is limiting. It is 1 year of money. It, again, does not allow the Department of Defense to be planned. I want everyone to know the Secretary of Defense Ash Carter, in the Senate, testified on why OCO, funding \$38 billion of the Defense bill through OCO, is unacceptable, and he doesn't support it and doesn't support this bill.

But the reason we oppose this—and this is very important to understand—to fix the problem, to get us to the point where we can fund Defense and everything else in a reasonable way, we need to get rid of the budget caps from the Budget Control Act. That is the only way. And we do not do that here. We take money out of the overseas contingency operation fund to give Defense 38 billion additional dollars.

But, in one sense, Mr. THORNBERRY is wrong when he says that in all senses what we do here matches what the President did. Within the Defense budget, the number is the same. But the President's budget also lifted the budget caps for the 11 other appropriations bills.

I know we serve on the Armed Services Committee, and I have heard members of the Armed Services Committee say, "Don't talk to me about that stuff. I serve on the Armed Services Committee. That is not my department."

□ 1800

I would love to know what district those people are living in because roads

and bridges and schools and housing, it affects all of us, and those budget caps remain in place.

What this Defense bill does, unfortunately, is it locks in the Republican budget. It locks in the deal they made with the Senate to continue to provide devastating cuts at the Budget Control Act level for everything else and then let Defense and only Defense out of jail in an awkward sort of backdoor way through the overseas contingency operations.

To agree to this bill is to agree to cuts in those 11 other bills—to cuts in transportation, to cuts in research, to cuts at NIH and CDC, in all of these programs that we care about. If we accept this, then those cuts are locked into place.

Don't get me wrong. I support spending \$38 billion more on the Defense budget; I support the President's level; I support this level, but I also support lifting the budget caps for all of the other areas of our government that are facing the same sort of devastating cuts and difficulties that the Defense Department has. If we agree with this, we lock in the budget.

Lastly, I want to point out that the President has said he does not support this process. He opposes all the appropriations bills, and he will oppose this Defense bill. The President hasn't gone away. There is not a sustainable veto override number for those appropriations bills in the House and the Senate.

The CHAIR. The time of the gentleman has expired.

Mr. SMITH of Washington. I yield myself an additional 2 minutes.

Everything that we are doing on this bill and in the appropriations bills between now and October is—and I know the Republican plan is to hope the President just sort of changes his mind and signs all those bills; I consider that highly unlikely—so what is going to happen is we are going to get to October, and this is all going to blow up anyway because the President is not going to sign it.

He is still there. I know the Republicans won the Senate, but the President didn't go anywhere, and the Constitution didn't change, and nothing becomes law unless he signs it.

What I urge is that the President, the House, and the Senate—all three—sit down and come up with a budget solution that ends the budget caps for all of these bills so we can start working on something that is real. I mean, this \$38 billion is great, but like I said, between here and when it heads up Pennsylvania Avenue, it is going away, and then we are going to have to double back and try to fix this anyway.

I guess all I am saying is we should start now instead of risking another government shutdown, risking another continuing resolution, and get a true budget agreement that actually addresses the Budget Control Act in its entirety, doesn't just find a sort of awkward workaround through the overseas contingency operations just to take care of Defense.

I support this level, but not this way. It has too devastating an impact on the rest of our budget, and as Secretary of Defense Ash Carter said, OCO funding is no way to fund the Defense Department if it is not legitimately for OCO expenses.

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

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have enormous respect for the distinguished ranking member. I think, however, it is a very hard argument to make that we are going to oppose the bill that takes care of our men and women in the military because we want to try to pressure Congress and the President to reach an agreement on spending on other stuff.

How could that possibly happen in this bill? It can't. That requires other legislation. I think that is a poor reason to oppose this bill.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), my friend and colleague, the chairman of the Subcommittee on Readiness.

Mr. WITTMAN. Mr. Chairman, I want to commend Chairman THORNBERRY and the members of the Armed Services Committee on a very strong mark. I want to especially thank my distinguished ranking member, MADELEINE BORDALLO, for working with me to address some of our most critical readiness challenges.

The FY16 National Defense Authorization Act makes notable strides in restoring full spectrum readiness in helping move us away from what the Chairman of the Joint Chiefs of Staff, General Dempsey, referred to as the "ragged edge" of being able to execute the current Defense strategy.

Specifically, this year's NDAA prohibits the Department from pursuing an additional BRAC round or any other effort aimed at locking in unwise force structure reductions during a time of accelerated transition and uncertainty, but does task the Department to conduct an assessment of where we may be overcapitalized in facilities so Congress can make informed decisions going forward.

We must be strategic about our long-term decisions, such as how we treat our headquarters and civilian personnel. We need to keep those things in mind. They do important work for this Nation, and on their behalf, we owe it to them to take the time to look at how provisions in this bill could negatively affect their efforts.

This year's NDAA also restores many critical shortfalls across the force. For example, for the Navy, the bill fully funds the operation and maintenance accounts for an 11th carrier and the 10th air wing, aircraft maintenance reset, and ship operations.

For the Army, the bill fully funds collective training exercises resulting in 19 Combat Training Center rotations for brigade combat teams, as well as fully funding the initial entry rotary

wing training program and restoring funding to meet 100 percent of the flying hour program requirement.

The bill also provides the Marine Corps with additional resources to meet aviation readiness requirements to ensure adequate numbers of mission-capable aircraft.

For the Air Force, the bill provides additional training resources for high-demand areas such as pilots for unmanned systems, joint terminal controllers, cyber operations, insider threats, and open source intelligence.

Finally, the bill addresses several other shortfalls by resourcing many of the Department's most pressing unfunded requirements.

I am proud of what we have accomplished in this year's bill and encourage all of my colleagues to support its passage.

Mr. SMITH of Washington. Mr. Chairman, I yield 30 seconds to myself just to respond briefly to Mr. THORNBERRY's remarks.

The problem, too, why this won't actually fund our troops is it is OCO funding to begin with; and, as the Secretary of Defense said, it makes it very difficult to do in any sort of comprehensive way.

More importantly, when we get to the end of the process, if the President doesn't agree to it, then we haven't funded the troops at this \$38 billion additional level. If that is where he is at on the veto on these appropriations bills, then we haven't done it. We simply run the clock out for another 4 or 5 months.

We have got to get to a budget agreement that the President agrees to, or we are not going to fund the troops at the level that I agree with the chairman that we need to fund them at, and this bill does not do that.

I yield 3 minutes to the gentlewoman from California (Mrs. DAVIS), the ranking member of the Subcommittee on Military Personnel.

Mrs. DAVIS of California. Mr. Chairman, I want to thank Dr. HECK and the committee staff for working in a bipartisan manner to develop this bill, and I also want to thank Chairman THORNBERRY and Ranking Member SMITH for their leadership during this process.

The bill takes important steps toward personnel reform by including recommendations from the Military Compensation and Retirement Modernization Commission, and I think we all want to thank them for their work.

A key provision is the modernization of the military retirement system. While maintaining the 20-year defined retirement, a thrift savings plan is added not just for retirees, but for all servicemembers. This will positively impact the 83 percent of the force—I am going to say it again—83 percent of the force that leaves prior to the 20-year mark.

The NDAA continues the committee's critical work towards the prevention of and response to sexual assault. Several provisions will increase access

to better trained special victims counsel, prevent retaliation against servicemembers, and increase awareness and training to better aid male victims of sexual assault.

Once again, the bill does not contain the Department's request to administer changes to the commissary system, reductions to the housing allowance, or TRICARE reform, but we must address these issues in some way in the future. Reform of the military healthcare system is crucial to ensure that care is elevated to a level befitting our servicemembers, our wounded veterans, retirees, and their families.

Important issues were addressed in this bill, and I support many of the provisions and all the hard work that went into it. However, national security is borne from many factions, including the education of our people, investment in science and technology, and the support of sustainable resources and infrastructure.

All of these realms, Mr. Chairman, must be funded adequately and properly in order for our military to remain the most elite force in the world. I am disappointed that this NDAA, although meeting the President's budget number request, does not follow the funding rules we have abided by in the past, thereby placing our national security in jeopardy.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. FORBES), the chair of the Subcommittee on Seapower and Projection Forces.

Mr. FORBES. Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2016.

I want to commend the leadership of Chairman THORNBERRY in bringing this bill to the floor. His leadership has been instrumental in tackling many of the tough issues this committee has had to address and in getting this bill finished on schedule.

That being the case, I am absolutely perplexed by a President that would even suggest that he would veto a bill or Members of Congress who would suggest they would support him in vetoing a bill that gives every dime he requested for the support of the men and women who are fighting to defend this country and for the national security of this country unless he gets everything he wants for the EPA and the IRS and whatever part of his other political agenda he wants to keep.

Mr. Chairman, it is time that we put national security and the men and women that defend this country first and leave politics for another day.

As to the Seapower and Projection Forces Subcommittee, this bill fully funds the carrier replacement program, two Virginia class submarines, two Arleigh Burke class destroyers, and three littoral combat ships.

It reverses the administration's request to close the Tomahawk production line and keeps the Ticonderoga class cruisers in active service. It also accelerates the modernization of our

existing destroyers and increases valuable undersea research and development activity and sustains our next-generation tanker and bomber programs.

I am pleased with the Seapower and Projection Forces' effort in this bill and believe that it is another positive step on a long road to adequately support our national security. Perhaps that is why the bill passed out of committee with such an overwhelming bipartisan margin of 60–2, with so many people on the other side of the aisle being for it before they were against it.

I urge my colleagues to support the National Defense Authorization Act for Fiscal Year 2016.

Mr. SMITH of Washington. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. SPEIER), the ranking member of the Subcommittee on Oversight and Investigations.

Ms. SPEIER. Mr. Chairman, I want to thank the chairman and the ranking member for their accepting amendments to address military sexual assault, increase oversight, transgender rights, whistleblower protection, and equal access to contraception for military women; but, despite these improvements and many others from my colleagues, I cannot support this bill in its current form.

Instead of making tough decisions with our limited resources, this bill uses an accounting gimmick to further parochial and political interests above the readiness of the men and women protecting us and the interests of taxpayers we represent.

We chose to address the sage grouse rather than the elephant in the room. By irresponsibly sheltering \$38 billion—above the self-imposed budget gap—in the OCO account, this bill attempts to decouple national security from economic security.

In reality, these are one and the same. Our military leadership gets it, but this seems to be lost on us. Admiral Mullen, former Chairman of the Joint Chiefs, stated that the deficit that we are unwisely adding to in this bill is the single greatest threat to our national security.

Rather than empowering our military to align our force structure with the capabilities we need, we tied their hands; and, rather than addressing wasteful overhead, needless spare parts, or outdated weapon systems, we chose to ensure that corporations that move their headquarters overseas to avoid taxes continue to get Defense contracts.

Provisions of this bill also attempt to force the DOD to keep our detention facility in Guantanamo Bay open. GTMO is a propaganda tool for our enemies and a distraction for our allies. Those aren't my words; they are George W. Bush's and 15 to 20 retired generals and admirals.

Another provision of this bill prevents the military from saving lives by

purchasing alternative fuels. Costly refueling operations and convoys are extraordinarily dangerous; yet, because the existence of climate change is a political talking point, somehow, servicemember safety is second rate.

The military is not separate from the rest of the country. Along with defending us, members of the military need to drive on roads that are not crumbling, cross bridges that are not falling, and send their children to public universities that are not bankrupt.

It also makes it difficult to fund basic research, which has been a key element to our global competitive advantage and the source of much of the technology that our military relies on.

We are choosing to spend vast quantities of money on planes that the military does not want, while refusing to address problems that everyone in the Nation, including military members, needs fixed.

We have to face the reality that we can't keep our Nation secure if we let our country rot from the inside.

I urge my colleagues to oppose this bill.

□ 1815

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON), the chair of the Subcommittee on Emerging Threats and Capabilities.

Mr. WILSON of South Carolina. Mr. Chairman, I rise in strong support of the National Defense Authorization Act and also to thank Chairman MAC THORNBERRY for his leadership and hard work to bring this important bill to the floor.

Committee support was bipartisan—60-2—and politics should not be raised to obstruct. I am honored to serve as the chairman of the Subcommittee on Emerging Threats and Capabilities, which oversees some of the most forward-looking and critical aspects of the Department of Defense, including defense-wide science and technology efforts; Special Operations Forces; Cyber Command and the cyber forces of the Department of Defense; and many other programs and activities that deal with evolving and emerging threats, from weapons of mass destruction, to Putin's aggression against Ukraine, to the rise of the Islamic State of Iraq and the Levant, ISIL or Daesh. The Emerging Threats and Capabilities Subcommittee has been active in conducting oversight in all of these important areas.

It is also worth noting that much of the oversight conducted by the subcommittee is classified and takes place behind closed doors where we review and remain current on sensitive activities and programs involved in Department of Defense intelligence capabilities, Special Operations Forces, and cyber forces. The subcommittee takes this sensitive oversight role very seriously as we consider Department of Defense authorities and programs that enable these sensitive activities.

Overall, our portion of the bill provides for stronger cyber operations capabilities, safeguards our technological superiority, and enables our Special Operations Forces with the resources and authorities to counter terrorism, unconventional warfare threats, and to defeat weapons of mass destruction.

I thank Chairman THORNBERRY, and I would like to thank my friend and subcommittee ranking member, Mr. JIM LANGEVIN of Rhode Island.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), the ranking member of the Subcommittee on Seapower and Projection Forces.

Mr. COURTNEY. Mr. Chairman, at the outset, I want to extend my compliments to the chairman of the committee for his first NDAA bill and for the way he conducted a 19-hour markup that went until close to 5 o'clock in the morning. I also thank the ranking member, who provided just really great leadership in terms of moving that process along, and the strong vote that came out of the committee.

On the Seapower and Projection Forces Subcommittee—and Mr. FORBES ticked off some of the priorities that came through the report—I just want to add one item which, I think, is really important to note. In terms of the future challenges for the shipbuilding of this country, the replacement program for the ballistic submarine program, the Ohio replacement program, is going to cost, roughly, \$70 billion to \$80 billion. It has been identified by Secretary Carter on down as the top priority of the Defense Department as well as the Department of the Navy. The question is not about whether or not we are going to build that sub. The question, really, is: What is going to happen to the rest of the shipbuilding account?

This year's NDAA bill activates the national sea-based deterrence fund, which is an off-shipbuilding budget account to build this once-in-a-multi-generation program, using clear precedent of the past of the national sea-based deterrence account, which took that program off the shipbuilding budget's shoulders, and we are using that same approach to make sure that, in meeting this critical need, the Ohio replacement program is not going to suffocate the rest of the shipbuilding account. \$1.4 billion is going to be infused into this fund with the Defense Authorization Act, and that is going to provide a path forward to make sure that we meet this critical need as well as to make sure that we have a viable, 300-plus-ship Navy, which every defense review over the last few years or so has identified as critical.

This is an important item which, I feel, as part of this evening's debate, should be identified, and it is something that was a bipartisan effort on both sides of the Seapower and Projection Forces Subcommittee. I look forward to a vigorous debate over the next 2 days.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER), the chair of the Subcommittee on Tactical Air and Land Forces.

Mr. TURNER. Mr. Chairman, I rise in support of H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016.

I had the privilege of serving as the chairman of the Tactical Air and Land Forces Subcommittee. I want to thank my ranking member, LORETTA SANCHEZ, for her support in completing the markup of this bill, and I want to extend my thanks to the subcommittee's vice chairman, PAUL COOK. I also want to thank our chairman, Chairman THORNBERRY, for his leadership and his bipartisan work.

