

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

□ 0050

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

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

I yield back the balance of my time.

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

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

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

I yield back the balance of my time.

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

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GUINTA) having assumed the chair, Mr. BOST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

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

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 114-146) on the resolution (H. Res. 305) providing for consideration of the Senate amendment to the bill (H.R. 1314) to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt

status of certain organizations, and providing for consideration of the Senate amendments to the bill (H.R. 644) to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory, which was referred to the House Calendar and ordered to be printed.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore. Pursuant to House Resolution 303 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2685.

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

□ 0053

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, with Mr. BOST (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from California (Mr. MCCLINTOCK) had been disposed of, and the bill had been read through page 162, line 25.

#### AMENDMENT OFFERED BY MR. ELLISON

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

There was no objection.

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

The Chair recognizes the gentleman from Minnesota.

Mr. ELLISON. Mr. Chairman, no hard-working American should ever have to worry that her employer will refuse to pay her when she works overtime or takes money out of her paycheck, especially if she works for a

Federal contractor. This practice is known as wage theft.

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

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

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

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

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

This amendment relies upon the violations reported to the Federal Award-ee Performance and Integrity Information System.

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

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

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

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

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

no Member of this body would do such a thing.

The amendment would ensure that a single inadvertent violation would not disqualify a contractor. And that is important. I have had some people say, well, what if somebody just messes up one time?

Well, no, that particular individual wouldn't be hit by this amendment. But the willful and repeated ones would.

So I think taxpayer money should be spent wisely. I think that as the largest purchaser of goods and services, the Federal Government must find a way to make sure funds are going to companies that treat their workers fairly and give American families a chance to succeed.

This is a serious problem, Mr. Chairman. The Economic Policy Institute found that "In total, the average low-wage workers lose a stunning \$2,634 per year in unpaid wages, representing as much as 15 percent of their earned income."

A report by the Health, Education, Labor and Pensions Committee of the U.S. Senate revealed that 32 percent of the largest Department of Labor penalties for wage theft were levied against Federal contractors.

This is a problem. This is a situation that must be remedied.

□ 0100

Similarly, the National Employment Law Project study found that 21 percent of Federal contract workers were not paid overtime, and 11 percent have been forced to work "off the clock."

Upholding the rule of law is a bipartisan issue. I think that we may disagree on many things; taxes, spending, we disagree on that. There have even been people in this body who disagree that any violator of the Fair Labor Standards Act should get a contract, but I certainly hope that those people who are repeated—let me repeat—repeated and willful violators should be excluded at least for 5 years.

I yield back the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, we all agree that bad actors who deny workers basic protections, including wage and overtime pay, shouldn't be rewarded with government contracts funded by taxpayer dollars, but this amendment is unnecessary.

There is a suspension and debarment process already in place under the current law. If an employer has a history of bad behavior, including "willful" and "repeated" violations of FLSA, the Fair Labor Standards Act, Federal agencies know about it and have the authority to deny that employer Federal contracts.

A report by the nonpartisan Government Accountability Office found that

litigation stemming from such claims continues to be a significant problem.

These aren't all bad actors. Often, they are employers trying to do the right thing, but are simply tripped up by an overly complex regulatory system.

I may add, Mr. Chairman, this amendment was voted down in the Transportation-HUD, Commerce-Justice-State, and Military Construction and Veterans Affairs Subcommittees; and likewise, it should also be on this floor.

I urge a "no" vote and yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MR. SMITH OF MISSOURI

Mr. SMITH of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_ . None of the funds appropriated or otherwise made available in this Act may be used to provide for defense counsel for any individual described in section 8101(c).

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

The Chair recognizes the gentleman from Missouri.

Mr. SMITH of Missouri. Mr. Chairman, my amendment would prohibit funds from being used to provide defense counsel to foreign terrorists detained at Guantanamo Bay.

Simply put, Mr. Chairman, our tax dollars should not be going to defend foreign terrorists. Hard-working taxpayers should not foot the legal bill of noncitizen terrorists who plotted to kill innocent Americans.

