

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CQ Transcriptions

June 12, 2019 Wednesday

Copyright 2019 CQ-Roll Call, Inc. All Rights Reserved

All materials herein are protected by United States copyright law and may not be reproduced, distributed, transmitted, displayed, published or broadcast without the prior written permission of CQ Transcriptions. You may not alter or remove any trademark, copyright or other notice from copies of the content.

Body

House Armed Services Committee Holds Markup On Fiscal 2020 National Defense Authorization Act

June 12, 2019 10:00 A.M.

SPEAKERS:

REP. ADAM SMITH (D-WASH.), CHAIRMAN

REP. SUSAN A. DAVIS (D-CALIF.)

REP. JIM LANGEVIN (D-R.I.)

REP. RICK LARSEN (D-WASH.)

REP. JIM COOPER (D-TENN.)

REP. JOE COURTNEY (D-CONN.)

REP. JOHN GARAMENDI (D-CALIF.)

REP. JACKIE SPEIER (D-CALIF.)

REP. TULSI GABBARD (D-HAWAII)

REP. DONALD NORCROSS (D-N.J.)

REP. RUBEN GALLEGO (D-ARIZ.)

REP. SETH MOULTON (D-MASS.)

REP. SALUD CARBAJAL (D-CALIF.)

REP. ANTHONY G. BROWN (D-MD.)

REP. RO KHANNA (D-CALIF.)

REP. WILLIAM KEATING (D-MASS.)

REP. FILEMON VELA (D-TEXAS)

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

REP. ANDY KIM (D-N.J.)

REP. KENDRA HORN (D-OKLA.)

REP. GIL CISNEROS (D-CALIF.)

REP. CHRISSY HOULAHAN (D-PA.)

REP. JASON CROW (D-COLO.)

REP. XOCHITL TORRES SMALL (D-N.M.)

REP. ELISSA SLOTKIN (D-MICH.)

REP. MIKIE SHERRILL (D-N.J.)

REP. KATIE HILL (D-CALIF.)

REP. VERONICA ESCOBAR (D-TEXAS)

REP. DEB HAALAND (D-N.M.)

REP. JARED GOLDEN (D-MAINE)

REP. LORI TRAHAN (D-MASS.)

REP. ELAINE LURIA (D-VA.)

REP. MAC THORNBERRY (R-TEXAS), RANKING MEMBER

REP. JOE WILSON (R-S.C.)

REP. ROB BISHOP (R-UTAH)

REP. MICHAEL R. TURNER (R-OHIO)

REP. MIKE D. ROGERS (R-ALA.)

REP. K. MICHAEL CONAWAY (R-TEXAS)

REP. DOUG LAMBORN (R-COLO.)

REP. ROB WITTMAN (R-VA.)

REP. VICKY HARTZLER (R-MO.)

REP. AUSTIN SCOTT (R-GA.)

REP. MO BROOKS (R-ALA.)

REP. PAUL COOK (R-CALIF.)

REP. BRADLEY BYRNE (R-ALA.)

REP. SAM GRAVES (R-MO.)

REP. ELISE STEFANIK (R-N.Y.)

REP. SCOTT DESJARLAIS (R-TENN.)

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

REP. RALPH ABRAHAM (R-LA.)

REP. TRENT KELLY (R-MISS.)

REP. MIKE GALLAGHER (R-WIS.)

REP. MATT GAETZ (R-FLA.)

REP. DON BACON (R-NEB.)

REP. JIM BANKS (R-IND.)

REP. LIZ CHENEY (R-WYO.)

REP. PAUL MITCHELL (R-MICH.)

REP. JACK BERGMAN (R-MICH.)

REP. MICHAEL WALTZ (R-FLA.)

[*]SMITH: All right. The committee will come to order. Welcome all. I believe we--yeah--yeah, we more than have a quorum here, so we are in good shape. And we will now markup H.R. 2500, the National Defense Authorizing Act for Fiscal Year 2020. My opening remarks are going to be mostly procedural, just let everyone know what's coming and how we're going to handle it. One thing off the top, we are--Mr. Thornberry and I have agreed we're going to be on the clock as well so you should start that little thing over there and I will keep--

UNKNOWN: Mr. Chairman, can you get the mic a little closer. We can't hear you.

SMITH: I'm sorry. Whenever my back goes out, it seems like the microphone requires me to be as absolutely close as is humanly possible. Welcome, as I was saying Mr. Thornberry and I have agreed to be on the clock as well. We are going to try to move through this as expeditiously as possible, but I want to emphasize one--one big point.

This--this committee, I think has an incredibly bipartisan tradition and a tradition of understanding how important it is for us to pass this bill. We work together to get that done and I know we've got a lot of work to do. We want to try to get through it but the number one most important thing to me is that we have a fair and open process on--on both sides of the aisle. This is a very bipartisan process. I want to keep it that way, which means we may disagree in the end.

I mean I think Mr. Thornberry said it best a couple years ago, you will never have a National Defense Authorizing Act we're you don't have at least a half-dozen things in it that you really don't like. It's a large bill, that's the nature of it. But I want to have open fair debate, go over the amendments. Now you have that vote and sometimes you lose that's the way it goes. But I want to make sure that the process is fair to both sides and to all members.

So if any point during the process you don't think you know what's going on, you think something's happening that hasn't been clearly explained, we will take the time and make sure that we clearly explain it and give you the chance to say your piece. Now I will say, just because you have five minutes, doesn't mean that you absolutely need to use five minutes, every single time. We have a lot of amendments. This is going to take a long time. The house floor is not cooperating because we're going to have a bunch of amendments over there as well.

So, the extent that we can move through this quickly, you to make your points quickly, that is appreciated. But not--not required. As I said, it's more important to make sure that you feel like you've had the chance to say your piece, make your arguments, and that everyone feels like the process was fair before we vote on the amendments. Now I think this is an incredibly important piece legislation, every single year and as all of you know and have heard we have passed it 58 straight years. It's not often easy but we always get it done and I'm confident we will again this year.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

And for all the different little pieces that are in this bill, the things you don't like, the things you're working on, we shouldn't lose track of the big picture. Always in this bill there are critically important things, that we all agree on. Simple fact, a 3.1 percent pay raise for the troops. If we don't pass our bill, they don't get paid. They don't get that pay raise.

We have military construction projects in here that are crucial to probably pretty much all of our districts and much of the country and just a couple of issues that I know that we're working on. Sea Power Subcommittee has 11 new ships including three submarines a year in it that are really important to our National Security on Readiness. We have provisions in there to deal with the housing crisis that I know we've all heard very much about that is affecting the quality of life for our troops to create a tenant Bill of Rights. To get those issues addressed so that our servicemembers can feel comfortable that their families are taking care of while they're doing their jobs. And there's a whole laundry list of other issues that are incredibly important.

All that set I--I know we have differences you know both on a bipartisan basis and on a partisan basis. We'll debate those differences and we'll get to, I think what a satisfactory endpoint is and create a good piece of legislation, to take care of her troops and meet our national security objectives, so. I look forward to working with all of you and with that, I will yield to the Ranking Member Mr. Thornberry, for his opening's remarks.

THORNBERRY: Thank you, Mr. Chairman and I would like to start by thanking you for all of your work to get us to this point and for what you just said about a commitment to a bipartisan fair process. Sometimes it's frustrating, sometimes it's long, sometimes it's messy, but that is democracy. I understand that transitions are not easy. That--and--and I certainly understand even after 58 straight years of getting it done that doesn't mean it's easy to pull all of this together.

And--and I want to start by--by thanking you for all that you for all that you have done to get us to this point. I also want to just take a minute to thank members. One of the advantages of sitting in one of these two seats is you get to sit through all the hearing, and all the briefings, and hear all the questions, comments, that come from members. And--and I have to say it is all--it is all just about without exception encouraging to me. Because I think we have some tremendous talent in the members who have been added to this committee. I know that there are perceptive, sincere efforts to try to understand what's best for the country and best for the troops. Some very good suggestions have been made and--and so I appreciate the--what members have done to get us to this point.

Several of us had the opportunity last week to go to Normandy for the 75th anniversary of the D-Day celebration. In between events, we had the opportunity to go to a museum, where there was a temporary exhibit of Norman Rockwell paintings focused on the four freedoms. And in just a second, I hope in that one of the posters that I've found over in the corner will come up. This is something Rockwell painted it in the midst of World War II. It says obviously Let's give them Enough and On Time. As you can see his torn shirt as he's manning his machine gun in the war. That's our job. Giving him enough and on time.

And as the chairman outlined, we have been able to do that together. I went back and did a little research. I only went back 30 years. But in 24 out of that 30 years, three members or fewer, opposed final passage of our bill. One year in 1991, there were 12 members opposed. But in the vast majority, it wasn't just bipartisan, it has been overwhelming.

And--and again, we should not take that for granted, that's not easy. That requires both sides bending, compromising, trying to find a way forward together, rather than standing on a presumably perfect bill. As chairman said, I've never been happy with any of the bills that I voted for and 25 years here, including the ones with my name. But I think the--the overwhelming desire to--to be together and what we do has overcome our differences.

I've got to confess at the beginning, I have some worry of the possibility of a partisan outcome this year. There's no surprise about some of my concerns involving topline, a lot of the strategic deterrence issues, going too far on the border, Gitmo, etc., we'll debate some of those. But I guess the real point I want to make is we have a chance to stay together. We have a chance to make this bill better. We have a chance to come up with not at 57 to 0 outcome, maybe 55 to 2 or--or something like that. And as we go through the day, I just want to encourage

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

members to bend over, lean into the ability for us to come together. This is a high calling. This has a strong tradition of doing that and I hope we can fulfill that tradition this year with our responsibility. I yield back.

SMITH: Thank you, appreciate that and I was remiss in my opening remarks. I wanted to thank the ranking member, not just for his work this year, but for his four years as chairman and he set the tone, in terms be working in a bipartisan way towards getting the bill done. So, I appreciate that working relationship a great deal.

So, before we begin, I've got some preliminary announcements. To sort of lay out the rules for how we go forward and then we will get started. The order of consideration for today's markup will follow our subcommittee structure. We'll begin with the first--the subject matter falls under the jurisdiction of the subcommittee on Tactical Error Land Forces, then on Intelligence and Emerging Threats, Sea Power, Readiness, Military Personnel, Strategic Forces, and Then the Full Committee.

If a member has an amendment that involves the jurisdiction of other committees, we request that that member before he or she offers the amendment, have a letter from the respective committee chair indicating that their waiver of that right of referral. I oppose the same requirement before including language in the underlying mark. I remind members that this approach has been the practice of the committee for many years. It is done so that we can proceed directly to the house floor, without our being sequentially referred to other committees.

Also, it is the practice of this committee that amendments involving additional spending must identify suitable offsets.

THORNBERRY: Mr. Chairman.

SMITH: Yeah.

THORNBERRY: I--after consulting carefully with the parliamentarians, it--I must object to the last sentence that you read. I do not--because they tell us if we don't object now, then there is an implied unanimous consent.

SMITH: Fair.

THORNBERRY: So, I do--I object to the last sentence that you read. I--there is not agreement on that this year. You and I have talked about a variety of the reasons for that, which we can go into as you want. But at this point I think it is essential that I lodge an objection and make it clear there is not unanimous consent for the limitation on amendments involving additional spending without suitable offsets.

SMITH: Fair enough and--and duly noted. I mean skipping through all of this traditionally any amendment that has a referral to another committee would--would cause our bill to go to that committee and we've agreed that those amendments, if we don't vote on them, there rolled out of order. Similarly, we during the entire time I've been on this committee have never accepted an amendment that did not have a suitable offset. And by suitable by the way they are--there are sort of two flavors of money on this committee. One is discretionary and one is mandatory.

So, if you offer a mandatory increase, you have to have a mandatory offset. You can't offset mandatory increases with discretionary. But basically, this is the argument over \$750 billion versus \$733 which we will have. We--we have had disagreements in the past on what the top line number is. We have never in my time on this committee allowed amendments to not have suitable offsets and it is not my intention to allow them this year.

THORNBERRY: Mr. Chairman.

SMITH: But I-- I understand the objective--objection.

THORNBERRY: And I--and I don't mean to debate it now. I just want to make it clear, in every year in the past, there has been agreement on that point. I--I--it's essential for me to put in the record now, there is not agreement on that point this year, for a variety of reasons. Which you can--we can talk about now or later if you want to. But just to clarify so that the record is clear.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Fair enough. We also must--getting back to where I'm at on my script here. Members must not offer amendments that could result in a point of order against the bill on the House floor during its consideration. Pursuant to the guidelines on submitting amendments sent to the members offices last week, we will not permit any earmarks also in the National Defense Authorizing Act. It is the chair's intention operated under the five-minute rule.

As we get late in the evening, sometimes we try to limit that more. We can have that discussion we get there. That requires unanimous consent, if we are going to get off of the five-minute rule. Without objection, members have five legislative days which--within which to submit written statements into the record, so ordered.

Before beginning with the subcommittee reports and following consultation with Mr. Thornberry, I ask unanimous consent that the provisions contained in the reports of the subcommittees, and the chairman's mark which includes full committee provisions be considered for the purposes of this markup as original tax (INAUDIBLE) H. R. 2500 and that these provisions be considered as having been read and that the bill being open to amendment at any point. Is there objection? Without objection, it is so ordered.

And without objection the chair is authorized to declare a recess at any time. We'll try to press through but will also make judgment calls about when we need to break. With that, we will proceed with the mark and first up is the Committee on Tactical Air and Land Forces and we would now receive the report of the subcommittee on tactical air and land forces pursuant to committee rules 17, and in consultation with the ranking member. We will postpone all of the recorded votes and the amendments to this particular subcommittee of our (INAUDIBLE) consideration of all amendments to this subcommittee mark have been concluded.

And let me just quick clarify a point on that. In terms of manage your schedule, believe it or not, you're not all going to sit here for the entire 15 hours that we are marking up. We hold the amendment votes until the end the subcommittee mark. There are however two set--exceptions that. If there is an amendment to an amendment, that must be taken at the time. Now, we'll try to give you a warning when that's coming up so they should make your way back here for that vote.

Second exception is if there were procedural votes, those procedural votes also happen immediately. So, you need to keep your eye out for those too, because those will happen quicker. But the amendments themselves will be held the end of the mark.

All right. I will now recognize the gentleman from--from New Jersey, Mr. Norcross, for any comments he would like to make about his mark.

NORCROSS: Thank you, Mr. Chairman. Members have before them Tactical Air and Land Forces Subcommittee Mark as well as those programs within our jurisdiction including in the chairman's mark. I'd like to start by thanking all the members for their contributions and participation in the hearings, the briefings we held this year. As well as their help--in building this package--that we have before us.

I especially want to thank the Ranking Member Mrs. Hartzler for her cooperation's in this bipartisan mark. Both her and her staff of being gracious and extremely helpful through this process and truly appreciate the commitment to continuing bipartisan tradition we probably uphold on this subcommittee. This is a shared cooperation help us focus on what is truly important that we deliver Defense Authorization Act that does as much as possible for the radius of modernization of our nation's air and land forces.

The mark before us today supports the department's budget request at the same time increasing our oversight of the department's largest, most complex, risky, and expensive program. One--specific area of interest for the committee has been the Army's massive line by line program evaluation better known as Night Court. This is the largest review the Army has ever gone through and has an impact on every member that sits here today and all those who sit in Congress. This deep dive warrants a deep thoughtful review. But being deliberate, careful, and thorough with their budget priorities today. Confidence about future strength and the ability of the Army is stronger than ever.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

That same delivered careful and thoughtful consideration was applied to our budget and the programmatic recommendations you'll see before you today. We use a \$733 billion overall discretionary budget based on sworn testimony from military officials that the \$733 is the amount that we give our forces a competitive advantage based on capabilities, development of Russia and China by 2025. In fact, the Chairman and the Joint Chief General Dunford said the \$733 is completely informed by the analysis conducted by the military, for a path of capability development.

As such our package not only improves the ability for oversight but protects the taxpayer, supports our troops, and certainly the American industrial base. The Tactical Air and Land Forces Provision, comprehensive oversight, improved weapon capabilities for peer and near-peer competitors, and addresses known and participated-unanticipated capabilities act was a significantly long-term investment to overcome.

Briefly I want to touch base on a few of these issues the subcommittee's recommendations for those programs that you have before us today. Number one. The mark provides for 12 additional F-35A Joint Strike Fighter Aircraft. At the same time, it increases the oversight of the F-35 Aircraft Modernization Block number 4 upgrade, to make sure you monitor the efforts to achieve affordable production and sustainment cost. Our objective is to ensure the programs achieve real cost savings while developing and feed--feeling much-needed fighter as both take--tactically capable and affordable.

Also, the mark fully supports the president's budget request for the F-15EX program. However, we are also recommending additional oversight by including provision that designates the F-15EX as a major acquisition subprogram requiring documentation and acquisition strategy. Our recommendation would fully fund the Marine Corps CH-53K, the King Stallion program for six aircraft. But also requires quarterly updates from the Navy on this program because of schedule cost and others. We must better understand and monitor this aircraft's technical management problems and find solutions that take into account the taxpayer.

Subcommittee we also recommends funding for advanced procurement for the CH-47F Chinook Block II program is also recommended four funding as requested for the Army Aviation program, the Blackhawk, the Apache, the Grey Eagle in the mark would require the Army to create an aviation's strategic plan and modernization roadmap that is a cohesive, achievable, and affordable long-term plan for Army aviation's.

Another major program is additional funding for the Reaper Unmanned Aerial System, U2 continues to get upgraded,

SMITH: I'm sorry. The gentle--gentleman's time has--has expired. I don't want to set a bad--

NORCROSS: Yep, so that's (INAUDIBLE) for that.

SMITH: Precedents right out the door here, so. We--all right. The chair now recognizes the ranking member on the Tactical Air Subcommittee, the gentlewoman from Missouri, Ms. Hartzler, for five minutes.

HARTZLER: Thank you, Mr. Chairman. I would like to thank Chairman Norcross for his leadership. He's been great to work with and I appreciate the spirit of bipartisanship that he has displayed in building this mark. And also, I thank all of the members of the subcommittee for their active participation this year and all the subcommittee's efforts. Also, I went to express my thanks the entire subcommittee staff for their support, their hard work throughout this process. We truly have a bipartisan staff and appreciate you.

In building the mark, the subcommittee conducted oversight on approximately \$102 billion in program budget authority for Fiscal Year 2020. I believe the subcommittee's proposals take the necessary actions to appropriately address the importance of modernization and through oversight works to ensure acquisition strategies are aligned with the National Defense Strategy.

I am especially pleased that the mark includes proposals related to Air Force Fighter Force Structure Challenges. Based on testimony before this committee by Senior Military Leaders and the Office of the Secretary Defense it appears clear to me that we will need a highly capable mix a fourth-generation and fifth-generation aircraft through

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

this decade, complementing one another in order to meet the objective--objectives of the National Defense Strategy.

The mark rightfully supports and is committed to the F-15EX and the F-35 programs, while also including the appropriate level of balanced and reasonable oversight related to both programs. These oversight proposals will provide us with the necessary information we need to help to ensure the Air Force will feel the required high low mix of fourth and fifth-generation tactical fighters. Enabling the delivery of required capacity while also continuing crucial investments needed to rapidly transition to fifth-generation capability.

The mark appropriately provides oversight on the requirements and acquisition strategy--strategies for providing critically needed vehicle active protection systems for combat and tactical vehicles. Given what we've learned from subcommittee briefings and hearings regarding current and emerging threats, specifically the proliferation of anti-tank guided missiles and rocket propelled grenades, I think the provision is needed and timely.

I'm also pleased the mark continues the committee's oversight of the department's plans and efforts to mitigate physiological incidents in Navy, Marine Corps, and Air Force aircraft and fully supports the budget request in these areas and I encourage everyone support of the subcommittee's mark. However, the question of overall funding levels this bill would provide to the Department of Defense remains a significant concern.

Senior commanders including General Dunford, Secretary Mattis, and acting Secretary Shanahan, have testified 3 to 5 percent real growth in the DOD budget is essential to maintain readiness recovery and our competitive advantage over peer adversaries like Russia and China. General Dunford further clarified stating quote we actually identified that as the minimal necessary to make sure we could do what must be done by 2025. Given these statements, I remain concerned about the overall defense top line and what impact this will have on readiness recovery. Now is not the time to go backwards.

I strongly support Ranking Member Thornberry's amendment to increase the top line, to reflect what is necessary, to continue the progress, and the process of restoring readiness for our military. This amendment takes a balanced approach in providing the necessary funding required to maintain our competitive advantage while also still ensuring accountability and oversight. I yield back. Thank you.

SMITH: Thank you. Does anyone else have for comments on the Tac Air Mark? Hearing none, we will move on to amendments and we will now consider En Bloc Package number 1 and the chair recognizes Mr. Norcross for the tedious process of reading through all of the amendments that are in En Bloc Package number 1. Mr. Norcross.

NORCROSS: Mr.--Mr. Chairman, I ask unanimous consent to call up En Bloc Package number 1 consisting of the amendments that have been worked through an improved by the minority. En Bloc Package number 1--

SMITH: So, ordered.

NORCROSS: Are we good? All right. Amendment number 28, by Ms. Speier, directing a brief on the--contributions--

SMITH: I apologize. I skipped one important part. Those amendments will now be distributed. I believe they will show up on your handy-dandy little computer there. We good? Have they been distributed? Seems like a simple question. That's a yes? Okay. The amendment has been distributed, go ahead Mr. Norcross.

NORCROSS: Amendment number 52R1, by Mr. Bacon, directing Air Force to brief on the Requirements needed to reach its goal 386 Operational Squadrons. Number three. Amendment number 111R1, by Mr. Brown, directing a briefing on Transmission of Weapons (INAUDIBLE) Number four. 137R1, by Mr. Golden, directing the secretary of the Army to brief the Military on Sheltered Systems. Number five. 181R1, by Mr. Gaetz directing a brief on the Distributed Common Ground Systems. Number six. number 198, by Mr. Mitchell, requires a briefing on Protecting Communications of Unmanned Vehicles. Number seven. 270, by Ms. Sherrill and myself, directing a brief on the Management of the Army's Ammunition Industrial Base. Number eight. The Amendment 279, by Mr. Waltz,

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

requiring a GAO report on DOD Friendly Force Identification Technologies. And number nine, 294R1, by Mr. Bergman, directing the briefing on Vehicles in Cold Weather Conditions and Regions.

SMITH: Thank you. Without objection the amendments are considered as read and the gentleman is recognized for five minutes for the purposes of explaining the En Bloc Package.

UNKNOWN: (OFF-MIC) We just--

MORAWETZ: Actually, I think we're to do that. Sorry. Does--any--any discussion on the amendments? Hearing none. Mr. Norcross, would you like to make a motion?

NORCROSS: Make a motion to approve as read.

SMITH: Is there discussion? I think I already did that. All of those in favor, say Aye.

UNKNOWN: Aye.

SMITH: All those opposed? The Ayes have it. The amendments are adopted, and I will now recognize again, Mr. Norcross, for consideration of En Bloc Package number 2 for the purposes of offering the En Bloc Amendment.

NORCROSS: I will ask unanimous consent to call up En Bloc Package number 2 consisting of amendments that have been worked and approved by the minority.

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc Amendment? Without objection, the amendments are considered as read and the gentleman from New Jersey has recognized for five minutes for the purposes of explaining the En Bloc Amendment.

NORCROSS: Comprising of the following: Number one, is 53, by Mr. Bacon, directing a report on Advanced Radiofrequency Countermeasures for Helicopters. Number two. 112R1, by Mr. Brown and Mr. Wilson, revising the direct report language for Indirect Fire Protection Capability. Number three, number 121, by Mr. Brown, requiring a briefing on F-16 Radar Upgrades for the Air National Guard. Number four. 206R1, by Ms. Slotkin, requiring a briefing on Active Vehicle Protection Systems. Number five. 271R1, by Ms. Sherrill, directing a briefing on Advanced Multi-Functional Materials and Technology. And six. number 280, by Mr. Waltz, requiring a briefing on Active Advance Hearing Protection. And number seven. 20--273R1, by Ms. Sherrill, requiring a briefing on the Development of Light Weight Ammunition.

SMITH: Is there further discussion on the En Bloc Package? Hearing none, the question is on the adoption of En Bloc Package number 2, offered by Mr. Norcross. All those in favor say Aye,

UNKNOWN: Aye.

SMITH: All those opposed? The Ayes have it. The amendment is adopted. If there are no further amendments the chair recognizes the gentleman from New Jersey, Mr. Norcross, for the purposes of offering a motion.

NORCROSS: All right.

SMITH: Just moved to adopt the--

NORCROSS: Yeah. I motion that we adopt the mark as read--

SMITH: Thank you.

NORCROSS: --with the amendments.

SMITH: Questions on the motion of the gentleman from New Jersey to adopt the subcommittee report on the subcommittee on tactical air and land forces. All of those in favor say aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

UNKNOWN: Aye.

SMITH: Opposed, no? A quorum being present the Ayes have it and the motion is adopted. Okay. (OFF-MIC) light margin tap. Yeah, right here. The committee will now receive the report of the subcommittee on Intelligence and Emerging Threats and Capabilities pursuant to Committee Rule 17, and in consultation with the ranking member we will postpone all the recorded votes on this particular pending mark until consideration of all amendments this subcommittee mark has concluded. The chair recognizes the chairman of the subcommittee, the gentleman from Rhode Island, Mr. Langevin, for five minutes for any comments you would like to make on the subcommittee mark.

LANDEVIN: Thank you, Chairman Smith and Ranking Member Thorne Mary--Thornberry, as well as Ranking Member Stefanik and Members of the--the subcommittee and the committee as a whole. I'm pleased to present the Intelligence and Emerging Threats and Capabilities Subcommittee's Portion of the Fiscal Year 2020 National Defense Authorization Act.

I want to first begin by extending my sincerest thanks and appreciation to the Ranking Member Stefanik for her outstanding bipartisanship and her support for the sound transparent collaboration between the both of us and--our subcommittee staffs as well as the members of--on the subcommittee.

I also want to thank Lindsay, Bass, Jessica, Josh, Pete, Eric, Jason, and--and Caroline, and our military legislative assistants, and fellows Lee, Jared, Courtney, and Cheryl without whom this mark would certainly not have been possible.

And let me go on by saying this subcommittee mark reflects our steadfast commitment to ensuring that the Department of Defense plans for, invests in, and matures the relevant war fighting and deterrence capabilities to maintain our technological edge, protects and secures our supply chain, capabilities information, and in postures the joint force effectively against current and future threats.

The mark maintains the budgetary top line of approximately \$51 billion within the IETC topline early to need, redundant, and unjustified request have been reallocated to invest in burgeoning requirements. For instance, \$175 million has been provided to the department for investments in next-generation information communications technology or 5G. we also increase funding for critical technologies and capabilities such as additive manufacturer, hypersonics, education programs, and top security and cyber--in the cyber workforce.

The mark also observes funding for basic and applied research both of which have been consistently underfunded by the department. We are turning that around. Recognizing the challenges of--of foreign intelligence services targeting academic institutions. We provide \$3 million for establishment of a collaborative body comprising leaders from government, science, and security agencies, universities, and industry to increase threat information sharing and address counterintelligence concerns.

Our subcommittee--hours subcommittee's oversight activities tied to--to this issue identified that universities require more robust assistance from the federal government and insight into the nature of the threats that they face in order to protect their research and intellectual property while maintaining an open and collaborative research environment. Additionally, the mark creates stronger alignment of technology the development with policy formulation to ensure smart investments and timely adoption merging capabilities. It champions improvements to the workforce and infrastructure of our DOD laboratories and promotes the diversity and representation of minorities and women in the department science and technology enterprise.

The mark also continues to support successful STEM education programs. The subcommittee also increases funding for the cyber security workforce by \$10 million. Additionally, provisions have been included to synchronize efforts and leverage best practices across the department relating to network, industrial base, military installation, and weapon system cyber security.

The mark strengthens the existing reporting requirements for sensitive military operation--operations in cyberspace to complement cyber policies and strategies recent--recently released by the department. It also establishes new mechanisms to make the existing oversight framework more robust. This includes a stronger annual reporting

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

requirement with the--the detail necessary like tools, costs, and--and authorities in order to conduct proper oversight of cyber operations. This is a--a level of detail that the committee does not currently receive. But one that is clearly necessary given the ever-increasing threat that we face in this domain.

Further, the mark also requires congressional notifications for any authorities delegated by the president to the secretary for military operations in cyberspace.

Moving on the mark continues to build on the subcommittee's previous work to ensure our special operations forces remain a professional, agile, ready force postured for high-end missions and in part by limiting their use for missions more--more aptly suited for our conventional forces. Recognizing the--the--also the tragic threefold increase of soft suicides in 2018. Additional funding has been provided to SOCOM for suicide prevention--

SMITH: And I'm so sorry if the gentleman could--could summarize. His--his five minutes are up.

LANGEVIN: Very good. I--I'm very proud of the mark that we have before us, Mr. Chairman. I--it--it--the last thing that I'll say is that it--the reestablishment of the intelligence with emerging threats and capabilities strengthens subcommittee's oversight functions to consistent application of threat security considerations across the entire year of portfolio. This is a good mark. I thank my ranking member for bipartisan support and cooperation. It's been a pleasure to continue to work with her, as well as the subcommittee members, and our staff. With that, I yield back.

SMITH: Thank you. The chair now recognizes the ranking member on the Subcommittee of Intelligence and--and Emerging Threats and Capabilities, gentlewoman from New York, Ms. Stefanik, for five minutes.

STEFANIK: Thank you, Chairman Smith. I want to start by thanking ITC Chairman Jim Langevin for his leadership and all of the members of the subcommittee for their attendance and participation in the hearings and briefings conducted this year. We have explored important issues as a subcommittee in a collaborative and bipartisan manner. I'd like to highlight three broad themes that I am supportive of within this subcommittee mark.

First. I am pleased that the mark is active in all areas of our subcommittee's jurisdiction to include the addition of intelligence oversight within the subcommittee, as was done previously in the 113th Congress. The mark continues our focus on emerging technologies including manufacturing technologies that are fundamental to our advancements and scaling of hypersonic weapons and directed energy. We included an emphasis on basic research and the important contributions that universities and Department of Defense laboratories provide to our collective national security.

I also support the emphasis on capabilities for our special operations forces including recommendations for additional funds in support of the preservation of the force and families program and as in years past we are again initiating important oversight reviews to be conducted by the Government Accountability Office in critical areas such as electronic warfare, special operations forces, cyber security, and adversarial advancements in emerging technologies.

Mr. Chairman I'm also pleased that this mark includes a provision to extend the National Security Commission on Artificial Intelligence. I sponsored section 1051 of last year's NDAA that created the commission to consider the methods and means necessary to advance the development of AI Machine Learning and Associated Technologies to comprehensively address the national and defense needs of the United States. The commission is off to a running start and frankly I have never seen a federal commission move so fast with such urgency and with tremendous backing from government and industry alike. Their forthcoming recommendations to this committee and indeed our nation will help us maintain global leadership in AI research, prepare our citizens for an AI enabled future, and ensure international competitiveness and cooperation.

As a second broad theme this subcommittee mark continues the tradition of robust and bipartisan congressional oversight of current and sensitive military operations and activities including cyber, counterterrorism, and intelligence operations. As I've said many times before continued oversight of sensitive and ongoing military operations is a central role for this subcommittee.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Many of the congressional oversight frameworks that this mark commands were put in place several years ago by then Chairman Thornberry, as well as myself, and Chairman Langevin in a bipartisan manner. So, I am pleased that we are advancing and modifying these frameworks to further enhance our strong committee oversight of the department.

And third this subcommittee mark provides a solid foundation for many of the crosscutting issues we will discuss later today: including 5G information and communications technologies, security as a function of counterintelligence, supply chain integrity, and many other important areas. Equally as important during today's full committee debate, we will discuss the overall topline funding levels that this year's NDAA will provide for the Department of Defense.

Our committee has heard from former Secretary Mattis, acting Secretary Shanahan, and senior commanders including Chairman Dunford that 3 to 5 percent real growth in the Department of Defense budget is essential to maintain readiness recovery and our competitive edge over peer adversaries such as Russia and China. I firmly believe that this subcommittee mark sets the right trajectory to support a strong defense topline, to ensure military superiority for our men and women in uniform. But to stay the course it should be reinforced with the additional funds for 5G and artificial intelligence. As called for within Ranking Member Thornberry's amendment that takes our top line to \$750 billion.

Finally, Mr. Chairman. Let me also take a moment to thank the dedicated professional staff members of our subcommittee and in particular Peter Villano, Jason Schmidt, and Eric Snelgrove, from our minority team. As well as Lindsay Kavanaugh, and the entire majority team. Thank you, again, Chairman Smith and thank you to each of my colleagues on the subcommittee for your hard work this year. This is a strong subcommittee mark and I urge my colleagues to support. With that, I yield back.

SMITH: Thank you. Are there any further discussions on the subcommittee mark? Mr. Thornberry.

THORNBERRY: Mr. Chairman, I want to take just a moment first to thank Chairman Langevin and Ranking Member Stefanik, for their work. This subcommittee is one that both you and I have chaired in the past, very challenging but they've done a very good job. I want to take a moment to just highlighted a caution for members that touches on this subcommittee and a number of other subcommittees. Later in the mark there is a mandatory saving achieved by requiring Department of Defense to move to a new Internet Protocol address. I know this is boring but just bear with me.

So, the--the old address are--are something called the Internet Protocol version 4. The new one is six. The underlying mark says you got to sell all the fours and move ever body to six and it achieves some mandatory savings by doing so. The Department of Defense says we can't possibly do that it. It require--it in--incurs security risk. There's--we have no idea about how to move, much less if there's any real savings to be achieved. I think the subcommittee did exactly the right thing by having GAO study this issue, look at how the department can move, and see what savings might be achieved.

The reason I want to highlight for members is there are a number of provisions--as--as the chairman said earlier, if you're going to spend mandatory--spend money, you got to have mandatory offsets, and this is the mandatory offset. There's a lot of mandatory spending that most of us think is a good idea, like Afghan SIVs for example, which is a challenge every year. A number of things but if the savings aren't real, then the spending can't be real.

Now we're going to work our way through this, consultant working with the department through conference. I just want people not to get too far out ahead of assuming that these say--that this is possible, and that the savings can be achieved--before we--there is the time to really understand how to get from here to there. So again, I like the subcommittee did the right thing. I just want to--express a caution because it is largely the subcommittees jurisdiction that deals with this. So, the numbers don't assume that all that spending can take place. Thank you, I yield back.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: That is a very reasonable point. We'll--we'll work together and that you know pay forwards are sometimes more of an art than a science and we do want to make sure we get them right, so will continue that discussion as we move along in the process. Any further discussion on the subcommittee mark? Mr. Carbajal.

CARBAJAL: Thank you, Mr. chair. I just wanted to take some time to thank this committee for supporting DOD academia research partnerships. DOD academia research programs provide clinical research that ultimately provide for our war fighters with the most revolutionary capabilities. Educational partnership programs and university affiliated research centers have successfully promoted university lead collaborations between universities industries and DOD to conduct breakthrough research and assess DOD in maintaining technological superiority.

These partnerships promote growing the next generation of innovators and provides an avenue for them to engage in advanced, collaborative research and innovation with the military services. Simultaneously DOD is able to transition its research into--into technologies, our war fighters need in a cost-efficient way. Advances in areas such as biotechnology, nanotechnology, and rocket propulsion will continue to play a vital role in advancing war fighters' I performance, along with sustaining our nation's technological edge.

I believe this is an area we must continue to diligently invest in and encourage my colleagues here to go and experience the incredible talent and work, the students of this nation have to offer. It is absolutely amazing. So once again, I thank this committee for providing robust support for university lead research programs, with DOD. Mr. chair, I yield back.

SMITH: Thank you. Any further comments? It is now in order to consider En Bloc Package number 1 and the chair recognizes Mitchell--Mr. Langevin, for the purpose of offering the En Bloc Amendment.

LANGEVIN: Mr. Chairman, I ask unanimous consent to call up En Bloc Package number 1. Consisting of amendments that have been worked and approved with the minority.

SMITH: Without objection, so ordered and will the clerk please distribute the En bloc amendments. I think we're all clear now these on--these amendments are showing up on your computer and being distributed. I miss the old days when like five or six interns had to jump up and pass paper out all over the place and at the end of the day, we had a stack of paper two feet high. But this is much more efficient. Mr. Langevin, you may now discuss in detail the En Bloc Amendment, Package number 1.

LANGEVIN: Thank you, Mr. Chairman. En Bloc Package number 1 is comprised of the following: Amendment number 54, by Mr. Bacon, regarding the DOD strategy to leverage AI enabled robotics in support of soft in CBR and environments. Amendment number 11--116R1, by Mr. Brown, to amend section 1603 of the NDAA for FY '14 by--extending the commercialization of dual use technologies. Amendment number 130, by Mr. Wittman, regarding the Evaluation Criteria for Chemical and Biological Decontamination Solutions Procured by DOD. Amendment number 142, by Mr. Banks, regarding the Establishment of a DOD Coordinating Office to Manage Funds and Standardized Technical Priorities for Hypersonics. Amendment number 149, by Ms. Horn, regarding the Extension of the Air Force's Workforce Development Programs to Communities Supporting Air Force Depots. Amendment number 7--78R1, by Ms. Speier, regarding the release of Joint Improvised Threat Defeat Organization Reporting to Humanitarian Demining Organizations. Amendment 180R2, by Mr. Gaetz, regarding the ability of the Air Forces Kessel Run Program to Leverage Commercial Capabilities. Amendment number 205, by Ms. Slotkin, regarding the DOD Information Operations Steering Groups Implementation Plan. Amendment number 207, by Ms. Slotkin, regarding how DOD is Incorporating Lessons Learned from the Automotive Industry for Defense Systems Development. And finally, Amendment number 208, by Ms. Slotkin, expressing support for Modeling and Simulation in the Development of--of Ground Vehicles.

SMITH: Is there any further discussion on the En Bloc Amendments? If not, the question is on the adoption of the En Bloc Package number 1 offered by Ms. Langevin. So many are as in favor will say Aye?

UNKNOWN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Opposed? The Ayes have it and the amendment is adopted. It is now in order to consider En Bloc Package number 2. The chair recognizes Mr. Langevin for the purposes of offering En Bloc Package number 2.

LANGEVIN: Mr. Chairman, I ask unanimous consent to call up En Bloc Package number 2 consisting of amendments that have been worked and improved with the minority.

SMITH: Without objection, so ordered. Will the clerk please distribute En Bloc Amendment? Without objection, the amendments are--without objection, the amendments are considered as read. And the gentleman is recognized, for five minutes, for the purposes of explaining the En bloc amendment. Would work improved with minority objections ordered the clerk please ship with the En Bloc Amendment.

LANGEVIN: Thank you, Mr. Chairman. The En Bloc Package number 2 is comprised of the following: Amendment number 233R1, by Ms. Stefanik, that provides New Personal Management Authorities to the Joint Artificial Intelligence Center to Recruit Experts in Science and Engineering.

Amendment number 234R1, by Mr. Stefanik, to enable the military services for a term of three years to use up to \$3 million appropriated for procreation for operations in maintenance to carry out cyber operation's peculiar capability development projects. Amendment number 274, by Ms. Sherrill, to establish an interagency working group to coordinate activities to--to protect federally funded R&D from foreign and interference. Amendment number 282, by Ms.--Mr. Waltz, establishing a Technology and National Security Fellowship Program within the Department of Defense to increase the number of National Security Professionals with Stemmed Degrees. Amendment number 305, by Mr. Moulton, which directs the Secretary of Defense to report on the Value and Feasibility for Expanding the Hack of a Defense Program in Support of the National Security Innovation Base. Amendment number 317R1, by Ms. Houlahan, that directs the Department of Defense to study the Cyber Security of DOD components and agencies involved in the development, storage, processing, and transmission of data related to bio threats and pathogens. Amendment number 223--323, by Ms. Houlahan, that authorizes special operations command to fund a pilot program to increase in participation by small business in the development of capabilities for special operations forces. Amendment number 361, by Mr. Thorn dairy--Thornberry, that limits the ability of the Secretary of Defense to transfer functions of the strategic capability's office to another organization or element of the department unless certain conditions are--are met. Amendment number 3785, by Mr. Kim, that authorizes additional allowances and benefits for the employees of the Defense Intelligence Agency's, a defense clandestine service. Amendment number 394R2, by Mr. Lamborn, request a report from the Undersecretary of Defense for Acquisition and Sustainment on the--the Sustainment Plan for the specialized components used to provide power and control to satellites, aircraft, and--and missiles. Amendment number 422, by Mr. Wilson, the request the Department of Defense provide briefing to the subcommittee--to this committee on advanced wireless services three auction as relates to the F-35 aircraft.

SMITH: Is there for the discussion of the En Bloc Package?

HOULAHAN: Mr. Chairman, I ask to be recognized.

SMITH: And we were doing so well. That's okay. Ms. Houlahan, please, go ahead.

(LAUGHTER)

HOULAHAN: Thank you and to the ITC leadership for support of Amendment 323. Earlier this year, I met with some of our special operations leadership and they told me about the challenges that they have faced in getting innovative technologies on contract fast enough for the war--for their war fighters. And as a member of the small business committee, I know just how important it is to SBIR and STTR and the program to be able to help our small businesses work with the government and meet emerging challenges.

This simmered--this amendment creates a pilot program that will help SOCOM spend some of its SBIR and STTR money faster so that we can bring these technologies to our special operators before they get snap up--snapped up by bigger companies. I thank you very much for the opportunity to present this a men--amendment and thank you again, Chairman Langevin and I yield back.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Thank you. Any other discussion? If not, the questions on the adoption of the En bloc package offered by Mr. Langevin. So many as in favor will say Aye.

UNKNOWN: Aye.

SMITH: Opposed? Ayes have it. The amendment is adopted, and it is now in order to consider En Bloc Package number 3 and the chair recognizes Mr. Langevin for the purposes of offering En Bloc Package.

LANGEVIN: Mr. Chairman, thank you. We will next consider En Bloc Package--let me--I'm asking you consent to call up En Bloc Package number 3 consisting of amendments that have been worked and approved with the minority.

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc Amendment and without objection the amendments are considered as read. The gentleman is recognized, for five minutes, for the purpose of explaining the En Bloc Package.

LANGEVIN: Mr. Chairman, En Bloc Package number 3 is comprised of the following: Amendment number 312R1, by Mr. Gallego, directs the Department of Defense to produce a report on the--the Benefits and Feasibility for a Center of Excellence Dedicated to Pathogen Analysis. Amendment number 463R1, by Mr. Kim, directs the--the controller general of the United States to conduct an assessment of roles, missions, and responsibilities of the office of the Under Secretary of Defense for Intelligence.

SMITH: Is there for the discussion on the En Bloc Package? Not questions on the adoption En Bloc Package number 3 offered by Mr. Langevin. All those in favor say Aye.

UNKNOWN: Aye

SMITH: Opposed? The Ayes have it. The amendment is adopted and now the chair recognizes Ms. Stefanik--well sorry. We'll now consider--we will now consider law number 232 which is an amendment by Ms. Stefanik for what purposes does the gentlewoman seek recognition

STEFANIK: Mr. Chairman, I have an amendment at the desk.

SMITH: Will the clerk please distribute the amendment? Without objection, we will dispense with the reading of the amendment. And the gentlewoman is now recognized to discuss.

STEFANIK: Thank you, Mr. Chairman. This amendment would change the name of the Undersecretary of Defense for Intelligence to the Undersecretary of Defense Intelligence and Security. This was a proposal that came over from the department, approved by the interagency, and accurately reflects the current role of the USDI as the principal advisor to the sector for both intelligence and security matters. In fact, important context for this is that this very committee led the effort--effort in the FY '19 NDAA that assigned the USDI the responsibility for the overall direction and supervision of personnel, physical, and industrial security and the protection of classified information and controlled unclassified information.

In other words, the USDI is already performing security functions at the direction of the defense committees and this amendment would simply update Title 10 to accurately reflect this. This is exactly the kind of legislative proposal that should've been included in the underlying bill and it's not clear to me why the majority chose not to include it in the bill we are marking up today. There are other good bipartisan and security-related provisions in the IETC mark that Chairman Langevin and I were able to include and given the multiple security-related incidents that have resulted in tragic loss of life, unauthorized disclosures of classified information, and acquisition of sensitive government information by foreign intelligence services. All of which have been briefed in detail to this committee. This legislative proposal seems all the more urgent to me.

I believe that all of my colleagues in the committee would agree with me that the protection of personnel, technology, and infrastructure is one of the highest priorities of the Department of Defense. The men and women in

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

uniform deserve nothing less. Members of this committee deserve the opportunity to legislate and vote whether or not a senior Department of Defense official should be held responsible for the security matters of the department.

By voting on this amendment, members would've had the opportunity to say that there should never be another Edward Snowden disclosure to cause immeasurable harm to national security and I am confident that we would all agree that there should never again allow a well-intentioned military recruitment program like the MAVNI to be exploited by hostile intelligence services giving foreign intelligence officers unparalleled placement and access that compromised our military services. And most importantly members of this committee deserve to be able to vote but there should never be another undetected insider threat like Nidal Hasan who murdered 12 soldiers and one civilian at Fort Hood Texas.

Unfortunately, since this DOD legislative proposal was not part of the underlying bill and due to a point of order, I am forced offer and withdraw. But I do want to express my sincere disappointment that we were not able to include this within the subcommittee or full committee mark despite requests to do so. Since the House Permanent Select Committee on Intelligence majority refused to provide a waiver and while I certainly understand sequential referral and the importance of waivers by outside committees. I can say as a crossover member of the HIPSC that I would've much rather have legislated on this issue in this committee on the House Armed Services Committee. Instead of seeding our jurisdiction over the Department of Defense and allowing HIPSC to object to this very reasonable legislative proposal from the Department of Defense.

Moving forward we will continue this discussion with our colleagues given the important role of security in a leading--in enabling the DOD to provide for the common defense of this nation and with that I withdraw my amendment and yield--

THORNBERRY: Will the gentlewoman yield before she withdrawals?

STEFANIK: I will yield to Ranking Member Thornberry.

THORNBERRY: Thank you. I--I--let me just say I agree completely with Ms. Stefanik's point. If--if this committee cannot rename an Undersecretary of Defense, then I think there is far too restrictive a view of sequential referral. We have exclusive jurisdiction over the organization of the department just because intelligence is in the name does not mean he goes to another committee. And I'm--I'm concerned about that and I just wanted to emphasize the point because it affects all of us and all of our ability to do things within the department. I yield back.

SMITH: Yeah. Let me just say you know that there are growing pains in terms of getting into the new majority and one of the growing pains that we have had is some of my fellow committee chairman don't necessarily understand how the sequential referral thing works in terms of our committee and I can assure you I have worked hard to try to get to an understanding with them about. It is but a more difficult process that should've been and will continue to work on that. We-- it should be easier than it is. I apologize. This one was not brought to my attention. I have had to speak to Mr. Schiff and a bunch of other people, a bunch of different things. It happened at the staff level. We're new to the majority. They don't understand exactly what is necessary in this waiver. I cannot imagine that they have any sort of big, huge substantive objection and we can talk about per--perhaps adding this on the floor and whether or not we can--can get there on that. And I'll work on this sequential referral and for the future if any of you are having any problems with sequential referral, let me know and we'll--we'll try--try to make it work better than it has.

LANGEVIN: Mr. Chairman.

STEFANIK: I appreciate the chairman's support and I look forward to having this vote on the floor, as an amendment.

SMITH: Yeah. Thank you.

LANGEVIN: Will the gentelady yield and may I be recognized?

STEFANIK: I yield, Mr. Langevin.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Actually, I--I recognize Mr. Langevin, for five minutes.

LANGEVIN: Thank you, Mr. Chairman. I--want to thank Ms. Stefanik for offering the amendment which raises many important points with (INAUDIBLE) mostly which I agree with and I hope to be able to work with you between now and when the bill goes to the floor to perhaps make the necessary changes and--and we just wanted to--because to broader understand the--the word intern security and--and what it will have jurisdiction over. But as we get those questions answered and we deal with sequential referral issue I hope that this is something that change we can make. I look forward to working with the ranking member to--to make that happen.

SMITH: Thank you. The amendment is withdrawn. If there are no further amendments, the chair recognizes the gentleman from Rhode Island, Mr. Langevin, for the purposes of making a motion.

LANGEVIN: (OFF-MIC) Mr. Chairman, I--I move to adopt the subcommittee report of the subcommittee on--Mr. Chairman, I moved to adopt the Subcommittee Report of the Subcommittee on Intelligence and Emerging Threats and Capabilities as amended.

SMITH: The question is on the motion and the gentleman from Rhode Island. All those in favor will say Aye.

UNKNOWN: Aye.

SMITH: All those opposed, no? The quorum being present, the Ayes have it. The motion is adopted and with that we move on to our next subcommittee.

The committee will now receive the report on the Subcommittee on Sea Power Projecting Forces pursuant to rule 17, in consultation with the ranking member. We will postpone all the recorded votes until the end. The chair recognizes the chairman of the subcommittee, the gentleman from Connecticut, Mr. Courtney, for five minutes.

COURTNEY: Thank you, Mr. Chairman. I am pleased to present the Sea Power and Projection Forces Subcommittee's Portion of the Fiscal Year 2020 National Defense Authorization Act to the full committee today. This year's mark by the Sea Power Panel is a continuation of many years of bipartisan work and I want to recognize and thank Ranking Member Wittman, for his unwavering commitment to strengthening the Navy, Marines, and Air Force's ability to respond to the challenges and threats of today.

As we have in previous years, we applied rigorous review and analysis to the portions of the president's budget request under our jurisdiction. The adjustments we need to get to this point are far less a reflection of any kind of cap or restriction to the defense budget. But instead applied good budget sense to save taxpayer dollars while preserving core priorities. Indeed, the Chairman of the Joint Chiefs General Dunford testified before this committee earlier this year that a \$733 billion top line is quote completely informed by the analysis that we did for the path of capability--development.

We intend to file that analysis in this committee by marking to the \$733 billion top line. This year we also benefited greatly from the input of new members of this subcommittee whose intelligence, energy, and diverse life experience contributed greatly to today's mark. The mark authorizes a shipbuilding budget of just over \$22 billion for 11 battle 4 ships including three Virginia Class submarines, three DDG 51 Arleigh Burke destroyers the first guided missile frigate, one LPD Flight II Amphibious Ship through incremental funding authority, one TAO-205 oiler, and two Towing, Salvaging, and Rescue ships.

Our subcommittee has working for the last few years to press the Navy and DOD leadership to increase Virginia Class submarine construction to address the looming shortfall in our undersea force which today stands at 51 and will be at 42 by 2026. After apposing our efforts last year, the president's 2020 budget embrace the work of the subcommittee and the full committee from last year by requesting three Virginia Class submarines. In testimony throughout the year we heard how important additional submarines above the two a year build rate would be to mitigate the submarine force structure shortfall and help to the rest the Columbia program is it ramps up production in the coming years.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Our mark authorizes the resources necessary to achieve this important goal. Our mark also explicitly rejects the president's baffling proposal to cancel the plan refueling of U.S. aircraft carrier Harry Truman. A proposal that would have squandered \$538 million of sunk refueling cost already made in a critical ship less than halfway into a service life. A plan that was not supported by the Navy's four structure assessment or statutory carrier requirements. Our subcommittee continues to address necessary reforms related to Navy collisions in the Pacific in 2017, by including a new requirement that will better align the training of our sailors and officers to receive--that they receive with systems actually installed aboard their ships.

I want to emphasize our work in a critical aspect of our nation's security. The recapitalization of Sealift and Maritime response capability. In this mark we have taken action by including a long-term reauthorization on Maritime Security Program, creating a new Tanker Security Program to help secure our nations--our military's fuel supply, in establishing a new build domestic Sealift vessel program. This mark also rejects the administration's effort to cut funding for the Maritime Academy Training Ship Program which is critical to training the pipeline of Mariners needed to support our Sealift capability.

This mark also recommends strong support for production forces per--priority such as the KC-46 Refueling Tanker and the B- 21 Long-Range Bomber. Once again, our mark also recommends expanding meter--needed propeller and propulsion upgrades for our fleet of legacy C-130 H aircraft. Despite the Air Force's frustrating unwillingness to invest in the safety and efficiency minded upgrades. As is--as is--cost congresses constitutional obligation we expanded our oversight authority over the B-1 fleet readiness, B-52 reengineering, and the new Air Force One aircraft to name just a few.

I'm also glad to see that report languages will be in this year's bill and has important provisions that will provide Maritime support to our partners around the world. Specifically, language that requires an evaluation of Ukrainian naval capabilities and how the U.S. can augment those capabilities. This kind of support is critical particularly in light of the fact that the United Nations tribunal for the law the Sea Treaty voted 19 to 1 just a couple weeks ago. Rebuking Russia's unlawful seizure of three Ukrainian naval vessels who are operating in international waters and the--continued imprisonment of 20 Ukrainian sailors in a Moscow prison which the UN tribunal ordered them to release.

Altogether we are presenting another strong bipartisan mark that I fully expect to become part of a strong full committee mark of the Fiscal Year '20 NDAA. None of this that I present today could be possible without the support of dedicated staff that has worked tirelessly to produce it. Phil McNaughton, Kelly Goggin, Dave Snicky, (SP) and Megan Handle. We are all grateful to their expertise and support that all of you have provided in the process of creating and advancing this mark forward. Thank you, Mr. Chairman. I yield back the balance of my time.

SMITH: Thank you. The chair now recognizes the ranking member of the Sea Power Subcommittee, Mr. Whitman, for five minutes.

WITTMAN: Thank you, Mr. Chairman. The Sea Power Rejection Forces mark is a good mark and I want to especially thank Chairman Courtney for his leadership of the subcommittee. He's done a spectacular job and he's been exceptional in developing a good mark in a very difficult budget environment. He's--this has been made exceptionally more difficult by the requirement that he mark below the amount that the Department of Defense asserts they require in order to do the job we asked them. And with--as such I'd like to reiterate that Chairman Courtney has done an exceptional job navigating these perilous waters. I'd like to thank him in the staff for extraordinary work.

The Sea Power Mark includes an authorization for 11 ships and generally supports the administration's request for aircraft. It reaffirms congressional support for aircraft carriers and rebuffs an administration request to not refuel USS Harry S Truman CVN-75 a mistake that has since been corrected. Moreover, it continues our broad bipartisan approach to supporting the Merchant Marine and specifically authorizes the Maritime Security Program and authorizes a new 10 Ship Tanker Security Program.

It continues strong development support for the Columbia Ballistic Missile Submarine Program and the B-21 Rater Bomber Program. There is much goodness in this mark. What is in the mark, makes sense but when put together

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

with budget tables we have a different story. The drive to reduce the overall defense top line by \$17 billion has significant carnage. Including a reduction of over a half a billion in submarine construction. A reduction of almost \$400 million in aircraft carrier reconstruction and almost \$200 million in aircraft carrier refueling. A reduction of almost \$100 million in destroyer construction and the complete elimination of a fleet oiler.

On the innovation side we limited efforts associated with the Navy's Large Unmanned Surface Vessels Program and Navy's Critical Development of Anti-Mined Warfare Programs. As to weapons, we also included significant reductions in the latest Standard Missile Program, NATO C-Spero, and lightweight torpedoes.

As I reflect on this mark, I'm reminded of Charles Dickens book, A Tale of Two Cities. The book opens with the following quote it was the best of times, it was the worst of times, it was the age of wisdom, it was the age of foolishness, it was the epoch of belief, it was the epoch of incredulity, it was the season of Light, it was the season of Darkness, it was the spring of hope, it was the winter of despair. My friends this mark is replete with very good initiatives and some very onerous omissions. I'm hoping as we continue through the day today that we can all make this overall mark into a bipartisan spring of hope and that we avoid the late-night winter of despair. With that, I yield back the balance of my time.

SMITH: Well that certainly was more dramatic than the previous statement, so.

(LAUGHTER)

Were you sensing that the room was getting a little maybe board--

(LAUGHTER)

Try to jazz it up a little bit. I appreciate that.

(LAUGHTER)

I--this is something that were going to debate quite a bit and will try not to make this argument too often. But I--I do want to offer a couple comments about the \$733 billion, \$750 billion thing, since that has been a theme of every subcommittee comment to date. When General Dunford testified, you know when the fighter came out last year, they projected \$733 billion for FY '20. That is that is what the Department of Defense had asked for my back in FY '19 and let me just say that the real sort of--actually it wasn't the winter of despair thing here.

It's been a while since it will run until two cities and I confess did not listen to everything comment there. The real tale of despair was from 2011 through the deal we got last year, when who as everyone here knows and everyone has commented, we had I think for four government shutdowns, countless CRs, and a level of uncertainty did drive the readiness crisis at the Pentagon and--and there's bipartisan responsibility for that. I'm not making that as a partisan point. One thing that we have agreed on in this committee is the importance of getting the Department of Defense a clear set number, getting it to them by October 1st, so they know how much money they have to spend and are prepared to go forward. That's critically important and we've made a lot of progress on this.

So, if you're argument between \$750 billion and \$733 billion, I can certainly see an argument. I can't see a winter of despair over the fact that we've gotten up to \$733 billion when the budget cap number is, I believe \$576 million. We have had a significant increase in defense spending last year, the year before that, and now into this year and when General Dunford testified, he said that they rigorously went through their budget to come up with the \$733 million number and to make sure they spent the money they needed to.

Now it is a 2.4 percent increase over the budget and yes, we've have heard you need to keep it at inflation 3 to 5 percent. I will point out, inflation is actually 2 percent, it's not 3 to 5 percent. Wherever the 3 to 5 percent number came from, I don't know, but that's not inflation by--by any particular measure and also very importantly General Dunford said that it is a--I think 2.9 percent increase in war fighting capability. Not everything in the Pentagon needs to be increased and part of what I think is important and again it is not meant in a partisan way, is to make the Department of Defense efficient. I think every single member of this committee can have a lot of examples of where the DOD has wasted money shamelessly.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

And we've got the scandal involving--I forgot the name of the company now, that was just blatantly overcharging for all manner of different parts, for years. Now-- now shame on the company for having done that. They ought to be held accountable. They probably ought to go to jail. But who in the Pentagon was paying that money? Who in the Pentagon was saying oh, sure, will give you \$5000 for a--you know a screw? and if you simply give them another \$17 billion, up which is not gone through the rigorous analysis that the \$733 billion went to, it is my legitimate concern that money will likely be wasted. That the Pentagon will not efficient with the dollars that they are given.

So, we're going to have this debate and we're going to have it throughout the night. But I've heard those comments and I just don't want members to get the impression they were somehow cutting the defense budget because we only increasing it by 2.4 percent. There is a debate to be had. It's not anyone winter of discontent or some dramatic cut. Hopefully we're getting past the days of the CRs and the uncertainty. We'll give them a clear budget. A clear budget they've plan for, for about a year. So, you know a good debate to be had but let's not act like you shouldn't be able to defend the country for \$733 billion. That's a fairly significant amount of money. Mr. Thornberry.

THORNBERRY: Thank you, Mr. Chairman. Let me just respond to a couple of the points that you raised. The ideal that the Pentagon really wanted \$733 billion and \$750 billion was foisted upon them is false. There were a variety of numbers that were talked about in the press, \$733 billion, \$700 billion, a variety of things. I was personally present in the Oval Office with the president, the vice president, the chief of staff, the national security advisor, Secretary Mattis, and others when the in the discussion--and Senator Inhofe chairman in the Senate, when the discussion was had about what would be the appropriate number for the appropriate budget request for the administration to make on defense this year.

And--and it was the agreement of everyone that the benchmark of 3 percent real growth, 3--3 to 5 percent above whatever the rate of inflation is, that that is what is required in order to continue to repair readiness and to not fall further behind in critical areas from the Russians and--and the Chinese. By the way that 3 to 5 percent real growth was endorsed by the National Strategy Commission which contains which included six Republican--six appointees of Republican, six appointees of Democrats and they unanimously endorsed that number. \$750 billion is the closest rounded number to a 3 percent real growth. That's where it came from. That's what the Pentagon request is and that's what's been endorsed by me think of a lot of the folks that many of us respect.

It is all by the way the number to which the Senate Armed Services Committee marked. So, just think about this we go into a conference with the Senate where they have \$17 billion more than we do plan, we're playing on their playing field. If we don't have our own priorities which are there to match with theirs. And I--I worry that we talk about 3 percent like it's some number that you pull out of the air. One of the reasons in the amendment that I would have prepared, one of the reasons that I have specifically listed exactly where would go, is so that you can see it's not 3 percent.

It's real things. For example, an aircraft carrier gets delayed a year if the underlying market at \$733 million is the way that--that it comes out. Hypersonics. We have cut what the administration with the Defense Department requested and we're behind in hypersonics. We did--the underlying mark does not include a--any money to repair the hurricane damage on Tyndall, Offutt, on Camp Lejeune, and Cherry Point. I put that--that--there is nothing for that in FY '20 starting October 1st.

SMITH: Will the gentleman yield, on that point.

THORNBERRY: Of course.

SMITH: I would be happy to include that. We--we don't have to do that because they passed the emergency bill that funded \$1.6 billion of the \$2.3 billion that was there. It's already funded and they also in the appropriations bill we don't have the projects from you for the extra \$700 million, get them back to us, and then we'll do that. The only reason that's not in the mark is because the appropriations committee didn't.

Now, when we started this process as you all know, we had not passed the disaster relief package that we passed. We passed it. So, we are funding those things, just not in this bill. But they are being--being funded.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

THORNBERRY: Well, we are funding them for FY '19. What we're working on is FY '20, that starts October 1st.

SMITH: (OFF-MIC) (INAUDIBLE)

THORNBERRY: No. But--but you can't fix everything that needs to be fixed at these installations by the September 30th. You have to have an authorization for the next phase of construction.

SMITH: And--and I'm sorry but they--they don't half to spent \$1.6 billion by September 30th, either, so--

THORNBERRY: No--no, I understand but--but they also--but \$1.6 billion does not fix them, does not make them whole.

SMITH: But again, we can talk further about this. But it is not an effort to cut. The--the money is there and were trying to get it right. It's--it's not an effort to not fund those things and this--this bill--this bill does not make it any less likely that those things will be funded. That piece of it is not--not accurate. The rest of what you're saying, debatable. By this does not--this does not prevent the funding of--of those (INAUDIBLE--)

THORNBERRY: Well I--I--I want--I want to get my--my point is there are real concrete things that is the difference between what we can do for our troops and what we can do for the nation at \$733 billion versus \$750 billion. And--and then we have specifically laid them out on where that money would go. It's--it's not like a number out of the air. It is and--and one other key point, everything that's in my amendment is either a part of the president--the administration's budget request, or an unfunded requirement that has come over from the Pentagon. This is--this is--there's no extra stuff, no lightning rod issues in there. Its core defense needs that--that are in there.

Let--let me make one more--one last point. You--you say, we give them \$17 billion--the argument is made, I'm sorry. That if we give them more money, they're just going to waste it. So, the argument--so the--the--the logical conclusion is we cut money, they get more efficient. We saw what happened when they cut--when--when the Defense Department--when the defense budget went down 20 percent, accident rates went up to the highest level ever.

And--and I completely agree with you Mr. Chairman, it has been a bipartisan effort to repair and rebuild our military. But the notion that you don't get what they want and that's just going to squeeze out waste, and that has empirically been proven not to be the case. In fact, what happens is we still ask more and more of them, without giving them the resources they need to do the job, and unfortunately, they suffer the consequences.

So, I hope we can get to a place where we can discuss the specifics of this amendment and the difference that it would--it would make for our troops.

SMITH: Well we're--we're not cutting them by 20 percent. I would agree with you, if we were doing that. And I just want to clear one point, I am not for a second saying that the Pentagon is not asking for \$750 billion. I mean I fully imagine that if we allowed them to the Pentagon \$800 billion. Probably even more than that, if they had the chance. So, I--I am not saying that the Pentagon is not asking for the \$750 billion. I just am saying that we don't necessarily have to accept what they ask for, so more to come.

We will now consider En Bloc Package number 1 and the chair recognizes Mr. Courtney, for the purposes of offering the En Bloc Amendment.

COURTNEY: Thank you, Mr. Chairman. My friend, Mr. Whitman, quoted Charles Dickens. I'm going to quote Monty Python and now for something completely different.

(LAUGHTER)

Mr. Chairman, I ask unanimous consent to call up En Bloc Package number 1, consisting of amendments that have been worked and approved with the minority.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc Amendment? Without objection, the amendments are considered as read. The gentleman is recognized, for five minutes, to discuss the amendments.

COURTNEY: Thank you, Mr. Chairman. En Bloc package number 1 is comprised of the following: amendment by Mr. Banks, directing a briefing from the Navy regarding Force Structure, amendment by Mr. Garamendi, regarding a report from the Navy on reducing dependence on for its--Foreign Flag Vessels, amendment by Ms. Hartzler, regarding a briefing on B-2 DMS, and amendment by Mr. Waltz, regarding a briefing on Strategic Weapon Systems, an amendment by Mr. Bergman, regarding a report and briefing on Amphibious Shipbuilding, an amendment by Mr. Moulton, regarding a report on Swarm Attacks, an amendment by Ms. Luria, regarding the Navy's OFRP plan, an amendment by Mr. Courtney, regarding occupational safety, an amendment by Ms. Cheney, regarding a report on C130-Hs, an amendment by Mr. Gallagher, regard--regarding B-52 Engine Sustainment, an amendment by Mr. Kelly, regarding C-17 Sustainment.

SMITH: Is there any discussion on the En Bloc Amendments? Mr. Banks.

BANKS: Thank you, Mr. Chairman. In 1940 that chairman of the House of Naval Affairs Committee Carl Vinson, introduced the Two-Ocean Navy Act. Congressmen Vinson's portrait hangs on the wall of this committee chamber. Though it was pre-World War II this bill eventually passed the House of Representatives by an incredible vote of 316 to 0. This bill increased the size of the Navy by 70 percent. Authorizing billions of dollars to fortify our national defense and to pursue maritime supremacy. This increase was made just in time. As in less than three years the United States would join World War II and the strength of our Navy was the backbone that led to Allied Victory.

I believe we are in an equally dangerous situation today, as what we were in 1940. We are engaged in both a great power competition with Russia and China while also facing increased threats from around the world. I think as most of you agree the National Defense Strategy is a Maritime Strategy. That--that's why I'm really proud to have a provision based on the Five Oceans Navy Strategy that introduced earlier this year, included in this package, that calls for a larger long-term force structure and holds this administration accountable to address these challenges and specifically focus on the need for presence in the Arctic and the importance of submarines.

As the administration has failed to meet their commitment of making any progress at all toward building a 355 ship Navy. I'm thankful that this committee recognizes the necessity of a strong and powerful Navy--Navy and hopefully we can continue in Chairman Vinson's footsteps, preparing our nation for whatever lies ahead. With that, Mr. Chairman, I yield back.

SMITH: Further discussion on the En Bloc Amendment? Hearing none, the adoption on the En bloc--the questions on the adoption of the En Bloc Package, all those in favor say Aye?

UNKNOWN: Aye.

SMITH: Opposed? Ayes have it. The amendment is adopted. We will now consider log number 493, by Mr. Courtney, and I recognize Mr. Courtney--well, sorry, for what purpose does the gentleman from Connecticut seek recognition?

COURTNEY: I have--an amendment Mr. Speaker, at the desk.

SMITH: The clerk will distribute the amendment and without objection we will dispense with the reading of the amendment and the chair recognizes the gentleman from Connecticut, for five minutes, to discuss the amendment.

COURTNEY: Thank you. Mr. chairman, this amendment clarifies a provision in the mark regarding the Air Force One program and as I mentioned in my opening remarks one of the things our subcommittee has been doing is trying to exercise more oversight with a whole variety of different programs regarding Air Force One which is part of our projection forces mission.

For example, earlier this year, we learned of the fact that the Air Force was proposing to spend \$25 million on the refrigeration system for the existing fleet of Air Force--two Air Force One aircraft. Even though by the time that

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

would have been installed the shelf life of those planes would be about three or four years. We raised this issue with the secretary of the Air Force, Heather Wilson our former colleague, and to her credit she looked into it and--and canceled that \$25 million expenditure. Which again really didn't add up in any just common sense wise.

What this amendment does is also look at the new contract for the new replacement Air Force One planes, which are was signed last July 2018. Again, it was a fixed-price contract for \$3.9 billion. Credit to President Trump. He negotiated a deal good deal with Boeing to get these two planes that were supposed to go to a Russian airline that went bankrupt. But again, within that contract it has over and above language which basically allows the fixed price to be really almost rendered moot in terms just additional add-ons. And as we saw with refrigeration this is not just speculation, this--this is actually is a trend that is unfortunately we have to keep an eye on.

So, there are two provisions that are in the over and under. Again no one would dispute the fact that if there's additional cost regarding essential core functions of the Air Force One in terms of communications equipment, keeping the plane secure, making sure that it can perform its critical mission in terms of the you know commander-in-chief for our country. Again, if there are needs to go over and above you know that is definitely something that we recognize and protect.

However, there are other less essential items regarding the paint and interior decorating of the plane. Which again we know there's a lot scrolling around out there about ways that we may see a different looking both interior and exterior Air Force One. Again I--I would just note for the members during this in--within the contractor is a process for developing the paint for the exterior of the plane. There is in fact a committee that has been working and has submitted different versions, which is basically to keep the plane exactly the way it is, to maybe make some modifications and a more extreme modification which showed that advisory committee rejected option three and supported options one and two.

Again, the president will have an opportunity to make some--some suggestions and changes to--to the plain but we do want to keep this within the parameters of the existing contract process so that again were not creating additional costs for the operation of the plane. Additional paint can add weight to the plane. Additional fixtures inside the plane can also add you know cost to--to the--in delays to the--to the delivery of the plane. I think any of us who have flown on Air Force One and had that opportunity knows that it is a well-appointed plane and it's--it will be a well-appointed plane when the new ones a rollout in 2025.

And again, what we're trying to do is just to make sure that the over and above clause provisions of the Air Force One contract does not become basically a backdoor for the--the program to hemorrhage in terms of additional costs. Again, this amendment clarifies that point. It was legitimate question that was raised by my colleague Mr. Wittman, that again it was too broadly written when it came out of subcommittee in the mark and again hopefully at least at this particular modification would be one that everyone can agree. We're--we're making more precise in terms of what are fewer essential aspects of the--of the new Air Force One and with that, I yield back.

SMITH: Mr. Wittman.

WITTMAN: Thank you, Mr. Chairman. I--I will have to oppose this amendment and I--I want to go back to the things we did last year in FY '18. Specifically, in Section 211, that sections entitled Cost Controls for Presidential Aircraft Recapitalization Program. In there we had already locked in the configuration and cost control. So, things were--have already been set and what if--if we're talking about now making a change since we are already well into the process of configuring the aircraft, of pricing the materials for the aircraft, and acquiring materials for the aircraft those things the Air Force says will create severe cost and schedule risk to the VC-25B program.

So, if for talking about saving cost, this actually really doesn't achieve that. We are very specific and last year's mark about how those things take place. There're also significant things that happened along the process. If you look at how you integrate systems in an aircraft, there's complexity there and remember the requirements of this aircraft was written back in the 1980s. So, you can expect based on that requirement and what we see today you can expect that there will be changes. This amendment unfortunately creates a problem with that. It creates a problem for us to integrate what needs to be done to the aircraft and creates additional costs that come along with that.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Also, this is in addition to what's already existing now, which is a reprogramming slow down. The request of hundred \$41 million to be reprogrammed has not been acted upon. So, if you combine this element of now getting into restrictions on the acquisition elements of the aircraft along with the slowdown of dollars that come towards getting this aircraft up and going under construction and--and system integration. We see a whole realm of things that create cost--I think cost increases and schedule increases. So with that I would--I would have to oppose this amendment because I do think that it was adequately addressed last year with very specific cost controls and with very specific configuration elements about how we lock that in and that's why we have a fixed-price contract because of the certainty created with that.

BYRNE: Mr. Chairman.

SMITH: Mr. Byrne.

BYRNE: Thank you sir. I have tremendous respect for the gentleman from Connecticut. He and I worked together on a lot of things, but I look at this amendment and it looks like an attempt to just poke at the president. Every year in the Trump administration, we've had to debate amendments that strike directly at the office of the president. Prior to 2017, I don't recall attempt to block things like paint colors. The President negotiated a great deal that has led to \$1.4 billion in savings for new Air Force One's. The over and above clause exists in many DOD contracts and is used to anticipate changes with new equipment and address integration challenges that couldn't have been addressed in the original contract.

We all have enough experience with procurement to know things always come out and it's good to have some flexibility to handle it. My colleagues will try to argue that changes in paint and trimmings add to the cost of the aircraft. However, their solution has many unintended consequences that could derail the whole program. Reducing this over the and above clause to only paint colors and trimmings trivializes the role of this clause just because the majority wants to impede the president at every turn and has nothing to do with advocating responsible government or advancing the interests of the American people.

These things just don't belong in the halls of Congress and we owe it to the taxpayers to get to work on real--issues. Therefore, I urge my colleagues to oppose this amendment and I yield back.

SMITH: (OFF-MIC) (INAUDIBLE) discussion on the amendment? Mr. Garamendi.

GARAMENDI: I think were dancing around the reality here.

(LAUGHTER)

This amendment is pretty clear. It deals with let's see relating to aircraft paint scheme, interiors, and livery. Well this get right to the heart of the matter here. The Air Force One plane is iconic. It is known throughout the world. It has been the representation of the power of the United States, the power of the president. It is used in diplomatic and in international relations as the United States has arrived. It is the symbol, along with the flag, and a few other things of this nation and there has been discussion hopefully mostly in jest. But maybe not the scheme that is the visual scheme of the airplane is to be changed.