Now, I had a sentence here where I said I was thanking Ranking Member SMITH for his work on a bipartisan basis because of his support for this bill when it came out of the committee, but due to his recent opposition to this bill, I am going to cross that part out.

Mr. Chairman, the committee's focus, though, has been on a bipartisan basis, and you will hear the members stand and talk about the provisions that we worked on on a bipartisan basis, and that is why it actually deserves, I think, everyone's support.

It supports the men and women of the Armed Forces and their families. It provides the equipment they need and the support that they deserve. I believe that the committee's bill strikes the appropriate balance between equipping our military to effectively carry out its mission and providing oversight.

Under this bill, Congress provides additional funding for new National Guard Blackhawk helicopters, F-35 Joint Strike Fighters, Navy strike fighters, unmanned aerial systems, lethality upgrades for Stryker combat vehicles, improved recovery vehicles, Javelin antitank missiles, and aircraft survivability improvements for Apache attack helicopters.

We support the National Guard and Reserve component. This bill provides additional funds as part of a National Guard and Reserve equipment account to address significant equipment shortages and modernization equipment for the Guard and Reserve.

This bill also calls for continued action to eradicate sexual assault in the military. I want to thank Congresswoman TSONGAS, Chairman WILSON, my ranking member, Ms. SANCHEZ, and Ranking Member SUSAN DAVIS for working on a bipartisan basis for these provisions. This bill provides greater access to Special Victims' Counsel for Department of Defense civilian employees. It addresses issues of retaliation against victims and those who report sex crimes. It enhances sexual assault prevention for male victims. It prohibits the release of victims' mental health records without an order from a judge, and it provides additional training for our military leaders.

I urge my colleagues to support this bill.

Mr. SMITH of Washington. Mr. Chairman, I yield 2 minutes to the gentlewoman from Guam (Ms. BORDALLO), the ranking member of the Subcommittee on Readiness.

Ms. BORDALLO. Mr. Chairman, I want to thank Ranking Member ADAM SMITH and my dear friend, Chairman WITTMAN, for working collaboratively with me on the readiness section of the NDAA.

I believe that this bill provides our servicemen and -women with what they need to be prepared to face the challenges that are constantly thrown at them by a dangerous and unpredictable world. However, as Chairman THORNBERRY often likes to remind us, this gets us to the bear, ragged, lower edge of what is required to respond to the full spectrum of the challenges we face.

In addition to funding our readiness requirements, our bill looks to the future by requiring GAO reports on Army and Air Force training requirements, a review of the Army's Pacific Pathways program, and an assessment of the adequacy of support assets for the Asia-Pacific rebalance. These reports will provide the information necessary to enable us to determine whether the programs are achieving their intended purposes or will allow us to take corrective action if they are not. The bill also authorizes a 2.3 percent pay increase for all servicemembers.

The bill continues our strong tradition here in the House of supporting the rebalance to the Asia-Pacific region. I am pleased that this bill authorizes funding for the relocation of marines from Okinawa to Guam and authorizes the improvement of critical infrastructure on Guam. Further, we have provided clear language that, for the first time ever, shows support from Congress on the need for continued progress on the development of a Futenma replacement facility as the only option for the marines on Okinawa. This bill also requires the administration to develop a Presidential policy directive that would provide guidance to each of the agencies and departments on how to resource and support the rebalance strategy.

As I have been saying for some time, the best thing we could do to increase our readiness above the minimum threshold that we are on is to eliminate sequestration and get away from the gimmick of using OCO funding, which adds to our Nation's credit card bill. I agree with the President and with the Secretary of Defense that OCO funding is not a permanent solution and that it hampers DOD's ability to utilize funding in a responsible manner and to plan for future years. I do hope, Mr. Chairman, that this Congress can, once and for all, find a solution and fix this bill to end sequestration across the board.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS), the chair of the Subcommittee on Strategic Forces.

Mr. ROGERS of Alabama. Mr. Chairman, I rise today in strong support of

H.R. 1735, the fiscal year 2016 National Defense Authorization Act, the 54th consecutive Defense Authorization Act, which recently passed out of the Armed Services Committee by a vote of 60-2.

I want to thank Chairman THORNBERRY for his leadership in getting us here today. Without his guidance, we might have been here with a bill that failed to provide the \$612 billion requested by the President for national defense. I wouldn't have been able to have supported that bill. Instead, we do have one that does meet the minimum needs as outlined by Chairman Martin Dempsey.

I am also particularly proud of the provisions of the Strategic Forces Subcommittee's jurisdiction:

We authorize \$475 million for the Israeli missile defense, including the U.S.-based coproduction;

We direct development of U.S. military capabilities to counter Russia's violation of the Intermediate-Range Nuclear Forces Treaty. Putin must recognize that his illegal actions will have real consequences;

We require the adaptation of the Aegis Ashore missile defense sites the U.S. is deploying in Romania and Poland so that they are capable of self-defense against airborne threats. It is simply immoral to deploy U.S. personnel to these sites and then remove an intrinsic self-defense capability;

We strengthen our decision made last year to end U.S. reliance on Russian rocket engines by putting real money behind a new rocket engine program;

We set priorities in NNSA by controlling the size of the bureaucracy, ending ineffective nonproliferation programs, and seriously tackling the \$3.6 billion deferred maintenance backlog that we suffer at our nuclear weapons complexes. We can no longer ask the best and the brightest we have to work in decrepit infrastructure.

I am also pleased that language was included to prohibit furloughs at Working Capital Fund facilities, like the Anniston Army Depot, provided there is funded workload. Also included was my amendment with Congressman ROB BISHOP that would exempt civilian jobs funded by the working capital fund, like those jobs at the depot, from the planned 20 percent reduction at headquarters.

The Anniston Army Depot is one of the largest employers in east Alabama and is the most efficient production and maintenance facility the Army has.

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

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER), the chair of the Subcommittee on Oversight and Investigations.

Mrs. HARTZLER. Mr. Chairman, I rise in support of the fiscal year 2016 NDAA, and I want to thank Chairman THORNBERRY for bringing this important bill to the floor.

We have a proud tradition in the Armed Services Committee of supporting our national defense in a bipartisan manner, and I hope that tradition will continue this year.

This country is facing a vast array of threats, both from state and nonstate actors, and I am pleased that the NDAA provides for the resources needed to address those threats today while also preparing for those of tomorrow.

As Oversight and Investigations Subcommittee chairwoman, I am proud of the provisions included to address issues related to detainee transfers. I remain frustrated and concerned with the administration's lack of cooperation in the investigation of the Taliban Five transfer. I consider it prudent to withhold funding from DOD until more information and support is given so that we may continue proper oversight.

This bill is good news also for the men and women at Fort Leonard Wood and Whiteman Air Force Base. One of my top priorities since I got to Congress has been to support Whiteman commanders' requests for the construction of the Consolidated Stealth Operations and Nuclear Alert Facility. This facility is included in this NDAA, and it will bring substantial, immediate, and long-term benefits to the base and to its B-2 operations. Additionally, I requested the provision to authorize 12 additional F/A-18F Super Hornets. These aircraft will fill an immediate need in the fight against ISIL and allow them to be converted to airborne electronic attack Growlers later, if necessary.

After a marathon 18-hour-long debate throughout the day and night, my colleagues on the House Armed Services Committee and I have produced a bipartisan bill that allocates vital funds for our Nation's defense. I am proud of this bill, and I urge Members to support its passage.

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

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. HECK), chair of the Subcommittee on Military Personnel.

Mr. HECK of Nevada. Mr. Chairman, the military personnel provisions of H.R. 1735 are the product of an open, bipartisan process. The mark provides our warfighters, retirees, and their families the care and support they need, deserve, and earned.

Some highlights from this year's proposal include continued emphasis on the Department of Defense Sexual Assault Prevention and Response program by addressing shortfalls in the program identified in the Judicial Proceedings Panel initial report.

There is also rigorous oversight and consideration of the recommendations made by the Military Compensation and Retirement Modernization Commission. Specifically, the mark would require the Secretary of Defense and the Secretary of Veterans Affairs to establish a joint formulary that includes

medications critical for the transition of an individual undergoing treatment related to sleep disorders, pain control, and behavioral health conditions.

It requires the Secretary of Defense to establish a unified medical command to oversee medical services to the Armed Forces and other DOD health care beneficiaries.

And it modernizes the current military retirement system by blending the current 20-year defined benefit plan with a defined contribution plan allowing servicemembers to contribute to a portable account that includes a government automatic contribution and matching program.

It also requires the Secretary of Defense and the military service chiefs to strengthen and increase the frequency of financial literacy and preparedness training, establishing a more robust training and education program for servicemembers and their families.

I want to thank Ranking Member DAVIS and her staff for their contributions to this process. We were joined by an active, informed, and dedicated group of subcommittee members, and their recommendations and priorities are clearly reflected in the NDAA for fiscal year 2016.

Mr. Chairman, I have always said that I felt myself lucky to serve on the Armed Services Committee because I thought it was the most bipartisan committee in Congress. We, over at least the past 4 years, have been unified in making sure that our men and women in uniform have the resources they need to keep themselves and our Nation safe.

That is why today I find myself very confused and disappointed by the comments made on the floor. This is the National Defense Authorization Act, whose sole purpose is to provide for the common defense, not education, not transportation, not any other government function.

To vote against this bill is to breach the faith that we have with our men and women in uniform and is unconscionable. I, therefore, urge my colleagues to support this bill.

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

Mr. THORNBERRY. I yield 2 minutes to the gentleman from Arizona (Mr. FRANKS), the distinguished vice chair of the Subcommittee on Emerging Threats and Capabilities.

Mr. FRANKS of Arizona. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today to join in this chorus of support for the fiscal year 2016 National Defense Authorization Act. I want to sincerely congratulate Chairman THORNBERRY in this, his inaugural bill as chairman of the Armed Services Committee, which passed with a small vote of 60–2.

While this bill sets DOD policy, it also reflects the House-passed budget figure for authorized spending at the Department of Defense. It represents the will of Congress that we ought to be spending more on national security,

as nearly every corner of the world has become less safe under President Obama's continued foreign policy failures.

The fiscal year 2016 NDAA makes needed reforms to strengthen civilian retiree packages and begins to reform the way that we buy weapons and other systems at the Pentagon, which will save tax dollars for years to come.

I also want to thank the chairman and the committee for including some of my amendments to reestablish the EMP Commission, beginning an initial concept for development of a space-based missile defense system, and guaranteed assistance to the Kurdistan regional government.

As we know, President Obama has, unfortunately, issued a veto threat toward this bill. Mr. Chairman, the NDAA has been passed year after year for 53 straight years, under both Democrat and Republican administrations.

Among the provisions the President stands ready to reject are a joint formula to ease troop transition from the Department of Defense to the VA; providing aid to Ukraine in the midst of Russian-backed attacks; providing full funding to the Department of Defense which he, himself, requested; a stronger missile defense and cyber capabilities; a greater accountability for political reconciliation in Iraq; greater protection of our troops from sexual assault; and better pay and benefits to those who serve us so that we may stand here and debate this bill today. These are among the provisions of this bill Mr. Obama opposes.

I want just to reiterate to my colleagues that this bill did pass out of the Armed Services Committee 60–2, and this list of accomplishments is too long. So I will just express congratulations again to Mr. THORNBERRY for his leadership under this massive undertaking. I urge adoption of the bill.

Mr. COURTNEY. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. SMITH), the ranking member of the Armed Services Committee.

Mr. SMITH of Washington. Mr. Chairman, I just want to respond briefly when basically it is called unconscionable to oppose something. Aside from being unbelievably arrogant, it is wrong to say that there is no reason whatsoever to vote against this bill.

I mentioned earlier that there were—I am sorry, if he can call me “unconscionable,” I suppose I can call him “arrogant.” I don't know; it seems fair.

At any rate, there is another reason not to vote for this bill, and that is that it underfunds readiness once again. It says this matches the President's budget, and overall it does, but it has \$2.4 billion less in money for readiness. Last year's bill had \$1.5 billion less in readiness. Why?

Because every effort that the Department of Defense makes to cut just about anything—the movements that they wanted to make to start a BRAC, the changes that they wanted to make

to the National Guard to save money, the plan they had to lay up 11 cruisers, the efforts to get rid of the A–10—efforts to move anything around are blocked by this committee, and they take that money out of readiness to fund what really amounts to a personal priority.

What does it mean to take money out of readiness? It means that our troops do not get the training that they need to be prepared to fight. It is just that simple. Readiness money is the money for the ammo. It is the money for the fuel. It is the money for the mechanic to fix equipment. That has been going down and down and down and down as we block every effort to save money anyplace else because just about anything the Pentagon is going to do is going to affect somebody's district. The A–10 is in somebody's district. Every other project is made in somebody's district.

We protected all that at the expense of readiness, and I think that is the worst thing that we can do. It has created a situation where we may well be sending our men and women off to fight unprepared and untrained. And you talk to the people who are serving. They are not able to fly as much as they used to. They are not able to train as much as they used to. They are not able to use their weapons as much as they used to because of those continuous cuts to readiness, because we fund other priorities. That is number one.

Number two. Funding through OCO, as the Secretary of Defense has said, is not the same as actually funding the Department of Defense through a regular appropriations process. It is one-time money. What the Secretary of Defense has said is:

Giving us this one-time money makes it impossible to plan. We don't know if it is going to be there next year. You can't have a 5-year plan under OCO money. You are restricted in where you can spend it and how you can spend it. So this is not adequately funding our troops.

I do take offense at the notion that opposition to this bill means that you just don't support our troops. That is the bumper sticker—sorry, I won't use that word. It is wrong to say that about anyone who opposes this bill. I oppose this bill because I don't think it does adequately fund our troops. It doesn't take care of the budget problems that are in front of us.

The CHAIR. The time of the gentleman has expired.

Mr. COURTNEY. I yield the gentleman an additional 1 minute.

Mr. SMITH of Washington. The only way to adequately fund our troops is to get rid of the Budget Control Act, so we can actually fund it under regular order with a normal amount of money that allows them to plan for over 5 years.

Lastly, I am sorry, but the infrastructure of this country matters. The fact that bridges are falling down matters. The fact that we don't have

enough money to do research on critical disease matters. Yes, it is important to defend this country. Yes, that is the paramount duty. But if the country itself crumbles while we have a military to defend it, that too is a problem and one I think worth fighting for, worth standing up and saying we are not going to accept a budget that guts all of these other things and uses the overseas contingency operation as a work-around to fund defense.

It is basically acting like this is free money. Well, it is not free money. It costs, and it undermines the entire rest of the budget. Let's get rid of the Budget Control Act. Let's get rid of the caps. Let's get rid of sequestration. We don't do that in this bill, and it is my contention that if we don't do that, then we are not adequately funding our troops and adequately funding our defense.

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I will just make two brief points. One is the extra OCO funding that has been so criticized is 100 percent for operations and maintenance, for readiness. That is what it all is devoted to in this mark.

Secondly, if we start holding our troops hostage because we want more spending over here or we want some other change in law over there, where does that stop? Where does that stop? What are we not going to hold our troops hostage to because a Senate and a House and a President can't agree on some other issue? I think it is dangerous to start down that road.

At this time, Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), the vice chairman of the Subcommittee on Strategic Forces.

Mr. LAMBORN. I thank the chairman of the committee for his great work on this bill and for yielding me this time.

Mr. Chairman, I rise today in support of the National Defense Authorization Act of 2016. This is an important bill that provides funding and authority for the men and women in uniform who are willing to go in harm's way to keep our country safe. This bill takes some of the important steps to reform the Department of Defense, both in acquisition and in retirement benefits. It includes a number of provisions that I worked on regarding military space, missile defense, and tunnel detection, to name just a few.

