

They also don't tell you about rich people, who the other side is always concerned about, who could use tax credits and get a lot more money for their tax credits because they are at a higher tax rate than others. So, in essence, they are going to get more out of this.

What we ought to be doing—it is what this alternative budget is about—is trying to create jobs, jobs for people in infrastructure, construction jobs for people out there in middle America.

America used to be first in infrastructure, and now we are 28th in infrastructure. We need to have an infrastructure that gets goods to market and goods to the public for sale. That helps create jobs further. Jobs is what is important, and it is where America used to be first—in infrastructure jobs.

America has always been last in health care. We were the only industrialized country in the world without a national healthcare policy, and the Republicans never wanted a national healthcare policy until now.

So the Affordable Care Act did good because it woke the people up on the other side of the aisle to the fact that we needed to have a policy to make sure people got health care because they have never, ever cared about it.

Teddy Roosevelt cared about it in their party. Richard Nixon cared about it in their party. Mitt Romney cared about it in their party. But they were mute. They didn't say a word about it. All of a sudden—because they found something they thought is good.

Two-thirds of the people in Tennessee like the Affordable Care Act. Don't repeal it.

Pass this alternative budget and create jobs.

Mr. YARMUTH. Mr. Chair, I yield 2 minutes to the gentleman from Pennsylvania (Mr. BRENDAN F. BOYLE), a new member of the Budget Committee.

Mr. BRENDAN F. BOYLE of Pennsylvania. Mr. Chairman, it is interesting that after 6 years of the mantra of repeal and replace, here we are. And we have repeal and maybe replace at some point when we get around to it; although, that shouldn't be very surprising, considering.

What is ObamaCare?

More than 20 years ago, Senator Bob Dole, then the Republican leader of the Senate, and a group of his colleagues introduced the Republican alternative to the then-Democratic plan to expand health insurance to some 40 million Americans who didn't have it. The Republican plan hatched at the Heritage Foundation was, instead of expanding Medicare for all, let's instead create a system of taxes and tax credits where we pool all the uninsured together and we enable them to buy private health insurance on a marketplace.

Fast-forward about two decades. Barack Obama comes to the White House wanting to compromise, wanting to create a system that would disrupt the existing healthcare system as little as possible, and decides to go in this di-

rection. Then suddenly, all of those on the other side who supported that idea for two decades decided it was socialism and could not possibly be the healthcare law.

So the reason why they don't have an alternative to ObamaCare is because this is the market solution. This was the more moderate approach. This actually isn't a Big Government-run plan.

So I am extending a hand to the other side. If they really want to come up with a way to improve the Affordable Care Act, there are many of us on this side who genuinely want to work on that. I have already voted, as a Member only here 2 years, on ways we can improve the Affordable Care Act and make some modifications, the same way we have made modifications to Medicare and Medicaid many times since 1965.

Mr. Chairman, if the real intent of the other side is just to strip away health insurance to 22 million Americans, we will say "no" and continue to fight it.

□ 1345

Mr. YARMUTH. Mr. Chairman, as I said in my closing to the debate on the resolution itself, it would be wonderful if the Republicans had a plan that they could describe to the American people so that American families would know what would be in their healthcare future. It would also be nice if they would wait to repeal the Affordable Care Act until they could do that. I think the American people expect it. The poll I mentioned from Kaiser, 82 percent of the people preferred to go in that direction. Let's find out if there is a better way.

I have said many times in public the reason there has been no Republican alternative to the Affordable Care Act is because there really are only two alternatives: one is to go back to the era in which insurance companies decided who lived and died, and the other one is to go to single payer, something like Medicare for everyone. I would love to discuss that option. I think it would be immensely popular in this country. But, instead, Republicans come up with ideas that are drifting in the other direction, again, back to not patient-centered care but back to insurance company-centered care.

The important thing today is that we have an alternative here through which we can actually do something constructive for the American people, something that will help the economy, something that will make vital investments in our Nation and the future economy instead of putting the country's healthcare system at risk. That is what this amendment does. That is why I introduced it, and that is why I urge my colleagues to support it.

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

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

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

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

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

Mrs. BLACK. 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. WOMACK) having assumed the chair, Mr. HULTGREN, Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (S. Con. Res. 3) setting forth the congressional budget for the United States Government for fiscal year 2017 and setting forth the appropriate budgetary levels for fiscal years 2018 through 2026, had come to no resolution thereon.

PROVIDING FOR EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY

Mr. THORNBERRY. Mr. Speaker, pursuant to House Resolution 48, I call up the bill (S. 84) to provide for an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 48, the bill is considered read.

The text of the bill is as follows:

S. 84

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

SECTION 1. EXCEPTION TO LIMITATION AGAINST APPOINTMENT OF PERSONS AS SECRETARY OF DEFENSE WITHIN SEVEN YEARS OF RELIEF FROM ACTIVE DUTY AS REGULAR COMMISSIONED OFFICERS OF THE ARMED FORCES.

(a) IN GENERAL.—Notwithstanding the second sentence of section 113(a) of title 10, United States Code, the first person appointed, by and with the advice and consent of the Senate, as Secretary of Defense after the date of the enactment of this Act may be a person who is, on the date of appointment, within seven years after relief, but not within three years after relief, from active duty as a commissioned officer of a regular component of the Armed Forces.

(b) LIMITED EXCEPTION.—This section applies only to the first person appointed as Secretary of Defense as described in subsection (a) after the date of the enactment of this Act, and to no other person.

The SPEAKER pro tempore. The bill shall be debatable for 90 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

The gentleman from Texas (Mr. THORNBERRY) and the gentleman from Washington (Mr. SMITH) each will control 45 minutes.

The Chair recognizes the gentleman from Texas.

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 insert extraneous material on S. 84.

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

There was no objection.

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me get right to the heart of the matter. We have to pass this legislation in order for James N. Mattis to be able to serve as Secretary of Defense. I know of no one more respected and more admired in the field of national security today than General Mattis. It is true that this is an extraordinary thing we are doing to pass a new law to provide a onetime exception to an underlying law so that a particular individual can serve. The last time we did this was 67 years ago.

Our predecessors then faced challenging times and believed it was appropriate to go through extraordinary lengths to allow an exceptional individual, George C. Marshall, to serve as Secretary of Defense. History reveals that it was fortuitous that they chose to do so.

We face challenging times today. We live in an increasingly dangerous world, and we confront it with a military that has been significantly damaged by budget cuts and other actions. I believe it is appropriate—in fact, I believe it is necessary—for us to rise to meet the challenges of our time as our predecessors did in theirs and allow an exceptional leader to once again serve our country.

Now, there are legitimate complaints about the wording of the resolution, about various procedural flaws, and about not exempting General Mattis from the UCMJ. In that regard, let me correct something I said before the Rules Committee last night. A retired officer can be held accountable for acts after they retire, although never has that happened to someone in civilian office. But there are legitimate complaints about the President-elect's transition team refusing to allow General Mattis to come to a hearing and testify before the House even though he was very eager to do so himself.

I share all of those concerns. I think it was a mistake and shortsighted to deny the House the opportunity to question General Mattis on the issues related to this legislative exception. I think it was an opportunity to facilitate giving him a large, bipartisan vote out of this House which reflects the overwhelming bipartisan support that he has in this House.