This amendment goes to that and it says if such an idea actually does exist it's going to come back here for review. My personal view of this is, Air Force One represents this nation. The world knows what it is when the president arrives. This president or any other president and this plan is going to be around for the next 20 to 30 years, so let's keep that in mind and if someone wants to change its appearance, it schemes, then we ought to have a say about. Personally, I think we ought to stay with what we have.

Now with regard to livery. I'm not sure this has to do with saddles and things of that sort bridles in the like which is probably the way I would describe livery but, nonetheless. I suspect that's interior fixtures. They're going to be good, probably the best. Are they going to be gold-plated? I hope not. But if somebody wants them to be gold-plated, come back here and tell us why it ought to be that way. We've had issues about this in the past. This amendment is so simple. It basically says spend your money wisely on interiors, and livery, and the scheme of the plane. If

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

somebody wants to change it, come on back here and let's talk about it. That's basically it, so why are we debating this? It's a good amendment. Thank you, Joe, for introducing it.

SMITH: (OFF-MIC) (INAUDIBLE) hearing this, all in favor will say Aye.

UNKNOWN: Aye.

WITTMAN: Mr. Chairman, I asked for a recorded vote.

SMITH: (OFF-MIC) Recorded so is repressed and we will (INAUDIBLE)

WITTMAN: Yes. Mr. Chairman, I have a--a motion at the desk.

SMITH: (OFF-MIC) The clerk will (INAUDIBLE--)

WITTMAN: Or amendment at the desk I should say, excuse me.

SMITH: (OFF-MIC) Without objection (INAUDIBLE) the chair recognizes the gentleman to discuss.

WITTMAN: Thank you, Mr. Chairman. This is the counter to--to--to Mr. Courtney's amendment and again I--I--I have tremendous admiration for the chairman and the--and the work that he does. This is only one of a tiny area where there might be some differences of--of opinion. This amendment just strikes the language that includes paint and interior finishes on the configuration control. Again we--we talked about already having those cost controls in place. I think the arguments and debate have been had in the previous debate on Mr. Courtney's amendment and again I present this to the committee for their consideration. I yield back.

SMITH: (OFF-MIC) (INAUDIBLE) Mr. Courtney.

COURTNEY: Just very briefly. Again, just when the contract was signed last July, again what was part of that whole sort of document and--and package was a report called the Phase 2 Aircraft Livery and Paint Study Final Report. That was actually prepared in 2017, because this thing had been ongoing since the President--again as I am the first to acknowledge cut a good deal with you know just the purchase of just the--the basic planes for \$3.9 billion.

Again that's a report which if I really any members really want to take a look at it you're more than welcome to because you will see that we are not handcuffing the Air Force and Boeing into exactly the same version of the plane in--in that was the Air Force One that's been replaced. There is some flexibility in there and terms of making some modifications but it's within basically the parameters of the contract and that does not require over and above spending and--and really that's really the crux of this is that you know as we saw with the refrigeration the--this program can--can spiral out of control in terms of extra costs--significant cost which even again Secretary Wilson had to intervene to--to cease and stop when she was act--when she was the Air Force Secretary.

So again, with a--the greatest respect for my friend the Ranking Member, again I oppose this amendment and again allow this--contract to--to continue to move forward. By the way if there is an over or above expenditure in these areas that's going to slow the--the production and delivery of the plane. This thing is moving along right now with the report that I mentioned earlier and--and that will keep this plane's delivery on track. Which by the way needs to actually happen? The--the existing plane is old and needs to be replaced. With that, I yield back.

SMITH: Thank you. Just a quick comment on this. We're--we're really not trying to poke the president on this. In fact, as I understand it these planes are not even going to be delivered until late 2024-2025. This--this president is not going to fly on this plane, under any circumstances. So, it's as I understand it, we are simply trying to exercise our oversight responsibilities to try to save the taxpayers money, but.

Any further discussion? All right. We are now done with the mark and we will move--

JOHNSON: (OFF-MIC) (INAUDIBLE) vote on this one.

SMITH: Oh, I'm sorry. What order do we go? We have two amendments, do we--is the last first or is the first first?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

UNKNOWN: (OFF-MIC) Call (INAUDIBLE)

UNKNOWN: (OFF-MIC) (INAUDIBLE) Voice on Wittman first.

SMITH: Okay. Ah, we're going to vote on--

UNKNOWN: (OFF-MIC) No voice.

SMITH: Oh, sorry. Good point. I was assuming something. All those in favor of Mr. Whitman's amendment will say Aye.

UNKNOWN: Aye.

SMITH: Opposed, no?

UNKNOWN: No.

SMITH: Opinion of the chair, the no's have it and the amendment is defeated. And it is now in order to consider the amendments which we delayed process on. (OFF-MIC) Were done with amendments correct? So, were going to proceed to those amendments where a roll call vote was ordered. I believe there was one and that is the amendment by Mr. Courtney, number 493,--sorry, I'm kind of ad-libbing at the same time read and that doesn't work. The committee postponed further proceedings on that amendment which is a log number 493, offered by Mr. Courtney, and were now going to resume those proceedings and the question occurs on the amendment and the clerk will call the role. Again, this is Mr. Courtney's amendment number 493. Everybody with me on this? Questions, comments, first rollcall. All right. Let's go. The clerk will call the role.

CLERK: Mr. Chairman?

SMITH: Aye.

CLERK: Mr. Chairman, votes aye. Mr. Thornberry?

THORNBERRY: (OFF-MIC) No.

CLERK: Mr. Thornberry, votes no. Mrs. Davis?

DAVIS: (OFF-MIC) Aye.

CLERK: Mrs. Davis, votes aye. Mr. Wilson?

WILSON: (OFF-MIC) No. Mr. Langevin?

LANGEVIN: (OFF-MIC) Aye.

CLERK: Mr. Langevin, votes aye. Mr. Bishop?

BISHOP: (OFF-MIC) No.

CLERK: Mr. Bishop, votes no. Mr. Larsen?

LARSEN: (OFF-MIC) Aye.

CLERK: Mr. Larsen, votes aye. Mr. Turner? Mr. Turner? Mr. Cooper?

COOPER: (OFF-MIC) Aye.

CLERK: Mr. Cooper, votes aye. Mr. Rogers?

ROGER: (OFF-MIC) No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Rogers, votes no. Mr. Courtney?

COURTNEY: (OFF-MIC) Aye.

CLERK: Mr. Courtney, votes aye. Mr. Conaway?

CONAWAY: (OFF-MIC) No.

CLERK: Mr. Conaway, votes no. Mr. Garamendi?

GARAMENDI: (OFF-MIC) Aye.

CLERK: Mr. Garamendi, votes aye. Mr. Lamborn?

LAMBORN: (OFF-MIC) No.

CLERK: Mr. Lamborn, votes no. Ms. Speier?

SPEIER: (OFF-MIC) Aye.

CLERK: Ms. Speier, votes aye. Mr. Wittman?

WITTMAN: (OFF-MIC) No.

CLERK: Mr. Wittman, votes no. Ms. Gabbard?

GABBARD: Aye.

CLERK: Ms. Gabbard, votes aye. Mrs. Hartzler?

HARTZLER: (OFF-MIC) No.

CLERK: Mrs. Hartzler, votes no. Mr. Norcross?

NORCROSS: (OFF-MIC) Aye.

CLERK: Mr. Norcross, votes aye. Mr. Scott?

SCOTT: (OFF-MIC) No.

CLERK: Mr. Scott, votes no. Mr. Gallego?

GALLEGO: (OFF-MIC) Aye.

CLERK: Mr. Gallego, votes aye. Mr. Brooks?

BROOKS: (OFF-MIC) No.

CLERK: Mr. Brooks, votes no. Mr. Moulton?

MOULTON: (OFF-MIC) Aye.

CLERK: Mr. Moulton, votes aye. Mr. Cook?

COOK: (OFF-MIC) No.

CLERK: Mr. Cook, votes no. Mr. Carbajal?

CARBAJAL: (OFF-MIC) Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Carbajal, votes aye. Mr. Byrne?

BYRNE: (OFF-MIC) No.

CLERK: Mr. Byrne, votes no. Mr. Brown?

BROWN: (OFF-MIC) Aye.

CLERK: Mr. Brown, votes aye. Mr. Graves?

GRAVES: (OFF-MIC) No.

CLERK: Mr. Graves, votes no. Mr. Khanna?

KHANNA: (OFF-MIC) Aye.

CLERK: Mr. Khanna, votes aye. Ms. Stefanik?

STEFANIK: (OFF-MIC) No.

CLERK: Ms. Stefanik, votes no. Mr. Keating?

KEATING: (OFF-MIC) Aye.

CLERK: Mr. Keating, votes aye. Dr. DesJarlais?

DESJARLAIS: (OFF-MIC) No.

CLERK: Dr. DesJarlais, votes no. Mr. Vela?

VELA: (OFF-MIC) Aye.

CLERK: Mr. Vela, votes aye. Dr. Abraham?

ABRAHAM: (OFF-MIC) No.

CLERK: Dr. Abraham, votes no. Mr. Kim.

KIM: (OFF-MIC) Aye.

CLERK: Mr. Kim, votes aye. Mr. Kelly?

KELLY: (OFF-MIC) No.

CLERK: Mr. Kelly, votes no. Ms. Horn?

HORN: (OFF-MIC) Aye.

CLERK: Ms. Horn, votes aye. Mr. Gallagher?

GALLAGHER: (OFF-MIC) No.

CLERK: Mr. Gallagher, votes no. Mr. Cisneros?

CISNEROS: (OFF-MIC) Aye.

CLERK: Mr. Cisneros, votes aye. Mr. Gaetz?

GAETZ: (OFF-MIC) No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Gates, votes no. Ms. Houlahan?

HOULAHAN: (OFF-MIC) Aye.

CLERK: Ms. Houlahan, votes aye. Mr. Bacon?

BACON: (OFF-MIC) No.

CLERK: Mr. Bacon, votes no. Mr. Crow?

CROW: (OFF-MIC) Aye.

CLERK: Mr. Crow, votes aye. Mr. Banks?

BANKS: (OFF-MIC) No

CLERK: Mr. Banks, votes no. Mr. Torres Small?

TORRES SMALL: (OFF-MIC) Aye.

CLERK: Mr. Torres Small, votes aye. Ms. Cheney?

CHENEY: (OFF-MIC) No.

CLERK: Ms. Cheney, votes no. Ms. Slotkin?

SLOTKIN: (OFF-MIC) Aye.

CLERK: Ms. Slotkin, votes aye. Mr. Mitchell?

MITCHELL: (OFF-MIC) No.

CLERK: Mr. Mitchell, votes no. Ms. Sherrill?

SHERRILL: (OFF-MIC) Aye.

CLERK: Ms. Sherrill, votes aye. Mr. Bergman?

BERGMAN: (OFF-MIC) No.

CLERK: Mr. Bergman, votes no. Ms. Hill?

HILL: (OFF-MIC) Aye.

CLERK: Ms. Hill, votes aye. Mr. Waltz?

WALTZ: (OFF-MIC) No.

CLERK: Mr. Waltz, votes no. Ms. Escobar?

ESCOBAR: (OFF-MIC) Aye.

CLERK: Ms. Escobar, votes aye. Ms. Haaland?

HAALAND: (OFF-MIC) Aye.

CLERK: Ms. Haaland, votes aye. Mr. Golden?

GOLDEN: (OFF-MIC) Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Golden, votes aye. Mrs. Trahan?

TRAHAN: (OFF-MIC) Aye.

CLERK: Mrs. Trahan, votes aye. Mrs. Luria?

LURIA: (OFF-MIC) Aye.

CLERK: Mrs. Luria, votes aye. Mr. Cooper?

UNKNOWN: (OFF-MIC) Mr. Turner.

CLERK: Sorry, excuse me. Mr. Turner?

TURNER: (OFF-MIC) No.

CLERK: Mr. Turner, votes no.

SMITH: (OFF-MIC) I voted and wish to vote. The clerk will report the tally, whenever she is ready.

CLERK: Chairman, on this vote the ayes are 31 and the no's are 26.

SMITH: (OFF-MIC) (INAUDIBLE) If there are no further amendments, the chair recognizes the gentleman from Connecticut, Mr. Courtney, for the purposes of a motion.

COURTNEY: Mr. Chairman, I move to adopt the subcommittee report of the Subcommittee on Seapower and Projecting Forces as--as amended.

SMITH: Questions on the motions from the gentleman from Connecticut? All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed? The quorum being present, the ayes have it and the motion is adopted.

The committee will now receive the report of the subcommittee on readiness pursuant to Committee Rule 17, and in consultation with the ranking member. We will postpone all of the recorded votes on the amendments to this particular subcommittee mark until consideration of all members of the subcommittee mark has been completed--

UNKNOWN: (OFF-MIC) Have you ever seen--

SMITH: And gentleman from the chair recognizes the California, Mr. Garamendi, for any comments he would like to make.

GARAMENDI: Thank you, Chairman Smith. It's an honor to offer the Readiness Subcommittee Portion for the mark for the full committee's consideration. I'd like to start by thanking my colleague Congressman Doug Lamborn, the ranking member of the Readiness Subcommittee, for his partnership in developing the subcommittee's mark. I also like to thank the members both Democrat and Republican who worked hard on this offering substantial amendments and suggestions and a big thank you to all of the stuff that worked on at it.

The jurisdiction of the greatest subcommittee is broad, touching on topics related to military training, maintenance, logistics, operations, infrastructure, and civilian personnel. The mark is therefore before the members takes a number of steps uphold this committee's responsibility to conduct oversight and provide appropriate funding and policy authorities to support the readiness of the forces. In the interest of time I will focus on three key areas the subcommittee addressed in the mark.

First, fixing the problems associated with the management and oversight of military family housing. Second, requiring the Department of Defense to plan for the threats posed by climate change and third, addressing drinking water contamination resulting from fluorinated compounds used around military installations. At the beginning of the

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Congress, the Readiness Subcommittee heard great testimony from the spouses of servicemembers who detailed their experiences with the management, the oversight, and the conditions of privatized military housing.

To direct the issues that been raised this mark authorizes an additional \$148.8 million to hire additional personnel to strengthen the oversight and management of military family housing. Also establishes a tenets Bill of Rights for the residents and it prohibits the use of nondisclosure agreements in connection with entering into the continuing or the termination of leases. I'd like to thank my colleague Ms. Speier, for many of--the suggestions that are now in this mark.

With respect to climate change two years ago this committee was first to acknowledge the threat of climate change poses to national security. Building on this mark, the requires the military to begin planning for the threats posed by climate change. It requires installation master plans to identify and plan for climate vulnerabilities and to develop mitigations.

It limits the department's ability to spend planning and design funds until it begins the process of updating building standards for military construction to promote energy, climate, and cyber resiliency. It requires all proposed military construction projects to consider potential long-term changes in environmental conditions and increasingly frequent, extreme weather events. In addition, the mark authorizes \$190 million, 40 million more than in the budget request for the department's energy resilience and conservation investment programs.

On drinking water contamination in fluorinated compounds, the mark supports the department's remediation activities and puts policies in place to eliminate future sources of contamination. Specifically, the mark provides an additional \$121.3 million in environmental restoration accounts four remediation activities and authorizes the National Guard to access The Fence environmental remediation accounts for the purpose of addressing contamination related to poor for native carbon chemicals.

In addition, the mark prohibits the release of fluorinated firefighting foam at military installations accept in cases of emergency responses and bands the department from using fluorinated firefighting foam after 2029. In addition, these--to these issues the readiness subcommittee continued its vital oversight. For example, the mark authorizes \$256 billion, \$8.8 billion increase over fiscal 2019 authorizing levels for operation and maintenance accounts.

I am almost out of time so I'm going to let it go at that to say we spent a lot of time on the readiness issues and they will be in the version of--the written version of the report. I'm proud that the funding authorized by the legislative provisions in the readiness mark. I believe the mark ensures Congress fulfills his overnight--oversight responsibility and enhances our readiness goals and drives the department to plan for and take action against long-term threats. Again, I want to thank Ranking Member Lamborn for his partnerships. All the members of the subcommittee for their contribution and I urge my colleagues to support the mark. With that, I yield back.

SMITH: Thank you. The ranking member on the readiness subcommittee, Mr. Lang--Mr. Lamborn, is now recognized for five minutes.

LAMBORN: (OFF-MIC) (INAUDIBLE) thank you, Mr. Chairman. As we consider the readiness subcommittee's portion of the mark, I would like to also thank my colleague Chairman John Garamendi, for his leadership and for the bipartisan way in which the subcommittee completed our mark. I would also like to thank our hard-working staff for their contribution.

Our men and women in the armed forces deserve the very best training, equipment, and support that we as a nation can provide. I believe it was Omar Bradley who said amateurs talk about strategy, professionals talk about logistics. So, what we do in readiness is critical and I appreciate that. As a nation again faces the challenge of great power competition, we have to ensure that our forces are stronger and better trained than our adversaries both today and tomorrow and it is truly an honor to be here today making that happen.

First the good in the mark. We have done some great work in areas that are important to our servicemembers and their families and to the communities that neighbor our military installations. This mark with among other things direct the Department of Defense to report on steps being taken to improve availability and accountability of F-35

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

parts, fund all of the military construction projects submitted by the service chiefs in their unfunded requirements list, prohibit the use of nondisclosure agreements in privatized military family housing, and direct military to have a Tenets Bill of Rights for residents, improve the resilience of military installations without imposing unreasonable bureaucratic requirements, direct the United States Transportation Command to prepare a business case for the proposed award of the global household goods contract, and require the establishment of an Advisory Council to ensure the voices of all stakeholders including servicemembers and their families are heard.

Given the scope of that contract, I also believe it is prudent for the government accountability office to review that business case analysis. And finally, the mark directs the Department of Defense to be all use of fluorinated firefighting foams by 2029. It prohibits uncontrolled release of these foams, except during emergencies.

Now the areas in the mark where we have to do better. The services have made significant headway to recover lost readiness since we began to increase funding in 2017. Regrettably this mark does not support the \$750 billion top line in the president's 2020 budget request. The mark does not fund almost \$2 billion requested in key readiness accounts for operations, depots-maintenance, and facilities sustainment, restoration, and modernization activities.

Regrettably the mark does not provide \$2.3 billion to fund disaster relief for 2020 to make badly needed repairs at Tyndale and Offutt Air Force bases in Camp Lejeune. The mark also fails to restore \$3.6 billion for military construction that will be diverted to address the crisis on our Southwest border. On the border, Customs and Border Patrol or CBP, apprehended over 132,000 people at the Southwest border last month alone.

It is indisputable that we have a crisis on our hands in CBP is overwhelmed. Not only have we in Congress failed to address the loopholes in our immigration laws that draw people here illegally. We have also failed to provide law enforcement with the resources they need to manage the crisis.

All that being said there are many good things in this mark. We will be debating more those issues later in the day. I would recommend adoption of the readiness mark and I look forward to a robust debate on the funding top line and the made--the major omissions that are still in the mark. Thank you, Mr. Chairman, I yield back the balance of my time.

SMITH: For the discussion? I was just coming quickly, again. Since the--the readiness numbers came up on emergency the funding. We--we are 100 percent going to fund the emergency needs for disaster relief and as pointed out, we passed the Disaster Relief Package with \$1.6 billion, which fulfills the needs. There's a request in there for the additional \$700 million that they say what they need it for exactly and when they give us those projects we'll moving forward. But when it comes to the emergency relief this--this committee has never done emergency funding. It goes to through appropriations process and we'll work their appropriators to make sure it gets done. But I want to make sure that everyone on this committee knows we--we are funding that--that relief without question.

Further--further discussion on the Readiness Mark? Hearing none, we will move to En bloc package number 1 and the chair recognizes Mr. Garamendi for the purposes of offering the En Bloc Amendment's.

GARAMENDI: Mr. Chairman, I ask unanimous consent to call up En Bloc Package number 1, consisting of amendments that have been worked out with the approval of both the majority and the minority.

SMITH: Without objection, so ordered. Will the clerk--(OFF-MIC) both sides of the paper--please distribute the En Bloc Amendments and without objection, the amendments are considered as read. The gentleman is recognized for five minutes to discuss the En Bloc Package.

GARAMENDI: Thank you, Mr. Chairman. Amendment number 1, by Mr. Turner, which regard--with regard to the U.S. Air Force basing processes. Amendment number 78, by Mr. Cook, concerning the sale of electricity from alternate energy and cogeneration production facilities. Amendment number 94, by Ms. Torres Small, regarding community--excuse me, Ms. Torres Small, regarding community infrastructure and electric cooperatives. Amendment number 131, by Mr. Wittman, regarding planned reductions to fire emergency services at military installations. Amendment number 147, by Ms. Horn, regarding Working Capital Funds for Military Construction Projects. Amendment number 155, by Mr. Garamendi, regarding Army Reserve Military Construction Projects.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Amendment number 156, by Mr. Garamendi, regarding the Department of Defense's Efforts on Corrosion Prevention. Amendment 199, by Mr. Mitchell, regarding the Army's potential for fielding commercial off-the-shelf rinse systems for tactical aircraft. Amendment number 204, by Ms. Slotkin--Slotkin, regarding Aqueous Film Foaming--Aqueous Film Forming Foam Prevention Training Exercises--

SMITH: Say that five times fast

GARAMENDI: And please, no three in a row word.

(LAUGHTER)

Amendment number 258, by Mr. Norcross, regarding or requiring a Standard for Sustainment Cost.

SMITH: Is there discussion of the En Bloc Amendment?

GARAMENDI: Who wrote that? Film foam--

SMITH: Sorry, I've got a bunch of hands up here. Ms. Torres Small.

TORRES SMALL: Thank you, Mr. chairman. My amendment seeks to modify the definition of community infrastructure to include not--not-for-profit utilities. First authorized in last year's NDAA, the Defense Community Infrastructure Pilot Program plays an important part in preserving military readiness by giving the secretary of Defense the ability to invest in infrastructure on or near an installation. That's because as an installation grows many resources used by the military and the surrounding communities are often pushed beyond capacity. This includes roads and bridges, schools, emergency services, and utilities which supply essential safety resilience and readiness for our sick servicemembers. The program recognizes the critical role of community infrastructure and helps communities fill the funding gap to make investments which enhance quality of life.

However, the program only allows for funds to be applied to projects owned by states or local government. This means that a key provider of services to our military installations not-for-profit, profit member owned utility service is also known as cooperatives or co-ops. Electric co-ops serve more than 50 percent of the country's land mass and are particularly important in rural areas including those that host military installations. Electric co-ops are a vital partner to the installations that they serve, and we will hinder the rest--readiness and resiliency of those installations if we do not provide co-ops with the same resources to maintain and upgrade their electrical infrastructure.

Expanding the definition of community infrastructure to include not-for-profit member owned utilities is necessary to the readiness and resilience of our military installation--institution--installation. I appreciate the committee's support of the amendment in the En Bloc Package. Thank you, Mr. Chairman, and I yield back.

SMITH: (OFF-MIC) (INAUDIBLE)

LAMBORN: Thank you, Mr. Chairman. I'll just speak briefly on log number 204. I'm a Cosponsor with Representative Slotkin on this amendment and I have a community that was affected and is being affected by poor fluorinated compounds used from firefighting foam and of Fountain Colorado is the very devastated by this chemical and has had to take a tremendous number of financial steps to try to mitigate that damage. So, it is good that we are codifying the existing policy that in training exercises this substance won't be used anymore.

It can be used in needs to be used until we find an alternative for true emergencies. But for optional kinds of training, we're not going to use it. So that's what this amendment does. It's a good one and I would urge its support. Thank you and I yield back.

GARAMENDI: Mr. Chairman?

SMITH: (OFF-MIC) (INAUDIBLE) En Bloc? Mr. Garamendi.

GARAMENDI: A question for Mr. Lamborn. Are you the one that wrote two, three-F words in a--in a row here?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Film forming foam

(LAUGHTER)

LAMBORN: (OFF-MIC) (INAUDIBLE)

GARAMENDI: Specifically, to cause me to tie my tongue up.

(LAUGHTER)

Yield back.

SMITH: All right. If not, the question is on the adoption of the En Bloc Package offered by Mr. Garamendi. So many of us in favor will say aye?

UNKNOWN: Aye.

SMITH: Opposed? Ayes have it. The amendment is adopted. It is now--yeah--will now consider log number 324, by Ms. Haaland, and for what purposes does the gentlewoman seek recognition?

HAALAND: Thank you, chairman. I would like to put forth my amendment to strike--

SMITH: For future reference all you have to say is I have an amendment at the desk.

HAALAND: I have an amendment at the desk.

SMITH: Very go. We will learn together.

(LAUGHTER)

Will the clerk please distribute the amendment? And without objection, we will dispense with the reading of the amendment and the gentleman is recognized for five minutes to discuss her amendment.

HAALAND: Thank you, chairman. The federal government has an obligation to consult with tribes based on--Indian tribes based on the trust responsibility of the government to government relationship between our federal government and Indian tribes. This is a relationship established the treaty negotiations and executive orders and upheld by many federal court decisions. Tribal consultation is not an optional or discretionary matter for agencies to waive. As we've seen previously in other federal agencies minimal efforts have been set forth to conduct tribal consultation which varies from agency to agency.

This clause is struck from the amendment to further prevent arbitrary decisions by federal agencies when it comes to consultation requirements. It establishes consistency and removes subjective determinations on the meaning. Tribes are sovereign nations and the federal government has an obligation to uphold the trust responsibility which is not a power reserved for a singular individual. Tribal consultation honors the government to government relationship that the United States has with tribes to detail early tribal involvement that implicates tribal interests. If impacts to tribes or treaty rights are identified late in the game. It is often extremely difficult and sometimes impossible to meaningfully and sufficiently mitigate the impacts.

This leads to unanticipated cost and delays which could be avoided with proper tribal consultation the provision enhances oversight of the committee will be made aware of potential impacts, the work being done to mediate those impacts, and an estimated cost of mitigation at the time of the budget request. And with that I would encourage all of my colleagues to support this amendment.

SMITH: Further discussion?

BISHOP: Yes.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Mr. Bishop.

BISHOP: Thank you. Look this particular amendment actually takes--strikes the only limitation effective that you have in the underlying base language that has been added to this particular bill. And here's the problem Ms. Haaland is exactly right in wanting to have consultation. Consultation is a good. It's just the underlying language as well as this amendment, does not provide the methodology for getting there.

In fact, we suggested that not only should they be consultation with the Native American tribes but also consultation with states and local governments as well and unfortunately the majority staff on the resource committee would allow us to debate that issue. They would give a waiver for that only for this particular language which is sad there is consultation mandated now under the Nepal Law. It has to happen.

The problem is there is really no definition of what constitutes consultation and how you go about it. Which is why it would be good to actually talk about this entire issue together in the larger broad you actually deal with states and local governments as well as Native American tribes and that's where the methodology comes in. It is not actually added in the rest of the base bill for this. It also has a couple of lines that are extremely problematic because in the base that's--that's--that is here it says you will have to have consultation for any potential adversarial impact to tribal lands.

Sadly, an element is has ever defined here or anywhere else what an adversarial act actually is and we're not even talking about a real adversarial act, it's the potential of an adversarial act. In addition to not only the--the tribal lands that are easily defined but to other lands culturally connected to an Indian tribe. Which may or may not be part of their traditional lands. It may or may not be part of a reservation. it could be thousands of miles away.

Once again, the language is there, the concept is good, the idea is good. but we have missed in the definitional process which is going to provide all sorts of problems in the future. that's why the Department of Defense is supposed to this entire concept because it is ambiguous language that is going to provide more litigation in the future. providing this kind of ambiguous language allows any jerk lawyer and for the attorneys who were present I apologize for being redundant the ability simply to sue at will

(LAUGHTER)

Which means what we really should do is go about this and try and--and narrow down the language so we can actually say what consultation means and what it does not mean.

SMITH: Will the gentleman yield--yield, for just a minute.

BISHOP: Can I--let me finish this and--

SMITH: Okay, I just wanted to--

BISHOP: Because I do want it to--to yield to Ms. Haaland for the last minute, if I could?

SMITH: Okay. well I actually I think we can resolve this but go ahead.

BISHOP: Now, what--what I'm saying is we have this problem when we put what we understand and yet that language is not clear. So, when the antiquities act was passed it was clear they were debating whether antiquities act power should be given the president to authorize monuments for 360 acres or 640 acres. And then someone said well you might want 800 so let's just do the smallest area reasonable. The last net designation was for 1.3 million acres. Same thing happened on the Clean Water Act when we talked about Army Corps of Engineers having wetland mitigation on anything that is on a navigable river.

The They all knew what navigable rivers were--unfortunately some of the wetland regulators had said well I have an irrigation canal in my district and even though it would have to go uphill 30 degrees to actually make it to the Great Salt Lake, it could percolate into the aquifer and bubble over to the Great Salt Lake. Therefore, we have a right to actually--we have a right to regulate that. It comes because the language is not specific.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Now, here's what I would like to propose. This can easily pass this committee, it could probably even pass on the floor but it will be something that will be marked as a controversial political issue that will go into the conference committee and it will have a difficult time of doing that unless we can all agree on both sides on what the language can be to solve this particular problem. So, I would actually like to yield to Ms. Haaland to see if she would be willing to take--

SMITH: I could take a stab (INAUDIBLE)

BISHOP: I'll yield to the Chairman to see if he would be willing to take this off the table for now so we can work on coming (INAUDIBLE) some language--

SMITH: Yeah.

BISHOP: That would be acceptable everyone on the floor.

SMITH: Yeah, I believe that is reasonable and I can probably--Ms. Haaland you can correct me if I'm wrong, but it sounds to me like there is the possibility of getting to good here. But we got to cross jurisdictional issue and its--and once we get to the floor, we eliminate that little pain in the butt problem and can work through that. It strikes me that we would be better off not having votes on these with an agreement to work together majority minority to get an amendment on the floor that can resolve the issue. Or am I missing something? Ms. Haaland.

HAALAND: Thank you, chairman. I would just like to say that tribal consultation has been in the--I mean we've been debated that for centuries and--and I also would like to say that tribes do not have the same status as state governments or local governments. I mean in fact I would just like to point out that we're sitting on Indian land right this minute. So, I believe that tribes of--of any other--entity in this country--

SMITH: Right.

HAALAND: Deserve to be consulted and this actually is not ambiguous it just strikes One, two, three, four, six words from--from--

SMITH: I--I don't-- I could be wrong but I don't think Mr. Bishop is saying that your amendment is ambiguous, I think that he is saying that the underlying language is--is ambiguous. And so, your amendment does--doesn't affect that and I will completely acknowledge by the way that in any negotiation around there's tribes are different from state and local governments without question. It must be handled differently.

I'm just thinking that we can get to a better place on perfecting the entire amendment and not just this piece of it if we were to withdraw your amendment, Mr. Bishop's, and then negotiate. Let me also say that we have the option if there's not a satisfactory resolution to that when we get to the full committee portion of this mark that we can revisit the issue and if you want to offer an amendment. If we don't get to a satisfactory resolution, we can offer that at the full committee later on tomorrow morning. Sorry--

(LAUGHTER)

Not to be a pessimist there but is--is--is that amenable. Can we work on that for a little bit?

HAALAND: That--Yes. Yes, chairman that--

BISHOP: Mr. Chairman.

HAALAND: I'll withdrawal it, for now.

SMITH: Okay. Well, thank--thank you.

BISHOP: Mr. Chairman.

SMITH: Yes, Mr. Bishop.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BISHOP: Okay and I appreciate what you're trying to do and accomplish because this is an area that does not have to be a controversy. I think we're all talking about. However, I will emphasize that the language I just read that is problematic to which the Pentagon opposes is in the base bill, the base mark.

SMITH: I--I--Yeah. I--I said--

BISHOP: So, I'll be more than happy if--

SMITH: Great.

BISHOP: If Ms. Haaland wants to--withdraw her amendment, to withdraw my amendment to strike the entire thing under the understanding that we will still work together--

SMITH: Done.

GARAMENDI: Mr. Chairman.

BISHOP: Before it comes before us to solve the problem.

SMITH: Mr. Garamendi.

GARAMENDI: We're--a we're rapidly marching into an important part of the underlying market self. Ms. Haaland's amendment deals with a very narrow piece of the--of the law--existing law and the mark that we have before us. She basically is talking about when the military must engage with the--

SMITH: John.

GARAMENDI: Local tribe. If I might?

SMITH: Yeah.

GARAMENDI: I am very much opposed to changing the underlying mark. Now Ms. Haaland has removed her amendment, that's fine

SMITH: Yeah.

GARAMENDI: But to now change the underlying mark would be troublesome.

SMITH: Right and We--we--we--we will not do any of that without--without your--your approval, without question.

GARAMENDI: I would appreciate that.

SMITH: But like I said it just seems to me like we have the possibility at least of having a broader discussion and may be getting us in point and if we don't, we'll--we'll take another swing at it later. But there's a lot of detail here to work out so we'll task the staff to get to work on that and see if we can't--can't accomplish that. So, we'll have both of those amendments withdrawn, without objection.

BISHOP: Once again under the assumption--

SMITH: Yeah.

BISHOP: Again, Mr. Chairman, that we will work to try and fix the underlying language that is the problem.

SMITH: Right. Yeah, now we--we will try. I--the only thing I want to be clear about is I cannot guarantee you we will succeed but we--we will try.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BISHOP: And I appreciate that immensely. Once again realizing that if we don't succeed in coming up with a common language this will be decided in conference committee where then passage would be very problematic. Especially with the Pentagon's opposition to it.

SMITH: Okay. So, we are now I believe going to En Bloc Package number 2. Chair recognizes Mr. Garamendi for the purposes of offering the En Bloc Amendment.

GARAMENDI: Thank you, Mr. Chairman. I ask unanimous consent to call up En Bloc Amendment number 2 consisting of amendments that have been worked out by both the minority and the majority.

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc Amendment? Without objection the amendments are considered as read. The gentleman's recognized for five minutes. Before he speaks, there is oh, joy a procedural vote on the floor, so as soon as were done with this En Bloc Amendment we will break. There will eventually be lunch, over there. If you could go and vote and come back as quickly as possible, we'll start back up. But we're going to get through this En Bloc first. Mr. Garamendi, En Bloc number 2.

GARAMENDI: Thank you, Mr. Chairman. Amendment number 2 by Mr. Turner concerning Window Fall Prevention Devices and Military Family Housing Units. Amendment number 192 by Mr. Carbajal concerning Offshore Wind Development. Amendment number 257 by Mr. Norcross regarding Military Construction Funding Supporting Improvements to the Reliability Resiliency Efficiency Physical Security and Cyber Security of a Conveyed Utility System. Amendment number 259 by Mr. Norcross regarding the Department of Defense's Use of the Term and Temporary Hiring Authorities for Enduring Missions. Amendment number 314 by Ms. Haaland regarding The Development of a Safe Cost-Effective and Long-Term Solution for Waste Disposal in Contingency Environments. Amendment number 326 by Ms. Haaland regarding A Report on Achieving Operational Flying Missions in Each State. Amendment number 346 by Mr. Brown regarding The Oversight of Privatizing Military Housing. Amendment number 351 by Mr. Garamendi regarding Transportation Worker Identification Cards. Amendment number 418 by Mr. Scott regarding Army Urban Training. Amendment number 420 by Mr. Wilson regarding The Expansion of Veterans Cemeteries.

SMITH: Is there any further discussion of the En Bloc Amendments. If not the questions on--I'm sorry Mr. Carbajal.

CARBAJAL: Thank you, Mr. Chair. Chairman Smith and Ranking Member Thornberry I would like to thank you both and also staff for working with me to address--actually I'm--I'm--I'm seeing that I might be slightly out of order, Mr. Chairman.

SMITH: That's all right, fine. No discussion, all those in favor En Bloc number 2 say aye.

UNKNOWN: Aye.

SMITH: Opposed? The aye's have it. The amendment is adopted. We are now going to take a brief recess. We can all go over and vote and then we will resume. We are in recess.

(RECESS)

[*]SMITH: And we are now going to consider En Bloc Package number 3 and I recognize Mr. Garamendi for the purpose of offering the En Bloc Amendment. John? Hello?

GARAMENDI: Mr. Chairman, my mother told me not to eat fast.

SMITH: Oh, sorry.

(LAUGHTER)

GARAMENDI: Ten seconds. Okay. Mr. Chairman, I ask unanimous consent to call up on En Bloc Package number 3 consisting of amendments that have been worked out and approved with both majority of the minority.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc Amendment? Without objection, the amendments are considered as read. The gentleman is recognized for five minutes.

GARAMENDI: Mr. Chairman, Amendment number 73R3 by Mr. Larsen on the Firefighting Property Program. Amendment 77R1 by Mr. Cook on Delivering Two Low-Time Serviceable FA-18s to the--to NASA Armstrong Flight Research Center. Amendment number 95R1 by Ms. Torres Small on the State of Unexploded Ordnances on Indian Reservations. Amendment number 98R1 by Mr. Bishop on Direct Hiring Authority for Positions That Work on and Support Defense Activities for the Defense Industrial Base or the Major Rain and Test Facility Basis. Amendment 100R1 by Mr. Bishop on the Utility Viability Cost-Effectiveness and Environmental Benefit of Continuing Development of Energy Efficiency Programs: Improvements for Shelter number 3. Amendment number 110R1 by Mr. Brown on the Vulnerabilities to Cover Installations Located outside the Continental United States and Combat Commander Requirements Resulted from Environmental Risk over the Next 20 Years. Amendment 319 by Ms. Houlahan, which requests the report on Borrowed Military Manpower. Amendment 337R1 by Mr. DesJarlais on the Amount of Reimbursements for State Active-Duty Missions Deposited in the U.S. Treasury in Fiscal Year 2019. Amendment 344R1 by Mr. Keating on the Participation of Women in - in Conflict Prevention and Peace Building. Amendment 359 by Mr. Crow concerning the Security Clearance Backlog. Amendment 381 by Mr. Kim regarding the Testing of Installations Energy Resiliency Systems. That completes the En Bloc.

SMITH: (OFF-MIC) is there further discussion on the En Bloc Package? Hearing none (INAUDIBLE) motion--I'm sorry, Ms. Torres Small.

TORRES SMALL: Thank you, Mr. Chairman. I want to speak quickly on my amendment directing the Secretary of Defense to provide a report on the State of Unexploded Ordnance on Indian Reservations. Many tribal lands in the United States were formally used as test sites for explosive weapons. Greatly affecting the safety and well-being of tribes now living on these lands. These hazardous materials present both a safety risk to those living on Indian reservations and environment--environmental risks to the land itself.

In my district, many tribes including the Laguna, Akamai, and Sunni Pueblos, Mescalero, Apache, and Navajo Nation are already doing the work of removing unexploded bombs from their lands with little to no help from the federal government. The cleanup and removal of--unexploded ordinances left by the military is a federal responsibility. Getting this report will help the committee understand the full extent of that obligation and guide what financial resources should be provided to the tribes for ordinance removal. Mr. Chairman thank you and I yield back.

SMITH: Is there any further discussion on the En Bloc Amendment. Mr. Kim.

KIM: Well, thank you, Mr. Chairman. My amendment here is dedicated to preparing for a threat they cannot be stopped. It's dedicated to preparing for a threat that in my district unfortunately we know all too well. Natural--disasters in both size, scope, and frequency are on the rise and we've seen it through flooding this year at military bases across our country. And the people in my district have seen it in the aftermath of super storm Sandy.

This amendment would require the execution of three additional black start exercises on joint military installations between now and September 2020. These exercises simulate the loss of power systems often incurred during a major natural disaster. They are a critical component of base resilience and provide a measure of security against this growing and debilitating threat.

Furthermore, this amendment would encourage best practices sharing among facilities to ensure that we can learn from our successes and our mistakes. Every time we learn, we become more resilient. Every time we become more resilient, we save money and ensure our readiness. I hope you join me towards this end and support my amendment. I yield back.

SMITH: Thank you. Further discussion? If not, questions on adoption the En Bloc Package offered by Mr. Garamendi, all those in favor say aye.

UNKNOWN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Opposed? Ayes have it. The amendment is adopted. It is now in order to consider En Bloc Amendment Package number 4 and the chair recognizes Mr. Garamendi for the purposes of offering the En Bloc Amendment.

GARAMENDI: Thank you, Mr. Chairman. Without objection--oh, that's your task. Let me get mine. I ask unanimous consent to call up En Bloc Package number 4 consisting of amendments that have been worked on by both majority and minority and they have agreed.

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc Amendment? Without objection, the amendments are considered as a read. The gentleman is recognized for five minutes to discuss the En Bloc Amendment.

GARAMENDI: Thank you, Mr. Chairman. First Amendment number 047 by Ms. Hill concerning Protections for Unpaid Interns in the Federal Government. Amendment 048 by Ms. Hill concerning Antidiscrimination Laws within the Federal Government. Amendment 089 by Mr. Garamendi regarding Near-Term Actions to Reduce Reliance on Foreign Flagged Vessels. Amendment 318R1 by Ms. Holland regarding the Civilian and Military Digital Engineering Workforce. Amendment 421R1 by Mr. Wilson regarding Air Combat Maneuvering Instrumentation's Systems. Amendment 462R2 by Ms. Gabbard regarding the Military Munitions Response Program. Amendment 475 regarding Direct Hiring Authorities for Certain Civilian Employees. And Amendment 497 to change the date of a report related to the Defense Access Roads Programs. And that completes the En Bloc.

SMITH: Yeah, is there further discussion on this En Bloc Package. Hearing none--so members in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed? Aye's have it. The amendment is adopted. If there are no further amendments, the chair recognizes the gentleman from California, Mr. Garamendi, for the purposes of offering a motion.

GARAMENDI: Mr. Chairman, I moved to adopt the subcommittee report on readiness as amended.

SMITH: The question is on the motion, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed? (INAUDIBLE) being present to the aye's have it and the motion is adopted. And we move on. I always like to point out that I remember my first time on this committee. They handed me the little sheet there and there were like eight things we had to do, and I looked up and we were like two hours into it and we were done with five of them and I was like cool, this is going to go quick. It's not actually the tougher stuff comes later but we are off to a good start.

So now, we receive the report on the Subcommittee on Military Personnel. Pursuant to Committee Rule 17, the consultation with the ranking member, we will postpone all the recorded votes and the amendments to this particular subcommittee marked into consideration of all the amendments to this subcommittee. The mark has concluded.

And the chair recognizes the chairwoman from the subcommittee, the gentlewoman from California, Ms. Speier for any comments she would like to make. We're switching out the staff, if someone leaving there could start the clock before they go.

SPEIER: Thank you, Mr. Chairman. The military personnel subcommittee mark was adopted unanimously last week, reflecting the bipartisan nature of this effort and its inclusive of many member's priorities. Ranking Member Kelly, I want to thank for his contributions to this bipartisan effort. Provisions included in this mark and military personnel provisions found in the full committee will continue to improve the lives of military service members, and just as importantly, their families.

Items addressed by the military personnel subcommittee include funding, 3.1 percent pay raise for our service members, authorizing the department's request for end-strength, authorizing credit for reservists who serve on

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

active duty under Section 1234--12304B, to count towards the reduction eligibility age for retirement, and standardizing new mother deployment policies at 12 months post-partum.

The mark includes several provisions to bolster the department's spousal employment promotions program, increases the reimbursement amount for state licensure and certifications to \$1,000 and increases access to quality and affordable childcare. These small authorities do make a difference for our service members and their families. My visit to military installations across the country show that our service member families also make sacrifices for our nation and we commit to providing the care that our military families need and deserve because together, they serve.

The mark also continues the committee's efforts to provide support for victims of sexual assault by designating special victims counsel paralegals to assist SVCs in caring for their clients, and also expands the SVC program to cover eligible domestic violence victims. The mark authorizes expedited transfers to another military academy for cadet and midshipmen survivors of sexual assault and requires regulations for implementations of a safe to report policy at military service academies, which allow sexual assault victims to report sexual assault without fear of discipline or minor collateral misconduct. Our commitment to taking care of service members and their families includes ensuring quality healthcare.

To that end, this subcommittee mark includes several provisions addressing the quality of care in military treatment facilities, the continued reform of the military health system, and mitigating health hazards such as lead and mold in military housing. The full committee mark includes a provision to ensure service members have access to prevention and pregnancy services without having to worry about affording a co-pay when visiting a civilian network provider. Lastly, Mr. Chairman, I believe this mark responsibly funds the Department of Defense for fiscal year 2020. The \$733 billion is what many of my colleagues in the minority publicly requested in December.

This mark funds the end-strength of services requested and can responsibly execute without leaving billions of dollars on the table to be reprogrammed for non-defense items instead of addressing critical readiness issues. Once again, Mr. Chairman, the staff worked in a bipartisan manner to develop the mark. I want to acknowledge the staff's efforts. Craig Green (SP), Dave Cacheti (SP), Glenn Deal (SP), Jamie Jackson (SP), Dan Senate (SP), Danielle Staggs (SP), as well as my personal office staff, Mitch Hotberg (SP), Benjamin Broadmeadow, and Heather McCaslin (SP), who all worked in a collaborative and professional manner. And with that, I yield back.

SMITH: (INAUDIBLE) Gentleman from Mississippi, Mr. Kelly for five minutes.

KELLY: Thank you, Mr. Chairman. I, first of all, echo Chairwoman Speier's comments the hard work and bipartisanship shown by the staff. You guys were exceptional, each and every one of you on the staff--professional staff here. The military subcommittee mark was adopted unanimously last week, reflecting the support and participation by all members of the subcommittee. The provisions adopted by the subcommittee build on important reforms established in the last Congress and provide our war fighters, military families, and retirees the necessary benefits and support that they have earned. To highlight just a few items, the subcommittee recommends increases in end-strength for the Navy, Air Force, and Marine Corps, and an extension of special pay-in bonuses for service members in high-demand fields.

Additionally, it would require the Department of Defense to establish a common comprehensive service record of component service members that will serve as definitive proof of service. The mark would also continue the committee's considerable work over the past several years aimed at improved spouse employment and childcare access. The mark would increase the authorized reimbursement for spouse licensure from \$500 to \$1,000 and would require the department to analyze whether the license reimbursement rates are sufficient. It would also expand eligibility for the spouse tuition assistance through the My Career Advancement Program.

The mark addresses the persistent issue of military childcare access by requiring the department to conduct a comprehensive review of the adequacy of on-post childcare, including the waitlist at all military installations and whether additional financial assistance for childcare is required. It would also allow surviving spouses of fallen service members to receive a stipend for childcare expenses. Finally, the proposed mark would continue to build on critical reforms from the last Congress, including refining sexual assault prevention and response programs,

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

providing enhanced oversight of military health system reforms, and improving service member's access to behavioral health.

Despite the solid bipartisan work that went into the subcommittee mark, I'm very concerned that these important provisions will be undercut by a proposed \$1.23 billion cut in military personnel funding. This is a cut to the account that pays for service member's pay, sustenance, bonuses, and retirement. I hope that we, at some point during the markup, have a debate on why these cuts have been proposed. In the meantime, I want to thank Chairwoman Speier and my colleagues on the subcommittee for their considerable work on this mark and I yield back.

SMITH: Thank you and just to be clear, member's pay is not being cut. It's being increased by 3.1 percent. Is there any further discussion on the mark? The hearing, then, will now consider on block package number one, and the chair recognizes Ms. Speier for the purpose of offering the En Bloc amendment.

SPEIER: En Bloc package one is comprised of the following amendments--

SMITH: --I'm sorry. Actually, there's one step we have to go on that. This is where you have to ask unanimous consent to call it up. Sorry they don't have the proper paper in front of you there.

SPEIER: Mr. Chairman, I ask unanimous consent to call up En Bloc package number one, consisting of amendments that have been worked and approved with the minority.

SMITH: Without objection, so ordered. Will the clerk please distribute the on block amendment. Without objection, the amendments are considered as read. The gentlewoman is recognized for five minutes for the purposes of discussing or explaining the on block amendment.

SPEIER: Thank you, Mr. Chairman. En Bloc one is comprised of the following: Amendment 060 by Ms. Davis, that directs a report on Army active component support of the Reserve component. Amendment 092 by Ms. Torres Small that would direct the SecDef to provide a report on providing maternity leave to the National Guard and Reserve components. Amendment number 101 by Mr. Brown, that provides a casualty assistance officer to the family of ROTC graduates that have not yet reported to their first duty station in the event of their death.

Amendment 011 by Mr. Turner directs the (INAUDIBLE) to submit a report of the feasibility of appointing a guardian ad litem to represent minor victims of alleged sex-related offenses in the military courts martial process. Amendment 033 by myself, that creates public database with service general and flag officers, including biographical information. Amendment number 014 by Mr. Turner that requires a special victims counsel be made available to victims not later than 48 hours after a request for such.

Amendment number 017 by Mr. Turner that increases the number of digital forensic examiners in military criminal investigation organizations. Amendment number 042 by myself that establishes a panel tasked with reviewing the ability of the board of corrections of military records and discharge review boards to promptly process cases. Amendment number 103 by Mr. Brown that directs the SecDef to include questions about supremacist activities, extremist activities, and racism in command climate surveys, workplace and equal opportunity survey, and workplace and gender relations survey.

Amendment number 161 by Mr. Cook, that limits funds from being used to consolidate the defense media activity until a period of 180 days from enactment of this act. Amendment number 168 by Mr. DesJarlais, that requires the department to submit report reviewing its policies permitting military personnel to use education benefits for non-traditional, cyber-related educational programs. Amendment number 169 by Mr. DesJarlais, that requires the chief of the National Guard Bureau to provide a report on the National Guard's role space activities.

SMITH: Now, further discussion of the En Bloc package.

THORNBERRY: Mr. Chairman?

SMITH: Mr. Thornberry.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

THORNBERRY: Mr. Chairman, I--I want to just appreciate the work of this subcommittee and I certainly support the En Bloc package. I take time just to make absolutely clear that what Mr. Kelly said a few moments ago is absolutely accurate. The underlying--the personnel accounts in the chairman's mark are \$1.2 billion dollars less than the administration requested. We can talk about whether it's justified or not, that's fine. But, it is a lower amount and--and that is one of the accounts that I seek to restore later today. I yield back.

GARAMENDI: Mr. Chairman?

SMITH: Mr. Garamendi.

GARAMENDI: As I recall--as I recall, a couple of months ago, the president and the secretary of Defense transferred a billion dollars or so out of the Army personnel account to transfer to some sort of security--I think it was a wall on the border. Are we talking about the same billion dollars here?

SMITH: The gentleman yields back, and that is part of our argument and part of my point about how--I mean, look, as the Chairman alluded to, when we cut the pentagon by 20 percent overnight without warning, that had a devastating impact. There's no question about that, but we're not talking about cutting them 20 percent.

We're talking about increasing them 2.5 percent, and they're talking about increasing (INAUDIBLE) 3.5, 3 percent--something like that, a little bit more. So, there's a difference here and it is concerning that the pentagon was able to find \$3.6 billion dollars, including a billion dollars out of the personnel account after we had authorized it to go to personnel for some other purpose.

And it's just--money at the pentagon, it's not a zero-sum game. Efficiency matters and how they spend it does matter, and I think that it's a valid point. The president took a billion dollars out of personnel and nobody seemed to mind. So, we--we need to be careful about the specifics on that. Further discussion on the En Bloc package? Hearing then--all those in favor will say Aye.

UNKNOWN: Aye.

SMITH: Opposed? Ayes have it. The En Bloc package is accepted and it is now in order to consider En Bloc package number two. And the chair recognizes Ms. Speier for the purposes of offering the En Bloc package.

SPEIER: Mr. Chairman, I ask unanimous consent to call up En Bloc package number two, consisting of amendments that have been worked and approved with the minority.

SMITH: Without objection, so ordered. Will the clerk please distribute the En Bloc amendment without objection the amendments are considered as read and the gentlewoman is recognized for five minutes.

SPEIER: The En Bloc package number two is comprised of the following. Amendment number 061 by Ms. Davis that directs the report on expanding tri-care benefits to include coverage to allow for medical treatment for sexual dysfunction related to sexual assault or harassment. Amendment number 062 by Ms. Davis that would direct a report on access to healthcare services for reserve and National Guard who disclose sexual assault.

Amendment number 106 by Mr. Brown, that provides a death gratuity to the family of ROTC cadets in the event of death between the time they have taken the oath, but have not reported to their first duty station. Amendment number 107R1 by Mr. Brown directs DoD to make the DD form 214 computable and machine readable. Amendment number 194 by Mr. Carbajal that directs SECNAV to coordinate with the Navy medical department to assign personnel to the Marine Recruit Training regimen at each recruit depot who are capable of determining whether a recruit requires urgent care. Amendment number 197 by Mr. Carbajal that requests the IG of the DoD to conduct and assessment of the deaths of recruits at Navy Marine Corp training bases and the effectiveness of the current medical protocols on the training bases.

Amendment number 201 by Mr. Mitchell that requires DoD to provide education to service members on professional development services available to them at major touchpoints during their career. Amendment number 202 by Mr. Mitchell that includes commander support for transition assistance programs as a criteria in command climate

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

assessments. Amendment number 210 by Mr. Langevin that directs the GAO to conduct a study on the challenges faced by military adoptive and foster families and the support services available to help address these challenges and promote permanency.

Amendment 218 by Mr. Kelly that is a sense of Congress expressing support for 3--3,700 GROTC units nationwide. Amendment number 235 by Ms. Stefanik that requires DoD to assess the current statute on the transition compensation program to increase reporting and align with modern definitions of domestic and intimate partner violence. Amendment number 236 by Ms. Stefanik that adds warrant officer and non-commissioned officer to text on the Department of Defense's ongoing efforts to integrate cyber domain, education into officer--warrant officer and non-commissioned officer professional military education.

SMITH: Is there further discussion on the En Bloc package?

CARBAJAL: Mr. Chair?

SMITH: Mr. Carbajal.

CARBAJAL: Thank you, Mr. Chair. Chairman (INAUDIBLE) and Ranking Member Thornberry, I wanted to thank you and your staff for working with me to include language in this end-block that directs the Secretary of the Navy to address the lack of medical personnel within the recruit training regimens at the recruit depots. Currently, the recruit training regimen personnel do not possess training or equipment to evaluate recruits who are ill, nor are they able to determine whether an ill recruit needs emergent care.

My amendment directs the Secretary of the Navy to work with the Navy medical department to assign medically trained personnel to the recruit training regimen at the Marine--at the Marine Corp recruit depots. This individual needs to possess sufficient medical and training equipment to evaluate sick recruits and needs to be capable of determining whether a recruit requires emergent care.

The language also requires the Navy to ensure that such personnel is available after business hours in order to provide the course of action for managing sick recruits. These recruits are young men and women who have decided to serve their country voluntarily and we have a responsibility to take care of them. When there is a recruit who has been ill all day and at night--and unable to function, there should be someone on staff who is medically aware enough to initiate emergent care.

We should not be leaving sick recruits to only be watched by their fellow recruit fire watches on duty. That is irresponsible and our Marine recruits deserve more. Furthermore, I want to thank the committee for including another one of my amendments that requests the inspector general to conduct an assessment of the deaths of recruits at the Navy and Marine Corps training bases and the effectiveness of the current medical protocols on these bases.

As you all know, we have a number of incredibly unfortunate losses within the Navy and the Marine Corps recruit community. I believe it is critical to look at the causes of these deaths and go back and look at where we may have failed and where we can improve in terms of medical care for our recruits. As I have said before, we have no bigger responsibility than to take care of our most valuable assets, which are those men and women serving in our military today. Thank you. Mr. Chairman, I yield back.

SMITH: Further discussion? Hearing none. Question is on the adoption of the En Bloc package offered by Ms. Speier. So many as are in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed? Ayes have it. The amendment is adopted. It is now in order to consider log 044 RI by Ms. Speier. For what purpose does the gentlewoman seek recognition?

SPEIER: I have an amendment at the desk.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Will the clerk please distribute the amendment. Without objection, we'll dispense with the reading of the amendment and the gentlelady is recognized for five minutes.

SPEIER: Thank you, Mr. Chairman. Colleagues, I am speaking in support of this amendment to create a pilot program--a four-year pilot program wherein an office of the chief prosecutor would be created making binding referrals, special victim's offenses in our military service academies to the superintendents. The academies are facing a sexual assault crisis and we are asleep at the wheel.

This isn't a new crisis, we just tricked ourselves into believing it was getting better. It has not. What you see on this border right in back of me are just a series of articles that have appeared over the last four to five years of one tragedy after another. One scandal after another at the academies.

The number of sexual assaults at the military service academies has more than doubled, I repeat, doubled from 327 to 747 from 2013 to 2018. Over that time, reporting rates decreased from 16 percent to 12 percent. Last academic year, 1 in 6 women at West Point and the Naval Academy were victims of unwanted sexual contact. As were 1 in 7 at the Air Force Academy. Last year, half of all the female cadets and midshipmen at the academies were severely or pervasively harassed. None of them--none of them reported it. Unsurprisingly, only 45 percent of all female cadets and midshipmen trust that their academy leadership would treat them with dignity and respect if they were to experience sexual assault.

When the military released its latest report, it said--it set a familiar pattern, headlines blared out an alarm, Congress expressed concern, and the academy superintendents testified in front of this committee to say there's a real a problem and that "one assault is too many." I don't know how many times we must go around this hamster wheel before we realize we're stuck on it. I don't doubt for a second the commitment of the superintendents to combating sexual assault, but they don't necessarily have the right tools. My amendment creates a four-year pilot program. It's an experiment. It's a tool, potentially, to create accountability, improve the credibility of the military justice system, and increase reporting.

The superintendents would still be in charge of combating assaults at the academies of the military justice system there and of sexual assault trials specifically. The superintendents just wouldn't make prosecution determinations in assault cases. Last February, General Williams told the military personnel subcommittee that his most important tools in fighting assault were "setting tone and expectations." He'd still have them, but instead of the superintendents making prosecution decisions, an objective, independent, experienced prosecutor would make a binding recommendation to them. If the superintendent disagreed, he could appeal the decision to the Department of Defense general council.

This change would make the system more just. Commanders oftentimes have conflicts of interests between the survivor, accused, and the unit. Even when they handle this responsibility well, the fact that commanders have this power is complex sex--special victim's cases, undermines the credibility of the system. Though commanders have staff judge advocates, I've heard from one that the lawyers look out for the interests of their clients, the commanders, when making recommendations and not the fairness of the system. My long-standing belief based on research and conversations with survivors is that if objective prosecutors made prosecution decisions instead of commanders, more survivors would come forward and trust the military justice system.

This amendment offers a bold step to address the problem of assault at the academies, but again, it creates a four-year pilot program so that we can observe, learn, and inform future policy. Since the academies are non-operational educational institutions, there would be no impact on readiness or lethality, but since cadets in midshipmen are in the age group with the highest assault prevalence, we could reliably test the model. The same old approach simply hasn't worked. We owe it to the future leaders of our armed forces to ensure they aren't educated in an environment characterized by pernicious and pervasive harassment and assault. Thank you, Mr. Chairman, and I reserve the balance of my time.

SMITH: Further discussion? Mr. Turner--sorry, I don't know.

UNKNOWN: You looked at me both. I went with him.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Sorry, I'll pick you first next time.

TURNER: Mr. Chairman, I have a substitute amendment at the desk.

SPEIER: You know about this?

SMITH: What's that?

SPEIER: Benjamin, do we know anything about this?

UNKNOWN: We have it to pass out.

TURNER: Mr. Chairman, it's been arranged already for it to be passed out.

UNKNOWN: Mr. Chairman, I want to make a comment on this. I mean, Mr. Cisneros over here. But before we do anything further, I'd like to make a comment on this amendment if I could.

SMITH: Once Mr. Turner's been recognized, we--we have to address the substitute amendment. Ms. Speier, if I may inquire for just a second, have you seen the substitute amendment?

SPEIER: I have not.

SMITH: Okay. We're going to take a brief recess until we can figure out what's in the amendment and give people the opportunity to make an informed discussion on what it is. I'm sorry, if I could bring everybody back in. Apparently, the-- the amendment is not showing up on people's computers? The substitute amendment. Can we-- yeah, I'm pretty sure whatever you're showing me is not going to--okay. We're going to distribute the amendment but, what's wrong with our wonderful computer system here? What's that?

Okay. Alright, we'll take the amendment and pass it out the old-fashioned way and give people a chance to look at it. We're going to come back into order and so I can ask the staff some questions and I'm sorry guys, if you could sit down in front of me here so I can see the staff. Ruben, guys--when a substitute amendment is offered, isn't--is the author supposed to give you enough copies for all of the members or how does that work? I thought that was part of the requirement of offering an amendment? You gave 57 copies out?

Okay, I still don't--what's log 505? This seems like a summary of the amendment, not actual legislative text. (INAUDIBLE) okay, I guess it is. It's just written sort of oddly. Okay, well, we can--we can--we can learn as we talk about it at any rate. So, Mr. Turner, why don't you take a stab at explaining it?

TURNER: Thank you, Mr. Chairman. Sorry about the procedural issues. This is actually how we were instructed to do this. I know trying to get technology to work and everything to work together. I want to first begin by thanking Chairman Speier for her dedication and commitment to the issue of sexual assault in the military. We first met during the Sundance preview of the movie Invisible War that two of my community members appeared in and that I was in that was really the--a--a launch of the whole country's understanding of the crisis of sexual assault in the military.

This is a very difficult issue for all of us. It's very emotional as we deal with issues of how to we assist victims. Sexual assault violates the very nature of someone's human rights. We focused on three different areas: prevention, prosecution, and protection. To give you a little history, what we did 10 years ago, is that we tried to form a bipartisan sexual assault prevention caucus for the purposes of vetting and working and continuously trying to strive on this issue.

So, I want you to know that over the past ten years working with Congresswoman Mickie Sherrill, working with Congresswoman Susan Davis, Congresswoman Loretta Sanchez, the bills that we've passed for the past ten years include the Strong Act, the Be Safe Act, the Military Act, the Support Act, the Protect Act, the Be Heard Act, and the Persist Act, and this year it was the Stop Act. Every year we have done a bipartisan group of substance of legislation and some of the things that we have accomplished together--this committee, because we have worked

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

diligently on this issue, is we've raised the profile of sexual assault prevention response officers, we required improved case data collections, we created the sex--the victims' advocates for counsel. We did special training for sexual assault victim advocates. We allowed for victims' application for unit transfer.

We've created the defense advisory committee on investigation, prosecution, and defense of sexual assault. In all of these, we've worked in conjunction with the Senate, and we've worked in conjunction with this committee so that everything was on a bipartisan basis. Taking this out of the chain of command has been something that has been studied as early as 2014, and all bipartisan commissions and panels that have reviewed this have recommended against this. Now, this is a pilot program, which I would say is even that much more risky because what we have here is the criminal justice system. You know, I told you we have prevention, prosecution, and protection.

Prosecution is the toughest one because it's the criminal code. So, you start changing the criminal code and you have cascading effects down to how even a--an accused is handled, how an actual perpetrator is handled. So, the concepts of doing a pilot program is even that much more raising the bar of our cautiousness. We shouldn't do this based on anecdotal issues. Certainly, not newspaper articles. We have been thoughtful. We have been substantive. We have studied this and in every way that we've moved forward, there are a number provisions in this bill that are bipartisan.

This--this would not be one of them. Now, what my amendment does, and I didn't just come out with this out of thin air. This actually takes virtually the provision that was in the Senate bill this year. They took up and debated this issue. All the bills that I read to you that we have done on a bipartisan basis, Congresswoman Susan Davis and myself, and Mickie Sherrill. Laura Sanchez, all were adopted and became law with support from the Senate. So, we have not done this as just one house or even just one party. Bipartisan, bicameral.

So, what I have done is provided us an opportunity a substitute amendment that allows us to adopt the same, virtually the same provision that the Senate has so that when we go to conference, we will take up this matter together. And what it says is, just recently, in our--in the legislative changes that we've made, we have changed portions that affect the chain of command. Some of those just went into effect January 2019. So, we'd be changing it already without even giving real opportunity for some of those changes to take effect. So, this amendment takes the Senate language, it's already in their bill, and says let's take a look at this again. Let's get empirical data.

Let's get empirical understanding on a bipartisan basis, bicameral basis as substantively, what do we need to in the criminal justice system with respect to this issue, rather than just making a surgical pilot program that could affect both victims and those who are accused. So, I would--I would ask for the support for this amendment. I certainly want to just one more time, tell you how much that I greatly appreciate Chairman Speier's commitment to the issue of sexual assault in the military. We've got a number of things that we've worked on together, but this is one where we should adopt this substitute. Thank you. I yield back.

SMITH: Thank you and just to be clear on this, the underlying amendment is bill language, the substitute is report language. Is that correct? Can anyone take a quick stab at what the difference is between report language and bill language? Well, that's not encouraging.

TURNER: Mr. Chairman, if I could--

SMITH: --Well, actually, at the moment I'm trying to see if the staff can give me a shot.

CLERK: Yes, sir. The bill language would direct the department to actually execute. This directive report language basically has them do a study. The bill is a law. Directive report language tells you--

SMITH: --I'm sorry. We can't hear you. Speak up.

CLERK: The bill is, if it's passed into law, it becomes law. They have to do it. Directive report language directs them to do something, they do it 99 percent of the time, but it's a report and it's not the same thing as a law.

SMITH: (INAUDIBLE) clarification. And let me just say, Mr. Turner is correct. This committee has done a--a great deal of work in a bipartisan way on the issue of sexual assault within the military. This particular issue has always

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

been contentious and we've had debates on it before and we're having another debate on it here. And you know, it's bipartisan in terms of--you know, how people feel about it. I think Ms. Speier made the point that what we've done over the course of the last ten years or so, has been a lot.

It is clear from the statistics that we're not there yet and frankly, I'm going to listen to the debate. I don't know how I'm going to vote on this, because I've--I've heard that--you know, taking it out of the chain of command is potentially problematic. On the other hand, you know, doing this as a pilot project to see if it does improve things given the problems we have might make sense. But, so all the members are clear here, we've worked together on this.

This is just one where there is not agreement. There's not a bipartisan agreement, and there hasn't been during the 6-7 years we've been talking about it. So, we're going to debate it here and see where we're at and this is the first sort of back and forth. Ms. Speier has the right to close on this, so she does--does have the right to speak again. But who seeks recognition now? Mr. Brown.

BROWN: Thank you--thank you, Mr. Chairman. I speak in opposition to the substitute amendment because I support the underlying amendment. First of all, I commend this committee long before I got on the committee, and this Congress, in the efforts that it has taken to address sexual assault in the military. We have a problem in the family. This is our family. Sexual assault is horrific. The impact it has on the victim: emotional, physical, spiritual, and otherwise. The impact on the community.

We have a problem in the family. We've taken steps to address it, but as Ms. Speier mentioned, we're not moving in the right direction. In the larger force, sexual assaults are up 37 percent in the last five years. They've more than doubled that in the service academies. I like the substitute amendment and the fact that the Senate has passed it and I hope we adopt it in Congress because we will have an opportunity to have both this substitute amendment because it's coming to us from the Senate in the pilot program.

If the amendment before us from Ms. Speier's was--was saying hey, let's take it away from all commanders, I'd have some problems and concerns because I have. I'd say hey, maybe we should study it a little bit more, the impact, but I disagree that the pilot program would have a cascading effect. I'm--I'm sympathetic (INAUDIBLE)--that's not what this underlying amendment does. It addresses 3-6 convening authorities. The superintendents and commodores at three academic institutions. One of the reasons it's often offered as to why we shouldn't take the court martial convening authority for sexual assault cases away from commanders is because commanders have these large responsibilities.

They have to consider sometimes what may appear to be conflicting interests. For example, my unit is about to deploy to Afghanistan, I've got to make decisions about what I'm--how I'm going to handle this accused. Do I do it now? Do I do it later? The nature of the defense. I could decide, and it's my right as a commander, to do nothing because that person is a critical asset in a very important mission in Afghanistan. I cannot afford to lose him because if he doesn't go, I may lose 10 people in Afghanistan. This is not what we're talking about.

This is more kin to the relationship that you as the student has to your university president or the dean of college. This is not a troop unit we're talking about. These are the service academies and while they train things like how do you create unit cohesion and--and--and how do you impose and enforce discipline. That's to prepare them for when they move to the troop unit. They are now in college. In fact, some people who graduated the service academies years ago would bemoan the fact that the service academies look too much like a civilian university today than what they looked like when--when you graduated from the service academies. But, that's what you have.

Now, also in the underlying amendment, the only thing that it takes away from the superintendent and commodore is the decision of whether to go to court martial or not. And the decision by this chief prosecutor is we're not going to go to court martial on this, the superintendent can still impose non-judicial punishment. Post-conviction, if--if the--if it does go to court martial, first of all, the superintendent can appeal it and that's in the pilot program. Post-conviction, all of the rights, if you will, the authorities that the superintendents have they continue to have. They can review it on post-conviction.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

It's just the decision whether or not to go to court martial or not. It--we're not--we're not doing this to the Navy second airborne. The 10th mountain is not being impacted. Your favorite fighter wing and Marine group are not being impacted. That's why it is important to look at this substitute amendment when it comes over to us from the Senate, but why not pilot? We've got a problem in the family and we've got to fix it. So, we all know that sexual assault is terrible, but to me, it's even more egregious when it's committed by someone in the family and we've got service members on service members, in this case, cadets on cadets.

And I'll just close on this one fact, which I think is striking. In the last five years, where we've seen surveys show that the number of sexual assaults are up at all the academies, including the Air Force Academy, there hasn't been a single court martial at the Air Force Academy, there's been two against cadets at the Air Force Academy in Boulder and Denver. Something's wrong at the academies. We can fix this. We can at least begin to address it with the pilot program. I yield back, Mr. Chairman.

SMITH: Mr. Bacon.

BACON: Thank you. I--I'm in support of Turner's--or Mr. Turner's amended--amendment to the amendment. I hear--I respect--I like Mr. Turner and Ms. Speier. She is very admirable for taking this on. I've worked with her on multiple different initiatives and bills on this, but I am very leery about undermining the court martial authority of our commanders as I've been one for--for five different times. I think our commandants and our superintendents need to have the court martial authority.

This is part of command and my experience underlies this. I wasn't a commandant of the university, but I think--of the academy, the principles are the same. In one of my commands, I inherited one of the worst sexual assault frequencies in the military and I knew we had an emergency we got to work on it. So, I came up with a game plan and within a few months, we were able to lower that sexual assault to one of the best rates in the Air Force and we were subsequently recognized for having the best sexual assault program in the entire Air Force. Court martial authority was key to them. That was an essential tool that I used. I don't want to give that to someone else to tell me that I have to--what I can do or what I can't, as a commander.

Chain of commands involves commanders, not lawyers, and I respect that Mr. Brown, but deciding the court martial authority is the decision of a commander. That's not something you rent out or lease out to someone else. Commanders are responsible for the morale and discipline of their units or their academies, not a lawyer. So, I know the leadership at most of our academies. Charles Sevaria (SP), I've known since he was a colonel. I can tell you, there's no one more dedicated to fighting such assault than he is. He is passion--passionate on this. You will not find a lawyer more passionate than Charles Sevaria (SP) in defeating court martial error. So, I think we--any sexual assault, one is too many.

We have a problem on our campuses and we have a problem in our services. We have a problem in our society. Sexual assaults, when the evidence is there, they need to be convicted. We need to put them--put them on trial and adjudicate them. We do not take the authority out of the commander. It will undermine the command authority of our superintendent and our commandants and they are the ones responsible for the morale and discipline of their units, not a lawyer. Mr. Chair, I yield back.

SMITH: Yes.

CISNEROS: Thank you, Mr. Chairman. I--I seek to support the underlying amendment for Ms. Speier. I want to thank her for her leadership in addressing the sexual assault in the military and supporting survivors and I fully appreciate the importance of good order discipline and the authority of the commanding officer to maintain it, but I also believe that vigorously and appropriately, investigating and educating allegations of sexual assault is crucial to good order and discipline.

There's research out there that say woman cadets and midshipmen would be more likely to come out and to report incidences of sexual assault if there was somebody outside of the chain of command that they could talk to. That's what this pilot program does, it allows us to test that. It temporarily creates an office of the chief prosecutor who will test an officer's ability to enable to service academies to vigorously and appropriately investigate allegations of

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

sexual assault without implicating commanding authorities--I'm sorry, the commanders, authority, and good order and discipline.

As--as we know, and it's already been said, sexual assault at the academies is on the rise and something needs to be done about it. This is a pilot program. It's something that needs to be tested to see if it could work. That's why I'm in favor of it and that's why I support it. We need to do something differently, because what we're doing right now at the academies isn't working. So, I support this amendment and I encourage my colleagues to do the same.

SMITH: Just to be clear, Mr. Cisneros, we're debating the substitute amendment from Mr. Turner. So, you support or oppose that substitute?

CISNEROS: I oppose the substitute amendment.

SMITH: Thank you, Mr. Bishop.

BISHOP: Thank you. Procedurally, to adopt the Senate language, it means it's done. It will not be subject to the conference committee's process. By com--by seeing anything else, who knows what will or will not come out of the conference committee report. I'd like to yield the remainder of my time to Mr. Turner.

SMITH: Thank you, Mr. Turner.

TURNER: Thank you, Mr. Bishop. Thank you, Mr. Chairman. I just to want to respond to a few things. The chairman had asked the question about report language versus non-report language. I think the staff can confirm that when you do report language on a study, they are going to do the study. It's not like a compulsion or not compulsion. They're not free not to do the study. It is compulsory for them to do and deliver the study.

The compulsory aspect of legislation versus this report aspect, and correct me if I'm wrong, that's why I'm directing this to staff, is that this actually changes the criminal justice code. That's the compulsory aspect. Now, you can't by report language change the criminal justice code. Now, I'm going to go back to why this is important not to do as a pilot. You know, for all of us, just pause for a moment separate from the debate and just--just clear your head and think.