This is a bipartisan bill. Dozens, if not hundreds, of provisions were authored by Democrats. It came out of committee by a vote of 60-2. Only one Democrat voted against it in committee. Nothing substantive has changed; only now NANCY PELOSI is calling the shots, and Democrats have flip-flopped.

I understand that NANCY PELOSI and the Democrats want to increase taxes and increase spending on domestic programs, but that debate should not be fought on the backs of our troops. If

you vote against this bill, it is a vote to cut our defense budget. It is even a vote against President Obama's requested defense budget.

Today we have troops doing humanitarian relief in Nepal, dropping bombs on ISIS, fighting the Taliban, deterring Iran in the Straits of Hormuz, and supporting our European allies in the face of Russian aggression. Now is not the time to cut the defense budget. Let's support our troops, not NANCY PELOSI's partisan agenda. Vote "yes" on H.R. 1735.

Mr. COURTNEY. Mr. Chairman, could I inquire how much time remains on both sides?

The CHAIR. The gentleman from Connecticut has 9½ minutes remaining, and the gentleman from Texas has 7 minutes remaining.

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

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. STEFANIK), the vice chair of the Subcommittee on Readiness.

Ms. STEFANIK. Mr. Chairman, I rise today in support of the fiscal year 2016 National Defense Authorization Act, and I would like to first thank and applaud Chairman THORNBERRY on his leadership and commitment to this thoughtful and comprehensive bill. Additionally, I am grateful to our subcommittee chairs for their exhaustive efforts.

While the end results may not be perfect, it is a strong, bipartisan piece of legislation that I am proud to support. Our committee spent 19 hours debating this bill, and all members put forward their ideas. We worked together across the aisle, which led to significant strides in maintaining and establishing our Nation's defense policy.

In today's unstable global environment, we are asking our Armed Forces to do more with less over and over again, and as a representative of Fort Drum, home of the 10th Mountain Division, such a high operational tempo unit, I too am concerned about long-term impacts due to the budget cap constraints.

Recently, I had the honor to attend a small congressional delegation visit to CENTCOM's AOR. On this trip, I was able to get a firsthand perspective on the detrimental effects these budget caps have on our Nation's overseas missions.

Thankfully, the fiscal year 2016 NDAA provides our U.S. Armed Forces with the tools and resources to maintain current efforts, and it passed out of our committee on an overwhelmingly bipartisan vote of 60-2. I want to remind my colleagues, 60-2.

Thank you again, Mr. Chairman, for putting forth a great bill that I am pleased to support. I urge my colleagues to support this bill, particularly those colleagues on the committee who already have.

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

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MACARTHUR), the vice chair of the Subcommittee on Military Personnel.

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Mr. MACARTHUR. Mr. Chairman, I rise today in strong support of the National Defense Authorization Act. It is a bipartisan bill that passed the full Armed Services Committee with nearly unanimous support, as we have already heard.

This bill meets our national security needs; it cares for our troops, invests in next-generation weaponry, and brings necessary reforms to the Pentagon.

No bill is perfect, and I urge my colleagues not to allow the perfect to be the enemy of the good. And there is certainly a lot of good in this bill.

As vice chairman of the Military Personnel Subcommittee, I am especially proud of our work to care for our troops and their families. This bill acts on 11 of the 15 recommendations of the Commission on Military Pay and Benefits, including things like revamping our military retirement system to bring it into the 21st century, providing increased financial literacy for our troops.

I am especially pleased that the bill includes an initiative I proposed to help our retiring military personnel transition to civilian jobs.

Importantly, this bill precludes another round of base realignment and closure, or BRAC, which threatens to shutter military bases around the country. We have seen that BRAC is simply not cost effective. In my home State of New Jersey, we have seen the devastation it brings to local communities. The last round of BRAC cost \$14 billion more than it was supposed to, and the savings were reduced by 73 percent. It doesn't even break even for 13 years.

I am a businessman, and spending more to save less while you ruin local economies and weaken our military just makes no sense.

Finally, this bill fulfills our constitutional duty to provide for the common defense of our Nation. We face new threats like the Islamic State, a newly resurgent Russia, and our military has to be ready to face them head-on.

This bill funds the Pentagon at the level it needs and avoids the disastrous blind cuts of sequestration that hurt our military's capability and readiness.

I urge my colleagues to support this bill.

Mr. SMITH of Washington. Mr. Chairman, I yield myself the balance of my time.

Let me emphasize again that there are a lot of good things in this bill. I won't disagree with anything that was said. The reform agenda that Mr. THORNBERRY has, I think, taken a leadership role on is incredibly important, and I think that is a huge positive.

There are a lot of programs in this bill that are absolutely critical to our

national defense, but the most critical thing, I think, to our national defense is getting us back to the normal budget process, getting us out from under the Budget Control Act, out from under the budget caps, and having a normal appropriations process. If we vote for this bill, we allow that unnatural process where the Pentagon does not have long-term funding and long-term predictability to continue.

The biggest thing that has changed since we were in committee is, number one, the President did not issue a veto threat. I actually had a conversation with leadership before we went to committee as to where they were at on that. The fact that the President has now said that he will not support this bill with the additional OCO funding is a major change. It means that what we are working on here is not going to happen. And that is not political; that is substantive. We have to have a bill that the President will sign if we are, in fact, going to fund our troops.

The second thing that happened was the budget resolution, which was being debated back and forth. The House passed one and the Senate passed one, but they came together and it became clear that the budget resolution was the budget resolution, and they were locking in place the budget resolution that I have described that takes advantage of the OCO fund to basically create free money—money that doesn't count under the Budget Control Act—to plus-up defense and keep everything else where it is at.

Once that was locked in and the President looked at that and said he would not support that appropriations process, we created a situation where what we are doing here is not going to pass. It is not going to be sustainable. We are not going to fund our troops doing it this way. Unless we make those other changes in the budget process, we are just not going to get there.

On the gentleman's comments about the BRAC round, the military said they are over capacity in facilities. They are spending money on facilities that they don't need to spend just because they can't close those bases. Yes, in the short term it costs more money, but in the long term, the first four rounds of BRAC have saved us hundreds of billions of dollars over the long term.

So not being willing to do BRAC, not being willing to make cuts in certain programs, is undermining readiness.

Yes, it is good that we took the OCO money. And because OCO money is so fungible, you can do it this way. You took the rest of the money and you funded all of these programs that the Pentagon was trying to cut, and then you tried to backfill as much as you possibly could with the OCO money and readiness. And that is better than not, but it is still less to \$2.4 billion short of what the President's budget was on readiness.

And I still contend that we are short-changing readiness to fund the prior-

ities that are more parochial and more political, and that is something that I mentioned last year that put me on the edge of whether or not I could support last year's bill. Because at the end of the day, the one thing I think we owe our troops is that if we send them into battle, they are ready. They are trained and they are ready to fight. If they don't have the equipment and they don't have the readiness dollars, then they won't be. So for those two reasons, I am opposing this bill.

I am hopeful between now and when we come back from conference that we can reconcile this issue and that we can actually adequately fund the military and work through this, because I totally agree we need to do this. But where we are at right now is a bill that I don't think does adequately fund our troops in a predictable enough way to give them the training they need and to give the Pentagon leadership the predictability they need in terms of budgeting to have a defense budget.

So, reluctantly, I will oppose this bill. And I hope we continue to work to get to a bill that we can support in the end. I do not view this in any way as the end of the bipartisan tradition of our committee. We worked very closely together on putting together this bill, and we will continue to work closely together to find a bill that did actually pass through the entire process.

Again, if the President doesn't sign it, then all of our work is for naught, and it is the troops who suffer. So we are going to have to work on finding a way to reach an agreement with all the people who need to approve this bill before it becomes law. I pledge to continue to do that.

I do want to thank the chairman and the Republicans on this issue. I think they have done a fabulous job of working on this bill. I just disagree on that one fundamental point that, frankly, has more to do with the Budget Committee than it does with our committee, but it does have a profound impact on our product.

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

Mr. Chairman, let me just take up where the gentleman from Washington left off.

You have heard from a number of speakers that the product before us is a bipartisan product, that our committee works in a bipartisan way. Just to put a little bit of quantification on that, over the course of our markup in committee, 96 amendments sponsored by Democratic members of the committee were adopted; and prior to that, at least 110 specific requests by Democratic members of the committee were incorporated into the committee and subcommittee marks. So it leaves one wondering: If Democratic Members are forced to oppose the bill because of something the Budget Committee hasn't done, how can this bipartisan tradition continue?

That is one of the things that concerns me, because it is something that

I think we are all very proud of, that we worked together, that we put the national defense interests ahead of these other differences that we have.

This makes it harder when we don't fix the budget or we don't fix health care or we don't fix the environment or we don't fix taxes. There is no end if that is the way that this is going to go.

I think it is ironic, Mr. Chairman. I believe we need to find a better way to impose fiscal responsibility in our government than the Budget Control Act, and I am absolutely anxious to work with any Member who wants to find a better way to go ahead. But we can't do it on this bill. It is impossible.

And so what we are doing, for those who would oppose this bill, is to hold the pay and benefits of our troops, all of these decisions, we are holding that hostage to something that we can't resolve here in this measure.

As the gentleman from Washington said at some point, this is not the end of the process. This is a step in the process. There are a lot of things to go with appropriation bills and conference reports and so forth before the President ever has an opportunity to veto a bill. As a matter of fact, Mr. Chairman, this President has threatened to veto, I think, pretty much all the defense authorization bills at some point in the process. That is not a reason for us not to take the next step.

I think we should build upon the bipartisan work that came out of committee. I suspect there will be bipartisan work with amendments from Republicans and Democrats on the floor and that we should pass this measure, go to conference with the Senate, and keep working towards the end of the process where, hopefully, we can have something better than the Budget Control Act. But to say I am not going to support our troops unless we do that first I don't think is the proper way to go.

This is a normal budget process. We have a House and Senate budget resolution for the first time in years.

Mr. SMITH of Washington. Will the gentleman yield?

Mr. THORNBERRY. I yield to the gentleman.

Mr. SMITH of Washington. It is not a matter of not supporting our troops. To say that the decision to oppose the defense bill is because you don't support the troops I hope the gentleman would agree is not where we are coming from.

Mr. THORNBERRY. Reclaiming my time, I do not mean to say that is the intention of the gentleman or those who might oppose this bill. It is the effect, however, because there are 40 essential authorities that have to be in a defense authorization bill. One of those authorities is to pay the troops. Without those authorities, it doesn't happen.

Mr. Chairman, I believe this bill should be supported, and I yield back the balance of my time.

Mr. Chair, I ask that the following exchange of letters be submitted during consideration of H.R. 1735:

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON AGRICULTURE,  
Washington, DC, April 28, 2015.

Hon. WILLIAM M. "MAC" THORNBERRY,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. THORNBERRY: I am writing concerning H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016.

This legislation contains provisions within the Committee on Agriculture's Rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Agriculture will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Agriculture with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

K. MICHAEL CONAWAY,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 1, 2015.

Hon. K. MICHAEL CONAWAY,  
Chairman, Committee on Agriculture,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016. I agree that the Committee on Agriculture has a valid jurisdictional claim to a provision in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Agriculture is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. "MAC" THORNBERRY,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON EDUCATION AND THE  
WORKFORCE,

Washington, DC, May 1, 2015.

Hon. WILLIAM M. "MAC" THORNBERRY,  
Chairman, Committee on Armed Services,  
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to confirm our mutual understanding with respect to H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016. Thank you for consulting with the Committee on Education and the Workforce with regard to H.R. 1735 on those matters within the Committee's jurisdiction.

In the interest of expediting the House's consideration of H.R. 1735, the Committee on Education and the Workforce will forgo further consideration of this bill. However, I do so only with the understanding this procedural route will not be construed to prejudice my Committee's jurisdictional interest and prerogatives on this bill or any other similar legislation and will not be considered as precedent for consideration of matters of jurisdictional interest to my Committee in the future.

I respectfully request your support for the appointment of outside conferees from the Committee on Education and the Workforce

should this bill or a similar bill be considered in a conference with the Senate. I also request you include our exchange of letters on this matter in the Committee Report on H.R. 1735 and in the Congressional Record during consideration of this bill on the House Floor. Thank you for your attention to these matters.

Sincerely,

JOHN KLINE,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 1, 2015.

Hon. JOHN KLINE,  
Chairman, Committee on Education and the  
Workforce, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016. I agree that the Committee on Education and the Workforce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I agree that by foregoing a sequential referral, the Committee on Education and the Workforce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. "MAC" THORNBERRY,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, May 1, 2015.

Hon. WILLIAM M. "MAC" THORNBERRY,  
Chairman, Committee on Armed Services, Wash-  
ington, DC.

DEAR CHAIRMAN THORNBERRY: I write to confirm our mutual understanding regarding H.R. 1735, the "National Defense Authorization Act for Fiscal Year 2016." While the legislation does contain provisions within the jurisdiction of the Committee on Energy and Commerce, the Committee will not request a sequential referral so that it can proceed expeditiously to the House floor for consideration.

The Committee takes this action with the understanding that its jurisdictional interests over this and similar legislation are in no way diminished or altered, and that the Committee will be appropriately consulted and involved as such legislation moves forward. The Committee also reserves the right to seek appointment to any House-Senate conference on such legislation and requests your support when such a request is made.

Finally, I would appreciate a response to this letter confirming this understanding and ask that a copy of our exchange of letters be included in the Congressional Record during consideration of H.R. 1735 on the House floor.

Sincerely,

FRED UPTON,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON ARMED SERVICES,  
Washington, DC, May 1, 2015.

Hon. FRED UPTON,  
Chairman, Committee on Energy and Commerce,  
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016. I agree that the Committee on Energy and Commerce has valid jurisdictional claims to certain provisions in this important legislation, and I am most appreciative of your decision not to request a referral in the interest of expediting consideration of the bill. I

agree that by foregoing a sequential referral, the Committee on Energy and Commerce is not waiving its jurisdiction. Further, this exchange of letters will be included in the committee report on the bill.

Sincerely,

WILLIAM M. "MAC" THORNBERRY,  
Chairman.

The CHAIR. All time for general debate has expired.

Under the rule, the Committee rises. Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BABIN) having assumed the chair, Mr. GRAVES of Louisiana, 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. 1735) to authorize appropriations for fiscal year 2016 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, had come to no resolution thereon.