I recently visited Guantanamo Bay and learned firsthand of the outrageous amount of time these detainees spend with their taxpayer-funded counsel. I have asked the Department of Defense to provide me with the exact amount they have spent in legal defense services for detainees, but I have received no response. Mr. Chairman, I am sure millions of dollars have been spent defending these foreign terrorists.

Legal resources provided by the Department of Defense should be prioritized for American servicemembers. The pool of judge advocates that represents detainees at Guantanamo is a stand-alone unit. They are only assigned to act as defense attorneys for suspected terrorists. Meanwhile, there

is another pool of military lawyers to represent all other American servicemembers.

Why should the DOD resources be assigned to defend foreign terrorists when they could, instead, be used to defend our own men and women in uniform? I am confident most Americans would agree that this money could be better spent within the Department of Defense, perhaps by making sure that our servicemembers are provided their legal counsel ahead of noncitizen terrorists.

I reserve the balance of my time.

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

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

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

We have a Constitution in this country. It contains language talking about the right to be assisted by counsel, and there are many other provisions relative to the protection of individual human beings from the State.

We are a very large country with approximately 2 million people in the military. I think one of the great foundational issues in the United States is to protect any human being from that incredible amount of power so that you avoid abuse.

We have seen enough instances of abuse because of allegations of terrorists, many of whom are very real, mean, despicable people; but to now say that no one should have protection to make sure that that incredible power of the state is used justly and wisely is absolutely wrong.

We have had any number of Members, our colleagues here yesterday and today on this bill, offering amendments because they believe the Department of Energy made a mistake on uniforms for airmen, the Department of Defense made mistakes as far as whether or not we should move helicopters from one base to another, we have made mistakes as far as how we should have life-saving rescue missions for various aspects of the Department of Defense positioned throughout our great country.

What if, God forbid, all these allegations that the Department of State may make mistakes from time to time would actually have an impact on a human being, whoever they are, and that in the last instance, we don't give them one iota of protection that we give to murderers and rapists and burglar and arsonists in this country?

I think it is absolutely wrong for the gentleman to offer this amendment.

I reserve the balance of my time.

Mr. SMITH of Missouri. Mr. Chairman, I want to make it simple.

This amendment is quite clear. If you don't want American tax dollars being spent to protect foreign terrorists who plotted to attack and kill innocent Americans, then vote "yes."

I yield back the balance of my time.

Mr. VISCLOSKY. Mr. Chairman, I would just say that, if we are talking about the protection of taxpayers dollars, we should be talking about the protection of a human life and to make sure that that life, no matter whose life it is, is protected from the arbitrary use of power.

I again strongly oppose the gentleman's amendment that I think is just contrary to the foundational principles of the United States of America. We don't torture people. We protect people's lives in the United States, and now, to withdraw any protection for them is absolutely wrong.

I yield back the balance of my time.

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

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

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

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

□ 0110

AMENDMENT OFFERED BY MS. JACKSON LEE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used in contravention of the authority of the President pursuant to Article II, section 2 of the Constitution.

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

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, the responsibilities of the President and the responsibilities of the Defense Department continue in this new climate to grow. This has been a long journey in the Defense Appropriations process and amendments on the floor, and I would like to at this hour thank the chairman and the ranking member of the Defense Appropriations Subcommittee for their patience and their participation in the list of amendments that we have had the opportunity to present.

I am a member of the Homeland Security Committee. Therefore, I see a lot of the new approaches.

Mr. VISCLOSKY. Will the gentlewoman yield?

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

Mr. VISCLOSKY. I believe the committee would be delighted to accept your amendment.

Ms. JACKSON LEE. I am delighted, and I will finish up.

I thank the chairman and ranking member. The amendment deals with

countering violent extremism. I look forward to working on this issue.

Mr. Chair, I want to thank Chairman FRELINGHUYSEN and Ranking Member VISCLOSKY for shepherding this legislation to the floor and for their devotion to the security of our country and the world.

Mr. Chair, thank you for the opportunity to explain my amendment, which is simple and straightforward:

SEC. \_\_\_\_\_. Nothing in this Act shall be construed to contravene the authority of the President under article II, section 2 of the Constitution.