If I'm going to make a change to the criminal justice code, what would I like? How about the opinion of an attorney? How about the opinion of the Department of Defense? How about an opinion of those people that actually do those things? The problem with an amendment like this with, again, all due respect to the chairwoman, because we--we both have such great passion on this issue and I--I have such a strong record and she has such a strong record, is that we don't have any of this. I mean, this is subcommittee chairman's perspective on what needs to happen to the criminal justice code, and there's huge danger here.

Now, the danger of the pilot is, is if you try to prosecute me under a pilot program, the first thing I'm going to argue is equal protection under the constitution. Why am I being treated differently than somebody else? We could undermine the very basis of the prosecutorial aspect of what's going--because we've not--we've not studied this. we've not looked at what the impacts are. We don't even look if you can carve out from criminal justice a pilot program. I told you that there are three things that we've tried to do as this committee, and again, great legislation that has made huge impacts is prevention, prosecution, and protection.

Do a pilot program on prevention. Do a pilot program on protection. But, a pilot program on the criminal justice system, it is absolutely fraught with danger. Now, the other aspect of this, which the data shows when we studied this in 2012--in 2014 with the bipartisan response systems panel is actually prosecutions under the criminal system versus the civil system are more. We actually do more under the criminal justice system in the military than occurs in the civil system.

The issue of increased sexual assaults either in reporting or in actuality, is one that you should focus on prevention. Does anyone in this room actually believe that somebody's going to be prevented from perpetrating a sexual assault because there's a pilot program at the academies that are going to result in someone else handling their prosecution? No, this is training. This is communication. This is cultural shift. One of the things that we've tried to

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

communicate with people is--is that--that not only is this such an ultimate violation of someone's human rights, but the people who perpetrate this are criminals.

And so, it's the culture around those criminals that needs to be changed so that they are not--they are not in a permissive environment, so third parties will come forward and report it, so other people will protect others. We shouldn't look at just, again, anecdotal responses on this. We need to look for actual substantive advice as to what to do and in this, we do not have the requisite information that we would need to do a pilot program within our criminal justice system. With that, I yield back to Mr. Bishop.

BISHOP: I yield back.

SMITH: Ms. Gabbard.

GABBARD: Thank you, Mr. Chairman. I speak in opposition to the substitute amendment and support the underlying measure. This one hits close to home for a number of reasons. You know, there's been a lot of talk about legislation that's been passed, initiatives that have been put forward, commissions that have come together and made recommendations to Congress. But, the evidence in the reports that we continue to see come out year after year show that the system that we have in place is not working.

The reports that acting Secretary Shanahan recently talked about that there's been a 38 percent increase in sexual assault in the military from 2016 to 2018 alone. One thing I want to note in the years that we've been debating this issue, especially in this committee, the commissions that are being referenced to my recollection, they represent general officers, officers, or retired officers. Time and time again, we see a lack of representation coming from anyone in the enlisted ranks. No commands or majors coming forward, and yet, who's the number one target of sexual assault in the military?

Enlisted female troops, aged 17-24, E3s and E4s. It is their voices that are not being represented, so time and time again, we hear about--oh, we've got to protect command authority. I agree with that. I served both as an enlisted soldier for five years up until being an E4, I went through OCS, commissioned as lieutenant, also served as a company commander. I respect the need for commander authority. But, I also understand what it's like to be an enlisted soldier where you don't feel comfortable going and speaking to that commander. I've served under commanders who have done the right thing. I've also served under commanders who have not.

Who have abused their power. Who have not fulfilled that responsibility they have to serve and protect their own troops under their command, so I think the point here is, is we're looking for other solutions and other opportunities to make sure that the justice system that we have in place actually protects the victims of sexual assault in the military. I think Congresswoman Speier talked about how, in our service academies, the statistics she mentioned, none of those sexual assaults had been reported. None had been reported. Why is that?

How can talk about prevention unless these things are actually being reported? What I have heard from people who I know personally, is they have not reported their being a victim of sexual assault because they have no faith that their command will stand up for them. They have no faith in a fair transparent justice system that will not result in retaliation. That will not result in them being sequestered from their comrades. That will not result in them being pointed out as saying, oh, she's one of those. Watch out. Stay away from here. She's a troublemaker. She causes problems.

She--she is ruining the cohesion within the unit, when in fact, the opposite is true. It is the perpetrator of these crimes who are violating the unit cohesion that is necessary in every single one of our units. Small units and large units, so I can't speak strongly enough for Congresswoman Speier's efforts to look at other avenues to begin to get at heart of making sure that we, as service members, have a justice system that works for us. I yield back.

SMITH: (OFF-MIC)

KELLY: Thank you, Mr. Chairman, and I too am very passionate about this interests--about--about sexual assaults. It's a very serious issue and we have to address it. But, this is not the right way. So, I speak in support of Mr.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Turner's substitute amendment. You know, I've been blessed and fortunate to be able to see this problem from a perspective that very few people have because I have commanded at the O6 level.

I've been at the court martial level in both the military--and I've also been a district attorney, and so I prosecuted on the civilian side. And so, I think that is very unique skill set and I think that I have some value to add to the discussion. But, I'm I also had an undergrad in business and love statistics, love numbers.

And so, one thing I know about marketing, and statistics, and polling, and those things is that if you want to get a good representation--representative sample, you have to have that to start with. You can't use the academies and compare them to the E3s, and E4s, and E5s that--that my fellow member talked about on the other side that we need to protect, because they're not the same. The units are not the same. So, this is a--we start with a false premise. We start with a faulty sample. We start with a sample that is not representative of the military as a whole.

There is a whole lot difference in a college type environment with the top of the top kids who are all selected by members of Congress and all have just super stuff--there's a lot difference from those and kids who enlist and go to basic training. The same basic training that I did. And so, I would say that if you're trying to use this as a pilot program, at least get a representative sample and the academies are not that. You know, and--and let me just say, the Army, the Navy, the Air Force, the Marines, DoD, it is a social experiment. It is not a social experiment. These men and women deserve the best of everything we can give them, because they're going down (INAUDIBLE).

We've got to protect those young E3s and E4s and that's whether they're male or female. We've got to protect them from this coward called sexual assault. But, I can tell you as a prosecutor, as a DA who has been inside a grand jury. Grand juries would not indict many, many of the sexual assaults that we now are prosecuted on the commander's orders. They would not take the case up because prosecutors don't like to lose, they care about getting re-elected, or they care about stats, or they care about their next job.

And let me tell you, unless you've tried a sexual assault case, as a prosecutor, they're difficult. They're difficult--difficult to try, even in the best set of circumstances. Especially when it's--but you know what, our military does them, and we convict at a much higher rate than the civilian side and that is because the role of the commander. It is absolutely necessary that we not change the law to do something that is going to hurt all our soldiers, including those that we're trying to protect. You know, at war college, they teach us when you do something, you don't just look at what you're doing now.

What are the cursory or the second and third order effects? Doing this pilot program without properly studying it. We are not properly looking and the second and third order effects and the people we may hurt may be the people we're trying to protect. So, I go with this substitute amendment. Let's look at the report language as opposed to making it law and changing our code and if I can yield to Mr. Turner the balance of my time.

TURNER: I just have one thing that I want to add. I mean, this is--this is, again, a very emotional issue. This is our attempt to support victims. This is about our service members, but this is not a gender issue and if it was a gender issue, all studies show--and I'm looking at the one from 2018, more men than women are sexually assaulted while serving in the military. Let's not make this a gender issue. This is a service member's issue. The study in 2012 came out the same. This is a service member's issue. This is victims and human rights.

SMITH: Okay. Important issue. I think we've--we've covered a pretty significant chunk of it. But, further debate?

GALLAGHER: Mr. Chairman?

SMITH: Mr. Gallagher.

GALLAGHER: Thank you, Mr. Chairman. I yield my time to--

SMITH: --Just a second, Mr. Gallagher, you have something other than debate?

GALLAGHER: No, I just seek recognition.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Okay, we'll get you. Mr. Gallagher?

GALLAGHER: Mr. Chairman, I yield my time to Representative Brown.

BROWN: And Mr. Chairman, I won't take five minutes. I just did want to address one issue. I'm not a constitutional lawyer, I did spend two years clerking at the U.S. Court of Appeals for the Armed Forces, which is the highest court in the military justice system. So, I did just want to address the issue of constitutionality. The military justice system already differentiates between different types of soldiers, sailors, air men, and marines.

For example, enlisted are--have available to them a summary court martial, not available to officers. There's no constitutional challenge to that. Enlisted have certain rights in terms of jury selection that officers don't have. There's--there's no constitutional objection to that. Even in our civilian justice system, we treat juveniles differently than we treat adults. The key thing is do--are they subject to the same substantive offenses and they are. This doesn't change the substantive offenses.

The elements of sexual assault will be the same for a--a--an academy cadet as it would be for a soldier in a troop unit and at the end of the day, do they get process--due process that is fair under the constitution? And this just doesn't change that. So, I appreciate that the issue was raised, but I did feel compelled to address it that there's not a constitutional issue here. Thank you, Mr. Chairman, I yield back.

SMITH: Further debate? Mr. Conaway.

CONAWAY: Thank you, Mr. Chairman. Quickly, I have the pleasure and the honor of serving on the board of visitors for West Point, and for the last several years, this topic has been absolutely top front and center at every single board meeting. The superintendents and the deans--this is a top priority of theirs, period. They're sincere about it. They're--they're--couldn't give more attention to it. The frustration is, is this is--the students at our academies are the best this nation has to offer.

They are screened for all kinds of things. There's an overabundance of eagle scouts in our academies. These are the best we've got, and yet, we're still having this issue come up and it's (INAUDIBLE) frustrating that we can't stop this. They don't police themselves. They don't have the discipline to be able to not let this stuff happen, and it is frustrating. I worry, though, that a pilot project will be a self-fulfilling prophecy in that whatever is communicated in how they want the pilot project to come out, that's what will happen.

And I--and it may be a little distasteful to say this, but we're innocent until proven guilty and if someone's guilty of sexual assault, put them under the jail. I got that. But, there will be those who are caught up who are not guilty, whose accused, and I worry that this special project--this special pilot project will overrun their rights to due process in a--in a quest to deal with something that there's not one shred of difference--of difference of the opinion on the importance of getting--of getting this done and getting it fixed. Everyone shares that, but I just don't know that this is the solution that makes--that makes sense. With that, I yield back.

SMITH: Is there further discussion on the substitute amendment? Mr. Mitchell. And don't be shy down there in the front row, if you want to be recognized, let me know.

(LAUGHTER)

None of this like (INAUDIBLE).

MITCHELL: Have you known some members to be shy over here?

SMITH: Yeah. Just let me know. Go ahead.

MITCHELL: Just a--a brief comment. We don't need to take five minutes. Last term, we made major changes in criminal justice--we made major changes (INAUDIBLE) prison reform on a bipartisan basis.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

I'll note that we didn't do a pilot program, we didn't decide to see if it worked for four years, we actually made changes to the current justice system. People expect fair and even-handed treatment in the current justice system. both the accuser and the accused. To pilot and so see if it works out for you, we'll see if it gets it better, it--it is not even handed.

I think this--I support the substitute because it was a process by which to look at all the factors involved. It was a pretty difficult issue. I have a daughter in college right now. You don't think this troubles me? Absolutely.

My alma mater is Michigan State University. I had a staff member whose daughter was sexually assaulted by the physician there. She tried to commit suicide. Trust me, I've hear--I've--this one troubles me a great deal but I think we can't simply pilot the criminal justice changes and see if it works out. That is not what this nation is about. I support the substitute amendment and would urge everyone to pass it, thank you.

SMITH: Mr. Bergman

BERGMAN: Thank You Mr. Chairman and, you know, Stephen Covey, one of his seven habits is began with the end in mind and I believe that everyone on the committee knows that what we want to get to is the elimination of sexual assault. It's morally, ethically, and legally wrong, pure and simple.

As someone who's exercised command authority at all levels over a 40-year period, I know what it's like to utilize the Uniform Code of Military Justice to do the right thing for the right reasons and what that means, pure and simple, for those of you who may not have had experience with that. You can take someone who's a perfectly good person who just maybe had a bad day, and you can scare them to the point where they're straight and they're on the straight and narrow. They didn't do anything wrong they just did something, shall we say based on their age and experience, that as any parent or commander would do is basically scare them straight.

On the other end of that scale, you can really hammer the bad actors, and we do. That's the Command Authority and the latitude that commanders are given and exercise every day. As a commander, we had staff officers, we had legal officers. We got all the advice and counsel that we wanted and if we didn't get enough, we asked for more. So the system as it is set up today to make that commander effective, you want to give them more tools, not less.

In that command climate and setting that command climate, I would suggest to you that the two most important people kind of like the parents in that unit are the unit commander and their command sergeant major. They set the tone for all levels whether you're an E-1 who's just come in the door or whether you're that senior general officer about ready to go out the door. But that relationship and that command climate that is set by those two leaders goes all the way down to the bottom because everybody looks up on who the leaders are.

I believe that to go down the road of a pilot program would not in the end go towards the end in mind of eliminating sexual assault. Therefore, I rise in opposition.

SMITH: Ms. Speier to close the debate.

SPEIER: Thank you Mr. Chairman. This has been a very heartfelt debate I think on all ends and on all sides. To Mr. Turner, I know you have deep passion on this issue. I know that you've done a lot of work on this issue. I guess I would have appreciated if you would have come to me before and told me about your amendment.

Be that as it may, I want you all to think for a moment of your Academy appointees, the ones that you've appointed this year. The brilliant young people with extraordinary talent that we then send to these academies with the expectation that they're going to become the next leaders. There is something going on in the Academy culture that has to change.

The number of women at the academy's is growing. It's almost at 30 percent at the Air Force Academy. So, it's growing at all the academies. This year, my three appointees were women. There is I think misinformation here. There are far more women than men at the academies that are being sexually assaulted. It's different in the military system, but at our academies, there are more women that are being assaulted than men.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Mr. Turner talked about prevention and prosecution. Well, let me talk to you about prosecution. Of the 747 cases of unwanted sexual conduct at the academies in 2017/ 2018, only 13 cases were filed as criminal actions and only four are currently resulting in conviction. So what--what about prosecution? That would suggest there's not much prosecution going on at all.

And let me remind everyone that all the studies that have been done show that 93 to 97 percent of those who come forward to report are telling the truth. Most don't even come forward because they fear retaliation. But if they have the guts to come forward, 93 to 97 percent are telling the truth. So let me remind everyone, this is the pilot, is a four year pilot. If the Commandant does not like the recommendation by the special prosecutor, the commandant can appeal it to the general counsel of the Department of Defense.

So in terms of command control, that really isn't changing. And let me end by this. With all the improvements we've made to the law, let me tell you what happened at West Point just a few weeks ago. One of the very few court martials that took place, remind you that there are only four convictions recently.

Of the one that went on at West Point where there was a sexual assault, where there was penetration, where the actual jury came back with a verdict that said that the perpetrator was guilty, it was appealed. And in the Uniform Code of Military Justice, this appellate court has the power to reverse the lower court decision not based on due processes--due process grounds but by looking at the of--evidence again.

When you haven't actually been there to observe the evidence, you're reading it from a document. And so, this particular West Point cadet is going to be reinstated. So, let me just end by saying that like Mr. Turner, I have worked on this issue for a very long time. I have listened to every superintendent who has said to me, one sexual assault is too many. I have believed that they are working with all good intentions but it is not working.

And when I see cadets, and I've met with so many of them who have been sexually assaulted, who are valedictorians of their class, who were sexually assaulted at one of these academies and then they absolutely dissolved. They dissolved to the point where their grades suffered, they were having all kinds of emotional issues, and we have seen an incredible talent that has truly been destroyed. These are the best and the brightest in this country and we should expect the best from them. I yield back.

SMITH: Question is on adoption of the substitute amendment by Mr. Turner. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Oppose, no.

UNKNOWN: No.

UNKNOWN: Mr. Chairman, I ask for a recorded vote.

SMITH: Recorded vote is requested and the clerk will call the roll.

CLERK: Chairman Smith?

SMITH: (OFF-MIC)

CLERK: Chairman Smith, no. Mr. Thornberry?

THORNBERRY: (OFF-MIC)

CLERK: Mr. Thornberry votes aye. Mrs. Davis?

DAVIS: (OFF-MIC)

CLERK: Mrs. Davis votes no. Mr. Wilson?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

WILSON: Aye.

CLERK: Mr. Wilson votes aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye. Mr. Larsen?

LARSEN: (OFF-MIC)

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: (OFF-MIC)

CLERK: Mr. Turner votes aye. Mr. Cooper?

COOPER: (OFF-MIC)

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: (OFF-MIC)

CLERK: Mr. Rogers votes aye. Mr. Courtney?

COURTNEY: (OFF-MIC)

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: (OFF-MIC)

CLERK: Mr. Conaway votes aye. Mr. Garamendi?

GARAMENDI: (OFF-MIC)

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes aye. Miss Speier?

SPEIER: (OFF-MIC)

CLERK: Miss Speier votes no. Mr. Wittman?

WITTMAN: (OFF-MIC)

CLERK: Mr. Wittman votes aye. Miss Gabbard?

GABBARD: (OFF-MIC)

CLERK: Miss Gabbard votes no. Mrs. Hartzler?

HARTZLER: (OFF-MIC)

CLERK: Mrs. Hartzler votes aye. Mr. Norcross?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

NORCROSS: (OFF-MIC)

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: (OFF-MIC)

CLERK: Can the member repeat that? Mr. Scott votes aye. Mr. Gallego?

GALLEGO: (OFF-MIC)

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes aye. Mr. Moulton?

MOULTON: (OFF-MIC)

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: (OFF-MIC)

CLERK: Mr. Cook votes aye. Mr. Carbajal?

CARBAJAL: (OFF-MIC)

CLERK: Mr. Carbajal votes aye--votes no. Excuse me. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Miss Stefanik?

STEFANIK: Aye.

CLERK: Miss Stefanik votes aye. Mr. Keating?

KEATING: (OFF-MIC)

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Yes.

CLERK: Dr. DesJarlais votes yes. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

ABRAHAM: (OFF-MIC)

CLERK: Dr. Abraham votes aye. Mr. Kim?

KIM: (OFF-MIC)

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Yes.

CLERK: Mr. Kelly votes aye. Miss Horn?

HORN: No.

CLERK: Miss Horn votes no. Mr. Gallagher?

GALLAGHER: (OFF-MIC)

CLERK: Mr. Gallagher votes aye. Mr. Cisneros?

CISNEROS: (OFF-MIC)

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: (OFF-MIC)

CLERK: Mr. Gaetz votes aye. Miss Houlahan?

HOULAHAN: (OFF-MIC)

CLERK: Miss Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes aye. Mr. Crow?

CROW: (OFF-MIC)

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes aye. Miss Torres Small?

TORRES SMALL: No.

CLERK: Miss Torres Small votes no. Miss Cheney?

CHENEY: (OFF-MIC)

CLERK: Miss Cheney votes aye. Miss Slotkin?

SLOTKIN: (OFF-MIC)

CLERK: Miss Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes aye. Miss Sherrill?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SHERRILL: (OFF-MIC)

CLERK: Miss Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes aye. Miss Hill?

HILL: (OFF-MIC)

CLERK: Miss Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes aye. Miss Escobar?

ESCOBAR: (OFF-MIC)

CLERK: Miss Escobar votes no. Miss Haaland?

HAALAND: (OFF-MIC)

CLERK: Miss Haaland votes no. Mr. Golden?

GOLDEN: (OFF-MIC)

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: (OFF-MIC)

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: (OFF-MIC)

CLERK: Mrs. Luria votes yes.

SMITH: Are there any members who wish to be recorded? Any members who wish to--

CARBAJAL: Mr. Chair, how am I recorded?

SMITH: Okay, how is Mr. Carbajal recorded? I'm sorry (INAUDIBLE) how is Mr. Carbajal recorded?

CLERK: Mr. Carbajal is recorded no.

SMITH: Thank you are there any members who wish to change their vote? Clerk will report the tally.

CLERK: On this vote, the ayes are 27, and the no's are 30.

SMITH: The amendment is defeated. Is there any further debate on the underlying amendment? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed

UNKNOWN: No.

SMITH: Opinion of the chair, the ayes have it, the amendment is adopted. And it is now in order to consider log 041 by Ms. Speier. For what purpose does the gentlewoman seek recognition? Will the clerk please distribute the

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

amendment? Without objection, we'll dispense with the reading of the amendment. The gentlelady is recognized for five minutes.

SPEIER: I'm sorry Mr. chairman I am trying to find my notes.

SMITH: I'm sorry, Jackie, are you recognized in your amendment?

SPEIER: I'm just trying to find my notes, Mr. Chairman, hold on one second here. sit--All right, Thank you Mr. Chairman. So, we've discussed this issue at great length so far today. We have witnessed more service members being sexually assaulted year to year but reporting rates of victims coming forward continues to re--remain woefully low.

We cannot address the scourge the victims feel they cannot report the crimes committed against them out of a sense of fear for their own well-being. We need to remove the obstacle that prevents victims from coming forward. The safety report amendment is necessary step towards eliminating these impediments to justice.

Safe to report requires DOD to develop a policy that allows victims of sexual assault in our military separate from our academies because that's something that's already done at the Air Force Academy and something that we're going to be doing in the base bill for all academies. But in our military, we need to make sure that victims of sexual assault can come forward even if they may have been committing a minor misconduct at the time of the assault. It will limit what actions the commander can take against the victim of sexual assault to a very narrowly defined set of potential misconduct.

Improper use or possession of alcohol, consensual intimate behavior or fraternization, presence in out of bound areas, and whatever other minor misconduct the Secretary of Defense deems appropriate for minor misconduct. This is not a carte blanche policy that enables victims to get away with misconduct. Fear of punishment for underage drinking should not deter a junior service member victim from reporting sexual assault. Ranking disparities or super visually improper relationships should not give offenders de facto immunity.

This is the policy that balances the considerations of justice and demands that a sexual assailant should not get off scot-free simply because they assaulted the victim in compromising circumstances. The safety report amendment addresses these concerns and empowers victims to come forward without fear of unwanted retaliation.

The policy has already seen tremendous success at the Air Force Academy and this year's NDA standardizes the safe to report policies across the service academies but this would, as I said earlier affect the military as a whole. Let me just say, Congress woman Davis and I some years ago went to Lackland Air Force Base where 36 military trainers MTIs had sexually assaulted more than 60 trainees. Remember that? And not one of those trainees reported it. Not one for fear of retaliation because they had ostensibly violated the UCMJ and some just because as one said to me, when an MTI tells you to meet him in the storage closet, there's no question mark at the end of that sentence.

So what we want to do is create this opportunity for victims who have been placed in a compromising situation whether it was the use of alcohol, whether it was because they were fraternizing with someone in their ranks that they come forward and be not afraid to do so because of minor violations. With that, I yield back.

SMITH: Is there further discussion on the amendment, Mr. Kelly?

KELLY: Thank You Mr. chairman and I--I thank the chair--chairwoman for also introducing this amendment but I'm--I'm opposed to it. The services already do this but they need the flexibility to evaluate each case. And it may lead to the difficulty in prosecuting sexual assault cases. And once again, as a former prosecutor or many other lawyers and a civil trial, there's nothing worse than going to a trial and having a defendant or a person on the other side on the stand and not having all the information about the person that you're defending.

So they don't have to charge, you have prosecutorial discretion on those to start with but it's going to come out in trial. and so what that does is it makes it much more difficult as a prosecutor when they know that they--that the person does not have and the charges still coming out what they have and it makes it much, much more difficult.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

I--I go back to when I was a young lawyer and very--one of my very first trials and it was a divorce trial before I got on the criminal side. And during that trial, my--my guy had sworn that he had not had an affair, had sworn up and down, I had asked him every way you could have asked.

And during the evidence, photographs came of him having his affair and he said, what are we going to do? And I looked at him and I said, we're not going to do anything. You lied to me. I mean, I can't prepare a defense if I don't know all the facts. And what I don't want to do again is harm the people we're trying to protect because that information will come out and whether--and it looks much better if a prosecutor said, I had discretion to charge, I did not charge that person for the underlying alcohol offense, I did not charge with than--the underlying adultery with another person or whatever that charge is.

So I think I'm opposed to the amendment although I think in theory, I think our prosecutors should absolutely and do already absolutely not charge people who are a victim of a crime when it is a trivial crime. But I do think as they--I think it ought to be discretionary not mandatory and with that, Mr. Chairman, I yield back.

SMITH: Further discussion? Miss Hill, sorry.

HILL: Thank you. I appreciate the gentleman's comments but I have to say that the--this language is incredibly important for a woman or any victim to be able to come forward and feel as though they can. One of the things that keeps sexual assault victims from reporting is the fact that they feel like they might be considered to be at fault in some capacity or that they are--they are in some way to blame or that they might be in trouble for whatever got them into this--got them into the situation in the first place.

Something that happened to myself. I was sexually assaulted when I was 16 years old and in an underage drinking sort of situation and it is exactly what kept me from reporting for many, many years. And when you talk about having somebody in the military who not only is risking her personal reputation, her family knowing, etc, but her own--her own career and whatever is going to come next in her life.

The stakes are so much higher to have it codified in here that this is a safe space that you can bring forward what has happened to you and that you can actually say yes, I'm coming forward about these things that I have done that may not have been appropriate or--or, you know, within the code of conduct but it is still not right for me to have been sexually assaulted, and I still need to put the--put the perpetrator--hold him accountable.

So there is something so meaningful about just creating that language and about setting it aside and I hope that we will consider supporting this amendment. Thank you, I yield back.

SMITH: Mr. Bacon.

BACON: Thank You Mr. chairman. And with all respect of the view of the ranking member on this, I have to agree with the amendment. On the (INAUDIBLE) different commands, I think that this is a right direction to go. The Air Force Academy has started this and it's working. More victims feel free to come forward and most of them do have a collateral minor offense that they're attac--that they're associated with.

And this gives them the green light to come forward and I think it's working and we want victims to come forward and not to feel inhibited because of a potential threat of being convicted themselves or losing a stripe, and this is happening, we know what's happening.

Recently, I was contacted by an airman who said she was a victim of sexual assault. She came forward and through the court-martial process adjudication, the alleged perpetrator was found innocent but she ended up losing a stripe because she was underage drinking, and I heard her story and I think she was telling the truth. I went to the commander's commander's commander wrote a letter and as they reviewed it, they knew an injustice was done. They restored her stripe and in doing so found two other cases and restored their stripes.

I think this policy is taking us the right direction. So I commend the--I co--I commend the--the chairman for putting it forward. So I support it. Thank you.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: (OFF MIC)

UNKNOWN: Aye.

SMITH: Oppose. The ayes have it. It is now in order to consider En Bloc Package number 3. The chair recognizes Miss Speier for the purposes of offering the En Bloc amendment.

SPEIER: Mr. Chairman I ask unanimous consent to call up En Bloc package number three consisting of amendments have been worked and approved with the minority.

SMITH: Without objection so ordered, will the clerk please distribute the En Bloc amendment? Without objection, the amendment is considered as read and the gentlewoman is recognized to explain the En Bloc amendment.

SPEIER: Thank You Mr. chairman En Bloc package number three is comprised of the following; amendment 109 by Mr. Brown that requires the Department of Defense to determine if any forms contain racially instant--insensitive terms and provide a pan--a plan for modernization.

Amendment number 119 by Mr. Brown that requires DoD to provide a brief on contraband cell phone use in military prisons. Amendment number 203 by Mr. Mitchell that adds the number of service members eligible for and participating in transition assistance counseling programs to the criteria that DoD is already required to report to Congress.

Amendment number 211 by Mr. Langevin that requires an FFRDC study on barriers to military entry for English learners including challenges with the SFAB, the effects of the such barriers on English Learner, military enlistment rates, and opportunities for DoD to address such challenges. Amendment 212 by Mr. Langevin that would change the DoD Starbase program from a STEM program to a STEAM program to encourage creativity and innovation.

Amendment number 221 by Mr. Kelly that directs the DoD to conduct analysis of the difference between default 3 percent and 5 percent TSP contributions in the blended retirement system and report the findings to the committee. Amendment number 238 by Miss Stefanik in the portion of the report to accompany HR 2500 titles spouse employment programs, strike the following text unemployment and insert the following new text unemployment or--or unemployment and underemployment.

Amendment number 251 by Mr. Byrne that requires the DoD to submit a report on expanding TRICARE specialty drug network. Amendment number 263 by Mr. Bacon that requires DoD to brief the congressional defense committees on its implementation plan to reduce the negative effects of obesity related illness on service members and dependents. Amendment number 298 by Miss Trahan that creates a Defense Advisory Committee on the Prevention of sexual assault in the Armed Forces established and maintained by DoD. It also allows enlisted military members to participate in the funded legal education program.

Amendment number 303 by Mr. Moulton that requires every service member returning from a combat deployment to participate in a mandatory person-to-person mental health assessment within two weeks of returning home, and requires those service members to participate in annual mental health assessments post-deployment.

Amendment number 316 by Miss Houlahan that directs DoD to submit a report on the feasibility of the creation of a grant or loan program to (INAUDIBLE) the initial cost of meeting state licensure requirements for childcare facilities.

SMITH: That was a mouthful. That was--there's a lot of very long amendments, very--very well done. Is there further discussion on the En Bloc package? Mr. Moulton.

MOULTON: Thank you Mr. chairman. Mr. chairman, I'd like to speak briefly on my mental health assessments amendment. I want to share a quote, not from Charles Dickens but from President Grant, the civil war hero, who also dealt with depression. I think is fitting as we debate the National Defense Authorization Act today. He said, "the art of war is simple enough. Find out where your enemy is. Get at him as soon as you can. Strike at him as hard as you can and as often as you can and keep moving on."

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Moving on is something that many who see combat find to be one of the most difficult challenges they ever face. And as many of you know, I recently disclosed how I've managed post-traumatic stress since returning from Iraq. I hoped that by speaking up about how post-traumatic stress is treatable, that Americans will start talking about it too and that veterans and active-duty service members will get whatever help they need so that they too can move on.

That's a challenge because there's a stigma around seeking care for mental health issues. We can help break that stigma by talking about mental health care in Congress and by encouraging America to talk about it too. So today, I'm offering an amendment to start that conversation within our military. My amendment will require every active duty service member who has deployed to receive a mental health screening every year on active duty. And for service members sent into combat, this amendment will require an initial screening within 14 days of leaving the battlefield.

The goal is for mental health checkups to become as normal and routine as your annual physical or teeth-cleaning. Checkups you get regardless of whether you feel sick. And I think this is a good start. So thank you all for working with me on this amendment, it will save lives and it will set an example for the nation. Thank you, Chairman, I yield back.

SMITH: Thank you for the--further discussion on the En Bloc? If not, I'm sorry Mr. Kelly.

KELLY: Mr. Chairman, I just very briefly want to touch on my amendment which makes them look at whether 3 percent mandatory contribution versus 5 percent on the blended Retirement System and I just want to make sure that on the blended that--look at that and see and make sure that we're taking care of our soldiers who enlist, our soldiers, sailors, airmen, Marines, and make sure that we're doing everything we can from a command emphasis and as a Congress to make sure that we take care of those folks in their retirement and their TSP contributions and with that, I yield back.

SMITH: Thank you. Further discussion? Hearing none, questions on adoption of the En Bloc package offered by Miss Speier. So members in favorable will say aye.

UNKNOWN: Aye.

SMITH: Opposed. Ayes have it. The En Bloc package is adopted and it is now in order to consider En Bloc package number four and the chair recognizes Mrs. Speier for the purpose of offering the En Bloc amendment.

SPEIER: Mr. chairman, I ask unanimous consent to call up En Bloc package number four consisting of amendments that have been worked and approved with the minority.

SMITH: Without objection so ordered. Will the clerk please distribute the En Bloc amendment? Without objection, the amendments are considered as read and the gentlewoman is recognized for five minutes for the purpose of explaining the En Bloc amendment.

SPEIER: Mr. Chairman, thank you. En Bloc package number four is comprised of the following. Amendment number 010R2 by Mr. Turner that allows in the case of a member under the jurisdiction of a secretary of the military department that has his or her pay continued until the date on which the member is determined fit for duty.

Amendment number 036 by myself that requires DoD IG to include the already public names of senior officials who commit misconduct and quarterly reports. Amendment number 058 by Mr. Banks that sets qualification requirements for the interagency program office firm director and deputy director and instructs SecDef and SecVa to appoint them jointly.

Amendment number 065 by Miss Davis that ensures election officials track and confirm the receipt of military and overseas absentee ballots. Amendment number 090 by Mr. Garamendi that requires the DoD to input any occupational and environmental health exposure and to service members records while deployed and mandates to the DoD and VA retroactively update their health records based on the information contained in the burn pit registry.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Amendment number 104R1 by Mr. Brown that adds STEM to GROTC curriculum. Amendment number 133 by Mr. Cisneros that enables the secretary of Defense to create a pilot program that would allow states to establish or expand a job placement program and related employment services for unemployed guardsmen, reservists, military spouses and veterans. Amendment number 157 by myself that reauthorizes the breast cancer research stamp for eight years before it expires on December 31st 2019.

Amendment number 195 by Mr. Carbajal that directs the Secretary of Defense to submit a strategy to recruit and retain mental health providers and a monitoring program that would assist in monitoring medication prescribing practices for the treatment of post-traumatic stress disorder. Amendment number 217 by Mr. Kelly that removes restrictions of federal employees who are National Guard or reserves from purchasing TRICARE reserve select in year 2030.

Amendment number 230R1 by Miss Hartzler that expresses support for gold star family's day. Amendment number 266 by Mr. Bacon demands the report and integration of information on environmental health hazards to include blast exposure of servicemembers and to assess the feasibility of allowing access to the DoD and VA.

SMITH: Is there any further discussion on the En Bloc amendment? Mr. Garamendi.

GARAMENDI: Mr. Chairman, very quickly on the amendment that I've proposed here. it builds upon work that Miss Gabbard has done with regard to burn pit. It takes it a couple of steps further and requires that all environ---all exposure to environmental hazards be in the medical record of the service member and carried forward into their retirement so that the Veterans Administration would have that information available in the ongoing life of the service member.

It's--it's an effort to try to attract and to provide the history, the exposure history and therefore the medical history necessary to properly diagnose and treat ailments that might occur sometime in the future. I want to thank Miss Gabbard for setting the foundation with the burn pit issue. And with that, I yield back.

SMITH: Further discussion of the En Bloc package. Not questions on adoption of the En Bloc package. So many that's in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed. Ayes have it. En Bloc package is adopted. Such awkward language. We will now consider log number 451 by Mr. Moulton. For what purpose does the gentleman seek recognition?

MOULTON: Mr. Chairman, I have an amendment at the desk.

SMITH: Will the clerk please distribute the amendment? No objection, we'll dispense with the reading of the amendment. The gentleman is recognized for five minutes.

MOULTON: Mr. chairman this amendment would complement my earlier amendment by providing DoD the resources to make mental health checkups routine not just for those who have deployed in support of combat operations but to everyone. I have heard many people point out lately that an average of 20 veterans kill themselves in America every day. That's 20 today, 20 yesterday, and 20 tomorrow. And there's documented evidence that this total includes many honorable service members who have not actually been in combat.

To address this directly, I'm proposing a \$500 million investment in military mental health care. To put that into perspective, this is about \$200 million less than we spend on the military band which comes from the recruiting budget and we could pick--pick a bunch of other offsets. But the amendment I'm offering would cut the A-10, a relic that the Air Force itself wants to retire and that I would add lest anyone think I'm choosing this offset for convenient politics would have negative impacts on jobs in my own district.

It would also cut funding for the littoral combat ship which is not capable of surviving combat. This need is urgent and it's up to us to find the money. Now, I understand that there are multiple points of order against this amendment and for that reason, I will withdraw it. But I hope that we can start this conversation and as this bill works its way to

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

the president's desk, I hope we can use the NDAA and our committees' bipartisan relationships to deliver for our service members on mental health.

I am committed to leading this effort and I look forward to working with the chairman, the ranking member to provide additional resources for mental health care as we move ahead. With that Mr. Chairman, I yield back.

SMITH: You withdraw the amendment, is that correct?

MOULTON: That is correct, Mr. chairman.

SMITH: Thank you. It is now in order to consider log number 308 by Mr. Gallego of what purposes does the gentleman seek recognition.

GALLEGO: I think Mr. Chairman, I lay an amendment on the table.

SMITH: Well, the court please distribute the amendment. Without objection, we'll dispense with the reading and the gentleman is recognized for five minutes to discuss this amendment.

GALLEGO: Thank you Mr. Chairman. Seventy-eight million Americans live in ten states where marijuana is fully legalized and additional 22 states have decriminalized possession of the substance and it keeps growing. Our nation's views on marijuana use are changing and the services have changed their recruitment process accordingly.

The services can wear appropriate grant waivers to former users of marijuana who want to serve their country in uniform. And given our nation's recruitment crisis, I believe we need to fundamentally rethink the military's enlistment policies regarding marijuana. But I'm not advocating for that today in this amendment. I'm here to narrowly ensure that every service branch has the same guidance on how to grant these waivers.

So the service secretaries can use their discretion--their discretion to grant a re-enlistment waiver to an individual who use marijuana once a single time--single time outside of their service. The need for this amendment came from constituent of mine who served honorably as a Marine, left the military and went back to school and eventually earned a law degree. He tried to join the Marine Corps as an officer. He wanted to be a Jag and checked every eligible--eligibility requirement.

But my constituent answered truthfully when he was asked if he had used marijuana after separating from the military--after separating from the military and he did, he use it once in a place and a state where it was legal for him to use marijuana. And while the army would have granted him a reenlistment waiver, in the Marines, the individual recruitment officer gets to the side, not the service secretary. And in this case my constituent was told he had two choices. Walk away or lie.

That's right. An inspiring jag was told to lie in order to get around a Marine Corps policy. My constituent wouldn't do that and so the Marines have one fewer excellent jag today because of that issue.

This discrepancy between the services is unnecessary and it's just bad policy. In the time when the services have had trouble recruiting, we're training excellent candidates with stellar prior records in uniform away and haphazard arbitrary manner. That's why I'm offering this narrowly tailored amendment to help establish uniformity and empower the services to use their discretion if they want to relist a former service member who has used marijuana single time as a private citizen.

There's ample evidence that the social and personal consequences are far worse for alcohol use than for marijuana use. And take it for Marines on this committee, Mr. chairman, we would not be able to assemble a single Marine Corps regiment if we exclude everyone who's ever had a sip of beer or whiskey. At a time when a growing number of states are legalizing marijuana and medical cannabis, zero tolerance policy simply do not make sense.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Mr. chairman, my constituent is exactly the type of patriotic American that every member here would want defending our country. There are more out there in all of our districts. I therefore urge my colleagues to vote for my amendment so that we can ensure that they can continue to serve. Thank you and I yield back.

SMITH: Further discussion on the amendment. Mr. Moulton, I'm sorry I don't know what that meant.

MOULTON: Mr. Chairman, I just want to make a brief comment because it's amazing to hear the story of Mr. Gallego's constituent. When I showed up at a Marine Corps recruiters office, I didn't lie and I said I'd used marijuana multiple times. I certainly wouldn't be sitting here today as a member of Congress if not for being in the Marine Corps and the fact that the standards were clearly different for me than they were for Mr. Gallagher's--Gallego's constituent just shows why this amendment is necessary. With that Mr. Chairman, I yield back.

SMITH: Mr. Kelly, the designated killjoy.

KELLY: Absolutely. You know, I--I agree for your guy--for the guy that you're trying to protect but the problem with the amendment is that's not all it protects. When you read the amendment, it defends those for sale distribution, not just use--not just a user, the distribution. So if you distributed, 200 tons of marijuana illegally in another state, you would still be eligible for a waiver.

And just like if we don't trust people to use the waiver that they already have, then why would we trust those same people to make that same decision that they can allow someone who sold 200 tons of marijuana which is a case that I prosecuted in my district for distribution. And so, it is not narrowly enough tailored. Was it narrowly tailored, I could support it. But we cannot allow felony convicted people for distribution of many--any weight of marijuana to be in our military service on somebody's request. That is just not acceptable.

If it was more narrowly tailored to misdemeanors or the things that were different and just used, I could support it but I can't for the distribution and sale of marijuana no matter what quantity and with that I--

SMITH: Further discussion on the amendment, Mr. Scott.

SCOTT: Just briefly, I--I agree with what Mr. Kelly's saying. If it's a misdemeanor offense, that's very different than if it's felony offense. And so, I'll yield the--I yield my time to Mr. Brown.

BROWN: Thank you. I--I don't want your time, I want my own time.

SCOTT: Well, you can have four minutes and 45 seconds of mine.

BROWN: Great. I'll take your time and then maybe I'll take my own but no thank you.

SMITH: Austin, you're not doing me a favor.

SCOTT: Yeah, I'm going to yield to Mr. Gallego but with the question though--

SMITH: Hey, guys, guys, whoa; stop everything. Fascinating discussion, I'm going to try to try to maintain control here. So Austin, it is your time. What would you like to do with it?

SCOTT: I will reclaim my time and yield it back to the chair, if that is the easiest--

SMITH: That would be awesome and I will recognize Mr. Brown to speak on the amendment.

BROWN: Thank you Mr. Chair, can I get back that eight seconds that I--that you started? Now, look, the question--I mean and--and the comment is if you read the amendment it says that it's--it's permissive--it permits the Secretary to promulgate regulations. So it doesn't direct them. And when the secretary does permit them in the regulations, they can address the distribution question. So I--I--I share your concern.

I don't want to see that big drug lord, kingpin in our Marines Air Force or anywhere else but I think that--that--that we can--that we can avoid that with the amendment. I yield to Mr. Gallego.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GALLEGO: Well, in--in the spirit of bipartisanship because I am so bipartisan, I actually will take your suggestions and would like to enter that your men--my amendment and narrowly define it the way that you have both suggested, and I hope that we can do that in whatever process possible.

SMITH: Okay. What--what--what you would like to do is offer a substitute amendment. Okay, unfortunately, you kind of have to have said substitute amendment. So what I'd like to do and I'm not sure if we can do this if we could work on that substitute amendment and while we're working on that substitute amendment, suspend this one and move on to the others and then come back to it before the conclusion of this mark. Unanimous consent to do that?

All right, so get working on that and we'll move on to the next amendment in the queue here and we'll come back to this in just a few minutes. Next up, it is in order to consider log number 423. And I have my script in front of me here but I know that I'm supposed to--this is offered by Mr. Wilson for what purposes does the gent--but--purpose does the gentleman from South Carolina seek recognition?

WILSON: Mr. chairman, I have an amendment at the desk.

SMITH: Would the clerk please distribute the amendment? Without objection, we'll dispense with the reading of the amendment, the gentleman is recognized for five minutes to discuss.

WILSON: Mr. chairman, I'm grateful to provide this important amendment to repeal the unfair offset to end the identified widows tax. This is a dollar-for-dollar offset of payments between the DoD, survivor benefit plans, SBP, and the VA dependency and indemnity compensation DIC program. As a standalone bill, HR 553 has over 340 members from both sides of the aisle coming together to repeal the offset.

SBP provides an important annuity to the surviving spouse of service members who died on active duty as well as survivors of retirees who were paid into SBP and died of a service-connected cause. Meanwhile, DIC is paid to surviving families of veterans who died from injuries or disease incurred in the line of duty or disabilities com--compens--compensable--com--compensable under laws administered by the Veterans Administration.

Currently, the law requires an unfair dollar-for-dollar deduction of DIC payments from SBP payments. This offset wipes out most or all of the SBP entitlement and affects approximately 65,255 widows and widowers. This substitution shu--of DIC for SBP is inappropriate. Families of men and women who paid the ultimate price for our freedoms should not be subject to an unfair deduction of benefits because of the SBPDIC offset.

The time is now to repeal the offset and restore the benefits to our surviving families. As the legislation is pending and working with the chairman, I'm grateful to offer this amendment and now withdraw.

SMITH: Thank you. The amendment is withdrawn. Next up is log 043 by Miss Speier for what purposes--purpose does the gentlelady seek recognition.

SPEIER: Mr. Chairman, I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. Without objection, we will dispense with the reading of the amendment. The gentlelady is recognized for five minutes to discuss.

SPEIER: Thank you Mr. Chairman. This particular amendment requires the Marine Corps to integrate basic training at Parris Island within five years and at San Diego within eight years. Fully integrating women is not only the right thing to do, it's also makes our military stronger. Our armed services have begun to reap the benefits of a military that trains and fights in a gender integrated manner.

Gender integrated units have strengths at all male units lack. Women's diverse perspectives help units develop innovative approaches to challenges, increase units mutual respect and focus and make them more lethal. Every operational role in training course in our military is gender integrated. Every course except for one; marine basic training.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Let me repeat that. Every training program and every service at every level in every specialty including of course combat infantry training in the Marines is gender integrated. Only Marine basic training is not. The army integrated it's basic in the 1990s. At Parris Island, male and female units trained in parallel. The closest the Marines have come to integration there is incorporating a female platoon into a male company, but the Marines have told us platoons are the building blocks for transforming recruits. So even they know this isn't true integration.

In 2015, the Marines we're the only service asked for a combat integration waiver which they justified with a bias study that was designed to demonstrate women's inferiority. For example, it compared experienced all-male units with newly cre--newly created mixed units. When Congress asked them in FY 18, NDAA what changes and resources they would need to fully integrate all Marine basic training, they took a year and four months to write a three-page report explaining why the status quo works.

To cap it off, they roughly estimated with no evident methodology that it would cost \$200 million to construct barracks to integrate at the company, not platoon level. A couple of months ago, I visited with young female Marines serving in recently opened combat positions. They are immeasurably brave, tough, and inspiring. Each one of them had stories of having to prove themselves time and time again to their male peers and superiors.

One went for months with a broken limb because she did not want to look like she wasn't tough enough. Having to be the best Marines so no one could doubt that they were Marines, that they deserve to be there. The woman told me stories about the training their units received before they arrived. A primer on how to work with women without assaulting them. This would also be easier if Marines followed the advice of one of the young woman I met that day.

Trained the way you fight. If platoons or transformational units, woman should be in them. Having men and women work together from day one shows that they are equally Marines. These women sign up for a hard job and do so willingly with eyes open. They deserve a chance to prove themselves alongside their male colleagues and to receive the same treatment as male Marines.

Given the resistance in the Marines, Congress must take the lead. This amendment would give the Marines ample time to make integration work logistically and prob--programmatically. I don't believe their cost estimate was made in good faith, but this lead time far longer than the services had to integrate actual combat units will allow the Marines to budget and build as needed. With that, I reserve the balance of my time.

CISNEROS: Thank you Mr. Chairman. You know, as a sailor that went through boot camp, I understand how important it is that this part of the training. You know, all other branches of the military have integrated their basic training and there's no reason why the Marine Corps basic training can't be integrated as well. After all the Marine Corps has integrated, their Officer Candidate School training units at the company level, female candidates trained as all-female platoons alongside other all-male platoons and have done so for more than 15 years.

Just this year in January, the Marine Corps also integrated a recruit training company at Parris Island for the first time. And according to the marine corps officials, there was no problem with the integration at all. And even one of the recruits stated in an article that he wasn't concerned about who was in the platoon or who was in the company, all he was trying to do was survive.

True equality and cohesion can no longer wait. Men and women Marines worked together, they should train together as well. I want to thank Rep. Speier for her leadership on this issue. I strongly support this amendment and urge my colleagues to vote in favor of its adoption. I yield back my time.

SMITH: Any further discussion. Hearing none, all in favor of the amendment will say aye.

UNKNOWN: Aye.

SMITH: Opposed. The amen--you guys working out like the choir over there. The ayes have it. The amendment is adopted. A recorded vote is requested. We will hold this until the end of these amendments and then we will have a recorded vote. It is now in--

SMITH: (OFF-MIC)

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SPEIER: Mr. Chairman, have you spoken? Have you--

SMITH: I apologize. You now need to say, I ask unanimous consent to call up En Bloc package number five.

SPEIER: Mr. Chairman I ask unanimous consent to call up En Bloc number five. Consisting of amendments have been worked out and approved with the minority.

SMITH: Without objection so ordered, the clerk will distribute the En Bloc amendment and without objection, the amendments are considered as read and the gentlewoman is recognized for five minutes for the purpose of explaining the En Bloc amendment.

SPEIER: Thank You Mr. Chairman. En Bloc number five is comprised of the following amendments. The amendments are 012 by Mr. Turner, that if there is insufficient evidence to prosecute a sex-related offense and the case is referred back to a subordinate commander for appropriate action on other known offenses, such action must be taken within 90 days of receiving the case.

Amendment number 063 by Miss Davis; that removes the statutory requirement that parental leave be taken in one increment. Amendment number 074R1 by Mr. Larsen that creates a pilot program to give participating service members the option of Cairo (SP) presi--Cairo preserving eggs or sperm before deploying to a combat zone.

Amendment number 241 by Mr. Stefanik that ensures specified training for sexual assault initial disposition authorities on the exercise of disposition authority for sexual assault and collateral offenses. Amendment number 261 by Mr. Norcross that authorizes transportation expenses to Dover Air Force Base for next-of-kin of service members killed overseas rather than solely in a theater of combat.

Amendment number 291 by Mr. Courtney that includes the U.S. Coast Guard Academy and provisions regarding safety report policy applicability to military service academies. Amendment number 320 by Miss Houlahan that asks DoD to submit a report to Congress on those deemed ineligible for service due to inadequate test scores on the ASVAB and the impact this population has on recruitment and military readiness.

Amendment number 342R2 by Mr. Keating that ensures DoD addresses gender advisors support, building partner capacity, activities and research on gender considerations in professional military education. Amendment number 348 by Mr. Bergman that ensures rank parity among the Chiefs of the reserve forces. Amendment number 353R1 by Miss Gabbard that is a sense of Congress on the importance of innovative readiness training particularly to non-contiguous states and territories. Amendment number 355 by Mr. Abraham that directs that the grade of the chief of the veterinary Corps of the army would be Brigadier General.

SMITH: Is there any discussion on the En Bloc amendment? (OFF-MIC) On passage all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed, no. The En Bloc package is adopted. Going to take me a second to get to the right page in the book here. Oh no, we have another En Bloc. We will now consider En Bloc package number six. Chair recognizes Mrs. Speier for the purposes of offering the En Bloc package.

SPEIER: Mr. Chairman, I ask unanimous consent to call up En Bloc package number six consisting of amendments have been worked out with the minority and approved.

SMITH: Without objection, so ordered. The clerk will distribute the amendment. Without objection, the amendments are considered as read and the gentlelady is recognized to explain the En Bloc amendment.

SPEIER: Thank You Mr. chairman. This En Bloc package contains amendment number 018 by Mr. turner that directs the secretary of each military department to carry out and report on a pilot program of defense investigators within the military justice system. Amendment 121--120R1 by Mr. Brown that directs the department to continue research into freeze-dried platelet technology.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Amendment number 315 by miss Houlahan that direct SecDef to provide a briefing on the feasibility of establishing a legally enforceable duty to intervene when a service member witnesses sexual misconduct. I'm having a hard time.

Amendment number 358 by Mr. Crow that would permit the Defense Language Institute to confer bachelor degrees in addition to associate degrees. Amendment number 372 by Mr. Thornberry that Commission's a study to examine the use of TRICARE to cover retired civilian astronauts. Amendment number 375R1 by Miss Luria that directs DoD to conduct a study to assess the needs of military families with children with special needs to ensure they received the best education.

Amendment number 444R1 by Mr. Gallagher that requires the army to brief Congress on its efforts to mitigate traumatic brain injuries known as TBI using innovative preventive devices. Amendment number 480 by Mr. Langevin the direct SecDef to provide a briefing on the current use of the DoD student loan repayment program.

Amendment 489R1 by Mr. Cisneros that directs the Secretary of Defense to provide a report on how the department may carry out a program under which the secretary makes grants on a competitive basis to eligible entities to carry out stem educational events for military communities across the United States.

SMITH: Is there discussion on the En Bloc? Hearing none, question (INAUDIBLE) on passage of the En Bloc number six, is that right? All those in favor say aye.

UNKNOWN: Aye.

SMITH: Oppose, no. The ayes have it. The En Bloc is adopted and next up, we will now consider log number 160 by Miss Speier. What purpose does the gentlewoman seek recognition?

SPEIER: I have an amendment at the desk.

SMITH: Clerk will distribute the amendment. Without objection, we'll dispense with the reading of the amendment and the gentlewoman is recognized for five minutes to discuss.

SPEIER: Thank you Mr. Chairman. This amendment is one to ensure survivors of sexual assault have access to emergency contraception at military treatment facilities. The Department of Defense already has a policy of providing survivors with emergency contraception at MTFs. This amendment only codifies and makes this policy more explicit to ensure that women have accurate information about emergency contraception and are offered emergency contraception upon request.

This amendment also clarifies that survivors have a right to confidentiality with respect to information and care provided. With that, I yield back.

HARTZLER: Thank You Mr. Chairman, I guess I have a question for the author of the amendment. As I'm just now reading it but is the victim of sexual assault also going to be counseled with other services that might be available to them that would be supportive to them in the community like pregnancy care centers or others that would support the women throughout but not potentially use Plan B which many people view as actually taking the life of the baby by preventing implantation. so are they going to be also counseled and other options that would be available to them?

SPEIER: Miss Hartzler, I'm actually not certain about that. When someone seeks emergency contraception it is typically not to then carry that fetus to term. But if you would like, we can put this over momentarily and determine whether or not counseling on having the child is part of providing emergency contraception.

HARTZLER: They all--as you say, it's already current policy that they are provided this option. It is already current law I'm not really sure why we need this amendment but if we are going to explicitly codify that they need to be explicitly counseled in--in plan B, I think equally they should also be counseled and other options of support that would affirm life of both the victim as well as their potential baby if pregnancy should occur from this horrible (INAUDIBLE).

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SPEIER: Thank you Miss Hartzler, I've actually been enlightened in the last two minutes. And as it turns out, a woman is counseled on all her options and only if she requests emergency contraception that she receives it.

HARTZLER: Okay, is that what your amendment says?

SPEIER: It just codifies the existing policy within the Department of Defense.

HARTZLER: Okay, so would you support (INAUDIBLE) aside and adding the language to codify that they'd also be counseled on other options as well?

SPEIER: Well, it includes other options already.

HARTZLER: What line is that on?

SPEIER: Let's put this over and we'll come back to it.

HARTZLER: Okay, thank you, appreciate that.

SPEIER: We putti--Mr. Chairman, we're putting it over so that we can respond to Miss Hartzler's questions.

SMITH: Okay. All right, so we'll do the En Bloc package and we're still waiting for the other amendment, if you're ready as well.

SPEIER: I think we have one more En Bloc.

SMITH: Yes, we do. Hold on just one second, my lawyer's saying something to me I don't understand. Okay. I have to withdraw it right now. What will go on to--go up--we're going to--we're going to do the same thing we did on the marijuana--sorry Cannabis Amendment. Take a timeout, see if we need to fix it and see if we can fix it and take it up, because you're wanting to--you're not wanting to withdraw your amendment--

SPEIER: No.

SMITH: You're just wanting to understand better--

SPEIER: We want to clarify for Miss Hartzler what the existing policy is in terms of talking about all option.

SMITH: Okay, you got about five minutes to do that.

SPEIER: All right.

SMITH: So we'll--we'll work on that. So we'll--we'll postpone consideration of that amendment, log 160 and we'll get onto En Bloc number seven. It is now in order to call up En Bloc number seven and chair recognizes Mrs. Speier for the purposes of offering the En Bloc amendment.

SPEIER: Mr. chairman, thank you. I ask unanimous consent to call up En Bloc number seven consisting of amendments that have been worked and approved by the minority.

SMITH: Without objection, so ordered. The clerk will distribute the amendment and without objection, reading will be dispensed with and Miss Speier is recognized for five minutes to explain the amendment.

SPEIER: Thank you Mr. chairman. This package number seven has the following amendments. Amendment number 297 by Miss Trahan that would include children with a parent or parents in the National Guard or reserve-- Reserve Component in the military student identifier definition of the Every Student Succeeds Act. Amendment number 013 by Mr. Turner that requires commanders of sexual assault victims to notify the victim of key events and documents such events--and document such events in the military justice process.

Amendment number 088 by Miss Gabbard that creates the military dental research program to improve military readiness by supporting dental inquiries with military relevance and implications. Amendment number 281 by Mr.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Waltz authorizes DoD to reimburse surviving family members of service members killed in action for costs associated with transporting the remains to a National Cemetery.

Amendment number 215R1 by Mr. Kelly that creates a pilot program for specialized surgical training partnerships between Armed Forces surgeons with public private or nonprofit organizations. Amendment number 066 by Miss Davis that protects servicemembers from forced arbitration in USERRA cases. Amendment number 289R1 by Mr. Courtney that adds a provision which prevents the Secretary of Defense from imposing a limit on transferability of GI bill benefits based on maximum number of years of service.

SMITH: Is there discussion on the En Bloc amendment? Mr. Courtney.

COURTNEY: Thank you, Mr. Chairman. I just want to again thank the Chairwoman Speier for adding the GI Bill measure that's at the bottom there. Again, this reverse is a truly lousy decision by the Department of Defense last year which restricted the transferability of GI bill benefits by a service member to their spouse or children who has served longer than 16 years of service. Again, this decision which again was within the discretion of the Secretary of Defense, punishes those who have actually served in over a long period of time, maybe had married late or got divorced and remarried and started a family later and cut them off from being able to--to get the benefit of the GI bills. Really special component of transferability of benefits.

If you talk to military service members they will tell you it is one of the most popular aspects of the GI bill to have that option for--for themselves and their families. So again, the Iraq and Afghan war veterans of America are--are in strong support of--of this amendment because again, it--it really, it--it's focused really on that population during that conflict. And I would note that with the help of Craig Greene (SP), we did run the traps with the Congressional Budget Office again.

This does not have--it was---it didn't score and that's great. So we can vote to move it forward and I want to thank Mr. Takano from the Veterans Committee for waiving jurisdiction and allowing us to fix this.

One last point, the clock is still ticking on that order from the secretary of Defense. It goes into effect in July. I'll be circulating a member--a letter to members asking the secretary to hold off implementation given the fact that we have voted again to reverse that decision. And again, last year, we had a strong 90-member letter that was bipartisan protesting when this decision went through, and with that, I yield back.

SMITH: Further discussion on the En Bloc? Hearing none, question--

Mr. Chairman, I'm sorry Mr. chairman.

SMITH: oh, yes, sorry, Mr. Waltz.

WALTZ: Thank You Mr. Chairman, I just want to thank madam chairwoman for including this amendment and just to inform my colleagues, the current DoD policy when we lose a service member overseas is to only pay for one flight for that body to come home. So many families want to have a memorial service at home and then often, the service member preferred to be buried in a National Cemetery or in Arlington National Cemetery. The current policy is that flight has to come out of pocket from the family.

So here is a family who just received that horrible knock on the door. And in order to carry out that service members' wishes to go to a National Cemetery and often they have their own wishes to honor him or her at home, they have to come out of pocket. And in my own case, on a few occasions my unit passed the hat from downrange to pay for that service members flight. So I thank the chairwoman for including this amendment.

I think we can still do better. This amendment only reimburses the family for the second flight rather than covering the cost completely because apparently, it's a little too much of a burden on the Defense Department to provide a second honor guard and to provide a second ceremony. I find that egregious and plan to work with my colleagues to get that second flight fully covered, it's a drop in the bucket for overall that we're talking about here today and it is a strategic issue to take care of the families of our fallen because it sends a message to everyone serving in terms of recruitment and retention. I yield my time and thank you.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Thank you for the discussion on the En Bloc? hearing non, all those in favor of En Bloc package number seven will say aye.

UNKNOWN: Aye.

SMITH: Opposed. The En Bloc package is adopted. We're now at the end here, so two things hanging out there. The cannabis amendment is not ready as I understand it, so we're going to--we're going to punt it to the full committee and we'll deal with it there. Then, we have log 106 that was being debated and kind of got a do it or not do it at this point. So we're going to restart that debate and I'll recognize Miss Speier to update us and where it's at.

SPEIER: I--I would--I unfortunately didn't have a chance to find Miss Hartzler in the--in the outer room but I think we have an unders--I have an understanding more specifically of what this provides. And this particular amendment would codify what is existing law as it relates to counseling women on the FDA-approved options for emergency contraception. And I would like to retain it as that and that alone.

SMITH: Miss Hartzler, will you care to comment?

HARTZLER: Well, we just starting to work on some suggested language that we would like to present to the chairwoman. We didn't have a chance to do that. I don't have a copy of it right now but basically--

SMITH: I have a suggestion.

HARTZLER: Okay.

SMITH: If Miss Speier is okay with it, we can take this up at the full committee level as well.

SPEIER: Yeah, I'm happy.

SMITH: So we'll punt that--

HARTZLER: That would be--that would be great, thank you.

SMITH: We'll take time. We have one amendment. Now, we are at the conclusion of the mil-mil pers (SP) markup. We had one amendment that was listed for a vote. This was log 043 by Miss Speier and could you--could the staff remind us what it does before we vote on it?

CLERK: It's integrating Marine Corps, Mr. Chairman

SMITH: Ah, yes. This is the amendment that would require the Marine Corps to do integrated training as the rest of the military does now. (INAUDIBLE) So I think we know what it is and the clerk will call the roll.

CLERK: Chairman Smith.

SMITH: Aye

CLERK: Chairman Smith votes aye. Mr. Thornberry?

THORNBERRY: (OFF-MIC)

CLERK: Mr. Thornberry votes no. Mrs. Davis?

DAVIS: (OFF-MIC)

CLERK: Mrs. Davis votes aye. Mr. Wilson?

WILSON: (OFF-MIC)

CLERK: Mr. Wilson votes no. Mr. Langevin?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

LANGEVIN: (OFF-MIC)

CLERK: Mr. Langevin votes aye. Mr. Bishop? Mr. Bishop? Mr. Larsen?

LARSEN: (OFF-MIC)

CLERK: Mr. Larsen votes aye. Mr. Turner?

TURNER: (OFF-MIC)

CLERK: Could the member repeat that?

TURNER: (OFF-MIC)

CLERK: Mr. Turner votes no. Mr. Cooper?

COOPER: (OFF-MIC)

CLERK: Mr. Cooper votes aye. Mr. Rogers?

ROGERS: (OFF-MIC)

CLERK: Mr. Rogers votes no. Mr. Courtney?

COURTNEY: (OFF-MIC)

CLERK: Mr. Courtney votes aye. Mr. Conaway?

CONAWAY: (OFF-MIC)

CLERK: Mr. Conaway votes no. Mr. Garamendi?

GARAMENDI: (OFF-MIC)

CLERK: Mr. Garamendi votes aye. Mr. Lamborn?

LAMBORN: (OFF-MIC)

CLERK: Mr. Lamborn votes no. Miss Speier?

SPEIER: (OFF-MIC)

CLERK: Miss Speier votes aye. Mr. Wittman?

WITTMAN: (OFF-MIC)

CLERK: Mr. Wittman votes no. Miss Gabbard?

GABBARD: Aye.

CLERK: Miss Gabbard votes aye. Mrs. Hartzler?

HARTZLER: (OFF-MIC)

CLERK: Mrs. Hartzler votes no. Mr. Norcross? Mr. Norcross? Mr. Scott?

SCOTT: (OFF-MIC)

CLERK: Mr. Scott votes no. Mr. Gallego?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GALLEGO: Aye.

CLERK: Mr. Gallego votes aye. Mr. Brooks?

BROOKS: (OFF-MIC)

CLERK: Mr. Brooks votes no. Mr. Moulton?

MOULTON: (OFF-MIC)

CLERK: Mr. Moulton votes aye. Mr. Cook?

COOK: (OFF-MIC)

CLERK: Mr. Cook votes no. Mr. Carbajal?

CARBAJAL: Aye.

CLERK: Mr. Carbajal votes aye. Mr. Byrne?

BYRNE: (OFF-MIC)

CLERK: Mr. Byrne votes no. Mr. Brown?

BROWN: (OFF-MIC)

CLERK: Mr. Brown votes aye. Mr. Graves?

GRAVES: (OFF-MIC)

CLERK: Mr. Graves votes no. Mr. Khanna?

KHANNA: Aye.

CLERK: Mr. Khanna votes aye. Miss Stefanik?

STEFANIK: (OFF-MIC)

CLERK: Miss Stefanik votes no. Mr. Keating? Mr. Keating? Dr. DesJarlais?

DESJARLAIS: (OFF-MIC)

CLERK: Dr. DesJarlais votes no. Mr. Vela?

VELA: (OFF-MIC)

CLERK: Mr. Vela votes aye. Dr. Abraham?

ABRAHAM: (OFF-MIC)

CLERK: Dr. Abraham votes no. Mr. Kim?

KIM: (OFF-MIC)

CLERK: Mr. Kim votes aye. Mr. Kelly?

KELLY: No.

CLERK: Mr. Kelly votes no. Miss Horn?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

HORN: Aye.

CLERK: Miss Horn votes aye. Mr. Gallagher?

GALLAGHER: No.

CLERK: Mr. Gallagher votes no. Mr. Cisneros?

CISNEROS: (OFF-MIC)

CLERK: Mr. Cisneros votes aye. Mr. Gaetz?

GAETZ: (OFF-MIC)

CLERK: Mr. Gaetz votes no. Miss Houlahan?

HOULAHAN: Aye.

CLERK: Miss Houlahan votes aye. Mr. Bacon?

BACON: (OFF-MIC)

CLERK: Mr. Bacon votes no. Mr. Crow?

CROW: Aye.

CLERK: Mr. Crow votes aye. Mr. Banks?

BANKS: (OFF-MIC)

CLERK: Mr. Banks votes no. Miss Torres Small?

TORRES SMALL: (OFF-MIC)

CLERK: Miss Torres Small votes aye. Miss Cheney?

CHENEY: (OFF-MIC)

CLERK: Miss Cheney votes no. Miss Slotkin?

SLOTKIN: Aye.

CLERK: Miss Slotkin votes aye. Mr. Mitchell?

MITCHELL: No.

CLERK: Mr. Mitchell votes no. Miss Sherrill?

SHERRILL: (OFF-MIC)

CLERK: Miss Sherrill votes aye. Mr. Bergman?

BERGMAN: No.

CLERK: Mr. Bergman votes no. Miss Hill?

HILL: Aye.

CLERK: Miss Hill votes aye. Mr. Waltz?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

WALTZ: (OFF-MIC)

CLERK: Mr. Waltz votes no. Miss Escobar?

ESCOBAR: (OFF-MIC)

CLERK: Miss Escobar votes aye. Miss Haaland?

HAALAND: (OFF-MIC)

CLERK: Miss Haaland votes aye. Mr. Golden?

GOLDEN: (OFF-MIC)

CLERK: Mr. Golden votes aye. Mrs. Trahan?

TRAHAN: (OFF-MIC)

CLERK: Mrs. Trahan votes aye. Mrs. Luria?

LURIA: (OFF-MIC)

CLERK: Mrs. Luria votes aye. Mr. Bishop?

BISHOP: (OFF-MIC)

CLERK: Mr. Bishop votes no. Mr. Norcross?

NORCROSS: (OFF-MIC)

CLERK: Mr. Norcross votes aye. Mr. Keating?

KEATING: Aye.

CLERK: Mr. Keating votes aye.

SMITH: Are there any members who have not yet voted? Anybody wish to change their vote? If not, the clerk will report the roll.

CLERK: On this vote, the ayes are 31 and the no's are 26.

SMITH: The amendment is adopted. There are no further amendments. So it is now in order and the chair recognizes the gentlewoman from California, Miss Speier, for the purpose of offering a motion.

SPEIER: So chairman, I moved to adopt the subcommittee report of the Subcommittee on Military Personnel as amended.

SMITH: Questions on the motion from the gentlewoman from California, so many as in favor will say aye.

UNKNOWN: Aye.

SMITH: Those opposed. Quorum being present, the ayes have it, the motion is adopted. And we're moving on. The committee will now receive the report of the Subcommittee on Strategic Forces pursuant to Committee Rules 17 in consultation with the ranking member will postpone all of the recorded votes and the amendments of this particular subcommittee (INAUDIBLE) consideration of all amendments to the subcommittee marker have concluded. And the chair recognizes the chairman of the subcommittee gentleman from Tennessee, Mr. Cooper for any comments he would like to make.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

COOPER: Thank you Mr. Chairman. As we move into discussing the portion of the chairman's mark which arguably has the heaviest responsibility of any in Congress or the world because authorizing nuclear weapons means that the fate of the nation and the planet is literally in our hands.

I would like to thank the subcommittee members on both sides of the aisle for their many contributions to the strategic forces mark. We value their ideas and priorities and we look forward to having a debate on these issues at the full committee level.

I would like to thank our indispensable staff especially Leonor Tomero (SP), Sarah Mineiro (SP), Maria Vastulo (SP), Grant Snyder (SP), and Zack Taylor (SP), who worked tirelessly over the past week to come up with bipartisan agreements on many of the issues and amendments included in this portion of the bill.

I remember the subcommittee and full committee knows that the most important duty of our government is to defend the nation and the number one priority of our Defense Department is to maintain safe secure reliable and effective nuclear forces. This subcommittee has long--a long tradition of bipartisanship and continuity commensurate with our heavy and often technical responsibilities. As others have mentioned, regarding the top-line debate, I would like to quickly quote my strategic forces ranking member who along with 70 other Republican members in a letter signed last December said "we the undersigned strongly urge you to uphold your commitment of \$733 billion to restore our nation's military as you complete the fiscal year 2020 president's budget."

This mark does exactly that. In a similar vein, the Chairman's mark upholds our commitment to nuclear modernization. For example, it funds the National Nuclear Security Administration at 4.3 percent increase over last year's appropriation. This includes a \$608 million increase to the NNSA's weapons activities programs. It also increases funding for nuclear command and control. There are undoubtedly areas where we disagree but as I mentioned last week at subcommittee level, an overwhelming majority of the strategic forces portion of the chairman's mark represents continuity with the policies of this subcommittee, with every presidential administration of both parties going back many decades.

That should reassure Americans and our allies because the last 75 years have brought remarkable peace and prosperity to the world. Regarding some areas of contention, starting with low yield, the last 60 years of nuclear deterrent strategy was based in part on the U.S. Strategic Nuclear Submarine Force. The most survivable leg of the triad never being used as a tactical nuclear platform. Members know that I'm not arguing against low yield weapons themselves. We already have a large number of low yield nuclear weapons available and hundreds deployed, but for our air assets, not our submarines.

This mark also increases security by mandating military-to-military dialogue to reduce the risk of nuclear miscalculation, reducing the risk of inadvertently pre-precipitating an unintentional nuclear war, should be a bipartisan and urgent effort.

Regarding plutonium pit manufacturing, we prioritize reaching 30 pits per year as soon as possible by 2026. As a recent Institute for Defense analysis study noted, achieving this skill will be extremely challenging and plans to build two sites at the same time could put the entire plutonium effort at risk. We must set up NNSA for success and minimize risks and avoid wasting billions of taxpayer dollars.

As arms control treaties continue to be challenged by this administration, the smart continues the long-standing U.S. participation in the Open Skies Treaty. This 1992 era, George H.W. Bush Treaty, has enabled the United States together with our NATO allies and partners to hold Russia to account in the face of Russian provocations such as the Russian takeover of Ukrainian naval vessel in the Black Sea.

On this topic, I'm happy that we are working with the minority on a compromise that continues to support this treaty and addresses concerns raised by the minority during last week's subcommittee mark. In addition to open skies, the chairman's mark requires the department to provide this committee information on post INF weapons system development and plans for moving forward with renewal and/or negotiation on new start.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

This mark also focuses on near-term priorities for developing hypersonic weapons in a way that avoids increasing the risks of miscalculation. It directs the Secretary of the Navy to only pursue development of systems that can be launched from surface ships rather than submarine unique development.

With regards to missile defense, this mark continues bipartisan efforts initiated over the past several years to increase capacity, capability, and reliability of our homeland and regional missile defenses. For the third year in a row, this mark directs and funds the department to develop a space sensor that will track hypersonic threats in coordination with the newly established space development agency, an Air Force as they look to deliver a resilient proliferated low Earth orbit constellation.

Lastly, the mark updates national missile defense policy consistent with the 2019 missile defense review, stating that defense of the United States includes missile defense against threats from rogue nations and reliance on the nuclear deterrent to deter attacks--attacks from near-peer adversaries.

SMITH: I apologize. The gentleman's time has expired, if you could wrap--

COOPER: I'm almost done Mr. Chairman. There's a lot in our mark here.

SMITH: Fair enough.

COOPER: I'm--I'm reading as fast as I can. It further increases oversight and accountability for programs of the missile defense agency to ensure fly before you by principles to remain intact for both the SM-3 block 2A and the RKV and remove several arbitrary deadlines mandated by Congress to deliver capability regardless of technical maturity or testing conducted specifically in space. On space, the space Corps will be brought up a full committee level but we look forward to having a successful deliberation on the strategic forces section of the mark. I thank the chair for his patience.

SMITH: Thank you. the chair now recognizes the ranking member of strategic forces subcommittee gentleman from Ohio, Mr. Turner.

TURNER: Mr. Chairman, thank you. I too want to thank our staff Sarah and Leonor and Mr. Chairman I want to thank you for your efforts and your assistance in our work. You made a comment early on when you convene this committee that you wanted to ensure the long-term bipartisan legacy of this committee and I think your work on this subcommittee mark is--is showing that and--and I appreciate Mr. Cooper's renewed flexibility as we try to find a bipartisan result.

I think people aren't aware that, you know, I was very disappointed in the subcommittee mark. I've been on the committee 18 years, I've never had a subcommittee mark that went by a partisan vote. Every Republican member voted against the subcommittee mark. There are three basic policy principles and I just want to go over those for everybody who's not on subcommittee so that you understand what these debate issues work. It's not just minor issues, they're actually go to the heart of some of the policy issues that we deal with here on the committee and I think each of you want to understand those as we go through this debate.