#### JOINT REAPPOINTMENT OF INDIVIDUALS TO BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

The SPEAKER pro tempore. The Chair announces, on behalf of the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the United States Senate, their joint reappointment, pursuant to section 301 of the Congressional Accountability Act of 1995 (2 U.S.C. 1381), as amended by Public Law 114-6, of the following individuals on May 13, 2015, each to a 2-year term on the Board of Directors of the Office of Compliance:

Ms. Barbara L. Camens, Washington, D.C., Chair

Ms. Roberta L. Holzwarth, Rockford, Illinois

#### APPOINTMENT OF MEMBER TO BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to sections 5580 and 5581 of the revised statutes (20 U.S.C. 42-43), and the order of the House of January 6, 2015, of the following Member on the part of the House to the Board of Regents of the Smithsonian Institution:

Mr. BECERRA, California

#### APPOINTMENT OF MEMBER TO BOARD OF TRUSTEES OF THE HARRY S. TRUMAN SCHOLARSHIP FOUNDATION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 2004(b), and the order of the House of January 6, 2015, of the following Member on the part of the House to the Board of Trustees of the Harry S. Truman Scholarship Foundation:

Mr. DEUTCH, Florida

**APPOINTMENT OF MEMBERS TO BOARD OF VISITORS TO THE UNITED STATES MILITARY ACADEMY**

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 10 U.S.C. 4355(a), and the order of the House of January 6, 2015, of the following Members on the part of the House to the Board of Visitors to the United States Military Academy:

Mr. ISRAEL, New York  
Ms. LORETTA SANCHEZ, California

**APPOINTMENT OF MEMBERS TO HOUSE COMMISSION ON CONGRESSIONAL MAILING STANDARDS**

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 2 U.S.C. 501(b), and the order of the House of January 6, 2015, of the following Members to the House Commission on Congressional Mailing Standards:

Mrs. DAVIS, California  
Mr. SHERMAN, California  
Mr. RICHMOND, Louisiana

□ 1900

**APPOINTMENT OF MEMBERS TO DWIGHT D. EISENHOWER MEMORIAL COMMISSION**

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 8162 of Public Law 106-79, as amended, and the order of the House of January 6, 2015, of the following Members on the part of the House to the Dwight D. Eisenhower Memorial Commission:

Mr. BISHOP, Georgia  
Mr. THOMPSON, California

**APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA**

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913, and the order of the House of January 6, 2015, of the following Members on the part of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. WALZ, Minnesota  
Ms. KAPTUR, Ohio  
Mr. HONDA, California  
Mr. LIEU, California

**APPOINTMENT OF MEMBERS TO COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 3003, and the order of the House of January

6, 2015, of the following Members on the part of the House to the Commission on Security and Cooperation in Europe:

Mr. HASTINGS, Florida  
Ms. SLAUGHTER, New York  
Mr. COHEN, Tennessee  
Mr. GRAYSON, Florida

**COMMUNICATION FROM THE DEMOCRATIC LEADER**

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

MAY 11, 2015.

Hon. JOHN BOEHNER,  
*Speaker of the House, United States Capitol, Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to 2 U.S.C. 2081, I am pleased to reappoint the Honorable Marcy Kaptur of Ohio to the United States Capitol Preservation Commission.

Thank you for your consideration of this appointment.

Sincerely,

NANCY PELOSI,  
*Democratic Leader.*

**COMMUNICATION FROM THE DEMOCRATIC LEADER**

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

MAY 11, 2015.

Hon. JOHN BOEHNER,  
*Speaker of the House, Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to section 4(c) of House Resolution 5, 114th Congress, I am pleased to reappoint The Honorable James P. McGovern of Massachusetts as Co-Chair of the Tom Lantos Human Rights Commission.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,  
*Democratic Leader.*

**COMMUNICATION FROM THE DEMOCRATIC LEADER**

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

MAY 11, 2015.

Hon. JOHN BOEHNER,  
*Speaker of the House, Washington, DC.*

DEAR SPEAKER BOEHNER: Pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 955(b) note), I am pleased to reappoint The Honorable Betty McCollum of Minnesota to the National Council on the Arts.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,  
*Democratic Leader.*

**PASSAGE OF THE PAIN-CAPABLE UNBORN CHILD PROTECTION ACT**

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 2015, the gentleman from Arizona (Mr. FRANKS) is recognized for 60

minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, it has been an amazing day. We passed a major bill today, Mr. Speaker, that I think is going to have some significant reverberations in this country for a long time.

I know that whenever the subject has been abortion that, somehow, the rules always change. Somehow, we don't see it the same way that we do other issues. We don't apply the same principles of logic and reason and even compassion. It seems like that gets lost in it all. It seems like we sort of overlook the reality of it all.

The real question with abortion, Mr. Speaker, really is: Does abortion really kill a baby?

If it doesn't, then people like me would be completely satisfied to never bring up the subject again; but, if it really does take the life of a child, then those of us living here in the seat of freedom, in the freest country in the world, are living in the midst of a great human genocide, and it is something that we cannot and must not turn our backs upon.

Mr. Speaker, I know that it has been a long time that we have debated in this country. I remember in 1965 the Governor of Colorado signed a bill that would allow abortion in rare circumstances, and it created a great outcry because people knew that that might lead to more widespread abortion on demand.

At the time, those who were concerned about that were ridiculed and ignored many times; yet that is, in fact, what the Supreme Court did in 1973, when seven Justices decided, for all Americans, that there was a constitutional right to hire someone to take the life of a child.

Mr. Speaker, I sometimes wonder how we miss the reality of it all. I know that there are sincere people on both sides of the issue, but it just seems like that, ultimately, we keep coming back to that central question: Is there another life here?

Because if there is, in order for America to be true to her greatest ideals, then the American people are going to have to precipitate a change, either in their leadership or to convince their leadership to precipitate a change in their own hearts—after all, I believe there are only two ways that we can change public policy in this country, and that is that the people either have to elect the right leaders, or somehow, they have to beg the wrongs ones to do the right thing.

For a long time, our people have tried desperately to get their leaders to do the right thing on this issue, but we have been hamstrung by a Supreme Court decision. Once again, the Supreme Court was never meant to make law for the country. They were meant to decide cases, not issues.

Even though we have put the Supreme Court in the position of deciding those cases and giving us opinions on

constitutional analysis, when each of us as Members of Congress swore to defend and uphold the Constitution of the United States, we put our hand, as we swore to do that, to support and defend the Constitution.

We didn't say that we will support and defend the Constitution if the Supreme Court says it is all right. We said we would do that. The Founding Fathers knew that there had to be this tension between the three branches of government and that each one of those branches had a responsibility and a sworn oath to defend the Constitution the best they knew how on their own.

Certainly, we give deference to opinions of the Court on cases, but if this body says that the Supreme Court is the ultimate arbiter of the Constitution, then we have to quit taking that oath.

If this body says that the Supreme Court is the ultimate arbiter because of their ability and the power that we would ostensibly give them to answer all constitutional questions, if we say that, then, Mr. Speaker, we can go outside here and board these windows shut, and the Congress can go home, and we can finally quit pretending to be that great Republic that the Founding Fathers dreamed of because we will have become, at that time, a judicial oligarchy, where unelected judges have arrogated unto themselves the power to answer really all legal questions, and then this magnificent dream that the Founding Fathers had would be vitiated completely.

I just, somehow, hope that we understand that the Supreme Court of the United States is a critically important part of our Republic, but it is not the sole arbiter of the Constitution. Again, if it is, the Republic is dead.

Mr. Speaker, today, we debated the Pain-Capable Unborn Child Protection Act, and it kind of occurs to me that we have had to parse this out in ways that the opposition could finally understand.

The Pain-Capable Unborn Child Protection Act doesn't protect any children in the first 5 months, even though I think they should be protected; and, if we don't protect them, then what will we find, in terms of political courage, to protect any kind of liberty for anyone?

This act today only protected children beginning at the sixth month until birth. Now, that shouldn't be a hard question. That it got any dissenting votes is a disgrace that beggars my ability to express.

I truly believe that those who voted against a bill that would simply have protected children in the sixth month, beginning at the sixth month and beyond, that when they lay their head down on that pillow in the nursing home, if there is any conscience remaining, that there will be great regret for such a vote because, in coming years, I believe that we will understand more and more how real and how human these little babies really are.

We will begin to understand, as a people and as a country, that we overlook them, that somehow these little forgotten children of God just escaped our notice.

With all of the new technologies and all the new ways that we do things, Mr. Speaker, I foresee a day when we will be able to have such a clear look into the lives of these little children, and we will see this as we have so many times before in past days, where there was a victim and no one was really paying much attention to them.

I hope that, somehow, we can consider our own history and back up a little bit and say, You know, we don't have to continue to let ourselves be blind.

Mr. Speaker, for too long, a great shadow has loomed over America. More than 42 years ago, the tragedy called *Roe v. Wade* was first handed down. Since then, because of that decision, the very foundation of this Nation has been stained by the blood of more than 55 million of its own little children.

Exactly 2 years ago today, one Kermit Gosnell was convicted of killing a mother and murdering innocent, late-term, pain-capable babies in this grisly torture chamber they called an abortion clinic.

Now, when authorities entered the clinic of Dr. Gosnell, they found a torture chamber for little babies that defies description within the constraints of the English language.

According to the grand jury report—now, this is a quote from the grand jury report, Mr. Speaker: “Dr. Kermit Gosnell had a simple solution for unwanted babies. He killed them. He didn't call it that. He called it ‘ensuring fetal demise.’ The way he ensured fetal demise was by sticking scissors in the back of the baby's neck and cutting the spinal cord. He called it ‘snipping.’ Over the years, there were hundreds of ‘snippings.’”

Ashley Baldwin, one of Dr. Gosnell's employees, said she saw babies breathing, and she described one as 2 feet long that no longer had eyes or a mouth but, in her words, was making like this “screeching” noise, and it “sounded like a little alien.”

For God's sake, Mr. Speaker, is this who we truly are?

Kermit Gosnell now rightfully sits in prison for killing a mother and murdering innocent children, just like the one I described; yet there was and is no Federal protection for any of them.

If Dr. Gosnell had killed these little pain-capable babies only 5 minutes earlier and before they had passed through the birth canal, it would have all been perfectly legal in many of the United States of America.

□ 1915

Mr. Speaker, we may have sanitized Gosnell's clinic, but we can never sanitize the horror and inhumanity forced upon the tiny little victims. And if there is one thing that we must not miss about this unspeakable episode, it

is that Kermit Gosnell is not an anomaly; he is just the face of this lucrative enterprise of murdering pain-capable unborn children in America.

More than 18,000 very late-term abortions are occurring in America every year. It places the mothers at exponentially greater risk, and it subjects their pain-capable babies to torture and death without anesthesia. This, in the land of the free and the home of the brave.

According to the Bartlett study, a woman seeking an abortion at 20 weeks is 35 times more likely to die from an abortion than she was in the first trimester; at 21 weeks or more, she is 91 times more likely to die than she was in the first trimester.

Regardless of how supporters of abortion on demand might try to suppress it, it is undisputed and universally accepted by every credible expert that the risk to a mother's health from abortion increases as gestation increases. There is no valid debate on that incontrovertible reality.

Supporters of abortion on demand have also tried for decades to deny that unborn children ever feel pain, even those, they say, at the beginning of the sixth month of pregnancy, as if somehow the ability to feel pain magically develops the very second the child is born.

Mr. Speaker, almost every major civilized nation on this Earth protects pain-capable babies at this age, and every credible poll of the American people shows that they are overwhelmingly in support of protecting these children. Yet we have given these little babies less legal protection from unnecessary pain and cruelty than the protection we have given farm animals under the Federal Humane Slaughter Act. It is a tragedy that beggars expression.

But today, Mr. Speaker, I am filled with hope. The winds of change are beginning to blow, and the tide of blindness and blood is finally beginning to turn in America. Because today, Mr. Speaker, we voted to pass the Pain-Capable Unborn Child Protection Act in this Chamber.

And no matter how it is shouted down or what distortions or deceptive what-ifs or distractions or diversions or gotchas, twisting of words, changing the subject, or blatant falsehoods the abortion industry hurls at this bill and its supporters, this bill and its passage today are a deeply sincere effort—beginning at the sixth month of pregnancy—to protect both mothers and their pain-capable unborn babies from the atrocity of late-term abortion on demand; and ultimately, it is a bill that all humane Americans will support when they truly understand it for themselves.

The voices who have hailed the merciful killing of these little ones as freedom of choice will now only grow louder, especially the ones who profit from it most. When we hear those voices, we should all remember the

quote of President Abraham Lincoln, when he said: “Those who deny freedom to others, deserve it not for themselves; and, under a just God, can not long retain it.”

Mr. Speaker, for the sake of all of those who founded and built this Nation and dreamed of what America could someday be, and for the sake of all of those since then who have died in darkness so Americans could walk in the light of freedom, it is so very important that those of us who are privileged to be Members of the United States Congress pause from time to time and remind ourselves of why we are really all here. Do we still hold these truths to be self-evident?

You know, Mr. Speaker, I think sometimes we forget the majestic words of the Declaration of Independence: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness—that to secure these rights, governments are instituted among men.”

Oh, I wish so desperately that every Member of Congress could truly absorb those words in their hearts because it is very clear that it is almost a theological statement because it recognizes all of us to be created in the image of God, that we are created. And that makes all the difference, Mr. Speaker, because if we are created, if we have a purpose, if there is something miraculous about this magnificent gift of life, then we all should pay very close attention to what that purpose is. And if our rights don't come from government, if they don't come from the hand of men, if they, indeed, come from the hand of God, then we have a great responsibility to try to protect them from one another and for one another.

Mr. Speaker, the Declaration goes on to say: “That to secure these rights, governments are instituted among men.” That is why we are here.

Mr. Lincoln called upon all of us, Mr. Speaker, to remember that magnificent Declaration of America's Founding Fathers and “their enlightened belief that nothing stamped with the divine image and likeness was sent into the world to be trodden on or degraded and imbruted by its fellows.”

He reminded those he called posterity that when in the distant future some man, some faction, some interest, should set up the doctrine that some were not entitled to life, liberty, and the pursuit of happiness that “their posterity”—that is us, Mr. Speaker—“their posterity might look up again to the Declaration of Independence and take courage to renew the battle which their Fathers began.”

Wow.

Thomas Jefferson, whose words marked the beginning of this Nation, said, “The care of human life and its happiness, and not its destruction, is the chief and only object of good government.”

The phrase in the Fifth Amendment capsulizes our entire Constitution. It says, no person shall “be deprived of life, liberty, or property, without due process of law.”

And the 14th amendment says no State “deny to any person within its jurisdiction the equal protection of the laws.”

Mr. Speaker, protecting the lives of all Americans and their constitutional rights, especially those who cannot protect themselves, is why we are all here. It is why we came to Congress.

You know, not long ago, I heard Barack Obama speak very noble and poignant words that, whether he realizes it or not, so profoundly apply to this subject. Let me quote excerpted portions of his comments.

He said: “This is our first task, caring for our children. It's our first job. If we don't get that right, we don't get anything right. That's how, as a society, we will be judged.”

President Obama asked: “Are we really prepared to say that we're powerless in the face of such carnage, that the politics are too hard? Are we prepared to say that such violence visited on our children year after year after year is somehow the price of our freedom?”

The President also said: “Our journey is not complete until all our children . . . are cared for and cherished and always safe from harm.”

“That is our generation's task,” he said, “to make these words, these rights, these values of life and liberty and the pursuit of happiness real for every American.”

Mr. Speaker, never have I so deeply agreed with any words ever spoken by President Barack Obama as those I have just quoted. And how I wish—how I wish with all of my heart—that Mr. Obama and all of us could somehow open our hearts and our ears to this incontrovertible statement and ask ourselves in the core of our souls why his words that should apply to all children cannot include the most helpless and vulnerable of all children. Are there any children more vulnerable than these little pain-capable unborn babies we are discussing today?

You know, Mr. Speaker, it seems like we are never quite so eloquent as when we decry the crimes of a past generation. But, oh, how we often become so staggeringly blind when it comes to facing and rejecting the worst of atrocities in our own time.

What we are doing to these little babies is real, and the President and all of us here know that in our hearts. Medical science regarding the development of unborn babies beginning at the sixth month of pregnancy now demonstrates irrefutably that they do, in fact, experience pain. Many of them cry and scream as they are killed, but because it's amniotic fluid going over the vocal cords instead of air, we don't hear them.

Again, Mr. Speaker, it is the greatest human rights atrocity in the United States of America today.

So, Mr. Speaker, let me close with a final contribution and wise counsel from Abraham Lincoln that I believe so desperately applies to all of this in this moment. He said: “Fellow citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the latest generation.”

Mr. Speaker, the passage of H.R. 36 will be remembered. It will be considered in the annals of history and, I believe, in the counsels of eternity.