The purpose of Jackson Lee Amendment 177 is to affirm the President's authority under the Constitution.

Countering violent extremism and preventing the recruitment of American youth into violent extremism and preventing them from becoming foreign fighters for dangerous groups such as ISIL and other radical groups around the globe is a national imperative.

Earlier this year, I introduced the "No Fly For Foreign Fighters Act," legislation that will help keep foreign fighters and terrorists out of our country.

In introducing this legislation, I was particularly concerned about terrorist groups recruiting our youth.

In fact, I was part of a special roundtable along with DHS Secretary Johnson, in Houston, Texas on "Youth Engagement and Countering Violent Extremism."

During the discussion, Secretary Johnson and I addressed the importance of community engagement in preventing the recruitment of young Americans into terrorist groups.

The Jackson Lee Amendment will help to prevent the recruitment of American youth as foreign fighters, a phenomenon that is unfortunately already taking root.

In March 2009, two-hundred schoolchildren in Britain (some as young as thirteen) had been identified and reported by community members—including parents, imams, and teachers—as being at risk of extremism or of being "groomed by radicalisers."

At least six boys between the ages of 13 and 16 were captured by U.S. Forces in Afghanistan in the initial fighting there.

In Iraq, U.S. forces detained more than 100 juveniles in the first year following the invasion, and more than 600 to date.

In the last few years a number of Somali-American young men have traveled to Somalia, possibly to train and fight with al-Shabaab.

At least one of these young men was killed during a suicide bombing attack in northern Somalia in October 2008, which is the first known instance of a U.S. citizen participating in a suicide attack.

Moreover, over 140 United States persons have traveled to Syria or Iraq to fight alongside ISIL, the Nusra Front, and other terrorist organizations.

Although there are no known instances of a U.S. person attempting to return from the region after participating in conflict, we must be vigilant against this prospect.

The Jackson Lee Amendment 177, seeks to protect youth and combat the actions of terrorist groups like Boko Haram and others who are using social media to bring them to their side.

The Jackson Lee Amendment is important because data shows that individuals recruited as foreign fighters from nations in Africa, Eu-

rope, and the Middle East have crossed borders and wreaked havoc and committed terrorist acts including kidnapping of youth similar to what Boko Haram has done.

Mr. Chair, the United States is committed to protecting our youth, preventing and combating violent extremism, protecting our borders and the globe from the scourge of terrorism and violent extremism.

The Jackson Lee Amendment will do just that.

Jackson Lee Amendment 177 prevents terrorism by ascertaining that American youth are not seduced into becoming terrorists.

The Jackson Lee Amendment promotes the United States military's unparalleled expertise and technological capability to combat and defeat terrorists who hate our country and prey upon our children, innocent persons, women and the elderly across the globe.

Al Qaeda, Boko Haram, Al Shabaab, ISIS/ISIL and other militant terrorists, including the Sinai's Ansar Beit al-Maqdis in the Sinai Peninsula are all global and national security threats that must be stopped.

The Jackson Lee Amendment will support the Department of Defense's efforts to prevent the recruitment of American youth into terrorism and the recovery of the still missing Chibok girls from Nigeria.

I urge my colleagues to support the Jackson Lee Amendment.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. GUINTA

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to propose, plan for, or execute a new or additional Base Realignment and Closure (BRAC) round.

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

The Chair recognizes the gentleman from New Hampshire.

Mr. GUINTA. Mr. Chairman, I rise today to offer my amendment to the Defense Appropriations bill to prevent any funds from being used to conduct a new round of military base closures through a process known as Base Realignment and Closure, also known as BRAC.

While President Obama continues to discuss the possibility of another round of BRAC as a way to reduce defense spending, we know all too well the negative impacts closing military bases have on our communities, States, national security, and military preparedness.

For more than 200 years, the Portsmouth Naval Shipyard has provided thousands of Granite Staters with jobs and contributed millions in revenue and military equipment for the United States Navy.