Now, a couple of them I think in the end will be resolved. I've--in working with the chairman and Mr. Cooper, I think they've been pulled up to the full committee, it might be resolved but I want to go over what they are so you understand that this is not just a--a partisan division, these are actually true policy basis upon which those true disagreement I think even some of you will find that--that you agree that these are troubling.

Three provisions that were in the committee, I think expressed very different values than this committee or Congress has adopted in the past, then each of you must ask yourself, do these represent your own values or not? The first is that this bill actually said the subcommittee mark, that the United States would concede are--concede our sovereign right to determine if we stay in a trait--in a treaty to third party nations.

Basic policy; do you think that is okay or not, that we're going to be in a treaty and we're going to concede our sovereign authority to other parties to decide if we stay in or not? What's even worse is if you knew that one of

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

those parties was Turkey, that's right. The original provision in the subcommittee mark would have Erdogan having a say as to why not we stay in the--in the--in the treaty itself?

The second value is are you for unilateral disarmament of the United States or not? I mean, it really is that simple; unilateral or not. Now, the opposite, the--the other options besides unilateral courses, bilateral or multilateral, and I think we're all for multilateral and bilateral. That's treaty, That's where we go to our adversaries and we say, there are weapon systems we don't want to have or we don't want you to have. We're going to enter into a treaty to eliminate them.

Never do we go down the path where unilaterally we say that we're going to disarm ourselves especially in the area where our adversaries possess weapons that are similar. The problem with going down the path for unilateral is that once you go there, when do you stop? Do you then say it's okay for Congress to eliminate the triad? Is it okay to continue to--to do unilateral disarmament or should we empower ourselves to pursue bilateral and multilateral?

Now, this is not just an issue are you for nukes are against nukes because we're all against nukes, we all want a world where there are not nukes. But the difference between getting our adversaries to the table and in by legislation, eliminating our own weapon systems is extreme.

The third is--is do we interfere in international military and State Department Affairs by requiring by law that meetings occur with our adversaries? Why--why would we by law say our adversaries have to sit down with--with our military counterparts without regard to their behavior? Who they meet with should be based upon a myriad of issues none of which should be determined by legislation?

Now, as everyone who has said during each of these subcommittee marks, we are--we continue to be concerned that this does not meet the 3 to 5 percent real growth that is required in order to sustain what we've been able to accomplish in rebuilding our military, General Dunford, Secretary Mattis secretary--Secretary Shanahan have all testified that we need 3 to 5 percent growth.

There are additional amendments that will come forward where we're seeing this overall funding in this area where there's a 138 million that's below the president's budget levels in DoE weapons, a 19 million in the Navy strategic system programs for W76 to development, 10--103 million to ground-based strategic deterrent program below the president's budget level. All of that are funding issues that we're going to be having a debate on and we're gonna have a debate on also with ranking member Thornberry's amendment. I yield back.

SMITH: Thank you. further comments on the subcommittee mark. I want to comment to something that Mr. Cooper alluded to or didn't allude to, he said of in the reading. I want to be sure everyone caught this. It was actually a letter that was, I believe led by Mr. Turner and had 70 Republicans signing on to it, and it was sent in February urging that the Department of Defense uphold their commitment of \$733 billion to restore our nation's military as you complete the fiscal year 2020 president's budget.

Cuts the defense spending will have disastrous consequences for our military readiness as was proven by sequestration, completely agreed. Recently, the congressionally directed Commission on National Security Strategy warned, you know, basically a cut below 733 would be problematic. This was back when the president had mused about doing a \$700 billion defense budget instead of 733.

Now, I fully understand that at the time, you were trying to prevent it from going down to \$700 billion from 733. However, if in fact the 3--3 to 5 percent figure you've been quoting has been around for a long time, so if in fact, you were of the opinion that 733 was as disastrous as you are now saying that it is and that had to be 750, I fail to see why back--because March 26 was the date of that letter--why on March 26 that it wouldn't have occurred you to say not only is going to 700 ridiculous, but the 733 was wrong in the first place.

So as of March, even the Republican leadership on Armed Services issue said gotta have 733, and I would say at a minimum. That means at the point of whether or not going to 750 is crucial to national Security's at least debatable because again, if 750 was so important, why wasn't--why weren't you all aware of that in March when you implored the president to keep it at 733?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Again, admitted that it was 733 instead of 700, but you could have said 750 then and we will--we will have this debate further but that's the point that Mr. Cooper was making in the letter that he was referencing to. Mr. Thornberry.

THORNBERRY: Thank you, Mr. Chairman. I would simply say in response whether it's 733, 750, one needs to look at what it buys. And--and Mr. Turner laid out specific cuts from the administration's request in this area which are not just abstract numbers or political newspaper stories but real capability. And so when we get to the point, we will have a list of specific ships and planes and research and strategic capability including nuclear weapons complex, the Minuteman III replacement.

It's--it's hard, concrete things we can do or things we cannot do, and I think that's what we need to focus on more than a number that is floated back and forth in the Washington parlor game. I yield back.

GARAMENDI: Mr. Chairman.

SMITH: Mr. Garamendi.

GARAMENDI: I'm curious about a couple of things. First of all, no one that I'm aware of in this, well on the dais, Democrats, Republicans has talked about unilateral disarmament, no one. So let's get that straight, let's get that on the record. We do debate whether a particular piece of equipment or weapon is necessary at this time. I would also point out that a couple of the nuclear bombs that are under discussion are being delayed for reasons specifically the B2112. Money not necessary now because of some delays in the development of it.

There's no reason for us to put money into that at this time because of the development of it. Similarly, with some of these other weapons systems that are under discussion here. I will point out that there was \$2.3 billion taken out of the Department of Defense's current budget program--current operations to fund a border wall. Presumably, that money was to be used for something necessary but is not now going to be used for--but is now for a different purpose.

With regard to the other issues about the use of low-yield weapon on a nuclear-armed submarine, it would be unwise as Mr. Cooper said to take our fundamental strategic defense and turn it into a tactical system.

So but any case, the bottom line of this is that this particular mark adequately deals with the defense of this nation and does not put money into programs that are not current or necessary at this time. I yield back.

SMITH: Inconveniently, the Government Oversight Committee is holding a vote right at the moment and Mr. Cooper is on said committee. I think we can do--well, it may take us a minute to find someone who can do the En Bloc package. We can do the En Bloc package but to get in any substantive amendments beyond that, we're going to have to wait.

John, you want to take over the honors there? Is there some staffer who can help Mr. Garamendi get--get the proper words in front--hey you've heard me stumbling through this all morning. We all need help on this. So get--get the terminology down here correctly if we can show him the right page here. Somebody got that?

So I will do my part which is we will now consider En Bloc package number one and the chair recognizes Mr. Garamendi for the purpose of offering the En Bloc amendment.

GARAMENDI: (OFF-MIC) Due to the extraordinary staff work, I'm now prepared to deal with this, Mr. chairman.

SMITH: Okay, you're up. You're asking--

GARAMENDI: I ask unanimous consent to call En Bloc package number one consisting of amendments that have been worked out with both the minority and the majority.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Without objection so ordered, the clerk will distribute the amendment. Without objection, the amendments are considered as read and the gentleman is recognized for five minutes for the purpose of explaining the En Bloc amendment.

GARAMENDI: Thank you, Mr. Chairman. The En Bloc Amendment number 1 is comprised to the following; Amendment number 122 by Mr. Brown to--concerning the reallocation of funding for wide area surveillance--surveillance and procurement to research development, test and evaluation efforts. Amendment number 141 1 by Mr. Rogers concerning a report on commercial and space-based radiofrequency mapping. Amendment number 182 by Mr. Cooper regarding repeal of the requirement for a commission on electromagnetic (INAUDIBLE) attack and similar events.

Amendment number 183 by Mr. Cooper regarding authorization of appropriations for the national security--National Nuclear Security Administration, the NNSA. Amendment number 184R1 by Mr. Cooper regarding an independent study on the risks of nuclear terrorism and nuclear war. Amendment one--number 193R1 by Mr. Carbajal regarding request for the annual assessment of the basic--annual assessment of the ballistic missile defense system.

Amendment number 393 by Mr. Lamborn regarding compatibility of the DoD systems with complementary commercial satellite ground architecture. Amendment number 427 by Mr. Wilson concerning an amendment to directive report language regarding excess plutonium disposition that mentions funding priorities of the NNSA at the Savannah River Site. Amendment 429R1 by Mr. Wilson regarding an increase in the Defense environmental cleanup account by \$25 million for the Savannah River risk management operations.

SMITH: And just--just be clear, somebody told me that--that you missed number 209, is that correct? Amendment log 209, I want to make sure they're all read. Oh, okay, 209 is not--not part of this. Okay, is there further discussion--

GARAMENDI: I would be very, very surprised if I were to make a mistake.

SMITH: Yeah, so would I. Is there further discussion on the En Bloc package? Hearing none, quest--question occurs on the En Bloc package. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed. Ayes have it. The En Bloc package is adopted and we are now in recess pending Mr. Cooper's return. Don't go too far. I confess I don't know exactly how long that's going to be. So hopefully just about five minutes but we'll see.

(RECESS)

[*]SMITH: We will reconvene. We have one house cleaning item before we get back on to the amendment train here. In the previous--in the first on block, Log 209 was supposed to be removed from it, but it actually wasn't. So, we wound up voting it in when we didn't mean to. So, basically, I need unanimous consent to remove Log 209 from on block package number one. I talked to Mac about this but Mac's not here. It was--we were talking about a unanimous consent--

UNKNOWN: Yeah, yeah, yeah.

SMITH: Yeah. Okay. All right. No objection, so ordered. All right. Now we're back. There we go. Now in order to consider Log number 024 by Mr. Turner. For what purpose does the gentleman seek recognition?

TURNER: An amendment at the desk.

SMITH: Will the clerk please distribute the amendment. Without objection we'll dispense with the reading and the Gentleman is recognized to explain his amendment.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

TURNER: Thank you, Mr. Chairman. And again, I want to thank you for your efforts on--trying to find bipartisan solutions. This amendment was an attempt at a bipartisan solution on the low-yield nukes because it was to provide language that hopefully the minority and majority could use to--to negotiate. It's clear, however, that that's--that's not going to happen.

The purpose of this language as a start was to indicate that the secretary should certify to us that there's no real alternatives to the W76-2. And just to get everybody refreshed that they know--but since we've taken a break--this is about the W76-2 which is a low-yield missile that's being placed on nuclear--on our submarines. It's in response to Russia and Russia's--Russia's escalation of the nuclear doctrine of escalate to deescalate.

I wanted to clear up a few things bef--about the discussions that we'd had previously. This is a unilateral disarmament. It's unilateral because we get nothing for doing it. We are calling back our nuclear weapons that on a bipartisan basis we funded and authorized to be configured and placed on our submarines. It does not increase the aggregate number of our nuclear weapons. It actually replaces big nukes.

And so, when Mr. Cooper says it weakens our triad, it's because he's saying that every silo on the sub should have big nukes, no little nukes. But that's part of what our overall debate's going to have to be about. And I think we should move on to that debate, and therefore I rem--I withdraw this amendment to concede to the debate that we're going to proceed with--with Ms. Cheney's amendment, which would strike the provision. I yield back.

SMITH: The amendment is withdrawn. It's now in order to consider log number 406 by Ms. Cheney. And for what purpose does the Gentlewoman seek recognition.

CHENEY: Mr. Chairman, I have an amendment at the desk.

SMITH: Clerk will distribute the amendment without objection. We'll dispense with the reading and the Gentleday is recognized for five minutes.

CHENEY: Thank you very much, Mr. Chairman. And thanks very much to Chairman Cooper and to Ranking Member Turner. Unfortunately, we were, as the ranking member said, unable to reach a bipartisan agreement on the strategic force's subcommittee mark. And that was indeed a sad day for us on that subcommittee.

My amendment, Mr. Chairman, would restore the authority of the Department of Defense to deploy the low-yield variant of the SLBM, the W76-2 warhead. Our adversaries are developing and deploying low-yield nuclear weapons. And the credibility of our deterrence requires that the United States have a proportional response available to discourage any potentially devastating miscalculation.

Low-yield weapons are critical to our security because they give us a credible deterrent. Russia's confidence that if they were to strike us, we would have the capability and the will to respond in a proportional manner makes a strike by the Russians less likely, not more likely. Mr. Chairman, this is why the 2018 nuclear posture review included the requirement that the United States develop and deploy the low-yield submarine launched ballistic missile as soon as possible.

The NPR highlighted how critical this capability is to close the deterrence gap and provide credible response options to Russia's escalate to deescalate doctrine. These warheads and missiles are already produced. NNSA did an impressive job in FY19 with little to no additional cost or impact on other programs. Prohibiting the deployment of the W76-2 wastes millions of dollars that the NNSA and DOD have already spent working to produce these weapons.

Additionally, putting a halt to this program incurs several million more dollars' worth of lost costs due to contract obligations. Mr. Chairman, my amendment is also directly in support of our NATO partners in Europe, something I know my colleagues on this committee say they are committed to. It is entirely possible that Russia's threat with their low-yield weapons would be against NATO conventional forces, not against the sovereign United States alone. Therefore, it would be inappropriate and destabilizing if we were not to have an appropriate response, because our allies would then begin to feel they needed to look elsewhere for assurances.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Some of our colleagues on this committee have argued that low-yield weapons are destabilizing despite the fact that we have had these weapons in our arsenal since 1945. What's destabilizing is the chairman's remarks on March 12, 2019. And I quote, "If the Russians launch a nuclear weapon at us, and we don't have anything but a bigger nuclear weapon, well then we launch the bigger nuclear weapon. That's what we do." Close quote. That is brazen, it's irresponsible, it's completely inappropriate.

Low-yield nuclear weapons are a crucial part of our deterrent capability. Vice Chairman of the Joint Chiefs of Staff, Paul Selva, said quote, "A proportional reaction to an enemy's attack is actually a righteous and reasonable thing to do. If all you have is large-yield weapons and you're trying to answer a low-yield attack, answering that with a conventional weapon is likely not going to have a deterrent value."

Mr. Chairman, my amendment would simply say that we are not going to prohibit the deployment of these weapons that are crucial to our nation's security. I therefore urge my colleagues to adopt this amendment so that we can continue in a manner in which we provide for the defense of the nation in a bipartisan way as we have for so many years on this committee. And with that, I yield back.

THORNBERRY: Mr. Chairman, may I make a parliamentary inquiry?

SMITH: You may.

THORNBERRY: Mr. Chairman, I--I think it's a badge of honor for all of us that we have an open markup. My inquiry is if this debate requires it, have arrangements been made for the committee to move to a classified session in order to discuss fully the--this amendment.

SMITH: Yes.

THORNBERRY: And that would be upstairs in 2212?

SMITH: That's a good question.

UNKNOWN: Sir, I think until about five or six, we have HBC space reserved and then it would be the (INAUDIBLE) beyond whatever that time is. So, we've got space coverage for the entire night.

THORNBERRY: Okay. So, we--we have a place to go should it be required. That--that was my question.

SMITH: That's what my lawyers tell me, yes.

THORNBERRY: Thank you.

SMITH: Just in quick re--response to that. I--I don't think there is anything brazen, irresponsible, or whatever other words we used about advocating for us having a deterrent to nuclear war. What the purpose of my remarks was, we need to make it clear to our adversaries, Russia in particular in this case, that if they use a nuclear weapon, they will pay an enormous price for it. And I can't believe that the Gentlelady is opposed to that--to making it clear to our adversaries that if they hit us, we'll hit them back harder. There's nothing wrong with that. That is clear deterrence.

And the goal of all of this--and I think we do agree on this--is to stop anybody from even thinking that they can un--under any circumstances launch a nuclear weapon and have it have a good outcome for them. My point on the deterrence is to say that, well, the Russians will launch the low-yield and if we don't have one, they know we won't do anything because we won't want to be disproportional.

Make no mistake about it, low-yield is a bit of a misnomer. It implies sort of--you know--well, it's a low-yield nuke. It's still a nuke with the destructive capacity greater than the nuke that was dropped on Hirosh--Hiroshima. So, if this is launched, it is going to set off a very destructive war. We want to discourage them from even thinking about launching it.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

And in that regard, I don't think there's any wrong with u--anything wrong with us making it clear to our adversaries that you launch a nuclear weapon, we're going to consider it nuclear war. We--we have all the options on the table. Now I will point out that as Mr. Cooper has pointed out, we have other low-yield nuclear weapons.

There is--you know--a low-yield response is possible. But, I'm sorry, I take the--the somewhat tough stance that we should not tell our adversaries that--you know--we're going to measure how large the nuclear weapon you just dropped on us or allies was and make sure that we don't respond in a greater way. I don't think that's an appropriate way to do deterrence.

I don't have any problem with us--the nuclear weapons we have being a deterrent to anyone launching a nuclear weapon against us. And for--for other reasons, we believe that the low-yield nuclear weapon here, putting it on a submarine--now again, keep in mind, we're not saying no low-yield nuclear weapons. We're saying putting it on a submarine is a mistake. And we have had this debate. Mr. Turner, I think, was the one who said we've supported this in a bipartisan way. Many of us have opposed this from the start. This is not a change in position.

Yes, there are some Democrats who support it. I'm not one of them. That's why we put it in the mark. Mr. Cooper's not one of them either. So, that's why we're having this debate. We do not think it is the proper approach to start talking about a proportional response, because it plants in peoples' minds the idea that there's somehow an acceptable nuclear war. I don't believe that there is.

I think we need to make it clear that under no circumstances we will allow that. And if the Russians think they can quote, "escalate to deescalate", we need to make it clear every second of every day that they are dead wrong about that. Escalation leads to escalation, so don't even think about doing it. And with that, I yield to Mr. Cooper.

COOPER: I thank the chair for yielding. My colleagues who are not on the subcommittee should know that we literally have hundreds and hundreds of low-yield nuclear weapons. Many hundreds of which are deployed. But it's all by the Air Force. If we don't do what's in the mark, this will be the first time in history that our strategic assets--our nuclear submarines--have been used for tactical purposes.

If we stop deployment now, we won't have wasted any money. It's probably a good thing we have the new warhead developed and in production. But it hasn't been deployed. The two primary risks you face if you deploy these so-called low-yield weapons on submarines are one, you fire the weapon, the submarine is exposed. Two, there are a limited number of missile tubes, and to use one of these very precious tubes for a low-yield weapon is something we have never done before in all the decades we've had nuclear weapons.

So, why risk the most survivable, the most precious leg of our triad with this actually fairly new idea. You know, we have the weapon developed. It's available. But let's not deploy it now. At least not without further thinking on this important topic. So, it's a very important and fundamental principle in nuclear doctrine that we not to deploy this weapon on a strategic asset.

MITCHELL: And would the gentle chairman yield to me for just one second--

SMITH: I'd be delighted. The--the one thing I--I'd point out is--you know--in our mark here, we fully support the B21. We fully support the Columbia class nuclear weapon. We fully support the LRSO, which there has been some controversy. We are spending a lot of money on nuclear deterrents in--in this mark. This is the one area where we disagree. Mr. Mitchell.

MITCHELL: Thanks, Mr. Chair. The clock needs to be reset, sir. It's at 4:40. Thank you. Believe it--at--first, let's grant that--and we have the intelligence that low-yield nuclear weapons exist. They exist with our adversaries, and they're in a growing number. So, while we may not wish to consider that there's--it's a tactical weapon, our adversaries do.

What level of naivete are we going to have to think that, in fact, because we don't think it is or should be used that way that our ad--adversaries will not? Deterrence is based on believability. Your opponent has to believe that in fact if they deploy a low-yield nuclear weapon, say in Eastern Europe, that we would have--that our nation would have

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

the willingness to take out multiple cities in Russia in response. I'd ask people in this audience, how many people believe that is the case?

We delude ourselves with the idea--well, I'm well aware you do, Mr. Chair. And I think you're erroneous.

(LAUGHTER)

We delude ourselves with the idea that we would respond in that manner. I find it ironic, given that when we deployed a sub in response to issues with Iran, there was a great deal of yelling about escalation. But we'll say in the case of a tactical nuclear weapon used by Russia will instantaneously escalate to deescalate. It--it doesn't make any sense to me. It's nonsensical.

Deterrence is based on believability and if your--your adversary does not believe you it doesn't matter what you think. And it doesn't matter when the moment of time they use it--and we're at a disadvantage. The irony is we would have less tonnage. Think about that. We would actually be reducing our nuclear tonnage, our nuclear impact, if we had to use anything. It would exist to be less of it in the world and somehow, we're opposing that. It's astonishing to me.

So, I support the amendment. I urge people to think about this because this is one of the most important things we will do tonight. Of all the other discussions we will have of how it is we offset a threat--right now it's more Russia, but you don't think that threat is growing with other nations? It absolutely is.

SMITH: Will the gentleman yield for a question?

MITCHELL: I would like to yield to Ms. Cheney and then I'll yield.

SMITH: I'm sorry, who did you yield to?

MITCHELL: Ms. Cheney.

SMITH: Okay. Ms. Cheney.

CHENEY: Thank you very much. You know, Mr. Chairman, what matters is not what we think, it's what the Russians think. And for us to be in a situation where the suggestion's made that somehow those of us who are arguing about the importance of low-yield nuclear weapons as part of our deterrence are not arguing in favor of deterrence is just simply wrongheaded.

When you--when you look at the approach that the Russians would take in terms of the likelihood that they would be calculating that the use of a low-yield nuclear weapon on a battlefield, for example, in Europe, and they listen to the kinds of comments we've heard in this committee, they will make the calculation--you know--of course not. If they--if it comes down to it the United States is not going to deploy a larger weapon in response to that sort of a low-yield attack.

So, for us to be in a situation where we're saying the responsible thing, the--the thing that's necessary for our national security is to have deployed a low-yield weapon that in fact they--they do not destabilize. They make a strike by the Russians or by any of our adversaries less likely, not more likely. And the argument that the chairman is adopting simply would take us down the path of saying one--one nuclear weapon's enough. One nuclear weapon can destroy the world. And I've heard the chairman say things that approximate that. And the notion is--

SMITH: --Seriously?

CHENEY: Well, Mr. Chairman--

SMITH: --(INAUDIBLE)--

CHENEY: --The notion--it's--it's my time, Mr. Chairman--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MITCHELL: --It's my time, actually--

CHENEY: --It's actually Mr. Mitchell's time but he's yielded to me. But the notion that somehow we are making ourselves less secure because we want to have available in our arsenal every possible response that is going to be effective in the most clearheaded way, in demonstrating both our will and our capability to respond to keep ourselves safe and to keep our adversaries safe. It's crucial that we do that and--and it's unfortunate that the majority has chosen to zero this out in terms of the submarine-based missiles. I yield back.

SMITH: Mr. Mitchell.

GAETZ: Yield for a question?

SMITH: You have (INAUDIBLE).

GAETZ: So, if you grant the premise of your statement, Mr. Mitchell, that it's only what the adversary believes, not what--what we believe, is it your contention then that if the adversary sees a tactical nuclear weapon, a low-yield nuclear weapon, by the United States in--in--that's useable, that then will increase the frequency--or, the likelihood that that will be used rather than a strategic weapon that would have a greater yield.

MITCHELL: I think you have allies that have to depend upon you standing up to defend them if they're--if they're--if a tactical nuclear weapon is used against them. You have to have people that believe that in fact you have the capability to do that and you have the willingness as a nation to do that. We've gone this long without a full-scale nuclear weapon because our adversaries have believed--war--because our adversaries have believed that they don't want to have that trade-off. This is a different level trade-off--

SMITH: Gentleman's time has--

MITCHELL: --And we have to have our adversaries believe--

SMITH: --The gentleman's time has expired--

MITCHELL: --That we will not do that.

SMITH: Mr. Garamendi.

GARAMENDI: This argument is missing the point of the amendment and the point of the weapon itself. The chairman has very clearly pointed out that a low-yield is really a very, very large explosion. Extraordinarily devastating. And we have a lot of no--low-yield weapons deployed in Europe today. Been there for decades.

So, with regard to tit for tat on a low-yield very, very large explosion, we're perfectly capable of doing that. This argument--really, an amendment and the mark itself deals with the way in which that weapon would be deployed. Not that it doesn't exist; it does exist. The--as the Chairman, Mr. Cooper, said a moment ago, it's been built. At least if--at least one, perhaps more have been built.

The question is how is it going to be used and deployed? That's the point of this mark, and that is the point of this--it should be the point of this debate. And that is, are we going to for the very first time take the most valuable of the strategic deterrent that we have, which is the submarines--and I've heard from Ms. Cheney and Mr.--and--and from our colleagues on the other side. It is the deterrent that's important. And certainly, the Chairman has pointed that out.

The deterrent is ultimately the strategic value of the submarines, which would lose that value by deploying a low-yield weapon on a ballistic missile; one of the valuable tubes that Mr. Cooper pointed out. Furthermore, when that missile is launched, that submarine's location is known. Can it scoot away fast enough? Well, consider the range of the missile. And the likelihood that an adversary is not so far away. Which is probably going to be the case. The strategic deterrent is gone.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

The chairman could not be more correct. Nor, Ms. Cheney, could you be more correct. This country has been and is today willing to use a nuclear weapon as a counterattack. Therefore, a deterrent. Nobody's backing away from that. Nobody. Now, the notion of a tactical nuclear war has got to be beyond the imagination, and it should be. Not--excuse me, absolutely incorrect Garamendi.

A tactical nuclear war should be clearly in our imagination. We should clearly understand exactly what it is. It is a nuclear war. Small-yield, low-yield makes no difference. If it is a tit for tat nuclear war it is a god-awful situation. We should never go there. And for planning to go there with a--a strategy of escalate to deescalate--which apparently Russia has, and by the way the United States had for more than 30 years in Europe--is--you know--like, the end of this thing.

So, what we're talking about here is how will this weapon be deployed. And to use it on a submarine, which is the point--which is the language in the mark--we think is inappropriate. With that I yield back.

SMITH: Mr. Turner.

TURNER: Thank you, Mr. Chairman. I--for the--for the freshman, the people who have been on this committee for the first time, I want to take you back to a couple places.

First off, let's begin by saying this is not going to become law. Let me take you to the place of an understanding of what we do in this committee and what we do on the House floor has to go over to the Senate. And you need 60 votes, and this is not going to become law. Let me take you there. You know that.

The second place I want to take you is to the place where you were standing before a community forum and only you were standing there in your very first time as a candidate, and you had to answer questions to your constituents as to what you believed. And at that time, if someone had stood up and said, "I--do you believe in the unilateral disarmament of the United States?" You'd have said no. You'd say, "I believe that we should do treaties. I'm all for nuclear reduction of weapons but they should be by treaty." If we have something, we should bargain it away, we shouldn't give it away.

Now, the third place I want to take you is--is the--when you were standing there in that community forum and people were asking you what you believed, if they asked you--if they told you, "There's a nuclear weapon that I particularly don't like, and I'd like for you to eliminate it. I'll give you a list of some of the things that you'd believe you want, which is why Mac Thornberry, our ranking member, asked about classified. You'd say, "Well, before I place myself in the position of commander, I would want to know what is Russia doing in its current exercises with low-yield nuclear weapons, and how are they deploying them?" That's noble. It's classified; you should get that briefing before you make this decision.

The second is, what are Russia's weapons? What really do they have? The third--and, by the way, this is a red herring you're hearing over here about we have low-yield nuclear weapons, we don't need this low-yield nuclear weapon. Because Mr. Garamendi, Mr. Cooper, and even our chairman can't tell you what the true answer is of, "Well, how long does it take before those other weapons are deployed?"

Now, on non-classified basis we can say, well it's not immediate. It's not the same. It's the reason why I offered the previous amendment that said let them certify that there is no other additional option. We'd have to go classified for you to know--and you'd be shocked how long it takes. Now, why is that relevant? Back to the things that you would require that you know as that person sitting in the community forum when you were running for office.

The BBC just recently did a--a program on World War III. And you know how they started it? They started it with Russia nuking one of our aircraft carriers with a low-yield nuclear weapon. All right? Now let's think how long is it going to take the United States to respond to a low-yield nuclear weapon to one of our aircraft carriers in a proportionate response if you vote to ban this weapon. How long? And if there's a nuclear exchange, we don't have to worry about the issue of, like, we're going to reveal where one of our subs are.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

There's all kind of bad things, as Mr. Garamendi said, already happening. Another thing that you'd want to know that's classified is--is what--what do we do--what are we planning? What are the commanders--what does the Secretary of Defense believe that we would do with this low-yield nuke that we don't do with everything else. You should know that. In a classified session, you should demand that you know, well, what would we do with this? If I'm going to ban this as an option, shouldn't I know what that option was going to be? Because this is our families, this is our country.

This is, like, the very basis of us having an adversary who's attacking us. You'd want to know about Zapad; you'd want to know what Russia just did in their nuclear weapons exercises. You'd say, "I want to know on a classified basis." Now, you'd also want to know that this--this discussion that they keep saying over tactical and strategic, what does that mean?

Well--you know--for this type of weapon it's actually a little unclear. Because tactical and strategic can mean small nukes or big nukes. It can mean long distance nukes or short nukes. Typically, when we think of tactical, we mean both small and short. These are not small and short, they're the same distance as the ones that are in this--this submarine. We've just made them small.

So, if--and again, in a classified setting we'd actually ask somebody, well what would happen if they nuked our--our aircraft carrier? Do we take out Moscow? Or do we take out a group of their battleships with a low-yield nuke? And--and then, is that where we stop and hope because they're escalate to deescalate, which is their nuclear policy--I believe that all of you should have a classified briefing of what is Russia's nuclear policy. Because we actually know and for--our intelligence community knows what they would do, what they intend to do. It's knowable. You should know that.

When you stood there in that community forum and you answered those questions saying that you would exercise your vote as an independent person, you would say, "I need to know all those things." Now I would just ask that we should study this. We should look at this. You should demand all those answers. But you should not vote to unilaterally ban a nuclear weapon of which you know nothing about, nothing how we'll use it, nothing how it protects us or defends us. And we should support Ms. Cheney's amendment because this actually goes to a significant amount of body of strategic thinking from--from all of the Department of Defense that we need to support. I yield back.

SMITH: The Gentleman's time has expired. Mr. Courtney.

COURTNEY: Thank you, Mr. Chairman. Again, I--I think it's important to remember, again, we are not talking about banning these weapons. We're--what we're talking about is banning the deployment of these weapons on submarines. Okay.

The first patrol of our sea-based nuclear triad started in 1959. The 41 for Freedom--which was the first class of SSBNs--again were launched from my district in Groton, Connecticut. And for 70 years they have been the big insurance policy for this country, which basically says, "If anyone is stupid enough to fire a nuclear weapon at our country in any way, shape, or form, we have a second strike capability that you don't know where it is."

I mean, that's--that's really what Admiral Rickover, when he--again, was a genius--and sort of figured out that we could--we could create a nuclear deterrent on a platform that, again, the enemy could not detect. And for 70 years we have had strategic high-yield missiles on those boats so that the message was crystal clear. There--there was no ambiguity about what those subs were capable of doing. And frankly, their batting average has been pretty good.

The 41 for Freedom class was replaced by the Ohio class. And again, we have had strong bipartisan support to recapitalize that program with the Columbia class--class of nuclear submarines. Which, again, is in our budget and which we are funding and, again, bipartisan. Mr. Wittman and I have been working on this for 10 years in a robust way to make sure that that essential platform, which carries about 70 percent of our nuclear warheads, is still going to continue the great work that they've been doing year in and year out for--for our country.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

If we start mixing and matching the--the missiles that those boats carry, the other piece of--you know--this question about well, we have to think about what the Russians are thinking--the--the question is is that, if you've got a boat with some low-yield and some high-yield, and--and that missile gets fired, how does the--how does the enemy discriminate in terms of what's coming at them?

I mean, the fact of the matter is is the notion that you can control a nuclear war by--by--you know--being able to--you know--regulate or moderate the--the--the yield of--of the weapon that you're firing--when things are happening in--in--in an instant, really defies logic. And that is why--you know--George Shultz--you know--many experienced folks who served during the Cold War really feel that--have--have articulated the--the point of view that this low-yield initiative on submarines--not across the board, but on submarines--is folly.

And I would just--you know--add another point. Which is that--you know--we're starting to get into a situation where anti-submarine warfare is getting more and more sophisticated. The ability of our enemies to--to find subs is still far from perfect. I mean, the--it's--they are still the most effective stealth that are out there right now. But it's getting better.

And the fact of the matter is, James Schlesinger, who served under two Republican presidents, Nixon and Ford, in the middle of the Cold War said it best when he just said that, "When you--as soon as you fire you expose the boat." And so, the whole value of that strategic deterrent, the second-strike capability that has warned off our enemies for 70 years is gone. One--once you fire that. And if it's a low-yield missile, I mean--what--what's--how does that make sense, in terms of the decision that's being made?

Again--so, for 70 years we've had that policy. Last year we had the nuclear posture review that came out from the administration that, again--this is a big change that they're proposing about putting low-yields on submarines. And we really had zero debate last year. I mean, there was a--a brief flurry that took place.

And what this mark does this year is it says, "You know what, we're--we're not going to rush into this. We're not going to put these missiles on these subs. We're not going to change 70 years of strategic policy for this country without thinking this through in terms of how--how much safer does it make us, and really, what does that do in terms of possibly degrading the value of our sea-based leg of the triad?"

Again, I support the mark and I respectfully--you know--and I realize, Ms. Cheney, she's a serious member and has put a lot of thought into this. But frankly, deploying those missiles is--is, in my opinion, going to reduce the value of the sea-based leg of the triad and in fact lower the threshold for a nuclear exchange happening in the future. Which we--which, again, we all, I think, are in agreement we want to avoid. I yield back.

SMITH: Dr. Desjarlais.

DESJARLAIS: Thank you, Chairman. And--you know--thanks to all the members who've spoken up on this. I think it's a very, very important issue to debate. And I think that both sides have brought up great points.

I've heard the Chairman mention twice that the response is simple. If a low-yield nuclear weapon is used against us or allies, we simply hit them with a large-yield weapon. And I don't think it is that simple. Because we don't know what we don't know. We don't know what Russia thinks.

I've heard two members say that--that there really is no such thing as a low-yield, that these are the size of the bombs dropped on Hiroshima--Hiroshima or Nagasaki, which were 15 to 20 kiloton. In fact, weapons can be made much smaller than that. So, let's just assume for a minute that the Russians do try out their theory to escalate to deescalate, and they carry out a strike somewhere maybe any--Eastern Europe, Western Europe, or maybe in Syria. And it kills 4,000 people, because we really don't know what the damage would be.

So, if you're the person sitting in the White House and you have to make that decision to launch a large-yield nuclear weapon that's going to kill four million or more, what's the next step going to be? I mean, what choice does Russia have? You're probably going to escalate the crisis.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Now, on the other hand, if you had to decide that there was a--a small scale nuclear attack--and there can be a small nuclear attack depending on where it is and how it happens and--and the Russians know that you will respond in kind, then that possibly could deescalate. We don't know the whole escalate to deescalate. We're not in their minds. We don't know what they're thinking.

But we have to be prepared for what they might think. And I think that the--Ms. Cheney's amendment is correct and--and should be supported because we have to prepare for the unknown. We know how we think, but we don't know how they think.

And I don't think that it would be as easy of a decision as the chairman indicates to launch a large-scale retaliation against something that--you know--that would potentially end the world as we know it. So, I think that we need to keep on the path. We need to deter with our own low-yield system. And respectfully, I yield back.

SMITH: Thank you. Just to be clear, I in no way think any of this is an easy decision. Did not say that, do not believe that at all. Anybody on this side want to debate?

UNKNOWN: Yeah.

SMITH: Ms. Davis.

DAVIS: Thank you, Mr. Chairman. I know we all have great respect for Sec--former Secretary of Defense James Mattis and--and you're all aware. I mean, I think what he--I don't think, as he said and I quote, "I don't think there's any such thing as a tactical nuclear weapon. Any nuclear weapon used at any time is a strategic game-changer." And if we can ask the question--if you can ask the question and not get a good answer for yourself, what happens next? What is the result of that?

Then--you know--I think we have to re--have a different frame of mind as we look at these questions. There's just no question that--you know--you--I--I would call it a baby nuclear weapon. Is that what we're thinking about when we think about limited nuclear war? And that somehow that's not going to have the--a response? That wouldn't be so damaging whether it's in our country or in a country of our allies?

So, I--I don't know why we're--we're pushing so hard to think that we're ready to make the decision about this. I think that the language that's being suggested here signals that we--you know--we've--we've got a plan for this and they ought to have one too. They ought to have one that's harder than ours. And we know--we know we already have--you know--weapons that--that are so lethal that there's everything in the world that can be achieved from that that is horrible to our--to our world.

So, why is it that we're so anxious, we're so excited to be able to--to have a--deploy these missile warheads on submarines that we know are devastating? It's--I'm--I'm concerned that that's the--you know--we're not able to answer that question. And I don't think anybody can at this point. If you've got a bet--if you've got a good answer for that, then I think you need to share with us what you think that will be. What happens next?

That's an important--that's an important question that any commander ever has to answer. We have--we have certainly many, many low-yield nuclear weapons. And we are--have been modernizing them at great expense. If the president ever needed to use what is considered a low-yield nuclear weapon, he has those options. He has them today. And presidents before him have had them.

Instead, we want to sort of escalate this discussion to a point that I think brings us to a far worse place than we are in today. So, I--

COOPER: --Would the gentlelady yield?

DAVIS: I yield.

COOPER: I appreciate the gentlelady's contribution to the debate. I think one aspect of the debate that has not been covered yet is that America's conventional capability, not nuclear, is by far the best in the world.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

So, often we don't even have to consider nuclear weapons because we can have the same destructive force without using them. And that really is due to the precision weaponry that we have and other technical advantages. So, it's really not a fair question to say nuclear-nuclear. We can respond in almost unlimited dimensions with non-nuclear weapons. In fact, that's probably one of the spurs that encourages poorer nations. Since our conventional capability is so exquisite and so expensive to develop, they almost feel forced to develop nuclear weapons just so they have some way of responding.

So, that's an aspect of our firepower that hasn't been acknowledged so far in the debate and I think we should acknowledge that, because that is one of the many ways in which our Pentagon excels, really to the superior advantage of our country in a far greater capacity than any other nation on Earth. I thank the Gentlelady for yielding.

DAVIS: I thank the Gentle--I thank the Gentleman for adding to that and I yield back.

SMITH: Thank you. Mr. Gallagher.

GALLAGHER: Thank you, Mr. Chairman. I think though, that the line of argument advanced by Ms. Davis would negate the line of argument advanced by Mr. Courtney. In other words, if there is no meaningful distinction between tactical or low-yield nukes and strategic, larger nuclear weapons, then we shouldn't have the concerns about mixing and matching them on subs. But my primary arguments in favor of Cheney's amendment are not along those lines.

I just would say first, in response to the argument that we don't need to expand potential options for low-yield use because we have larger nukes, I would say that doesn't work. Because--and this really gets to the problem of strategic deterrence, and it's why there was such an important shift in the national defense strategy. Ultimately, that puts the onus of escalation on us, right?

In order for this to work, we have to believe--our adversaries have to believe credibly that we are willing to escalate to nuclear Armageddon. We certainly have the capability to do so, but whether this president or a future president would be willing to do so, that is an open question. Luckily, few--only one president has been forced to confront that very momentous decision.

So, the whole point is to give presidents options below that in order to deescalate, and to put the onus of escalation on to our adversaries. In other words, if you're bringing a flamethrower to a knife fight, you have to be willing to employ the flamethrower. And this gets to the second point, which is this shift contained within the national defense strategy from deterrence by punishment, particular an overwhelming reliance on strategic deterrence by punishment, to deterrence by denial.

Fielding the capabilities that will allow us to deny our adversaries their preferred military strategy in near real-time or at least degrade them. And by opposing Cheney's amendment, you are in essence opposing the most consequential shift contained within the national defense strategy. And I would say in response to Mr. Cooper's argument, this idea that the conventional balance of power is in our favor; that may be true at the present moment, but that balance of power has been trending in the wrong direction for the last two decades.

If you doubt that, just look at the Chinese response to the Taiwan Strait crisis--Taiwan Straits crisis in 1996 and everything they have done to dramatically improve the conventional balance of power ever since. The final thing I'd say is that I actually think Ms. Cheney's advancing what is the bipartisan pos--position. Because the nuclear posture review was clear in saying that this was a good move. And they also argued in NPR that quote, "A low-yield SLBM warhead--an SLCM--will not require or rely on host nation support to provide deterrent effect. They will provide additional diversity in platforms, range, and survivability and a valuable hedge against future nuclear breakout scenarios" unquote--unquote.

This is important because it gets to some of the arguments Mr. Courtney made about not wanting to put these things on subs. Well, our aircrafts are likely to get smoked if they are on European runways in the unfortunate scenario we're considering here. And so, I would also say this is bipartisan because former Obama Secretary of Defense Ash Carter has gone on record saying, "My views are reflected in the latest nuclear posture review." Meaning that supports Cheney's amendment.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Jim Miller, the Undersecretary of Defense for Policy during the Obama Administration argued that Secretary of Defense Jim Mattis' 2018 nuclear posture review offers continuity with the past U.S. policy and plans, including those in the 2010 NPR. It deserves broad bipartisan support. It's proposal for a low-yield SLBM weapon, and a new nuclear tipped sea-launch cruise missile are sensible responses to changed security conditions, especially Russia and North Korea. And so, I would urge my colleagues to support Cheney's amendment, which I believe to be a thoroughly bipartisan amendment. And I'm happy to yield the minute I have back to Ms. Cheney if she'd like it.

CHENEY: Thank you very much, Mr. Gallagher. The majority seems to think that stability is served by limiting America's capabilities here. I hear no distinction being made between a nuclear capability in the hands of the Russians or our adversaries and one in our own hands. The nuclear posture review, which was completed under Secretary Mattis, makes clear that we need this very capability. Assessments of our adversaries' capability shows that the Russians have an active stockpile of up to 2,000 non-strategic nuclear weapons.

So, I would urge particularly the freshmen on this committee--I would echo what Mr. Turner said. Before you cast this vote, you better be sure that you are fully briefed and fully aware of all of the classified information that is available about our adversaries' capabilities, about the capability that we need that our military has requested. And I have tremendous respect for my colleague Mrs. Davis, but I'd say asking what the plan is requires a classified briefing. And it is absolutely irresponsible for us in this committee to sit here and say we are going to limit the military; we are going to prevent them--

SMITH: --Gentlelady's time has expired. Gentlelady's time has expired--

CHENEY: --We're going to prevent them from this capability without seeking that classified information and material, because it is there.

SMITH: And, let me just make a point here. We've had classified briefings on this subject matter. And I think to in sense imply that we haven't is--is very incorrect. I'm reasonably certain every single member of this committee has received classified briefings on this subject over the years. You know--a whole lot of hands up here but Mr. Wittman, you were next on my list.

WITTMAN: Thank you, Mr. Chairman. I--I--in listening to my colleagues, I agree with several points. First of all is that both a low-yield and high-yield nuclear weapon, both very devastating. Both have their own level of deterrence. Ballistic missile submarine, extraordinarily effective.

It is the most survivable leg of the nuclear triad. For our adversaries, that creates a tremendous amount of uncertainty. And when you combine that with the uncertainty about whether there is a low-yield or high-yield nuclear weapon on board, that uncertainty equals much stronger deterrence. That is communicated in the nuclear posture review. It's to say let's put more uncertainty in the minds of our adversaries, and when we do there's an even higher level of deterrence. Especially as our adversaries are building broader and more in-depth capabilities.

Whether it's conventional or nuclear, how do we make sure that we have the calculus in our favor? We make sure that we have more options there that create more uncertainty on their part where they will say, "You know what, we better not do this because we're not quite sure if one of these low-yield nuclear weapons is going to be on board one of their ballistic missile submarines. Which, by the way, we have a very hard time identifying where they are." Versus putting it on other platforms where they know exactly where it is.

Those are elements of what this nation has to do in the modern era of great power competition. It is critical for us to do this. Taking options off the table weaken us. Taking options off the table do not create the full scope of deterrence that we need to keep our adversaries not only at bay, but make sure that their decision making is always in the realm of saying no, we are not going to do that because we know what the result will be from the United States. Or, we think we'll know. Or, we are too uncertain to take the chance. That's truly what this is all about. That's what the debate ought to be. And I hope that my colleagues on the other side see it for that.

I want to make sure that we provide every opportunity for our leaders in the Pentagon--for our combatant commanders to say, "You know what, we've created just enough uncertainty out there with our adversaries to

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

where we have now prevented a war." Strength through deterrence, uncertainty creates the deterrence, that's what this is all about. Ms. Cheney's amendment allows us to do that. And it is critical for our nation to have this happen.

SMITH: Thank you. Mr. Scott.

SCOTT: Thank you, Mr. Chairman. I--I won't take the full five minutes. But I would just point out that Ms. Cheney's amendment does not deploy the weapons. Ms. Cheney's amendment does not deploy the weapons. And I'd love nothing other than to be sitting there passing legislation taking the options away from the Russian and Iranian and other countries' military leaders. But if there's one thing I've figured out in my time in Washington, I trust our military leaders to make these types of decisions more than I trust Congress to.

I would just point out to my colleagues and friends the Cheney amendment does not deploy the weapon. But without the Cheney amendment, we are taking options away from the United States military leaders. And I just--I--I don't understand why we would want to take the options away from our military leaders.

UNKNOWN: Mr. Chairman--

SCOTT: --I yield the remainder of my time.

SMITH: Could we get an idea from leg counsel whether the gentleman's interpretation of the amendment is correct? It's not my understanding. I always look very awkward here, but yeah. I don't know if this is a parliamentary thing or more just a matter of debate. But did--what exactly does the amend--the amendment do?

SCOTT: The amendment strikes the prohibition on availability of funds for deployment. But it's availability of funds, not mandating that funds be spent or deployed--

SMITH: --Okay. That--that's understood. All right. Mr. Banks.

UNKNOWN: He left the room. Mr. Waltz.

SMITH: No, I'm sorry. Mr. Banks is not here. Mr. Waltz. And I--I will say--good debate. We're getting to the point where we--we need to wrap it up. So, if we could move--move through it, that would be great.

WALTZ: Quickly, Mr. Chairman, then. I think it is--and again, I would encourage everyone to receive--I--I'm not sure that everyone has received the classified brief and briefings on Russian nuclear posture and intentions for use.

But it is completely plausible, and I would daresay likely, that the Russians could use low-yield nuclear weapons--whether it's a foreign city, Western Europe, carrier strike group--with the assumption that the United States would not launch a high-yield nuclear weapon in response. I think that is a likely assumption that the president of the United States, from either party, would not launch that escalation in response to losing a carrier strike group.

That's what the Russians believe. That's what they are banking on. That's what makes us less safe. And we need to have this capability. And then, secondly, the low-yield nukes that we do have are not nearly as easily deployable and survivable as those coming from a ballistic missile submarine. So, I--I would just encourage everyone to take those two pieces into account. I yield my time--

COOPER: --Would the gentleman yield?

WALTZ: --Ms. Cheney, I think you're fine. And I'm done.

SMITH: I'm sorry. Can someone claim some time over here? Mr. Cooper wants time. Mr. Langevin.

LANGEVIN: I am happy to yield my time to Mr. Cooper.

COOPER: First, let me say I value the gentleman's service, and I was particularly impressed with your jump recently on the--celebrating D-Day. I hope your parachute wasn't as old as your uniform.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

(LAUGHTER)

WALTZ: It opened.

COOPER: Remember, in the event--in the awful event of a Russian attack, we have hundreds and hundreds of low-yield weapons. In fact, with greater flexibility, greater accuracy, pretty much greater everything. So, the only question is whether a token amount on a new platform--a strategic platform--makes sense, including for the sailors on the boat as well as for the security of our country. So, that's really the question, is where do you put them on a boat?

SMITH: Mr. Keller.

KELLER: Just very briefly, we're not just talking about one potential adversary though. We're talking about all current potential adversaries and future potential adversaries. So, whether we're talking about--we're not just talking about Russia. We're talking about Russia, China, any country that now has nuclear weapons or the ability, including some groups that aren't countries.

So, our response has to be tailored to each and every one of those. And with that, I yield the balance of my time to Mr. Turner.

TURNER: Thank you. You know--this--this is really not fair to our new members. It's not fair because every person who's not a new member has voted to do this. Every person on this committee who is not a new member voted for these weapons to be configured and deployed. So, this is only the new members that are being put in this position of having to vote for the very first time on a nuclear weapons issue where no one likes nuclear weapons, and everybody wants nuclear weapons to--to--to not exist. I'd love that world too. But they're being done so without the proper information.

I'm certain when you had that community meeting, you never said, "I'm going to vote how Mr. Cooper tells me when he tells me that--that the other weapons that we have that are low-yield are better." Well, they're the same as everything we have on our subs. They're the same. Same as everything we have on our subs.

So, I guess everything in our subs, whether big or small, it--it's--is bad. It--it is not--is not--is not of high quality. But it is. But--but the question is--and I'm going to tell you this, because Mr. Garamendi is a very, very good friend of mine. And Mr. Garamendi and I had the presentation on the classified briefing of what it would take, how long it would take for those low-yield nuclear weapons to be deployed. And I was shocked. And I can tell you Mr. Garamendi was pissed.

And I could tell you--what--what do you think it would take to shock me? An hour? A week? Weeks? How long do you think it would take me to shock me? I can't tell you, because we're not in classified session. But this is why it's not fair. The chairman said that we've had classified briefings. Not one of you have--because this committee--well, not--this committee has not had briefings in the committee on the Russian Zapad exercises and their nuclear weapons component.

This committee has not had--no, I don't mean not one of you as an individual. I mean not one of you participated in a committee briefing. Because the committee has done this. Individually, there are a couple of us that have. But most of us have not. A briefing on the deployment of--of Russia's nuclear weapons.

Do--have you--have we had a committee briefing at what's at Kaliningrad? We didn't. We did not have a comm--a committee briefing at what--at the missiles that are in Kaliningrad. We did not have a committee briefing as to how long it take--the briefing that Mr. Garamendi and I had, we have not had a committee briefing on how long it takes for the low-yield that everybody who wants to do this tells you are instantly available and are available today. I wrote the words down. It's not true.

No one has had the classified briefing of what would we do with these. You know, there's a battle plan. There's, like, a whole thing where people have planned well if this happens, we'll do this; if this happens, we'll do that. That's--we should review all that before we have a debate, before we put ourselves in the commander's position.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

It is not fair for all of the people who are new to--without these classified briefings that would give them the substantive information to be able to make this decision--to make a decision contrary to what everybody already on the committee has made in the opposite. I yield back.

SMITH: Mr. Thornberry.

THORNBERRY: I am concerned about our ability to fully discuss the issues involved here in an open session. But--but--but I will say this. It seems to me, the essence of the argument, supporting the underlying provision is--since we already have a number of low-yield weapons, what we don't want to have are low-yield weapons on a survivable platform. And--and it kind of goes back to what Mr. Scott said. Why we would want to take away options for ourselves while adversaries have a full range of options does not make sense to me.

Number of references have been made about the Russians. So--so, I think we can say in open session what we have are low-yield weapons on air platforms. Well, we--again, can't get into detail. But Russian air defense system are pretty formidable. And--and--and so, I think the idea behind the nuclear posture review was have a full range of weapons on the delivery syst--on a full-range of delivery systems, or at least a fuller range of delivery systems. And that increases the credibility of our deterrence.

Again, why would we not want to have a weapon on a survivable platform? I--you know--I've--that's--that's hard to understand. Two other points that I don't think really have been talked about. Number one, our allies support this deployment. Now, y'all think about the storm and drum we have had about trying to get our allies to do more, about trying to keep NATO together, our alliances in the Pacific, et cetera.

Our allies support the deployment of this, and so we're going to sit here and say y'all may have stick--stuck your neck out, but we're going to backtrack on it? That has ramifications. Thir--lastly, the other thing that has ramifications--and this is what I am particularly concerned about is we can't talk in here about the status of this program.

I--somebody said we didn't really have a debate about this last year. No, we did. And a decision was made, and this program has gone forward. And it would be one thing--I think a mistake--to say we're not going to begin this program. It is a completely different and more serious thing to say we have begun this program and now we're going to backtrack.

Now--now remember, our nuclear deterrent's not just about us. There are lots of countries all over the world that depend on the credibility of our nuclear deterrent. And once we make a decision and move forward with that decision to backtrack on that has severe implications.

So, I think that the gentlelady's amendment is exactly right. We need the full range of options. We need the confidence of our allies. We need to be able to take a decision and move forward with it. This--the underlying provision would undercut all of those things and I think be a significant step in the wrong direction. I yield back.

SMITH: Mr. Carbajal.

CARBAJAL: Thank you, Mr. Chair. You know, you don't need a classified briefing to understand that Russia and the United States have thousands of different types of nuclear weapons that could destroy this world over a thousand times. What we're doing here is discussing yet another--another grade or category of conventional nuclear weapons. For me, it's so simple. But maybe it's so complex I'm missing it. I--it--for me it just boggles my mind. I think that the deterrents are already there. The fact that we have all these weapons that already exist and we're fighting over yet another category of nuclear weapons. I just don't understand it. Mr. Chair, I yield back.

SMITH: Thank you. To--to close--close the debate, I think this has been--you know--with one exception, a very good, robust, and--and fair debate of a difference on policy. I--I do take issue with the notion that somehow, we're--we're too ignorant to make this decision. Well we weren't too ignorant to make this decision when this committee approved building the weapon. So, basically, because we don't know enough, we just have to stand back and let the Pentagon do--do what it wants. That is not the way I interpret our job. Our job--if that was the point, we should

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

all go home. What the hell are we doing here? Pentagon knows better than us. You know, why do you guys have all your amendments, all things--but why are we even talking about it? Now, I will completely grant that there's sometimes you can agree with them. But the idea that you can't possibly support going against a low-yield nuke--nuclear weapon, because basically you're too stupid to make the decision is something that I--I very strongly reject--

UNKNOWN: --Mr. Chairman, would the Chairman yield--

SMITH: --Whether you're a new member or an old member--

UNKNOWN: --Because no one said that--

SMITH: --I'm sorry, I gave you a lot--

UNKNOWN: --Right, that's fine. But no one said that--

SMITH: --Of time--

UNKNOWN: --Let's be clear. No one said that--

SMITH: --Well, indeed, yes. But it was heavily implied. And I'm sorry I used stronger language there because I was a bit frustrated by--by the way that was presented. It was said that basically you don't know what you're doing. You don't have sufficient information to make this decision. Which is--you know--I--

UNKNOWN: --It comes that way--

SMITH: --Dramatize it a little bit by saying the too stupid thing. But it kind of gets to the same point. I 100 percent reject that. We have had classified briefings. I think the freshman members are very knowledgeable in a hell of a lot of ways. They know more than some of us who have been on this committee for a long time. We are perfectly informed to make this decision.

Now, those are good arguments on both sides. But for heaven's sakes, don't--don't not--don't base your vote on the fact that you're too ignorant to do it or if you do, you should probably give up your job. So, I believe we have been informed. We know what we're doing. And we're not going to simply yield to the Pentagon because they know more than we do. That's the purpose of civilian oversight of the military.

There have been a lot of arguments made here, but I think as you hear this debate go back and forth, the most troubling aspect of the low-yield nuclear weapon is it makes people seriously contemplate an acceptable nuclear war. And that's what a lot of this debate was about. Okay?

We're going to make a calculated decision, they launch a low-yield nuke, we'll launch a low-yield nuke, we'll be able to contain it. And if the whole point of our nuclear arsenal is to deter a nuclear war from ever happening, when you start walking down--my opinion is that this debate essentially makes our point. And having put this in--in our mark to not deploy this weapon.

Once you start walking down the road of talking about it, our adversaries are going to listen to that conversation. And they're going to say, "Okay, if we launch a nuke there's--it's possible we could manage it. We--we could have an acceptable nuclear war." And at the end of the day, our support for the underlying provision in opposition to Ms. Cheney's mark is because that is exactly what we are afraid of. Is to make it clear that there is not an acceptable nuclear war.

And for the life of me, I can't really understand why it is that we--apparently in a classified brief we can be told exactly what the Russians are thinking. And we'll know exactly what they're going to do. We're going to have perfect information on that. As you can tell from my tone of voice, I don't believe that. We're not going to know for sure what the Russians think. They're going to lie to us a lot. And we've got to sort of pull--pull it apart.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

But, on the other hand, we don't think we can convince them that it is our position--our deterrent position--that if you launch a nuclear war, you better not count on a proportional response. You better understand that if you do that it will lead to severe consequences for you. Why would we tell them, okay if you do that we'll--we're going to try manage our response so it's at an acceptable level for you. And there's people in this committee room who have fought in wars. I haven't. But I don't think when you're going up against your adversary, as the bullets are flying, you're going, "Gosh, I want to make sure that my response is proportional." No. You want to win by overwhelming force.

As we always say on this committee, United States military, we don't want a fair fight. We want our adversary to be clear on the point that we're going to kick their ass if they take us on. So, why we're obsessing about a proportional response I don't know. And the concerning part of it is, again, it begins the discussion down the road that there is an acceptable nuclear war. There's not.

And at this point in most audiences, I reference the 1982 movie War Games, where the computer simulated and found out, "Yeah, no matter how you start this it ends with complete obliteration." That's what we're trying to avoid. With that, although we--sorry. I shouldn't turn off my mic right when I'm going to do that. The question occurs on the amendment by Ms. Cheney. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed.

UNKNOWN: No.

SMITH: And that we will have a recorded vote. A recorded vote is ordered. We will suspend it to the end. Next up is Ms. Cheney again. And I'm pretty sure this is an important piece that you--I'm pretty sure it's the same debate we just had. So, if we can move through it more quickly. But we're going to consider Log 397R1 by Ms. Cheney. For what purpose does she seek recognition?

CHENEY: Thank you, Mr. Chairman. I have an amendment at the desk.

SMITH: Clerk will please distribute the amendment without objection. We'll dispense with the reading and the Gentlelady is recognized for her amendment.

CHENEY: Thank you, Mr. Chairman. Mr. Chairman, this amendment restores the funding necessary for the SLBM deployment--the W76-2s. You know, we heard a lot in the last debate about nuclear obliteration and about the instability in the world in which we live. And--you know--what I fail to be able to understand and find extremely troubling is that the majority's response to the growing instability and threat complexity we face around the globe is to disarm America.

You know, my colleagues on this committee say they're not for unilateral disarmament. But as I pointed out before, we--we live in a world where the Russians in fact have 2,000 of these non-strategic nuclear weapons. And so, the idea that somehow the way to avoid miscalculation or to avoid instability is to make sure that America cannot deploy this low-yield nuclear weapon is simply a blaming American first irresponsible approach to this.

We live in a world where the Cold War concepts of deterrence are outmoded. A world in which those concepts are insufficient to provide for our security. And yes, it is simple, and it is easy to say, "Oh my gosh, nuclear weapons are horrific. We all agree they're horrific. We've all *got* plenty of nuclear weapons." That is absolutely unsustainable indefensible and irresponsible. I agree with the Chairman that this committee has crucial oversight obligations and responsibilities.

We are not carrying those obligations out if we simply say, "Nuclear weapons are bad, therefore we must make sure the United States does not have access to the full range of capabilities we know our adversaries have." We know that Russian nuclear strategy is escalate to deescalate. We know that the Russians hope that a limited nuclear excla--escalation will give them an advantage. We must guard against that. The point of making sure that

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

we have funding for and the authority to deploy these weapons on submarines is to raise, not lower, the nuclear threshold.

So, Mr. Chairman, I take issue with the idea that anybody on this side of the aisle called anybody on this committee ignorant. Nobody said that. What we did say was, members of this committee who are not on the Strategic Force Committee, members of this committee who have not voted on this issue before, members of this committee who have not taken part in all of the briefings that Mr. Turner mentioned need to be aware that they are being held accountable.

Simply cannot effectively and responsibly conduct the oversight that's necessary here, have to go home and explain to your constituents why you cast a vote to disarm the United States, to disarm the United States unilaterally in a circumstance in which our adversaries have these weapons without the full access to information that is available in those briefings. I think that that is the epitome of failing to live up to our obligation of effective and responsible oversight on this most important set of issues probably that any committee in this Congress deals with and addresses.

So, my amendment that we're discussing now, Mr. Chairman, would restore the funding for these crucially important weapons along with the authority that we need to restore from my previous amendment. And with that, I urge my colleagues to support this amendment and I yield back.

UNKNOWN: Mr. Chairman.

SMITH: Thank you. If I may. I will quickly note, first of all, the idea that deciding not to deploy a low-yield nuke amounts to unilateral disarmament I think is a slight overstatement. Our nuclear arsenal is still going to be really rather robust, whether we deploy this or not. It is true, we're taking this one option off the table. But, talk about unilateral disarmament's a little bit over the top.

And again, I--I will say, I think the members are fairly well informed. But also, it's a curious argument to basically say, "You know, since you're not well informed you have to agree with me." Th--this issue's tough, I'll grant you. There's a lot of information here.

But no matter how much information you have, you have to make a decision one way or the other on what is a fairly critical--and I will agree on this, this is an important decision in terms of where the United States is. I am confident, again, that this committee is smart enough, intelligent enough to make that decision. Mr. Cooper.

COOPER: Thank you, Mr. Chairman. I'd like to speak in opposition to the amendment.

SMITH: Go ahead.

COOPER: As the chairman has ably said, the loose talk here in this committee about unilateral disarmament, or disarming America is completely wrong. And worse, it's irresponsible. And I know some people on this committee are running for higher office, but I think people on the subcommittee will recall that I tried my best last week to have a debate on these issues at the subcommittee level where more people were able to go to the briefings than at the full committee level. Because many people are not even on the Strategic Forces subcommittee.

But the gentlelady will recall, despite my efforts, there was only one amendment offered. It was your amendment. And it was a combination of four different amendments. And there was zero debate when we had a wonderful opportunity to have a debate on these important issues. I support briefings. I support knowledge. I want full committee understanding. But loose talk at the full committee level, after many hours of markup, is not the best way to achieve a sensible national defense policy.

Many of us from the South think that--you know--being a hawk isn't a bad thing. But don't give hawks a bad name. If you accuse anybody who's in favor of any moderation, including most Republicans and most presidential administrations in recent years--men like George Shultz, for example. And others--James Schlesinger--you go down the list. What the modern Republican party is talking about is a clear departure from 60 to 70 years of sound nuclear strategy. So, let's not go overboard here.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

And there's been a lot of discussion about our freshman members. We are proud that they're on the committee. I think that I have been to virtually every briefing that the Strategic Forces committee has had for at least the last seven years. Every secret briefing. And nobody's trying to pull any wool over anybody's eyes here. I do think if you look at the W76-2 that that is such a tiny, tiny, tiny, tiny fraction of our overall nuclear forces. It's not even a rounding error.

So, to make this the be all and end all of U.S. nuclear strategy is completely misleading. It might be a nice new feature. And I personally am glad we have developed the warhead and it is in our stockpile, and it is available for use. But let's not endanger the lives of our sailors and our precious nuclear submarines. And let's not disclose to our enemies and potential enemies around the world that these rascals have been deployed. We don't have to do that at least at this stage. We are ready. We are prepared. We can do this if we need to.

So, I'm glad we're prepared. But this extra step the gentlelady is doing with her largely redundant amendment is--is pretty remarkable. So, I wish the gentlelady success in her future efforts, but--

CHENEY: --Would the gentleman yield?

COOPER: --I will not yield to the gentlelady. The gentlelady had the chance last week in subcommittee to help us have an informed debate on these topics--

CHENEY: --The gentleman is casting aspersions on the substance of my amendment and on my--

SMITH: --Ma'am. I'm sorry, we--we do have to keep things in order here. That--you--there'll be plenty of people who'll give you time, and you should have time. But it's Mr. Cooper's time.

COOPER: No one on this side--no one on the committee--no one in Congress that I'm aware of has ever mentioned things like unilateral disarmament, or disarming America. So, those wild accusations are just wrong and as I say, irresponsible. We should project an image to the world right now--because our adversaries and potential adversaries are watching, and if they see such a loose and uninformed debate, if they see such divisiveness in the Congress of the United States, that only gives them hope.

Let's not give them hope. Let's show that we are adults, that we are responsible, that we can measure our language and together do the right thing for the country. I see that my time has expired. I thank the Chairman.

SMITH: Mr. Thornberry.

THORNBERRY: What is not wild and irresponsible is the fact that the underlying mark takes away an option. Now, it's not total disarmament. But it takes away an option and the--to me, the most concerning underlying theme of this whole debate is that we're the problem.

In other words, if we restrain ourselves, then the world will be safer. If we take an option away from u--ourselves, then somehow nuclear war is less likely to happen. We're the problem. And I do not believe that's the case. I believe that we ha--as we develop more options, survivable options, then we increase deterrence and decrease the chance that a nuclear weapon will ever be--be used.

But the--this underlying notion that we've got to tie our own hands, and therefore the world will be safer goes to the heart, I think, of what many of us are concerned about with this amendment and with an overall approach to defense. I believe we need to be strong.

I believe we need to have more options, not fewer. And I believe we need to increase the uncertainty of our adversaries or potential adversaries, not simplify their calculations. I think in a lot of ways that's the bottom line to this. And I hope that our colleagues will vote to be stronger with more options rather than blame us for the problems.

CROW: Thank you, Mr. Chairman. You know--with all due respect to our colleague from Wyoming, many of us have dedicated our lives to the--the--the defense of this country and would never do anything that we thought would

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

jeopardize that and put our countrymen and women and our count--our country and the world at risk. And certainly, many of us have thought about this issue long and hard.

But when it comes to matters of existential existence--you know--it falls directly within the purview of this committee and Congress. You know, many decades ago our country made a decision to reserve the decision to use these types of weapons to our elected political leaders. Because we believed that it was important to reserve matters of existential existence and risking this type of war to those who were elected by the people of this country.

So, there is a history and precedent to reserving matters of these issues to this body. And that's why I think it's f--it's important that we understand that and that we don't just default to giving options when it comes to matters of these weapons to our military leadership. So, I do believe in this instance that the risk of destabilization that these weapons cause, the uncertainty that they would cause and the risk of starting another arms race is greatly concerning to me. And I certainly will not be supporting this amendment. Mr. Chair, I yield back.

SMITH: Thank you. All right. Votes have been called on the floor. I am 100 percent confident that we can complete this debate in time to go over and vote. So, it's been a robust debate. It's been a healthy debate. I'm going to--I'm just--I'm trying to encourage us to wrap this up quickly so that we can go vote and be done with this--this debate and move on to the next one. Ms. Stefanik.

STEFANIK: Thank you, Mr. Chairman. I think this committee deserves to hear a response from Ms. Cheney, so I yield my time to the gentlewoman from Wyoming.

CHENEY: Thank you very much, Ms. Stefanik. You know, I think that this--this--this issue--I--I appreciated very much Chairman Cooper, the way that he began our convening meeting in the subcommittee on strategic forces when he talked about this issue as being the single most important issue our strategic forces--that any subcommittee in Congress deals with and addresses.

And I think that's the exa--that's the kind of treatment this issue deserves. I think it's completely uncalled for for Mr. Cooper to suggest that somehow there's loose talk going on or to suggest that there are somehow political aspirations. Unless Mr. Cooper is announcing here today that he is seeking higher office--which, I would say this is an inappropriate place for him to make that announcement--he ought to stay with the facts.

And I can only imagine--perhaps he can't argue the facts if he's going to go to personal aspersions and questioning the motives of the people who are having this discussion, and my motives for offering this amendment. With respect to unilateral disarmament, it is unilateral disarmament. By definition. This is a capability that our adversaries have. It is a capability that--that they have the ability to deploy, that they have deployed. And it is a capability--my colleagues in this committee on the Democratic side of the aisle are suggesting that the global stability and security requires we not let the United States have the funds or the authority to have this capability.

So, that is both unilateral disarmament by definition, and it is also blame America first by definition. Now, I think this is a crucially important issue. I think it's one we ought to be debating and discussing, and I think it's one we ought to debate based on facts. And we ought to not go down the path of somehow suggesting that there are ulterior motives here.

And frankly, I think we ought not go down the path of saying we need to hurry this up and move it along as the chairman did. This is a really important issue. And those of us on this side of the aisle who are suggesting that our colleagues need full information, that our colleagues need to be fully informed are simply saying you need to recognize and understand if you have not had the briefings about what our adversaries can do, and if you have not had the briefings about the capabilities that our military has requested, and if you have not had the briefings about the plans for the use and the deployment of these weapon systems, then you need to recognize when you're casting this vote, you are doing it without full information.

There is nothing political about that. We're not playing games. We're simply suggesting to you that you've got to have full information. That's why I've offered this amendment. I simply do not believe, and I think it's highly irresponsible to suggest, that the world is more safe if our adversaries have a capability that we do not have. And

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

this committee takes every step to prevent the United States from having that capability. That's absolutely wrong. With that I yield back.

STEFANIK: Reclaiming the balance of my time. I yield the balance to Mr. Turner.

TURNER: I just want to make it clear after Mr. Cooper's comments, I've served on the Strategic Forces Committee for 18 years and that subcommittee has never had the briefings that we just discussed that'll be necessary for determining whether we should recall a nuclear weapon. I yield back.

STEFANIK: Yield back to the Chair.

SMITH: All right. Thank you. I think we have concluded the debate on--on this amendment. It is a very important amendment. We have--have been debating it for an hour and I think that's--that's important. Don't wish to rush that. If there are points that haven't been made, certainly want to be able to make them. But I think we have had a robust debate and both sides have had the opportunity to make their arguments. And with that, all those in favor of the amendment will say aye.

UNKNOWN: Aye.

SMITH: Opposed.

UNKNOWN: No.

SMITH: In the opinion of the chair, the no's have it. Roll call is requested. We'll have a role call. And now we have 13 votes on the House floor. So, we'll probably be getting back here in about an hour. Do try to come back as quickly as you can, particularly if you have amendments coming up. Thank you.

(BREAK)

SMITH: The committee will come to order. There is in fact a quorum, but most of it's eating in the anteroom. We're counting them, because I know there's a TV in there and they can hear us. All right. We are continuing with amendments to the strategic forces mark. Next up is Log 006 by Mr. Turner. For what purpose does Mr. Turner seek recognition?

TURNER: I have an amendment at the desk.

SMITH: Clerk will distribute the amendment without objection. We'll dispense with the reading of the amendment. Mr. Turner is recognized.

TURNER: Mr. Chairman, let me know when I should start.

SMITH: You're recognized.

TURNER: Oh, great. Thank you. The--this amendment--it is problematic in that it's prescriptive and--I mean, it's legislatively requiring that--you know--our--our Secretary of Defense, on a mill to mill basis undertake discussions directly with adversaries but without any preconditions, without any basis of--of--of protocol as to the discussions. And--you know--this really isn't our task, first off, to--to set about determining what meetings the Secretary of Defense should have, but even--even beyond that, I mean I--with the way this bill is going, I can see this going this way. We say that the Secretary of Defense must establish a senior working group for the purposes of engaging in military and military discussions with counterparts from governments of covered foreign countries to reduce the risk of miscalculations, unintended consequences, or accidents that could precipitate a nuclear war. And those meetings are supposed to happen with Russia and China.

So, with the way this bill is going, this could go this way. We have representatives that sit down with our Russians. Our Russians said, Comrade, I am so glad that your Congress is banning your nuclear weapons. So, I don't really

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

have a whole lot of threat. If I just wait you out, perhaps you'll lose more. Maybe the nuclear triad will go next. Thank you so much for meeting with me.

But, no, I mean seriously, all aside, and I'm glad the chairman smiled because I--I was being--being tongue in cheek. The--the--the concern here is, is that we--we--we shouldn't start this process of engaging in requiring meetings that typically have very strategic diplomatic basis. I mean there's a reason why you reward someone with a meeting or not reward someone with a meeting, what its subject matter is or it's not. And so, just to start down this path of prescriptively requiring that these meetings happen by legislation is--is--is certainly not called for, and I think, you know, cert--is--is also contrary to what we normally think of are--are diplomatic channels and meetings.

Now, the other aspect is, I had offered an amendment to this to say, hey, a lot of this happens anyway. A lot of this goes on. Perhaps we just have an--an annual report on this so we could provide oversight, because I mean ra--rather than demanding that these people undertake military tomit--military discussions, perhaps we should start with an annual report to us that gives us oversight from which we could affect it and--and encouraging it in--in getting greater fidelity as to what the subject matter is that they're discussing.

So, it is a motion to strike absent the fact that our amendment that would have turned it into an oversight function was denied. I yield back.

SMITH: Thank you. And I know we've negotiated a lot of different things back and forth, and part of the problem is, obviously, we don't have time to have everyone in the room. I don't actually think your last point there is completely crazy. I--I think it's--it's possible that that sort of discussion, if those dialogues are going on. Now, I think this is different overall, and I disagree with the main thrust of your--your argument that, you know, we shouldn't force these discussions. Broadly speaking, when you're talking about diplomatic negotiations, I--I would tend to agree. You don't know what the preconditions are.

We're talking a very discreet area here, and that is just to make it clear that we understand each other as well as possible so that we don't accidentally misunderstand and stumble into nuclear war. And it--it's kind of ironic that on the last amendment, there were many arguments, I will grant you. But, one of the biggest arguments was, you know, we can't know what the Russians think we think, okay?

You know, we can add this deterrent policy that we'll launch this weapon if they launch, but we can't know if they believe us or not. Well, it strikes me that if we were meeting with them on a regular basis saying, look at me. Believe this. This is what we intend to do, that that would sort of clear up the problem you had with the first set of amendments that somehow, you know, our deterrent--they won't believe us, that we're going to use a--a--a slightly larger nuclear weapon than the one they used on us. This is a great opportunity to make them believe us and to make sure you eliminate that communication.