But getting back to the bottom line, even with those concerns, we have a responsibility to the men and women who serve, and I think we have a responsibility for the safety and security of every American to see that there is a fully functional Secretary of Defense on day one of the new administration. The only way we can do that is to pass this legislation today.

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

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank the chairman, and I want to thank the members of the Armed Services Committee. I think we had a very excellent debate on this issue yesterday in committee. A lot of very well thought-out opinions on both sides were expressed in a respectful way.

I also want to thank the chairman because the second that it was said that General Mattis was going to be the President-elect's selection for Secretary of Defense, he joined me in saying that we wanted General Mattis to appear before our committee to answer our questions. This is something that has only happened twice, and the first time in 67 years; and our committee members wanted the opportunity to do our job as the House Armed Services Committee and hear from the nominee about how he felt about the civilian control of the military, which is the reason that this law was put in place back in 1947. So I thank the chairman for that. Unfortunately, it didn't happen.

The one thing I would correct, we do have to pass this piece of legislation in order for General Mattis to become the Secretary of Defense. We do not have to do it now. I will explain more on how we can do that in just a second. But the problem of where we are at right now because of the actions of the transition team, we basically, certainly on the House Armed Services Committee and, to some extent, in the full House, are being treated as irrelevant.

It was mentioned during our committee that General Mattis received an 81-17 vote on this legislation in the Senate. That is true, it was bipartisan. He appeared before the Senate Armed Services Committee. The Senate Armed Services Committee was given the respect to do their job, and they heard him, and they asked him questions. It didn't take very long. He was done by 12:30, and they voted. That didn't happen for us.

Really, it is sort of a two-step process in which the legislative branch—in this case, the House—was basically ignored and treated as irrelevant. First was in the continuing resolution that we passed to keep the government open where, with guidance from the transition team, they insisted on very specific language in the CR to set it up so that General Mattis could be confirmed, and that was stuck into the

CR. Now, we, on the Democratic side objected to a couple of things in that at the time, but those objections were ignored, and it was put in, and we were not prepared to shut down the government over this issue since it was put into the CR.

The chairman has mentioned one of the problems with it, and the biggest one, and that is in the past, in the case of General Marshall, they exempted him from this provision that retired officers are subject to the UCMJ. They did not exempt General Mattis. When we are talking about civilian control of the military, if you have a retired military officer who is still subject to military law, that, without question, blurs the line between his being a military officer and his being a civilian. It is something we easily could have fixed. But the way they wrote it into the CR there was no way for us to do that.

Then, second, and more—I can't think of the right word—second and worse, let's just put it that way, as we said, we agreed. We were going to have General Mattis come and talk to us. Both the chairman and I spoke to General Mattis on the phone. He was very anxious to come testify. In fact, 3 days ago, we noticed in our committee that we were going to have a public hearing with General Mattis before us answering our questions and addressing whatever concerns we might have. Then, the next day, 24 hours before he was supposed to appear, the transition team—and as I was led to believe, it was some low-level person on the transition team—said: Nah, we are not going to let him come.

Reporters have asked me many times: Why did the transition team do that? The best answer to that question is because they could, because they just really didn't feel like it. Some people have said: Well, it would be a lot of effort, a lot of work.

Like I said, General Mattis testified before the Senate committee. Most of us watched it on television. He was done at 12:30. We were scheduled to have him at 2:30. He could have had a nice lunch, walked over to the House, sat down for an hour, and the House Armed Services Committee could have been permitted to do its job.

The reason this is important—and I have heard for 8 years endless complaints from the Republican side of the aisle about how President Obama has ignored the legislative branch, how executive authority is making irrelevant the people's House, and how wrong that was. On a number of occasions I've actually agreed with them. I think that has happened.

But here we are before this President is even in office, at the very first opportunity, he is choosing to completely ignore us for no reason. You cannot tell me that General Mattis couldn't handle an hour-and-a-half's worth of questioning in the House Armed Services Committee. He has done it before countless times.

So what we can do and what I think we should do, what I think we should

have done at the time when the transition team called up and said that, is we should have said: Okay. We appreciate your opinion, but you need us to pass this law in order for General Mattis to be Secretary of Defense. We have been told that he is going to appear before our committee. We have told our members of the committee and everybody else that he is going to appear; and until he does, we are not going to pass that law.

Now, I am of the opinion that if we had said that, if we had shown some backbone and stood up for what is our right as the legislative body, that all of a sudden General Mattis would have been available and we could have avoided all of this.

Even today, I submit that if we defeat this bill on the floor, we couldn't get him in by January 20. I grant you that. But we are back January 23 and 24. We were scheduled to be here January 25. I gather that got canceled because the Republican retreat is going to be a bit longer than expected.

□ 1400

But we could certainly take that day back. We could wait 3 or 4 days, which I don't think would be the end of the world, and assert our authority as the legislative branch. Because, let me tell you something, if we set this precedent now, if you think President Obama exercised executive authority in a high-handed way, ignoring the legislative branch, there is every indication that President-elect Trump is going to have an even greater approach in that direction. So if we don't stand up for ourselves now, we are going to be rolled over countless.

We all want to support General Mattis. We want that bipartisan vote. The way to get that bipartisan vote is to do what we said we were going to do, have him come before the Armed Services Committee and simply address the issue we want to raise. That is why I would ask this body to reject this motion now, so that we can actually have the Armed Services Committee do its job.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. Mr. Speaker, I thank Chairman MAC THORNBERRY for yielding. I appreciate the gentleman's positive leadership as chairman of the House Armed Services Committee.

I am grateful to endorse this selection of General Jim Mattis for Secretary of Defense and, based on his extraordinary background, believe a waiver is appropriate. General Mattis' recent experience in the Middle East makes him uniquely qualified to address the threats to servicemembers overseas and American families at home. I am confident that, through his position, General Mattis will continue the great traditions of civilian control

of the military, delivering peace through strength.

My personal perspective of appreciation of General Mattis is as the grateful son of a World War II Flying Tiger who served in India and China, as the son-in-law of a Marine who received the Navy Cross for Okinawa service, as a 31-year veteran myself of the Army Reserve and Army National Guard, with four sons who have served in the military, as Army Field Artillery in Iraq, as a Navy doctor in Iraq and Italy, as a signal officer in Egypt, as an engineer in Afghanistan, and with an Air Force nephew serving in Iraq.

In his testimony before the Senate yesterday reaffirming the European Reassurance Initiative from the Baltics to Bulgaria, General Mattis spoke bluntly about the readiness crisis facing our military, and we are eager to work with him on the critical task of rebuilding our national defense to promote peace through strength.

Simultaneously, bipartisan endorsements, to me personally, from his fellow Marines confirm he is the right person at the right time.

General Mattis' swift confirmation is crucial to continuity for our ongoing military operations and protecting American families. I urge my colleagues to support the waiver for General Mattis.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. MCEACHIN).

Mr. MCEACHIN. Mr. Speaker, I rise today in opposition to this bill.

Mr. Speaker, every one of us in this body was elected to serve and represent the people of our districts. Doing our jobs means fairly and fully considering the legislation that comes before us. If we pass this measure, we will have failed to meet that incredible responsibility.

Our democracy depends, in part, on civilian control of the military. If we are going to appoint a recently retired general as the new Secretary of Defense, that decision calls for careful deliberation and informed debate.

Mr. Speaker, I hear nothing but good things about General Mattis, but the good people of the Fourth Congressional District of Virginia didn't hire me to take someone else's word for it. If we are going to waive this law that has been on the books for oh so many years, Members of this body deserve the opportunity to ask General Mattis questions, to hear his answers, and to weigh his views.