Today, Portsmouth Naval Shipyard has roughly 100 naval officers and enlisted personnel assigned to the facility. In addition, the shipyard employs roughly 4,700 civilian employees and offers an active apprentice and engineer recruitment program in the communities surrounding the facility. This base is more than just helpful to our local economy and our military readiness. Portsmouth Naval Shipyard is absolutely essential to New Hampshire. Portsmouth Naval Shipyard is one of only four shipyards remaining in the country. Each of these facilities has a mission to overhaul, repair, and modernize our Nation's submarine fleet. These services are vital toward maintaining fleet readiness.

I urge my colleagues to vote "yes" on this amendment to show our unwavering support for our men and women in arms.

I reserve the balance of my time.

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

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

Mr. VISCLOSKY. Mr. Chairman, while I claim the time in opposition to the amendment, I wouldn't express it, if you would, that I will oppose his amendment, but I do want to express some very serious concerns.

The concern I have is that we do need to begin to think about future budgets for the Department of Defense; and as I have mentioned repeatedly tonight, we are going to have to start making some hard decisions, and changes will have to be made and cuts will have to be made. I am very concerned about Congress' continued failure to confront the challenges that we face at the Department of Defense and simply saying no, no, no, and that we shouldn't even consider any possible changes.

The Department of Defense has continuously proposed significant initiatives to provide for future flexibility to meet our national security strategy, and Congress has said no, no, no. I simply do not think we should foreclose any options to consider in order to possibly, God forbid, save money in the outyears.

A BRAC round is a reasonable approach that provides Congress a chance to say yes or no, and I would make the observation again that we have got to stop saying no to everything that the Department of Defense considers. In this case, I am not even aware there is a proposal for a BRAC, but let's say no anyway. I think we have to stop doing it.

I yield back the balance of my time.

Mr. GUINTA. Mr. Chairman, I certainly appreciate the gentleman's concerns. While I certainly hope that there is no BRAC round, there are concerns expressed by Members relative to the President's comments in this area as a method of reducing defense spending.

We have gone through sequestration. I have seen firsthand the concerns ex-

pressed by the civilian employees at the Portsmouth Naval Shipyard. They are the best and the brightest in the business, and I feel very strongly that this is important to New Hampshire and important to the defense of our Nation.

I certainly share the concern and welcome the opportunity to look at the Department of Defense to try to find efficiencies and effectiveness to make sure that our men and women are properly prepared, but I feel that a BRAC realignment would be inappropriate at this time. I hope that Members would support this amendment.

I thank Chairman FRELINGHUYSEN and the rest of the committee for their hard work on this legislation.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Hampshire (Mr. GUINTA).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MASSIE

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

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

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

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

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

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

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

There was no objection.

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

The Chair recognizes the gentleman from Kentucky.

Mr. MASSIE. Mr. Chairman, the American people don't want to be spied

on by their own government. Our Founding Fathers included the Fourth Amendment for a reason: to require probable cause and a warrant before the government and government agents can snoop on anyone.

During the 113th Congress, the House of Representatives passed the bipartisan amendment I am offering today by a 293-123 vote. This year, our bipartisan group is reuniting once again to shut down unconstitutional surveillance that does not meet the expectations of our constituents or the standards required by our Constitution.

Our amendment shuts one form of backdoor surveillance by prohibiting warrantless searches of government databases for information that pertains to U.S. citizens.

The Director of National Intelligence has confirmed that the government searches vast amounts of data, including the content of emails and telephone calls without individual suspicion or probable cause.

□ 0120

At this time, I submit for the RECORD a letter from the Director of National Intelligence, which confirms this warrantless spying.

DIRECTOR OF NATIONAL INTELLIGENCE,

*Washington, DC, March 28, 2014.*

Hon. RON WYDEN,

*U.S. Senate,*

*Washington, DC.*

DEAR SENATOR WYDEN: During the January 29, 2014, Worldwide Threat hearing, you cited declassified court documents from 2011 indicating that NSA sought and obtained the authority to query information collected under Section 702 of the Foreign Intelligence and Surveillance Act (FISA), using U.S. person identifiers, and asked whether any such queries had been conducted for the communications of specific Americans.

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

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

Sincerely,

JAMES R. CLAPPER.