Now--and I'm also in conversations with the Pentagon and elsewhere. I realize that discussions like this go on more often than perhaps we understand. It--it does happen. Eh, I mean long term, I'm potentially open to the idea of--of allowing that dia--where tell us what--tell us what you're talking about. And then we can figure it out from there. So, yeah, and this kind of thing, we're going to have to work on in the future here. So, I--I--I'm willing for the moment to--well, you know, it's kind of important that you're tracking this--sorry--to have that discussion and see about maybe an amendment we could agree to at--at the full committee mark that would do something along those lines.

So, if you guys could chat and see about working that out, because I--I think it--in talking with the people at the Pentagon, there's a lot more of these discussions to realize. We just don't know what they are, when they are. This obviously would probably have to be a--you know, a classified report, but if we could get that report so we could understand what the level of dialogue is, but I think this is important. I'm sorry we started, and Ms. Slotkin isn't here because she had a very compelling point on the Iran situation about whether or not there were back-channel communications going on with Iran that are not a formal discussion, but just so we understand each other so we don't stumble into something, and her experience at DoD in terms of setting up those back channel communications.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

So, if the gentleman is agreeable, I'm willing to entertain that--that conversation and move this to the full committee. And if we don't resolve it, you can offer this amendment to the full committee.

TURNER: Fair.

SMITH: Okay. That disp--I trust that hopefully also dispenses with the next one.

TURNER: Yes, actually. The other one, which is just a brief bit of levity, and so it actually comes at a good point. Somebody isn't in the room. But, it--it really is just encouraging. Codell's (PH), Mr. Chairman.

SMITH: Yeah. Now, that's fine. And I--I would only have one--

TURNER: --I withdraw at 008.

SMITH: Okay. And I would only have one point about that. I--I get the point. It is good to have that discussion. But, you understand there's a huge difference between the DoD guys and little old me in that they actually have the ability to fire rather important weapons at each other. So, them talking is even more important.

All right. So, we've moved through those two, which gets us up to--what do we got next there, 174. And I apologize.

UNKNOWN: DesJarlais.

SMITH: Yeah, who's not here. Is Dr. DesJarlais in the backroom, by any chance?

UNKNOWN: I'll go look.

SMITH: Okay. In his--in his defense, we moved more quickly than I think anyone was expecting. Mr. Wilson is here--

WILSON: Yes.

SMITH: So, with permission, we'll go out of order and take I guess unanimous consent is the tactical thing and go to Mr. Wilson's amendments until Mr. DesJarlais shows up. Without objection, so ordered. So, we'll do Log 426, and I'll recognize Mr. Wilson. For what purpose does Mr. Wilson seek recognition?

WILSON: And--and thank you, Mr. Chairman. And Mr. Chairman, I have an amendment at the desk.

SMITH: Thank you. You are the (INAUDIBLE) amendment. Without objection, we'll dispense with the reading. And the gentleman is recognized to discuss.

WILSON: Mr. Chairman, this amendment seeks to achieve a bipartisan solution to a significant national security challenge, plutonium pit production. The Senate NDAA has marked up the president's budget request, which supports the requirement of 80 pits per year, but in 2030. The United States previously produced plutonium pits for our nuclear weapons at the Rocky Flatts plant in Oh--Colorado. That plant has now closed, and the last produced plutonium pit was in 19--1989, 30 years ago.

Nuclear weapons are like any other weapon system in the sense that they require maintenance and they require components to be periodically replaced. That means we need spare parts. A plutonium pit is a component of every nuclear weapon that we have, which enhances explosive capabilities. And we simple do not have the needed components to maintain these weapons. It is understood that properly maintaining our nuclear weapons stockpile should be amongst our highest priorities.

Therefore, I am urging support of this amendment, which strikes Section 3114. Section 3114 repeals the requirement contained in Title 50 U.S. Code to 53-8A that the Secretary of Defense and Secretary of Energy will demonstrate the capability to produce 80--80 plutonium pits by the year 2027. This is a substantiated requirement. This is a requirement that has been validated by the Nuclear Weapons Council. Section 3114 also contends--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

contains a sense of Congress that the National Nuclear Security Administration should prioritize producing 30 plutonium pits per year at Los Alamos National Laboratory and not divert resources to construct a second site for pit production. Th--this section of the bill should be struck for several reasons.

First, Los Alamos is a research facility, not a production facility. The Department of Energy and NNSA have other locations better suited for pit production. However, I'm not suggesting that Los Alamos relinquish their portion of the mission. Rather, I am suggesting we need a second production site to help achieve the 80 pit per year production requirement. The two sites should work together toward revitalizing plutonium pits.

Second, Los Alamos has been attempting to produce a qualified plutonium pit since 2010. They have not yet produced any plutonium pits that could be qualified for use in a weapon. They've been trying for nine years, sadly unsuccessfully. In 2021 is the deadline for producing qualified plutonium pits. And whether we will achieve that goal is in doubt.

This provision solely focuses on a single site that has yet to produce any usable pits. Third, the facility at Los Alamos where they are attempting to produce plutonium pits has been plagued with safety problems, safety problems so significant that the facility was previously shut down for three years. I understand those safety issues have been resolved, but there are other DOA installations with far better safety records.

Fourth, there is concern a second site represents a \$14 billion life cycle cost increase. However, that estimate does not include the offset by reducing the overall nuclear complex life cycle cost. According to the Institute for Defense Analysis's report on pit production, the life cycle cost analysis omitted a significant number of personnel required for supporter activities for all Los Alamos cost options, clo--closing much of the cost gap between the two site versus one site solution, making the cost virtually comparable.

Further, focusing solely on cost would limit production to a single facility at a single site. This would jeopardize our nuclear deterrents in a new era defined by the National Security Strategy as a great power of competition. The best choice for a second site is Savannah River site, which already has the facility certified to handle plutonium. There are engineering changes that need to be made. I don't want to suggest those are not without cost, but I'm convinced it's less expensive than constructing and certifying a new site. We need a second plutonium pit facility, and this is by far the best option.

It's estimated that Los Alamos can achieve a maximum production rate of 30 plutonium pits per year, and I hope they achieve it. However, that's not close to the 80 pits per year required, which is currently the law that has been validated by the Nuclear Weapons Council to maintain a resilient infrastructure.

In conclusion, I urge unanimous consent to submit for the record a letter from the StratCom commander, General John Heiten, dated 9--10--

SMITH: --Without objection--without objection, so ordered--

WILSON: --To--to the record concerning delay in pit production that supports a two-site plan.

SMITH: And--

WILSON: I ask support for this amendment, and I yield back.

SMITH: Thank you. Mr. Cooper?

COOPER: Thank the chair, and I would like to praise the gentleman from South Carolina. I know of no more patriotic American than him, or anyone who does a better job of representing his state and his district than Mr. Wilson. I'm a little worried though that he does too good a job of representing his state and his history.

As members of this committee know, he and I have gone back and forth for years on the so-called MOX facility, which was finally subjected to a mercy killing. I called it for a long time the zombie earmark--the earmark that simply

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

wouldn't die. But, now, finally, it's gone. And now at Savannah River, we have to find a new purpose, new job creator there. And I'm not against jobs in South Carolina.

I'm just worried, though, when he mentioned in his very fair presentation earlier that the estimate--the best estimate we have of the combined life cycle cost of being \$14 billion more, if we also have a site in South Carolina, that's a lot of money. A lot of folks here are scrambling for tens of millions of dollars, and this is \$14 billion we would be handing to South Carolina on top of all the other money we gave them in the MOX era.

So, having killed one earmark, I'm worried we're about to embark on another. Now, this debate is not about the 80-pit requirement. That's a very valid debate as to whether we will need that many pits produced every year. This is a debate about where we should do the first 30. And I think most people would acknowledge that most all of the plutonium scientists in America are located in or around Los Alamos, or at least in New Mexico.

There are very few, if any, in South Carolina. And to have this extra site at an extra cost of \$14 billion seems to me to be an extravagance we simply cannot afford at this time. So, the debate is not whether we have 30 pits or 80. Many people want to get to 80. But, first we have to get to 30, and we have to get to 30 in a reliable way. The best estimate we have right now if we focus just on Los Alamos and we work really hard, we might get there by say 2025. And that would be awesome. That would--that's a necessary achievement because we do need to rehabilitate our nuclear weapons.

This is vitally important, and I'm for putting it in where it is already, in New Mexico. Now, let's help those folks do the best possible job in the quickest possible fashion so we have an adequate number of pits produced there. Whether that number is 30 or 80, Los Alamos is the place. New Mexico is the state. And let's do it there rather than ship this plutonium all over America. I think New Mexico has a history of success in this area. We hope they can live up to their past achievements.

The lab director there, Thom Mason, is outstanding. He used to be Oak Ridge. So, let's do it right. Let's do it at Los Alamos. And then if we have extra money, we'll consider South Carolina. I yield back the balance of my time, Mr. Chair.

SMITH: Mr. Turner?

TURNER: Okay, so I want to go for some analogies, but first off, let me just deal with the earmark issue. Mr. Wilson did not write this into our--our code or into our--our nuclear requirements. Yes, this does affect South Carolina. I'm--I'm not from South Carolina, and I'm--I'm for this, and I would do this. And this isn't because of--of Joe Wilson. This is because I believe that we need the nuclear weapons capability.

Now this is the analogy. Now, we keep talking about plutonium pits, plutonium pits. But, let--let's just call it what it is. It's a part of the bomb. And we can say that. It's not classified. A nuclear pit is part of the bomb. Now here's your analogy. I have a 1964 Cadillac. I love it. But, you know what? I can't get in it and drive it to work every day. It is not reliable. It is not good for me to use that for--for commuting. I would have no ability to a--to be assured that I can get where I need to with my 1964 Cadillac. We have weapons that are older. We have weapons that are that age. And they need replaced.

You can't be a w--nuclear weapons state and say, I bought one. I put it in the garage. It may be a 1964, but it's all going to be okay because I--I got one. You got to have something that works, that is reliable. The--the--a fou--the--the requirement that is placed before us is 80 plutonium pits by 2027. The DoD in all studies, DoE, have come back and said, this is what we need and that we need two sites. This is what General Heiten said March 28th of 2019. And this is why your analogy is important. This is the general's quote, not mine, not someone on the committee just opining what's too expensive or not too expensive. General Heiten said, quote, "I am concerned about building new weapons that will have 100-year-old plutonium pits. I think it is a risk the United States should not take."

Here's your analogy. This is like me saying, okay, my 1964 Cadillac's too old. It's unreliable. So, I'm going to build a brand-new car. But, I'm going to take the engine out. I'm going to put the '64 engine in my old car. And guess what? You still have the same lack of reliability. We need to get to 80. We've been told DoD, DoE, all studies. We need

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

this. We need two sites, both for the reliability and to make certain that--that--that we're able to reach the production level that we need. The--the \$14 billion of difference that is cited, it--it does not take into consideration all of the other factors that--that actually in looking at Los Alamos, looking at a second site, make it somewhat comparable. You know, it shouldn't be my testimony. It shouldn't be Mr. Cooper's testimony. It shouldn't be like what's more affordable, what's not affordable.

You know, I say that--that it breaks even. He says it costs \$14 billion. Th--this should just go to straight out testimony of what we have, and what we have in front of us is DoD and DoE saying that we need this. Now, if we combine all these things, if we say we're going to require--re--recall our nuclear weapons that are deployed and we're going to hamper our ability to replace the nuclear weapons we have, we are starting down a path of not being able to meet the deterrents needs that we--that we must have in order to keep our country safe.

So, I support Mr. Wilson's amendment, and I think that--that this is a requirement we have long pursued. You know, another aspect of this I just want to add that--that e--every time we get into this situation and people complain about the costs, the costs of our nuclear weapons modernization continues to be affected by the fact that we run one way and then we wait a couple years. And then we go run another way. And then somebody else has a better idea what we should be doing something else.

M--maybe we should just trust the people at DoD and DoE who are saying that we--what we need and put it in place and give them the dollars that they need to make certain we have a modernized nuclear weapons that are an actual deterrent to keep our country safe. I yield back.

SMITH: Further debate, Mr. Bacon.

BACON: Thank you, Mr. Chairman. I--I want to support this amendment. We have a requirement to modernize our nuclear force. And our DoD, our--our StratCom, the nuclear weapons center, the National Military Secur--Nuclear Security Agency, they all say they need--and by 1927 (PH), 80 nuclear pits a year. And that's a minimum that they--that they need. And we got to build a program to get to 80 by then.

So, according to the administrator Lisa Gordon Hagerly, the requirement of 80 per year is at the low end of the requirement, given the pace and scope of the current modernization. And I know General Heiten personally. I--I live seven miles away from him. I see him a lot. I trust him. He's going to be our Vice Chairman. And he was emphatic that we need to get to 80 a year. And there is no better voice on this than General Heiten, who's been running StratCom.

And Mr. Turner only gave half that quote. Let--let me give you the full quote that General Heiten said, because I'm concerned about building the new weapons who have 100-year-old plutonium pits. I think that's just a risk that the United States should not take. But, then it goes on to say, to continue where Mr. Turner stopped. He goes, the minimum requirement is by 2030 we need a plutonium pit production capacity up to 80 across the enterprise.

We have a plan with DoE that we support that to get that to 80 at both Los Alamos and Savannah River in South Carolina. This is General Heiten. He is speaking with authority on this. If we want to have assuredness with our nuclear weapons, I think we need to follow what he is saying. Mr. Chairman, I yield back.

SMITH: Thank you. Mr. Garamendi?

GARAMENDI: You just spoke to--about Mr. Heiten. I do not recall him giving the Strategic Arms Committee a detailed study of why 80 pits a year were needed, but I do recall over the last five year--I've seen this letter. But, the backup information upon which that information is based, I don't believe has ever been given to the committee. But--

BACON: May I ask a question?

GARAMENDI: Of course.

SMITH: The correct thing to say is, will the gentleman yield?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BACON: Will the gentleman yield? Thank you. I'm a sophomore, still learning.

GARAMENDI: Of course, sir.

BACON: Are you doubting, though, that General Heiten feels that way?

GARAMENDI: I don't doubt that he wrote the letter, and I don't doubt that he'd rather have 150 a year rather than 80 a year. His task is to reduce the risk. And--and we share that obligation. We also share the obligation to the taxpayers that the money be spent wisely along the way. But, once again, I do not believe we've ever received a study about why 80 pits. I do recall over the last four years that the number has grown from 10 to 20 to 30 to 60 to 80.

And along the way, no analysis of why that growth has occurred. Now, it may very well be that there is out there a detailed study. It seems to me it ought to be shared with us so that we can make a rational decision about not only the total number that we're going to build every year, but also that we are able to determine where the best location that may be built. If, for example, the appropriate number is 30, then presumably Los Alamos would be there.

The other thing that I'm concerned about is we have not seen a classified report on the degradation over time of Mr. Turner's engine. That is, the degradation of the pit itself. Now, we probably might assume that one pit is not the same as the other. And since these things were used for a variety of weapons and stored and used in different locations in different environments that maybe the degradation changes from one to another.

That is a critical factor in determining how many pits need to be built new to meet the requirement for the LEP, the Life Extension Program. So, I think we can go a little slow here. I don't think we need to make the final jump to 80 and the accompanied billions upon billions of dollars that would be required. And so, show me the studies. Show me the studies that the degradation in the plutonium is such that it is risky, that is it may not implode properly. Show me the studies that we need to therefore have to go to 80 before we commit to the full--what will be \$15 billion additional beyond what this amendment says our initial investment would be required. And with that, I yield back.

SMITH: Thank you. Mr. Bishop?

BISHOP: Thank you. Look, I--I want to engage in this debate simply because I have been in Mr. Turner's Cadillac.

(LAUGHTER)

BISHOP: And it truly is a pi--a POS.

(LAUGHTER)

BISHOP: But, it is easier to get out of his Cadillac than out of his Mercedes. But, what I would like to--

(LAUGHTER)

BISHOP: We sometimes--we sometimes--

SMITH: You're hurting him politically here, Mr. Bishop.

TURNER: So--

BISHOP: Superficially. Let me yield 30 seconds to Mr. Turner simply so he can get the reference point, and then I want to take my time back.

TURNER: I do not have a Mercedes.

(LAUGHTER)

So--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BISHOP: --If that's what you say--

TURNER: --So, Mr. Garamendi, my dear friend, it is the Nuclear Weapons Council, and in fact, I--in hopes that I would find something, I actually Googled the Nuclear Weapons Council, which they gave their report to us. Nuclear Weapons Council--I--I Googled Nuclear Weapons Council 80 pits, and I got the National Nuclear Security Administration's report dated April 17th, 2019, which also has a link to the other report. And it discusses and validates the--the requirement for 80 pits, and I'll yield back.

BISHOP: Let me yield back--re--reclaim my time because I too believe in what the military has told us of what this is essential. And we sometimes have a superficial way in which we look about these types of issues. And with that, I'd like to yield the remainder of my time to Mr. Wilson, because I missed his testimony when I came in--came in late.

WILSON: And thank you, Congressman Bishop. I appreciate that. And, indeed, I want to thank Chairman Cooper for his kind comments. But, indeed, this is not an earmark because what NS--NSA has done is that they have done studies indicating that the MOX facility substantially completed is exactly where plutonium can be used safely and in the interest of our country. Additionally, there's a trained workforce. We have technical colleges and universities and colleges very close by the facility in Georgia and South Carolina to address the issue of the workforce.

And it is also very warmly accepted by every level of government in--in the region. I would also like to point out that there's been substantiation of the need for the 80 pits. We've--I've already introduced the letter by General Heiten. We've had testimony here on March 28 by General Heiten.

But, additionally, on April the 9th, we had the Director of NNSA, Ms. Gordon--Ms. Lisa Gordon Hagerty, confirm that StratCom and the Nuclear Weapons Council requirement is to produce not less than 80 pits per year and for our future nuclear weapons needs.

Additionally, these numbers are based on production timelines, life extension milestones, and operational requirements. Additionally, she testified during her subcommittee appearance that she reaffirmed that her highest priority is the plutonium pit manufacturing, and the Nuclear Weapons Council has endorsed the NNSA's two-site approach to pit production at Los Alamos and Savannah River. And indeed, the--there have been studies by the Nuclear Weapons Council, which, as a joint activity of the Department of Defense and Department of Energy. And additionally, last year, the NDAA required that there be a study. And it was done by the Institute of Defense Analyses, a not-for-profit corporation that had--does extraordinary research in terms of scien--scientific, tech--technical, and analytic expertise. And they too have come back that there needs to be a--a capability of 80 pits.

And so, the studies have been done. And I--I just urge people to look at this and understand it's just not--it's--it's so important for the nuclear defense of our country. I yield back.

SMITH: Ms. Torres Small?

TORRES SMALL: I just want to reinforce the point that this question is not about the number of pits that are advisable, but the question is about where they should be manufactured. And--and it's been said during debate that part of the reason why things can get expensive is because we're going back and forth on decisions.

We already have a facility that's dedicated. And so, we should stick with that and continue to do the work that we need to do.

SMITH: Let me just say I loved that argument right there, very concise, to the point, and I believe it took 20 seconds.

(LAUGHTER)

Just because you--just because you have five minutes ticking down off the clock in front of you doesn't mean that you have to fill all of that time by repeating what you've said. So, thank you for setting that fine example. And with that, Mr. Mitchell, I will recognize you.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MITCHELL: Mr. Chair, I--I believe I've--I've adhered to the theory of brevity and never gotten close to my five minutes. So, I--I won't do so here. If I believed Mr. Wilson was trying to get a secret earmark for \$14 billion, I would take him out behind the building, wrestle him for the \$14 billion for (INAUDIBLE). I don't believe that's the case. I think we're overlooking some things. First, there's a safety factor involved here. The Department of Defense has talked about that without replacing these pits, we have--we run into safety issues. And we talked a lot about that in this committee.

Why is it we're not as concerned about getting these 80 and making sure we have options to make--make it full flexibility to achieve the 80? The other is, Mr. Cooper, with all due respect, you talk about \$14 billion being the additional cost. IDA themselves has indicated they failed to consider the engineering--the engineering folks failed to consider the personnel requirements at Los Alamos to get to the 80.

And when they considered them, in fact, the cost to be significantly diminished. That's their quote, not mine. So, in fact, I don't have an exact number. I'll admit. But, it's not \$14 billion. So, let's not kind of put up big numbers and cause issues here. If they indicate it's significantly diminished from their \$14 billion number they originally quoted. And so, let's not--for the sake of having flexibility, engage the 80 pits. I think we should agree with the amendment. I--I support it. Thank you. And that was only a minute, 15.

SMITH: Still not as good as Ms. Torres Small. Just saying. But--but, pretty good, pretty good. All right. I think that the concern here is whether or not we're going to be wasting money on trying to develop pits at the MOX facility. As Mr. Cooper has said, I have my quibbles about the 80--80-pit requirement. They got there awful fast after telling us that there were 10, 20, or 30. And it just kept going do, do, do, do, do, up.

And I would--I would love to see a--a better, clearer analysis as to why we got to those 80 pits. I know--I know that they said that. But, that's not really the big point on the underlying mark. The big point is, are we going to wind up wasting an enormous amount of money at the facility in Savannah River, which, by the way, was largely created for an entirely different purpose.

And let me also tell you, I wish we could roll the tape over the course of the last 10 years. The number of times we were assured that the MOX facility was exactly what the NSA wanted, that it was going to work, that it was going to successfully process the (INAUDIBLE), they were going to get there. And then, okay, next year, well, we didn't quite get there this time, but, you know, we're now--we're going to get there. And we never did. And I don't have, off the top of my head, the exact amount of money that we wasted at that facility. And I say wasted because they never produced what they said they were going to produce.

But, it is not a small number. So, when the NSA comes and says, hey, we got this, it's going to work at this plant, I--I don't sort of just fall over trusting them on that remark. So, our concern is that they more adequately explain to us how they're going to be able to do this in a cost-effective way. Los Alamos has been doing this for a--a--a long time. We have that facility. There are also other options, other than the--the MOX facility down in South Carolina. And I have seen the history.

However they arrive at their decisions and anyone in this committee who thinks there isn't a political aspect to Pentagon decisions or NNSA decisions, you--you need to pay a little closer attention because there is a political aspect to it. And pressure gets brought. And I understand. We--we want the South Carolina facility to work. That would be great. I don't want to waste taxpayer money on it. That's what we're concerned about. We want to see the justification for the fact this facility that they're picking to build it at is actually going to work because they do not have a particularly good history o--of doing this.

And that's the concern, the reason that I'm going to propose this amendment. Anybody else? All right. All those in favor of the amendment by Mr. Wilson will say aye.

UNKNOWN: Aye.

SMITH: Opposed, no?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

UNKNOWN: No.

SMITH: Opinions here. Yes, Mr. Wilson?

WILSON: A--ask a recorded vote?

SMITH: Recorded vote is asked for. We will spend on this one, and we're going to back up--well, okay. We're going to do both of Mr. Wilson's and then get to Dr. DesJarlais. So, next up is going to be Log 425. For what reason does the gentleman from South Carolina seek recognition?

WILSON: Mr. Chairman, I have an amendment at the desk.

SMITH: Clerk will pass out the amendment. Without objection, we will dispense with the reading of it. And the chairman has recogni--sorry. Mr. Wilson is recognized for five minutes.

WILSON: Mr. Chairman, this amendment promotes an increase in funding for a national security challenge that has been previously discussed, and that is the plutonium pit production. The Senate NDAA has marked up to the president's budget request, which supports the 80 pits per year at two site solutions. For the same reasons that I've mentioned in previous debate, I ask you to support this amendment, which adequately funds a two-site solution for plutonium pit production as recommended by the NNSA and the Nuclear Weapons Council. It is important for Los Alamos and Savannah River to join forces together in accomplishing this mission.

To re--reiterate some points from the previous debate, modernization of our nuclear weapons stockpile should be amongst our highest priorities. Second, the 80 pits per year requirement by 2030 has been validated by the Nuclear Weapons Council and the Institute for Defense Analysis. And third, two sites will increase resiliency to unplanned production outages and can adapt to shifting requirements in countering future threats.

The Savannah River site is ready to work with Los Alamos to achieve full nuclear modernization in a safe, low-risk, and timely manner. And I ask support for this amendment, and I yield back.

SMITH: You want to take a shot at this? Mr. Cooper.

COOPER: I'd like to speak in opposition to the amendment. I hate to be too graphic in my description, but I'm afraid this is the first tranche of the earmark here. And where do they take the money from? Operations and maintenance. We've had a readiness crisis with our military for years because everybody's favorite piggy bank is operations and maintenance.

Now, there are a lot of technical reasons for that. But--and this may seem like only \$241 million, but that's about the amount of money that MOX was getting in South Carolina virtually every year for the last five or 10 years. And as the chairman noted, it never produced a thing. It was never completed, and they couldn't even agree on the degree of completion. That's why I called it years ago the zombie earmark.

So, here it is again in a different form, and the worst part of this amendment isn't so much trying to push the second site. The worst part of this amendment is raiding the operations and maintenance account because it's everybody's favorite piggy bank. Let's stop this raid right now.

SMITH: Anybody else? Only thing I would add, as my helpful staff pointed out to me, we've actually spent \$5 billion on the MOX facility to produce nothing. So, it--it does happen that we make mistakes along those lines. And I had the same argument against this amendment that I had against the previous one. Nobody else going to comment? All right. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed, no?

UNKNOWN: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Opinion of the Chair, the no's have it. The amendment is not agreed to. And I keep doing that. When I get done talking and start over again, I turn it off. And I'm still talking. Dr. DesJarlais, for what purpose do you seek recognition?

DESJARLAIS: I have an amendment at the desk.

SMITH: Ah. Now I've forgotten what I'm supposed to say. Clerk, distribute the amendment, and without objection, reading the amendment will be dispensed with, and the gentleman is recognized for five minutes.

DESJARLAIS: My amendment would strike Section 1649 of the mark requesting an independent study on a no-first-use nuclear weapons policy. We do not need a study on this issue. We know that this kind of policy would not only erode U.S. and NATO deterrent strategy. It would relay to our adversaries that our will in maintaining vigilance against attack on the U.S. and our allies is wavering.

Russia hasn't had an NFU policy since 1993. China is strongly con--continuing to eliminate its policy as well. Both countries continue modernization efforts of their respective nuclear forces and are making great strides in new capabilities that this mark does not adequately prioritize, such as hypersonics and directed energy weapons.

This is not the time to be considering a no-first-use policy. It gives our adversaries permission to escalate. It puts our allies at risk. And it risks destabilizing the strategic environment. As recent as 2016, President Obama considered an NFU policy. And his own Secretary of Energy, Secretary of State, and Secretary of Defense argued forcefully against it, and the policy was never adopted. So, I urge my colleagues to support this amendment and not entertain consideration of a policy that both NATO and the department have continuous--continuously said would make the world less safe, not more. I yield back.

SMITH: Thank you. In response to this, this is something that we've worked on, talked about for a while. Again, the--the purpose of nuclear weapons straightforward is to deter their use. Now, I do know a number of people in the anti-nuclear world who envision a world without nuclear weapons. I do not envision that world. You, in my opinion, cannot unring the bell. The ability to develop these weapons exists. So, it is very important that countries like the United States of America have nuclear weapons in order to deter anybody else from using them. I think that is very important.

But, we don't want to be the ones who are starting the nuclear exchange. And certainly, there are arguments where we're backed into a corner. We may want to use a nuclear weapon, but I don't think those arguments carry the day versus the catastrophic effect of starting a nuclear exchange because we're not the only ones who have them.

Now, I'm mindful of where--where the votes are at on this. We don't have a no first use policy in the bill. But I don't think it would hurt to at least have a broader discussion about it and think about it, and that's what this does is it asks for that study and that discussion. I think that's reasonable given the risk associated with starting a nuclear war. So, I--I will oppose the amendment. Further discussion. Mr. Turner.

TURNER: Dr. Desjarlais asked me to--to join with him on this and this is the only thing I want to say about a study that I think is important about his amendment. Mr. Chairman, you said that the es--our nuclear weapons are designed to deter others so that they don't use nuclear weapons; so that nuclear weapons would--the use of nuclear weapons would be unthinkable.

I--I don't know how you study the effect of a no-use policy on your adversary unless you can get in your adversary's head. So, we're going to get the same thing that we got when we had a hearing on this, which is just academics telling us what they believe that our adversaries--what Putin's going to do, what somebody else might do.

What--who it might deter, who it might--the reality is is we'll never know. But we do know one thing. A no-use first--a non-policy on no first use, indicating that we are in--in--in--we're unclear as to what we would do. Leaves certainly the world as it, and that is, people have been deterred. They've been deterred for--for over fifty years. We--we'd--so, this policy, I think, would be dangerous. And--and I think a study is not going to give us any information to make a decision on this. I yield back.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GARAMENDI: Mr. Chairman.

SMITH: Further discussion. Mr. Garamendi.

GARAMENDI: Maybe I can do this in 90 seconds. Is it good to be ignorant? Is it good to be ignorant? Is it good not to have someone study this and--academics and--you know--bunch of folks in ivory towers and others. Think tanks go through this and say, "What does a first-use policy mean?" It means this, it means that, it--the kind of questions that have been bouncing around here for the last couple of hours.

It seems to me we would have some information. The other thing that would be extremely important in this, and my good friend Mr. Turner said that we can't get into the head of Putin or Chinese or whomever, but we could begin to understand what a first-use policy means. Whether we're the first ones to use it or they're the first ones to use it.

There's no harm in having this study. It might give us some very valuable information. It might even cause me to believe that Mr. Turner's correct on his previous arguments. Although that's a bit of a stretch, but it's possible. So, why not? Why not do a study? Why not have somebody inform us and we can carry on a good debate at a late hour one year from now.

SMITH: Further discussion. All those in favor of the amendment will say aye.

UNKNOWN: Aye.

SMITH: Opposed, no.

UNKNOWN: No.

SMITH: Opinion of the chair, the nos have it. No's have it. The amendment is defeated. We are now up to block--how do we get to 396R1, by the way.

(LAUGHTER)

Why not just 396? Log 396R--I'm sorry. I skipped one. Whoa, sorry. The board moved on me as I was looking at it. We're at 414. For what purpose does the gentlewoman from Wyoming seek recognition?

CHENEY: I have an amendment at the desk, Mr. Chairman.

SMITH: The--the clerk will distribute the amendment without objection. The amendment will be considered read and the Gentlelady is recognized for five minutes. You would think after the five-hundredth time I did that that I would remember that. But it slips. Ms. Cheney.

CHENEY: Thank you, Mr. Chairman. I was pleased to hear the chairman say he doesn't want to waste taxpayer money, and I'm confident he will therefore want to support my amendment. My amendment would basically eliminate Section 65--1650 in the bill, which requires yet another study on the ground based strategic deterrent.

The majority must be aware of the multitude of studies that have already been completed on this subject, including the Air Force's analysis of alternatives. Studies that look at sustaining the ICBM force beyond the end of the minuteman service life in 2030. Perhaps the majority hasn't read the conclusions in that exhaustive analysis, in which the Air Force weighed several alternatives, including options to accomplish a service life extension to minuteman three, a completely replacement to both minuteman three and silo infrastructure, and a hybrid which would mix the existing infrastructure with a new missile.

The majority seems also to have overlooked the most recent 2018 national defense strategy, which highlights our increasingly aggressive adversaries, all of whom are seeking or expanding long-range missile capabilities. They are also apparently ignoring the last four nuclear posture reviews written under both Republican and Democratic administrations. All of which assert the foundational requirement for the triad and our absolute need to modernize our aging nuclear system.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

But the majority seems not to be familiar with these conclusions. And they've ignored the millions of dollars already spent analyzing alternatives, because they're seeking yet another report. I would like to ask that the majority consider the stack of reports that we have here, all of which have been completed within the last four years; all of which have the same conclusion. Which is that we do--the most cost-effective approach is to procure the ground based strategic deterrent. It in fact is far more expensive than trying to keep the aging minuteman three on alert.

This committee ought to debate these issues. We ought to debate whether or not we should move forward on a whole range of topics. But to simply add another report requirement of an issue that has been studied ad nauseum is simply, I would say, an illegitimate way to address the issue and clearly a waste of taxpayer money.

It's absolutely clear we need a modern, safe, credible, effective nuclear triad. If you support that you should support my amendment. I urge the committee to support this amendment, not impose yet another report requirement, waste yet more taxpayer dollars, but move to keep the GBSD program on schedule, on budget, and not adopt yet one more superfluous report requirement of something that has already been studied.

So, I'd--I'd like to ask unanimous consent to enter all of these reports into the record and ask that the committee adopt my amendment and strike section 1650 from the markup. Thanks. I yield back the balance of my time.

SMITH: Thank you. Mr. Garamendi.

GARAMENDI: Well, let's see. The last one of these things that came up that we were seeking information, I did it in 90 seconds. Maybe I'll just repeat what I said before. Wasting taxpayer money on rebuilding the entire strategic defense system, that is the ground-based missiles, without understanding all of the implications involved, I--I will admit that we certainly have a command and control issue. And that certainly needs to be upgraded.

But I'd also--if I read correctly about three weeks ago that there's about a two-year delay now in moving the--this system forward as a result of some questions that have been raised about some of the underlying issues. Which we probably can't discuss at this point. But why--why do we have a problem with the study? Why do we have a problem that probably cost us, I don't know, maybe a million dollars when we're looking at spending billions upon billions.

There is a--one of the principal reasons that they want to replace these missiles is that we use a few of them every year to test whether they're actually going to work. And guess what? Year after year after year they work. We don't need to use three of them to test every year. Although we're now using them as decoys for the anti-ballistic missile system. So, maybe that's a perfect--perfect use of them. But we really need information here.

This is an--this is a very significant debate about what to do here, when to do it, what is necessary first, what is necessary later, what kind of refurbishment is needed in the various silos. All of those things. So, why are we afraid of a study? I'm sorry, that took more than 90 seconds. Took two minutes.

SMITH: Mr. Mitchell.

UNKNOWN: Did you say me? Mr. Chair--oh, sorry.

MITCHELL: I have utmost respect for Mr. Garamendi, but if you'd like I--I mean it's not far for you to walk down there. I can give you the nuclear posture review from 2018. I can walk down--we--we have a really extensive nuclear review for the new age. And that's just--too--for public policy. Pretty bipartisan--pretty non-partisan group. 2017. So, we want to spend more money to tell us the same thing we already know here. I--I'll give them to you. I know you've seen them, I--you've been here a long time.

GARAMENDI: If--would the gentleman yield?

MITCHELL: Of course.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GARAMENDI: Thank you, sir, very much. I've read those studies. I've read them cover to cover. I've read the analysis. It's the backup. It's the dat--detail behind it. The nuclear posture review is written by the new Administration coming in who was determined to increase the nuclear arsenal of the nation.

The underlying studies are--are either not mentioned in there, do not justify the conclusions that are based. One of the conclusions in that nuclear posture review is that the United States is willing to use nuclear weapons in response to about five different categories of attack, including biological attacks, cyber attacks, nuclear attacks, and various kinds of war issues. I've raised questions about that--

MITCHELL: --Let me--

GARAMENDI: --Now, if I might just finish--

MITCHELL: --Let me claim my time back here in response--

GARAMENDI: --The underlying studies are not--

MITCHELL: --Let me claim--

GARAMENDI: --In that process that you just described.

MITCHELL: As you well know, these studies can't contain the backup that you're seeking in a public forum. You receive, in a classified manner, a great deal of that information. I can't tell you it's exactly what you want for your mind, but you--you--you receive that. And somehow, we're ignoring the classified briefs. And I yield the remainder of my time to Ms. Cheney.

CHENEY: Thank you very much. I appreciate the importance of the issues that our colleague Mr. Garamendi has raised, but that particular study that we're talking about here is--is a study on the ground based strategic deterrent, and whether or not it's more cost effective to move forward with that or yet do one more life extension of the minuteman three. All of these studies, and they are government studies, they are non-governmental organizations--the whole range non-partisan.

They all look at that same question. And they all come to the same conclusion. And the conclusion is that it is far more cost effective as well as far more important in terms of meeting our national security requirements, to procure the GBSD. And not do yet one more--attempt to do yet one more life extension to keep the aging minuteman three on alert.

So, if--if we really are concerned about taxpayer dollars, and we really are concerned about a situation where we cannot delay the continued deployment and the procurement of this important system, we ought to at least recognize this study's been done. Like, let's have the debate, let's have this argument over the issue if that's what we're trying to do.

But the majority should not use studies to impose additional requirements at cost of additional taxpayer dollars to avoid saying they don't want to move forward with modernizing the nuclear triad. That's not legitimate, it's not fair. We ought to say the studies are here. We're going to enter them into the record and not force the department to go forward with yet--

SMITH: --Without objections so ordered, by the way--

CHENEY: --One more study and one more waste of time. And I yield--I yield back to Mr. Mitchell the balance of time.

SMITH: Thank you. And without objection, we'll enter the studies into the record. Mr. Bishop.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BISHOP: Thank you. Mr. Chairman, you want short speeches. Cheney's right. The report requirement is redundant. We have the information. Heiten was here in March in this very room saying life extension of minuteman three is not cost effective. We know the data already. I support her.

SMITH: Further discussion. All right. All those in favor say aye.

UNKNOWN: Aye.

SMITH: Opposed, no.

UNKNOWN: No.

SMITH: Opinion of the chair, the aye's have it and the amendment is adopted. All right. It's now in order to settle En Bloc package number two. And the chair recognizes Mr. Cooper for the purposes of offering the En Bloc package.

COOPER: Mr. Chairman, I ask unanimous consent to call up En Bloc package number two, consisting of amendments that have been worked and approved with the minority.

SMITH: Without objection, so ordered. The clerk will distribute the amendments without objection. The amendments are considered as read. The gentleman is recognized to discuss them.

COOPER: The En Bloc package number two is comprised of the following: amendment number 64 by Ms. Davis concerning DoD resource sharing to assist with natural disasters, amendment 68R1 by Ms. Gabbard regarding a report on the Runit Dome in the Marshall Islands to identify environmental and health related concerns related to the nuclear material located in the dome.

Amendment number 76 by Mr. Cook concerning requirements for preparation to implement a plan for use of allied launch vehicles. Amendment number 28 by Mr. Conaway, concerning opportunities to leverage commercial, low-earth orbit satellite technology capable of delivering direct satellite to broadband cellular technology. Amendment number 170R1 by Mr. DesJarlais concerning an assessment of China's no first use of nuclear weapons policy.

Amendment number 171R1 by Mr. DesJarlais regarding an amendment to section 1645, which would limit the prohibition for a mobile variant of a ground based strategic deterrent missile for--to 10 years. Amendment number 336R1 by Mr. DesJarlais regarding an increase of \$7 million for a lithium processing facility. Amendment number 391R1 by Mr. Lamborn, which amends DRL concerning directed report language concerning commercial satellites for remote sensing.

Amendment number 417R1 by Ms. Cheney, which amends the directed report language concerning unobligated enriched uranium and domestic uranium requirements. Amendment number 428 by Mr. Wilson regarding an increase in \$6.5 million for the Savannah River community and regular--regulatory support under Savannah river sites. I--that's my reading of the En Bloc amendment.

DAVIS: Okay, thank you. Is there any further discussion on the En Bloc package? Any comments? If no--if not, the question is on the adoption of the En Bloc package offered by Mr. Cooper. So, any that's in favor will say aye.

UNKNOWN: Aye.

DAVIS: Opposed. The ayes have it and the amendment is not--is adopted. And we're not going--we're now going to turn--let's see, we're on Mr. Turner. Log 003. For what purpose does the gentleman (INAUDIBLE) issue?

TURNER: Madam Chair, I have an amendment at the desk.

DAVIS: Would the clerk please distribute the amendment (INAUDIBLE).

UNKNOWN: Ma'am, we can't hear you. I'm sorry.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DAVIS: Sorry. Dispense with--sorry. Dispense with the reading and we'll move to the Gentleman who--please explain your amendment. Right? Are we good?

TURNER: Thank you, Madam Chair. This is one that I think that we're going to get a fairly full agreement on. This committee required--well, the last national defense authorization act required a--a test of the SM3 against--a SM3 block 2A against an ICBM class target.

This provision would cancel that test. This test--this provision has now been provided to the missile defense agency. And if you do this, it will cost \$121 million of unrecoverable sunk cost and set back the entire testing system for the SM block 3 two years.

Now why would you want to do a test like this against an ICBM? Because you want options to take an ICBM down. You want in mid-course options to--to be able to, besides our ground-based interceptors, to intercept an incoming threat and to take it out. So, this test would verify that. It's already set up. It's already done. The only reason why you'd do this is if you're against missile defense.

There's no reason to cancel a test that's on its way in and that's going to cost \$121 million to--to cancel, and that's going to set back the entire testing system of this missile for--for two years. And that's what the missile defense agency has said. Staff can confirm this. We--we--we shouldn't--certainly shouldn't do harm in this bill. And this one does harm.

There's no benefit to the U.S. There's no benefit to us (INAUDIBLE), this is a test. I mean, we're not--we're not deploying something. We're just testing it. We're understanding the knowledge of what it's capable of. So, I would ask that my fellow members vote for this to save the \$121 million, not lose two years in testing, and actually get the knowledge of how do we defend this country through missile defense. I yield back.

DAVIS: Thank you. I'm going to turn to Mr. Carbajal (INAUDIBLE) Gentleman.

CARBAJAL: Thank you, matter--Madam Chairman. I would like to speak in opposition to the amendment and in support of the Chairman's mark. The provision in the mark would not prohibit a future test but remove the arbitrary--arbitrary date set by Congress to conduct such intercept and require a DLT&E assessment of operationally effective and suitable against the threats it was designed to intercept prior to conducting an ICBM test.

SM3 block 2A experience two in-flight failures during developmental operational testing and has only successfully engaged one intermediate range ballistic missile, IRBM. Target for which the system was designed to be deployed, on ships and ashore in Europe. EPAA phase three. This amendment supports the fly before you buy principles, to ensure that the taxpayers' dollars are being spent on the system that works.

GAO has highlighted the lack of testing against medium to intermediate range threats for which this system was designed. And the potential of this lack of testing leading to future design issues well into production of interceptors. NDA's initial planning would have completed five IRBM intercepts up to this point. Due to several flight test failures and test range availability issues, only one has been successfully completed.

Further DLT&E highlighted in their 2018 annual report that DLT&E considers the FTM29 SM3 block 2A failure to be an example of a shortfall in conducting ground testing in an operationally representative way. And an example of a deficiency found in operational testing that should--development testing should have discovered.

SM3 block 2A production is currently on hold by the department due to issues discovered in the redesign kill vehicle program, for which there is reuse of components between the two interceptors. Madam Chair, I yield back.

DAVIS: Okay, thank you. Is there any further debate? Ms. Stefanik.

STEFANIK: Thank you, Madam Chair. I want to reiterate my support for Congressman Turner's amendment. First, I want to touch on the funding issue. The missile defense agency has already expended over \$121 million to execute this test. Those funds would not be recovered and would be a sunk cost. So, for the taxpayers, this is \$121 million.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

That's significant. Additionally, regarding the testing gaps, the next opportunity to test an SRBM or IRBM class target against an SM block 2A is in fiscal year 2021.

So, this leave a testing gap of two years. And I want to point out that the majority seems to always emphasize the need for operationally realistic test of missile defense assets. And this action artificially and purposefully introduces a testing gap of two years into MDA's testing mater plan. Additionally, the missile defense review identifies SM block 2A as a potential underlay for our Homeland Defense missile system.

This test would allow SM3 block 2A to add additional mid-course missile defense capability. So, at a time when our only other mid-course system, GBI, is delayed because of a technical issue with the--with the reentry vehicle, we should be looking for every opportunity we can to increase our mid-course homeland defense capabilities. Not denying those opportunities for protection.

And just to respond to my colleague Mr. Carba--Mr. Carbajal's comments. The missile defense agency has told us that they will cancel the test if this language is included. So, I urge my colleagues to support Mr. Turner's amendment. And I yield back.

DAVIS: Thank you. Any other comments? Any other debate? You on this side, Mr. Bishop?

BISHOP: Thank you, Madam Chair. May I yield to Mr. Turner?

TURNER: I just want to give our new members a translation. Because you're got to think, why would you want to sched--to cancel a test that's already scheduled? Why would you want to set back testing for two years? Why would you say that it's had a lack of testing and then cancel a test?

(LAUGHTER)

It's because this is really an anti-missile defense provision. I mean, what we want--I think what the American public want--is the ability to have capability that takes down an ICBM. If this test works, there are people who are supporting this amendment that--that don't want that knowledge to ever be known. To ever understand that we might have a capability of doing this. We should test this. This has been planned. And this, by the way, is another one of those things that's never going to become law. The Senate's never going to allow this test to be cancelled.

There's no rational reason to schedule--to cancel a test that is scheduled. It's going to cost \$121 million of sunk cost and a two-year delay. This--this has got only anti-missile defense undercurrents, and you should support this amendment. Thank you.

DAVIS: Okay. Further comments. See none. If not, the question is on the adoption of the amendment offered by Mr. Turner. So many as are in favor will say aye.

UNKNOWN: Aye.

DAVIS: Those opposed.

UNKNOWN: No.

DAVIS: The no's have it. And amendment is not adopted.

(LAUGHTER)

UNKNOWN: Record a vote, please.

DAVIS: Okay. A roll call vote is ordered. We will call the roll call vote at the end of our consideration on this subcommittee's mark. Okay. We'll now consider the next--log number 390R1. Mr. Lamborn. For what purpose does the gentleman seek recognition?

LAMBORN: I have an amendment at the desk, on the screen.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DAVIS: Please distribute the amendment. And without objection, we'll dispense with the reading of the amendment. And the chair recognizes the gentleman for the purposes of reading his amendment.

LAMBORN: This is actually a very simple amendment; it restores something that the current mark is prohibiting. And I want us to really think about this. The thing that America has over any potential adversaries is our creativity, our technological prowess and ability, our--our asymmetrical advantage is our technological accomplishments as a nation. And I'm so disappointed that this amendment showed up--excuse me--this provision showed up--section 1665--because it prohibits the Missile Defense Agency from even going down the path of exploring and researching and--and dev--developing the possibility of a space-based missile intercept layer.

We've had tremendous progress with directed energy, with neutron particle beams, with those kinds of technological advanced projects that to tell the Missile Defense Agency they can't even explore those to use against an adversary in the boost phase of that adversary lobbing a missile at us, I think is really ill advised.

I don't see why we would tell them to not even explore this possibility, when if--if it's not going to work, it's not going to happen. If it would work, we want it to happen. We'd love to have a space-based defensive capability like this. So, I would ask that we adopt this amendment and restore what we did two years ago.

We put this language in two years ago, and in a spirit of being helpful to my colleagues, two of my democratic colleagues voted for this, two years ago, Mr. Garamendi and Mr. Norcross. So, I would hope that they would be consistent and support it again this time. So, I would ask for the support of this amendment and that we restore what 1665 had prohibited MDA from doing. Yield back.

DAVIS: Thank you. Mr. Cooper.

COOPER: I'd like to speak in opposition to the amendment. For, especially new members of the committee, the technology we're really talking about here is called neutral particle beam. That was pretty thoroughly explored in the 1990s and largely abandoned. Right now, it happens to have one or two advocates in the Pentagon. And--you know--I hope like the gentleman from Colorado does that--you know--all technologies work, but some are more likely to work than others.

I apologize because the amendment is awkwardly worded, talking about development of space-based ballistic missile to intercept layer--you know--only--it's really about neutral particle beam. And this request for \$34 million would essentially be a wild goose chase. Right now, it's a science and technology project at Los Alamos. It's not even a program of record.

Folks I've talked to in the community--and I've asked virtually everybody about this in hearings we've had this year--they kind of roll their eyes when they hear about neutral particle beam because it seems to be the pet project of one or two people in the Pentagon, not a real thing that the scientists think has a real opportunity to work. So, I'm not against pet--pet projects and one in a thousand might work, but it just seems like this is not as important a priority for the Missile Defense Agency as many other things.

I shouldn't have to remind this committee that the redesigned kill vehicle--it should be their number one priority. They are making us suffer an unwarranted two-year delay because of an engineering series of mistakes that they made in designing that absolutely essential vehicle. And to siphon off \$34 million so that somebody can play with toys in the Pentagon seems to me to be a little bit of a mistaken priority. So, I would urge opposition to the amendment.

DAVIS: Further debate? Mr.--Mr. Turner.

TURNER: Okay. This is about knowledge. This is about research; this is about development. We all advocate for research and development and knowledge. Now, I just wrote down the words that Mr. Cooper was saying, "Play with toys". "Folks I talked to". "This is about particle beams". Alright, I'm going to read you what this says. None of the particle beam language is in there.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

It says, "None of the funds authorized to be appropriated by the National Defense Authorization Act for fiscal year 2020 or otherwise made available for fiscal year 2020 for the Missile Defense Agency may be obligated or expended to develop a space-based ballistic missile interceptor layer to the ballistic missile defense system with capability that is only able to be deployed in space."

Now, none of us expect we're deploying anything in 2020. Nobody is expecting that we have anything that we're going to be sending up. This is all research and development. There's no words on particle beam. He says this is about--this is about a, the word a. It says a. That means any; you're doing none. And I can't imagine how anybody on this committee would say that for research and development, I don't want the United States to have any of this knowledge.

By the way--you know--this is how we got in--you know, we're all looking at the hypersonic issue and how we're--we're being passed by Russia and China. And, we were way ahead, and we paused. And it's the same thing. How is it that we could ever say, "Yeah, I--I don't want anybody working on that. I don't want to know that." So, you should vote this down because it is--it does not say what Mr. Cooper said it did.

DAVIS: Thank you. Any further comments? You know, one of the--the issues I think that--that we run up against in this is that when we looked at some these in, not exactly isolation because we obviously are looking at a host of different issues, but part of the difficulty is--is really seeing, what else is going on and where else can we actually put our efforts, put our focus?

And I think our concern is that this is not doing that. You know, this is not putting it in--in the context, that's so critical here. And so, you know, I know that there's--they're still more concerned about it. Further debate?

THORNBERRY: Madam Chair.

DAVIS: Mr. Thornberry. And we're not--

THORNBERRY: I--I--I realize, since March 23rd, 1983, there has been a strain of thought in this country opposed to missile defense. I realize that there has been a consistent refrain that it will never work. That we shouldn't try it because it will be provocative, that--that it's--it's a pet science project. I--I would hope that the success we've had, as well as the evolution of the threat--such as from North Korea--would have dispelled such lines of thought.

And I'm--I'm--I'm sitting here listening to the last two amendments; one was we shouldn't even have a test of this missile. This one is we should not even explore whether space-based missile defense layer make sense. I--I think that the American people expect us to promote--certainly allow or promote the Defense Department to defend this country from missile threats. And to not test, to not explore, seems contrary to what they expect us to do in this very serious area where missiles are proliferating and the threats are growing.

So, I just, again, it does not make sense to me that we would want to dismiss out of hand a test or an exploration of a--of a space-based missile defense layer, because I think the American people expect us to be able to defend from the country. And doing so requires the sort of testing and research in these areas among others that can help us do that. I yield back.

DAVIS: Thank you. Any other comments over here? OK, Mr. Wittman?

WITTMAN: Thank you, Madam Chairwoman. I wanted to yield my time to Mr. Lamborn.

LAMBORN: I thank the gentleman for yielding. I'll just make this brief. Mr. Cooper, I have all the respect for your abilities as a chairman and you're a bright and intelligent guy. I would like you to consider with me that we as a country can walk and chew gum at the same time. We can pursue multiple lines of technological possibilities at the same time. Now, if it--if it was true that cancelling this out and taking that money and putting it in another program automatically translated into that other program being successful, then--then I would agree with you.

But cancelling this program doesn't mean that the other program you're concerned about, the re-entry--re-entry vehicle is going to be successful. You know--that--that's a separate issue. And we shouldn't conflate the two. I think

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

we as a country have the ability and we have the responsibility and the opportunity to--to pursue different kinds of technological possibilities. And to not even say we can ever even go attempt that is wrong as a country. I--I--I would hope you would agree with that. I yield--I yield back.

SMITH: Would that gentleman yield?

LAMBORN: Mr. Wittman's time. It's Mr. Wittman's time.

WITTMAN: Madam Chairman, I yield my time back.

DAVIS: Gentleman has time, he can yield.

COOPER: I have the highest regard for the gentleman from Colorado and I particularly want to congratulate him because even though he's not a member of the subcommittee, he has better attendance than many of the members of the sub-committee. You care passionately about these issues and I share your concern for science. In fact, I'd like to invite you to a Washington event we've had for years here, the Golden Goose Awards. In which we celebrate, nationally and internationally, the sometimes unexpected benefits of government-funded research.

LAMBORN: I'm--I'm there.

COOPER: It's amazing. Well, we've actually had difficulty with some folks. You may want to talk to Randy (INAUDIBLE) and folks like that. We've had difficulty getting folks from your side of the aisle to help us with that because it is amazing what research can produce. And I am as pro-science as anybody in Congress, maybe as anybody in America.

I hope and pray this works. But from the witnesses I've talked to on sub-committee, who give me these eye rolls, it just seems like of all the areas we could explore, this is not one of the more productive ones. And maybe they're all wrong, but we have to prioritize on this committee. And I just think the evidence so far at least is that this is more of a science fair project than it is something that's likely to help us with missile defense.

I am for missile defense. I want to fund it in a way that it will work, you know. And let's--let's work on that together. I think we can do that.

DAVIS: Thank you. There's further debate on the question, Mr. Bacon.

BACON: Thank you. I'll be real brief. We know the Russians and Chinese are working overtime to develop anti-ballistic missile capability. If a space layer defense is possible, I guarantee you, they're going to go down that path and try to field it.

We don't want this to become like hypersonic weapons where China gets a big advantage on us, and we have to catch up. I think it's worthy of doing research to know what is the art of the possible. We do not want to be left behind here.

Russia and China put so much more energy on this than we do. We can't afford to be left behind. So, I think it's--it's--we owe more effort into this research area to see what's--what's possible. Thank you, I yield back.

DAVIS: Thank you, Mr. Bacon. And--and I want to just take the prerogative and turn to the staff, I mean, is there any sense of cost factors that we're talking about in this regard?

VASTOLA: Ma'am, the only thing in the budget for 20 right now is neutral particle beam that would fall under this provision, and that was \$34 million that they requested. The test bed, I think, is around \$200 million just for that component. There are no costs for the full up system at this point.

DAVIS: So, \$200 million--

VASTOLA: --Approximately for the test bed, correct.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DAVIS: Okay. Not a small amount of change.

VASTOLA: Correct.

DAVIS: This is not for the study, but you're talking about the--

VASTOLA: --Correct, it would be for the test bed. Correct, Ma'am.

DAVIS: Okay, thank you. Any more discussion? Okay. Then the question is on the adoption--Mr. Moulton?

MOULTON: I just want to clarify, are we talking about the cost of studying this, or are we talking about the cost of implementing it?

VASTOLA: In 2020, there's \$34 million to begin development of a test bed that will be deployed by 2023. So, it is not a study at this point. It is development money for the actual test bed for our neutral particle beam.

SMITH: Would the gentleman yield?

TURNER: This provision though is so broad that it bans everything, right? This is not a line item that's removed. This is everything. Anything that anybody considers, anything that anybody wants to do or redirect funds to or has in their budget, they are prohibited from doing anything in this category.

VASTOLA: The only--the clarification I--.

TURNER: --Just say correct, because you know it's correct.

VASTOLA: The only--the provision states that it has to only be deployed--with possibilities to be deployed in space.

TURNER: Right, but it--it said absolute prohibition. This is not a line item, it's not like you want into the budget and said, "This line item is limited." It is an absolute prohibition that no one can go into their lab and consider anything with respect to this. Prohibition. Thank you--

VASTOLA: --If it can only be deployed--

TURNER: --Thank you for yielding your time. I yield back.

DAVIS: Can I--can I follow up with your question, Mr. Turner then. I mean, is--is that language that is typically used in this situation--that it would be fully prohibited?

VASTOLA: The way the language is written, it is a prohibition for any development of a technology that can only be deployed in space. That does not apply to other technologies that could be deployed on things such as UAVs, aircrafts, sea-based or land-based.

TURNER: But it's--it's complete. It's not just a line item on a specific development project. It is complete.

VASTOLA: Correct.

DAVIS: Okay, because I want to be sure everybody is understanding that. Am I hearing that from everyone at the table that that's the understanding, is that correct? Okay.

UNKNOWN: Madam Chairwoman--

UNKNOWN: --Yes, Ma'am, I concur with that.

DAVIS: Okay. Thank you very much; appreciate it. And I'll--And I'll be perfectly honest, I'm not still exactly sure where that fits into what we already are working on in an aggressive way versus this program.

GARAMENDI: Madam Chair.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DAVIS: Yes, Mr. Chairman.

GARAMENDI: As I understood this issue in its intention, it was what we often use around here, 'fly before you buy'. That is that the system is developed, that it's--it's pretty clear that it will work, that its purpose will be achieved. My understanding of the way in which this was intended was that we would not move to the deployment until such time as we had assurances that there was a probability--or, a high probability that it would work.

The current discussion here seems to indicate something different. And it seems to me that Mr. Turner would agree, we ought not spend a whole lot of money on building a system that we're not sure would work. But we ought to move in stages. In other words, fly it before you buy it.

(AUDIO GAP)

--Have a high assurance that it's going to work before we deploy.

TURNER: Ma'am, if I could have some of your time. This isn't about that. This is a complete prohibition against anybody doing any research and development, anything with respect to any portion of missile defense that will be deployed in space. That's what we're debating.

GARAMENDI: I understand what you're saying, I understand what you're saying--reclaiming my time--I understand what you're saying. I also understood the description that the staff has given us, which was different than my understanding of what was intended by this amendment.

Now, I think what we might do here, and if Mr. Turner--or excuse me--

DAVIS: --Mr. Lamborn--

GARAMENDI: --Mr. Lamborn, the author of the amendment would consider this is that, to proceed with the engineering, the science, to the point that we have some reasonable assurance that the thing's going to work--and you can go through the testing process--but don't move to the deployment until we have some assurance that this thing's going to work.

So, perhaps what we need to do here is to redesign--

TURNER: --Mr. Garamendi, just one thing--

GARAMENDI: --The foundation--

UNKNOWN: --Reclaim--

TURNER: --Just a one-year period. You're for Mr. Lamborn's amendment because that's not--is it--that would have--everything that you're concerned about is like another year, another request. This is just this request and--and--and this--this ban. No one is deploying anything. And this only applies in--in this year, but it stops everything. So, you're--you're actually speaking in favor of his amendment which I am too.

DAVIS: Thank you, Mr. Turner. And to be quite honest, I've also--Mr. Moulton, reclaiming your time.

MOULTON: I actually never yielded my time and this is actually why I--

DAVIS: --Reclaiming your time or giving up your time--.

MOULTON: --Because I'm not sure we quite understand what's going on here. But I actually agree with both Mr. Garamendi and Mr. Turner, and would like to support the amendment because I don't think we should cancel all research and development on this technology.

DAVIS: So, now that the chairman has--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MOULTON: --I do yield back--

DAVIS: --We're going to--

UNKNOWN: --Madam Chair--

DAVIS: --We're going to give it back to him. But it sounds to me like there is enough question that maybe we don't want to move, perhaps, in the language that we have right here and come back to this in a little bit.

TURNER: If--if I could, and sorry Mr. Chairman. You moved in here--

SMITH: --I'm sorry--before we keep going here, we've got like five people talking. Who--whose time is it at the moment?

GARAMENDI: Mad--Mr. Chairman, it's mine.

SMITH: It's Mr. Garamendi's time. Mr. Garamendi, it is your time. Do you wish to speak or yield to somebody?

GARAMENDI: Well, I've yielded to several people unknowingly, but I would like to do this. I think that there's a need to--to hold this for a while to, I think, follow what the--what was suggested and that is, let's see if we can work out some language here that achieves the goal without flying before we buy or buying before we fly. That we continue the research but not kill the project.

SMITH: Okay, got it. Hold on just a second. This is--it's Mr. Lamborn's amendment. So--

TURNER: --I want to make that clarification, Mr. Chairman, if I might for just a second just to help clarify some things. The language that we're all struggling with is the language that's in the bill, not the language that's in the amendment. The amendment strikes the language in the bill.

SMITH: Got it.

TURNER: So, if--if we hold the amendment, it doesn't help us with the language, it's in the bill. We need to pursue with Mr. Lamborn's amendment.

SMITH: Well, if I--

TURNER: --At your discretion--.

SMITH: --Yeah, understood. You know, the possibility here is that we are able to rework the underlying language in a way that is agreeable to everybody as opposed to strike it. Now if that's not possible, that's cool. But I believe what Mr. Garamendi is saying is that, could we rework this in a way that makes the underlying theme acceptable instead of striking it. But Mr. Lamborn it--

[*]SMITH: is the possibility here is that we are able to rework the underlying language in a way that is agreeable to everybody as opposed to strike it. Now if that's not possible, that's cool. But I believe what Mr. Garamendi is saying is that could we rework this in a way that makes the underlying thing acceptable instead of striking it. But Mr. Lamborn, it is your amendment. So, if you want to do that, you may. If you don't, you don't have to. We can proceed on your amendment.

LAMBORN: If the gentleman would yield, I'd like to propose a possible solution and that is to go with my amendment for now so that funding is in place. However, we discuss further before this hits the floor whether or not we want to clarify that we're not talking about deployment of it. Nothing is going to be deployed. It's strictly research and development. In fact, nothing is ready for deployment. I mean that's not even really an issue. And that's what my amendment is seeking to accomplish right now is we continue with the research and development.

GARAMENDI: If I might, Mr. Chairman--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Mr. Garamendi you still have a little time here mainly because they keep stopping the clock for this. I don't fully understand but.

GARAMENDI: Well the clock stopped, and I thought it was -- anyway, let me just make this very, very quick. Let's do something that creates clarity here. We're very close to an agreement here. The research, the development, that's not a problem. The deployment would be. By striking all of the language we might wind up with deployment. Let's just write something that's very clear that says continue with the research and the development, hold the deployment until such time as there's whatever would work.

SMITH: Would that language be agreeable to you?

LAMBORN: It would be agreeable to me. Would staff help me to do that before we finish out tonight?

SMITH: Yeah and you do not have to withdraw your amendment. You can just put it in (INAUDIBLE) and if we can work out this language then we can roll it into non clock--

LAMBORN: In the full committee portion--

SMITH: --in the full--

LAMBORN: --of our--

SMITH: Yes.

LAMBORN: Thank you.

SMITH: Alright. We are now on -- we just got rid of it. It's now an order to consider log 396R1. For what purpose is the gentlewoman from Wyoming seek recognition?

CHENEY: Mr. Chairman, I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. Hearing no objections, we'll dispense with the reading and the gentlelady is recognized for five minutes.

CHENEY: Thank you, Mr. Chairman. Mr. Chairman, this amendment seeks information from the department helping to make sure that the committee is able to ensure that any extension of the New Start Treaty would reflect the reality of the threats that we face in the world today. In the decade since President Obama's New Start Treaty was ratified, the world has grown more dangerous. And my amendment doesn't say we should not extend New Start. It's really an effort to make sure that this arms-controlled treaty, like all should, contribute to the security of the nation by addressing the real threats we face. So, the amendment seeks information from the chairman of the Joint Chiefs asks for the chairman to report to the committee on two things. First, the Russia and China's expanding inventory of strategic and non-strategic weapon systems and, secondly, the impacts on our national security if an extension or a successor agreement to New Start weren't trilateral, including China, the United States and Russia and also the impact on our security if such an extension did not include all strategic, non-strategic nuclear capable weapons systems. Again, reflecting the reality of what we've seen the Russians do in terms of the expansion of their capabilities during the period of the New Start Treaty and also what we've seen China do because they are not party to New Start, not party to any limitations. So, my amendment simply would ask for information to help the committee ensure that we're able to make an educated informed assessment about whether or not any extension of the New Start Treaty actually serve to contribute to the security of the nation. So, I would urge my colleagues to accept, to adopt the amendment and with that I yield back the balance of my time.

UNKNOWN: Mr. Chairman?

SMITH: Alright. I need to understand what this amendment does precisely. If I'm reading this correctly, and there's pretty good chance that I'm not, that this basically would require us to go back in and renegotiate New Start, but we have to include the Chinese and the Russians in that discussion. If I'm understanding this correctly.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CHENEY: Mr. Chairman--

SMITH: And the key question for me on this is does this mean basically that the Start Treaty or the New Start Treaty that we have right now under this amendment would be allowed to simply go away and would have to be replaced by this triparty agreement? Ms. Cheney, I'll give you a crack at explaining exactly what your amendment does here because I believe the underlying language in our bill is urging them to not dump the New Start Treaty, when is it, like 2020, something like that when it's ready to go out. Can you clarify for me what the status of the New Start Treaty is?

UNKNOWN: Expires in 2021.

SMITH: Expires in 2021. So, our underlying language in the bill says please renew it basically. Or it says something different. Tell me what it says.

UNKNOWN: We have an item of special interest on the--

SMITH: Microphone.

UNKNOWN: Yeah, we have an item of special interest that will be just commenting on New Start but there's no bill language or--

SMITH: Okay. So, our language basically says keep New Start.

UNKNOWN: It's positive language about New Start.

SMITH: Okay.

UNKNOWN: It doesn't require--

SMITH: And your language says what?

CHENEY: Thank you, Mr. Chairman for the crack at explaining the amendment. I appreciate that. My language simply says report language. It simply says that the chairman and the Joint Chiefs should report to the committee on whether or not -- first of all, give us an assessment of the overall -- the inventory of strategic and non-strategic nuclear weapon systems both Russia and China possess and, secondly, give us an assessment on whether or not an extension of New Start that does not include China has a positive or negative impact on America's security. Ms. Chairman, I see from your face you're not pleased with this language. But it also says that there would be an expanded arrangement that would simply include all strategic and non-strategic nuclear capable weapon systems. Mr. Chairman, my amendment is simply and effort to make sure--

SMITH: Reclaiming my time.

CHENEY: Actually, it's my time, Mr. Chairman.

SMITH: No, actually you stopped and then I started and then I yielded to you. So, it's my time.

CHENEY: It's my amendment.

SMITH: Is this a substitute amendment? Does it strike the underlying language?

CHENEY: No, Mr. Chairman, it does not.

SMITH: It's an initial. Okay. That's helpful. Mr. Garamendi?

GARAMENDI: Mr. Chairman, thank you. I have the next amendment on the same subject. I had not had a chance to see Ms. Cheney's amendment. Her amendment in some way -- excuse me, Mr. Bacon. I'd like to communicate with Mr. Cheney here for a moment. A major part of my amendment is a report requirement. It goes further than

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

yours, Ms. Cheney. And it goes not as far. It goes further in some of the specifics that are asked for. For example, a current status of the Russian nuclear forces and then an impact -- and analysis if New Start is not extended what is likely -- what are the Russians likely to do? What are the potential? Similarly, it would assess our own circumstances. What would we then do in response? In other words, the full description. It does not, however, my amendment does not, however, deal with the Chinese. Which I think you're correctly bringing about is an important point. The New Start does not in any way affect China at all as does the INF which has been discussed extensively by this committee. I also go further on the -- in my analysis. I believe I do not have a waiver on my amendment from the Foreign Relations Committee. If that is the case, I was simply going to talk about it and withdraw. I would like to work with you on expanding the language in your amendment to include the report language, the study language that is in mind that is more fulsome with regard to Russia and the United States and bring into that report the work that you have suggested with regard to China.

SMITH: Would the gentleman yield?

GARAMENDI: And yes, I would happy to yield.

SMITH: What you're talking about I don't think we can do. You're talking about amending Ms. Cheney's amendment with some of your language?

GARAMENDI: Well, that would be the ideal from my point of view, but I do understand that that would be difficult to achieve when I'm really looking at here is when we go to the floor and we've tried to work this out--

SMITH: Okay. Alright. Go to the floor. Alright.

GARAMENDI: --so that the appropriate issues that Ms. Cheney is raising, and I believe the appropriate issues that I'm raising are all brought to bear.

SMITH: If the gentleman would yield again, so we're going to have to offer and withdraw your amendment up next. I mean if you're simply asking the chairman Joint Chief Staff to evaluate the value of New Start vis-a-vis China, whatever he says we don't necessarily have to take his word for it. So, it informs us a little bit, but it doesn't mean that we have to say wow there's no point in having New Start just because this guy thinks that it would be more important to have the Chinese involved in it. I don't see the harm in this personally. So, I'm willing to accept it unless there are strenuous objections from anybody.

GARAMENDI: If I might just ad one point?

SMITH: Yes.

GARAMENDI: Much of what Mr. Cooper and I have talked about in the last three amendments, four amendments have spoken to General Hayden. And I would just want to put this on the record that two things. First in the nuclear posture review it says that New Start's really important. Having heard the nuclear posture because you bring it up several times and in February of this year General Hayden said New Start is really important. That's a paraphrase of the lengthy statement he made in support of New Start. So, I just want to bring General Hayden and the nuclear posture review back to support my position this time. With that, I yield.

SMITH: Thank you. By the way, General Hayden and the exact quote from him is that the New Start Treaty is unbelievably important to me. Is there further discussion on the amendment? Mr. Waltz?

WALTZ: Mr. Chairman, in support of Ms. Cheney's amendment, the Chinese nuclear missile arsenal or the Chinese missile arsenal is now the largest in the world. And they have built that arsenal while the United States and Russia have limited themselves under Start and limited ourselves under INF. So, I certainly think it would be responsible and reasonable to have the Pentagon come back to us and have the chairman come back to us with how the Chinese fit into a New Start type arrangement and certainly support Ms. Cheney's amendment.

SMITH: Mr. Moulton?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MOULTON: Mr. Chairman, I would just like to register my support for studying this as well. I think we could benefit from understanding what the implications are going forward. And I think it's a reasonable responsibility for us to gather that information. I yield back.

SMITH: Thank you. As they say, don't sell past the close. Or take yes for an answer. Pick your favorite analogy. All those in favor of the amendment will say aye.

UNKNOWN: Aye.

SMITH: Opposed? Amendment is adopted. Mr. Garamendi, you are next. But you've already spoken on it. So, now you just need to do the withdraw part.

GARAMENDI: Three seconds. Withdraw my amendment.

SMITH: Alright. But then I got to go through the whole rigmarole of recognizing you for the amendment. So, we'll go ahead and do that. Next up is log number 165. For what purpose is this, Mr. Garamendi, seek recognition?

GARAMENDI: My amendment, sir.

SMITH: I have an amendment at the desk.

GARAMENDI: I have an amendment at the desk.

SMITH: Okay. The clerk will distribute the amendment. Hearing no objection, we'll dispense with the reading. Mr. Garamendi?

GARAMENDI: My amendment deals with the issue just before, the New Start Treaty. It is a plea to continue the New Start Treaty, providing various reasons for it. I want to work with Ms. Cheney on the study that her amendment which apparently is going to be in the final mark and I'm about to walk down with her, take down to her how she might improve her study. With that I withdraw my amendment.

SMITH: Alright. Okay. We are now moving onto the recorded votes that came in the start forces mark and it is -- it would be helpful and we always -- I know they put the numbers up there but it would helpful if the staff would just quickly just read the official description of what the amendment does so members know what happens. So, first of all, how many amendments do we have coming up for votes?

UNKNOWN: Four recorded votes.

SMITH: Alright. And so, we've got first up Cheney 406 which does what exactly? This would be -- well tell me what it is so everyone knows. I'm not guessing.

UNKNOWN: It strikes the prohibition on deploying low yield.

SMITH: Low yield (INAUDIBLE).

UNKNOWN: (INAUDIBLE)

SMITH: Alright. And--

UNKNOWN: But I think there are more than that.

SMITH: More than four?

UNKNOWN: Right because you've got the--

SMITH: What one do you think we--

UNKNOWN: Let me just check for just a second. We can just pause.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Those are the four that were asked for I'm reasonably certain. Those were a couple that weren't asked for that--

UNKNOWN: It's the other one that we refer the others to full committee. It's okay.

SMITH: Okay. Alright.

UNKNOWN: Alright.

SMITH: Alright. So, we're going to start with 406. Alright. We postponed proceedings on this. We're not going to proceed on it. So, we have a vote on 406. The clerk will call the role.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson? Mr. Wilson? Mr. Langevin? Mr. Langevin? Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes aye. Mr. Courtney? Mr. Courtney? Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes aye. Ms. Speier? Ms. Speier? Mr. Wittman?

WITTMAN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Wittman votes aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes aye. Mr. Norcross? Mr. Norcross? Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes aye. Mr. Gallego? Mr. Gallego? Mr. Brooks?

BROOKS: Aye.

CLERK: Can the member -- Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Moulton? Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes aye. Mr. Brown? Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes aye. Mr. Khanna? Mr. Khanna? Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes aye. Mr. Vela?

VELA: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes--

KELLY: No.

CLERK: Mr. Kelly votes aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes aye. Ms. Houlihan?

HOULAHAN: No.

CLERK: Ms. Houlihan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks? Mr. Banks? Ms. Torres-Small?

TORRES-SMALL: No.

CLERK: Ms. Torres-Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Mitchell votes aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Ms. Trahan?

TRAHAN: No.

CLERK: Ms. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Ms. Speier? Ms. Speier? Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no.

SMITH: Yes. How is Mr. Brown recorded?

CLERK: Mr. Brown is recorded no.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Okay. You sure you want to take another stab at it? Alright. It's either yes or no. Mr. Kelly? How is Mr. Kelly recorded?

CLERK: Mr. Kelly is recorded aye.

SMITH: Fourth time is the charm. So, you're still going through the list of members who didn't respond the first time. You may continue.

CLERK: Yes, sir. Mr. Khanna? Mr. Khanna? Mr. Gallego? Mr. Gallego?

SMITH: Mr. Carbajal? How is Mr. Carbajal recorded?

CLERK: Mr. Carbajal is recorded no.