Unlike our colleagues in the Senate, Members of this body did not have the opportunity to have a full committee hearing with General Mattis. For that reason, I urge my colleagues to oppose this bill.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, the United States and our allies currently face some of the most complex security challenges in our recent history. ISIS

continues to sweep across much of the Middle East. An expansionist China continues to develop its military prowess in order to counter the United States and its allies in the region. We continue to face a nuclear threat posed by countries such as North Korea and Iran; and an increasingly hostile Russia seeks to destabilize much of Europe.

It is imperative that the Department of Defense not lose continuity in leadership, administration, and governance. General Mattis must be confirmed expeditiously. Such a lapse would create vulnerabilities in our national security strategy and would be detrimental to the safety and security of our Armed Forces.

Civilian control of military is undoubtedly crucial to the success and health of our Defense Department. This candidate's military experience alone should not bar him from serving in a civilian role as the Secretary of Defense. It actually enhances the capabilities he brings to the job. This is a unique exception for a candidate whose exemplary leadership and experience would come at a crucial time for our country and for our men and women in uniform.

I understand that many of our colleagues across the aisle are choosing to vote against a waiver for General Mattis, despite the fact that they support General Mattis himself as an eminently qualified nominee for the Secretary of Defense. That is a mistake. To do so is self-defeating.

Under these circumstances, a vote against the process by which General Mattis is nominated is, in fact, a vote against General Mattis himself from becoming our next Secretary of Defense.

I thank Chairman THORNBERRY for his leadership throughout these important deliberations and for his work for obtaining this waiver for General Mattis and for the future of the service of General Mattis to our country.

I urge our colleagues on both sides of the aisle to support S. 84.

Mr. SMITH of Washington. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Speaker, I opposed similar legislation in a markup yesterday, and I cannot support it today. My concerns are not with the exceptional qualifications and decades of honorable service of General Mattis, but I am opposed to a process that has made this House irrelevant.

We have an obligation under the law to review this nomination based on General Mattis' military service, a law that codified the principle of civilian control of the military. General Mattis agreed, and was even eager, according to the chairman, to speak before the Armed Services Committee.

The people have the right to know that the Presidential transition team blocked him from appearing. The American people, frankly, don't care

what unelected members of the transition team think and would much rather hear from General Mattis on why we in the House should grant this exception to law.

His testimony would be in all of our best interest. General Mattis could certainly start the new relationship that he has with the House Armed Services Committee, with our committee, through a thoughtful and a productive conversation on the issues.

Today we are casting off our duty and agreeing to be irrelevant. To accept this legislation without making the appropriate changes, without fully participating in this legislative process, under a closed rule, we are doing nothing to safeguard civilian control of our military. In fact, we are accepting poorly drafted language, and we are not performing proper oversight.

Why are we doing that?

Because the President-elect's transition team said so.

My colleagues have said that there is no requirement that General Mattis speak before us, but I want to say to them: Why cede our power to the Senate? Both houses of Congress have a duty here. Why let a nascent administration push us and a distinguished general around?

I will not roll over and allow the transition team to dictate the charge of the people's House. We can fix this, Mr. Speaker, and we should.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. ROGERS).

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of the rule and passage of H.R. 393, to allow retired General James Mattis to become our Nation's 26th Secretary of Defense.

First of all, I would like to say that I believe civilian control over our military is one of the pivotal principles of our Republic. This body must ensure that our military leaders remain accountable to civilian authorities lest we put our hard-won liberties at risk.

That is why, before I decided to vote for this waiver, I had to answer two very important questions. First, does the appointment of James Mattis present any threat at all to the concept of civilian control of our military?

The answer is clearly no. James Mattis has demonstrated his openness as a straight shooter throughout his long career. I am confident he will continue to candidly face the problems in the Department of Defense and be a positive force for change.

It is James Mattis' record of reform-minded openness, his scholarly understanding of history and military matters, and his almost 4-year separation from defense interests, that assures me that this waiver, as a unique measure, poses no risk to civilian control of the military.

The second question, then: Is the appointment of James Mattis worth waiving the 7-year requirement?

The answer is clearly yes. The United States Armed Forces are at a pivotal

moment in their history. After 8 years of neglect under this administration, our military has been brought to its lowest point in the past 4 decades.

James Mattis has the experience, knowledge, and leadership skills to rally the services while they rebuild for the next 4 decades. He will start on day one with a strong grasp of the challenges facing our military and with the ideas to meet those challenges. That is why I support this one-time waiver, which will allow James Mattis to serve as our Nation's 26th Secretary of Defense.

Mr. SMITH of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. ROSEN).

Ms. ROSEN. Mr. Speaker, I rise in opposition to this legislation.

In the aftermath of World War II, leaders from both parties, who many in this House revere to this day, developed the principle of civilian control of our Armed Forces and codified it into law. They had seen the rise of fascism and communism, and held this principle dear because they believed it was necessary for the safety of our democracy. It was the outgrowth of a long tradition of thinking about civil-military relations, as old as our Republic itself, going back to the Founders.

Yet, almost all of these same leaders and legislators made an exception for General George Marshall; but when they did so, they did not take the action lightly. The exception in 1950 did a number of things that this legislation does not, which my colleagues have spoken about. All are serious, but I want to highlight one.

The exception in 1950 named General Marshall by name and applied the exception only to him. This bill does not name General Mattis, and it is written more broadly. The principle of civilian control of the Armed Forces was important to the Greatest Generation and it was an exception in every sense, an exception for an exceptional individual.

This matter should not be rammed through Congress. There are serious issues to discuss. I believe civil-military relations remain vitally important to the American people and to the health of our democracy.

I believe that General Mattis is an excellent general officer. He has served our Nation well, and he will be a capable Secretary of Defense. My opposition to this legislation is not about General Mattis' capacity to serve in this role.

Mr. Speaker, I ask: Why is this legislation written so that it could apply to other individuals and does not name General Mattis and state that this is only for him?

We are being asked to rush, without conducting proper oversight, without holding a hearing, and after being prevented by an unelected transition team to hear from General Mattis himself.

This is the people's House. The House should have a proper hearing before a decision of this magnitude is made.

General Mattis should have been allowed to testify before our committee, as I am told was his desire. If today's legislation addressed these concerns, which could have been achieved, my vote would likely be different today.

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

Mr. SMITH of Washington. I yield the gentlewoman an additional 30 seconds.

Ms. ROSEN. But I cannot, given this process and this language, vote for this legislation today in good conscience.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN).

Mr. WITTMAN. Mr. Speaker, I rise in support of S. 84, a bill that would allow for General James Mattis to be considered for an appointment as the 26th Secretary of Defense of the United States.

Leading up to this vote, I have heard time and time again from my colleagues that they respect General Mattis' service to our country. I have also heard that they understand him to be an intelligent, capable leader. Some have even gone so far as to say he is a military hero. I don't doubt the sincerity of my colleagues' words. In fact, I echo them.

But for some of my colleagues, this praise for General Mattis is followed by what I believe is a flawed line of thinking. I have heard the argument that this vote we have before us today is not about General Mattis.

My friends, today's vote is clearly about General Mattis. Make no mistake, a "yes" vote today will not permanently change the requirements prohibiting the appointment of anyone inside of 7 years of Active Duty service.