Protecting little pain-capable unborn children and their mothers is not a Republican issue. It is not a Democrat issue. It is a basic test of our humanity and who we are as a human family.

Today we began to open our eyes and allow our consciences to catch up with our technology. Today Members of the United States Congress began to open their hearts and their souls to remind themselves that protecting those who cannot protect themselves is why we are really all here.

I hope, Mr. Speaker, that it sparks a little thought in the minds of all Americans so that we might all open our eyes and our hearts to the humanity of these little unborn children of God and the inhumanity of what is being done to them.

I don't know if that will happen or not. But, Mr. Speaker, as of today, when we passed the Pain-Capable Unborn Child Protection Act, we have come a step closer, and for that, I am grateful.

I yield back the balance of my time.

#### FUTURE FORUM

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

Mr. SWALWELL of California. Mr. Speaker, tonight we are back with the Future Forum, a group of young Members of Congress here to discuss an issue that is near and dear to our hearts and one that is on the minds of each of us on a daily basis, and that is the issue of our veterans.

We are joined tonight by some Future Forum members. And we are going to start by asking everyone who is watching across the country to tweet at us or find us on Instagram or Facebook under #futureforum to give us your suggestions and your ideas about challenges facing veterans and what we can do here to address it—#futureforum.

The first person we are going to hear from tonight is a veteran himself from the Boston area. He is a first-term Member of Congress who served four tours of duty in Iraq, is a Marine infantryman. So I am going to have SETH MOULTON of the Boston area talk about

his experience as a 9/11 veteran and what he is hearing in the Boston area and what we can do here in Congress.

I yield to the gentleman from Massachusetts (Mr. MOULTON).

Mr. MOULTON. Thank you, Congressman SWALWELL.

Mr. Speaker, the veterans are coming home from our wars, and they want to serve again. And that is one of the most amazing things about today's veterans and about millennials in general is that there is a supreme desire to serve, to serve their country.

You know, one of the toughest jobs to get out of college now is not a job in investment banking on Wall Street; it is a job serving in Teach For America.

One of the amazing things that I have found about those who have served, both in civilian service and veterans from our military services, is that we get out and we actually want to serve again.

Frankly, when I went into the military, I thought I would do my 4 years and kind of check that box and no one would ever question for the rest of my life whether I wanted to serve the country again. Yet then I got out and found I really missed it. I missed that sense of public service, that sense of duty, that sense that every single day my work impacted the lives of other people.

So veterans come home, and they don't just want a paycheck. They don't just want a retirement. They don't just want health care. They want to actually contribute to the country back here at home. But in order to do that, they have got to be able to transition into life back here as a civilian.

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That is tough. That is tough today because many of the basic health care needs of veterans are not being taken care of. They are not given the opportunities to pursue jobs in the private sector. So that great opportunity for our Nation's veterans to serve again is squandered because we are not taking care of them when they get home.

There are some fascinating statistics about how successful veterans are in the civilian workforce. Fortune 500 CEOs are disproportionately veterans. And yet veterans are also disproportionately homeless. So how does that happen?

Mr. SWALWELL of California. Mr. MOULTON, we asked some of our followers of Future Forum on Twitter to chime in with their own thoughts. Shawn Van Diver of the San Diego area, a veteran himself @ShawnJVanDiver, said, "Let's leverage veterans toward rebuilding our infrastructure." Do you see a role for veterans as we try and repair and rebuild America's infrastructure?

Mr. MOULTON. Absolutely. There is so much that veterans can do back here at home. The point with my story about how veterans are disproportionately successful and yet also disproportionately homeless, I think it all comes

back to that transition. Because if you are a veteran who can come home and navigate the transition to work in the civilian sector successfully, because you get the health care that you need, if you have post-traumatic stress—which is an entirely treatable condition—you get it taken care of. Then you can use all those skills and experiences that you had in the military, that leadership training, that experience performing under the toughest circumstances on Earth, you will use that for success in the business world and back here at home in whatever you do.

But if you don't make that transition successfully, if you don't get the health care that you need to take care of whatever conditions you have from your service, then you can literally become homeless. And that is why this transition is so important.

The point is that veterans have a lot to give back to our country. So I think most Americans understand that we have a moral obligation to take care of our veterans, that for all they have done for us overseas risking their lives, we ought to take care of them when they get back. And most Americans get that. But it is also just a smart investment. It is a smart investment in our economy, and it is a smart investment in America's future to take care of our veterans.

Mr. SWALWELL of California. You talked a little bit about the leadership training that you get when you are serving your country in the military. In this job, I had the pleasure of going to Afghanistan. I went with Mr. KILMER back in August of 2013, and just a couple of weeks ago, I was in Baghdad. I observed our troops in theater. What I observed was, of course, the military training and the leadership training that they are getting, but they are also using everyday software applications to carry out their duties.

How do you see their knowledge and experience with the various technologies they are using in the field, how can that translate at home when they try to go into the workforce?

Mr. MOULTON. We live in an information economy. You are from Silicon Valley, you represent Silicon Valley. There is so much need for tech savvy, technically trained employees in our workforce. You get extraordinary training in the military, whether you are in the infantry, you are on the ground in one of those toughest jobs where your ability to lead in the most difficult circumstances imaginable is critical, or even if you are sitting controlling a drone back in Arizona and just understanding how our most advanced technology works, if you are able to manage that, then you are going to be incredibly valuable back home.

We have got to take care of our veterans to get there. A lot of veterans have post-traumatic stress, and it has kind of created this stigma that if you hire a veteran, you might get someone

who has some mental issues. But the reality is that post-traumatic stress, first of all, is a pretty normal thing to expect after what many veterans have gone through overseas, but it is entirely treatable. It shouldn't be unusual to think that someone who went through the rigors of combat, the tragedy of war, would be affected by that. But we know that we can take care of that condition and treat it appropriately, and then veterans can serve again when they get back home.

Mr. SWALWELL of California. We got a question just a moment ago from Lee Hawn, @LeeAhawn, and he said, "How are the new VA Director's changes coming along?" I would ask more broadly, what would you like to see in treating post-traumatic stress to make sure that it is not a stigma in the workforce, and that our veterans are able to seamlessly go from theater or their service to coming home and having a job?

Right now we look at the veteran unemployment rate for those who have served since September 11 and the Iraq war, and it is today 6.7 percent. Just last year it was as high as 7.2 percent. It has been as high as 9.9 percent in the last 2 years, always above what the national unemployment rate is.

So what can we do with the VA as we fund and authorize programs there to treat PTSD and make sure veterans aren't losing jobs or losing opportunities in the workforce?

Mr. MOULTON. First of all, we need a lot of reform at the VA, and this has been much publicized across the country. Of course, there are some VA's that are doing all right, doing fairly well. There are others that are completely failing our veterans. It shouldn't matter where you are from or where you live. You should be able to go to a VA facility and get the care that you need, the care that you have earned, and the care that you deserve. A lot of veterans just aren't seeing that.

Some people ask me how often do I hear from fellow veterans who are struggling to get the care that they need at the VA. I can tell you I have heard from two marines in my second platoon just in the past week. They have asked for my help as a new Congressman just getting the access to care that they need. You shouldn't have to go to your Congressman to be able to get the care that you need at the VA.

Some interesting statistics about the VA: the peak of claims from World War I, the year when the most World War I veterans sought care at the VA, was not 1920 or 1925. It was 1969–1969. So that tells us two things. First, it says that the VA as we know it today was really built to deal with a different generation of veterans, not Iraq and Afghanistan veterans, not even Vietnam veterans. The second thing it tells us is that if the VA can't take care of Iraq and Afghanistan veterans today, we haven't even begun to see the beginning of the problem. A lot of Vietnam

veterans are just now coming to the VA because they realize that their cancer or Parkinson's has to do with the Agent Orange exposure they received some 40 years ago.

So we have a lot of changes to make at the VA, and I think that the new Secretary, to the question, is doing a good job, and he is certainly moving in the right direction. But we need radical change, and it remains to be seen just how effective his work will be.

Mr. SWALWELL of California. Thank you, Mr. MOULTON.

I am hearing right now from Duncan Neasham @DuncanN, and he said, #millennial vets stood up when the country needed them. We need those problem-solvers to run for office and change our cynical politics.

I think he is right, and I am grateful that you are a colleague of ours, Mr. MOULTON. Also in the Future Forum we have some other post-September 11 veterans in Congresswoman TULSI GABBARD of Hawaii, Representative RUBEN GALLEGOS of Arizona, and also yourself. So thank you for participating this evening.

Mr. MOULTON. I love the question because we have never had fewer veterans in our Congress in our Nation's history than we do today. I don't think it should be a litmus test you have to be a veteran to run for Congress, not at all. But at a time when we face unprecedented challenges across the globe, when we are involved in so many challenges overseas, that perspective of veterans is critically important. We can't just have the perspective of older veterans. We need younger veterans too, veterans of the wars in the Middle East, veterans who have had to fight counterinsurgencies, veterans who faced terrorists across the globe. Those are the challenges that we are figuring out how to meet in Congress. I think it is important that we have the perspective of veterans.

So I will tell you, if there are veterans out there who are listening to this right now, I hope you will consider running. We need you. We need new leaders. We need your perspective, and we would love to see you serve the country again.

Mr. SWALWELL of California. I couldn't agree with you more. I know it is an issue that you are very passionate about, and I think this is a richer body because we have veterans like you serving it.

Mr. MOULTON. I am honored to serve with you.

Mr. SWALWELL of California. Mr. KILMER, you and I went to Afghanistan back in August of 2013. I know you have a number of servicemembers in your district and people who were servicemembers. I am just wondering, you look at this number, 6.7 percent higher than what the average unemployment rate is, and what are you hearing out there in the Tacoma area in Washington, and what can we do in Congress?

Mr. KILMER. Sure. Well, one, I thank you, Mr. SWALWELL, for your

leadership in the Future Forum and your focus on these veterans issues. I actually represent more veterans than any Democrat in the United States Congress. Actually, I think my region is a whole lot stronger as a result of that because we have men and women who have served our country who choose to make the Olympic Peninsula or the Tacoma area their home.

Mr. SWALWELL of California. Approximately how many veterans do you represent?

Mr. KILMER. I don't know the exact number, but we have got a slew of them. Between Naval Base Kitsap and our joint base, people serve in our area, and it is a glorious place to live. So after their service, they choose to make it their home.

Frankly, my background was working in economic development. When you talk to employers in our region, by and large they get it that the veterans bring a lot to the table, that they bring a skill set, a unique skill set from their prior experience, they bring a work ethic, they bring a sense of patriotism, and so our workforce is a stronger workforce because of the service of those men and women who want to attach into the civilian workforce.

Certainly, there are some challenges in that regard. That means we ought to be focused on that. For example, embracing programs like Helmets to Hardhats, which you heard the reference earlier to trying to deploy our veterans to build up America's infrastructure.

It means ensuring that our veterans don't face discrimination when they pursue employment. In fact, in my State we added military and veteran status to our State's nondiscrimination statute to ensure that when someone was seeking employment that their military status wasn't used against them either for the reasons that Mr. MOULTON suggested around concerns about PTSD or something like that, but also our Guard members and Reservists who, when we had hearings on that legislation at the State level, we were told, Well, I am concerned about hiring you because what happens if you get called up again?

That is not right. People who choose to serve our country, people who fight for our country overseas shouldn't have to fight for a job when they come home. I think that should be a focus of this Congress as well.

It also means applauding those firms large and small who make it a priority to hire our veterans. We have plenty in my neck of the woods that have really made a strong effort to hire veterans.

Legislatively there are also things that we could and should do to make sure that those who have served overseas and who have served in the military, period, are able to translate the experiences and the skills they have learned into a civilian job.

Mr. SWALWELL of California. On that one I want to ask you if you could expand because I have heard, and Mr.

MOULTON and I were talking about this earlier, medics, people who serve in the military and they have medical training to help others who are wounded or get sick, they are having a hard time—and I am hearing this in the Bay Area—when they come home and they want to work naturally as an EMT or a paramedic, and they are finding by and large their training is not being accepted by the local schools or the State requirements.

Are you hearing about that?

Mr. KILMER. Absolutely. A few years back when I served in the State legislature, I visited Clover Park Technical College, which is in the 10th District of Washington, DENNY HECK's district. When I was in the legislature, I visited that college, and I was meeting with a group of students. One said, "I was a battlefield medic, and I wanted to enter the nursing program. My prior experience didn't count towards the pursuit of that college credential." So we actually changed our State law requiring our State colleges and universities to acknowledge that prior military experience, whether that be in the medical profession or you talk to folks who drove a truck as part of the logistics efforts through the battlefields of Afghanistan and want to get a commercial driver's license. We also passed a law that directs our State Department of Licensing to acknowledge that prior military experience and have it count towards some of their requirements for pursuing either a college degree or a professional license or certification.

That is something that I think we really have to rededicate ourselves to, to ensure, again, that that transition is a smooth one.

I did want to share with you that some veterans in our area are doing some pretty cool stuff. I was at the University of Washington-Tacoma. They stood up a veterans incubator for veterans who are looking to start a business. One of the businesses that was started was from a young veteran, a guy named Steve Buchanan from my district. And I actually invited him to the State of the Union because Steve had a cool idea for a company, and he made it happen. He worked with his CFO, who is also a veteran, Chris Shepherd. They hit upon a simple way to connect veterans with flexible jobs.

Their idea was to create an online marketplace for veterans who had skills on one side of the equation to people who had something that needed to get done, sort of an online marketplace for anything from remodeling their landscaping to IT work. Anyone can visit their Web site, and you can plug in your task of what you are looking to get done, and you can find a veteran with those skills and a desire to work. It is a great way to give veterans a chance to get some flexible work directly from folks who need their help, and it is a great platform from the community to show their support for our Nation's heroes.

Mr. SWALWELL of California. You are hitting on Stephen Brown @StevBrown. He asked, “Can our government offer incentives to veterans who want to start small businesses?” He just asked that on Twitter. What do you think about that? Can we do more?

Mr. KILMER. Sure. I think it is always good to look at that, whether that be through our SBA programs and the availability of access to capital.

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One of the things that we are looking at doing is focused on businesses who hire our veterans; already through things like our procurement process, there are some advantages for veteran-owned businesses, but one of the things we are looking at is could you create an incentive for those who hire a whole lot of veterans so that they have some incentive to do that hiring as well.

Mr. SWALWELL of California. Thank you, Mr. KILMER. I appreciate your continued participation in Future Forum. I know the veterans in your area are very grateful to have you standing up on the House floor tonight to champion their issues and getting them into the workforce.

Mr. KILMER. We are lucky to have them. Thanks so much.

Mr. SWALWELL of California. We are now joined by JARED POLIS of Colorado. My question for JARED comes from Ruchit @ruchithmajmudar, and he says: “Veterans took care of us. We need to take care of them.”

What do you think about that?

Mr. POLIS. I think that is what brings us here tonight. It is what brings champions of veterans issues like DEREK KILMER and yourself and SETH MOULTON here. This is an opportunity for us to talk about what we as Democrats want to do to make sure that we honor and support those who served our country.

I had a wilderness roundtable last week. We had RAÚL GRIJALVA in town. He is the ranking member of the Natural Resources Committee. We are working on designating some of our beautiful public lands in Summit and Eagle Counties as wilderness. We were having a meeting in Vail. Come visit Vail. I want everybody to know that Vail is a wonderful place to visit. We had a roundtable.

We had one of the people at it—in addition to hikers, bikers, a lot of local merchants that sell equipment, we had a veteran who served in the Middle East.

He got up, and he said that, when he was serving overseas in Afghanistan and he went to a visual display and they had the national anthem and what they showed—the images on the screen were not our tall buildings, were not our politicians or our actors; it was our beautiful public lands.