SMITH: Okay. Mr. Gallego, I believe they were asking for your vote.

ESCOBAR: Mr. Chairman?

SMITH: Ms. Escobar?

ESCOBAR: May I ask how I was recorded, please?

SMITH: You may.

CLERK: Ms. Escobar is recorded no.

CISNEROS: Mr. Chairman? May I ask how I have been recorded?

SMITH: Mr. Cisneros--Cisneros how are you recorded?

CLERK: Mr. Cisneros is recorded no.

TURNER: Mr. Chairman, can I ask how I was recorded?

SMITH: I don't think I can.

TURNER: Mr. Chairman, can we just take a recess as opposed to doing this because then we could at least all use the facilities as opposed to--

SMITH: I'm sorry, Mr. Banks just walked in. I think he wants to vote.

BANKS: (INAUDIBLE)

CLERK: Mr. Banks votes aye.

SMITH: And without objection we will take a brief recess to try to give members a chance to get back. I think Mr. Turner's suggestion is correct. So, we'll wait a couple of minutes. I believe we're only missing a couple of members. Try to give them a chance to get back here. That did come up I think a little bit more quickly than some people expected. We'll take a recess for a couple minutes.

(RECESS)

SMITH: Okay. We're going to come back together here. So, I said a couple minutes. It was a couple of minutes. And we are missing a couple members, but we do have to proceed. Now, Mr. Gallego, would you like to be recognized?

GALLEGO: Thank you, Mr. Chair. I'd like to be recognized.

SMITH: Mr. Gallego, how is Mr. Gallego recorded?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Gallego is not recorded.

SMITH: Mr. Gallego?

GALLEGO: I vote no.

SMITH: Alright. And we are -- well the clerk will report -- I'm sorry. Ms. Speier? Ms. Speier asked--

CLERK: Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier no.

SMITH: Okay, the clerk will report the tally.

CLERK: Mr. Chairman, on this vote the ayes are 26 and the no's are 30.

SMITH: The amendment is defeated. It is now we -- I don't know what the term of art is in this one but we're going to vote on amendment 397R1 which is somewhat similar to 406. This is about restoring the funding for the low yield nuclear weapon. Clerk will call the role.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith, no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper no. Mr. Rogers?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

ROGERS: Aye.

CLERK: Mr. Rogers aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway aye. Mr. Garamendi? Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton no. Ms.--Mr. Cook?

COOK: Aye.

CLERK: Can the member repeat that?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

COOK: Aye.

CLERK: Thank you, sir. Mr. Cook aye. Mr. Carbajal? Mr. Carbajal?--Did he hear that? Pass. Thank you, sir. Mr. Byrne?

BYRNE: Aye

CLERK: Mr. Byrne aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves aye. Mr. Khanna? Mr. Khanna? Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim no. Mr. Kelly?

KELLY: Yes.

CLERK: Mr. Kelly aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros no. Mr. Gaetz?

GAETZ: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Gaetz aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks aye. Ms. Torres-Small?

TORRES-SMALL: No.

CLERK: Mr. Torres-Small no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland no. Mr. Golden?

GOLDEN: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Golden no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria no. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal no. Mr. Khanna? Mr. Khanna?

SMITH: Has every member voted? Any member wish (OFF MIC).

CLERK: On this vote, Mr. Chairman, the ayes are 26 and the no's are 30.

SMITH: The amendment is defeated. We now move on to Mr. Wilson's amendment number 426 and this was about the plutonium pit production, if you remember that debate. The question now occurs in that amendment and the clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry aye. Ms. Davis?

DAVIS: No.

CLERK: Mrs. Davis no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner aye. Mr. Cooper?

COOPER: no.

CLERK: Mr. Cooper no. Mr. Rogers?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

ROGERS: Aye.

CLERK: Mr. Rogers aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway aye. Mr. Garamendi?

GARAMENDI: Aye.

CLERK: Mr. Garamendi--

GARAMENDI: No.

CLERK: Mr. Garamendi no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks aye. Mr. Moulton?

MOULTON: No.

CLERK: No--Mr. Moulton no. Mr. Cook?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

COOK: Aye.

CLERK: Mr. Cook aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves aye. Mr. Khanna? Mr. Khanna? Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating no. Dr. DesJarlais?

DESJARLAIS: Yes.

CLERK: Dr. DesJarlais aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham aye. Ms. Kim?

KIM: No.

CLERK: Mr. Kim no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros no. Mr. Gaetz?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GAETZ: Aye.

CLERK: Mr. Gaetz aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks aye. Ms. Torres-Small?

TORRES-SMALL: No.

CLERK: Ms. Torres-Small no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland no. Mr. Golden?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GOLDEN: No.

CLERK: Mr. Golden no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mr. Trahan no. Mrs. Luria?

LURIA: No

CLERK: Can the member repeat that?

LURIA: No.

CLERK: Mrs. Luria no. Mr. Khanna? Mr. Khanna? Okay, Mr. Chairman, on this vote the ayes are 26 and the no's are 30.

SMITH: The amendment is not agreed to. It's now an order to consider Mr. Turner's amendment 003 and I'm sorry I got to look back. What is 003 do? SM3 block 2 test debate and the clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry aye. Mrs. Davis.

DAVIS: No.

CLERK: Mrs. Davis no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin no. Mr. Bishop?

CLERK: Aye.

CLERK: Mr. Langev--Sorry. Mr. Bishop aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper no. Mr. Rogers?

ROGERS: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Rogers aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard no. Mr. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes aye. Mr. Moulton?

MOULTON: Aye.

CLERK: Mr. Moulton aye. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook aye. Mr. Carbajal?

CARBAJAL: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Carbajal no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves aye. Mr. Khanna? Mr. Khanna? Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham aye. Mr. Kim?

KIM: No

CLERK: Mr. Kim no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly aye. Ms. Horn? Can the member repeat the vote? Oh, pass. Sorry. Okay. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz aye. Ms. Houlahan?

HOULAHAN: Aye.

CLERK: Mr. Houlahan aye. Mr. Bacon?

BACON: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Bacon aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks aye. Ms. Torres-Small?

TORRES SMALL: No.

CLERK: Ms. Torres-Small no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney aye. Ms. Slotkin?

SLOTKIN: Aye.

CLERK: Ms. Slotkin aye. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell aye. Ms. Sherrill?

SHERRILL: Aye.

CLERK: Ms. Sherrill aye. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland no. Mr. Golden?

GOLDEN: aye.

CLERK: Mr. Golden aye. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan no. Mrs. Luria?

LURIA: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mrs. Luria no. Mr. Khanna? Mr. Khanna? Ms. Horn?

HORN: Aye.

CLERK: Ms. Horn aye.

SMITH: Have all members voted? Any member wish to change their vote? The clerk will report the tally.

CLERK: Okay. Mr. Chairman, on this vote the ayes are 32 and the no's are 24.

SMITH: The amendment is adopted. If there are no further amendments, the chair recognizes the gentleman from Tennessee, Mr. Cooper for the purpose of making -- of offering a motion.

COOPER: Mr. Chairman, I move to adopt the subcommittee report of the Subcommittee on Strategic Forces as amended.

SMITH: The question is on the motion. The gentleman from Tennessee so many as in favor say aye.

UNKNOWN: Aye.

SMITH: Opposed no.

UNKNOWN: No.

SMITH: Opinion of the chair the ayes have it.

COOPER: Mr. Chairman, I ask for a recorded vote.

SMITH: Recorded vote has been asked for. The clerk will call the roll.

CLERK: Chairman Smith?

SMITH: Aye.

CLERK: Chairman Smith aye. Mr. Thornberry?

THORNBERRY: No.

CLERK: Mr. Thornberry no. Mrs. Davis.

DAVIS: Aye.

CLERK: Mrs. Davis aye. Mr. Wilson?

WILSON: no.

CLERK: Mr. Wilson no. Mr. Langevin?

LANGEVIN: Aye.

CLERK: Mr. Langevin aye. Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop no. Mr. Larsen?

LARSEN: Aye.

CLERK: Mr. Larsen aye. Mr. Turner?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

TURNER: No.

CLERK: Mr. Turner no. Mr. Cooper?

COOPER: Aye.

CLERK: Mr. Cooper aye. Mr. Rogers?

ROGERS: No.

CLERK: Mr. Rogers no. Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney aye. Mr. Conaway?

CONAWAY: No.

CLERK: Mr. Conaway no. Mr. Garamendi?

GARAMENDI: Aye.

CLERK: Mr. Garamendi aye. Mr. Lamborn?

LAMBORN: No.

CLERK: Mr. Lamborn no. Ms. Speier?

SPEIER: Aye.

CLERK: Ms. Speier aye. Mr. Wittman?

WITTMAN: No.

CLERK: Mr. Wittman no. Ms. Gabbard?

GABBARD: Aye.

CLERK: Ms. Gabbard aye. Mrs. Hartzler?

HARTZLER: No.

CLERK: Mr. Hartzler no. Mr. Norcross?

NORCROSS: Aye.

CLERK: Mr. Norcross aye. Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott no. Mr. Gallego?

GALLEGO: Aye.

CLERK: Mr. Gallego aye. Mr. Brooks?

BROOKS: No.

CLERK: Mr. Brooks no. Mr. Moulton?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MOULTON: Aye.

CLERK: Mr. Moulton aye. Mr. Cook?

COOK: No.

CLERK: Mr. Cook no. Mr. Carbajal?

CARBAJAL: Aye.

CLERK: Mr. Carbajal aye. Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne no. Mr. Brown?

BROWN: Aye.

CLERK: Mr. Brown aye. Mr. Graves?

GRAVES: No.

CLERK: Mr. Graves no. Mr. Khanna? Mr. Khanna? Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik no. Mr. Keating? Mr. Keating? Dr. DesJarlais?

DESJARLAIS: No.

CLERK: Dr. DesJarlais no. Mr. Vela?

VELA: Aye.

CLERK: Mr. Vela aye. Dr. Abraham?

ABRAHAM: No.

CLERK: Dr. Abraham no. Mr. Kim?

KIM: Aye.

CLERK: Mr. Kim aye. Mr. Kelly?

KELLY: No.

CLERK: Mr. Kelly no. Ms. Horn?

HORN: Aye.

CLERK: Mr. Horn aye. Mr. Gallagher?

GALLAGHER: No.

CLERK: Mr. Gallagher no. Mr. Cisneros?

CISNEROS: Aye.

CLERK: Mr. Cisneros aye. Mr. Gaetz? Mr. Gaetz? Ms. Houlahan?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

HOULAHAN: Aye.

CLERK: Mr. Houlahan aye. Mr. Bacon?

BACON: No.

CLERK: Mr. Bacon no. Mr. Crow?

CROW: Aye.

CLERK: Mr. Crow aye. Mr. Banks? Mr. Banks? Ms. Torres-Small?

TORRES SMALL: Aye.

CLERK: Ms. Torres-Small aye. Ms. Cheney?

CHENEY: No.

CLERK: Ms. Cheney no. Ms. Slotkin?

SLOTKIN: Aye.

CLERK: Ms. Slotkin aye. Mr. Mitchell?

MITCHELL: No.

CLERK: Mr. Mitchell no. Ms. Sherrill?

SHERRILL: Aye.

CLERK: Ms. Sherrill aye. Mr. Bergman?

BERGMAN: No.

CLERK: Mr. Bergman no. Ms. Hill?

HILL: Aye.

CLERK: Ms. Hill aye. Mr. Waltz?

WALTZ: No.

CLERK: Mr. Waltz no. Ms. Escobar?

ESCOBAR: Aye.

CLERK: Ms. Escobar aye. Ms. Haaland?

HAALAND: Aye.

CLERK: Ms. Haaland aye. Ms. Haaland aye? Mr. Golden?

GOLDEN: Aye.

CLERK: Mr. Golden aye. Mrs. Trahan?

TRAHAN: Aye.

CLERK: Mrs. Trahan aye. Mrs. Luria?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

LURIA: Aye.

CLERK: Mrs. Luria aye. Mr. Khanna? Mr. Khanna? Mr. Keating? Mr. Keating? Mr. Gaetz? Mr. Gaetz? Mr. Banks? Mr. Banks? Mr. Chairman, on this vote the ayes are 29, the no's are 24.

SMITH: The subcommittee mark is adopted.

UNKNOWN: Mr. Chairman? Mr. Chairman? Parliamentary inquiry?

SMITH: Yes.

UNKNOWN: Mr. Larsen told me that if I had said hell no that would account as a double vote. Is that accurate?

SMITH: It's about as accurate as most things Mr. Larsen will tell you. So, take that for what it's worth. So, alright. Second to regroup here as we move onto the next section. The committee will now consider the chairman's mark pursuant to committee Rule 17 in the consultation with the ranking member we will postpone recorded votes on amendments until the conclusion of our debate. Alright. And now it's my job to make an opening statement. So, I made the opening statement about 12 hours ago. Don't feel the need to repeat it at great length except to say this, I think we've had very good debate this point and clearly you can see the couple of areas where we disagree. But again, I would remind members this is a very long bill and at this point now we're deeply into debate and I can say with some confidence that we're in agreement on about 98 percent of it. And there are enormously important parts to this mark including, I will emphasize, if we don't pass our bill the troops do not get their 3.1 percent pay raise. We've discussed a little bit on the readiness part, the work that we have done to try to address the housing crisis and concerns. Sea Power Subcommittee funds important new ships and submarines. We've got the Tack Air mark supports a large number of issues and the readiness mark helps keep us moving forward on readiness. And it is important to point out the amount of progress we've made from where we were three four years ago in terms of the number of our units in all of our services that are now ready compared to where they were before. We need to keep building on that progress. And I know we're going to have a debate later on about 733 versus 750. But it's worth noting that 733 by a reasonably comfortable margin is the largest defense budget we will have ever passed in Congress and is a significant improvement on where we were before we got the budget agreement, the caps deal for 2018 and 2019 where we are now. So, we'll have that debate but overall, I will again emphasize how important it is that we pass this bill. There are hundreds of provisions in here that are crucially important to members of this committee and to the Department of Defense and to the men and women who serve to enable them to continue to do their job. And we're going to have a little bit of debate here on full committee amendments. Once we get through that, I would strongly urge all members to support the full committee mark and with that I will yield to Mr. Thornberry for any opening statement he has.

THORNBERRY: Mr. Chairman, I would just say I agree. It's very important that we pass this bill. It's even more important that we pass a good bill. And I think we have lots of significant issues ahead of us in the full committee portion and I hope that this bill gets better as the night goes on. And I'll save the rest of the debates until the appropriate time.

SMITH: Alright. And we are rolling through a lot of amendments. And the first amendment up on the board is log 45R1. For what purpose does the gentlewoman from Texas seek recognition, Ms. Escobar?

ESCOBAR: Mr. Chairman, I have an amendment at the desk.

SMITH: It's right at the top, I think. Isn't it? Do you have the wrong list? Sorry. WE can pause for just a second. I think we may have differing lists. Do you not have Ms. Escobar at the top of our... We'll go ahead but can we get Mr. Thornberry an updated version of the tracker here so we're on the same page? The clerk will distribute the amendment. Without objection reading of the amendment is waived and the gentlelady is recognized for five minutes.

ESCOBAR: Thank you, Mr. Chairman. I have in my hand the Department of Defense's climate study which was published in January. And that showed a majority of mission critical bases that they reviewed to be threatened by

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

climate change. Indeed, it is something that we discussed at length in our committee and subcommittee. That study lacked some required details which I am very grateful will be addressed elsewhere in this bill. Even in its current state the study does confirm that the risk is real and prevalent and demands a systematic and urgent response. This year several of our military installations struggle to recover from the damages caused by last year's hurricanes and floods. Normal work was disrupted, and service members were left trying to pick up the pieces. Much of this could have been avoided with better planning and it is our oversight responsibility to make sure that happens because we know climate change impacts our readiness and we have seen that. My amendment would simply require the department to standardize how it measures climate related risks to military assets. The Department of Defense is free to develop a tool that makes sense for them. And it will allow installation managers and planners to better prioritize resources. It will protect taxpayer investments and it will ensure readiness. So that we can avoid these devastating impacts to installations and disruptions to the work of our military in the future. The tools would provide a common measure for how climate change impacts military networks, systems, installations, facilities and other assets. And it would push us to get serious about what the impacts to operational plans and capabilities are so that we can meet this threat head on. By getting clear about the relative needs and the specific impacts, we will be able to effectively counter the threat posed by changing and extreme weather. I urge my colleagues to support this very common-sense amendment and before I yield back, I want to wish a very happy birthday to my legislative director, Jacqueline whose in the audience and spending her birthday in NDAA markup fun. I yield back.

SMITH: And we're not going to sing. Thought about it for a second there but I think that would be a bad precedent. So, is there further discussion on the amendment? Hearing none, all--

THORNBERRY: Mr. Chairman?

SMITH: I'm sorry. Yes.

THORNBERRY: Could we just hold on for just a second?

SMITH: Sure.

THORNBERRY: Since we just rearranged all the amendments, we're kind of scrambling to see what's--

SMITH: I--

THORNBERRY: Just hold on for a second.

SMITH: I will. I had asked to do that and that we would wait until you got there. So yeah happy to do that. Yes.

THORNBERRY: It's just a completely different order.

SMITH: Okay. Alright. I believe we are ready. Is there further discussion on Ms. Escobar's amendment? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed no.

UNKNOWN: No.

SMITH: The ayes have it. The amendment is adopted. And if we could get up on the screen there the order so that all members know what's coming here. We've got a lot of amendments in the full committee mark and it's going to be good to give members a warning as to what's coming. It will adjust at some point. It is now in order to consider log 500. For what purpose does the gentleman from Colorado seek recognition?

LAMBORN: I have an amendment on the desk and on the screen, Mr. Chairman.

SMITH: Okay. The clerk will distribute the amendment. Without objection reading of the amendment will be dispensed with the gentleman as recognized to discuss his amendment.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

LAMBORN: Thank you, Mr. Chairman. The amendment before you requires the secretary of defense to report on the feasibility and cost for the Department of Defense to achieve net zero greenhouse emissions as would be required if the green new deal -- I'll call that H Res 109 were enacted into law. For those who say H Res 109 will never become law because it is totally impractical and we shouldn't spend time on it, I will point out that we have many candidates for president that are making it part of the national debate. 17 of them having endorsed the green new deal. We have members of this committee that have endorsed H Res 109. So, I think it's worth getting a report from the Department of Defense on how energy and climate policy in that resolution would interplay with national security. What would it actually mean to achieve net zero emissions and make carbon -- America carbon neutral in 11 years? Could the Department of Defense even do this? What would be the impact to the military's ability to implement the national defense strategy? And how much would this cost? We should have answers to these questions. So, that's what this amendment would do. For context, renewable energy currently accounts for 17 percent of domestic energy production. Within this 17 percent wind accounts for less than 7 percent and solar for less than 2 percent. And besides that, 17 percent on renewables, nuclear power accounts for 19.3 percent and fossil fuels provide 63.5 percent. Don't get me wrong. I think we most of us support clean energy but not if it undermines our economy and makes our national defense vulnerable. From 2005 to 2017 the United States cut CO2 emissions by 14 percent. During that same period China increased theirs by 70 percent. So, I personally believe that we must push the military to continuously improve both institutional and operation energy efficiency. It's good for the environment. It's good for our taxpayers and its' good for national security. For example, every fuel convoy that we take off of a road in combat reduces risk to troops, reduces sustainment and reduces the demand for strategic lift. So, I ask that members support this amendment and I yield back the balance of my time.

SMITH: Thank you. I recognize myself. The main problem, I don't really have a problem with the net zero emissions part of this. The problem with you know examining what implementing the green new deal will have effect on military readiness, is the green new deal is a sense of Congress. It's not a piece of legislation. It does not specify any particular action. It sets the goal of creating legislation that can get us to the place that Mr. Lamborn just described. So, there's really nothing for the Department of Defense to analyze. It doesn't say you have to do this, or you have to do that. The purpose of the green new deal is to set the stage for legislation to be introduced. And if that legislation is introduced, it will be considered. So that's one problem and one reason I oppose the amendment. The second thing is when it comes to fossil fuels, and we've had this debate in this committee many, many times, Mr. Conaway and I usually go back and forth on this, if you simply look at it, what's the cheapest way to do it right now? And if that's the only analysis well fossil fuels are going to win every single time. Because we've been subsidizing the hell out of them for about 175 years. They have a massive infrastructure built to support them. And that's where we're going to go. But the point is we need to make the investment so that we're not dependent upon fossil fuels. And we can study the impact of being dependent on fossil fuels and what that on readiness as well. If you believe in climate change, if you believe that digging up things from below the ground and burning them, as we do with fossil fuels, is leading towards the possible extension of extinction of the planet, not to mention all kinds of different bad impacts on our national security. We've seen the extreme weather events. We've seen you know places that are now bases that are now more under water than they used to be. If you believe in all that, we've got to take steps to try to stop that from happening. And if it's a zero-sum game, well if it's cheaper, we're not going to make the change then we are dooming ourselves to a bad future. Now if you don't believe in climate change, you don't believe all that is going to happen, okay. That's a debate. But I do believe that climate change is a grave national threat that we need to address and a threat to us, a threat to our national security in a whole series of ways. So, a study like this would basically say don't' address it. Think short term, not long term. What gets us through the day as opposed to what enables us to maintain life on the planet. So, I don't think this is a good idea. And I oppose the amendment. Further discussion? Mr. Garamendi? I'm sorry. If you want recognition you got to just say -- you look at me like yeah. If you want to call on me it's okay.

GARAMENDI: Mr. Chairman, if I might? I'll try to do this quickly. This would fall within the work of the readiness subcommittee. I want to really commend Mr. Lamborn for the work that he did in this subcommittee to deal with much of what he's asking to be done here. The HR109 has been referred to 11 committees in the House. I suppose if it were referred to this committee, we would be taking it up next year or as soon as he finished the work tonight. That would be fine with me because there are many things that are here. The chairman pretty well laid out my arguments on this. But I would just note for the committee's work and attention that the readiness mark has now

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

been approved by the full committee really addresses almost everything here and we're glad to have Mr. Lamborn have an opportunity to speak to HR109 and his concerns about it. However, we've done a lot of the work already, so let's move on and get on with the other amendments. I yield back.

SMITH: Further discussion? Hearing none, all those in favor -- I'm sorry? Mr. Langevin?

LANGEVIN: Thank you, Mr. Chairman. I just wanted to reiterate the points that you made earlier. The green new deal is not a bill. It's just a sense of Congress. It's an aspirational document, if you will, laying out a set of principles which I think are laudable and noteworthy and certainly do call attention to the challenges that we face as a nation to the effects of climate and change. I know that in the last two Congresses we have dealt with this as a committee and the 28 team NDAA I had offered an amendment which was accepted in a bipartisan basis acknowledging that climate change is a threat to U.S. national security and we need to do an assessment of how it's affecting our bases, our military planning and such. So, the green new deal is certainly an important aspirational document laying out important principles of the things that we need to look at in terms of how we get to zero net emissions but there really is nothing at this point to study since it's not a bill in the sense of the word that we would deal as a committee. So, while I appreciate Mr. Lamborn's intent, it's a little premature. Let's wait for a bill and if that's the case then it would be appropriate at that time to consider perhaps an amendment but not at this time. So, with that, I would have to oppose the amendment and I yield back.

SMITH: Further discussion? Ms. Houlahan?

HOULAHAN: I really have no real opposition to a report, but I do have a bit of an opposition to this language of the last two sentences. I guess the last sentence of the first paragraph which states of the devastating effect to military readiness and that feels like there's a conclusion without the report actually even happening. And so, I just was wondering if that sort of language was fungible. If we could talk about that?

SMITH: Further discussion? Mr. Moulton?

MOULTON: Mr. Chairman, I would just like to speak as someone who has signed on and supported the concept of the green new deal because I do think that we must make addressing climate change a priority. But I do not agree with all the provisions that have been preliminarily put forth by some of the Green New Deal proponents. I think that studying the effects on the Department of Defense is a reasonable thing to do because we should understand the facts here. But I share the chairman's concern that we simply don't have a concrete proposal that really exists as the green new deal to study. I also share Ms. Houlahan's concerns about the preemptive conclusion of this amendment. So, I do want to praise Mr. Lamborn for bringing this up for wanting to address the science here. We should want to understand the science and how it impacts our national security. I'm just not sure this is the right way to go about it. I yield back.

SMITH: Further discussion? All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed no.

UNKNOWN: No.

SMITH: Opinion of the chair, the no's have it.

LAMBORN: I ask for a recorded vote.

SMITH: Recorded vote is requested. We will suspend discussion of this until the end of the mark. Next up is log 376. For what purpose does the gentlelady from Virginia seek recognition?

LURIA: Mr. Chairman, I have an amendment on the desk.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: The clerk will distribute the amendment. If there's no objection, we'll waive reading and the gentlelady is recognized for five minutes.

LURIA: Thank you, Mr. Chairman. I believe in focusing our resources to those efforts which make our forces more effective, reliable and efficient. I introduce this amendment to assure we do that just. In the current version of this bill, \$20 million is allocated to a program to develop low enriched uranium fuel for naval nuclear propulsion, submarines and aircraft carriers. Drawing on my 20-year Navy experience in the supervision and operation of these naval nuclear propulsion systems, and the simple facts of size and weight in submarine design it makes little sense to divert resources from our successful high enriched uranium program that has been improved and refined over more than six decades. I will read from correspondence by the secretary's in the Navy and the secretary of Energy and director of Naval Reactors with concurring opinions on this matter. In a letter dated 25 March 2018, the operational needs of United States Navy submarines and aircraft carriers place a high importance on the reactor, core, energy density. The replacement of highly enriched uranium with low enriched uranium would result in a reactor design that is inherently less capable, more expensive and unlikely to support current life of ship submarine reactors. The low enriched uranium fueled system would affect operational availability of military assets due to necessary refueling and will require significant new shipyard infrastructure. Funding development work of this magnitude is not possible without increasing risk to other existing naval nuclear propulsion efforts. A program to preserve research and development of a low enriched uranium advance fuel system would compete for necessary resources against all other DOD priorities as part of a future budget request. One may argue that the use of high enriched uranium is a nuclear proliferation issue and a security threat. If that argument is used, I beg to see what additional resources are proposed to solve this problem in today's budget. Others may argue that other countries use low enriched uranium in their propulsion designs but I would respond that the world does not rely on those other countries to provide a reliable nuclear deterrent whose delivery is assured by our SSB and fleet and the reliability of these very nuclear propulsion systems from which this effort would divert critical resources. Lastly, some may argue that \$20 million is a small amount in the scope of a \$730 million plus defense budget. However, this is the initial investment in a program that is assured to, quote, negatively impact reactor endurance, reactor size and ship costs, end quote by Admiral Caldwell, Director of Naval Reactors. As a first expenditure in a \$1 billion plus program spanning 15 years in which success is, quote, unquote, not assured. I can also say that for our operational forces \$20 million is no small amount. When I served as the Executive Officer of a guided missile cruiser during sequestration, and sailors were scrounging for funds to buy their own toilet paper and basic supplies, \$20 million would have made a world of difference across our operational waterfront. For that reason, I consulted with Navy leadership about what program shows high risk to complete on budget and on time and carries significant operational impact and I very deliberately recommend this \$20 million be placed in the ship maintenance and repair line item supporting the overhaul of USS Boise. I will conclude as I began. We need to commit our limited resources where they are most efficiently used to support our operational forces and our national defense. I yield back my time.

DAVIS: Thank you. Is there any debate on the issue? Mr. Wittman?

WITTMAN: Thank you, Madam chairman. I would like to speak in strong favor of this amendment. Like to urge my colleagues to do the same. I think Ms. Luria brings up some very, very valid points. The bottom line is this. The additional cost associated with low enriched uranium creates challenges for the Navy in the billions of dollars over the lifetime of these ships. Also, it reduces operational availabilities. So, we're looking at increasing as the measure goes (INAUDIBLE) operational availability and this reduces that. The ships will spend more time in port being refueled. It will cost more. If you look at nuclear submarines, it will increase the times they have to be in port to be refueled. That's a cost not only to the nation but it's a cost in terms of that ship being at sea. The same with the nuclear aircraft carrier. It will have to go back to port and be refueled one more time during its life. A complex refueling and overhaul for a nuclear aircraft carrier is \$4 billion. Add that times the carriers we have, take that for the time it takes them in port, two years to be refueled and you see what happens with operational availability for our ships. I understand the reasons behind wanting to look at low enriched uranium. Studies in 2014 has shown through naval reactors that it would impact reactor endurance, reactor size and ship costs. Reactors would have to be bigger. The cost for our ships go up. The operation availability goes down. Also, in 2016 a report came to us that said it would result in reduced reactor life. Problems too with ship operations, especially on existing ships. The

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

secretary of energy and secretary of the Navy in a report March 25 of 2018 indicated the replacement of highly enriched uranium with low enriched uranium would result in reactor design that is inherently less capable, more expensive and unlikely to support current life of ship submarine reactors which means we get less life out of those submarines which means we either have to spend more to extend their life, and remember, ships like submarines when they go to depth, experience compression on the steel which means it can only do that so many times before you have a end of life of the submarine. If now you take that out because they're having to put another reactor in or now have to create a larger reactor to put in that ship just to make sure that it can go to its expected life, we either have one or two things. Extraordinarily increased costs or less ship life which means we have to build new ships sooner. All of those scenarios not good things for us to get to a 355 ship Navy. Not a good thing for us to look at how do we get the most out of our ships. Not a good thing when we're looking at sailors wanting to be at sea on deployment not at the dock waiting for ships to be rebuilt, to be refueled. Again, all of these things directly affect the operational capability of our Navy. And let me say this. There is probably nobody in this room that has more direct experience in what it's like to be at sea and making sure that a ship is operational than Ms. Luria from the state of Virginia. I would urge all of my colleagues to listen closely to her assessment of what this means for our Navy and what it means for us to get to a 355 ship Navy. And with that, Mr. Chairman, I yield back.

SMITH: Further discussion?

LANGEVIN: Mr. Chairman?

SMITH: Mr. Langevin?

LANGEVIN: Thank you, Mr. Chairman. I regretfully oppose the amendment. Due to the offset which decreases the research and development funding for vital nuclear nonproliferation program. So, this committee has supported this effort going back since 2013. The (INAUDIBLE) relates to a program that assesses the viability of using low enriched uranium in naval reactors. First of all, nothing requires this yet. It would have to meet Navy specifications and performance requirements, including those in aircraft carriers and submarines. So, as you may know, the United States has demonstrated strong leadership over the past decade to minimize and possible at all to eliminate the use of highly enriched uranium for civilian purposes. Doing so reduces the risk of nuclear terrorism and makes clear that the accumulation of AGO is military in you're isolating nation state seeking nuclear weapons capability. So, using low enriched uranium in a naval reactor if you could bring significant national security benefits with respect to nuclear nonproliferation. It would also lower security costs and naval reactor research and development of the cutting edge of nuclear science pursuing the development of LEU offers the opportunity to achieve transformational progress on fuel technology. Additionally, unless an alternative using low enriched uranium fuel is development in the coming decades, the United States will have to resume production of bomb grade uranium for the first time since 1992, ultimately undermining U.S. nonproliferation efforts. So, using LEU for naval reactors is not a pipe dream. France's nuclear Navy already has converted from HU to LU and we must evaluate the feasibility of a similar transition to the U.S. Navy and take into account the potential benefits to U.S. and international security of setting a norm for using LU instead of nuclear bomb grade material. As America confronts the threat of nuclear terrorism and as countries continue to enrich uranium for naval purposes, the imperative to reduce the use of HU will become increasingly important over the next several decades. It's therefore critical that this committee fund this critical research as we have done since 2013 again that is (INAUDIBLE) to our national security interests. The time is now and if we do not act soon to being transition, we're going to lock ourselves into using systems that rely on uranium found in nuclear weapons, not reactors. If we're forced to restart enrichment, nonproliferation goals could be set back a century or more. So, again, it requires that if we were to do this, that we would meet Navy requirements, nothing undermines Navy requirements and we checked with the Naval reactors and they do not oppose funding on this as a nuclear nonproliferation amendment. The funds come out of NNSA, not out of naval reactors. So, these are already funds that were intended for nonproliferation purposes and again I think it's the right thing to do. The committee has supported this effort since 2013 and it would only be a step backwards if we were to cut the funding for this vital program. So, with that, I would oppose the amendment, urge my colleagues to oppose as well.

SMITH: Mr. Moulton?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MOULTON: Mr. Chairman, I share Mr. Langevin's both his concerns about nuclear nonproliferation and his desire to ensure that America is always leading on this issue. I think that is essential. But I respectfully disagree with him in his position on this amendment because I think the physics is pretty clear here and there's no evidence that having highly enriched uranium here in the United States has been a source of proliferation concerns. There are a lot of nuclear proliferation concerns around the globe. It doesn't come from the highly enriched uranium that we use to fuel our submarines. It's also pretty obvious per the physics that if you use low enriched uranium you need a lot more of it and that's a proliferation concern in and of itself. We also just went through quite a bit of debate about how important it is to have an absolutely essential survivable leg of the nuclear triad in our SSBN's. And I don't think we want to do anything to weaken that. There are a lot of people on my side of the aisle who supported that argument against some of the pronuclear arguments from the Republicans. While I wish that Mr. Luria had chosen an alternative for the funds for this, I know marines and soldiers who dream of the option of purchasing their own toilet paper. I support her amendment and think it's a smart thing for our Navy and for our national defense. Thank you. I yield back.

SMITH: Thank you. Further discussion? Ms. Hill? I'm sorry. And then Ms. Hill.

HILL: Thank you. I yield my time to my colleague from Virginia, Ms. Luria.

LURIA: Well, thank you and thank you Mr. Wittman, my fellow colleague from Virginia as well as Mr. Moulton. I think we can rely on the physics majors here in the room to know that the low enriched uranium at 20 percent enrichment versus the current 93 percent enrichment that we use for high enriched uranium the reactor would have to be just nuke math, five times as big or less one fifth as long. So, I think that the argument that we're using that we have a threat of nuclear terrorism based off the high enriched uranium that we're using for our nuclear propulsion purposes is unrealistic and as I said in my earlier comments if that is a concern I think we should be looking at other ways to dedicate more security to securing that fuel against threats of nuclear terrorism. And again, I also reiterate the nonequivalence between the fact that some other countries including our allies have used low enriched uranium themselves for their propulsion. Those allies although critical in completing our goals and working alongside NATO do not have the same operational requirements or restrictions that we do, and the world relies on our continuous presence of our SSBN's for a nuclear deterrent. So, trying to find an alternate technology to power those that's less sufficient, more costly goes in direct conflict to my strong support for maintaining our nuclear deterrent which in fact is provided by delivery platform of the SSBN using exactly this technology. I yield the remainder of my time back to Ms. Hill.

HILL: Thank you. I yield back to the chair.

SMITH: Thank you. Mr. Courtney?

COURTNEY: Thank you, Mr. Chairman. Again, just want to say that I think this is sort of like a family discussion here because there is no one who I think has shown over the years his support for our nuclear submarine force than Mr. Langevin who has been a member of the Sea Power subcommittee for longer than almost anyone else I think on the subcommittee and again has been a consistent supporter for recapitalizing our attack submarine fleet, our SSBN fleet and also in terms of you know getting the repair and availabilities moving faster for the Los Angeles class submarines which again the Boise isn't one of those -- is one of those LA class submarines. I'm puzzled by this amendment in terms of that -- actually that second part of it in terms of allocating the money towards Boise. There is no question Boise has been stranded in the Nav Sea fiasco in terms of getting submarines turned around in a somewhat appropriate time period and there's no question that Boise, Hartford and Columbus actually are all Los Angeles class submarines that have taken far too long. With Mr. Wittman we have asked CBO and GAO to look at this problem in terms of the public shipyards not turning these boats around. And in fact, they found exactly what we suspected which is that if they had moved some of this work to private yards, those subs would be deployed today rather than waiting in the queue for work at the submarine shipyard. There has been an underfunding requirement for this. So that certainly is also the backdrop here. I would just note, however, if you look at the Navy's request in terms of unfunded requirements for ship depot maintenance, it was \$815 million. That's what came over from the Navy and \$653 million of that was for submarines, for Columbus, Hartford and Boise. We are funding that in the readiness account fully. I mean every penny of that request that came over from the Navy is in the readiness

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

account. We actually did adjust the Virginia class account for the third sub because we couldn't spend all that money in 2020 and helped Mr. Garamendi address that issue. So, you know the decision to put \$20,000 more into that account just for that one sub when we got two others by the way, again I'm not sure how that decision was done. It certainly wasn't done with the Navy's report in terms of what they need to get those ships turned around. Again, Mr. Langevin has worked on this issue as he points out you know this is research dollars that have you know go back to 2013 in a different account and again just because of just the -- how this money is being spent and the fact that there's a history here I'm not comfortable supporting this amendment. And again, I say it as someone who agrees that we got to get these Los Angeles class subs moving and in fact that's exactly what the mark and readiness is going to do by fully funding that request. So, again, I will respectfully oppose this amendment and again I'm sure this conversation is going to continue on lower enriched uranium. It's something that has been going on for a number of years. I think everyone agree if you could really find it, so a solution that would use it and have the same effectiveness as high enriched I think we would all be happy with that outcome. And with that I yield back.

SMITH: Mr. Lamborn?

LAMBORN: Mr. Chairman, I yield my time to the gentleman from Virginia.

WITTMAN: Thank you, Mr. Lamborn. I wanted to speak to this, and I want to first of all give a shout out to the chairman of the Sea Power projection forces subcommittee who has been relentless about making sure that ship maintenance gets funded. And listen I agree with him concerning the element of how the money is directed towards USS Boise. But if you look at it, money within that account is fungible. There is a \$200 million deficit in ship readiness. So, while you can make an argument that this is specific to the Boise in that the Boise was included in other language there, the money in the account is fungible. So, if this money goes towards Boise, it frees up other money in the account for us to be able to use for ship maintenance. I would argue the backlog that we've had on ship maintenance, maintenance availabilities that money can be well utilized to make sure that we catch up in ship maintenance and that we actually get ahead a little bit and actually through the years we have gone behind. And I know that if you go to yards both in Mr. Courtney's district and my district and districts across the United States, you'll find that they are today full with ships undergoing maintenance and some of that maintenance has been delayed. So, I would argue these dollars actually have a lot of utility going into that account, especially since there is a deficit there and this money can very easily get to the places where it needs to be to do ship maintenance that is indeed backlogged. So, I think that this is actually a great place for the dollars to be and again I would urge my colleagues to vote in favor of this amendment. And with that, Mr. Chairman, I yield back to Mr. Lamborn.

LAMBORN: And I yield back.

SMITH: Okay. I just want you to know only one side is going to get the last word in this debate. No matter how it goes. So, if we could, we've debated this rather robustly at this point so if there are further comments if we could make them on the quick side, that would be much appreciated. There's a lot to get to and with that, Ms. Davis?

DAVIS: Thank you, Mr. Chairman. I yield to Mr. Langevin.

LANGEVIN: Thank you, gentlelady for yielding. I'll be brief. First of all, I will just underscore what Mr. Courtney said that the funding for the USS Boise has been fully met and so there is not the need to put the \$20 million towards operation maintenance for vessel because it had already been that funding level has already been met. I just want to say in closing on the R&D side that's what R&D is for. It may not be appropriate today in terms of being able to meet Naval requirements, although again the French and the Chinese use LU instead of HU but that is the whole purpose of research and development. To make that determination. And we will learn significantly from the R&D work that is done and there will be countless I'm sure a spinoff or untold benefits from the research. You think about people over the years who have said well let's keep doing it the way we always do it because that's the way it's done. Well, if we had done that, I'm sure there are people years ago that said you know a computer that filled a large room is fine. It's doing its work and why do research and development to try to shrink the size of the computer and go from tape to digital? So, I would say the R&D here is essential if we can reduce our dependence on HU and can lead the world and by example showing that we can use LU as opposed to HU and it has benefits for not only in national security but also in research and development other areas. I think this is something that we should support.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

The committee, as I said, has supported it since 2013 and I would encourage my colleagues to oppose the amendment and continue to support this type of R&D work. I yield back.

SMITH: Alright. Thank you. Question occurs on the amendment. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Those opposed no.

UNKNOWN: No.

SMITH: Opinion of the chair the no's have it. The amendment is defeated.

LURIA: Mr. Chairman?

SMITH: Recorded vote has been requested. I suspect it's not going to go well. Anyway, alright. We will hold the vote until the end of the discussion. It is now an order to consider Log 1 -- well we're going to go to Log 160 and for what purpose does the gentlewoman from California seek recognition?

SPEIER: I have an amendment at the desk, Mr. Chairman.

SMITH: The clerk will pass out the amendment. Without objection we will consider it as read. The gentlelady is recognized to discuss her amendment. This was one that was in the (INAUDIBLE) mark that was moved to full committee and we are -- it's back and we're discussing again. Ms. Speier?

SPEIER: Thank you, Mr. Chairman. So, Ms. Hartzler and I met and regrettably we are just not on the same page. So, the amendment as I presented it earlier today stands. We have a just a philosophical difference. Ms. Hartzler believes that emergency contraception is an abortifacient. It is not. It's wrong and it really goes against longstanding opinions by the College of Obstetricians and Gynecologists who define emergency contraception as a form of contraception. They say that it is oftentimes confused with medication induced abortion. Medication induced abortion is used to terminate an existing pregnancy. All types of emergency contraception are effective only before a pregnancy is established and therefore are not abortifacients. So, attempts to call emergency contraception as abortifacients is frankly an attempt to undermine science and I think any woman, any military service woman who has been sexually assaulted and comes for services and is given the full panoply of emergency contraception should be able to access it. Pure and simple.

HARTZLER: Thank you, Mr. Chairman. I have a substitute amendment at the desk I'd like to offer.

SMITH: Will the clerk please distribute the amendment? This one we had some advance notice on so should be on your computer, should have it in front of you. We will dispense with reading of the amendment. Mr. Hartzler is recognized to discuss.

HARTZLER: Great.

SMITH: I'm sorry. One quick thing. We're going to have to vote on this as soon as this debate is done so if you're not here and you are listening somewhere, you need to get here. Go ahead, Ms. Hartzler.

HARTZLER: Great. Thank you very much and I appreciate my friend and colleague for visiting with me about this. My amendment does not strike any of the language by the chairwoman. It simply gives women more information. And I think this is reasonable and it's beneficial for the women in the military service. This subject is certainly a very sensitive subject. We're talking about women who have been sexually assaulted. It is unconscionable and it is upsetting to even think about. Very difficult subject. But what Representative Speier's amendment does it says that the secretary of defense shall promptly furnish to sexual assault survivors at each military medical treatment facility the following; and then she -- it says provides comprehensive medically factually accurate unbiased written and oral information about all methods of emergency contraception approved by the Food and Drug Administration. My amendment would give them even more information. And the reason I would go on and to give that woman

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

informational so about pregnancy support services for women who might find emergency contraception objectionable. And the definition of pregnancy support services includes government and non-government entities that provide information, counseling and resources related to pregnancy. And the benefits, rights and services pregnant service women are entitled to. The reason I think it's important that service women be provided with this information as well is because many service women do believe that life begins at conception. And we can have a disagreement about the specifics of plan B and Ella but even the FDA says how does plan B work? Well it works like other birth control pills to prevent pregnancy and that's what Representative Speier is saying. It's a pure contraception. But the FDA also goes on and says that if fertilization does occur, plan B may prevent a fertilized egg from attaching to the womb, implantation. So, for many women of conscience they believe that once fertilization occurs it is life. It is a baby, a little baby that if implanted would have the opportunity to have a plan and purpose and life. And so, as women have gone through this traumatic event and they are very vulnerable and they go to the medical facility in the Department of Defense, doctors are sitting down with them I think they deserve to not only get the information that Representative Speier's is saying that they need or that she's proposing that they get methods of emergency contraception so they learn about the option of plan B. Her amendment also says they are given a prescription if they want one. But also, why not share with them other options. First of all, their rights. If they should become pregnant what are their rights as a service woman? To be able to carry that baby to full term. What supports are available there on base for her if that is something she wants to do after she's consulted and thought about it and talked to those near her about what her future looks like and what she wants to do, what she should do? Why should she be denied this important information at this very critical vulnerable time? And all my amendment is saying it does nothing to take away from what Representative Speier wants to give them. The information. It just gives them more information, more information about their rights, more services that are available to them and I think that's a good thing. And I would ask my colleagues that this is surely something we all can agree on, come together, that our service women in this very difficult time are entitled to as much information as possible as they deal and grapple with what has happened to them and their options going forward. So, I would ask everyone to support my substitute amendment and then let's move on. Thank you. I yield back.

ESCOBAR: Thank you, Mr. Chair. I am speaking against the substitute and for the underlying amendment. Indeed, women who have been assaulted are vulnerable and they are going through something incredibly horrible. But when they are specifically and explicitly seeking and requesting emergency contraception the last thing, they would want to hear is counseling that runs counter to what they are requesting. They've already been traumatized. This would only retraumatize them. I cannot speak strongly enough against the substitute. I support Mrs. Speier's amendment. I would be happy to yield to my colleague from California.

HILL: Thank you. I think we just have to remember the timeframe that this is happening in. The only time that plan B is effective is within 72 hours of unplanned intercourse. And that means that you have just been sexually assaulted. You're going in because you do not want to become pregnant from that. You don't want to talk about whether you're going to bear a child from that. You don't have any idea. You won't have any idea for at least six weeks if you are going to become pregnant from that. So, the thought of finding out what your options are of becoming a mother in the military or having to carry a baby to term that came from that sexual assault is horrifying to even have to go through your mind. All you know right then is that you were raped, and you do not want to get pregnant from it. So, the idea of having to provide more information in this moment when women are absolutely horrified and are thinking about nothing more than their own basic survival and the ability for them to move on with their lives and prevent you know the absolute worst that could happen to them in that very moment from occurring is to me -- we have to support the underlying amendment and oppose the replacement. Thank you. I yield back to Ms. Escobar.

ESCOBAR: Thank you. I just I want to remind my colleagues that the vulnerable state that a victim is in and the fact that we need to respect a victim's desire to seek contraception which again is intended to prevent pregnancy in a case when she has been raped. And so, I would urge that we reject the substitute and support Ms. Speier's amendment. I yield back to the chair.

SMITH: Thank you. Mr. Scott?

SCOTT: Thank you, Mr. Chairman. I would just like to briefly say this. The National Defense Authorization Act and if we want to turn it into a partisan issue on social issues that certainly seems to be the way we're headed down and

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

I'm sorry to see that. I think Ms. Hartzler's amendment is very really doesn't ask for a whole lot other than to provide additional information, it provides additional information, doesn't require any counseling or anything along those lines and I would like to yield my time to my colleague Ms. Hartzler.

HARTZLER: Thank you, gentleman. I appreciate that. I just wanted to clarify something that was said. At the point that my amendment these women are not requesting a prescription for emergency contraception and they are in the doctor's office because they have been sexually assaulted. And that's at the point -- Representative Speier's amendment is almost pushing them proactively having the doctor immediately say here's how to get emergency contraception. Here's how to do it and here I'll give you a prescription if you want one. So, my concern is that women are very vulnerable and if this is the only option given to you, here's a prescription, here's what you can do, they don't have time to think about all the ramifications and I'm just saying at that point the doctor, yes, the military doctor can give them information about emergency contraception but they can also say but we want you to know as well that there are services here that are available to you. There's counseling. There's this agency you can go to. This person. In case you feel and the way you were raised that perhaps you want to consider other options besides taking this prescription which potentially could mean an abortion. So, I just feel like it's important at that vulnerable state to give them that information then they can decide if they want a prescription or not. And certainly, more information is not bad. It is helpful and good. I yield back to the gentleman.

SCOTT: Mr. Chairman, I yield the remainder of my time.

SMITH: Thank you. I just one quick comment, Ms. (INAUDIBLE). The healthcare that our men and women who serve in the military receive is very much within our jurisdiction. And there are a lot of decisions the DOD make that impacts that healthcare, so this is not just raising some ancillary issue. It has an impact on our service members. So--

SCOTT: Mr. Chairman, I agree with you but--

SMITH: I will--

SCOTT: --this is also--

SMITH: Mr. Scott, I have to -- just pro forma here. My time. I'm happy to yield to the gentleman.

SCOTT: Thank you, Mr. Chairman. I apologize for speaking out of order.

SMITH: It's alright.

SCOTT: But I agree with what you said but this is a -- this is the National Defense Authorization Act. This is a very big issue that has the potential -- we've had this bill for years for 50 plus years we have brought this out in a bipartisan manner and passed it through the House of Representatives.

SMITH: Not always bipartisan but. Just historically. Most of the time yes but not always.

SCOTT: I would just say we have historically stayed away from putting things in the bill -- well I've only been here nine years.

SMITH: The Russell Amendment a few years back was pretty much on that point.

SCOTT: Well, look, let me yield the time you yielded me back to you. I'm just -- Ms. Hartzler's amendment does not stop what another colleague who I very much respect is trying to do. It simply says in addition to that there's going to be additional information provided.

SMITH: Understood. Reclaiming my time. We've got votes called. I've got Mr. Gallego and Ms. Stefanik. I think it would be awesome if the two of you were so brilliant that you wrapped up the debate and we were able to get it done, take a quick vote and then go vote. So, no pressure but Mr. Gallego?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GALLEGO: Thank you and with all due respect to all my colleagues I think it's absolutely crazy that we trust our women in the military to make snap decisions when it comes to other people's lives but when it comes to their own lives we actually are trying to set up extra requirements on them. Right? This is not -- it's just absurd to me that someone that has gone through such a traumatizing event that we somehow think that they don't have full capacity enough for them to figure out what other options they have when we're actually trying to just talk to them about medical -- safe medical prescription that many people have identified not as an abortion. I understand where they may be some of my friends, especially my friend to my left that we're talking about other types of issues particularly maybe dealing with the Hyde Amendment, but this is not the Hyde Amendment. This is something that even women take before they even know they're pregnant just in case they are -- they had gotten raped to the point where they don't want to end up finding themselves later dealing with a medical procedure such as an abortion. And more importantly, again, these women join the military, they entrust their lives to us, we trust their lives to them. Let's let them make their medical decisions they need to so they can actually continue serving their country and actually keep their dignity in such a horrible state. And I yield back my time.

STEFANIK: I think it's really important to note that this amendment I support Ms. Hartzler's secondary amendment because it's about more information. Look, I have a strong record of supporting access to emergency contraception, access to birth control for our service women but I think we should also include information about pregnancy support services. This is about more information. This does not limit access to emergency contraception and I fully support Mrs. Hartzler's secondary amendment.

SMITH: The question occurs on the substitute amendment. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed no.

UNKNOWN: No.

SMITH: Opinion of the chair, the no's have it. The substitute and yes, we'll have a recorded vote. Clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes aye. Mrs. Davis? Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes aye. Mr. Langevin? Mr. Langevin? Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner? Mr. Turner? Mr. Cooper?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers? Mr. Rogers? Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes aye. Ms. Gabbard? Ms. Gabbard? Mr. Hartzler?

HARTZLER: Yes.

CLERK: Mrs. Hartzler votes aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BYRNE: Aye.

CLERK: Mr. Byrne votes aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes aye. Mr. Kim?

KIM: No

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: I apologize, if I an interrupt you for a second. So, this will be the last action we take before we recess to vote on the floor. So, once you have voted, you are free to go until after the votes and then you get back as quickly as possible. Go ahead.

CLERK: Ms. Houlahan?

HOULAHAN: No.

CLERK: Mr. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes aye. Ms. Torres-Small?

TORRES SMALL: No.

CLERK: Ms. Torres-Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin. Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: No.

CLERK: Mr. Mitchell votes no. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no. Mr. Langevin? Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Turner?

(OFF MIC)

On this vote the ayes are 25 and the no's are 33.

SMITH: We are in recess until after the floor votes. Oh, come on. Be a little more optimistic. They can get done by midnight. It could happen.

(RECESS)

SMITH: And we are back after that charming interlude. You know, you could've caught a movie during the course of that time, which I think would've been a better way to spend a recess, but for future reference. Okay. Up first, having the substitute amendment was defeated, which means that the question is on the remaining underlying amendment offered by Ms. Speier. So all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed?

UNKNOWN: Opposed.

Pending the chair, the ayes have it. The ayes have it, the amendment is adopted. Okay. Now, let's see--okay. Ms. Speier is here. Okay. We will now consider log number 454R1 by Ms. Speier. And for what purpose does the gentlelady seek recognition?

SPEIER: Mr. Chairman, I have an amendment at the desk.

SMITH: The amendment will be passed out by the clerk. Without objection, reading of the amendment is, I can't think of the right word here, not required; how's that? And with that, I yield Ms. Speier to discuss her amendment.

SPEIER: Mr. Chairman, thank you. This is really quite simple, service members who are females can access all forms of contraception at military facilities. Those who cannot are their dependents through Tricare or persons who are not active duty. This particular amendment makes it available to everyone. The ACA now provides contraception at no cost, no copay and it makes no sense that the dependents of service members or non-active duty service members would be treated differently.

It's also important to point out that besides being appropriate healthcare, birth control is also critical for healthcare conditions, like endometriosis and is a tool for menstrual suppression. Women make up more than 17 percent of our active duty and reserve members and are half of the beneficiaries at Tricare. According to DOD estimates, 95 percent of all women serving in the military are of reproductive age. So this is really quite critical.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Let me also point out the data from the Department of Defense survey of health-related behaviors among active duty military personnel shows insufficient access to comprehensive family planning education among service members. The lack of consistency in providing basic preventive health services is unacceptable.

Not surprisingly, research shows that active duty service members of reproductive age have a rate of unplanned pregnancy that is 60 percent higher than that of comparable women in the general population. It's partly in part due to differences in policy on birth control education. A research study found that female army soldiers have more children in their first two years of enlistment and missed more work than do women in other military branches.

For example, Navy's approach in promoting long-acting reversible contraception and other forms of birth control at basic training for those who want it requiring--requiring recruits to meet individually with medical providers has all been beneficial.

So our troops deserve the very best regardless of which branch of the military they serve and ensuring our service members and their dependents receive the same healthcare services as civilians is the least we can do. So with that, Mr. Chairman, I yield back.

SMITH: (INAUDIBLE) Ms. Hartzler.

HARTZLER: Thank you, Mr. Chairman. So as I look in here at this amendment, it seems to do exactly opposite of what my colleague here on my right side was objecting to in my former amendment, just giving him information about pregnancy support services in that it not only just has what currently DOD provides family planning information to service members now, it sets up an entire curriculum--entire curriculum, entire education program on family planning.

And at three different points in your military career, it mandates that you participate in this education program the first year of service and I'm not sure how long this curriculum takes, how many weeks, how many hours is required, how--how much time away from the training field that this is going to entail that you come in and sit down perhaps to a PowerPoint presentation and I--I'm not sure, but the first year of service you're required to have--be subjected to this education.

And then when a member is in training to assume command, once again, you have to go through this family planning training and then a third time when an enlisted member becomes a senior enlisted member. So it just seems like we are being excessive here and I'm not sure it's needed in that as far as I know, every military personnel is already--has available to them this education and that's what the Department of Defense and the medical experts right now provide and is available to everyone.

So I'm--I'm not sure that this is needed. And so I have concerns about that. I also have concerns with what is in the curriculum and it may not be intended, but it says that this information should include the importance of providing comprehensive family planning for members. Many times people feel like--that the word, when you say comprehensive family planning, means you're giving counseling about abortion services.

And so I'm not sure if that was what was intended or not, but I just feel like--that overall, this is, I think, excessive, I don't think it's needed. I--I think this information should be available, but it already is available. I do not believe that we should be forcing our military to go through, at three different times in a military career, a whole curriculum on this particular topic.

So for those reasons, I would oppose this amendment and encourage us to vote it down and to continue on with education programs that are currently available. And with that, I yield back. Thanks.

SMITH: Further debate on the amendment? Mr. Kelly.

KELLY: I just kind of have a few questions on it. I get the first year of service, I understand what that means, but when a member is in training to assume command, is that every level of command from 03 to 05 to 06 to 09? Is that every level of command? Which levels of command does that apply to? And then--and then what training?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Because many times people are selected, but there's not necessarily a specific training for that command in some cases, in some services. And then I also would like to know when an enlisted member becomes a senior enlisted member, what that means. Does that mean from E5 to E6? Does that mean from 0--E5 to E5 or is that command sergeant majors or the E9 equivalent as that of E8?

And so just to--there's enough vagueness there and--and if the chair--chair--chairperson could answer those questions, it would make it easier for me to understand exactly what we're voting on and who it applies to.

SPEIER: So first of all, it's important to point out that there's two parts to this legislation. One is to put everyone in parity so the dependents of those who are not active duty will not be paying a copay through Tricare. That's number one. Number two is to make sure that family planning education programs are available across military branches to ensure that service members receive medically accurate information to make informed decisions.

I--I don't understand how you cannot recognize that we have a--a problem in the military where service members who are females have a 60 percent higher unplanned pregnancy rate than in the civilian population. So part of that is not being able to access family planning services.

KELLY: Mr. Chairman, if I could reclaim my time--

SMITH: Yes.

KELLY: --the specific question was--is what are the definitions? What are those things? I--I don't--I'm not--on the merits, I don't have issues with--with the things that we're talking about. What I have issue with is the vagueness and who it applies to and at what level. So with that, Mr. Chairman, I yield back.

SMITH: Thank you. If I may take--take a moment, I'm not sure if the description is accurate here, does--does this require everyone to go through an ed--education process or does it simply require to be made available?

SPEIER: My understanding is that there is a program whereby family planning services will be made available to all service members and beyond that, I cannot answer as to whether or not it's going to be required at E2 or E3.

SMITH: Okay. If I could ask the staff just point of clarification, does this amendment require certain people to get this education or does it require it to be made available if they seek it?

DIEHL: My understanding, it's a little bit of both. If they--if they seek it, then that will--they will, of course, be provided the--the information. I--I do understand that at least the Navy does this now in terms of they have a--they have a--a--a--they offer a system training.

SMITH: Got that part. When you say it's a little bit of both, okay, you just mentioned the part that is not required but is available--

DIEHL: Right.

SMITH: --what's the part that is required if it's a little bit of both?

DIEHL: It's that it is in some curricula--some--it is in some curriculum right now already with--

SMITH: I'm talking about what this amendment does.

DIEHL: Oh, I'm sorry, sir. You're--you're correct. You're--you're correct in saying--

SMITH: I'm not correct about anything, because I didn't know what I was talking about.

DIEHL: No. You're correct in saying that I--I--there is no requirement.

SMITH: Okay. So the only thing is it is available if they seek it?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DIEHL: Right, but--

SMITH: They--they are not required to--it doesn't say you have to teach this curriculum to everybody?

DIEHL: That's correct. That's my understanding. That's correct, sir.

SMITH: Okay. If someone--I see a lot of frowning faces out here. So I think there's disagreement. Mr. Sennott.

SENNOTT: Sir, I believe the language says the secretary of defense shall establish a uniform standard curriculum to be used in education programs on family planning for all members of the armed forces, including both men and women members during the following periods and then it alludes to the periods that Mr. Kelly referenced.

SMITH: Yeah. That's kind of ambiguous, actually, as to whether or not it's 100 percent required that they go through it, I mean, if they have to develop it. Is this possibly something we could try--try to work out on the floor? Because I mean, it's a pretty big distinction.

SPEIER: I agree, *let's* withdraw it.

SMITH: Okay. Amendment is withdrawn. Next up is log 196, Mr. Carbajal. Mr. Carbajal, for what purpose do you seek recognition?

CARBAJAL: Mr. Chair, I have an amendment at the desk.

SMITH: The clerk will pass out the amendment. Without objection, we will waive the reading of the amendment and the gentleman is recognized to discuss his amendment.

CARBAJAL: Chairman Smith and Ranking Member Thornberry, first of all, I'd like to thank you both and also staff for working with me to address this critical issue of energy security and its importance to the operations and readiness of our military. As you all know, California is a leader in the area of renewable energy and we strive to meet a 100 percent clean energy goal.

Offshore wind has become a reliable source of energy nationwide and has positioned itself to help America reduce its reliance on foreign energy sources, which in turn enhances national security, especially in California. The Bureau of Ocean Energy Management industries and the state and DOD have been working together to increase presence off of--off--offshore wind off the coast of California.

There has been specifically--there has specifically been great interest to bring offshore wind to the Central Coast. The Central Coast of California and industries have been working diligently with DOD representatives for almost three years in order to bring this alternative source of energy to the area while ensuring they avoided and mitigated any potential conflict with DOD testing and training activities.

Multiple industries follow the DOD Siting Clearinghouse rules and additional direction for specific projects offshore. State and local governments were also working with DOD to coordinate efforts and ensure it would not conflict with DOD training and testing. Unfortunately, near the end of the process the DOD Siting Clearinghouse process came to a halt and it was taken over by the services.

This was a major disappointment for the Central Coast of California that I represent, but we are continuing to work with the services and the department to enable offshore wind while mitigating potential impacts on military operations. The purpose of my amendment was to direct the department to pick up where the Clearinghouse left off in identifying space in the warning areas off the Pacific Ocean to accommodate viable wind energy projects that are compatible with DOD testing and training activities.

Military readiness continues to be the center of all discussions and it is critical to recognize and understand that offshore wind has become a real-world environment that the military should consider as they train the forces for the future. By the end of 2020, China will have 6.7 gigawatts of operational offshore wind and U.S. Forces will have to be prepared to operate in such environments.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

It is imperative that the military start training in something that mirrors our future areas of operations. I am confident that we can work together to accomplish energy security and military readiness. There is room for both in the Pacific, however, it is critical that the department and services be willing to work with us and be open to mitigation efforts.

Due to referral issues, I will be withdrawing my amendment, but Mr. Chairman, I would greatly appreciate it if you and committee staff will commit to working with me as we work with the department and the clearinghouse to expand opportunities in providing reliable renewable energy resource through offshore wind. Thank you, Mr. Chairman. I yield back.

SMITH: Thank you, Mr. Carbajal. And I--and we have worked on this and discussed this. I think it is a very worthwhile goal and something that the, you know, Department of Defense should be doing. In an ideal world, they do it without our direction and I know they've been dragging their feet on this for a long time. So we--we are going to look at different ways to get them to stop dragging their feet and move forward.

I know it's important to your district, I appreciate you offering and withdrawing the amendment, but it is an important issue and we will meet that pledge and continue to work on it. Thank you very much. We are now onto log 329R2. For what purpose does the gentleman from Virginia seek recognition?

WITTMAN: Mr. Chairman, I have an amendment at the desk.

SMITH: Yeah. I keep asking that same question, I get the same--I should stop asking--I know why you're seeking recognition. Why am I asking? The clerk will pass out the amendment and without objection, we'll waive the reading and the gentleman's recognized for five minutes.

WITTMAN: Thank you, Mr. Chairman. This amendment establishes the Strategic Seaport Readiness infrastructure development program and fund within the Department of Defense in coordination with the Maritime Administration. This is specifically to make sure that our strategic ports of which there are 17 across the United States are kept safe and our readiness is maintained.

Right now in many instances, they're lacking the necessary resources to support the 355 shipped Navy that we are moving towards and making sure to--that our military sealift capabilities can be supported by our ports and these strategic ports are in a variety of different states from Washington to Texas to California, from Virginia to Georgia to Florida to Mississippi, all of them mission-centric to what DOD needs to be done.

This fund will also allow for the training of a workforce to be there to support the shipping and ship traffic and ship support within those areas all that are all critical elements of what we have to do to support and maintain military sealift command, ready reserve fleet and the ships that our Navy needs in addition to the port facilities to make sure that we can safely transit those ships in and out of our ports here in the United States.

Mr. Chairman, though, due to a waiver referral, I'm going to withdraw this amendment, however, I want everyone on this committee to make sure that we are totally committed to ensuring that our strategic ports have the funds necessary to support our nation's ability to respond to threats overseas. Thank you.

SMITH: The gentleman withdraws the amendment. We now move onto log 200. For what purpose does the gentleman from Michigan seek recognition?

MITCHELL: Mr. Chair, I have an amendment at the desk.

SMITH: Clerk will pass out the amendment. Without objection, reading is waived. Gentleman's recognized for five minutes.

MITCHELL: Thank you, Mr. Chairman. The language at the desk, the amendment, is a result of a situation that emerged in my--with a constituent in my district. He was an Air National Guard--Guardsmen deployed to Afghanistan who unfortunately had a stroke while on deployment. He was transported to Landstuhl, ultimately had a second stroke, was transported to a private hospital there.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

The hospital commander authorized emergency family member travel to bring his wife to Germany. Unfortunately, she did not have a passport and this event happened on a Friday, to make it a really difficult set of circumstances. The base commander called me and asked for help. I ended up calling the White House. The White House called the State Department.

We got the passport office of Chicago open, but then it became--she became aware that there were emergency passport fees on top of everything else, all the other struggles she had. So while there's--and I appreciate this report language here about why it is that--and they're providing inadequate training to base commanders on procedures for assistance.

We're also trying to get those fees waived. Those fees for loved ones who are going over to member--service members who are injured and they don't have a passport, they're expensive. That's a barrier they shouldn't have to face. My amendment mirrors provisions in the--in a No Passport Fees for Heroes Act and we requested a referral from the House Foreign Affairs Committee.

In fact, there are senior members of the committee that are me--that are cosponsors of the bill. At this point, unfortunately, they have not provided that waiver, that letter for us. Let me stress the CBO indicates that the expenses to this provision are, "Insignificant effects on both revenue and spending." Our military families sacrifice much for us. I believe we can handle this problem and the Foreign Affairs Committee has agreed to do just that and work with us to do that.

So while I wanted to bring this issue up today, I withdraw the amen--the amendment and work with members on Foreign Affairs to see if we can solve this problem for family members when they have service members that are injured and they need a passport. So thank you for the time and I yield back, Mr. Chair.

SMITH: Thank you. Gentleman withdraws the amendment. We go--okay. Okay. We'll now consider en bloc package number 1. I ask unanimous consent to call up en bloc package consisting of amendments that have been worked and approved with mino--minority. Without objection, so ordered. Will the clerk please distribute the en bloc amendment?

Without objection, the amendments are considered as read. And now I would like to try an idea here and I'll try not to discuss it too long, if we could have unanimous consent to dispense with the actual reading of the description of the amendment, maybe I can just go--okay. There seems to be struggling--and--and--and I'm not just doing that because I'm now the one who has to read them.

It--it's late and this will speed it up. I appreciate that. With unanimous consent, we will dispense with that and I will simply quickly read off the numbers. En bloc package number 1 consists of logs 091, 125, 127, 146, 164R1, 227, 231, 237R1, 252R1 and 275. Is there discussion on the--on the en bloc package? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Those opposed, no. The ayes have it, the amendment is adopted. And it is now an order to consider en bloc package number 2. I ask unanimous consent to call up en bloc package number 2 consisting of amendments that have been worked and approved with the minority. Without objection, so ordered. The clerk will distribute the en bloc amendment. Without objection, the amendments are considered as read.

And I now recognize myself to, once again, read quickly through the numbers that are at play here. This is log 278, 307R1, 331, 343R1, 352, 442R3, 443, 476 and 045. Is there discussion on the en bloc package? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Those opposed will say no. The ayes have it, the amendment is adopted. Now I need to regroup for a moment here. All right. We are onto log 187. Mr. Cooper, I believe you have an amendment. Do you seek recognition? Space Force.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

COOPER: Thank you, Mr. Chairman. I first want to pay tribute to my friend and colleague, Mr. Rogers, because Space Corps was really his idea from the beginning.

SMITH: We skipped a procedural point here--

COOPER: Okay.

SMITH: --where you say you have an amendment at the desk.

COOPER: I have an amendment at the desk.

SMITH: And I say--

COOPER: Sorry.

SMITH: --say it with me. No. I'm sorry.

(LAUGHTER)

The clerk will pass out the amendment. With unanimous consent, we'll waive the reading and the gentleman is recognized to discuss this amendment.

COOPER: Mm-hmm. I thank the gentleman. As I was saying, my friend and colleague, Mr. Rogers from Alabama deserves tremendous credit for really spearheading this initiative. Three years ago in 2016, before there was even a--a new president, the Space Corps was voted on by this committee by an overwhelming vote of something like 60 to 1, a completely bipartisan effort, a response to the threats that we are increasingly facing from China and Russia and other potential adversaries, because the feeling was the Air Force had not done a good enough job in preparing for the coming threats.

And this isn't just our feeling, way back in 2001, the Rumsfeld Commission had come up with a similar conclusion. In 2008, the Allard Commission had come up with a similar conclusion, but the War on Terror distracted us from improving our space capabilities. So the Space Corps is--is close as we could make it to the proposal that passed this committee overwhelmingly three years ago.

I will not elaborate on all the details of it, but it is not a separate service as the president had proposed, it is instead a corps underneath the Air Force. It is not a \$13 billion expenditure, a gold-plated plan like had been proposed to us by the secretary of the Air Force, it is instead a reorganization so that space professionals can be properly recognized for their skill and ability and promoted.

This does not fold in NRO or NGA, the intelligence agencies. It does allow volunteers from the Navy and Army to join the Space Corps if they would like. It--Space Corps would be run by a four-star com--commandant who has a four-year term and would be a member of the Joint Chiefs of Staff.

It offers streamlined acquisition capability for the Space Corps, which is a central feature, because many of our military satellites had been slow in acquisition and it offers the Air Force flexibility in shaping the new corps, because it will be underneath the Air Force, but then offers a separate promotion path for space professionals. That's a quick and dirty explanation.

Mr. Chairman, I would like to yield to my friend and colleague, Mr. Rogers, for any comments he would like to make on the Space Corps.

SMITH: Actually--

ROGERS: I thank my friend, Chairman Cooper. He has been a great partner in this endeavor over the last several years and he's right, the Strategic Forces Subcommittee spent years reviewing the problems that we were having in national security space.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

This is something that took a lot of time and energy and have put--we had a lot of thought put into it and--and he's also correct that what we present to you tonight is almost identical to what passed out of this committee nearly unanimously over two years ago and it is essential to be done.

One of the things that many of you may have noticed in the testimony before the Senate Armed Services Committee about a month ago was the secretary of defense, the chairman of Joint Chiefs, the--the Gen--General Hyten with Strategic Command and Heather Wilson, the secretary of the Air Force all gave full-throated support for this endeavor and in fact, Joe Dunford went further and said that if we don't do this now, five years from now this country is going to regret the position we'll be in.

So I'm proud to see this bipartisan work coming to fruition tonight and I urge your favor of a--favor of a vote and I yield back.

SMITH: Thank you. Mr. Crow.

CROW: Thank you, Mr. Chairman. I have a--an amendment at the desk.

SMITH: All right. Just second here. You have a perfecting amendment at the desk, I believe you meant to say.

CROW: Correct.

SMITH: Okay. Will the clerk please distribute the amendment? Without objection, we'll dispense with the reading of the amendment and the chair now recognizes the gentleman for the purpose of explaining his or her perfecting amendment.

CROW: Thank you, Mr. Chairman. I'd like to begin by recognizing the great hard work by Chairman Cooper, Mr. Rogers over the last few years doing wonderful work to build out the infrastructure for this and I'm wholly in support of their--their proposal here, but my amendment does something very simple. It addresses a concern that arose in the--the last 24 hours that came out of the Senate version of the Space Force Bill and I'd--I'd like to read some of that language.

It says, "In addition to the elements of the Air Force Space Command as of the date of the enactment of the National Defense Authorization Act, the United States Space Force shall include other military and civilian personnel of the Air Force, including appropriate elements of the Air National Guard and the Air Force Reserve and other infrastructure, assets and resources of the Air Force."

The--the issue with that and the reason that I am proposing this language in this amendment to address that is the impact that this would have on National Guards. In particular, the Colorado National Guard. In fact, 80 percent of all Army National Guard space assets and 40 percent of all Air National Guard space assets are actually located in Colorado.

This is hundreds of jobs and has a huge impact on our economy. So while I'm supportive of the effort to create Space Force and I've been on the record repeatedly about Space Command and the overall space infrastructure and the effort--efforts of the committee, I do not want to do this at the jeopardy of our National Guards, because we rely on, in Colorado and throughout the country, those guard men and women that actually support the state mission as well.

And if we are to allow the Air Force to involuntarily transfer those personnel from the National Guard mission where they enlisted and joined their state services and to have that resource pulled away to the active force, we could jeopardize that state mission as well. So I would ask folks to consider my amendment to resolve that issue.

COOPER: Will the gentleman yield?

CROW: Yes.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

COOPER: I've talked with Mr. Rogers and I think we would like to accept your amendment in the spirit in which is-- is offered to augment and help the Space Corps. We have the highest regard for the reserve and for the guard. We are well aware of the crucial role that the Colorado Guard plays and we look forward to having a situation that works not only well for the new Space Corps, but also with all the guard and reserve units in Colorado and other states.

So I think this can be worked out. And the California Guard too. Let me not exclude that. All the Guards are wonderful, particularly, the Tennessee Guards.

(LAUGHTER)

SMITH: He loves all of his children equally. Is there further discussion on the perfecting amendment? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed? The ayes have it, the perfecting amendment is adopted. Is there further discussion on the amendment itself? Mr. Turner

TURNER: Mr. Chairman, I want to congratulate you on the bipartisan effort for this provision, as Mr. Cooper and-- and Mike Rogers have worked together on this, but in addition to bipartisan of the committee, this is bipartisan even with the administration. As we know it, the Missile Defense Review rollout, President Donald Trump said we will recognize that space is a new war-fighting domain with the Space Force leading the way.

In just twice this year, he's stated, our destiny beyond the earth is not only a matter of national identity but a matter of national security. He went onto say, space is a war-fighting domain just like the land, air and sea. Our service members will be vital to ensuring American continues to lead the way into the stars.