□ 1415

This vote will provide a one-time-only exception for General Mattis, a man of the utmost character.

The original intent of this law was to prevent an Active-Duty servicemember from retiring and then becoming Secretary of Defense within the same Presidential administration. With President-elect Trump raising his right hand in 7 days, it is clear that General Mattis does not violate the law's original intent. The fact that we are here to deliberate this issue only proves that the nomination and appointment process works.

I am encouraged that we are having this debate today. But at the end of the day, we should not deny the best candidate to become the Secretary of Defense.

A vote of "no" is a vote against General James Mattis. I urge my fellow colleagues to join me in voting in favor of an exception for an exceptional American, General James Mattis.

Mr. SMITH of Washington. Mr. Speaker, I yield myself such time as I may consume.

This is not a vote against General Mattis. I think I made that very, very clear. I think it is very important that

the House have the opportunity to hear from him, as we said we were going to do.

Now, yes, he has appeared before the Senate. But, as all of us on the Armed Services Committee know, after the transition is over and the new Secretary of Defense is in place, one of the first things they do is come up and report the budget to us. The Secretary of Defense and the Chairman of the Joint Chiefs of Staffs will come up. They go to the Senate, too.

Are we just going to say we can watch the television? Why does he need to go to both places? Why would we bother to have him come all the way over to the House and have our members have the opportunity to ask him questions? I don't want to set that precedent.

So, as passionate as the previous speaker was, please understand—and I have expressed this directly to General Mattis—this is not a vote against General Mattis. In fact, I have said: if we have the opportunity to do our job as the House Armed Services Committee, if we simply do not roll over for the transition team, we would be more than happy to support General Mattis in a bipartisan way. We have plenty of time to do this right, instead of doing it in the rushed way that disregards the power and importance of the House Armed Services Committee.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I rise in strong support of S. 84.

Here is what I think this is about. We feel slighted. We in Congress feel slighted that the Trump administration did not deign to have General Mattis come and speak to us, the House, which is not required by any law, not required by any statute. We feel slighted.

I do feel the same way that the ranking member feels, in terms of how the administration is treating the House of Representatives and this body.

But it is times like this where we need to rise above the slights from the future Trump administration. I think there are going to be a few more. I think this future administration does not hold this body in the highest regard. That is going to become evident over the next 4 years.

I think we are going to have to take things like that as a body and do what is best for this Nation. That is why they argue with the process and that the House was slighted by the future President. I understand it. I feel that as well. But it is time for us to say: hey, we need to be above that. This is about the future of our Nation, it is about our men and women who are serving in conflict right now, under fire, and they need General Mattis as their Secretary of Defense.

For those who assert that the Marshall prohibition, which bars, in the ab-

sence of a waiver, a general from becoming Secretary of Defense, a glance at the operational chain of command is in order.

Under the U.S. Constitution and statute, the command of the Armed Forces flows from the President to the Secretary of Defense to the combatant commanders around the world. The idea that a link in the chain of commanding operations—namely, the Secretary of Defense—cannot be a military leader is nonsensical. General Mattis will bring insight to a job that no background in academia or business could ever provide.

Lastly, when I met General Mattis for the very first time, I was going to Iraq from Kuwait. We got ambushed by machine gun. I got shot in the arm. He drops into my Humvee. We pull out of the ambush area.

My convoy gets up to Dewaniya where Jim Mattis is. I had never met him. I had heard of him a little bit. I was a lieutenant in the Marine Corps. I didn't know much about much at that point. There is General Mattis in the operation center.

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

Mr. THORNBERRY. Mr. Speaker, I yield the gentleman an additional 30 seconds.

Mr. HUNTER. He turns to me and he says: Lieutenant HUNTER, good to see you. I said: good to see you, sir. I was already sweating and shaking, speaking to a one-star general officer. For a lieutenant, that could be very trying.

He said: Did you kill him? I said: Kill who, sir? He said: the guys who ambushed you. I said: no, sir. We followed procedure and drove out of the ambush area. He said: next time, son, you need to kill them.

Hearts of every single man and woman in the U.S. Armed Forces will be filled with pride when John Mattis is sworn in as the next Secretary of Defense.

Mr. SMITH of Washington. Mr. Speaker, I yield myself 30 seconds.

I have an enormous amount of respect for the gentleman from California. I have enjoyed traveling with him to Afghanistan and elsewhere.

I think what he said in the first part of his remarks was, basically, the Trump administration is going to ignore us, and we just need to get used to it. That is not my interpretation of our jobs. I think we were elected as well, particularly on the Armed Services Committee, and, in our elections, we even got more votes than our opponents. That is how we were able to get here.

So I don't think we should simply roll over for the Trump administration because that is the way he is likely to behave.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. COFFMAN).

Mr. COFFMAN. Mr. Speaker, I rise in strong support of S. 84.

If we look back at the origin of this 1947 law in the aftermath of World War II, it was really written to require, I think at that time, 10 years of separation between anybody who had served in the military and then serving as a Secretary of Defense. I think one of the core reasons for that is the fact of would there, in fact, be a bias between that military officer and their branch of service.

I think when we look at General Mattis and this waiver, that is certainly not the case. He was the combat and commander for Joint Forces Command when it was standing. The purpose of Joint Forces Command was to integrate our military together in terms of jointness. He was very successful at that. So that bias is not going to be there.

In the State of Colorado, he came out about a year ago to speak before the University of Colorado Denver to our veterans' association. I will never forget those young marines and soldiers who had served under him in combat, those junior enlisted, and how they looked up to him in a way I have never seen junior enlisted look up, in my time in the Army and Marine Corps, to a flag officer in the same way.

So I think he is going to be such an extraordinary asset to the national security of this country, and I am proud to rise in support of S. 84.

Mr. SMITH of Washington. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. KHANNA), a new member of the Armed Services Committee.

Mr. KHANNA. Mr. Speaker, I want to say what an honor it is to be on this Committee with Chairman THORNBERRY and Ranking Member SMITH and their leadership. When I joined, I was told this was one of the only bipartisan committees in the House. While we had a disagreement—and I associate myself with Ranking Member SMITH's remarks—I will say that, to me, the debate seemed civil. It seemed genuine on philosophical and constitutional principles. I am hopeful that, after this debate, we will be able to work in a bipartisan way.

I know General Mattis was out in Silicon Valley. He has tremendous respect in the Valley for dealing with issues of cybersecurity and the future of the military. I think some of those ideas can help our troops. I look forward to working on the Committee to support those initiatives.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER).

Mrs. HARTZLER. Mr. Speaker, I rise today as an advocate for the United States military and the selfless men and women who fill its ranks.

While I fully appreciate the points that my colleagues are making, this is an extraordinary time as we consider this legislation and an extraordinary man about whom we are talking.

In just 1 week, our Nation will have its new President. Precedent tells us

that we should also have the President's Secretary of Defense to step in and assume control of the Department of Defense that day, as well. Our soldiers, sailors, airmen, and marines must have their organization's leader in position. That clear and steady leadership is crucial when lives are on the line.

The state of our military's readiness, under the current administration, also merits mentioning within this discussion. Troop OPTEMPO rates are dangerously high and retention rate is low. Our aircraft are unreliable old and many maintainers are inexperienced and new. Never before have there been such extraordinary challenges to the manning, training, and equipping of our forces with limited resources.