Mr. MASSIE. Mr. Chairman, the Director of the FBI has also confirmed that he uses the information to build criminal cases against U.S. persons, but the Director of National Intelligence and the FBI are not above the Fourth Amendment, and this practice should end.

At this time, I yield 1½ minutes to the gentlewoman from California (Ms. LOFGREN), my colleague.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding in

support of the Massie-Lofgren amendment.

As mentioned, the declassified FISA court decision has indicated that substantially more warrantless communications are collected through 702 than 215.

We had a bill up to recently, the USA FREEDOM Act, that alleged that we were stopping bulk collection, but we didn't. During the markup of that bill in the Judiciary Committee, we offered this amendment; and everyone on the committee, including the chairman of the committee, said they were for this provision, but it wasn't the right time. Well, this is the right time.

That is why we have this broad support. It is the Massie-Lofgren-Sensenbrenner-Conyers-Poe-Gabbard-Jordan-O'Rourke. It is broad; it is bipartisan. It is supported by groups like the American Civil Liberties Union, as well as the Campaign for Liberty, Demand Progress, as well as FreedomWorks. This has broad bipartisan support.

The American people deserve this. When we have an interest in querying the 702 database for American citizens, get a warrant. That is what the Fourth Amendment requires.

Finally, this closes the opportunity to require backdoors on technology. As has been mentioned earlier by technologists and scientists, to do that just opens a door wide open for the bad guys and the hackers to break in.

Mr. MASSIE. Mr. Chairman, as my colleague stated, my amendment also prohibits NSA and the CIA from placing backdoors into commercial products.

This is important because, in December of 2013, it was reported that a U.S. security company had received \$10 million from the NSA to use a flawed encryption method. Our government should strengthen technology that protects our privacy, not take advantage of it.

At this time, I reserve the balance of my time.

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

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

Mr. FRELINGHUYSEN. Mr. Chairman, this amendment restricts the use of section 702 of FISA, which is not currently up for reauthorization.

The law does not sunset until December of 2017. Any reform to this authority should be fully vetted by the authorizing committees and not inappropriately attached to our spending bill.

This amendment would impose greater restrictions on the intelligence community's ability to protect national security and create an impediment to our government's ability to locate threat information already in our government's possession. Such an impediment would potentially put American lives at risk of another terrorist attack.

Colleagues, the House recently passed H.R. 3361, the USA FREEDOM Act, with overwhelmingly bipartisan

support. It was signed into law last week. This amendment seeks to relitigate an issue fully litigated in the drafting of that legislation. A similar amendment was offered and rejected by the House Judiciary Committee during its markup of that bill.

The USA FREEDOM Act does include two reforms related to section 702 collection. These were reforms properly considered during the authorization process, not slapped on an appropriations bill without consideration and deliberation.

The first limits the government's use of information about U.S. persons that is obtained under section 702 that the FISA court later determines to be unlawful. The second provision requires the Director of National Intelligence to report annually the number of U.S. person queries under section 702.

Under current law, a U.S. person can only be the target of an intelligence gathering under FISA pursuant to an individualized court order based upon probable cause. The intelligence community is allowed to query communications it legally collects from foreigners for information about a U.S. person, so long as the query itself has foreign intelligence value.

This is no different from traditional criminal law. If the government has a legal wiretap on a drug dealer's cell phone and records a conversation where a second drug dealer talks about committing a murder, police can use that phone call as evidence against a second drug dealer in a murder trial. What matters is that the initial wiretap—or, here, the initial targeting of the foreign terrorist—was legal.

Colleagues, this is an issue critical to our national security, and it is complicated. Any changes to section 702 should be fully evaluated and voted on using the authorization committee process, which is the appropriate channel for considered review and debate on this critical issue.

Unfortunately, this amendment has not benefited from the work of the authorization process and would potentially put American lives at greater risk for another terrorist attack. That is not a risk many of us or certainly I am willing to take.

For this reason and many others, I strongly oppose this amendment, and I urge my colleagues to do the same.

I yield back the balance of my time.

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

The Acting CHAIR. The gentleman from Kentucky has 1½ minutes remaining.

Mr. MASSIE. At this time, I yield 45 seconds to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I thank the gentleman for yielding.