It was the Grand Canyon; it was the mountains of Colorado; it was the great coasts of California, and that was what he and his fellow servicemembers drew their pride from.

He further expressed such an excitement about the wilderness bill we were working on. He said the public lands were a place of healing for veterans. He said: If we don’t protect these beautiful lands, what the hell did I fight for?

It really moved everybody at the entire table just to say, do you know what, that is that part of that American spirit that we derive from the spirit of conservation.

It was really one of those moments where it made me and those of us working on some of those public land issues glad to know that we were helping to heal some of the veterans that had served us under difficult circumstances overseas.

Mr. SWALWELL of California. This week, we are considering the National Defense Authorization Act. We have done VA funding in the past couple weeks.

What are you hearing specifically in your congressional district about whether we are taking care of our veterans? Especially tonight, we are talking specifically about post-9/11 generation veterans who have just, by and large, been underemployed at a much higher rate than the rest of the country.

What are you hearing at home, any stories that you can share?

Mr. POLIS. Well, we really need to do a lot more. That is one of the reasons that I recently introduced a post-9/11 conservation corps bill, which would actually help employ some of our post-9/11 veterans to protect our public lands and water, so it can be part of their healing and part of making sure that our public lands are well maintained.

It would help veterans restore and protect our national, State, and tribal forest parks; coastal areas; wildlife refuges; and cemeteries—allowing us to attack the jobless rate among our returning veterans and help address the enormous maintenance backlog at our national parks.

That is the kind of idea which I think a lot of veterans get excited about. They want to see something that shows that we deeply respect the work they did defending our country, that their work is valued here at home.

It is the absolute wrong message to send when we are slashing veterans benefits; when we are not funding, for instance, our new VA hospital that needs to be built in Aurora, Colorado; when we are slashing the benefits that people get beyond the impact of those financial dues that they receive.

It is the message they are getting that somehow, do you know what, instead of returning to a civilian service corps, towards helping job placement, towards the counseling and health support services we need, we are returning to a thankless America.

I think that we Democrats want to do something about that. That is why we have a great package of bills to show that we do honor and respect, and we want to show that in word and deed

to those who served us in post-9/11 wars.

Mr. SWALWELL of California. I talked to a number of my veteran groups in Alameda and Contra Costa Counties at home, and not until I took this job had I heard the phrase of a “ghost veteran.”

It was explained to me it is the servicemember who has come back from Iraq or Afghanistan and has completely fallen off the radar. They are not associated at all with the VA. They are not signed up for any of the benefits that they are eligible for. They are not participating in the American Legion or the VFW.

The theory is that, because we have done such a poor job of fully funding the VA and giving benefits and time to people who deserve it, having issues with the hospitals and the back claims, as well as the GI benefits not fully taking care of people—do you think that makes people pessimistic when you get out of your service and you return to your community? Is that going to make you more or less willing to participate in some of these programs that we have put out there?

Mr. POLIS. I have not heard that term before, “ghost veteran,” but I have met so many veterans that meet that exact definition.

I think it is a combination of things. I think you are right. It is part of the fact that they don’t think they are going to get anything anyway because it has all been cut. It is also part of the need that we have and the VA has to adapt our veteran-serving institutions to meet the real-life needs of a new generation of veterans.

The truth is the returning 9/11 veterans are not interested in piles of paperwork and filling it out. That is understandable. They are not interested in beating their head against the wall to try to get some benefit that they may or may not get. They have served our country. They have a lot of great capacity in them to do great work again.

They want our help in enabling them to be able to live great lives, whether it is going back to school under GI Bill—and, of course, we passed the post-9/11 GI Bill—whether it is working on something like the veterans conservation corps that, if my bill passes, it would set up, whether it is making sure they have support to start their own small business as entrepreneurs.

What they don’t want is to wait in line down at some facility to fill out more forms that may or may not result in them getting something, someday. That is really what I hear in so many of the returning post-9/11 veterans that in my district really meet the definition of what you are talking about, ghost veterans.

Once they got out, they just didn’t want to deal with what they see as a bureaucratic, out-of-touch apparatus that doesn’t give them the support they need.

Mr. SWALWELL of California. In the GI Bill, it works when we fund it and

we give opportunity to veterans. It provides eligible veterans up to 36 months of education benefits. Frankly, I think you and I probably would like to see that greatly expanded to include a full education; 1700 colleges and universities are supplemented by post-GI Bill benefits.

Fifty-one percent of student veterans earn their degree from an institution of higher education. From 2009–2012, there has been an increase of veterans using their benefits by 67 percent. When we are faced with the question when it comes to veterans funding or NDAA considerations that we make, should we be expanding the educational opportunities for our veterans, or should we be reducing it?

Mr. POLIS. I am just so excited and honored to represent a district that has two of our State flagship universities: Colorado State University in Fort Collins—go Rams—and University of Colorado Boulder—go Bucks.

We have had interns in our office that were only able to attend those institutions because of the GI Bill, returning post-9/11 veterans who were able to fulfill their dream of getting a higher education at a time where you and I know it is increasingly costly to get that education.

My goodness, you Californians pay \$35,000 a year to come to CU; but even our instate folks are paying \$9,000 a year just to go to college. Not a lot of families can afford that in discretionary income when you add in food and lodging and everything else.

Those who have served our country are able to avail themselves of this tremendous opportunity, the GI Bill. We need to renew our commitment to those folks. We need to make sure that it is there to fund their education, in an increasingly costly educational environment, that they can have the skills they need.

I would like to see more ways where they can get credit for some of the skills they learned in the military. Some of those convey over and appropriately should be granted credit at institutions of higher education, so there is a lot more we can do.

So many veterans that I have interacted with on both campuses are just so grateful. I want to make sure that we defend and I know Democrats here are standing in the line of defense of the post-9/11 GI Bill.

Mr. SWALWELL of California. Others that were in the last Congress—and I was a big supporter of the Veteran Employment Transition Act that made permanent the work opportunity tax credit for qualified veterans and also the Troop Talent Act by our colleague, a veteran herself, TAMMY DUCKWORTH, which would direct the Department of Defense to make information on civilian credentialing opportunities available to members of the Armed Forces at every stage of their training for occupational specialties.

The Future Forum we just launched last month, we went to New York and Boston and San Francisco.

Mr. POLIS. We are coming to Denver soon, right?

Mr. SWALWELL of California. We are coming to Denver soon, yes.

Mr. POLIS. I am looking forward to it.

Mr. SWALWELL of California. You are going to host us out there in Denver. We are going to make a mile-high difference there for young people, and I very much look forward to that.

At these conversations that we have had under the #futureforum, whether they are in the audience or they are tweeting at us, what we have learned is that young people today—veterans and just millennials alike—right now, their top issues, I believe, from what we have heard, are student loan debt, access to entrepreneurship, equality and making sure that we have equal pay for equal work, as well as climate change.

When it comes to veterans, every audience we were in front of had a veteran there, and every audience thought we weren't doing enough to take care of our veterans.

I think the message I want to put out there tonight—and continue the conversation on social media under #futureforum—is we must stand up and serve our veterans as well as they have stood up and served us as a country.

Mr. POLIS, I will leave it to you for any closing thoughts on how we can best serve our veterans.

Mr. POLIS. Well, I just wanted to add, again, particularly in the West, in districts like mine, many veterans who have settled in Eagle and Summit Counties or in the Boulder area really have seen their experiences and interactions with the outdoors and our environment as an important part of their healing experience.

That is why we see such great support for a number of nonprofits that help get veterans out hiking and biking; why the young veterans, in turn, are strong supporters of wilderness proposals; and why I think so many returning veterans would benefit from a veterans conservation corps that really got them out there working with their hands and their hearts, preserving some of that same natural heritage that, when they saw displayed on the movie screen while our national anthem played in Afghanistan or Iraq, gave them the inspiration that they needed to be able to continue to serve our country so well for another day.

Mr. SWALWELL of California. Thank you, Mr. POLIS. Thank you, Mr. MOULTON, a veteran himself. Also, thank you to Mr. KILMER.

The Future Forum, we will be back in a few weeks talking about a variety of issues that are facing young people; but this is not us talking to you. As you saw tonight, I read a number of tweets live here on the House floor and was tweeting as we were having this conversation.

Our goal is to talk about the issues, have a conversation, but really listen to you and what you care about as millennials. We look forward to being

back here on the floor and out across America as the Future Forum, looking out for what is best for millennials and standing up here in Congress.

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

#### RECESS

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

Accordingly (at 8 p.m.), the House stood in recess.

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#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SESSIONS) at 11 o'clock p.m.

#### REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 1735, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2016

Mr. BYRNE, from the Committee on Rules, submitted a privileged report (Rept. No. 114–112) on the resolution (H. Res. 260) providing for further consideration of the bill (H.R. 1735) to authorize appropriations for fiscal year 2016 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, which was referred to the House Calendar and ordered to be printed.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BRADY of Pennsylvania (at the request of Ms. PELOSI) for today (second series) on account of official business.

Mrs. CAPPS (at the request of Ms. PELOSI) for May 12 through May 21 on account of medical reasons.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 651. An act to designate the facility of the United States Postal Service located at 820 Elmwood Avenue in Providence, Rhode Island, as the “Sister Ann Keefe Post Office”.

H.R. 1075. An act to designate the United States Customs and Border Protection Port of Entry located at First Street and Pan American Avenue in Douglas, Arizona, as the “Raul Hector Castro Port of Entry”.

#### ADJOURNMENT

Mr. BYRNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Thursday, May 14, 2015, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1455. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting the Department's final rule — Irish Potatoes Grown in Colorado and Imported Irish Potatoes; Relaxation of the Handling Regulation for Area No. 2 and Import Regulations [Doc. No.: AMS-FV-13-0073; FV13-948-3 FR] received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1456. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Program, Department of Agriculture, transmitting the Department's affirmation of interim rule as final rule — Avocados Grown in South Florida and Imported Avocados; Change in Maturity Requirements [Doc. No.: AMS-FV-14-0051; FV14-915-1 FIR] received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1457. A letter from the Associate Administrator, Agriculture Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's interim rule — Irish Potatoes Grown in Southeastern States; Suspension of Marketing Order Provisions [Doc. No.: AMS-FV-14-0011; FV14-953-1 IR] received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1458. A letter from the Associate Administrator, Fruit and Vegetable Program, Promotion and Economics Division, Agricultural Marketing Service, Department of Agriculture, transmitting the Department's final rule — Honey Packers and Importers Research, Promotion, Consumer Education and Information Order; Assessment Rate Increase [Doc. No.: AMS-FV-14-0045] received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1459. A letter from the Acting Under Secretary, Personnel and Readiness, Department of Defense, transmitting a letter stating authorization for 15 officers to wear the insignia of the grade of major general or brigadier general, as indicated, in accordance with 10 U.S.C. 777; to the Committee on Armed Services.

1460. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Restrictions on Sale of Assets of a Failed Institution by the Federal Deposit Insurance Corporation (RIN: 3064-AE26) received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1461. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notice of Proposed Issuance of Letter of Offer and Acceptance to Norway, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, Pub. L. 94-329, as amended, Transmittal No.: 15-31; to the Committee on Foreign Affairs.

1462. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notice of Proposed

Issuance of Letter of Offer and Acceptance to the Government of Japan, pursuant to Sec. 36(b)(1) of the Arms Export Control Act, Pub. L. 94-329, as amended, Transmittal No.: 15-34; to the Committee on Foreign Affairs.

1463. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 40 [Docket No.: 140818679-5356-02] (RIN: 0648-BE47) received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1464. A letter from the Assistant Administrator for Fisheries, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Red Grouper Recreational Management Measures [Docket No.: 150105013-5291-02] (RIN: 0648-BE62) received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1465. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Island Fisheries; Pacific Remote Islands Marine National Monument Expansion [Docket No.: 141110950-5227-02] (RIN: 0648-BE63) received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1466. A letter from the Project Manager, Office of Policy and Strategy, Department of Homeland Security, transmitting the Department's final rule — Employment Authorization for Certain H-4 Dependent Spouses [CIS No.: 2501-10; DHS Docket No.: USCIS-2010-0017] (RIN: 1615-AB92) received May 12, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1467. A letter from the ICE Regulatory Coordinator, ICE Office of Policy, Regulatory Division, Department of Homeland Security, transmitting the Department's final rule — Adjustments to Limitations on Designated School Official Assignment and Study by F-2 and M-2 Nonimmigrants [DHS Docket No.: ICEB-2011-0005] (RIN: 1653-AA63) received May 11, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1468. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting the Department's Office of Privacy and Civil Liberties Activities Quarterly Report covering April 1, 2014 through June 30, 2014, pursuant to Sec. 803 of the Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. L. 110-53, 121 Stat. 266, 361-62 (codified at 42 U.S.C. 2000ee-1(f)); to the Committee on the Judiciary.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BYRNE: Committee on Rules. House Resolution 260. Resolution providing for further consideration of the bill (H.R. 1735) to authorize appropriations for fiscal year 2016 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 (Rept. 114-112). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. KEATING (for himself, Mr. MCCAUL, and Mr. ENGEL):

H.R. 2285. A bill to improve enforcement against trafficking in cultural property and prevent stolen or illicit cultural property from financing terrorist and criminal networks, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Homeland Security, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOK:

H.R. 2286. A bill to amend title 38, United States Code, to establish a priority for the Secretary of Veterans Affairs in processing certain claims for compensation; to the Committee on Veterans' Affairs.

By Mr. MULVANEY (for himself and Ms. SINEMA):

H.R. 2287. A bill to require the National Credit Union Administration to hold public hearings and receive comments from the public on its budget, and for other purposes; to the Committee on Financial Services.

By Mr. GOODLATTE:

H.R. 2288. A bill to remove the use restrictions on certain land transferred to Rockingham County, Virginia, and for other purposes; to the Committee on Natural Resources.

By Mr. CONAWAY (for himself, Mr. AUSTIN SCOTT of Georgia, and Mr. DAVID SCOTT of Georgia):

H.R. 2289. A bill to reauthorize the Commodity Futures Trading Commission, to better protect futures customers, to provide end-users with market certainty, to make basic reforms to ensure transparency and accountability at the Commission, to help farmers, ranchers, and end-users manage risks, to help keep consumer costs low, and for other purposes; to the Committee on Agriculture.

By Mr. CHABOT (for himself, Mr. FRANKS of Arizona, Mr. FORBES, Mr. KING of Iowa, Mr. ROSKAM, Mr. PETERSON, Mr. MARINO, and Mr. KLINE):

H.R. 2290. A bill to amend the Volunteer Organization Protection Act of 1997, to provide for liability protection for organizations or entities; to the Committee on the Judiciary.

By Mr. LARSEN of Washington (for himself and Mr. THORNBERRY):

H.R. 2291. A bill to amend title 38, United States Code, to make permanent the authority of the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, counseling, examination, treatment, and care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. OLSON (for himself, Mr. GENE GREEN of Texas, Mr. DOLD, and Mr. DANNY K. DAVIS of Illinois):

H.R. 2292. A bill to amend title XVIII of the Social Security Act to preserve access to rehabilitation innovation centers under the Medicare program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself, Mr. DEUTCH, Mr. MARINO, Mr. BLUMENAUER, Mr. CHABOT, Mr. COHEN, Mr. MEEHAN, Mr. NADLER, and Mr. FRANKS of Arizona):

H.R. 2293. A bill to revise section 48 of title 18, United States Code, and for other purposes; to the Committee on the Judiciary.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 2294. A bill to amend title 38, United States Code, to make memorial headstones and markers available for purchase on behalf of members of reserve components who performed inactive duty training or active duty for training but did not serve on active duty; to the Committee on Veterans' Affairs.