We ask our troops to stand ready to and actively fight against a resurgent Russia, emergent China, unstable North Korea, unpredictable Iran, and widespread violent terrorism. Never before has there been such an extraordinary demand on our men and women in uniform.

These are extraordinary times with extraordinary circumstances. General Mattis is the extraordinary man who will lead the Department of Defense in the direction it so desperately needs.

For this reason, I urge my colleagues to vote "yes" on this measure.

Mr. SMITH of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. Mr. Speaker, I rise in strong support of providing a waiver permitting the nomination of General James Mattis to the Office of Secretary of Defense.

General Mattis is an exceptional warrior, strategist, and leader. At a time in which the United States faces an increasingly diverse array of threats around the globe, his unique skill set and decades of experience render him worthy of this exceptional legislation.

Civilian control of the military is a foundational underpinning of our system of government, and it is one of General Mattis' nomination strengths, not weaknesses.

Just as every one is a civilian before they join the military, they return to civilian life when they leave it. Since becoming a civilian 3½ years ago, General Mattis has thoughtfully analyzed the civilian-military relationship, co-editing an analysis of the state of civilian-military relations today. This work includes recommendations that aim to, in his words: "Ensure our military are braided tightly to our broader society in a manner that will keep alive our experiment in democracy."

Throughout his distinguished career, General Mattis has demonstrated a mastery of all aspects of American leadership on the global stage. He has a keen grasp of the value of diplomacy and has been a strong supporter of the State Department and its valuable mission.

Throughout his decades of service, he has accumulated a deep understanding of the importance of deterrence and how a well-guarded peace can prevent conflict before it begins. As a seasoned strategic thinker, he has been an incisive critic of current and serious, long-term planning for American national security that hasn't really existed.

General Mattis knows firsthand the reality of combat and the stakes involved in any decision to use military force. The United States needs a Secretary of Defense equipped to use every tool necessary to defend our Nation and defeat our adversaries.

Because of General Mattis' unique capabilities to address the multitude of threats our country faces today, I urge all my colleagues to support this legislation.

Mr. SMITH of Washington. Mr. Speaker, I would just point out that, because of the way this law is written, General Mattis actually will not be going back to civilian life after he leaves. He is still subject to the UCMJ and, therefore, is still, in some ways, a military officer while he will be the "civilian head" of the Defense Department.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman specifically for a clarity on the status of General Mattis as the legislation is written.

I think it is important, Mr. Speaker, that all of us who stand make sure the American people know of our greatest respect and honor for General Mattis. His history of service to this Nation, his tactical expertise, and his ability to acknowledge the constitutional underpinnings of which this Nation is based is without question. But we have, as my colleagues have said on the other side of the aisle, a very serious moment in history.

In the public domain is a conspicuous intrusion of Russia and the election of 2016. There is also knowledge of other areas of which they have used the cyber system for cyber warfare.

The talent of military persons is welcome, but that is the strength of this Nation: that we don't yield and bend this little book called the Constitution, which has, as I indicated, its essence being that our Nation is governed by the civilian population under principles of democracy and equality, the recognition of the three branches of government, and the separation of our military and civilian operation.

□ 1430

This waiver is extraordinary. This waiver, I believe, undermines the very sense of the freedom of our military, its ability to counsel as a separate entity, and it undermines, again, the idea that in 1947 our Congress decided to acknowledge and only waived to General Marshall because of the potential concern and catastrophe of the Korean conflict, now Korean war. It has not been done since.

So I would ask my colleagues whether or not we are going to bend—not bend the arc toward justice and recognition of the Constitution, but bend at any moment of convenience. I do not believe that this is a time in history to bend for convenience.

I believe General Mattis would agree, with his very fine record, that civilian control of the government should be superior and raise the question himself, if asked, whether or not this waiver is for this time and for now and whether or not we are in such a moment of history that that waiver needs to be granted. My view is that it does not. My view is that we should, in essence, adhere to the regularity of constitutional premise and also to recognize the well-established separation of civilian and military.

At this time, I want to thank General Mattis for his service, and I would argue that this resolution should receive a "no" vote from our colleagues in the United States House of Representatives.

Mr. Speaker, I rise in strong opposition to S. 84, which provides an exception to a limitation against appointment of persons as Secretary of Defense within seven years of relief from active duty as a regular commissioned officer of the Armed Forces so that the President-Elect can nominate Gen. James Mattis to serve as the next Secretary of Defense.

Gen. Mattis retired from active duty in 2013, which under current law, makes him ineligible for appointment as Secretary of Defense.

Civilian control of the military has been a bedrock principle of our democracy since the founding of the Republic.

That principle has served the nation well and there is no reason to depart from from 66 years of precedent in strictly protecting the American principle of civilian control over the military.

Indeed, in the history of the Department of Defense, the only Defense Secretary ever given a waiver was then-Secretary of State, General George Marshall—who was provided an individual waiver in 1950 at the height of the Korean War in a stand-alone bill approved by the Congress.

It is not the service of the individual nominated or his or her fitness to serve that is in question, but the dangerous precedent that would be set by entrusting leadership of the Department of Defense to a retired military person whose active duty military experiences have not been moderated by the tempering effect of life in the civil sector.

I urge all Members to join me in voting against S. 84.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE).

Mr. BYRNE. Mr. Speaker, I support this legislation in order to ensure General James Mattis can become the next United States Secretary of Defense. It is critically important to our military men and women as well as to the safety and security of the American people that the Trump administration has a capable, competent Secretary of Defense in place on January 20.

Our soldiers, sailors, and airmen need to know who their leader is, and we

should do everything we can to minimize any gap in leadership. General Mattis is uniquely qualified for this vital role, and his nomination has earned praise from both Democrats and Republicans, as shown by the vote yesterday in the United States Senate.

During his over 40 years of service to our country, he has consistently shown both a great appreciation for the true toils of conflict and the clear ability to defeat an enemy. That is an important balance for anyone leading our military.

Now, I know some of my colleagues on the other side have concerns about the process, but let's not get caught up in a process fight when it comes to the safety and security of the American people. The fundamental question should be: Do you or do you not support General Mattis serving as our Secretary of Defense?

Now, when I found out General Mattis would not be appearing before our committee, of course I was disappointed, but I pulled out my copy of "Meditations" by the great Roman Emperor Marcus Aurelius, which is his favorite book. He carries it with him everywhere. If you read those meditations, you know where they were written. They were written on the northern frontier of the Roman Empire where the Emperor General Marcus Aurelius spent several years to be with his legionnaires as they fought against the enemy across the line of the Rhine. In those meditations he talks about the importance of humility.

Any general who reads the "Meditations" of Marcus Aurelius consistently so that he can remember that his duty is to his soldiers and to a humility before the power that he has is someone who should be leading the Department of Defense of the United States. I have great confidence that he knows that the strength of our military lies in the men and women who fight for us.

I urge my colleagues to support this important legislation to help pave the way for General Mattis to lead our military and protect the safety and the security of the American people.

Mr. SMITH of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. RUSSELL).

Mr. RUSSELL. Mr. Speaker, what is it that objectors are truly afraid of? We hear the words "civilian control of the military" as if somehow those American citizens who have borne the brunt of service or battle are somehow no longer entitled to their citizenship, forever imprinted with some mark of Cain.