The unclassified FISA court reported that the 702 search had, in fact, scooped up vast amounts of wholly domestic information. How does this work?

The upstream communications are tapped into by the NSA. In the digital

world, your digital information, your domestic information is stored throughout the world. It is scooped up, and it is used.

The FBI has indicated it is used and the DNI has indicated it is used for wholly domestic purposes without a warrant routinely thousands, tens of thousands of times. It is in violation of the Fourth Amendment, and it must stop.

I would just say, on the Judiciary Committee, every member of the committee who declined to support this amendment said they were for the amendment and said we should offer it to the DOD appropriations bill.

Mr. MASSIE. Mr. Chairman, now, it has been said here tonight that this is not the time or the place to address these problems with 702, but, look, we have a constitutional crisis, and this was the excuse we were given in the Judiciary Committee when my colleague tried to get the amendment allowed there.

It was the same excuse I was given in the Rules Committee when we had an opportunity to address this, and I would maintain that 2017, 2 years from now, is too long to go in this constitutional crisis situation where we recognize something that illegal and/or unconstitutional is occurring; yet we don't do anything about it. This is the time to do something about it; this is the place to do something about it.

I urge my colleagues to vote for this amendment, and I yield back the balance of my time.

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

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

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

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

AMENDMENT OFFERED BY MRS. ELLMERS OF NORTH CAROLINA

Mrs. ELLMERS of North Carolina. Mr. Chairman, I have an amendment at the desk.

Mr. FRELINGHUYSEN. Mr. Chairman, I reserve a point of order on the gentlewoman's amendment.

The Acting CHAIR. A point of order is reserved.

The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used to deactivate the 440th airlift wing, or to move the personnel or aircraft of the 440th airlift wing, or to otherwise degrade the capabilities of the 440th airlift wing.

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

The Chair recognizes the gentlewoman from North Carolina.

□ 0130

Mrs. ELLMERS of North Carolina. Mr. Chairman, I rise today to continue my fight against the Air Force's misguided decision to shutter the 440th Airlift Wing.

As I have stated time and time again, the removal of the 440th Airlift Wing at Pope Army Airfield injects avoidable and unreasonable risks to our military readiness. Given the instability and uncertainty in the Middle East and around the world, I find it baffling that the Air Force has chosen to close such an efficient airlift wing that provides critical training to special operations forces and units such as the 82nd Airborne's Global Response Force.

I have failed to see the true cost savings and any benefits associated with this shortsighted proposal, and I will continue working with my colleagues to pursue every option possible in order to prevent the closure of the wing. Furthermore, I find it troubling that the Air Force has made a concerted effort to hollow out this wing before allowing congressional efforts to come to fruition.

Mr. Chairman, I simply lack the confidence that there will be no negative impacts to the training of Fort Bragg paratroopers and special operations forces. I will, therefore, continue to work with my North Carolina colleagues to prevent its closure.

I believe that this is a necessary effort to preserve the 440th Airlift Wing because of the vital and unique training mission that it has at Fort Bragg with our paratroopers. Our paratroopers have to be packed and ready at any given moment for their Global Response Force. I have paratroopers who simply live day-to-day, ready to leave at a moment's notice—within hours—around the world.

I believe that this is, again, a shortsighted, myopic decision on the Air Force's part, and I believe we need to be protected.

I reserve the balance of my time.

POINT OF ORDER

Mr. FRELINGHUYSEN. Mr. Chairman, I insist on my point of order.

The Acting CHAIR. The gentleman will state his point of order.

Mr. FRELINGHUYSEN. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law, and it constitutes legislation on an appropriations bill. Therefore, it violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriations bill shall not be in order if changing existing law."

The amendment requires a new determination.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

If not, the Chair will rule.

The Chair finds that this amendment includes language requiring a new determination by the relevant Federal official of which actions would degrade given capabilities.

The amendment, therefore, constitutes legislation in violation of clause 2 of rule XXI.

The point of order is sustained, and the amendment is not in order.

AMENDMENT OFFERED BY MR. ROHRABACHER

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_ None of the funds made available in this Act may be used to provide assistance to Pakistan.