By Mr. MACARTHUR (for himself and Mr. RICHMOND):

H.R. 2295. A bill to amend the Mineral Leasing Act to require the Secretary of the Interior to identify and designate National Energy Security Corridors for the construction of natural gas pipelines on Federal land, and for other purposes; to the Committee on Natural Resources.

By Mr. CARTWRIGHT (for himself, Ms. CLARK of Massachusetts, Mr. CONNOLLY, Mr. DELANEY, Ms. ESTY, Mr. GRIJALVA, Mr. HIMES, Ms. KUSTER, Ms. NORTON, Mr. POCAN, Ms. TSONGAS, and Mr. VARGAS):

H.R. 2296. A bill to establish a Financing Energy Efficient Manufacturing Program in the Department of Energy to provide financial assistance to promote energy efficiency and onsite renewable technologies in manufacturing and industrial facilities; to the Committee on Energy and Commerce.

By Mr. ROYCE (for himself, Mr. ENGEL, Mr. MEADOWS, Mr. DEUTCH, and Mr. ZELDIN):

H.R. 2297. A bill to prevent Hezbollah and associated entities from gaining access to international financial and other institutions, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS (for himself, Mr. BEN RAY LUJÁN of New Mexico, and Mr. LONG):

H.R. 2298. A bill to amend title XVIII of the Social Security Act to provide for programs to prevent prescription drug abuse under parts C and D of the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 2299. A bill to amend title XVIII of the Social Security Act to provide for site-of-service price transparency under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM PRICE of Georgia (for himself, Mr. HENSARLING, Mrs. BLACKBURN, Mr. HARRIS, Mr. BENISHEK, Mrs. ELLMERS of North Carolina, Mr. BUCSHON, Mr. PITTENGER, Mr. MEADOWS, Mr. DUNCAN of South Carolina, Mr. MCKINLEY, Mr. THOMPSON of Pennsylvania,

Mr. FRANKS of Arizona, Mr. TIPTON, Mr. WEBSTER of Florida, Mr. WESTMORELAND, Mr. RIGELL, Mr. LAMBORN, Mr. HUIZENGA of Michigan, Mr. OLSON, Mr. PERRY, Mr. YOHO, Mr. AMODEI, Mr. ROTHFUS, Mr. STEWART, Mr. ROUZER, Mr. GUINTA, Mrs. BLACK, Mr. JENKINS of West Virginia, Mr. DESJARLAIS, Mrs. HARTZLER, Mr. HECK of Nevada, Mr. MILLER of Florida, Mr. MULVANEY, Mr. RIBBLE, Mr. RICE of South Carolina, Mr. ROE of Tennessee, Mr. ROSKAM, Mr. WENSTRUP, Mr. WILSON of South Carolina, Mr. WOODALL, Mr. YODER, Mr. PEARCE, Mr. HARPER, Mr. MCCINTOCK, Mr. GOWDY, and Mr. GOODLATTE):

H.R. 2300. A bill to provide for incentives to encourage health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Rules, Appropriations, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLEAVER (for himself, Mr. CLAY, Mr. GRAVES of Missouri, Mrs. HARTZLER, Mrs. WAGNER, Mr. HUFFMAN, Mr. LUETKEMEYER, Mr. LONG, and Mr. SMITH of Missouri):

H.R. 2301. A bill to designate Union Station in Washington, DC, as the "Harry S. Truman Union Station"; to the Committee on Transportation and Infrastructure.

By Mr. COHEN (for himself and Mr. CLAY):

H.R. 2302. A bill to require that States receiving Byrne JAG funds to require sensitivity training for law enforcement officers of that State and to incentivize States to enact laws requiring the independent investigation and prosecution of the use of deadly force by law enforcement officers, and for other purposes; to the Committee on the Judiciary.

By Ms. DELAURO (for herself, Ms. SLAUGHTER, Mr. RANGEL, and Ms. SPEIER):

H.R. 2303. A bill to amend the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act to provide that meat, poultry, and egg products containing certain pathogens or contaminants are adulterated, and for other purposes; to the Committee on Agriculture.

By Mr. FARENTHOLD (for himself, Ms. ESHOO, Mr. ISSA, Mr. FRANKS of Arizona, and Mr. POLIS):

H.R. 2304. A bill to amend title 28, United States Code, to create a special motion to dismiss strategic lawsuits against public participation (SLAPP suits); to the Committee on the Judiciary.

By Ms. GABBARD:

H.R. 2305. A bill to reform the Privacy and Civil Liberties Oversight Board, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary, Intelligence (Permanent Select), and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GROTHMAN:

H.R. 2306. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in, and reduce the eligibility limitation on, the tax credit for health insurance premiums; to the Committee on Ways and Means, and in addition to the Committee on

Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HARDY:

H.R. 2307. A bill to validate final patent number 27-2005-0081, and for other purposes; to the Committee on Natural Resources.

By Mr. HARDY:

H.R. 2308. A bill to designate a peak located in Nevada as "Mount Reagan"; to the Committee on Natural Resources.

By Mr. ISRAEL (for himself, Ms. JUDY CHU of California, Ms. HAHN, Mr. BLUMENAUER, Mr. SWALWELL of California, Ms. SCHAKOWSKY, Ms. TSONGAS, Mr. ELLISON, Ms. WASSERMAN SCHULTZ, Mr. PETERS, Mr. SEAN PATRICK MALONEY of New York, Mr. GRIJALVA, Ms. CLARKE of New York, Mrs. DAVIS of California, Mrs. CAROLYN B. MALONEY of New York, Mr. DELANEY, Mr. POLIS, Mr. FATTAH, Mr. CICILLINE, Mr. SHERMAN, Mr. CONNOLLY, Ms. SPEIER, Ms. NORTON, Mr. CÁRDENAS, Mr. RANGEL, Ms. DELBENE, Mrs. WATSON COLEMAN, Mr. TED LIEU of California, Ms. LEE, Mr. FARR, Mr. LANGEVIN, Ms. PINGREE, Ms. WILSON of Florida, Mr. HIMES, Mr. MCDERMOTT, Ms. ADAMS, Mr. POCAN, Mr. NADLER, Mr. LOWENTHAL, Mr. CROWLEY, and Ms. ROYBAL-ALLARD):

H.R. 2309. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination on account of sexual orientation or gender identity when extending credit; to the Committee on Financial Services.

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:

H.R. 2310. A bill to amend the Internal Revenue Code of 1986 to provide a standard home office deduction; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 2311. A bill to expand the research activities of the National Institutes of Health with respect to functional gastrointestinal and motility disorders, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SIMPSON:

H.R. 2312. A bill to amend the Wild and Scenic Rivers Act to authorize the Secretary of Agriculture to maintain or replace certain facilities and structures for commercial recreation services at Smith Gulch in Idaho, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of New Jersey:

H.R. 2313. A bill to amend the Public Health Service Act to enhance and expand infrastructure and activities to track the epidemiology of hydrocephalus, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Washington (for himself, Mr. LARSEN of Washington, Ms. DELBENE, Mr. DEUTCH, Mr. FOSTER, Mr. QUIGLEY, Mr. O'ROURKE, and Mr. MCDERMOTT):

H.R. 2314. A bill to ensure the humane treatment of persons detained pursuant to the Immigration and Nationality Act; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Ms. ADAMS, Ms. BASS, Mrs. BEATTY, Mr. BEYER, Mr. BLUMENAUER, Ms. BONAMICI, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. BROWN of Florida, Ms. BROWNLEY of California, Mrs.

BUSTOS, Mr. CARSON of Indiana, Mrs. CAPPS, Mr. CAPUANO, Mr. CÁRDENAS, Mr. CARTWRIGHT, Ms. CASTOR of Florida, Ms. JUDY CHU of California, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. CLAY, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. COURTNEY, Mr. CUMMINGS, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Ms. DELBENE, Mr. DESAULNIER, Mr. DEUTCH, Mr. DOGGETT, Mr. MICHAEL F. DOYLE of Pennsylvania, Ms. EDWARDS, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. ESTY, Mr. FARR, Mr. FOSTER, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GARAMENDI, Mr. GRAYSON, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HAHN, Mr. HASTINGS, Mr. HECK of Washington, Mr. HIGGINS, Mr. HONDA, Mr. HUFFMAN, Mr. ISRAEL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Mr. KEATING, Ms. KELLY of Illinois, Mr. KENNEDY, Mr. KILMER, Mr. KIND, Mrs. KIRKPATRICK, Ms. KUSTER, Mr. LANGEVIN, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE, Mr. LEVIN, Mr. LOEBACK, Mr. LOWENTHAL, Mrs. LOWEY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Mr. SEAN PATRICK MALONEY of New York, Ms. MATSUI, Ms. MCCOLLUM, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NOLAN, Mr. NORCROSS, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Mr. PETERSON, Ms. PINGREE, Ms. PLASKETT, Mr. POCAN, Mr. PRICE of North Carolina, Mr. QUIGLEY, Mr. RANGEL, Mr. RICHMOND, Ms. ROYBAL-ALLARD, Mr. RUIZ, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCHIFF, Mr. SCHRADER, Mr. SCOTT of Virginia, Mr. SHERMAN, Ms. SINEMA, Mr. SRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Mr. SWALWELL of California, Mr. TAKAI, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Ms. TITUS, Mr. TONKO, Mrs. TORRES, Ms. TSONGAS, Mr. VAN HOLLEN, Mr. VARGAS, Mr. VEASEY, Mr. WALZ, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. AL GREEN of Texas, Mr. SERRANO, Mr. CASTRO of Texas, Mr. CICILLINE, Mr. HIMES, Mr. CARNEY, and Mr. HINOJOSA):

H.J. Res. 51. A joint resolution removing the deadline for the ratification of the equal rights amendment; to the Committee on the Judiciary.

By Mr. HONDA (for himself, Ms. WASSERMAN SCHULTZ, Ms. NORTON, Ms. SCHAKOWSKY, Ms. JUDY CHU of California, Ms. BORDALLO, Mr. MCGOVERN, Ms. LEE, Ms. PLASKETT, Mr. AL GREEN of Texas, Mr. TED LIEU of California, Ms. DELAURO, Ms. MAXINE WATERS of California, Ms. MCCOLLUM, Mr. POLIS, Mr. FARR, Mr. RANGEL, and Mr. GRAYSON):

H. Res. 261. A resolution expressing the sense of the House of Representatives that the United States should work with the Government of Nepal to ensure that the unique needs, vulnerabilities, and capacities of women and girls are considered and addressed in efforts to provide humanitarian relief and assistance in reconstruction in the

aftermath of the April 25, 2015, earthquake; to the Committee on Foreign Affairs.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. KEATING:

H.R. 2285.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. COOK:

H.R. 2286.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sections 8 of the U.S. Constitution

By Mr. MULVANEY:

H.R. 2287.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1. "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States."

Article I, Section 8, Clause 3. "To regulate Commerce . . ."

Article I, Section 8, Clause 14. "To make Rules for the Government . . ."

Article I, Section 8, Clause 18. "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. GOODLATTE:

H.R. 2288.

Congress has the power to enact this legislation pursuant to the following:

The Property Clause of Article IV, Section 3—The Congress shall have the Power to dispose of and make all needful rules and regulation respecting the Territory or other Property belong to the United States.

By Mr. CONAWAY:

H.R. 2289.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article 1, Section 8, Clause 3, Congress has the authority to regulate foreign and interstate commerce.

By Mr. CHABOT:

H.R. 2290.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 . . . "To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes."

Article I, Section 8, Clause 18 . . . "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof."

By Mr. LARSEN of Washington:

H.R. 2291.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

By Mr. OLSON:

H.R. 2292.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. SMITH of Texas:

H.R. 2293.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3, known as the Commerce Clause, provides Congress with the authority regulate interstate and foreign commerce.

By Mr. SEAN PATRICK MALONEY of New York:

H.R. 2294.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MACARTHUR:

H.R. 2295.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2, "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

By Mr. CARTWRIGHT:

H.R. 2296.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 (relating to the power of Congress to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.)

By Mr. ROYCE:

H.R. 2297.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution

By Mr. BILIRAKIS:

H.R. 2298.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. BILIRAKIS:

H.R. 2299.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. TOM PRICE of Georgia:

H.R. 2300.

Congress has the power to enact this legislation pursuant to the following:

Consistent with the original understanding of the commerce clause, the authority to enact this legislation is found in Clause 3 of Section 8, Article 1 of the U.S. Constitution. Consistent with Congress's power to tax, the authority to enact this legislation is also found in Clause 1 of Section 8, Article 1 of the U.S. Constitution.

By Mr. CLEAVER:

H.R. 2301.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8, Clause 18 of the United States constitution.

By Mr. COHEN:  
H.R. 2302.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8

By Ms. DELAURO:  
H.R. 2303.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 18

The Congress shall have Power \* \* \* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in an Department of Officer thereof.

By Mr. FARENTHOLD:  
H.R. 2304.  
Congress has the power to enact this legislation pursuant to the following:  
The First Amendment to the Constitution of the United States

By Ms. GABBARD:  
H.R. 2305.  
Congress has the power to enact this legislation pursuant to the following:  
The U. S. Constitution including Article 1, Section 8.

By Mr. GROTHMAN:  
H.R. 2306.  
Congress has the power to enact this legislation pursuant to the following:

Article I Section VIII Clause I: The Congress shall have the power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

Article I Section VII Clause XVIII. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HARDY:  
H.R. 2307.  
Congress has the power to enact this legislation pursuant to the following:  
"clause 18 of section 8 of article I of the Constitution".

By Mr. HARDY:  
H.R. 2308.  
Congress has the power to enact this legislation pursuant to the following:  
"clause 18 of section 8 of article I of the Constitution".

By Mr. ISRAEL:  
H.R. 2309.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 3 of the United States Constitution

By Ms. MICHELLE LUJAN GRISHAM of New Mexico:  
H.R. 2310.  
Congress has the power to enact this legislation pursuant to the following:  
Article 1, Section 8, Clause 18 of the U.S. Constitution

By Mr. SENSENBRENNER:  
H.R. 2311.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, section 8, clause 1

By Mr. SIMPSON:  
H.R. 2312.  
Congress has the power to enact this legislation pursuant to the following:  
"The constitutional authority of Congress to enact this legislation is provided by Article I, section 8 of the United States Constitution, specifically clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and clause 18 (relating to the power to make all laws nec-

essary and proper for carrying out the powers vested in Congress), and Article IV, section 3, clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States)."

By Mr. SMITH of New Jersey:  
H.R. 2313.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause I of the Constitution.