What are opponents trying to say? Is it: We are afraid of the warrior class. We are afraid they might cause a war? American battle-hardened warriors understand the need to prevent human suffering, the chaos of destroyed communities, the loss of order, the lack of public services, and carnage caused by

weapons, disease, or hopelessness. My own observation is that the greatest saber rattling often seems to occur from bloviating politicians who have never borne the sword.

What are opponents trying to say? Is it: We are afraid they might take over the government? Well, if there was ever an opportunity for that concern, it was in the 1790s. President George Washington, a general, was revered. He had appointed to his Cabinet five generals and a couple of colonels. If there was ever a time for a military takeover of the United States, it was then. Instead, George Washington relinquished the most important, powerful position in the land. He, like all warriors, understood what it meant to serve their country.

If you look at our own Secretaries of State, historically, nearly one-third had military service, with 10 obtaining senior rank. The parade of notable senior warriors serving as Secretary of State remind us that military leaders have often made the best foreign policy for our country. Why no such concerns about military takeover there? On observation, it appears as if America has a phobia of civilian control of diplomacy.

General Mattis is a warrior who will put the national security and peace of the United States above all other concerns. He will do it with humility and continued selfless service. He needs to be waivered and confirmed immediately for the good of our country.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. KELLY).

Mr. KELLY of Mississippi. Mr. Speaker, I rise today in support of the legislation that would allow General James Mattis to be allowed to serve as our Secretary of Defense.

As Members of Congress, we are sworn to uphold the Constitution and defend our country against its enemies. In order to secure our national security, we must have a seamless transition from one administration to another when it comes to military leadership. I somehow wonder which other Cabinet appointees has the House questioned, and the answer is none.

Although this requires a waiver, there is a Senate confirmation process that determines whether or not General James Mattis is the right person. I wish he would have testified in front of our committee, but there is no requirement that he testify in front of our committee. That is why we have the Senate. It is their duty to vet the candidates for these positions. It is their duty to confirm the candidates for each of the Cabinet positions, and no other member who is trying to be on the Cabinet has to come before the House and testify. I do wish General Mattis did because he would have excelled like he has done in every other thing he has done in his life.

I have concerns about the legislation undermining civilian control, also; but I also, like Colonel Russell, think that there may not necessarily be the need for that. Even if there is, there is civilian control of the military. The President is Commander in Chief. The Secretary of Defense answers to the Commander in Chief, who is a civilian.

Some people say interservice rivalry may be the reason that they want him to stay out for 7 years. I can assure you that 30 years from today General Mattis will be as much a marine as he is today, and 7 years or 4 years or 10 years or 30 years will not prevent him from being a marine every day for the rest of his life as he was the days preceding it.

Passing this legislation ensures that our military will have a leader on the day the President is sworn in.

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

Mr. THORNBERRY. Mr. Speaker, I yield an additional 30 seconds to the gentleman.

Mr. KELLY of Mississippi. Like the Member who spoke before me—General Grant served as Commander in Chief of the Union armies and later of all the Armies of the U.S. and then was President within 4 years of having that title. General Eisenhower served as Supreme Commander and then served as President of the United States, the ultimate civilian authority. General Washington was also our first President.

I ask that we pass this legislation and that we say yes to General Mattis.

Mr. SMITH of Washington. Mr. Speaker, I yield myself 30 seconds just to say, not to be a stickler for detail, but we are actually not giving a waiver here. We are changing the law, and that is what makes this appointment different. When you confirm someone to the Cabinet, the gentleman is absolutely right, the Senate, that is their authority. It is in the Constitution. We don't get involved in that. But when you are changing a law, the House has a say in that. It is the Senate and the House.

This debate actually makes me even more strongly opposed to this bill as I continue to hear about: We just don't matter. The Senate has got it. Trump has got it. What do we need to do?

We have a responsibility as the House, and when you are changing a law, it has to go through the Senate and the House.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. GALLAGHER).

Mr. GALLAGHER. Mr. Speaker, like every marine of my generation, during my time in the Corps I gained a profound respect for General Jim Mattis as simply the finest warrior that we have produced since Chesty Puller, and much has been made in the last few weeks about his war-fighting prowess.

What commands my respect, why I rise today, and what I believe binds

Jim so closely to the hearts of everyone who has ever worn the uniform is his humility. General Mattis understands not only how to wield military power decisively but also its limits. General Mattis also realizes that the true source of our military strength doesn't come from the E-ring of the Pentagon but, rather, from the fighting spirit of the brave soldiers, sailors, airmen, and marines that are deployed right now doing a very dangerous job.

As the chairman mentioned, they deserve a Secretary of Defense on day one. With Jim Mattis as that Secretary, they will have a leader who always puts their welfare first and their mission first.

Now, I respect the concerns of my colleagues about the longstanding principle of civilian control of the military, but I know Jim Mattis personally, and I know how seriously he holds this principle as well. When I deployed to Iraq in 2007 and again in 2008, it was the words of General Mattis that reminded us that, if we ever showed contempt for civilians, we would give the enemy a victory.

So I say, for the mission's sake, for our country's sake, and the sake of men and women who have carried our colors in past battles, let's come together today in support of Jim Mattis and thereby send a signal to the world that there is once again no better friend, no worse enemy than the United States of America.

Mr. SMITH of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BACON).

Mr. BACON. Mr. Speaker, I rise in support of S. 84 today to do this one-time exception so that we can have General Mattis as our next Secretary of Defense.

Today our Nation is confronted with a complex array of transregional threats. We exist in one of the most dynamic and dangerous periods in our history, and this list of threats grow more vast and more dangerous. In the meantime, our military readiness is at dangerous lows and our modernization falls behind. Amidst these dangers, we are fortunate to be presented with a historic opportunity to select and elevate one of the most distinguished military leaders in our Nation's history to the position of Secretary of Defense.

General Mattis is many things. He is an infantry marine, a decorated warrior, an experienced combat leader, and a respected commander who has fought our Nation's wars and knows firsthand the human costs of war and the consequences of operating unguided by strategy.

James Mattis is also a strategic thinker who understands that true strength and security results from co-ordinated application of all elements of national power: our diplomatic influence, our economic wealth, our values,

and, only when absolutely necessary, our military force.

Mr. Speaker, not since George Marshall have we had a nominee whose distinguished military service record and mastery of operational art is matched by his intellectual prowess and grasp of strategy. One thing else is clear: not since General George Marshall have we needed this type of leader as our Secretary of Defense.

We need a Secretary of Defense Mattis on day one of the Trump administration. A vote "no" means we won't have him on day one. It could be day 3 or day 30.

Our men and women in uniform deserve General Mattis as their Secretary of Defense on day one. These are extraordinary times, and General Mattis is an extraordinary leader. We need him on day one. I urge support for the one-time exception.

Mr. SMITH of Washington. Mr. Speaker, I reserve the balance of my time.

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BANKS).

□ 1445

Mr. BANKS. Mr. Speaker, I rise today to express my strong support for granting a waiver for James Mattis continuing his distinguished service to our Nation as our next Secretary of Defense.

We live in deeply troubling times as America's standing in the world and our military readiness have both deteriorated significantly over the past 8 years. Whether it is only one-third of the active Army's brigade combat teams being ready for combat, or Marines being forced to pull spare parts from museum aircraft to repair their F/A-18 Super Hornet fighter jets. These are not the marks of a ready force.