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

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of my amendment to H.R. 2685, which would prevent any funds in this bill from being provided to Pakistan.

Over the last 15 years, the United States has provided Pakistan with over \$25 billion, the vast majority of which has gone to its military and security services. With this money, which we are giving them at a time when we are borrowing hundreds of billions of dollars, Pakistan is using it to subsidize terrorists, some of whom are targeting Americans.

Just as bad, our largess enables Pakistan to repress its own citizens. Our military aid is being used to murder and brutalize the Baloch and Sindhi peoples, who are citizens of Pakistan. The Baloch people are being slaughtered as part of a campaign by Pakistan, in partnership with China, to steal the natural resources of the Baloch people. With our money, the Pakistanis are, in fact, murdering and repressing their own people, and they are aggressing upon their neighbors in Afghanistan and in India.

They also have, as we have heard, a much hyped cooperation against terrorism. I would suggest to my colleagues that this is a charade. This is the same Pakistan establishment that gave shelter to Osama bin Laden for years—Osama bin Laden, the mass murderer of Americans on 9/11. The establishment of Pakistan gave him shelter and gave him a place to hide all of those years, making a fool out of us as we provided them money.

In case there is any doubt that they knew about Osama bin Laden's hiding next-door, they rubbed our noses in their arrogance and hostility when they arrested Dr. Afridi, the Pakistani doctor who helped us find Osama bin Laden and bring him to justice. As we talk tonight, Dr. Afridi still painfully languishes in a Pakistani dungeon. While Dr. Afridi is imprisoned, Paki-

stan should not get 1 cent of aid from our country. This is an insult to us, and it is an insult to the victims of 9/11 that we are even considering giving money to the country which hid Osama bin Laden from us, much less giving them borrowed money, perhaps, from China.

Now we see we borrow money from China and give it to Pakistan, which then gives it to China. In exchange, of course, China is getting the natural resources of Pakistan, of the Baloch people, and they are, in fact, getting a pork facility in Qatar.

Our aid to Pakistan does not make us safer or the world more peaceful. The Pakistanis and other enemies of ours see it as a weakness on our part. This payoff we hope, of course, will bring more peace and will pay the Pakistanis off. No. It emboldens the Pakistani establishment in their criminal violence against their own people and in their destabilizing violence against Afghanistan and India. Let us note: if we want to have a peaceful situation in Afghanistan someday, we cannot keep subsidizing the ISI and the military in Pakistan, which is primarily responsible for that mayhem that is going on in Afghanistan.

□ 0140

The people of Afghanistan know that, and our own specialists know that. We are just hoping if we pay people off, things will settle down. It hasn't accomplished that mission. We have emboldened our enemies by being stupid by giving money to a country like Pakistan, which obviously hates our guts, when they hide the man who murdered thousands of people on 9/11 and then suggest they didn't know it, and then arrest the person who helped us find that murderer.

I would ask my colleagues to join me in prohibiting any more of our money—especially borrowed money, as we are borrowing it today—from going to these people in Pakistan, the leadership who are committing crimes against us.

I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT OFFERED BY MR. NUGENT

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. \_\_\_\_ None of the funds made available by this Act may be used to retire conventionally armed air launched cruise missiles (AGM-86 C/D).

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

The Chair recognizes the gentleman from Florida.



Mr. NUGENT. Mr. Chairman, I offer a very simple amendment that would help keep America's strategic forces strong and robust. My amendment would make sure that the U.S. Air Force keeps the air-launched cruise missile in their arsenal. That is the AGM-86 and its variants C and D.

The replacement missile, which I agree needs to happen, the long-range standoff weapon, has faced continuous delays. At this point, the replacement missile still remains years and years away from fielding.

I would like to applaud Chairman FRELINGHUYSEN and the committee for taking action in light of the numerous setbacks and delays of this program by appropriately rephrasing funds in the underlying bill.

With such development uncertainty, I am disappointed to say that further delays are almost guaranteed.

In this high-threat environment, with heightened Russian aggression, their violations of the INF Treaty, which are now public, and also hostile Chinese adventurism in the South Pacific, we need to ensure that this Nation's defense is without a gap.