By Mr. SMITH of Washington:  
H.R. 2314.  
Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 18

By Ms. SPEIER:  
H.J. Res. 51.  
Congress has the power to enact this legislation pursuant to the following:  
This bill is enacted pursuant to the power granted to Congress under Article 1, Section 8 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

- H.R. 36: Mr. SCALISE.
- H.R. 151: Mr. ROUZER.
- H.R. 169: Ms. KUSTER, Mr. SMITH of Missouri, and Mr. CARTER of Georgia.
- H.R. 232: Mr. MOOLENAAR and Mrs. BUSTOS.
- H.R. 244: Mr. AUSTIN SCOTT of Georgia.
- H.R. 304: Mr. LOWENTHAL, Mr. CICILLINE, and Ms. CLARK of Massachusetts.
- H.R. 346: Mrs. NAPOLITANO.
- H.R. 353: Mr. BISHOP of Michigan.
- H.R. 456: Mrs. DINGELL.
- H.R. 511: Mr. PETERSON.
- H.R. 531: Mr. HUFFMAN.
- H.R. 532: Mr. GARAMENDI, Mr. O'ROURKE, and Mr. DESAULNIER.
- H.R. 540: Mr. FORBES.
- H.R. 546: Ms. DUCKWORTH and Mr. DAVID SCOTT of Georgia.
- H.R. 572: Mr. BEN RAY LUJAN of New Mexico, Mr. POLIS, and Mrs. RADEWAGEN.
- H.R. 578: Mr. JORDAN.
- H.R. 581: Ms. ESTY.
- H.R. 592: Ms. DELBENE, Mr. HIGGINS, Mr. SHUSTER, Mr. BARR, Mr. CRAMER, and Mr. DUNCAN of Tennessee.
- H.R. 594: Mr. AUSTIN SCOTT of Georgia.
- H.R. 605: Mr. LOEBSACK.
- H.R. 612: Mr. FLORES.
- H.R. 613: Miss RICE of New York.
- H.R. 614: Mrs. BROOKS of Indiana.
- H.R. 619: Mr. HONDA.
- H.R. 649: Ms. FUDGE, Mr. GRIJALVA, Ms. LOFGREN, Mr. PETERS, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. KILMER, Mr. DOGGETT, and Mr. BEYER.
- H.R. 686: Mr. LUCAS.
- H.R. 699: Mr. FOSTER.
- H.R. 704: Mr. CARTER of Georgia.
- H.R. 711: Mr. BOUSTANY.
- H.R. 771: Mr. GUTHRIE.
- H.R. 774: Mr. TAKAI and Mr. DIAZ-BALART.
- H.R. 784: Mr. JEFFRIES, Ms. LINDA T. SANCHEZ of California, Mr. NORCROSS, Mr. GRAYSON, and Mr. LOBIONDO.
- H.R. 789: Mr. LOEBSACK.
- H.R. 793: Mr. DUNCAN of Tennessee.
- H.R. 800: Ms. GABBARD.
- H.R. 855: Mrs. BROOKS of Indiana.
- H.R. 865: Mr. ALLEN.
- H.R. 868: Mr. CARTWRIGHT and Mrs. BROOKS of Indiana.
- H.R. 879: Mr. CHABOT, Mr. JOYCE, Mr. SMITH of Missouri, Mr. HULTGREN, and Mr. BISHOP of Michigan.
- H.R. 885: Mr. TAKAI.

H.R. 921: Mr. THOMPSON of Mississippi, Mr. COHEN, Mr. PETERS, Mr. KILMER, Mr. FLORES, Mr. TIPTON, Mr. TOM PRICE of Georgia, Mr. BARLETTA, Mr. HUFFMAN, Mr. JOLLY, Mr. RIBBLE, Mr. WALBERG, Mr. ALLEN, Mr. WESTERMAN, and Mr. MULLIN.

H.R. 923: Mr. MOONEY of West Virginia.  
H.R. 924: Mr. MARCHANT.  
H.R. 953: Mr. TONKO and Mr. NORCROSS.  
H.R. 970: Ms. GRANGER.  
H.R. 971: Mr. SCALISE.

H.R. 973: Ms. KUSTER and Mr. CONYERS.  
H.R. 980: Mr. ROSKAM.  
H.R. 985: Mr. RODNEY DAVIS of Illinois, Mr. BEN RAY LUJAN of New Mexico, Mr. COLE, Mr. FATTAH, Ms. WILSON of Florida, Mr. DESJARLAIS, Mr. COOPER, Mr. KELLY of Pennsylvania, Mr. KENNEDY, Mr. HOLDING, and Mr. CHABOT.

H.R. 991: Ms. MCSALLY, and Mr. MILLER of Florida.  
H.R. 997: Mr. COLLINS of Georgia, Mr. NUGENT, Mrs. BLACKBURN, and Mr. TOM PRICE of Georgia.

H.R. 1062: Mrs. BROOKS of Indiana and Ms. GRANGER.  
H.R. 1073: Mr. DUNCAN of Tennessee.  
H.R. 1086: Mrs. BROOKS of Indiana.  
H.R. 1090: Mr. FINCHER and Mr. WILLIAMS.

H.R. 1091: Ms. BROWNLEY of California.  
H.R. 1096: Mr. CARNEY.  
H.R. 1100: Mr. MILLER of Florida.  
H.R. 1101: Mr. YOUNG of Alaska and Mr. TAKAI.

H.R. 1112: Ms. MAXINE WATERS of California and Mr. COSTELLO of Pennsylvania.  
H.R. 1116: Mr. MCKINLEY, Mr. GUTHRIE, Mr. HUNTER, Mr. LOEBSACK, and Mr. WALBERG.  
H.R. 1117: Mr. AMODEI.  
H.R. 1121: Mrs. TORRES, Mr. CLEAVER, and Mr. CARTWRIGHT.

H.R. 1139: Ms. PINGREE.  
H.R. 1142: Ms. LOFGREN.  
H.R. 1170: Mr. HIMES.  
H.R. 1171: Ms. MCCOLLUM.  
H.R. 1178: Mr. FLORES and Mr. MULLIN.  
H.R. 1181: Ms. NORTON.

H.R. 1188: Ms. LINDA T. SANCHEZ of California, Mr. VALADAO, and Mr. HECK of Nevada.  
H.R. 1190: Mr. O'ROURKE.  
H.R. 1192: Mr. ROTHFUS and Mr. TONKO.  
H.R. 1197: Mrs. MILLER of Michigan, Mrs. TORRES, Mr. JOHNSON of Georgia, Mr. TROTT, and Mr. JOLLY.

H.R. 1210: Mr. SESSIONS, Mr. CRAMER, Mr. ZELDIN, and Mr. BABIN.  
H.R. 1211: Mr. FARR and Mr. TAKANO.  
H.R. 1283: Mr. CICILLINE.  
H.R. 1299: Mr. ALLEN.  
H.R. 1300: Mr. BOUSTANY, Mr. MACARTHUR, and Mrs. WATSON COLEMAN.

H.R. 1331: Mr. O'ROURKE, Ms. BORDALLO, and Mr. LOWENTHAL.  
H.R. 1332: Mr. ALLEN.  
H.R. 1344: Mrs. BLACKBURN, Mr. CUMMINGS, Mr. ROE of Tennessee, Mr. HARRIS, and Mr. LOEBSACK.

H.R. 1371: Mr. PERRY.  
H.R. 1375: Mr. BEYER and Mr. RUSH.  
H.R. 1384: Mrs. LOVE.  
H.R. 1389: Mr. DUNCAN of Tennessee and Mr. CRAMER.

H.R. 1399: Mr. CRENSHAW and Mr. LOWENTHAL.  
H.R. 1421: Mr. VAN HOLLEN and Mrs. WATSON COLEMAN.  
H.R. 1427: Mr. HONDA.  
H.R. 1431: Mr. DUNCAN of Tennessee.

H.R. 1432: Mr. DUNCAN of Tennessee.  
H.R. 1461: Mr. HUELSKAMP.  
H.R. 1464: Mr. LEWIS.  
H.R. 1466: Ms. GABBARD and Mr. WELCH.  
H.R. 1475: Mr. COLE, Mrs. LAWRENCE, Mr. WILSON of South Carolina, Mrs. BLACKBURN, Mr. CARTER of Georgia, Mr. LOUDERMILK, Mr. BRADY of Texas, Mr. BABIN, Mr. PITTINGER, Mr. FRANKS of Arizona, Mr. RICE of South

Carolina, Mr. DUNCAN of South Carolina, Mr. HULTGREN, Mr. WALBERG, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. LAMBORN, Mr. POE of Texas, Mr. WITTMAN, Mrs. HARTZLER, and Mr. PITTS.

H.R. 1493: Mr. VARGAS.  
H.R. 1496: Mrs. BEATTY.  
H.R. 1498: Mr. TROTT.  
H.R. 1516: Ms. DUCKWORTH and Mr. LEWIS.  
H.R. 1519: Mr. HONDA, Ms. MCCOLLUM, and Mr. KILMER.

H.R. 1523: Mr. HULTGREN.  
H.R. 1545: Mr. HECK of Nevada.  
H.R. 1550: Ms. KUSTER and Mr. LUETKEMEYER.

H.R. 1552: Mr. HUFFMAN and Mrs. NAPOLITANO.

H.R. 1559: Mr. DESAULNIER, Mr. VAN HOLLEN, Ms. DUCKWORTH, and Mr. DEFAZIO.

H.R. 1568: Ms. LOFGREN and Mr. BISHOP of Michigan.

H.R. 1594: Ms. MCSALLY, Mr. THOMPSON of California, Mr. HIMES, and Mrs. NAPOLITANO.  
H.R. 1599: Mr. RIBBLE, Mr. FINCHER, and Mr. COSTA.

H.R. 1602: Mr. PAYNE.  
H.R. 1605: Mr. BRAT and Mr. YOHO.

H.R. 1614: Mr. FORTENBERRY.

H.R. 1624: Mr. WILSON of South Carolina, Mr. BUCSHON, Mr. ROE of Tennessee, Mr. WOMACK, and Mr. HANNA.

H.R. 1633: Mr. AUSTIN SCOTT of Georgia.

H.R. 1644: Mr. MCKINLEY, Mr. CRAMER, and Mrs. LUMMIS.

H.R. 1666: Ms. DUCKWORTH.

H.R. 1671: Mr. FINCHER, Mr. SESSIONS, Mr. JODY B. HICE of Georgia, and Mr. SMITH of Texas.

H.R. 1699: Mr. SESSIONS.

H.R. 1707: Mr. SWALWELL of California.

H.R. 1736: Mr. BLUM, Mr. GRAVES of Missouri, and Mr. ISRAEL.

H.R. 1737: Mr. KIND and Mr. MACARTHUR.

H.R. 1742: Mrs. LAWRENCE.

H.R. 1745: Mr. LYNCH.

H.R. 1752: Mr. FRANKS of Arizona, Mr. CRAMER, Mr. ALLEN, and Mr. BRAT.

H.R. 1769: Mr. O'ROURKE, Mr. CICILLINE, and Mr. RANGEL.

H.R. 1775: Mr. PETERS.

H.R. 1786: Mr. HECK of Nevada and Mr. CONYERS.

H.R. 1800: Mr. RENACCI.

H.R. 1807: Ms. WILSON of Florida, Ms. ADAMS, Mr. YARMUTH, Mr. HASTINGS, and Ms. LEE.

H.R. 1814: Ms. SCHAKOWSKY, Mr. CICILLINE, Mr. MCGOVERN, Ms. LEE, and Ms. SLAUGHTER.

H.R. 1817: Mr. BABIN, Mr. PITTINGER, Mr. RICE of South Carolina, Mr. DUNCAN of South Carolina, Mr. WALBERG, Mr. ROE of Tennessee, Mr. NEUGEBAUER, Mr. CONAWAY, Mr. POE of Texas, Mr. PITTS, Mr. BRADY of Texas, Mr. WILSON of South Carolina, Mrs. BLACKBURN, and Mr. CARTER of Georgia.

H.R. 1818: Mr. QUIGLEY.

H.R. 1821: Mr. JENKINS of West Virginia and Mr. DOLD.

H.R. 1844: Mr. PITTINGER.

H.R. 1852: Mr. CICILLINE.

H.R. 1854: Mr. BISHOP of Michigan.

H.R. 1861: Mr. KINZINGER of Illinois.

H.R. 1869: Mr. GRIFFITH.

H.R. 1908: Ms. PLASKETT.

H.R. 1921: Mr. SWALWELL of California.

H.R. 1936: Mr. RENACCI.

H.R. 1942: Mr. SMITH of Washington and Mr. VAN HOLLEN.

H.R. 1948: Mr. ISRAEL and Ms. LOFGREN.

H.R. 1994: Mr. PETERS, Mr. TOM PRICE of Georgia, Mr. KLINE, Mr. BOUSTANY, Mr. CRAMER, Ms. MCSALLY, Mrs. MCMORRIS RODGERS, Mr. EMMER of Minnesota, Mr. LAMBORN, Mr. BISHOP of Michigan, Mr. BUCHANAN, and Mr. ZELDIN.

H.R. 2008: Mr. LANGEVIN, Mr. PETERS, Mr. HASTINGS, Mr. JONES, and Mr. CARTWRIGHT.

H.R. 2025: Mr. FARR and Mr. HONDA.

H.R. 2031: Mr. WEBER of Texas.

H.R. 2032: Mr. DIAZ-BALART, Mr. NEWHOUSE, and Mr. MILLER of Florida.

H.R. 2035: Ms. DELAURO and Ms. NORTON.

H.R. 2046: Mr. RIBBLE.

H.R. 2061: Mr. KELLY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mr. SCHIFF, Mr. TONKO, Mr. HUELSKAMP, Mr. KINZINGER of Illinois, Ms. KUSTER, Mr. FLORES, and Mr. RUIZ.

H.R. 2072: Mr. POLIS and Mr. CLAY.

H.R. 2100: Ms. FRANKEL of Florida, Mr. PITTINGER, Mr. LOWENTHAL, Mr. PITTS, Mr. HONDA, Mr. WEBER of Texas, Mr. COSTELLO of Pennsylvania, Ms. ROS-LEHTINEN, Mr. KINZINGER of Illinois, Mr. NUGENT, Mr. CRENSHAW, Mr. DELANEY, and Ms. CLARK of Massachusetts.

H.R. 2109: Mr. BENISHEK and Mr. TIPTON.

H.R. 2130: Mr. SESSIONS and Mr. FARENTHOLD.

H.R. 2132: Mr. PETERS, Mr. KEATING, and Ms. NORTON.

H.R. 2135: Mr. RENACCI.

H.R. 2139: Mrs. TORRES.

H.R. 2150: Mr. TED LIEU of California and Mr. RYAN of Ohio.

H.R. 2152: Mr. JONES and Ms. ESHOO.

H.R. 2156: Mr. QUIGLEY and Mr. HANNA.

H.R. 2177: Mr. CARTWRIGHT.

H.R. 2178: Mr. PALAZZO.

H.R. 2193: Ms. BROWNLEY of California.

H.R. 2207: Mr. HENSARLING.

H.R. 2216: Ms. WASSERMAN SCHULTZ.

H.R. 2230: Mr. PALAZZO.

H.R. 2243: Mr. PEARCE and Mr. MULVANEY.

H.R. 2247: Mr. ROE of Tennessee and Mr. BUCSHON.

H.R. 2248: Mr. MCGOVERN.

H.J. Res. 47: Mr. DEUTCH, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. POLIS, and Mr. MCGOVERN.

H. Con. Res. 17: Mr. KATKO and Ms. STEFANK.

H. Con. Res. 19: Mr. HULTGREN.

H. Con. Res. 36: Mr. HUFFMAN and Mr. NADLER.

H. Res. 56: Mr. KLINE and Mr. CLEAVER.

H. Res. 110: Mr. KIND.

H. Res. 130: Mr. GUINTA.

H. Res. 174: Ms. LOFGREN.

H. Res. 193: Ms. MCSALLY.

H. Res. 208: Ms. ESHOO.

H. Res. 209: Mr. MILLER of Florida.

H. Res. 210: Mr. KLINE.

H. Res. 220: Mr. DUNCAN of Tennessee.

H. Res. 246: Mr. MCGOVERN.

H. Res. 248: Mr. SCHWEIKERT.

H. Res. 253: Mr. WHITFIELD.

H. Res. 256: Ms. HAHN and Mr. PAYNE.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

Amendment No. 1 to be offered by Representative MAC THORNBERRY to H.R. 1735, the National Defense Authorization Act for Fiscal Year 2016, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.