This moment requires trusted leadership and someone with a genuine understanding of what is required of our brave men and women to stand ready when our Nation calls. There is no one better equipped to understand the dangers that we face, how to repair our world image, and set us on a path to rebuilding our military than President-elect Trump's nominee for Secretary of Defense, General James Mattis. General Mattis embodies all of the traits we should look for when selecting a Secretary of Defense.

As a member of the Armed Services Committee, I look forward to working with him to put our military back on sure footing and help advance our Nation toward peace and stability.

I encourage my colleagues to vote "yes" on the measure.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, I rise today in support of this legislation.

Civilian control of the military is a very important principle that has

served our country well. Current law provides that there should be a 7-year gap between military service and serving as the Secretary of Defense. This is a general rule, but we know there are always exceptions to the rule. That is what this legislation makes today, clearing the path for a retired general who has been back in the civilian world for more than 3½ years.

I support this exception because we live in exceptional times. Over the past 15 years, we have seen millions of American servicemembers deployed overseas. Thousands are still deployed. They have served well and served with courage. Many of them, and their families, have paid a particularly heavy price. More than 6,000 did not come home. Tens of thousands sustained life-changing injuries. Thousands have injuries we cannot see. Many families broke under the pressure of repeated deployments.

Retired General James Mattis, now a civilian, has been there. He has been with these soldiers. He has been with these families. I appreciate the perspective General Mattis will bring to the Defense Department and President-elect's national security team. He understands more than most in a very personal way the gravity of putting our servicemembers in harm's way. He understands the moral obligation we have to ensure that those who are sent into harm's way are properly equipped. As important, he will be able to convey to his national security counterparts the impact decisions made in Washington have on the war fighter.

General Mattis is the right person at the right time. I encourage my colleagues to support this waiver and vote for this legislation.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. DESANTIS).

Mr. DESANTIS. Mr. Speaker, I rise in support of this measure.

I think it is important to point out that when you talk about civilian control, General Mattis is, in fact, a civilian. He is not in command of any Marine divisions right now. I don't think prior military service should be held against him when he has the ability to offer additional service to the country.

I hear this argument that: Well, he is a retired general, he is subject to the UCMJ. That is not an argument that has much merit. If that were the case, you couldn't have retired military officers serve in the Congress. If they were still considered military officers, it would violate the incompatibility clause of the Constitution.

Now, this 7-year statutory restriction, I think it is understandable, but I don't think it is in any way sacrosanct. If you go back to the founding of our country, a 7-year restriction would have prevented George Washington from being the first civilian commander in chief because he had resigned his commission in 1784, he took

the oath of office as our first President in 1789. Nobody was under any illusions that he was a civilian, and he was somebody who was revered.

Now, it is true the Founders feared the civil being subordinate to the military, but that is because they thought Republican government could be overrun by a military junta. We don't have that danger here. We have a civilian President of the United States, a civilian Congress that is charged under the Constitution with providing and maintaining our Navy, with raising and supporting our armies, and prescribing rules for the regulation of the Armed Forces, and we will have Jim Mattis, who is a civilian, as a Secretary of Defense.

This man, Jim Mattis, has been a faithful servant to our country. He is also a strategic thinker, who I think can do a great job in rebuilding our military and getting our national security policy on a firmer, stronger foundation.

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

Mr. THORNBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. TAYLOR).

Mr. TAYLOR. Mr. Speaker, I rise to speak in support of General Mattis. I rise to speak to my colleagues, both Republican and Democrat. I rise to appeal to the unity of our Chamber, unity of our voice to the world, unity for our men and women who voluntarily fight on our behalf.

Less than 1 percent of this Nation has gone forth for the past 15 years, over and over, sacrificing their youth, time with their loved ones, and sometimes their lives. Imagine you are standing there next to your spouse, best friend, or battle buddy at attention, and a flag-draped coffin passes you by, carried by an honor guard dressed in impeccable military uniform. Uncontrollable tears flow around the room as a ceremonial flag is tightly folded and presented to the stoic Gold Star family. "Amazing Grace", played on the bagpipes is at once the most beautiful and the most dreadful tone you have ever heard. You yearn to hear it again, and you never want to hear it again.

Men and women like General Mattis, who have been here, understand the true costs of war. Men and women like General Mattis will think deliberately and carefully about putting the military into harm's way. Men and women like General Mattis will fight very hard to put the tools and the leadership in the hands of the military members so that they may win.

Military members, perhaps more than our civilian counterparts, understand civilian control of the Armed Forces. For in every headquarters building that General Mattis or anyone else has served, there is a prominent display of pictures of civilian leadership above military commanders.

I am not naive to the politics. I, too, believe he should have been here yes-

terday, but those opposed have made their point. We were divided yesterday, but we can unify today. I ask that you rise above politics. I ask you to support General Mattis not just with your words, but with your vote. I ask that you show the same unity military members show each other every single day. Let's give them a leader on day one.

Mr. THORNBERRY. Mr. Speaker, I would inform the gentleman that I have no additional requests for time, and I reserve the balance of my time in order to close.

Mr. SMITH of Washington. Mr. Speaker, I yield myself the balance of the time.

I thank the folks for the debate. I think it has been very good, as it was in committee. But it is disturbing to hear this described as politics, or we feel slighted and we should rise above that. This isn't what this is about. It is about our exercising our constitutional authority as Members of the House and our constitutional authority as members of the Armed Services Committee. It is about us being relevant in the process and doing our jobs, as I said in the opening.

Again, there is every opportunity to confirm and then also pass this change in the law that is necessary to make General Mattis the next Secretary of Defense. We can simply insist with the transition team that he appear before our committee. As I have pointed out, if we had done that in the first place, we could have met the January 20 deadline; and even now we could still do it by January 23 or 24. I don't think a few days would make that big a difference compared to the institution of the House actually mattering.

Now, I will say that, as I listened to the debate today, I become even a little bit more disturbed, as we have heard some of the reasoning behind supporting this change in the law to allow General Mattis to become the Secretary of Defense. As was said, basically, the Trump administration is going to do this kind of thing quite frequently, as one Member of the opposite party said, so we should just get used to it.

I really do think that makes it all the more important at this point, at this moment, that we assert our authority. Again, we can do that and have a bipartisan vote and approve General Mattis. We just have to insist upon it instead of rolling over and accepting what the transition team has said. That was my original argument. I will not belabor it or restate it. I think it is compelling. I think we should stand up for our rights here in the House and on the Armed Services Committee.

The final thing I will say is, while I have an enormous amount of respect for General Mattis—and like many who have spoken, I have not served in the armed services, I didn't work with him there, but I certainly have worked with him on the committee—I will point out

that General Mattis is not God. As we listen to the people talk here about how we absolutely have to have somebody from the warrior class lead us in the military, that we have to have him in there in order to protect us from this dangerous world, that sort of language kind of makes me a little nervous.

That is the point of civilian control of the military. We do not want to be run by the warrior class alone. Now, absolutely we have many Members on both sides of the aisle who have served in the military, and I think that is terrific. That perspective is enormously important. It is not the only perspective that is important to running a representative democracy. We have heard comparisons to the Roman Empire. Again, another analogy that is somewhat troubling. That is not what we want. But more than anything, what we don't want is we don't want a president who thinks that he can roll over the House Armed Services Committee and the entire House any time he feels like it, frankly, as in this case, for no reason.

General Mattis, as everyone has admitted, was perfectly prepared to testify, perfectly prepared to come before us, and they simply decided not to send him. I don't think it was mere pettiness or anything like that. I have watched the way President-elect Trump conducts himself, and he is, shall we say, aggressive. I think they wanted to make it clear that they are going to be running things and that we better get the heck out of the way.