So I appreciate the chairman's bipartisanship in working both with Mr. Cooper and M--and Mr. Rogers, but also in support of Donald Trump's vision of the administration's efforts to ensure that we have a presence in space that is both defensive and protection of national security. I yield back.

SMITH: Mr. Bacon.

BACON: Thank you, Mr. Chairman. I think this is a necessary development for our military. It's--it's clear that Russia and China are weaponizing space. We've got to be prepared and I think this will take our space personnel to--to the right level so we could build a--a better space culture. I do have one question for Mr. Cooper or Mr. Rogers.

It's a little vague to me what will happen with the--the Navy and the Army and the Marine space folks in this. Will they be dovetailed into the Space Corps or are they still separate? And if they're separate, does that not water down the effect? So I just--it's--it's vague to me. So I appreciate the feedback.

ROGERS: We--we wanted to keep this initial version as identical to the last version as possible and the last time the Defense Department was not fully embracing this concept. So we didn't want the political battles of adding the--the Navy and the--the Army missions, which are very small, by the way. The Navy has only the--the MUO satellite systems for satellite--weather satellites and the Army has SMDC and that's it and that basically was our thinking here today.

This is the initial standing up of the service, we can come back next year and look at--at bringing those professionals in just like the Space Development Agency, we expect, in about three years, to be folded into the Space Force. This is going to be an evolving product over the next four to five years and we're going to have time to--to--to deal with those, but we didn't want to change this initial bill from the one that passed before, because it was completely uni--bipartisan and--and had a lot of support.

SMITH: Okay. Thank you, Mr. Rogers.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BACON: Okay. Thank you, Mr. Rogers. I'll just--I'll just reecho, I think this has taken us in the right direction. It's where our future is going. So I--I support the development. So thank you.

SMITH: Further discussion. If not, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Oppose? The ayes have it, the amendment is adopted. It is now an order to consider log 332, an amendment offered by Mr. Khanna. And Mr. Khanna, for what purpose do you seek recognition?

KHANNA: Thank you, Mr. Chairman. I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. And without objection, the reading of the amendment will be dispensed with and the gentleman is recognized for five minutes.

KHANNA: Thank you, Mr. Chairman. This amendment is in direct response to TransDigm fleecing the American taxpayers in a bipartisan expose, which forced them to reimburse \$16 million to the American taxpayers just a few weeks ago. There was a bipartisan committee hearing led by Mark Meadows among others that exposed TransDigm's fraud.

What TransDigm did was buy up smaller Defense contractors and they jacked up the prices way above what the costs were. Kevin Fahey, the president's assistant secretary for acquisition, described TransDigm's policies as, "gouging and immoral and unconscionable," in our oversight hearing last month. Just a few days ago the American Conservative Magazine said that this is exactly what Congress should do, exposing unpatriotic companies like TransDigm that are ripping off the American taxpayers.

The assistant secretary said that the lack of historical cost data left contracting officers with not enough information in determining whether the Pentagon was being fairly charged and Mr. Norquist--Norquist, the defense comptroller said that we needed to have reforms. The two reforms that he recommended are the ones that this amendment offers.

First, it gives contracting officers the ability to get certified cost data. Right now they don't have that. They don't--they're often flying blind even though most contracting officers, according to the IG report, knew that TransDigm was ripping off our military. They were unable to do anything, because they couldn't get the cost data that they wanted.

Second, this closes the loophole of the commercial exception. In TransDigm's case, the CEO of TransDigm testifying Kevin Stein admitted, during the oversight hearing, that the company's employees withheld cost data from contracting officers for 15 parts manufactured by the company despite requests from contracting officers.

In the hearing, Stein claimed that TransDigm withheld this information by calling them commercial items even though the Department of Defense found that none of these 15 parts actually were commercial items. This exception is being abused. This is how TransDigm systematically ripped off the American taxpayers.

The IG found, when they reviewed it, that TransDigm jacks up these prices without the contracting officers knowing the price and the amendment is focused on weaning out these back actors by closing the loophole on commercial exceptions and not allowing that if the contracting officers determine that that is not fair. Now, there are many good actors that supply information to the Department of Defense and parts to the--the Department of Defense.

This does nothing to go after them. It's unfortunate that we have bad actors who are taking advantage of the American taxpayers while so many people are risking their lives to serve our country. I don't think this is a partisan issue, this is despicable for anyone to take advantage of the system and this amendment will make sure that no Defense contractor is able to abuse the system again. I yield back my time.

SMITH: Thank you. So debate on that? Mr. Thornberry?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

THORNBERRY: Mr. Chairman, I have a substitute amendment at the desk.

SMITH: Will the clerk please distribute the amendment? Without objection, we'll dispense with the reading of the amendment and the gentleman is recognized to speak on his amendment.

THORNBERRY: Thank you. Mr. Chairman, I don't know of anyone who disagrees with the characterization that Mr. Khanna just gave of TransDigm and their behavior. They abused the system. Now--now, technically, they may not have violated the law as his--the hearing he talked about in oversight brought out, but they clearly abused the system.

What my substitute amendment does is take the exact recommendations from the inspector general who looked into this matter about--and--and it requires the department to implement them and in essence, it says, the Undersecretary for Acquisition has to set guidelines across the whole department dealing with price reasonableness ways to get at cost when items seem to be at high risk for unreasonable pricing or contractors have a history as TransDigm did.

They were first audited in 2006 and yet they continued to do business with the Department of Defense and--and other aspects of--that the inspector general said the Department needed to put in place to prevent this from happening before.

I mean--I mean, again, I do not believe that the under--that Mr. Khanna's amendment would have stopped TransDigm and in fact, I think the danger is while attempting to treat the symptoms, it makes the problem worse, because the underlying problem here is that TransDigm went out and bought the intellectual property, the patents or the licenses for parts that we had to have to keep airplanes flying.

The answer to that is number one, we need more tools to identify and go after companies that are abusing the system, like TransDigm did, and number two, we've got to have more competition. We need more than one company to provide these parts. And I would point to--members to a GAO study in 2017 that said this ha--requiring traditional and nontraditional DOD contractors all to have certified cost data is one of the biggest discouragements there can be for not--for doing business with the Department of Defense.

In other words, it decreases competition if you have this blanket sort of approach. So I think the better answer is to focus on the bad guys, make sure the department develops the tools to focus on the bad guys. That's what the IG said. And secondly, don't do anything to discourage competition, as a matter of fact, do things to increase competition so that we do not get into this position where one company has the patent or the license or--or the--the intellectual property for something that we have to have.

I think that's the essential difference, not--not only treat the symptom, but go down and treat the disease. That's what this substitute tries to do. I yield back.

SMITH: Is there further discussion on this amendment? Mr. Khanna.

KHANNA: Mm-hmm. I'll be brief noticing the time. I appreciate Mr. Thornberry's--Ranking Member Thornberry's sentiments and--and his work on the issue. I would just say three points. One, the amendment you're offering is largely already being implemented by the Department of Defense and is in Representative Speier's unbound amendment that will be we're voting on.

So I think having the Undersecretary do a report is a good thing, I don't think it's a bad thing, but I don't think it's efficient. What this amendment does is exactly what Mr. Norqui--Norquist, who's the comptroller of the Department of Defense, recommended in the hearing and that is it gives the contracting officer the authority to request information if they suspect foul play or if they suspect that there's a need for that.

It's not a blanket requirement that they would do it in every case, it's only if they suspect that there is a bad actor like TransDigm. So I'm all for more competition and we can look at ways that incentivize not just having a single source, but this is not going to disincentivize any company other than the ones who are not being honest and

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

getting rid of the commercial exception, again, is not a blanket statement, it is only when contracting officers feel that they are being lied to, that that's being used as--as an excuse.

Basically, this is saying that we trust the judgment of contracting officers at the Department of Defense, that we trust the judgment of Mr. Norquist, that we trust the judgment of the president's own appointees who were outraged with what happened with TransDigm. I yield back my time.

SMITH: Is there further discussion on the substitute amendment? Hearing none, the question occurs on the substitute amendment. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed, no?

UNKNOWN: No.

SMITH: All right. Let's try that again. All those opposed will say no.

UNKNOWN: No.

SMITH: All right. There we go. Pending the chair, the no's have it. Well, you did well the first time, you were kind of in there. But no's have it and the amendment is not agreed to.

JOHNSON: Mr. Chairman.

SMITH: Yes.

JOHNSON: We request for a recorded vote.

SMITH: Recorded vote is requested. Under the rules, we will--

JOHNSON: Unless you want to do the voice again on both sides.

(LAUGHTER)

SMITH: We can do that for a while.

JOHNSON: Yeah. That's kind of what I'm thinking. In fact, I think in the future we should do the wave. Instead of just doing the voice we'll have both sides stand up and see how enthusiastic you are or not. Okay. I believe we go straight to the vote and the clerk will call the role. And this is, just to be clear, the vote on Mr. Thornberry's substitute amendment.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Mr. Chairman votes no. Mr. Thornberry?

THORNBERRY: Aye

CLERK: Mr. Thorn--Thornberry votes aye.

CLERK: Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Wilson votes aye. Mr. Langevin? Mr. Langevin? Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes aye. Ms. Speier? Ms. Speier? Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Scott votes aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes aye. Mr. Moulton? Mr. Moulton? Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes aye. Mr. Brown?

BROWN: Pass.

CLERK: I'm sorry, could you re--repeat--

BROWN: Pass.

CLERK: Pass. Mr. Graves? Mr. Graves? Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais? Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Yes.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Kelly votes aye. Ms. Horn? Ms. Horn? Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes aye. Ms. Torres Small?

TORRES SMALL: Pass.

CLERK: Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes aye. Ms. Slotkin?

SLOTKIN: Aye.

CLERK: Ms. Slotkin votes aye. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Waltz votes aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Ms. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no. Mr. Langevin? Mr. Langevin? Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Moulton? Mr. Moulton? Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Ms. Torres Small?

TORRES SMALL: Aye.

CLERK: Ms. Torres Small votes aye.

SMITH: Have all members voted? Mr. Moulton--how was Mr. Moulton recorded?

CLERK: Mr. Moulton is not yet recorded, chairman. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no.

SMITH: Mr. Langevin, you haven't voted yet. Go ahead and vote, we can skip the (INAUDIBLE) role.

LANGEVIN: No.

CLERK: Mr. Langevin votes no.

SMITH: Anybody else? Anybody wish to change their vote? The clerk will report the tally. On this vote, the ayes are 28 and the no's are 29.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: The amendment is defeated. It is now an order to consider the underlining amendment by Mr. Khanna. All those in favor, say aye.

UNKNOWN: Aye.

SMITH: Opposed say no.

UNKNOWN: No.

SMITH: Pending the chair, the ayes have it. The ayes have it, the amendment is adopted. And Ms. Davis is going to take over for a minute on the next couple of amendments. So it's all yours.

DAVIS: Okay. We will now consider log 124, Conway--

CONWAY: (INAUDIBLE) 7.

DAVIS: --Mr. Conway.

CONWAY: I have an amendment at the desk.

DAVIS: Great. Clerk, please distribute and we waive that requirement. Without objection, we'll dispense with the reading and the chair recognizes the gentleman for the purpose of explaining his amendment.

CONWAY: Thank you, madam chairwoman. This is a pretty straightforward amendment that had been made--or this--had we gotten the sequential referral issue taken care of, it would've been pretty straightforward. It provides for a--a modification of the Transparency Act--transparency rules relative to accounting firms that are doing audit--audit remediation work.

The current law is too broad and captures too much information that's irrelevant to the work that's going on. The trouble--the troubling issue is we found out at 10:00 p.m. Monday night that we had these sequential referral issues and this amendment's been in the--in the works for a long time. And so hopefully, at some point in the future, muscle memory will get to the point where we will have more than just a day to--to clear those.

So I want to withdraw our--I ask for unanimous consent to withdraw the amendment and we will work to try to get down on the floor when we go over there. So with that, I ask to withdraw.

DAVIS: Thank you. The gentleman withdraws the amendment. Thank you.

CONWAY: No choice.

DAVIS: We'll now consider log number 439--

GALLAGHER: Madame chairwoman, I have an amendment at the desk.

DAVIS: --by Mr. Gallagher. Thank you. Please distribute the amendment and we'll dispense with a reading. And the chair--I recognize the gentleman for the purpose of explaining his amendment.

GALLAGHER: Thank you. This is a very simple amendment which I offered with Mr. Gallego and several other--several other colleagues. It was a simple one-word fix to a provision that we passed of this committee and in the whole Congress in FY-19 NDA regarding prohibitions on federal purchases going to Chinese telecom companies, like Huawei and ZTE.

It was a one-word fix, it was not controversial, but it was--ended up being referred to not one, not two, not three, but seven different committees by my count. I had a similar amendment on Chinese telecoms, also cosponsored by Mr. Gallego, that was referred to four different committees despite the fact that the standalone we introduced earlier this year referred exclusively to foreign affairs. It was only committee.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Another amendment I was hoping to include a bipartisan Senate bill establishing sanctions on companies that contribute to Chinese island construction and disputed seas received six referrals. So I understand that we want to respect equities of different committees, I'm all for that. There does seem to have been a marked change in the threshold.

I've only been--I've only been through this twice prior to this. And so I think we need some way to adjudicate these issues without it being referred to six, seven, eight, nine committees. So I'm going to have to withdraw my amendment. I thank my colleague from Arizona and my fellow Marine, Mr. Gallego, for his leadership on all things related to Huawei and I look forward to revisiting this debate on the House floor and I request unanimous consent to withdraw my amendment and yield--

DAVIS: Thank you. The gentleman withdraws his amendment. We're now going to move to en bloc number three, which consists of amendments that have been worked and approved with the minority, as the chair mentioned already, there's unanimous consent for us to only read the numbers. So I will do that quickly. And anybody who's thinking about withdrawing their amendment might want to think about that a little bit too as we--as we go through the en bloc.

So the en bloc number three package, amendment number 333, by Mr. Khanna, amendment number 108R1 by Mr. Brown, amendment 126R1 by Mr. Conaway, amendment 123 by Mr. Conaway, amendment 166R1 by Mr. Garamendi, amendment 299R1 by Mr. Moulton, amendment 265R1 by Mr. Bacon, amendment 438R3 by Mr. Gallagher, amendment 254R3 by Mr. Byrne. Further discussion on the en bloc package? Yes, Mr. Bacon.

BACON: Thank you, ma'am. I just want to thank the committee and the chairman for putting in the en bloc, the sense of Congress on Taiwan. I think it's important for our friends of Taiwan not to only hear from the Foreign Affairs part of Congress here, but also from the Armed Services Committee. You know, they're a--a nation at--or a count--a people that want to protect freedom, religion, freedom of the press.

They're 23 million, very isolated next to China. So I just--I think we're doing the right thing by expressing our support to these folks that we've had an--an agreement with since 1979. Thank you.

DAVIS: Thank you. If there's no further discussion, the question is on the adoption of en bloc package number three. So many as are in favor will say aye.

UNKNOWN: Aye.

DAVIS: Opposed? The ayes have it and the amendment is adopted. Okay. Now, we're considering number 138R1, Ms. Gabbard. Ms. Gabbard--

GABBARD: Madame chair, I have an amendment at the desk.

DAVIS: Great. And we'll dispense with distributing and waive that. I recognize the gentlewoman for the purpose of explaining her amendment.

GABBARD: Thank you, madam chair, I'll keep this very brief. What my amendment does is simply strengthens the existing provisions that require the DOD to provide a public annual report on civilian casualties. My amendment promotes greater accountability and collaboration between DOD and the intelligence community for best practices so that we can decrease the likelihood of civilian casualties.

It does this by reinstating the requirement of an annual public report on the number of strikes by DNI against terrorist targets outside of areas of active hostilities and to provide an assessment of combatant and non-combatant deaths resulting from those strikes. This requirement is not unusual and this committee passed a similar requirement in the FY-18 NDAA for the DOD.

We received a waiver to consider this amendment today from the Intelligence Committee here in the House, which further enables us to exercise our oversight in Congress. Please support my amendment, support transparency and accountability. I yield back.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DAVIS: Thank you. Is there any debate on the amendment? Mr. Bacon?

BACON: Thank you. And I appreciate Ms. Gabbard's input on this. We need to have transparency on what we're doing with our remote piloted aircraft and I think this Bill's already done that. We have two provisions in the Bill, Section 1063 that modifies the duties and/or reporting requirements for DOD and then Section 1086 that directs an independent assessment of duties reporting on policy on civil--civilian casualties.

Here's my concern and why I--I don't think the--this amendment needs to be modified or not passed, this is forcing DOD to re--to do reporting on intelligence missions, not DOD missions and I think this is more germane for the Intelligence Committee and it's more germane for our intelligence communities to do the reporting on civilian casualties, most missions that they're running.

DOD is already going to do this for their missions and I think that that reporting should come from DOD when it's a DOD mission not doing a reporting on DNI-led missions. So I think this is a terr--a territory issue, frankly. I don't think--

GABBARD: Will the gentleman yield--

BACON: --I don't think our military wants to do that reporting on DNI. Yes, please.

GABBARD: --just--just a point of clarification.

DAVIS: Does the gentleman yield?

BACON: I do yield. Thank you.

GABBARD: Thank you very much and I appreciate your raising this question and concern. The--the amendment specifically states that this report will come directly from DNI. So the DO--this is something that will not have to be conveyed through the DOD. DNI will report directly to Congress.

BACON: So--so why doesn't--I want--a question back to you, if I may, why--why would not the Intelligence Committee be compelling DNI to do this versus the Armed Services Committee?

GABBARD: Well, I think as you know, there are a number of activities where there may be overlap.

BACON: Mm-hmm.

GABBARD: So this allows for our committee to exercise our oversight, obviously, without getting into--to too many details here.

BACON: All right. I just wanted to express my concern I think this is more appropriate coming from the Intelligence Committee from DNI, but I do appreciate the fact hearing that DNI's providing the numbers. I think that's a--a--a step forward. I yield back.

DAVIS: Thank you. Mr. Waltz.

WALTZ: Thank you, madam chairwoman. Just to reiterate Representative Bacon's comments, DOD already extensively reports on civilian casualties. In fact, the 2019 NDAA expanded the scope of what DOD has to report and in fact, can make those reports public unless the secretary of defense decides that, for a variety of reasons, one of which is that our enemies tend to use these reports as propaganda overseas, decides if they should be classified.

But I could just tell you from personal experience, as someone who has called in drone strikes overseas, as someone who has called in airstrikes, as someone who has had to take down compounds and terrain because airstrikes were denied, I--I just want to impart on my colleagues the ripple effects of these types of reports and an overemphasis on these reports.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

We've had situations, and I've personally experienced situations, where there is such an emphasis and so much demand and so much--so many fingers and chests that come down the chain that we've actually had to send soldiers into locations, on the one hand, lost soldiers because airstrikes were denied of an overconcern of civilian casualties and then on the other hand, lost soldiers because we had to go verify sites that were incredibly dangerous to ensure there were no civilian casualties.

This is an incredibly important issue and as someone who has had to make those life and death decisions with a lawyer, with a JAG officer standing next to me trying to decide if that ISIS fighter that we let go or that commander that we let go will end up killing more civilians down the road, if those civilians that are providing ammunition and support are indeed lawful combatants under the law of war, if the civilians that are with them are family members but you have to make that unfort--unfortunate decision.

I just think we need to pause for a moment and realize no one--no military member wants to either intentionally, certainly not, or accidentally cause civilian casualties and there is an extensive reporting already. I think by layering additional reports on we not only send that additional pressure, which, again, can apply both ways, but we send a message, I think, to our commanders downrange who receive extensive training on these issues that they're not to be trusted.

And when you have reports going through the chain coming to the Congress, it--it--it has some secondary tertiary effects that--that--that I just don't think we fully appreciate here. I yield my time.

DAVIS: The gentleman yields back. Ms. Stefanik.

STEFANIK: Thank you, madam chairwoman. The protection of civilians is a fundamental part of all operations in DOD standards and policies reflected, as my colleague Mr. Waltz just eloquently outlined based upon his personal experience. I want to make a few key points why I oppose this amendment. So first, as Representative Bacon and Mr. Waltz outlined, there are already provisions in the Bill that increase the level of reporting of civilian casualties for DOD.

Section 1063, that modifies the annual reporting requirements, Section 1086, that directs an independent assessment of DOD's reporting and policy on civilian casualties and in addition, this is on--this is on top of Section 1057, which was in the FY-18 NDAA, which established a robust reporting mechanism for DOD, which is publicly available, has been--which has been pointed out before.

Second, on this committee, we talk frequently about the ballooning of reports and the cost on DOD. This chairman's mark already imposes 240 new reporting requirements. That's a 34 percent increase on our FY-19 Bill and a 79 percent increase for the FY-18 Bill. Third, this is not the job of the DNI and our intelligence community should not be tasked in this matter.

As one of the few members who sits on both HASC and HPSCI, this raises significant jurisdictional issues. We have seen this amendment before and this is the first time HPSCI has ever waived jurisdiction.

We're talking about the DNI, not the DOD here. So today, we started off in the subcommittee not being able to get a waiver when we were talking about an Undersecretary for Defense, but yet now we can get a waiver from HPSCI when we're dealing with the DNI if we want to legislate on this, propose this amendment for the Intel Authorization Act, because it should not be included in this mark, which is one of the reasons--one of the key reasons why I oppose it and lastly, for members who are serious about preventing civilian casualties, rather than this amendment, we should agree to fully fund the DOD at \$750 billion, which would restore readiness, it would modernize DOD and support surgical strikes and ISR training and operations that guarantee precise targeting with minimal civilian casualties and collateral damage. For these reasons, I urge my colleagues to oppose this amendment. I yield back.

SMITH: Yeah. Right. Right. So just two points, first of all, I would be absolutely appalled if the Department of Defense would say that for \$733 billion, they aren't as able to avoid targeting or hitting civilians. I--I would hope that within that range of money they--they would be able to do as good a job as they can do and the idea of an additional \$17 billion is going to make it less likely that we kill civilians, if that's true, that's a heck of an indictment

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

on what the Department of Defense is doing. I don't think it's true. I think the Department of Defense is working to try to limit civilian casualties (INAUDIBLE)--

STEFANIK: Will the chairman yield since it's in direct response to my comments?

SMITH: Sure.

STEFANIK: I appreciate that. As I said at the start of my comments, DOD has policies in place and as we heard from Mr. Waltz, takes very seriously civilian casualties to avoid them at all costs.

SMITH: And that's not the question I was arguing with.

STEFANIK: I--I highlighted the importance of an increased topline to rebuild readiness and to make sure we have the capabilities for surgical strikes.

SMITH: Right. And that's because--reclaiming my time.

STEFANIK: This is in addition to jurisdictional issues. Yield back.

SMITH: Reclaiming my time. That--that's--that's what you said. The part that I'm quibbling with is the notion that somehow an extra \$17 billion is going to make it less likely that they inadvertently kill civilians. That's the part that I'm quibbling with. I--I don't think that--that is an accurate argument. I will--will also point out that you're right, there are a lot of reports in this Bill.

Roughly half of those reports are Republican members' requests. A part of the reason we have so many reports is I've bent over backwards to try to meet members' requests to make sure that--that the committee was bipartisan and while I take the point that we ask--asking for reports does require something of DOD, our job is oversight.

That's part of what we do. We have to try to balance that, but as I think in a bipartisan way, if you went back and see who requested the reports, you would see, in a bipartisan way, we think exercising oversight is an important part of what we do and that's why--why--why we do it and certainly, part of oversight is trying to minimize civilian casualties and keeping--keeping an eye on that issue. Mr. Mitchell, I believe you were next up.

MITCHELL: Thank you, Mr. Chair. Maybe it's getting late and I missed something, can you confirm for me that we actually have a waiver from the Intelligence Committee? Is that correct?

SMITH: Oh, my goodness, we need a waiver? Yes, we have a waiver.

MITCHELL: Well, we jest about it, but we're talking a significant reporting requirement.

SMITH: I jest about the impo--that the possibility that that hadn't occurred prior to you bringing it up--

MITCHELL: Oh, that's a (INAUDIBLE). I--I--it wasn't an indictment of your comment, sir.

SMITH: --not about the importance--the importance of it.

MITCHELL: (INAUDIBLE) comment. CI--we--we talk about--we--we have a--we have a waiver from Intelligence on this, which is signif--significant reporting requirements noted by many yet a one-word amendment to add the word subsidy to last year's NDAA as it relates to Hu--Huawei--Huawei, excuse me, pronunciation, re--results in a referral to seven committees. Do we see some problem with how this is working? I--I--I--

SMITH: It didn't work--if the gentleman will yield.

MITCHELL: Certainly, of course.

SMITH: It--it didn't work any better when we were in the minority.

MITCHELL: I'm sorry?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: I said, it didn't work any better when we were in the minority. So I hear you, it's an imperfect process, as I said at the outline. I--I should also take this opportunity to point out that I was--the Intel Committee, actually, has been very cooperative. I was critical of them earlier, I apologize for them. I was wrong about what they were doing.

They have actually been--been cooperative. So I appreciate the opportunity to publicly retract those comments. I yield back.

MITCHELL: Well, re--re--reclaiming my time. I may suggest that I--if we go on the theory that every time we believe something's been overlooked when they were in the minority, this institution is not going to function very well long-term. So while you didn't like how it functioned, you said it, we have to strive to find middle ground on some of this stuff. And I'll--I'll yield back, but I'm just astonished. I'll--I'll--I apparently mis-changed (INAUDIBLE).

SMITH: If you can yield to me just one quick--quick point.

MITCHELL: If you can, but Ms. Cheney's (INAUDIBLE) me.

SMITH: Just ver--ver--very--very quickly, I didn't imply that it was better or worse in the minority or the majority, it's no different. I think it works the way it works and I think it works perfectly fine. We--we do work--work in a bipartisan way.

MITCHELL: With all due respect, Mr. Chair, referral to seven committees for one word is pretty--I mean, maybe it's my 35 years in private business, but I've got to say, oh, holy crap, you've got to be kidding. And I yield the remaining of my time to Ms. Cheney.

CHENEY: (INAUDIBLE) my time to Ms. Stefanik.

MITCHELL: I'm sorry, Ms. who?

CHENEY: I'd like to yield my time to Ms. Stefanik.

STEFANIK: I just want to reiterate the point regarding the jurisdictional issues. Again, there are very few members that sit on both HPSCI and HASC. I am one of them. This is an issue where at the beginning of this committee hearing, we were talking about an Undersecretary of Defense that we could not get HPSCI to waive for renaming, but yet we are now asserting jurisdiction over the DNI.

This is an overreach. This is not the oversight role of this committee. This should be in the House Permanent Select Committee on Intelligence and this should be debated as part of the Intel Authorization Act. I think this sets a bad precedent and I think this further confuses and further complicates jurisdictional issues which are already tough enough between those two committees. Just wanted to reiterate that point.

It's important for members to know whether you're on HPSCI today or whether you have future members on HPSCI. I know many of these members are interested in serving on HPSCI. With that, I yield to Mr. Bacon.

BACON: Just real briefly, I am quite confident the military does not want to take responsibility for reporting for DNI missions. That's--that's the concern here. This is a DNI mission, they should be doing the reporting and I--I know our military does not want to take responsibility for reporting on their operations. I yield back.

SMITH: Is there further debate?

THORNBERRY: Mr. Chairman.

SMITH: Mr. Thornberry.

THORNBERRY: I hesitate to get into quibbles, as you say, but as I have told you privately, I do think that while--while it is absolutely true both sides have used outside committee waivers to their advantage, I do think this year has been different. It has been more restrictive, more difficult, more things have been referred to outside committees than before.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

So I do quibble that what's happened this year is the way that it's always happened. I think it has been different and it has been more restrictive on members and maybe it's been more restrictive on both Republicans and Democrats, but it has been different.

SMITH: Further debate? All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed?

UNKNOWN: No.

STEFANIK: I ask for a recorded vote.

SMITH: Thank you. Recorded vote has been requested. We'll suspend this vote until we are done with full committee mark. I should say, along those lines, I've been talking with the staff, it's possible that we might--depending on how many stack up, we might want to do a series of votes before the very end, but that would only be in co--consultation with minority and there will be plenty of warning if we think it would help members that we don't get too far attenuated from where--where the debates were.

So keep that in mind. Like I said, I won't do that anytime soon. So if you need to take a break, you can take a break, but we are considering that possibility. All right. Where are we at? We will now consider log number 334R1 by Mr. Khanna. And we'll recognize Mr. Khanna for the purposes of offering his amendment.

KHANNA: Mr. Chairman, I have an amendment at the desk.

SMITH: Well, the clerk--the clerk will distribute the amendment. Without objection, the reading of the amendment will be dispensed with and the gentleman is recognized to discuss his amendment.

KHANNA: Thank you, Mr. Chairman. Again, noting the time I'll be brief. I was privileged to work with Representative Moulton and Representative Brown to offer a very simple amendment that reclaims Congress's constitutional role. The amendment says that there can be no funds used to go to war with Iran unless the president first comes to the United States Congress to seek authorization to do so or if there is a threat of attack on the United States consistent with the president's use of his powers under the War Powers Act.

This amendment should be noncontroversial. It's actually not even making a determination about a war on Iran. What's it's act--standing up for is the constitutional privilege of this body to decide on matters of war and peace. That's Article 1 of the Constitution. Even this president has recognized that we have spent \$7 trillion in endless wars, as he put it, in the Middle East and that has not advanced our own strategic interests, as articulated by this administration, which worries that China is our greatest rival.

To put it in some perspective, we're 24 percent of the world's GDP, China is about 15 percent, Iran is .55 percent. Historians will wonder what we were doing in a region that is--accounts for 3.5 percent of global GDP if our focus is how do we get ahead of China. There's a reason China hasn't been in a war since 1979 and has been devoting its resources to building its economy.

So this amendment is to reassert our constitutional values, but it's also to prevent another strategic blunder that could cost the United States the lead in the 21st Century. I yield back my time.

SMITH: Who seeks recognition? A whole lot of people. We'll go with seniority and go with Mr. Conaway.

CONAWAY: Thank you, Mr. Chairman. Did I miss the unanimous consent to go to three minutes?

SMITH: Yeah. It's five minutes, People, I believe. Yeah.

CONAWAY: Oh, thank you.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: But I'm confident you can do it in three.

CONAWAY: The--the amendment would talk about a--an emergency that's created by the attack on the United States as territories, possessions or Armed Forces is under attack by Iran, Iran's proxies, someone unrelated to Iran altogether. What--what triggers the--the attack? If the--the gentleman would yield time to the gentleman to--to clarify as who--who is the attacker.

SMITH: Mr. Khanna, you--

KHANNA: Which section is this referring to, the national emergency--(INAUDIBLE)--attack on--I mean, that would be an attack by--by Iran or the pro--you know, or proxies of Iran.

CONAWAY: So that's--that's how you interpret it, but that's not what it says.

KHANNA: I think that's--

CONAWAY: Anyway, the construction of it is I'm--I'm opposed to the amendment in general, but it seems to me that the implication that Iran is the attacker is--should've been better clarified in the amendment itself to--to lay that out, but I oppose the gentleman's amendment and I yield back.

SMITH: Thank you. Mr. Brown.

BROWN: Thank you, Mr. Chairman. I initially had concerns with this amendment and work closely with Representative Moulton and Representative Connor to make sure we did a few things and I'll use the previous gentleman's question as an example, we--we lift from the War Po--Powers Resolution the three conditions under which we could introduce our Armed Forces in hostilities and the same question could've been asked about the War Powers Act.

Well, what attack; right? We can't introduce U.S. Forces in hostilities unless we are attacked. Well, attacked from whom? Implicit in this, just like in the War Powers Act, is the attack from the entity to which we are responding. So in this case, it's Iran. We haven't altered the War Powers Act, we have not altered the inherent powers of the president in the Con--from the Constitution nor the inherent powers that Congress has, our constitutional powers in terms of declaring war.

What this is simply saying, and you see in the first par--paragraph in the findings, is there is no current authorization to introduce military forces in Iran today and maybe there will be some tomorrow, but there aren't today and if--and if--if there is, then this simply says you've got to come back to Congress just like you have to do under the War Powers Resolution that is current law.

So it's really a clarification and a--and a statement by Congress that there is no authorization today to introduce Armed Forces in Iran.

SMITH: Will the gentleman yield for questions?

BROWN: Yeah. I'll--I'll yield, Mr. Chairman.

SMITH: So in the War Powers Resolution, actually, it does not require Congress to approve before military action is taken. The War Powers Resolution, I believe, starts a 60-day clock that the president, if he feels he has to act, he can act, but he's got 60 days then to come to Congress if hostilities continue past 60 days. So this isn't even saying that you can't do anything before you come to Congress.

You are--you are free--that's the whole purpose of the War Powers Resolution. I yield back to the gentleman.

BROWN: Yeah. The--the--your--the War Powers Resolution has been interpreted as the--and certainly, you can never def--deprive our Armed Forces of self-defense. It's been interpreted as allowing the president, for example, to introduce forces to rescue and--and recover U.S. personnel that may be captured or--or harmed.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

It doesn't--it doesn't alter any of that. So again, it's just a statement from Congress that there is no authorization today to introduce our Armed Forces in Iran. I yield back, Mr. Chairman.

SMITH: Mr. Gallagher.

GALLAGHER: A question to clarify. First of all, I--I sort of like the spirit behind this, the attempt to insert Congress into the question of war powers and I think my colleague has successfully done that on a related issue recently, but is there a precedent, and maybe this is a question for the sta--for the staff, for any sort of proactive anti-AUMF like this that--that you could point to where we've said proactively that we are not authorized to go to war with this country?

SMITH: That's not really a staff question.

GALLAGHER: Well, then for the author of the amendment, Mr. Chairman.

SMITH: Okay. That--that's fine. It's--that's--that's--that's more of a policy call there as to whether or not there's a precedent, because a precedent won't exactly--

MOULTON: Will the gentleman yield?

KHANNA: I don't know, I--I wish there were. It would've saved us a lot of blunders in the last 15 years.

MOULTON: Will the gentleman yield?

KHANNA: Yeah.

GALLAGHER: I'll yield.

MOULTON: No. There is no precedent, because I don't think there's been a time in American history when Congress is so abrogated its authority under the Constitution to make these decisions and where we've had repeated conflicts under an authorization that is totally out of date, which is exactly the spirit of this amendment that you refer to.

So no, there is no--there is no precedent for this, but that's because I believe we're in an unprecedented situation. I yield back.

GALLAGHER: So for--I thank you for that. So I--I guess my concern would be by making this a new standard, which actually inverts the war powers standard by--by doing a proactive anti-AUMF, you almost implicitly say, in every country around the world where we don't have such a proactive anti-AUMF, the administration or any administration has latitude to do many different things.

You almost make it the new standard where Congress has to proactively act in this manner to prevent the Executive Branch from acting and I don't want to see any sort of increase of Executive Branch war powers, which leads to my second question, are we currently in a national emergency situation with respect to Iran?

SMITH: I'm sorry, are you yielding time to somebody or--

GALLAGHER: If--if either of the--

BROWN: I'll--I'll--I'll take that. I mean, look, the--the president has not declared a national emergency against Iran. Now, how we, in this body, want to characterize it is one thing, but Congress certainly hasn't declared war against Iran. Congress has not passed a resolution specifically identifying Iran as having attacked the United States warranting some sort of response.

Sure, there has been an escalation in the Middle East, but also of great concern has been language coming out of administrative--administration officials that suggest that they have authorization to go in Iran and this is clarifying that they do not.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GALLAGHER: So--so--so I would disagree, because indeed it has been the position of every single administration since 1979, Republican and Democrat, since Carter onto the present day, that we are in a national emergency situation with respect to Iran.

It's been recertified and renewed in every single administration and therefore, I worry that actually, in Section 3, with the criteria you've created, in attempting to restrain the Executive Branch, you've actually given them all the justification they need to make war with Iran, because indeed they are continuing tradition of saying, we are in a national emergency situation with--national emergency situation with respect to Iran.

And two, we have multiple instances, in the past three decades, of Iran and its proxies attacking American forces. So Iran has actually satisfied both criteria under Section 3 of your amendment. And so I just worry that this is actually doing the exact opposite of what it's trying to do and I yield the balance of my time.

BROWN: Will the gentleman--

KHANNA: I mean, maybe--

SMITH: I'm sorry, the--

KHANNA: Sorry.

SMITH: --the time ha--has been yielded and I believe both Mr. Khanna and Mr. Brown have already taken time on this amendment. Mr. Gallego.

GALLEGO: Thank you, Mr. Chair. I yield my time to Representative Moulton.

MOULTON: Just to reiterate, there are no new authorities granted in this resolution. So it reiterates authorities under the War Powers Act. Your idea that this gives the Executive Branch new authorities or more authorities is just not true at all. The text of this admin--of this--of this amendment reiterates authorities that already exist.

But let just be real about the situation here, the reason why we're having this discussion is not only because this administration and previous administrations have used the 2001 AUMF to justify wars that have nothing to do with the September 11th attacks over the last two decades, but also because members of this administration, including some of whom were the same people who pushed us into a war with Iraq have been war mongering to get us into Iran and that's been patently clear from not only the press reports, but the briefings that we've had in Congress.

I've fought Iranians on the ground in Najaf in 2004. I know that Iranian threat as well as anyone. If I wasn't concerned about getting into a needless unnecessary war, we wouldn't have this discussion, we wouldn't have this amendment and I'm sure that you would not have said that you like the spirit of this amendment because of the constitutional situation we're in where Congress refuses to even have a debate about an authorization for the use of military force.

So this amendment does not give any new authority to the Executive Branch, but it does send a very clear message that perhaps for the first time since 2001, Congress might actually take the step to do our constitutional duty and have a debate before another administration pushes us into an unnecessary war.

I have no problem whatsoever going to war with Iran if it's necessary, I'm just not confident in this administration that they will make that decision on their own. And oh, by the way, they don't have the constitutional authority to do so. I yield my time to Mr. Brown.

GALLEGO: Well, I yield my time to--my remaining time to Representative Khanna.

KHANNA: I just want to--I--I appreciate Representative Gallagher's thoughtful back and forth. I just want to make a clarification, there's a distinction between a national emergency classification, which is what we have with Iran and a national emergency as defined by the War Powers Act, which requires a national emergency created by an attack upon the United States, its territory or its Armed Forces, which we haven't seen.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

So those two things can't be conflated and I just echo Representative Moulton, this isn't giving any more authority, it's just reiterating what the War Powers is.

GALLEGO: I yield my remaining time to Mr. Brown.

BROWN: Thank you. I just wanted to--I take the time to acknowledge that Representative Garamendi did also collaborate on this and I yield my time back to Representative Moulton.

SMITH: The microphone--the microphone is not on, but he (INAUDIBLE)--

BROWN: I just want to acknowledge Representative Garamendi's work as well on this amendment and I yield my time back to Mr.--Representative Gallego.

GALLEGO: Thank you. I yield my remaining time to Mr. Crow.

CROW: Thank you, Mr. Gallego. And just to put a finer point on Mr. Khanna's earlier point about the conflation of those issues, to be more specific, I--I--I think what my colleague from Wisconsin is conflating is as the War Powers Resolution says an emergency that arises based on attack versus the Iranian sanctions, which are actually based on the IEEPA, the International Emergency Economic Powers Act, which is an economic emergency and that's the basis that's been reauthorized over and over again for the Iranian sanctions and certainly not conflating those two, I think, is important here. I yield back the remainder of the time.

SMITH: You want to take care of anybody else or--or are we good?

GALLEGO: I--I think I may have put some words in my--so, you know, I am in 100 percent agreement with this amendment. It--it was truly scary and deja vu to see what the mistakes and lies that led us up to the first Iraq War and like many of you, I also fought in that war and then to see this administration, you know, talk in the manner they did to us in our briefings and their justification, without going into details, I think terrified us so much to the point that we needed to act in whatever manner we can and this is, I think, one of the most quickest manners we can to restrain the--any crazy attempts, again, to lead us to an unjust and irresponsible or like the last administration did. and I yield back my time.

SMITH: Thank you. Mr. Waltz.

WALTZ: Thank you, Mr. Chairman. And Mr. Moulton, you--you don't have a monopoly on fighting against the Iranians on the ground in terms--in terms of credibility. There is precedent here, 1988--

MOULTON: Will the gentleman yield? I did not once say I have a monopoly, I said I understand it as well as anyone.

WALTZ: Okay. I understand equally as well. So let's level the--the playing field on credibility. This is--I don't think is about Article 1 versus Article 2 at all. I think it's very clear that this is aimed at this administration. The CENTCOM commander requested forces to go to the Arabian Gulf based on credible intel that was multi-sourced that many of us were briefed on and the intelligence community, in those briefings, stated very clearly that a body of evidence shows the Iranians backed down with face with conventional force, they are aggressive when faced with weakness.

We have a body Iranian officers and leaders who learn from the lessons of the attacking Americans in Beirut. We changed our policy and withdrew under the American--under the Reagan administration. We have a body of officers that learned by killing Americans in Iraq we reacted against their proxies and not against Iran themselves.

My concerns here are that this really has nothing to do with an AUMF against Iran. It is misguided. What--what's really concerning is that it's unclear in terms of our ability to defend Israel. It's--there's no carve-out for allies. What do we do if Israel comes under attack from Iran, Iran proxies, the Iranian threat network? What do we do in defense of a ship or a vessel in the Straits of Hormuz if an ally comes under attack?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

What do we do in terms of--Seventh Fleet right now is interdicting and conducting interdiction efforts in the Indo-Pacific to--to thwart Iranian sanction evasion, Syrian, Yemen, Bahrain. I mean, we can go on and on in terms of proxies, threat networks and a number of--of incredibly complicated and difficult Iranian activities and essentially, what we're doing is we're taking options off the table when the maximum pressure campaign frankly is working.

We did respond with strength. I commend the administration for not waiting until body bags were coming home before responding and we've seen an actually de-escalation in--in--in the theater. So I--I--I'm glad that we kind of got past that whether this was really about Article 1, about Article 2. I think this is aimed at the administration.

I think it takes options off the table right when--exactly when the policy is working and exactly when the United States needs to look united abroad and not divided and I would encourage my colleagues to--to oppose this amendment. Thank you.

MOULTON: Will the gentleman yield so we can respond?

WALTZ: I do yield.

MOULTON: I think your question about limiting responses to an ally like Israel being attacked is very legitimate and that should be a concern of everybody on this--on this committee, but there is nothing in this amendment that limits our ability to respond, because once again, it does nothing--it takes no power away from the War Power Resolutions.

So whether under existing law or under this provision being signed into law, the president could immediately respond to such an attack by using the U.S. Military to defend Israel and then report to Congress with--within 48 hours under the War Powers Resolution and in that situation, it's hard to imagine we wouldn't do that. So there are numerous provisions in existing law, including Section 201 of P.L. 110 409 that guarantees the U.S. will ensure that Is--Israel has a qualitative military edge to counter adversarial forces.

None of this does anything to diminish that, but it does, to your point, take options off the table. You're right about that. It takes options off the table, but the only option it takes off the table are the unconstitutional ones. That's the whole point of this amendment.

WALTZ: I've reclaimed my time. Yeah. So Mr. Moulton, I think--I--I think the difference here is we--we can argue the rest of the evening probably on the constitutionality and how this overlays with the War Powers Act, but my concern is the signal that's ascending both to our enemies and our allies at a--at a critical point in terms of the pressure campaign.

You may disagree with the administration's policy, but I don't think it is appropriate or responsible to tie their hands when the adversary has a history of acting through proxies and has a history of acting against allies and interests not directly against the United States.

MOULTON: We're only tying their hands to the United States Constitution.

SMITH: Seth, I'm sorry, you--you don't--you don't have the time. So gentleman's time has expired. If--if--I recognize--recognize my--myself in this amendment. This--there's really no mystery here and this is something we've been after for a while and were after during the Iran brief that we didn't get an answer to is we don't feel that the AUMF--the 2001 AUMF or the 2002 AUMF should be used as an excuse to take action against Iran.

That is the purpose of this amendment, something--and the administration was given many opportunities to say they wouldn't do that, they didn't say it. And yes, it's correct, we're--we're taking that option off the table, because we feel that it is an unconstitutional abuse of that power and as Mr. Moulton has pointed out, this is not the only administration.

I mean, we've been through three administrations now that have taken that AUMF from 2001 and twisted it beyond all recognition to use it as a just--now, they have a lot of other justifications within the War Powers Resolution to

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

respond, as my colleagues have done a better job of explaining than I can, but the focus here is to say you shouldn't be able to use an inappropriate authority to engage that military activity, you should stay within the law.

And the War Powers Resolution gives the president a fair amount of flexibility and a number of different options. Mr. Turner.

TURNER: This--there--there is just so many things that are wrong with this. I mean, let--let's start first with--with I--I think Mr. Gallagher ought to just like get up and take a victory lap around the room on Mr. Moulton's statement that he's fought Iran. I think that means that Iran fought him. I think he was a member of the Armed Forces and I think that means--proves his argument that number three could be like checkmark satisfied even though that wasn't the intent.

But the--the worst part of this is just the legislative malpractice of the fact that this--this is just horrible language. I--I--Mr. Moulton's statements of, well, of course, it gives them authority under the War Powers Act, no, it--it doesn't say that. It actually says no funds and it doesn't say except for otherwise. It doesn't say NATO. It does--it doesn't say, you know, under Article 5 of NATO, if Iran should attack one of our NATO allies that it's okay that it doesn't apply here.

It says, no funds. I mean, it doesn't have any other exception clauses, except we've declared war, we specifically enact statutory actions or an attack is happening on the United States, not our allies. If they attacked at Iran, this is not clear. I mean, this--it is not clear that it just--just of course, they could go--the United--the--the president would be able to protect Iran--Israel if--if Iran was attacking them.

The--this--this is--is not even necessary contrary to like what has been--been said in the prior statements. There was no statement by anybody from the administration that they have current authority to go into Iran and that's actually the words that were used in this hearing, into Iran--that they had authority to go into Iran. No one from the administration has ever said that.

Now, if you don't want them to use the AUMF for the 2001, say that, don't say this. I mean, thi--this is like the--the worst language on something that could not be so incredibly--I mean, that is so incredibly important, I can't imagine doing this, especially when you--when you consider our allies and this neighborhood and our interests in that neighborhood and what we try to do to help and support our allies in the area that you would just so blanketly try to restrict--

You know, again, there is so much in this Bill that is just--you know, I've--I never thought I would ever say thank God for the Senate, but thank God for the Senate, because there is so much in this Bill that is just so horrifically written that it's never going to become law and--and--and thank God this is going to be one of them.

But--but for goodness sakes, we could actually take the effort to draw legislation that is readable, understandable and that--that--that actually can be interpreted both within the protection of the United States or national security interests on our allies and this certainly isn't it. I yield back.

GAETZ: Will the gentleman yield for a question?

SMITH: He yielded back, but yes, we will pretend that didn't happen and he still has the time and if you wish to yield to Mr. Gaetz, you (INAUDIBLE).

TURNER: Sure. I yield to Mr. Gaetz.

GAETZ: So m--so my question is if there was language that simply said it's the sense of Congress that the 2001 AUMF--AUMF does not authorize force against Iran, would that satisfy the gentleman's drafting concerns?

TURNER: Say that again, I didn't hear you.

GAETZ: So I was listening carefully to your argument and would it satisfy your concerns if, within the NDAA, we said it was the sense of Congress that the 2001 AUMF does not authorize hostility to Iran?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

TURNER: Well, I think it would satisfy what they said was their intent. At least you'd have something that was written in English comparable to what they're espousing as their intent.

GAETZ: So would you vote for that?

TURNER: So I--I'm not voting for that, but again, there's no one from the administration that said they would do that. So this is--this is outrageous steps to be taken for something that has--has never been said. It--it is--it is not something that--that is in front of us to even debate.

SMITH: He's got the time.

TURNER: Mr. Gaetz, I'll yield to you if you need additional time.

GAETZ: Oh, thank you, Mr. Turner for yielding. I recall a briefing in the CVC where information was shared that is not consistent with what you're saying to us regarding the connections between the 2001 AUMF and Iran. I--I know we can't get too precisely into that and who said it, but these--the--the--the notion that the administration has never maintained that there are elements of the 2001 AUMF that would authorize their hostilities toward Iran is not consistent with my understanding of what they said to us.

TURNER: Well, Mr. Gaetz, it's--it's--I can assure you that--that no one stood in front of you and said that the 2001 AUMF, on behalf of this administration, provided them sufficient authority to go into Iran. What they said was that they would comply with all laws, both publicly and--and--and privately. It's the same statement.

SMITH: The gentleman's time has expired. Mr. Garamendi.

GARAMENDI: I suspect that--I would suspect that if we would back down for just a few moments, all of us would want to have a situation in which a resolution of Congress would proceed any war with Iran. We've seen that in past situations, certainly, the Iraq 1 and 2 that occurred and it should occur if there is a situation in which we would engage a war with Iran.

The language in this particular amendment is flawed and it has--and therefore has raised many, many questions that I believe most of us would like to see resolved so that there is clarity that the House Armed Services Committee would be in a position to carry out its constitutional obligation to declare war in what would be a very significant fight.

Now, the other purpose for this particular amendment is to make it clear that we believe that it is our obligation to debate and to decide on behalf of the American people if we want to war with Iran. Now, as I said, the language before us was not what I had recommended. I think it--I would hope that what I had recommended would deal with some of the concerns that have been expressed here, but I would like to see this go forward.

Undoubtedly, on the floor there will need to be clarity on this matter and I would urge all of us, Democrat, Republican, Conservative, whatever to work together to make it clear that ambiguity that exists today could create a war that we have not authorized and part of that is seen in the current language and Mr. Gallagher pointed it out very clearly, the administration has been using the word emergency over and over again.

Unfortunately, the language here might actually lead to what Mr. Gallagher has correctly expressed a concern about. We have to be very careful here that we write this thing carefully, but I would urge all of us that we shoulder the responsibility that is given to us by the Constitution in which we agree to accept in our oath of office. Now, I'd like us to go forward with this even though it is flawed, because it is a message to all of us that we need to address this issue.

It may or may not pass, I don't know. I'm going to wind up voting for it even though I think there are flaws in it as written. I would like to see this on the floor. We have, for more than a decade, asked for a debate on the use of force. Afghan 1 and Iraq 2 AUMFs have been discussed repeatedly, but have never been really debated on the floor. We are on the cusp of another fight in the Middle East and we need to be involved.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

So I want this to go forward. I see the flaws that have been brought forward by Mr. Turner and Mr. Gallagher and others, but I think it's really, really important for us to say, okay, we've taken this up, you may know that it's not exactly right, but let it be known that this committee that has the fundamental responsibility of funding the military and making sure the military can win a war is going to be heard before that war commences. So with that, I yield back.

SMITH: Mr. Thornberry.

THORNBERRY: I am very sympathetic with the constitutional concerns that have been expressed today and--and many times previous, but I want to elaborate for just a second on Mr. Garamendi's point about flaws in this language. The senior general officers responsible for operations on the Joint Staff and at CENTCOM were asked to look at this language and say what difference it would make to them.

Their view is that if enacted, this language would limit the inherent right of self-defense at a time when we have specific detailed incredible threats against the 65,000 military personnel in the CENTCOM AOR. It would immediately stop purely defensive intel sharing, air defense and border security we are doing with partners in the region.

It would stop active information-related capabilities directly countering Iranian threat networks that members have more sensitive details about from CT and cyber-classified quarterly briefings. I just think we need to be careful about what we do. That's what Mr. Garamendi said and that's some more specifics. I yield back.

SLOTKIN: Thanks. Can--can I actually just pose a question to Mr. Thornberry then? If the language was changed to a simple one sentence along with what Representative Gaetz was suggesting, that nothing in the 2001 AUMF authorizes war against Iran, a simple sentence in respect to the Constitution, would you support something like that?

THORNBERRY: Uh, if the gentlelady will yield, I--I would certainly consider. The reason I hesitate is because--and--and we have not updated the 2001 AUMF. And therefore it has been used through the cour--expanded through the courts to include ISIS and a--and a--and a variety of terrorist actors. I can't go into the detail, but Iran could be involved with some of those terrorist actors. But I'm talking about the terrorists, not the state of Iran. So you kind of see the complication that--that's at least going through my mind. I do not believe, for what it's worth, the 2001 AUMF authorizes military force against the state of Iran. And I think--well, I'll--I'll just top there.

SMITH: Will the--will the gentlelady yield? Could I--

SLOTKIN: Hold on one second.

SMITH: Wait--ooh, sorry. Yes. Go ahead.

SLOTKIN: So I mean, I would be in support of saying something as simple and as elegant as that. And I don't know how to do it procedurally. But I think that is--it's a simple way to do it, it doesn't complicate things. I--I do think this is a messy resolution, but still on net a positive thing to do. I would say to Mr. Turner, to be intellectually honest, and without going into classified details, the pres--in--in alignment with what Representative Gaetz said, we were absolutely presented with a full formal presentation on how the 2001 AUMF might authorize war on Iran.

Yes, I'm--sir--I'm sorry, sir, Secretary Pompeo said it with his own words. He did not say, I want to go to Iran and I'm going to use 2001. He referenced--I don't want to go into the details. He referenced a relationship between Iran and Al-Qaeda. And--and I--and I will tell you that it goes to the heart--yes, sir. Just let me finish.

SMITH: Will the gentlelady yield--

SLOTKIN: I'd like to be the one woman recognized in this conversation. The--there is--to me, once he opened that door, he asked for an answer. And to me, the one sentence that I understand maybe still don't feel like, you know, it's a--if it's a messaging thing that people are concerned about, maybe they can vote for nothing. But that to me

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

seems the minimalist way that we can still preserve the constitutional rights of this body to authorize military force. And I yield to Mr. Turner, since I ref--reference him specifically.

TURNER: Thank you. I--I have a great deal of respect for you, as you know. And when the--the time that we spent together in Munich talking about national security issues and on the panel together. So I appreciate that you have--have clarified your concern about your perception of what the secretary of state has said. Your--I understand your extrapolation from that statement to this concern. It was not a nexus that was expressly stated. But I understand your extrapolation and--and your concern from there. So thank you for--that's incredibly honest and--and clear, and I understand that.

The--I didn't share the same concern because I believed the--the--the very public statement that he has made later, and--and clearly of--of--that they would be following the law. My issue and concern is--and because I--I've been here and I--I--where--and I was incredibly opposed to our action in Libya. I think the unbelievable toll of civilians has been incredible. The war mongering that occurred there, there was no nexus to--to the AUMF of--of--of 2001. And yet we went in and did full on regime change. Loretta Sanchez and--and I went all the way to the command--up the command, to--to try to get clarify as to why Congress--where--to force Congress to be able to have a--a voice, which I think could have stopped it.

My concern is--is that--that we're--we're--because people are trying to be protective of what might happen, that we're making mistakes, of what we could be doing wrong. And--and I--I--I just am very concerned about this neighborhood. I--I--I don't think that that one sentence concludes the debate. I think, I--I--I think this is premature. But I--I share everyone's concern. I mean I certainly believe that--that the--that the president of the United States, the administration should come to us if Iran is going to--to--if they're going to go to Iran. So I'm--I share your concerns.

BROOKS: Thank you, Mr. Chairman. To me there is no ambiguity in this language. It prevents the United States of America from defending our allies should there be an attack by Iran on Saudi Arabia, the United Arab Emirates, Kuwait, Israel, Jordan, whomever. And I hope everybody will just look at the language and decide for themselves what it says. Paragraph B, in general except as provided in subsection C, i.e., except in subsection C, none of the funds authorized to be appropriated or otherwise made available to the Department of Defense, or to any other federal department or agency, may be used for any use of military force in or against Iran.

Well, let's go to C then. What are the exceptions? There are three. Quote, exceptions, the limitation in subsection B shall not apply if, one, Congress has declared war, and there's the delay to do that; two, Congress has enacted specific statutory authorization for such use of military force that meets the requirement of the war powers resolution, and such authorization is enacted after the date of the enactment of this act, again a delay, in the defense of our allies; or three, a national emergency is created by an attack upon the United States, its territories, or possessions, or its armed forces.

So if we get intelligence that Iran is about to attack one of its neighbors in the Middle East, an ally of ours, this language prohibits the United States from preventing that kind of attack, from interceding and saving the lives that otherwise would be lost. For that reason, I urge this committee to vote against it.

SMITH: Mr. Bacon.

BACON: Thank you, Mr. Chairman. Two points. I agree too that the 2001 AUMF does not apply to Iran. If we--but if we want to make that clear, we ought to just make that clear. This--the 2001 and 2004 AUMFs do not apply to Iran. I think we keep it that simple. And the second part is, and Mr. Brooks and Mr. Waltz have hit on it, there has--if we're going to go with this wording, you have to have something about allies. Because we have units in Israel, Saudi Arabia, Jordan, and so forth. Missile defense forces--if--if our ally is under attack, can our missile defense forces be used to interdict ballistic missiles going to Israel. This would not permit it. Because this just talks about defe--only if our forces are under attack, not our allies.

So there has to be some kind of addition for allies in this. And I would suggest a more simple line about the AUMF does not apply. Thank you.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Thank you.

BANKS: Mr. Chairman?

SMITH: We've--we--we had a couple other people. This is a robust, important debate; if you have new points to make, that--that's appreciated. But I think we've made very strong points. Appreciate that. But we do have two people who have requested time, three people. So Mr. Banks.

BANKS: Here--here we are, 17 hours after starting this hearing. I've been--I've been scratching my head and looking for many ways to overlook many of the issues in this bill that I don't agree with, in hopes that we can move an NDAA forward to the Senate, and hopefully the Senate can fix many of the problems. But what we have in front of us right now is an amendment. The senior general officer is responsible for operations of the joint staff and CENTCOM say would actually make America less safe, and would prevent us from protecting our allies like Israel.

And that's where I draw the line. That's where I say, enough is enough. If this amendment passes, there is no way I could--I could vote for this NDAA. Whether you agree with it or not, we have to ask the question of what is it going to take to get this N--NDAA over the finish line, pass it through the full House of Representatives when it passes out of this committee, and pass it forward, so that we can support our troops, so that we can secure America's national security, which is why each and every one of us, Republican or Democrat, sits on this committee to begin with.

We've spent 17 hours debating ways to support our military, protect America, keep America safe and secure. And right now we have an amendment--amendment in front of us that senior military leadership, not--not political appointees, but senior military leadership tell us would make American less safe and secure. I--I hope that my colleagues on the other side of the aisle, especially those of you who are new, will think very deeply about that, and--and oppose this amendment with the rest of--with the rest of us. With that, I yield back.

SMITH: Thank you. Mr.--Mr. Khanna, if I could ask you, because I--I think there are many members on this committee who are very adamant about making sure that the legislative branch upholds its side of the bargain here, and that we don't use the 2001 AUMF or existing authority to supersede the War Powers Resolution, to superseded--to act like Congress has given authority that it hasn't given. A lot of people want to do that. A lot of people are very uncomfortable with the actual language here.

So I would like you to explain clearly how within this language--and please don't tell me who's vetted it, and who's agreed to it, and who likes it--just in a plain honest conversation, how this language doesn't create the problems that are being described about allies being attacked, and whether or not we can respond to that within Article 5 of NATO and elsewhere. Just plain language conversation--protect that.

KHANNA: Well, first I--I appreciate the conversation, Mr. Chairman. And I appreciate the constructive criticisms. I know they come from a place of intellectual debate, which is what this committee should be for. The resolution allows the president the authority under the War Powers Act. Section 8 of the War Powers Act allows the president of the United States to take immediate action if there is a threat or an imminent threat to our troops or any treaty ally. That means under the current law, if this--if we didn't do anything, under the War Powers Resolution, this president, if Israel was attacked tomorrow, could take action, doesn't need the authorization of Congress, and doesn't have to come to Congress till 60 days.

Nothing any of us can do changes that president's authority to do that either if our troops are attacked or if Israel is attacked under the current law, unless we repeal the War Powers Resolution that was passed in 1973. So by having which was Representative Brown's suggestion, actually the original draft that was drafted--and by the way, you can disagree with who helped look through the resolution that was drafted by, you know, the national security network, which are, you know, you can disagree with it, but these are serious--

SMITH: Reclaiming my time, if I could ask one quick question about that.

KHANNA: Yeah.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: And--and that makes sense that the War Powers Resolution still applies. But the War Powers le--legis--legislation--sorry, it's a piece of legislation. So if we pass legislation, it alters said piece of legislation. Well, it depends on how we pass it. And it says, except as provided in subsection C, none of the funds authorized to be appropriated or otherwise made available to Department of Defense. Basically you can't have any money to go to war with Iran, period, except if Congress has declared war, Congress has enacted specific statutory authorizations for such use of military force that meets the requirement of the War Powers Resolution, or a national emergency is created. It doesn't say in those exceptions, pursuant to the War Powers Resolution.

BROWN: Mr. Chairman, if you'll yield for just--

SMITH: Yes. I--I will yield to the gentleman to answer that>

BROWN: Yeah. I mean the very last section says nothing in this act may be construed to abrogate the restrictions related to the use of force or to relieve the executive branch reporting requirements as set forth in the War Powers Resolution. I mean, in anticipating that concern, are we altering--that's in the--that's in the--the end of the--

SMITH: Yeah. I'm looking at it.

BROWN: In anticipating that concern that, hey, you're modifying the War Powers Act, that's why that was put in there.

SMITH: All right. So leading--reading that last section it says, nothing in this act may be construed to abrogate the restrictions related to the use of force or to relieve the Executive Branch--so basically it says it doesn't change the War Powers Resolution, which empowers the president to--to basically deal with the situations that other people have been raising here, to basically act if our allies are attacked. That--that makes sense to me. Mr. Bishop.

BISHOP: Mr. Chairman, look, I--I appreciated what people have been saying here. And not that I'm a wonderful wordsmith, but everyone has been talking about something that I think we could if there were time easily come up with language that would satisfy the concerns. When you tried to explain this bill, I thought it was very direct and to the point. Unfortunately what you were saying is not necessarily the same as this bill. If indeed that last--that last portion of it does not change anything, then it is redundant.

What I'm trying to say is, I would ask you, this is one of those things that if it were in the bill could change the actual vote on this. If it were given time to work out something that could be taken to the floor, I think you have enough people talking here that you could talk about how to actually implement this, how it would impact our allies, specifically NATO and Article 5. In addition to which, put some timelines in here. How far back in history does some event have to take place in which--

SMITH: And would the gentleman yield--

BISHOP: And so I'm--I'm begging you to think that if we were to back off on this at this point, and give some time to work on it, your assurances to everyone else that we will bring something to the floor, that would be a solution. Because I don't think everyone is that far away from a potential solution.

SMITH: Right. If the gentleman will--will yield.

BISHOP: I'll--I'll just quit and you can have the time.

SMITH: All right. What--whatever works. I--I tend to agree with that. And let me just say, I--I remember a dozen years ago now when--when we tried to update the AUMF in 2001. And that is not an easy thing to do. When you start getting into the language here, it is incredibly complicated and very difficult. And everybody is going to interpret it in 1,000 different ways. And I will tell you, and I want to make clear in this NDAA, that you have to follow the law and follow the Constitution before you go to war with Iran. I absolutely want to do that. And we absolutely will do that.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

It was my initial preference to do that on the floor. This amendment was worked out by a bunch of people. I am troubled by this amendment. Now I--because--and I--I can walk through it, and I can reach Mr. Khanna's conclusion, as we just did, I can walk through it and reach other conclusions. I would prefer if we took this up on the floor so that we could get the language the way that we wanted it to. That however is up to Mr. Khanna. It's his amendment. He's offered it. I believe there has been a good faith discussion in a bipartisan way. And I'm under no illusion here. I know that a fair number of Republicans, no matter how we word this, aren't going to vote for it. But we do have a majority in the House, and would be able to pass this on the floor whether--whether they agreed to it or not. And I think there are many Republicans who would agree to it.

I think it would be good for this committee if we could withdraw this amendment and work on this on the floor, given how complicated and difficult the issue is for constitutional lawyers, let alone all of us who are--who are trying to understand it. Mr. Khanna.

KHANNA: Well, Mr. Chairman, out of respect for you and your leadership and others, I'm happy to do that ultimately. But I want to make a couple points before that.

SMITH: Please.

KHANNA: First of all, to Representative Gallagher's point, in 1982 the Boland Amendment to the Defense Appropriations Act, actually did prohibit the use of funds to overthrow the government of Nicaragua or promote a military exchange before Nicaragua or Honduras, that was preempted. Second, I fundamentally believe that this language as Representative Brown, and Representative Moulton, and I, and many constitutional lawyers have drafted, addresses all the concerns that other people have raised. I just want to make that clear. There is nothing that limits the president from engaging in actions to defend our troops, or imminent threats, or any of our allies, or Israel.

You will understand the skepticism of people who have been trying to stop bad wars, when people who have supported a lot of those wars are suddenly picking at the language and saying, let's wait, let's do other things. Now I am taking in good faith the suggestions of Representative Bishop and Representative Gaetz. I mean Representative Gaetz and I don't agree on many things, but he's been very principled on a lot of non-intervention issues. And other members on the other side, and Representative Moulton and Representative Brown and I talked, and we would like to see a genuine--if we can get a bipartisan effort, we would prefer that

SMITH: And my--and my commitment to you is, if we get a bipartisan effort, that's great. But my commitment is, even if we can't get a bipartisan effort, we will have a vote on the floor on this issue. And--and the language problem--and this is what I went through with on the AUMF, I'd write it up, I'd show it to one group of people, they'd say, okay, Well, this is clearly what it means. I'd show it to another group of people just as knowledgeable, and they would say the exact opposite, looking at the exact same language.

So there--there are a lot of complications to work through here. And the simpler is the better. I think we've covered this. If the gentleman would withdraw, he has my absolute commitment that I want language in this bill that makes clear that there will not be an unconstitutional war in Iran. And we will be committed to doing that on the floor. This language I don't think at the moment is going to get us there. So if you would withdraw, we will continue to have that discussion and make sure that it's ready for the floor. You have my commitment on that.

KHANNA: Out of respect for your leadership, I will withdraw the amendment.

SMITH: Thank you. I appreciate that. With that amendment withdrawn, where we at here? Next is log number 306 by Mr. Moulton. You are recognized on your amendment. No, sorry. Mr. Moulton, you are recognized. I'm sorry, you have to say you have--

MOULTON: Mr. Chairman, I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. And without objection, we'll dispense with the reading of the amendment. And the gentleman's recognized to discuss.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

MOULTON: Mr. Chairman, my amendment would increase the authorized number of Afghan special immigrant visas in the chairman's mark by 4,000 visas. I want to acknowledge and thank the chairman for his work to authorize an additional 300 visas in the underlying bill. But there is still so much more work to be done. Congress created the Afghan Special Immigrant Visa program to bring safety to the brave men and women who risked their lives to help the U.S. mission on the ground in Afghanistan, who risked their lives not just for their country, but for ours.

These brave people looked at America and believed in the ideas behind our nation so strongly, that they were willing to risk their lives to bring those freedoms to their country. And their support for our mission exposed them to direct threats, and jeopardized their safety and that of their loved--loved one. Those risks remain. But in recent years the SIV backlog has continued to grow. Congress has struggled to provide enough visas to bring our allies to safety here in America. Thousands of Afghans are still waiting on the safety that only comes from within our borders.

So I want to thank my colleagues, Representatives Waltz and Crow, for cosponsoring this amendment and for their support for the program. They have their own very personal stories to share about the invaluable support they received from their partners in Afghanistan and Iraq. So I look forward to working with the chairman, the ranking member, and Mr. Waltz and Crow, to ensure we live up to the promises we made to our friends and partners. But I will be withdrawing the amendment so that we can find funding sources for it. With that I'd like to lead--excuse me, I'd like to yield my time to Representative Waltz.

WALTZ: Thank you, Representative Moulton. And thank you for your leadership on this. Not only do I share your commitment to finding--funding for this important program to increase this cap, but I also share your commitment to getting to the bottom of why this State Department is having such a hard time approving providing these important visas. I'll just--you know, we all have our--our stories. I've sponsored Afghans coming over here. I've also lost Afghans who were executed along with members of their family while on the waiting list, which is now over 50,000.

I just can't overstate how dangerous it is for not only for these--for these men and women, but their entire families to work with us. And I can't overstate what a strategic issue it is for our armed forces. Allowing these Afghans and Iraqis to be killed who have worked with us, or deploying forces without effective interpreters and translation support, is like deploying them without radios. They are--they are ineffective in talking to--in talking to the populace. And right now they're getting the signal loud and clear that America won't live up to its word. So I thank you again for your leadership and I share your commitment to--to improve this program.

SMITH: Thank you.

MOULTON: Thank you, Mr. Waltz.

SMITH: Gentleman, yield back.

MOULTON: I'd like to yield my remaining time to Mr. Crow, Mr. Chairman, if that's all right.

SMITH: Yes.

CROW: Thank you, Mr. Moulton, for your leadership on this issue, and Mr. Waltz as well. I would reiterate that there is a--a very important moral element to this that we have folks across the world, and obviously particularly in Afghanistan, who have risked their lives and put everything on the line for our country, and for what we represent, and what we have been fighting for. And we certainly have to honor that. But there's also another dimension to this as well. And that is a national security dimension. And our ability to operate in many places throughout the world relies on our ability to actually recruit interpreters and local support.

And if folks do not think that our word is good, that we will honor them, that we will protect them and their families, we will not be able to recruit that support, we will not be able to communicate with local populations, and we will not be effective in many places in the world. So we have to maintain our moral credibility, as Well, as our logistical credibility, and be able to honor our promises to folks. I yield back the remainder.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Thank you. And just so--I'm sorry, if--

MOULTON: Mr. Chairman, I yield.

SMITH: Every year we try to get as many visas--the problem is it's a mandatory score. For whatever bizarre reason, we got to come up with mandatory money in order to fund these. We searched for as much mandatory money as we can. And we'll continue to do that once we get in conference. It is an important issue. With that, the amendment is withdrawn. And next up is log 501 by Mr. Thornberry. For what purpose does this gentleman seek recognition?

THORNBERRY: Mr. Chairman, I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. And without objection, reading of the amendment will be dispensed with. Mr. Thornberry.

THORNBERRY: Mr. Chairman, this may classify as tilting at windmills, but it has been a bipartisan admittedly issue that we continue to require reports, written reports, when briefings and other information transmission would often suffice. As was noted earlier in the underlying chairman's mark, there is a 34 percent increase in the number of reports this year over last year. It's a 79 percent increase over the year before. In the last two months, Pentagon has sent 24 reports to us at an average cost of \$60,000 for each report. So just the increase, and this doesn't include any of the amendments, anything we've done today, just the increase in the underlying mark is about \$14 million.

If you look at the 1,149 reports that were required in last year's NDAA, that's about \$70 million. Some of it is absolutely necessary. But too often we default to a requiring a report without considering the cost. I don't get rid of any of them. All this amendment does is says they all expire at the end 2021, so that if we need it, we can renew it. But let's just not have these things go on forever. I yield.

SMITH: I am willing to accept this. It's late. We could fight about this forever. We have other things to fight about. You know, we'll have to discuss it going forward. Because there are some of these--some of these reports are more important than others. And look, part of the problem, as you know, and this is not peculiar to this administration, Department of Defense is not always terribly cooperative about providing information with Congress. So we get pissed, and we put it into the law, and we force them to do it. If there was a better dialogue between us, we would be better off.

But if we could promise not to debate this further, I'll go ahead and accept it. And--and we'll figure out if there are perhaps some reports that we want to make sure we preserve, we'll look at it more closely, and maybe limit it to the number of reports that are sunsetted in 2021, to ones that are more, I don't know what the word would be, less important than the others. Let's put it that way. Is there further discussion? Hearing none, all those in favor of the amendment will say aye.

UNKNOWN: Aye.

SMITH: Opposed? The amendment is adopted. Mr. Kelly is now up with log 224. For what purpose does this gentleman seek recognition?

[*]KELLY: Mr. Chairman, I have an amendment at the desk.

SMITH: The clerk will pass out the amendment. And without objection, reading of the amendment is dispensed with. The gentleman is recognized.

KELLY: Thank you, Mr. Chairman. I'm offering this amendment because the report language that I'm moving to strike is presumptive and would bias the outcome of the report. Mr. Chairman, as we all know, we have a periodic review board process which determines if detainees no longer pose a threat to national security and can be transferred, spec--specifically talking about Guantanamo Bay. And I understand that many of my friends on the

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

other side of the aisle think that this process, the periodic review board, is too slow, that it doesn't move fast enough.

But this is an area that we can't afford to be at 80 percent, 85 percent correct, 96 percent correct. This is one where we have to be 100 percent correct. It requires due diligence, more than almost anything else that we do. And when we're talking about Guantanamo Bay, it's a very partisan issue at times. But I was fortunate enough when I first came here four years ago to be able to go on a trip to Guantanamo Bay. Just like I visited the border. And because I was taking other people's words on these things. And I believed what other people told me. And so I had this perception in my mind of what we were talking about. And when I got there it was absolutely not true of what I had in my mind based on other people's thoughts.

And I would just tell you, in other places it references the closing of Gitmo, or we talk about bringing Gitmo detainees to the United States for medical treatment, and there's a whole lot of different ways that we talk about. But here's what I say, Mr. Chairman. When you visit there, these are not--the numbers will shock you of how many there are really that are there. It's not--it's not a great number.

So knowing how many people are there, first of all, we're not talking about this large population. We're talking about a very finite amount of human beings who have been detained for crimes in war, war crimes, or war acts. These detainees are not some good people. So you will hear stories of detainees, and what this person only did this small thing, and so they should be released, or they should do this. They are the worst of the worst.

And in Iraq in 2005, I don't mind rules of war, and I get rules of engagement, and I get things I don't like even as a soldier. But I--I literally captured soldiers for trying to blow me up, sent them through the judicial process in Iraq, and before I left home they had been released, and that same person tried to blow me up again. We can't afford to make a mistake and put these people back.