We simply can't afford to take these weapons out of the arsenal at this current moment until a replacement is up and operational. It is critically important that we maintain our existing inventory.

Mr. FRELINGHUYSEN. Will the gentleman yield?

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

Mr. FRELINGHUYSEN. Mr. Chairman, I would like to thank the gentleman from Florida for yielding.

Let me say, we admire his strong conviction and advocacy for this program. We are prepared to accept his amendment with the understanding that we will need to study and discuss it with the Air Force to understand its full impact.

Mr. NUGENT. I absolutely appreciate the chairman doing that and would love to work with him.

Mr. FRELINGHUYSEN. I thank the gentleman.

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

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FORBES

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

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

Sec. \_\_\_\_ (a) Notwithstanding section 8005 and 9003, of the unobligated funds authorized to be appropriated in fiscal year 2016 and made available in this Act, \$3,500,000,000 is available to transfer to the National Sea-Based Deterrence Fund established by section 2218a of title 10, United States Code, as authorized by subsection (b) of section 1022 of Public Law 113-291.

Mr. FORBES (during the reading). Mr. Chairman, I ask unanimous con-

sent that we waive the reading of the amendment.

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

There was no objection.

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

The Chair recognizes the gentleman from Virginia.

Mr. FORBES. Mr. Chairman, this is the second part of a two-part amendment that deals with the sea-based deterrence fund. We began this 4 weeks ago when the Armed Services Committee put in this fund. We, at that particular point in time, transferred \$1.4 billion to the fund. In addition to that, we gave authorities for additional moneys to be transferred by the Department of Defense. Four weeks ago, we had 375 Members who voted in favor of that provision. When it was challenged on the floor a few hours ago, we had 321 Members who have supported that. All of the same individuals are supporting this fund that did so earlier.

I could repeat all that, but we have already done that, so I would just say all of the arguments we had earlier and all of the people who supported it then continue to support it now. I hope the will of the House will prevail and that the amendment will be accepted. If not, I hope it will be adopted by the House.

I yield back the balance of my time.

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

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. FORBES) having assumed the chair, Mr. BOST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2685) making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

#### APPOINTMENT OF MEMBERS ON THE PART OF THE HOUSE TO THE UNITED STATES GROUP OF THE NATO PARLIAMENTARY ASSEMBLY

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 1928a, and the order of the House of January 6, 2015, of the following Members on the part of the House to the United States Group of the NATO Parliamentary Assembly:

Mr. LARSON, Connecticut  
Mr. DAVID SCOTT, Georgia  
Ms. FRANKEL, Florida  
Mr. CONNOLLY, Virginia

#### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 611. An act to amend the Safe Drinking Water Act to reauthorize technical assistance to small public water systems, and for other purposes; to the Committee on Energy and Commerce.

S. 653. An act to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act; to the Committee on Natural Resources.

#### ADJOURNMENT

Mr. FRELINGHUYSEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 48 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, June 11, 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:

1772. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Michael T. Linnington, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

1773. A letter from the Acting Assistant General Counsel for Regulatory Services, Office of the General Counsel, Postsecondary Education, Department of Education, transmitting the Department's final rule — Final Priorities, Requirements, Definitions, and Selection Criterion — First in the World Program [Docket No.: ED-2015-OPE-0001; CFDA Nos.: 84.116F and 84.116X] received June 8, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

1774. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Office of Energy Efficiency and Renewable Energy, Department of Energy, transmitting the Department's final rule — Energy Conservation Program: Clarification for Energy Conservation Standards and Test Procedures for Fluorescent Lamp Ballasts [Docket No.: EERE-2009-BT-TP-0016] (RIN: 1904-AB99) received June 8, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1775. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Listing of Color Additives Exempt From Certification; Synthetic Iron Oxide; Confirmation of Effective Date [Docket No.: FDA-2013-C-1008] received June 8, 2015, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1776. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Postmarketing Safety Reports for Human Drug and Biological Products; Electronic Submission Requirements; Delay of Compliance Date; Safety Reporting Portal of Electronic Submission of Postmarketing Safety