Well, that is not what I was elected to do as a member of the House Armed Services Committee or a Member of the House. We are not here simply to get out of the way of President Obama or President-elect Trump. We are here to stand up for the people who elected us and for the country and to do our jobs. In this case, for no good reason, we were denied the ability to do that.

So, again, I will urge Members to vote down this bill today so that we can assert our authority, hear from General Mattis, get him approved, go forward, but do it in a way that shows that the House of Representatives and the House Armed Services Committee actually matter. We cannot set the precedent that the President of the United States can simply ignore us on a whim.

So I would urge us to vote "no" on this matter.

I, again, thank the chairman for his leadership on this. We have worked very closely on this issue, amongst many others. To echo the comments of the freshman colleague from California, this is a very bipartisan committee. It will continue to be. We have done a bill for 55 straight years, and I am hoping we will make it 56 this year. I look forward to working with Chairman THORNBERRY, all of the members of the committee, and all of the Members of the House to achieve that goal.

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

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

Mr. Speaker, I completely agree that this is a bipartisan committee. Here we have a large amount of agreement, but we have a difference of judgment on what is best for the country.

I would say to all Members: We are about to do our job, and that is vote up or down on legislation that would allow General Mattis to serve.

Now, we are not irrelevant, because if we don't vote for this legislation, he does not serve. That is what Members are elected to do: to vote. We are about to vote, and we have essentially two choices.

Mr. Speaker, as I made clear, I share many of the concerns about the process, about some of the decisions that the transition team made. There has been a lot of discussion about this setting a poor precedent; but, actually, there is only one precedent before us. That was 1950 with General Marshall. And General Marshall himself did not testify in front of the House or the Senate on the waiver legislation.

It was only after the waiver legislation was signed into law that General Marshall came to testify in front of the Senate for his confirmation hearing. But there is nothing that is different from what we are doing today from the only precedent that exists. So the notion that we are suddenly irrelevant, that we are harming the House, et cetera, I believe is mistaken.

I hope that we do not have a national security crisis on January 21 or 22, but the fact is, unless we pass this bill today, we are not able to have a Secretary of Defense on January 20. I think, given the state of the world and given a number of other factors, it is important that we do so.

□ 1500

Just two other brief points, Mr. Speaker.

The press is reporting that the White House has indicated that President Obama will sign this legislation. I hope he does. That would ensure that General Mattis, if confirmed by the Senate on January 20, will go ahead and be sworn in and take office at that point.

There are, as I have said, many concerns about how this was handled—the wording, et cetera. The bottom line, as some of my colleagues have mentioned, is that there are men and women who have volunteered to serve our Nation even at the risk of their own lives. There are Americans throughout the country who depend on those men and women to keep them safe and secure. All of them deserve to have a Secretary of Defense who is fully functional on day one of the administration. The only way that happens is to vote “yes.” I urge my colleagues to do so.

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

Mr. CONAWAY. Mr. Speaker, I rise today on this piece of legislation before us that would provide a waiver for the appointment of Mr. Jim Mattis to serve as Secretary of De-

fense. I've listened to and respect much of the conversation here today from my colleagues on the other side of the aisle. However, much of it is repetitive from a process standpoint. Nothing I've heard so far says that the commander in chief will not be president of the United States, so the ultimate civilian leadership rests with the commander and chief. He then hires someone with the advice and consent of the Senate to be the Secretary of Defense. I don't know what's magic about the requirement to wait for seven years. I've heard nothing during this process conversation on the floor today that says anyone needs a seven year detox [detoxification] program to shed themselves of all the nasty vices you get while serving in the military. We've got a general officer sitting on the front row of the Armed Services Committee; we've got a colonel sitting on the second row of the Armed Services Committee to name just a few, and no one would remotely suggest that they are more loyal to the military than they are loyal to the constituents they represent back home. So, I ask, why is five years not an appropriate length of time for a detox program? Why is three years not appropriate? Clearly, no one is going to put a uniformed officer in the position of Secretary of Defense. So as we think about the appropriate amount of time for a nominee to Secretary of Defense to have been out of the military, I've not heard the psychology behind or scientific evidence to say seven years is somehow a magic length of time.

Mr. Mattis has been out of the military for four years and I'm quite comfortable saying that he is going to be more respectful of the civilian as he approaches the job than his previous service as a military man. The conversation and debate has been high-minded and respectful and I appreciate that, but this is going to be a party-line vote. And unfortunately, you are going to send the next Secretary of Defense into his role to lead every man and woman in uniform with a split vote between the majority and minority. That does not send a very good message. I can assure you those young sergeants and E-4s and E-3s out there that are going to be asked to follow the instruction of the civilian leadership will be much more impressed if it was a unanimous vote for Mr. Mattis. So however you couch your language, I'm voting for Mr. Mattis to be Secretary of Defense today. My vote on this bill will be for Mr. Mattis to be Secretary of Defense. The process discussed now by my colleagues, I understand. You can make those arguments and you have done that very well—and I respect that. But, for me and my vote, it will be for Mr. Mattis to be Secretary of Defense.

Ms. KAPTUR. Mr. Speaker, I am deeply troubled by the majority's action this week in capitulating to the President-elect's transition team to deny the House the opportunity to hear from the esteemed nominee for Secretary of Defense, General James Mattis.

To eliminate the opportunity for the chamber closest to the American citizens, the People's House, to have a full dialogue in advance of changing a law paramount to the civilian control of the Defense Department is troubling. Rolling over a Congressional Chamber to expedite a waiver that has only happened once before denigrates the responsibilities of our representative democracy.

General James Mattis—has served our nation and the U.S. Marine Corps with distinction

in war and peace. He has earned the moniker “warrior-monk-intellectual” for his devotion to his soldiers, the library of widely ranging books he carries with him, and his lifetime devotion to the study of war.

To politicize the nomination of a great General rather than allow Congress the proper procedure to deliberate his talent and experience is a blemish to liberty.

Mr. BLUMENAUER. Mr. Speaker, today, I will vote against S. 84, the bill to exempt retired Marine Gen. James N. Mattis from the prohibition on individuals who have spent less than seven years out of uniform for appointment as Secretary of Defense. Even though he is qualified and probably the best appointee we could expect from the Trump administration, there is a reason for the law that requires a waiver. This issue should have been addressed more directly.

Civilian control of the Armed Forces is a critical cornerstone of our democracy. Regardless of the individual under consideration for such a waiver, a major departure from long-standing law merits a full conversation and discussion in Congress. I am concerned by reports that the Trump presidential transition team prevented Gen. Mattis from testifying before the House Armed Services Committee, though he was willing.

It's unfortunate that both chambers did not have the opportunity to hear from Gen. Mattis. I suspect that if the process were allowed to work, he may well have received stronger bipartisan support for the waiver.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 48, the previous question is ordered.

The question is on the third reading of the bill.

The bill was ordered to be 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.

RECORDED VOTE

Mr. SMITH of Washington. Mr. Speaker, I demand a recorded vote. A recorded vote was ordered.

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

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2017

The SPEAKER pro tempore. Pursuant to House Resolution 48 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 concurrent resolution, S. Con. Res. 3.

Will the gentleman from North Carolina (Mr. HOLDING) kindly take the chair.

□ 1501

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