We can't rush the decision. We can't be time driven. We have to be 100 percent correct that they do not go back on the streets to try to kill more Americans or our allies. And with that, Mr. Chairman, I ask people to support my amendment to strike the language. And I yield back.

SMITH: Thank you. The issue here, there are broader issues, and we will debate a number of different issues here, and you kind of threw a bunch of them into this one amendment. This--this one amendment is focused on-- and I don't know what the number of individuals is, but it is a very small number of individuals who have been cleared for a repatriation. In other words, they have been determined not to be a threat.

It's also worth noting that a lot of people who were rounded up at Gitmo early on, it was a little chaotic when they were doing it at the start. And they weren't all people who had blown people up. A lot of times, better safe than sorry. And we have repatriated a lot of them.

And we're not even saying in--in the part that you're striking, you have to send these people back. All we're asking is, okay, you cleared them some time ago, and this is the Trump administration that's going to be making this decision, not the Obama administration. They've been cleared by the Trump administration. Trump administration accepted that.

And they have not been yet released from Guantanamo and sent back to a country. We would like to know where that process is at and why. So all of your arguments tonight, we'll get to some other portions of this, where what you say, we can--but on this portion, it doesn't really make sense that we wouldn't ask why aren't you repatriating these people. And wouldn't be that hard for them to tell us. They just haven't.

And so that's all we're asking here. So I mean there may be some other parts of this where we have clear disagreement on. But I wouldn't think we would have that big a disagreement on--on this piece of it. And with that, I'll yield to Ms. Sherrill for five minutes.

SHERRILL: Thank you, Mr. Chairman. I--I just wanted to make clear that these were several individuals, not the--the full group, who had been cleared for repatriation. Several of them have been successfully repatriated I believe in

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Guam, and Pilau, and South America. And reports have--have detailed who those people were. I think some of them are Uighurs from--from China that were kind of swept up in a bit of a dragnet and should not have been. And that is why they were cleared for repatriation.

It--it is a very lengthy detailed process. It's--it's--it took years for them to get to that point and for the United States government to convince itself that they in fact should not have been put in Guantanamo in the first place, and were not terrorists, and should be repatriated elsewhere. So--so this is a small subset, not people that were picked up on the battlefield, that had presumably committed some of the bad acts.

SMITH: Mr. Hartzler.

KELLY: Will--will the gentlelady yield, or has she yielded back, Mr. Chairman?

SMITH: I'm sorry. Ms. Hartzler has the time. If you wouldn't mind yielding a quick minute, Mr. Kelly, that would be helpful. Ms. Hartzler?

HARTZLER: I--I will yield a minute, just after I make a point here.

SMITH: Sure.

HARTZLER: So I support the gentleman's amendment. But I just wanted to share some facts, that I've been to Guantanamo three times, Gitmo. There were originally 779 detainees. And there are 40, 40 that remain. Ten faced charges under military commissions, 30 are indefinite law of war detainees. And so we're only talking about 40 individuals.

And the language in the underlying bill says that the lack of transfers is having a substantial negative impact on the functioning of the process and other proceedings, as Well, as the detainee population. The committee believes the repatriation process should recommence immediately and urges the administration to facilitate the transfer process without delay.

I just, you know, disagree with that. I mean a lot of the people have already been transferred. We only have 40 left, and--and ten are under the military commissions. They're facing charges. And there's 30 that are really, really bad people, that helped organize attacks on our country, so--

SMITH: Will the gentlelady yield for just one quick second?

HARTZLER: Yes.

SMITH: Does staff know how many people out of those 40 are currently have been deemed to be eligible for repatriation, and how many we're talking about in this amendment?

UNKNOWN: I believe that's five.

SMITH: Right. So again, it's--it's late. And there are a lot of other things to debate on Guantanamo. But if we can stay focused on--on the five here that have been declared eligible for repatriation, and argue why we shouldn't ask the administration, why haven't they been repatriated when the decision has been made. And I'm with you. (INAUDIBLE) that we talk about that. We're not talking about--we're talking about five that have already been declared to be re--repatriatable, if that's a word. And the purpose of this is to say, yeah, why haven't you sent them back. Focus on those five. I yield back.

HARTZLER: Thank you. Reclaim my--reclaim my time. The wording in the underlying bill though says the committee believes a lack of transfers poses serious--makes it sound like there's a--a huge amount of people, and they have need to be immediately--I'm not aware of the five, but I will yield to the gentleman from Mississippi.

KELLY: Mr. Chairman, and--and I think that is my argument, that's the main problem that I have, is that I'm a wordsmith and--and I'm sorry, but words matter, and they have meaning in each and every one. And that may be

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

part of going through war college where you had to write in too few words. You couldn't--but--but it almost sounds like we direct them to come out with the outcome that we want, Mr. Chairman. And I don't know that that's your intent. But if--if our intent is, if you take this out and you say, we urge the administration to facilitate the transfer process without delay, I have no issue with those words.

What I do have issue with is the committee believes that the lack of transfer poses serious policy and human rights concern, and that the lack of transfers is having substantial negative impact on the functioning of the PRB process and other proceedings, and on and on, as Well, as the detainee population and joint task force Guantanamo personnel. The committee believes repatriation process could recommence immediately. I'm okay with the order, you know, saying some of that. But I think almost we're directing the outcome that we want to get. And that is my issue with the words. Sometimes I think shorter is better and less is better when those words matter (INAUDIBLE).

SMITH: If the gentleman will yield, actually--

KELLY: Absolutely--

SMITH: Ms. Hartzler will yield, it's her time.

HARTZLER: Yes.

SMITH: Yeah. You--you can't almost direct someone legislatively. Either you direct them or you don't. Now I--I will grant you that there--there is encouraging language there. But we--we are not directing them. But I don't mind softening that language a little bit. I'm just trying to figure out process-wise how we do that. I don't want to mess around with an amendment to the amendment at this hour in the morning. I'm willing to accept the gentleman's amendment and we'll work on something a little more user-friendly for the floor. And we'll--we'll work with you on that, unless someone has a strong objection to that approach.

KELLY: Thank you, chairman.

SMITH: Further discussion on the amendment?

HARTZLER: I yield back.

SMITH: Oh, thank you, sorry. All those in favor, say aye.

UNKNOWN: Aye.

SMITH: Opposed? Ayes have it. The amendment is adopted. Mr. Kelly, we're back with you on log 225. For what purpose do you seek recognition?

KELLY: I have an amendment at the desk, Mr. Chairman.

SMITH: The clerk will pass out. And without objection, the reading is dispensed with. Mr. Kelly.

KELLY: Once again, Mr. Chairman, I thank you for the time. And before I get into this, I--I want to thank you for the hard work and--that--that you've put in on this entire--this entire NDAA. And I think I told you early on, I made a bet with folks that I thought you would get this done, and get it done on time, and in a bipartisan way. And I still believe that this deep into the process. So let's get there, Mr. Chairman.

This amendment would strike Section 1034 of the chairman's mark, which is a sense of Congress stating that the Sec Def should take into account standard of care at facilities administered by the Federal Bureau of Prisons. These people do not need to be housed on United States soil, ever. Gitmo is the most appropriate and safest place to hold these detainees. The medical care and treatment facilities there, including the people we can--experts we can fly in for specific needs or--or things that they need done at Guantanamo Bay, we can provide any level of care there that they need and provide the experts there without bringing them to the United States.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

As a former district attorney, and looking at the immigration laws, and all the issues, and all the federal laws we have with people claiming asylum, whichever side you're on, the problem is, is we don't know at what point they touch American soil. If they claim asylum in the right court at the second they--then we have a two year court battle, where some of these people who are the worst of the worst are now on U.S. soil with the opportunity to stay here. And so I urge you to support this amendment. Let's look at ways to improve the medical facilities there or the medical treatment there. But let's do not take an opportunity to bring people who should never come to the United States, to give them the opportunity to harm more Americans. And with that I yield back.

SMITH: Ms. Sherrill.

SHERRILL: I would just like to bring to the attention of the committee that we now have about 40 detainees and it costs about 4.5 million each year per detainee, which is 55 times the cost of holding an individual in a federal prison here. The difficulties of providing medical care on the island are increasing as the population ages. So we expect that cost to go up. And the United States already safely holds more than 400 terrorists in federal prisons across the country, including the 9/11 plotter, the Boston Marathon bomber, the shoe bomber, the underwear bomber. None have ever escaped. Federal courts have regularly provided effective--proved effective in convicting terrorists. And we've already put them through--several of them, convicted them in military tribunals.

So I think this is something that the committee really does have to take a--a clear look at. Because it is becoming more and more difficult to hold these detainees in Guantanamo.

SMITH: Thank--thank you. I recognize myself. The--the exact language being struck--stricken--struck here--the mark expresses a sense of Congress that medical care at Gitmo should meet adequate standards, and the DOD should take into account relevant standards at other facilities such as the Bureau of Prisons in des--designing policies. We're not talking about transferring to the U.S. in this section. We're simply saying that we should look and make sure that adequate medical care is being provided. Because we have received a fair number of reports that it's--it's a bit problematic.

In fact, one of the problems that we've heard is that--have a hard time having someone sort of advocate for the health care of the detainees, and basically say, you know, they got a problem here, and that they are not getting the help they need. And we just want to make sure there--there's adequate healthcare. So it seems like a reasonable provision. And I oppose that this amendment be (INAUDIBLE)--

CONAWAY: Would the gentleman yield? Would the gentleman yield?

SMITH: Yes. Mr. Conaway.

CONAWAY: Mr. Chairman, is there some evidence that over the 17 years we've held folks down there that the health care was not adequate?

SMITH: Yes. As a matter of fact, I had a couple of Judge Advocate Generals in my office talking about a gentleman down there now

CONAWAY: So one person out of 700, I bet you could find a lot--

SMITH: Sorry, did you--did you yield the time?

CONAWAY: So anyway, I--I just don't know that--that--that that's the--

SMITH: Sorry, you asked a question, I was taking a stab at answering it there. And was told basically that, you know, the guy has back problem, can't walk and everything. They didn't heed that. They like put him on a bus, took him for a 10-hour hearing. We were sitting around waiting forever. Nothing ever happened. Put him on the bus. Took him all the way back. And he was not in medical condition to do that. And there was no one there to advocate him. So yes, there is some evidence. So we would like to--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CONAWAY: Would you clarify that 10-hour thing? I don't know there's any--you ride a bus 10 hours in Guantanamo Bay--

SMITH: Sorry. The 10-hour thing is how long he sat waiting for what was going to happen to happen that didn't happen. Then he had to go back to where he was. This is what the Advocate Generals explained to me when they came into the office. So yes, I have been presented with evidence that there has been inadequate health care. And all this portion of the mark does, it says let's take a look and see, let's take a look and answer your question, basically, authoritatively, instead of just based on the evidence that was put before me.

KELLY: Will the chairman?

SMITH: Yes. Mr. Kelly.

KELLY: Mr. Chairman, one of the things that I have an issue with in the language is you--we--we direct or we--we ask the secretary of defense to take into account standards of care at facilities administered by the Federal Bureau of Prison in determining that care. I don't think that's the proper standard.

SMITH: Why not?

KELLY: And I also think that we start attaching certain things to them, we change them from a detainee, and start giving them the same status as Federal Bureau of Prisons--

SMITH: Reclaiming my time, Mr. Kelly, just--

KELLY: So just the Federal Bureau of Prisons--

SMITH: Re--reclaiming my time. Just out of curiosity, what--what should be the difference in the standard of health care that we give to inmates that we have convicted of crimes and locked up in the United States, versus the standard of care that we should be giving to people who are being locked up as law of war detainees?

KELLY: I think because some of the rights that attach when you come to the United States--

SMITH: We're not--they're not coming to the United States. They're in Gitmo.

KELLY: But when you start talking about standards of care, and if they get the right to go to a facility at the Federal Bureau of Prisons, it's outside of the prison thing--

SMITH: If I may, just for clarification point, this--this section of the bill that you are striking does not give them the right to come into the U.S. It merely attempts to say, let's look at the standard of care that we currently have at federal prisons, and see if it is matched by the standard of care that we have at Gitmo. We ain't transferring them anywhere under this section.

KELLY: And to be clear, in this--this--this--this language does not give them any rights that the prisoners under the Federal Bureau. It just compares them to, but is not--does not give them any rights.

SMITH: That--that--that is--is my interpretation. And I'm pretty sure that's exactly what it says.

KELLY: Yes, sir. Thank--

SMITH: Further discussion on the amendment? All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed, no.

UNKNOWN: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Opinion of the chair the no's have it. The amendment is not agreed to. It's now, in order to consider log 285. Mr. Waltz, for what purpose do you seek recognition?

WALTZ: I have an amendment at the desk, Mr. Chairman.

SMITH: The clerk will pass out the amendment. Without objection, the reading is dispensed with. The gentleman is recognized.

WALTZ: Thank you, Mr. Chairman. This amendment seeks to strike Section 1033, which is a prohibition on the use of funds for transfer and detention of additional individuals to the United States Naval Station Guantanamo Bay, to Gitmo. Section 1033 would, which is the language this amendment seeks to strike, Section 1033 would prohibit detention or transfer of any additional individuals under the law of war or pursuant to a military commission proceeding except those at Gitmo as of May, 2018. So basically going forward, no additional individuals can come into Guantanamo.

It would also require the attorney general to provide a plan within 60 days identifying a disposition other than continued law of war detention at Gitmo for each individual currently detained at Gitmo. So here are my issues-- here are our issues with Section 1033. The concern is that essentially this is a backdoor Gitmo closure. And though although there are currently no known plans to transfer new detainees to Gitmo, the option should not be taken off the table in order to be able to respond to emergent requirement. So currently I could tell you downrange, where we have special operators in 60 to 70 countries tonight as we speak, they are presented with a series of bad options.

Either they are forced to detain individuals on the battlefield, which they cannot do as operational units, as we've discussed. They are forced to release them to the local national judicial system which is often nonexistent, which is essentially a catch and release program. We have some type of creative solutions such as putting them on ships, which is not sustainable. Or they can come to Guantanamo. This language would prohibit them coming to Guantanamo. So essentially our operational forces would have nowhere to reasonably and responsibly put these detainees.

The other issue, in retire--in requiring the Attorney General to submit a plan identifying a disposition other than law of war detention is essentially then preventing the government from holding these detainees. Because as we've discussed, 30 of the current 40 detainees are held under law of war detention. Now we all know the Obama administration and President Obama on day one of his administration sought to close and order his administration to close Guantanamo Bay. And after eight years, as the president's number one and first priority, they were unable to transfer all law of war detainees. And they after exhausting every effort, and then held those remaining detainees under the law of war detention. We really have no other choice.

And in fact, I'll close with this, just a few days ago on June 10, 2019, the Supreme Court rejected a challenge to the indefinite detention of law of war detainees, that we were now going to ask the Attorney General to find an alternative to, an alternative that the Obama administration was not able to do, an alternative that the Bush administration was not able to do, and an alternative that the Supreme Court just recently rejected. So I--again this amendment seeks to strike that language. We need the operational flexibility to accept more detainees to Guantanamo. It's the least bad option after many, many years of trying to find other options, and the option that the languages directing the Attorney General to provide is essentially nonexistent. I yield my time.

SMITH: Before I respond to this one, I would ask unanimous consent at this point if people are okay with limiting the time now to two minutes in terms of comments. Is--is there objection to limiting to two minutes comments?

THORNBERRY: Reserving the right to object, Mr. Chairman--

SMITH: Yes.

THORNBERRY: That would mean proponents of an amendment only have two minutes to explain the amendment?

SMITH: Yeah. And opponents would too.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

THORNBERRY: I object.

SMITH: Okay. Mr. Thornberry suggested we have one five minute speech on each side. But that's, I don't know, I think probably more than one person might want to speak on some of the stuff that we got coming up.

THORNBERRY: Well, if--if the chairman would yield, my--my point was we've got several Gitmo amendments, several order amendments.

SMITH: Right.

THORNBERRY: And I kind of figured everybody could--could plug in there, or yield to each other within the five-minute time.

SMITH: Eh, okay. I'll take a stab at Mr. Thornberry's--yeah, the rule would be five minutes on one side, five minutes on the other, you can divide it up however you want. Is there objection to that? Okay. They're pretty close to broken at this point, I think. They'll--they'll agree to anything. All right. Yielding my--myself the time on this--this last one. I mean there's a fundamental fallacy in the there are no options. And the big fallacy here is you can do law of war detention in the United States of America. Okay. There is no reason you cannot--we've done it before. We--we did it in World War II.

You do not have to have them in Guantanamo which is an extraordinarily, as Ms. Sherrill pointed out, unbelievably expensive place to house them. And I want everyone to remember the history here. The reason we used Guantanamo was because we thought, incorrectly as it turned out, that if they were in Guantanamo, the Constitution wouldn't apply. Well, there were several Supreme Court decisions where it was made clear--and this by the way is why they don't get any new rights when they're transferred to the United States. The courts ruled you get habeas corpus; you get your constitutional rights even in Guantanamo. That's why we have the law of war detention. It doesn't change anything. It's just a lot less expensive.

Now the primary argument that has been used, which I view is largely political, to say that, oh gosh, we can't possibly take them out of Guantanamo, as these people are just too dangerous. Well, as Ms. Sherrill has pointed out, if the United States of America is incapable of holding dangerous people so that they are not a threat to the community, then we're all in a whole hell of a lot of trouble. Because in the United States of America we have murderers, rapists, pedophiles, and yes, some of the worst terrorists you can imagine being held in the U.S. safely and protecting the community. There is no reason to keep Guantanamo open at this point other than for the political point. Whatever we have here in--I personally think we should use the Article 3 courts to prosecute these people so that we do it cleanly and we don't wind up with the situation like Guantanamo.

But if you can't, if you want to go law of war detention, no reason. You can't do it in the United States of America. So I disagree and urge opposition to this particular amendment. And forgive me for a moment, I've got to look at something here. Oh, yeah. And this particular portion of it is about putting new people into court. There's no need to put any more people into the most expensive detention facility we have in the world. We have plenty of domestic options. So I urge opposition to this amendment. Further discussion? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: Opinion of the chair the no's have it. The amendment is not agreed to.

All right. Next up is--where we at? We're moving up and down the line here. Okay. I'm sorry, oh yes. Recorded vote is requested. And we'll do that near the end. It is now in order to consider log 255. Mr. Byrne, for purpose do you seek recognition?

BYRNE: I have an amendment at the desk, Mr. Chairman.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: And the clerk will pass out the amendment. Without objection, the reading will be dispensed with. Mr. Byrne.

BYRNE: Thank you, Mr. Chairman. I will be brief. Every year since fiscal year 2011, this committee has carried a provision that prohibits the transfer or release of Guantanamo Bay detainees to the United States. I was interested to see that this same language was not included in the chairman's mark. And that's why I'm offering that previous provision as an amendment. While I'm pleased to see that the chairman included a prohibition on the transfer or release of Guantanamo Bay detainees to Libya, Somalia, Syria, or Yemen, we should include a prohibition on the transfer of these dangerous terrorists to the United States.

Let's take a minute remember that the 40 detainees remaining in Guantanamo are 9/11 architects, Osama bin Laden bodyguards, and Al-Qaeda operatives. These are bad people who wish to do harm to people in the United States and would do it again if given the opportunity. This has been a bipartisan issue in the past and I hope it remains bipartisan today with a yes vote on this amendment. And I yield back.

SMITH: Thank you. I--I will be--be brief as well. No one is talking about releasing them into the United States. The transfer restrictions on Somalia have to do with people who have been again deemed eligible for release. This is the argument I made just a minute ago, so I won't--won't repeat it at any length.

We can hold these people in the United States of America far more cost-effectively and in a way that--the international community is not thrilled with Guantanamo for the reason that it was set up in the first place, that it was set up to try to **get** around the Constitution. It does--we've had many generals testify throughout the years that it does undermine cooperation with allies, the possibility that they may be sent to Guantanamo, which has a horrible international reputation. And there's no need for it.

We can hold them here in the United States of America under the exact same set of laws that we hold them in Guantanamo. Nobody's talking about releasing them. So I urge opposition of the amendment for that reason.

LAMBORN: Would the gentleman yield?

SMITH: Yes.

LAMBORN: I want to dispute two things, Mr. Chairman. When the--the trials were proposed to be held in New York City back in 2010, New York City estimated that their security--they didn't want to just throw them in jail, city jail. They wanted special security given the threat that they would pose to radicalizing other inmates or people trying to spring them from jail, perhaps. They were--they wanted to cover all those contingencies. New York City estimated that it would cost \$200 million.

SMITH: Reclaiming my time for just a quick minute, you--you're aware that colleague--I forget the names, Ramzi Yousef--Ramzi Yousef, the Blind Sheikh, a whole lot of very bad terrorists are currently held in the United States in prisons.

LAMBORN: Yeah. And (INAUDIBLE)--

SMITH: At a much less cost (INAUDIBLE)--

LAMBORN: And I'm going to **get** to that in a second.

SMITH: Okay.

LAMBORN: But the costs to New York City would--is a lot more than keeping Guantanamo open. And I--and I doubt if New York City is alone in that. So--

SMITH: If I could reclaim my time just one quick second. In New York City, they were talking about the cost of trying them, and going through the court proceedings, in New York City. Taking them back and forth to court every day. That's not what we're talking about here. These people are being held under law--law of war detention. We're

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

talking about the mere ability to transfer and hold them here. Trials is a more complicated discussion. I'll grant you that, but--

LAMBORN: That's true. But I don't think you'd have city or states that would want to just use existing facilities. They'd want to beef up those facilities.

SMITH: Well, what--

LAMBORN: And I know that because I have supermax in my district.

SMITH: Yeah. So do I. Well, actually, no, I don't. I have a federal prison that's not a (INAUDIBLE)--

LAMBORN: I have the most secure federal prison in the country in my district.

SMITH: So I guess the question is--

LAMBORN: And they don't--the people there, the guards, the families of the guards, they don't want these terrorists from Guantanamo Bay in their community. It's a security threat--

SMITH: Got it. Reclaiming my time for just a second. We already have Well, north of 300 terrorists behind held in the United States of America right now in these communities. And there's some pretty bad people. And I'll grant you, there are a lot of people down--of the 40 down at Guantanamo who are pretty bad as well.

LAMBORN: They're the worst of the worst.

SMITH: Yeah. Well, I don't know that you get much worse than Ramzi Yousef. You know, certainly in terms of the number of Americans he was trying to kill. We are able to hold these terrorists in the United States. We got 40 more. It simply doesn't make sense that we can't safely hold 40 more in addition to the hundreds that we currently hold. It doesn't make sense.

LAMBORN: Mr.--Mr. Chairman--

SMITH: If--I'm--it is my time, but I'm happy to yield.

LAMBORN: Okay. I'll--I'll ask for more time here. People in a community like Florence, Colorado, do not want these people in their community. It would--they would pose a hazard to their family members who work inside the prison--

SMITH: Just out of curiosity, does the gentleman have evidence that the people--the terrorists that we are holding now, I have not seen the stories about all of these problems about people in communities say you got to get this guy out of here, what's he doing in this prison, it's terrible for our community--

LAMBORN: The people at Guantanamo, Mr. Chairman, are in a special category. There's a lot of them. And they're bad actors.

SMITH: There's 40 of them. And we hold--Well, we've gone back and forth often enough. I think everybody understands both of our points.

LAMBORN: And one other thing, Mr. Chairman, the threat of radicalizing other inmates is a--would be a growing threat within our country. So it wouldn't just be a stable plateaued situation. It could be potentially much worse in the future.

SMITH: All right. I'm done with my time. Anybody else? Hearing none, all those in favor--I'm sorry, Mr. Kelly. I looked at you.

KELLY: Mr. Chairman, thank you for the time. There--there are so many issues with bringing these--and first of all the people who are here in the Federal Bureau of Prisons are who are here--the terrorists that are here, were already here and committed acts and crimes here. The majority of those committed crimes--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: If the gentleman will yield for just a second.

KELLY: Yes.

SMITH: It's not actually true. A--a fair number of these terrorists did in fact commit terrorist acts elsewhere and were convicted of committing them and locked up here. Just saying.

KELLY: And so those people are not. They--they--they are not. They have not been on this soil, or if they have, that's not where they were captured at the time. The second is, as many of those, not some of them, are--are different levels of threat. These men in Guantanamo have the ability to command, or get armies, or large numbers of people to do their bidding.

So the facilities here I think have to have upgrades. But the point is, is while they are down there at Gitmo, they are under the laws of war, the detention laws of war, not criminal acts. And we know there's trials. And when you start blurring those lines, and bringing people here, and we have a wonderful Constitution that guarantees rights to American citizens and other people who are in America who are not citizens, and we fight over the constitutionality, and which applies to which, and all those things.

What I do know is this, we don't have those arguments if they never set foot on U.S. soil. And I would--I don't want to take American lives and put them at risk at the bidding that a court somewhere will rule they get certain constitutional, or criminal, or immigration rights (INAUDIBLE).

SMITH: Will the gentleman yield for just one quick second?

KELLY: Yes, sir.

SMITH: You're an attorney. You're--you're--you're familiar with the decisions around Guantanamo, that basically said that the inmates at Guantanamo have the rights afforded by the U.S. Constitution because Guantanamo is effectively U.S. territory because we hold it. They don't get any more rights if they come to the U.S.

KELLY: Unless they come out from under the law of war detention act. And then all of a sudden because we started talking about Federal Bureau of Prisons, remember in the ones earlier. But when we talk about Federal Bureau of Prisons, when you start attaching things, then maybe all of a sudden they're no longer caught under the--the laws of war, Mr. Chairman. But now we start looking at them under the Federal Bureau of Prisons, or as a criminal, as opposed to a war act. And so that's--that's--that's my precautions of why I don't think it is good to in any case bring them to the United States of America.

SMITH: Right. All those in favor say aye.

UNKNOWN: Aye.

SMITH: Opposed, no.

UNKNOWN: No.

SMITH: Opinion of the chair the no's have it.

MEMBER: Ask for roll call vote.

SMITH: Roll call vote is requested. Moving on. Did we just do--yes. Okay. Log 151, Mr. Banks, for what purpose do you--

BANKS: Mr. Chairman, I have an amendment at the desk.

SMITH: Clerk will distribute. Without objection, reading is dispensed with. Mr. Banks.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BANKS: Thank you, Mr. Chairman. Guantanamo Bay detention camp has proven itself to be an invaluable resource throughout the global war on terrorism. Some of my colleagues would lead you to believe that the cost of Guantanamo Bay is prohibitively expensive and the intelligence gathered is not significant enough to continue funding these facilities.

However, let me assure you that this could not be further from the truth. Gitmo criminals have proven to have valuable intelligence for counterterrorism operations. High value detainees simply cost more than most incarcerated Americans. That's a fact. It is illogical to compare these drastically different groups of criminals and the facilities it requires to house them. We do not need to build a new facility to house these detainees when these secure structures already exist at Guantanamo Bay.

My Amendment prohibits the use of funds to construct or modify facilities in the United States to house individuals currently detained at Guantanamo. Building a similar facility in the United States would be a wasteful use of taxpayer dollars. These provisions should not be controversial as this language has been carried unamended in each annual NDAA since FY 2011. And many of you have voted for this language many times before.

In conclusion, I urge you to support my amendment prohibiting funds to construct or modify similar facilities in the United States. With that I yield back the remainder of my time.

SMITH: Thank you. I oppose this amendment as Well, for all of the reasons that I've stated at this point. So I will not restate them. But I urge opposition for, you know, we've had the basic Guantanamo debate. You understand the arguments. And it is true, this has been carried in the bill and I've objected to it every single year, unsuccessfully to this point. I'm hoping it's a new day. Any further discussion? All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: Opinion of the chair the no's have it. Recorded vote is requested. We will have a recorded vote. We are now on to log 250. Mr. Rogers.

ROGERS: (INAUDIBLE)--the desk.

SMITH: Clerk will distribute. Without objection, reading will be dispensed with. Mr. Rogers, you are recognized.

ROGERS: Thank you, Mr. Chairman. It's common knowledge we have a crisis at our border, not just a humanitarian crisis, but a--a crisis in the--the massive numbers that are coming across our--our border. It's the last three months we've had in excess of 100,000 migrants per month that were detained. In March it was 101,000, April it was 109,000, in May it was 144,000 migrants. This--and this is going to continue to escalate.

Now Mexico, Guatemala, Honduras, El Salvador, and Venezuela, are all part of this illicit pathway to our southern border. Civil unrest in Venezuela is driving displaced workers into these migrant paths. Honduras, Guatemala, and El Salvador are all hotbeds of migrant smuggling. Folks cross our border. And we know terrorists have long wanted to exploit illegal immigration into the United States. So releasing hardened radicals into our country with smuggling routes is asking for trouble.

So all my amendment says is that if somebody is deemed at Guantanamo Bay to be appropriate for release, they cannot be released into any one of these countries in Central America or South America that have these illicit pathways into our country. And with that I will urge a favorable vote and yield back.

SMITH: Thank you. Ms. Escobar? Oh, gosh. But if Ms. Escobar could yield for just one minute. I want to alert members, we possibly have to substitute amendment vote coming up. So we're going to have to get people back here if possible so we can work on that. Ms. Escobar.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

ESCOBAR: Thank you, Mr. Chairman. I wish to offer a substitute amendment.

SMITH: The gentlelady is recognized. The clerk will distribute the amendment. I believe we have it. Without objection, reading of the amendment will be dispensed with. The gentlelady is recognized.

ESCOBAR: Thank you, Mr. Chairman. My colleague's amendment alleges that Guantanamo detainees transferred to any of these countries will attempt to enter the United States illegally over land and that it poses a security risk to the United States. There is zero proof that any terrorists have ever come in through the southern border, or that what my colleague is alleging has ever occurred. That's why I feel an attempt to blacklist these countries is at best premature and at worst unfounded.

As the house membership Well, knows, negotiating these transfers is a delicate balance. We should not limit our options by further blacklisting a whole slate of countries based on generalizations not rooted in evidence. We've heard countless times today that many issues weren't studied before legislation is appropriate, and this is one of those issues. My amendment would do just that. This amendment would require a report to Congress on past transfers of Gitmo detainees to these four countries, including the date and circumstances of each, and provide real data so that we can accurately assess whether there is in fact a security risk, and if so what it is.

It is part of our oversight responsibility to gather a clear assessment of what the security risk is, and from there determine the correct response. Banning an entire group of countries with no information is a bad idea and one I fear we've seen before. This report would help us focus in and assess what if any risk has resulted from transfers to these countries. I encourage my colleagues to support this substitute amendment. Thank you, Mr. Chairman. I yield--

THORNBERRY: Ms. Davis.

DAVIS: Thank you. Is there any debate on the substitute amendment? Yes.

ROGERS: Thank you, Ms. Davis. Listen, this--this is knuckleheaded. We don't need a report to tell us you shouldn't release a known terrorist into a country that's got illicit pathways to our country. And by the way, I've been on the Homeland Security Committee since it was established. There have been numerous occasions where terrorists have come through our southern border to get in this country.

We have sleeper cells throughout this--don't shake your head no. I've been on the committee 16 years. I know what I'm talking about. This--these folks want to get to our country, they want to get to these sleeper cells, so that they can wait to be activated. These are bad actors. We don't need to waste money on a study to tell us don't turn them loose in these coun--in these countries where there's pathways that are active with massive numbers of people, they can get in cloaked by, and come into our country.

And just a second, an aside, and this is the Jim Cooper in me coming out. Every time we order a report, the Pentagon doesn't write these. They hire some FFRDC to write them. And it winds up costing a million dollars. So let's just don't loosely be ordering reports left and right like that doesn't cost us a lot of money. With that I yield back.

DAVIS: Thank you. Any further debate? Seeing none. Okay. If not, the question is on the adoption of the substitute amendment offered by Mr. Escobar. So many as are in favor will say aye.

UNKNOWN: Aye.

DAVIS: Those opposed.

UNKNOWN: No.

DAVIS: The ayes have it. And the substitute amendment is adopted. And ask for a recorded vote. A roll call vote is ordered and a roll call vote on the substitute amendment will be postponed, or cannot be postponed. I'm sorry. Okay. Please call the roll. We can't--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Chairman Smith--

DAVIS: I was going to postpone it, but we can't. So okay.

CLERK: Chairman Smith--

DAVIS: All right. Please call the roll. We'll--

CLERK: Chairman Smith.

DAVIS: --see everybody coming in.

SMITH: Aye.

CLERK: Chairman Smith votes aye. Mr. Thornberry?

THORNBERRY: No.

CLERK: Mr. Thornberry votes no. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes aye. Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no. Mr. Langevin? Mr. Langevin? Mr. Bishop? Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no. Mr. Larsen.

LARSEN: Yes.

CLERK: Mr. Larsen votes aye. Mr. Turner.

TURNER: No.

CLERK: Mr. Turner votes no. Mr. Cooper.

COOPER: Yes.

CLERK: Mr. Cooper votes yes. Mr. Rogers.

ROGERS: No.

CLERK: Mr. Rogers votes no. Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes yes. Mr. Conaway?

CONWAY: No.

CLERK: Mr. Conaway votes no. Mr. Garamendi?

GARAMENDI: Aye.

CLERK: Mr. Garamendi votes yes. Mr. Lamborn?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

LAMBORN: No.

CLERK: Mr. Lamborn votes no. Ms. Speier?

SPEIER: Aye.

CLERK: Ms. Speier votes aye. Mr. Wittman?

WITTMAN: No.

CLERK: Mr. Wittman votes no. Ms. Gabbard?

GABBARD: Aye.

CLERK: Ms. Gabbard votes aye. Mrs. Hartzler?

HARTZLER: No.

CLERK: Mrs. Hartzler votes no. Mr. Norcross?

NORCROSS: Aye.

CLERK: Mr. Norcross votes aye. Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no. Mr. Gallego?

GALLEGO: Aye.

CLERK: Mr. Gallego votes aye. Mr. Brooks?

BROOKS: No.

CLERK: Mr. Brooks vote no. Mr. Moulton?

MOULTON: Aye.

CLERK: Mr. Moulton votes aye. Mr. Cook?

COOK: No.

CLERK: Mr. Cook votes no. Mr. Carbajal?

CARBAJAL: Aye.

CLERK: Mr. Carbajal votes aye. Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no. Mr. Brown?

BROWN: Aye.

CLERK: Mr. Brown votes aye. Mr. Graves?

GRAVES: No.

CLERK: Mr. Graves vote no. Mr. Khanna?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

KHANNA: Aye.

CLERK: Mr. Khanna votes aye. Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no. Mr. Keating?

KEATING: Aye.

CLERK: Mr. Keating votes aye. Dr. DesJarlais?

DESJARLAIS: No.

CLERK: Dr. DesJarlais votes no. Mr. Vela?

VELA: Aye.

CLERK: Mr. Vela votes aye. Dr. Abraham?

ABRAHAM: No.

CLERK: Dr. Abraham votes no. Mr. Kim?

KIM: Aye.

CLERK: Mr. Kim votes aye. Mr. Kelly?

KELLY: No.

CLERK: Mr. Kelly votes no. Ms. Horn?

HORN: Aye.

CLERK: Ms. Horn votes aye. Mr. Gallagher. Mr. Gallagher votes no. Mr. Cisneros.

CISNEROS: Aye.

CLERK: Mr. Cisneros votes aye. Mr. Gaetz.

GAETZ: (INAUDIBLE)

CLERK: Mr. Gaetz votes no. Ms. Houlahan

HOULAHAN: (INAUDIBLE)

CLERK: Ms. Houlahan votes aye. Mr. Bacon.

BACON: (INAUDIBLE)

CLERK: Mr. Bacon votes no. Mr. Crow.

CROW: (INAUDIBLE)

CLERK: Mr. Crow votes aye. Mr. Banks.

BANKS: (INAUDIBLE)

CLERK: Mr. Banks vote no. Ms. Torres Small.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

TORRES SMALL: (INAUDIBLE)

CLERK: Ms. Torres Small votes aye. Ms. Cheney.

CHENEY: (INAUDIBLE)

CLERK: Ms. Cheney votes no. Ms. Stolkin--Slotkin, sorry.

SLOTKIN: (INAUDIBLE)

CLERK: Ms. Slotkin votes no. Mr. Mitchell.

MITCHELL: (INAUDIBLE)

CLERK: Mr. Mitchell votes no. Ms. Sherrill.

SHERRILL: (INAUDIBLE)

CLERK: Ms. Sherrill votes aye. Mr. Bergman.

BERGMAN: (INAUDIBLE)

CLERK: Mr. Bergman votes no. Ms. Hill.

HILL: (INAUDIBLE)

CLERK: Ms. Hill votes aye. Mr. Waltz.

WALTZ: (INAUDIBLE)

CLERK: Mr. Waltz votes no. Ms. Escobar.

ESCOBAR: (INAUDIBLE)

CLERK: Ms. Esco--Ms. Escobar votes aye. Ms. Haaland.

HAALAND: (INAUDIBLE)

CLERK: Ms. Haaland votes aye. Mr. Golden.

GOLDEN: (INAUDIBLE)

CLERK: Mr. Golden votes aye. Mrs. Trahan.

TRAHAN: (INAUDIBLE)

CLERK: Mrs. Trahan votes aye. Mrs. Luria.

LURIA: (INAUDIBLE)

CLERK: Mrs. Luria votes no. Mr. Langevin. Mr. Langevin?

LANGEVIN: (OFF-MIC)

CLERK: On this vote the ayes are 28 and the no's are 28. (OFF-MIC)

UNKNOWN: Aye. No.

SMITH: Mister--where we at here? We're now on log number 2-(INAUDIBLE)--

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

KELLY: Mr. Chairman, I have an amendment at the desk. (OFF-MIC)

SMITH: It's unfortunate under the circumstances. But it's also totally unfair. And it's up to the minority. By UC, Mr. Langevin can be allowed to vote. But I'm pretty sure it has to be--it has to be by UC. I realize we're not supposed to argue about these things. But it's 4:00 in the morning. Mr. Langevin (INAUDIBLE) doing his best. It just doesn't seem right to deny him the right to vote (INAUDIBLE). Be that as it may, it is by UC (INAUDIBLE)

UNKNOWN: Mr. Chairman, about the inquiry about reconsideration. I mean--

SMITH: What are the parliamentary rules on reconsidering? (OFF-MIC)

UNKNOWN: (INAUDIBLE) parliamentary inquiry. My understanding though in a reconsideration, when someone has voted and asks for it to be reconsidered, they have to vote the other way in the re-vote, which is the whole purpose, which you're going to get mathematically the same outcome.

SMITH: Well, actually--

UNKNOWN: Because my understanding is that--that--and that's why the parliamentary inquiry--

SMITH: I got you. If I could take a stab at this. First of all, I don't believe that is true. I don't think the person who is moving for the reconsideration--

UNKNOWN: I think that's their point of moving--

SMITH: --has to change their vote. They have a right--

UNKNOWN: Otherwise it would be in perp--perpetuity that everyone gets to do that. That's not the case.

SMITH: Well, it wouldn't be in perpetuity. We got the argument is--

UNKNOWN: Right. Because anyone can.

SMITH: I'm sorry, that's--stop babbling. Let's get an answer. We got parliamentarians here. If you make the motion to reconsider, do you have to change your vote? By the way, if she changed her vote, it would make the reversal even more pronounced, not the other way around.

UNKNOWN: No. She changed her vote to yes.

SMITH: Right.

UNKNOWN: Whatever, whatever.

SMITH: Think about that one for a second. And then we'll--but let's get the parliamentary answer. Apparently we--we--we don't have a handy answer to that. So we're--we're going to get an answer to that. I would really rather not recess. So if--if you could huddle with the parliamentarians instead of us having a public discussion about it, and show them what you've got, and see how they react to it, I would not--not object to that.

My request is that we continue on the amendment process and come back to resolve this issue once the parliamentarians on both sides have agreed. Is that okay? All right. So we're going to move forward. And we'll resolve this issue. And we'll come back to it when necessary. So we are now on log 223, Mr. Kelly.

KELLY: I have an amendment at the desk, Mr. Chairman.

SMITH: And we've already been through this. So Mr. Kelly, you are recognized.

KELLY: And I'm going to be very brief on this. I thank the chairman again for yielding. And I'm offering this amendment to strike a portion of this report language because it is inappropriate for the GAO to recommend policy changes or legislative action.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

The chairman's mark presumes that medical care at Gitmo is inadequate. I've been to Gitmo and that's just not the case. We have the capability to provide whatever specialty care is needed for the detainees. I reemphasize these people do not need to be housed or to be on U.S. soil. Gitmo is the most appropriate and safest place to treat the detainees and protect the American public. I urge support for this amendment. And I yield back.

SMITH: Hold on a second. I would also like to point out, we--we had a motion, there's a whole lot of things going on here. So let me go through them in order. Number one, we did have a UC motion saying only five minutes on either side. We haven't really been paying attention to that.

So since that is the current rules, now part of the way we're going to have to do that is if someone speaks as quickly as Mr. Kelly did, he's still got like four minutes left, we're going to have to keep track of the time even after they relinquish it. There's five minutes on each side, if that's possible, so we know how those five minutes are. We'll get through them. And if this blows up at some point, we can revisit it. But that's what we're going to--going to try to do.

Second, we're going to try to resolve the other thing, but we're working on that at the moment. Lastly, again, I have had evidence that medical care at Guantanamo is not what it should be. It strikes me that studying it is a reasonable thing to do, to try to make sure that the healthcare at Guantanamo is as wonderful as it has been described. So I don't see a problem with this. And I oppose the gentleman's amendment to strike the provision. Any other discussion?

CONAWAY: Mr. Chairman, just quickly.

SMITH: Yes.

CONAWAY: Earlier conversations you were saying that the medical care should comport with federal law or Federal Bureau of Prisons. How did you know that if you didn't have the study? Should you get them both?

SMITH: Well, it's not a matter of knowing that. In--in that case we were trying to get to a standard. So we do know a great deal about the medical care standards in federal prisons. In fact it's kind of in statute what is required. So we were asking (INAUDIBLE)--

CONAWAY: But if you require it--yeah, but if you require that, why do you need this study?

SMITH: We didn't require it. We asked that they look at it and try to make it comparable. The study would help inform whether or not it is comparable.

CONAWAY: That's--I trust our DOD to be able to make that assessment. If you tell them it's got to be done--

SMITH: I don't.

CONAWAY: --and comport with the--with the federal prison rules, then our guys are way capable of deciding what's there versus what's that. And--and I don't know that you need a study to make that happen.

SMITH: Duly noted. You said your piece. I said mine. We could keep going back and forth forever, but I think we're there. Any further discussion. All those in favor say aye.

UNKNOWN: Aye.

SMITH: Opposed say no.

UNKNOWN: No.

SMITH: Opinion of the chair, the no's have it.

CONAWAY: Mr. Chairman, I ask for a recorded vote.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Recorded vote is requested. All right. Okay. Let's do this, before we try to address the issue of what Robert's Rules of Order are. We're going to get through this amendment by Mr. Lamborn. And then we will see where we're at on the other issue and hopefully resolve that one way or the other. So log 389 is up next, amendment by Mr. Lamborn. For what purposes does he seek recognition?

LAMBORN: Mr. Chairman, I have an amendment at the desk and on our screens.

SMITH: Thank you. The clerk will distribute the amendment. Without objection, the reading is dispensed with. Mr. Lamborn.

LAMBORN: This amendment seeks to restore funding for a high value detainee building at Guantanamo. The--the Department of Defense has asked for this. And the majority has struck it out. Unfortunately I think it's a poor decision and I'm going to explain why. Joint Task Force Gitmo has says that--has said that the existing facility is unsafe. It's unsafe for the soldiers, our army soldiers who serve as guards at Gitmo. Quote, the current complex has failed foundations which has resulted in cracked flooring and uneven settling of walls and doorways. Increasing routine facility failures include inoperable doorways, including cell doors that do not close, broken water supply and drain lines.

And they also say, quote, facilities were not designed and constructed to provide long term detention, legal counsel, and medical treatment, and a consolidated and streamlined method. As a result the guard force is required to move highly dangerous detainees back and forth between separate facilities. Each detainee movement places guard force members at risk.

So Joint Task Force Gitmo has said that the current facility is unsafe for our men and women in uniform who are guarding these dangerous detainees. And think about that for a minute. Think about if you were a prison guard at night, and you were making your rounds, and there were cell doors that did not close. Would you be a little concerned about your back if people--if their cell doors did not close? That's what Joint Task Force Gitmo has reported. That's the conditions that our men and women, our--our army soldiers who guard these detainees are living under right now.

So and a further irony in this situation is that two other facilities are being funded by the bill as it stands at this moment. Those two buildings are a communications facility for \$22 million, and a detention legal office and communication center for \$11.8 million. So right now in the bill that we're going to vote on, we're funding two other buildings to be built at Guantanamo Bay, a communications facility for \$22 million and a detention legal office and communication center for \$11.8 million. In other words, we're going to build facilities for the reporters and the lawyers, but not for our men and women in uniform who are guarding these people. I think that's embarrassing.

How can we live with that? We're building stuff for reporters and lawyers, but not for our guards, our soldiers who are guarding these people. I think that this is a horrible situation. We should fund that third building. I don't even know why it was taken out of consideration. Let's adopt this amendment and put that funding back in for that high detainee facility so our army soldiers have safe operating conditions. Mr. Chairman, I yield back.

SMITH: Yeah. According to her a little five back and forth thing, you should reserve the balance of time--

LAMBORN: Okay. I'll reserve myself for others--

SMITH: It's about a minute and 20 seconds. Thank you. I yield to Mr. Khanna.

KHANNA: Mr. Chairman, I have a substitute amendment at the desk.

SMITH: Sorry. Just taking a drink of water there. The clerk will distribute the amendment. And without objection, the reading of the amendment will be dispensed with. And Mr. Khanna is recognized.

KHANNA: Thank you, Mr. Chairman. Mr. Chairman, my substitute amendment would require a study on alternatives, near term facility requirements to house high value detainees. It requires that this report be completed within 120 days. The department has not yet done its due diligence in assessing alternatives to building an \$88.5

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

million new permanent detention facility. The facility last time last year was projected to cost 69 million. And both Republicans and Democrats opposed it on a bipartisan basis. We asked similar questions last time about alternatives and haven't yet received any answers. This time the amendment is seeking a project for 20 million more when we haven't even gotten the answers.

Viable alternatives include repair, renovation, and repurposing of existing facilities. DOD has not yet provided a feasibility analysis of alternatives that could adequately meet the requirement to humanely house high value detainees and ensure safety for military personnel who guard them.

Both the MilCon subcommittee of the House Appropriations Committee and the Senate Armed Services Committee have cut this project out of similar concerns. The proposed complex is not primarily a medical facility. And the extent to which it may or may not enhance the provision of medical care is unclear. Medical care is currently provided to the detainee--detainees in multiple facilities including a health clinic funded in the 2015 NDAA. I reserve my time.

SMITH: Thank you. The chair recognizes Mr. Brown. I believe he has a perfecting amendment.

BROWN: Mr. Chairman, I have a perfected amendment at the desk.

SMITH: Is your microphone on?

BROWN: Oh, sorry. Mr. Chairman, I have a perfected amendment at the desk.

SMITH: Sorry. The clerk will distribute the amendment. And without objection, reading of the amendment will be dispensed with. Mr. Brown.

BROWN: Yes. Mr.--Mr. Chairman, my perfected amendment changes the time period in which the secretary of defense--of Defense shall submit the report that is required in the substitute amendment, and it changes it from 100--120 days to 90 days. I yield back.

SMITH: Okay. Is there--

LAMBORN: Mr. Chairman.

SMITH: Further discussion. Mr. Lamborn.

LAMBORN: Yes. I'd like to start my five minutes over again.

SMITH: Well, you can because it's a new thing.

LAMBORN: Thank you. Thank you. Just wanted to make sure. This is really an amazing situation--

SMITH: You do need to start the clock. Sorry.

LAMBORN: We're in an amazing situation. The Department of Defense through Joint Task Force Gitmo has filed a form called a form 1391. They did this in response to the appropriation request that they're making for these three buildings, including the one that right now is being prohibited. This is--this form 1391 is dated March 1st of 2019. This is a report.

This right here in my hands is a report. And the report says, I'm going to quote it, alternative methods of meeting this requirement have been explored during project development. This project is the only feasible option to meet this requirement. Let me repeat that. Alternative methods of meeting this requirement have been explored during project development. This project is the only feasible option to meet the requirement.

So if my colleague Mr. Khanna wants a report, we've already got it. Why do we need to accept his amendment? We've got the report. And by the way, the report says there's no other way to do this. And on Mr. Brown's

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

amendment, it's a tree, a Christmas tree, I don't know what they call it, it doesn't--it doesn't feel very festive here. But it's to preclude any other amendments from our side--

SMITH: I think it's just a tree. It's not--

LAMBORN: But that's--changing 120 days to 90 days, once again that's moot, that's irrelevant because the report is in our hands. It's right here. We don't need a report. We've got the answer. The answer is this building is the only way to meet this need. So I would urge a no on both of these Christmas tree amendments or whatever we call them, and a yes on the amendment to actually build the building that will protect our guards holding these high value dangerous detainees. Mr.--this is kind of embarrassing. We shouldn't be having this discussion. I yield back.

SMITH: Is there further discussion? If not, the question occurs first on Mr. Brown's perfecting amendment. And--and the clerk will call the roll. I was presumptuous. I apologize. I was assuming a recorded vote. All those in favor of Mr. Brown's perfecting amendment will say aye. Aye.

UNKNOWN: Aye.

SMITH: Those opposed will say no.

UNKNOWN: No.

SMITH: Opinion of the chair the ayes have it. (OFF-MIC)

MEMBER: I withdraw that--

SMITH: All right. The ayes have it. We're down to 90 days. Now we are on to Mr. Khanna's amendment, substitute amendment. All those in favor of Mr. Khanna's substitute amendment will say aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: Opinion of the chair the ayes have it. (OFF-MIC) A recorded vote is called for. The clerk will call the roll.

CLERK: Chairman Smith.

SMITH: Aye.

CLERK: Chairman Smith votes aye. Mr. Thornberry.

THORNBERRY: No.

CLERK: Mr. Thornberry votes no. Mrs. Davis. Mrs. Davis votes aye. Mr. Wilson.

WILSON: No.

CLERK: Mr. Wilson votes no. Mr. Langevin.

LANGEVIN: Aye.

CLERK: Mr. Langevin votes aye. Mr. Bishop.

BISHOP: No.

CLERK: Mr. Bishop votes no. Mr. Larsen.

LARSEN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Larsen votes aye. Mr. Turner.

TURNER: No.

CLERK: Mr. Turner votes no. Mr. Cooper.

COOPER: Yes.

CLERK: Mr. Cooper votes aye. Mr. Rogers. Mr. Rogers votes no. Mr. Courtney.

COURTNEY: Aye.

CLERK: Mr. Courtney votes aye. Mr. Conaway.

CONAWAY: No.

CLERK: Mr. Conaway votes no. Mr. Garamendi.

GARAMENDI: Aye.

CLERK: Mr. Garamendi votes aye. Pardon me. Mr. Lamborn.

LAMBORN: No.

CLERK: Mr. Lamborn votes no. Ms. Speier.

SPEIER: Aye.

CLERK: Ms. Speier votes aye. Mr. Wittman.

WITTMAN: No.

CLERK: Mr. Wittman votes no. Ms. Gabbard.

GABBARD: Aye.

CLERK: Ms. Gabbard votes aye. Mrs. Hartzler.

HARTZLER: No.

CLERK: Mrs. Hartzler votes no. Mr. Norcross. Mr. Norcross votes aye. Mr. Scott.

SCOTT: No.

CLERK: Mr. Scott votes no. Mr. Gallego.

GALLEGO: Aye.

CLERK: Mr. Gallego votes aye. Mr. Brooks.

BROOKS: No.

CLERK: Mr. Brooks vote no. Mr. Moulton.

MOULTON: Aye.

CLERK: Mr. Moulton votes aye. Mr. Cook. Mr. Cook votes no. Mr. Carbajal.

CARBAJAL: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Carbajal votes aye. Mr. Byrne.

BYRNE: No.

CLERK: Mr. Byrne votes no. Mr. Brown.

BROWN: Aye.

CLERK: Mr. Brown votes aye. Mr. Graves. Mr. Graves. Mr. Khanna.

KHANNA: Aye.

CLERK: Mr. Khanna votes aye. Ms. Stefanik.

STEFANIK: No.

CLERK: Ms. Stefanik votes no. Mr. Keating.

KEATING: Aye.

CLERK: Mr. Keating votes aye. Dr. DesJarlais.

DESJERLAIS: No.

CLERK: Dr. DesJarlais votes no. Mr. Vela.

VELA: Aye.

CLERK: Mr. Vela votes aye. Dr. Abraham.

ABRAHAM: No.

CLERK: Dr. Abraham votes no. Mr. Kim.

KIM: Aye.

CLERK: Mr. Kim votes aye. Mr. Kelly.

KELLY: No.

CLERK: Mr. Kelly votes no. Ms. Horn.

HORN: Aye.

CLERK: Ms. Horn votes aye. Mr. Gallagher.

GALLAGHER: No.

CLERK: Mr. Gallagher votes no. Mr. Cisneros.

CISNEROS: Aye.

CLERK: Mr. Cisneros votes aye. Mr. Gaetz.

GAETZ: No.

CLERK: Mr. Gaetz votes no. Ms. Houlahan.

HOULAHAN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Houlahan votes aye. Mr. Bacon. Mr. Bacon votes no. Mr. Crow.

CROW: Aye.

CLERK: Mr. Crow votes aye. Mr. Banks.

BANKS: No.

CLERK: Mr. Banks vote no. Ms. Torres Small.

TORRES SMALL: (INAUDIBLE)

CLERK: Ms. Torres Small votes aye. Ms. Cheney.

CHENEY: (INAUDIBLE)

CLERK: Cheney votes no. Ms. Slotkin.

SLOTKIN: (INAUDIBLE)

CLERK: Ms. Slotkin votes no. Mr. Mitchell.

MITCHELL: No.

CLERK: Mr. Mitchell votes no. Ms. Sherrill.

SHERRILL: (INAUDIBLE)

CLERK: Ms. Sherrill votes aye. Mr. Bergman.

BERGMAN: (INAUDIBLE)

CLERK: Mr. Bergman votes no. Ms. Hill.

HILL: (INAUDIBLE)

CLERK: Ms. Hill votes aye. Mr. Waltz.

WALTZ: Mr. Waltz votes no. Ms. Escobar.

ESCOBAR: (INAUDIBLE)

CLERK: Ms. Escobar votes aye. Ms. Haaland.

HAALAND: (INAUDIBLE)

CLERK: Ms. Haaland votes aye. Mr. Golden.

GOLDEN: (INAUDIBLE)

CLERK: Mr. Golden votes aye. Mrs. Trahan.

TRAHAN: Aye.

CLERK: Mrs. Trahan votes aye. Mrs. Luria.

LURIA: Aye.

CLERK: Mrs. Luria votes aye. Mr. Graves.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GRAVES: No.

CLERK: Mr. Graves votes no.

SMITH: All members recorded. Any members change their votes?

CLERK: Mr. Chairman, on this vote the ayes are 31 and the no's are 26.

SMITH: (INAUDIBLE) amendment is adopted. It is now in order to consider Mr. Lamborn's--Lamborn--amendment as amended. All those in favor will say aye. Aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: Opinion of the chair the eyes have it. The eyes have it. The amendment is adopted.

MEMBER: Call for a vote.

SMITH: It's the same vote. They are on the record. They--they are very much on the record. I mean, if you want it, it's your privilege. But back me up here people, it's the same vote we just took.

(OFF-MIC)

SMITH: Okay. Thank you. All right. It is now in order to consider en bloc package number four. I ask unanimous consent to call up en bloc package number four consisting of in--inmates--amendments that have been worked and approved with minority, without objection so ordered. Clerk will distribute the en bloc amendments. Without objection, the amendments are considered as read.

En bloc package number four is comprised of the following. Log number 433R1, 481R1, 216, 277R2, 431R1, 373R1, 357R1, 029R2, 242R1, 021R3, 341R1, 436R1, 056, 471, 140R2, 022R1, and 478. Is there discussion on the en bloc amendments? Hearing none, all those in favor will say aye. All those opposed will say no. The en blocs are adopted.

It is now in order to consider log 349R1 by Mr. Garamendi. What--for what purpose does Mr. Garamendi seek recognition?

GARAMENDI: I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. Without objection, reading will be dispensed with.

GARAMENDI: Mr. Chairman, I'm going to do this very quickly. We have involved ourselves in Iraq and Syria for the last three years, successfully defeating ISIS on the battlefield. Unfortunately ISIS is still around and the problem persists as to what to do with the remnants of ISIS, as well, as the reconstruction and renewal of life in both Syria and Iraq.

This amendment provides direction to the U.S. military about what it can do. It follows very closely on plans that have already been made. It instructs the military to work with the Department of State, the U.S. Agency for International Development, to enact a plan. Essentially the activity the military would be to train and equip the security forces, and to provide protection and security for the American organizations and government operations in both Iraq and Syria for the reconstruction.

That's it. It's what we really ought to be doing. And we really ought to have had a waiver from the Foreign Affairs Committee. I don't need to go into all the trouble we've had before, but since we do not have a waiver, this will come up on the floor. I yield back.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: (INAUDIBLE) Next is log 245 by Mr. Rogers. For what purpose does Mr. Rogers seek recognition?

ROGERS: I have an amendment at the desk.

SMITH: The clerk will distribute. I think we need to update these things because that was always when you actually had to actually distribute it. Without objection the clerk--we will dispense with the reading of the amendment. And Mr. Rogers is recognized.

ROGERS: Thank you, Mr. Chairman. I--I'll be as brief as I can because I think everybody's got their lines drawn when it comes to these border bills. The underlying bill prohibits any money being spent by the DOD for the construction of border barriers. As I said, I've been on the Homeland Security Committee since it was established.

We have never had a difference of opinion on party lines as to the effectiveness of barriers at the border. In fact, the San Diego fence when it was built in 1992, we've seen a 92 percent drop over the last 23 years in migrants coming across. El Paso built in '93, we've had 95 percent over 22 years. Tucson built in 2000, illegal traffic dropped 90 percent. Yuma built in 2005, illegal traffic dropped 95 percent.

Barriers work. We need to have these barriers erected so we can stop this flow I described earlier, these massive number of people coming across our border. I think it's irresponsible for us to block this--this funding. And I urge a adoption of my amendment to allow the president move to forward in his building of the barrier.

SMITH: Did the gentleman yield?

ROGERS: Yeah. I will yield.

LAMBORN: Just to add a couple points there. Congress has not acted to fund this, so the administration has had no choice but to send troops and to try to find funds to make some borders in effect. And I think that we have no choice but to let that happen unless Congress actually takes action to address the problem at the crisis, at the border.

Even the New York Times a few days ago on the 9th of June, editorialized in May for 144,278 migrants were taken into custody. It was the third consecutive month in which apprehensions topped 100,000, and the highest one-month total in 13 years. Unequipped to deal with the crush, border facilities and migrants' shelters are dangerously overcrowded and the staff is overburdened. Dysfunction, disease, and even death are a growing reality.

And then they conclude by saying, while lawmakers wring their hands and drag their feet, tens of thousands of migrant children are suffering. Congress needs to get serious about dealing with that suffering. Why can't we do something? Why can't we do something? This amendment at least lets the administration make stopgap measures until we can get our act together and have a long-range solution. So please support this amendment. I--I yield back the balance of my time.

SMITH: Thank you. And in--in keeping with--actually it's Mr. Rogers'--

LAMBORN: I reserve. I reserve to Mr. Rogers.

SMITH: So there's about two minutes and 14 seconds left on their side. On our side, we start now. I'm going to say something quickly. There is a crisis at the border. I'm not going to say no one disputes that. Maybe some people do. But I think it's pretty clear that there's a crisis at the border. What we dispute is that spending billions of dollars to build a wall is going to address that crisis. The migrants that Mr. Lamborn just referenced weren't trying to sneak in. They turned themselves in. The overwhelming majority of the population that is now the crisis at the border, children, women, migrants, who we cannot house or adequately take care of, are not trying to sneak across.

It is an unbelievable waste of resources to address this crisis to spend that money on a wall. The crisis is in dealing with the people who are coming across the border. So that's our--our--our complaint and our disagreement. Second, it's DHS, not DOD. This money should not come out of the Department of Defense, as by the way, a lot of

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

my Republican colleagues said when this first came up. So those are the two issues. Not disputing the crisis. And with that, I yield to Ms. Escobar.

ESCOBAR: Thank you, Mr. Chairman. As you know, I represent El Paso, Texas, which has essentially been the eye of the storm. There has been no other district that has seen more migrants coming across; in fact, there are two of us here at this dais who represent the sector that has been the most impacted by what is happening at the southern border. There are two of us who live in the El Paso sector for whom safety and security could not be more important because we live there. We live there and we represent constituents who live there.

The reality is in El Paso, where the numbers are the highest along the southern border, there is a wall. The crisis is a humanitarian one. And the people being apprehended are being apprehended at the wall. Because the wall does not exist on the dividing line between the United States and Mexico; it, in fact, exists yards away and in some cases miles away.

So by the time migrants have come across and reached the wall, they had long been on American soil. They are actually waving down border patrol agents, asking to be apprehended. There is no one who wants to solve this more than the people who live and represent the border. A wall is not a solution. Happy to work with anyone on a solution. DOD is not a solution. A wall is not a solution. Thank you, Mr. Chairman. I yield back.

SMITH: Yield to Mr. Gallego.

ESCOBAR: I yield to Mr. Gallego.

GALLEGO: Thank you, Ms. Escobar. I understand that my friends support President Trump's border well. Every member here knows where I stand on that issue. However I don't speak in opposition to my friend's amendment as much I speak in support of the integrity of this committee, this Congress, and the clear separation of powers outlined in our Constitution.

Last Congress I offered amendments to the NDAA into several appropriation bills to ensure that a military funding would not be mis--misused for border wall construction. I was assured by my Republican colleagues at that time that my amendments were totally unnecessary, since Congress didn't appropriate one dollar for the wall. And as we all know, the president could not build his wall if Congress didn't fund it. That's Constitution 101.

Well, my Republican colleagues were right and wrong. The Republican Party had unified control for two years, but Congress unilaterally rejected President Trump's request to fund a wall, and they were right about that. But even though Congress never appropriated one dollar for Trump's border wall, that didn't stop the president from flipping the Constitution on its head and trying to steal \$7 billion from our military for his wall.

There are members of this committee who support construction of a border wall. I'm not here to argue that position. Although I do oppose it and believe that we could win on the merits of this issue. But I'm here to echo what my great friend Ranking Member Thornberry who said, I fully support doing more at the border, but we don't need to rob the military, as he said last year.

I will remind my friend that this is--my friends that this is the House Armed Services Committee. Our job is to stand up for the people, for the armed forces, for our service members, and for their families, not use them as a pawn for partisan political fights. I urge my colleagues in the strongest terms to oppose this amendment, which undermines our effort to ensure that every single penny authorized in this bill is spent for the benefit of our troops, for the national defense, and for nothing else. I yield back my time.

SMITH: All right. That pretty much exhausts the time on this side of the issue. There's about--I forget what they got left, about two minutes and 15 seconds on the other side. I think the way we're going to have to do this is sort of like we do it on the floor. We'll have one person on each side control the time and yield it to people.

And on this amendment, Mr. Rogers--Mr. Rogers you're controlling the time. You have two minutes and 14 seconds left. Okay. All right. All those in favor of the amendment by Mr. Rogers will say aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: No. Opinion of the chair the no's have it. Recorded vote is requested. We will have a recorded vote. It is now in order to consider log 247, also by Mr. Rogers. Mr. Rogers seeks recognition.

ROGERS: I have an amendment at the desk.

SMITH: Amendment will be distributed. And reading will be waived. Mr. Rogers.

ROGERS: Thank you. This--this has to do with restoring national emergency authority that's been limited by the underlying bill. And--and what has happened is the--the majority has put language in that would basically allow environmental lawyers, activists, to be able to file litigation to prohibit--to stop the president from trying to wreck the wall, any kind of mil--using military construction money. Again this goes to the same issue. We need to start building barriers at the wall. We don't need to start throwing impediments in front of the administration, particularly when it comes to just litigation. So I would urge the adoption of this amendment and reserve the balance of my time.

SMITH: Thank you. And I--claiming the time in opposition, if we'll do it that way. I would just say, you know, quickly on this, this is actually an issue that goes beyond the wall. And we--it's been bipartisan in the sense that when there's a Democratic president, the Republicans do not like the power the executive exercises. And when there's a Republican administration, Democrats don't like it.

But there has been a massive expansion of the emergency powers that have been granted to the executive to over--well, to basically push the legislative branch aside. The emergency powers were meant to be far narrower than they've been interpreted by many administrations, but certainly by this one. It's not just this issue, but on tariffs and a bunch of other things. So I think it's a really important issue to reign in the emergency powers.

We have a process. And if the president has a proposal, he comes to Congress, we work it out, we should not override the congressional body in this manner. And therefore I oppose the amendment. And I will now yield to Mr. Gallego.

GALLEGO: Thank you, Mr. Chairman. I would say that all members on this committee are supporters of--

GALLEGO: (IN PROGRESS) given them the authority or the money to do it. This amendment strikes language that was put into the mark because of the recent unconstitutional raid by this administration on our military.

As we all know, the administration declared a national emergency, stole money from military construction accounts and tries to use it to build a wall, over the objections of this committee and its power of the purse. Every member of this committee should be concerned about.

Because of that huge breach of trust, we have to impose sensible limits. Sensible limits. And that's what this amendment does. It limits expenditures for national emergencies to \$500 million or \$100 million if it's entirely within the United States.

Congress can always appropriate more emergency spending during a crisis if it so chooses and makes sure that you can't cancel projects for the specific purpose of stealing the money for presidential vanity projects under any administration and makes sure that other parts of the law must be respected rather than be tossed out by someone who is more interest in creating a building--in creating a building and fulfilling a promise than a much needed airstrip in a warzone, ensuring a pumping station is functional or any type of an emergency military construction that was built with this authority back when we could trust that the president and the secretary of defense to be responsible with what we appropriate.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Stripping it out does nothing to solve our national debate over the border but it would handicap our constitutional role, our readiness and the confidence that when we, the peoples representatives order something that it means something.

I encourage my friends on this committee to remember their oaths to the Constitution and to join me in voting down this amendment and voting in favor of the safety and security of troops and the radical principal of using Department of Defense dollars for Department of Defense priorities.

Thank you Mr. Chairman and I yield back.

SMITH: Thank you. I reserve the balance of my time. Anyone else seek recognition on this? If not, all those in favor will say aye.

UNKNOWN: Aye.

Those opposed will say no.

UNKNOWN: No.

See we're picking up over here. The no's have it, opinion of the chair.

UNKNOWN: I ask for a recorded vote.

SMITH: A recorded vote is requested. A recorded vote will be ordered, and it is now, I'm sorry did we just do 247?

UNKNOWN: Yes.

SMITH: Okay it is now an order to consider law 244, also by Mr. Rogers. For purpose of Mr. Rogers--

ROGERS: I have an amendment at the desk.

SMITH: Clerk will distribute the amendment and reading of the amendment will be dispensed with. Mr. Rogers.

ROGERS: Thank you Mr. Chairman I have in my hand a letter that was sent to the Congress two days ago by the secretary of Health and Human Services and the acting secretary of Homeland Security. I ask it be submitted to the record without objection.

SMITH: Without objection, so ordered.

ROGERS: And the letter just basically explains how dire the crises is and the secretary of HHS is telling us that in two weeks, they're running out of money so they're not going to have any place to put unaccompanied children that they have in massive numbers, so we need to give them some help.

But one of the other things that the administration's been doing here to fore while we are waiting on Congress to act and Congress has refused is we've been sending resources down there and they're mainly in the form of manpower to do administrative functions to relive Border Patrol Agents to try to deal with the folks and keep them safe and healthy.

The underlying bill takes away the authority for the administration, to any administration to be able to send troops to the border to be--to function in that support capacity. I want everybody to understand we have been sending DOD assets to the border since the Alamo.

It's been happening every decade. You just go back in recent memory, President Clinton sent troops down there repeatedly, George W. Bush sent troops down there repeatedly, Obama sent troops down there repeatedly and Trump has. We have to do it in order to keep our borders secure and to deal with things like the humanitarian crisis.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

All my amendment does is it restores the border assistance authority that exists in the current law into the bill and I would urge adoption of my amendment.

SMITH: Mr. Gallego.

GALLEGO: I rise in opposition to this amendment. Number one, just for historical context, when the Alamo occurred, there was no American forces. That was Texans fighting Mexicans just kind of want to correct that.

But number two, we have a problem at the border that should be fixed through the appropriate process, which is through HHS funding, DHS funding. There are packages that are moving through the House right now. The reason we are instituting a lot of these break--these breaks because there was a particular move by this administration to strip money and more importantly strip our powers of oversight on this committee and this is why we are instituting a lot of these efforts to make sure that in the future when there are true emergencies they have to come and consult with us instead of just trying to steal the money for things that we have appropriated and authorized.

I yield back my time.

SMITH: Thank you and I'll just, I'm sorry you were seeking recognition Mr. Brown?

BROWN: Thank you Mr. Chairman. I oppose the amendment. Look, the chairman's mark maintains the ability for the department, for the military to assist with aerial surveillance, intelligence analysis and logistic support. We seen that a high-water mark seven thousand troops at the border. I think today there are five thousand between active and reserves.

What we're requiring in this section is that the DoD be reimbursed for these costs. Through the end of this fiscal year it's projected or estimated to cost the DoD \$1 billion. Think about it, later this evening we're going to have a debate or discussion or an effort to increase the mark by \$17 billion. Six percent of that \$17 billion is being spent at the border for a job that DHS ought to be doing.

So, the mark just says, reimburse the DoD for the support they are providing you. That's consistent with everyone's concern that the DoD needs to be sufficiently funded. We do a few other things by requiring the DoD to certify readiness. We do that because in response for example to the Marine Corp Commandants comment that the border mission is an unacceptable risk to combat readiness and we're also asking the department to show us how the skills of those deployed soldiers aligns with the missions that they're asked to do. And that's important because we know that soldiers are on the border, sailors and marines painting the wall, shoveling manure and fixing cars. So, we're asking for a report, we're asking for reimbursement.

I yield back, Mr. Chairman.

SMITH: aye's there any further discussion on this amendment?

ROGERS: Yes Mr. Chairman, I yield such time as it may concern to my friend from Georgia.

SCOTT: I want to read a little bit from the CIA's page on Mexico.

Major drug producing and transit nation. Mexico is estimated to be the world's third largest producer of opium with poppy cultivation in 2015 estimated to be 28 hectares yielding potential production of 475 metric tons of raw opium.

Government conducts the largest independent illicit crop eradication program in the world, continues primary trans-shipment country for U.S. bound cocaine from South America with an estimated 95 percent of annual cocaine movements toward the U.S., stopping in Mexico.

Major drug syndicates control the majority of drug trafficking through the country producing distributors of ecstasy. A significant money laundering center, major supplier of heroin and large (INAUDIBLE) supplier of marijuana and methamphetamines to the U.S. markets.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

I would just remind you we lose more Americans to drug overdoses in a month than we have lost to terrorism in the last decade and so as much as I wish we didn't need our military at the border, if we're honest, we need to stop the flow of illegal drugs into the country and this may be the only way to do it.

And with that I yield the remainder of my time back to Mr. Rogers.

ROGERS: Nothing further.

SMITH: (OFF MIC)

UNKNOWN: Aye.

SMITH: Say no.

UNKNOWN: No.

SMITH: Opinion of the chair, the no's have it.

UNKNOWN: We'll have a recorded vote on this one as well.

SMITH: And we are now on to law 229R1, Miss Hartzler for the purposes of Miss Hartzler's (INAUDIBLE)

HARTZLER: I have an amendment at the desk.

SMITH: The clerk will distribute the amendment, reading is dispensed with, Miss Hartzler is recognized.

HARTZLER: Thank you Mr. Chairman. I want to take us all back to the year 1990. That's when we had--we were working on the NDAA. I wasn't here but we had a Democratic controlled House and Senate and they passed a very important bill at that time that allows the Department of Defense to provide for the construction of roads and fences and installation of lighting for the purpose of to block drug smuggling quarters across international boundaries of the United States.

This is a large piece of legislation that this committee several years ago passed in order to go after the drug cartels and to the counter drug operations. My amendment today restores the DoD's ability to build fences for counter drug activities. That has been the law of the land since 1990 and in the underlying bill they removed this provision of Section 284 and I think we can all agree that this is an area that needs to stay in our current law.

The Department of Defense needs to be able to help take on this real threat to our country because we not only have wars abroad, afar, we also have a war on drugs. In 2017 alone we lost 70,000 Americans to drug overdoses. Now that is more than during the entire time during the Viet Nam war. It is devastating and 90 percent of the heroin that is coming into the United States comes across the southern border from the drug cartels.

They aren't backing off. The drug cartels are ramping up. Over the last two years we've seen a 73 percent increase in Fentanyl, 38 percent increase in methamphetamine coming across the border. 22 percent increase in heroin seized and last year Customs and Border Patrol seized enough cocaine to fill more than 141 one-ton pickup trucks.

We received--they caught more Fentanyl, 1,847 pounds of Fentanyl. That's enough to kill 418 million people and that's more than the entire population of the United States. But these numbers aren't just statistics. They are played out in the lives of individuals in our district. I've had individuals in Missouri and families I've gotten to know that have lost children to the heroin, to the war on drugs.

But there's other lives that have been lost to this horrific epidemic. There's Cameron Weiss 18 years old from Albuquerque New Mexico who died of a heroin overdose. There's Madison McDonald a 15-year-old girl from Marlton, New Jersey who was found dead in her bedroom the day after Christmas in 2017 with a bag of heroin cut with Fentanyl next to her. There's Caitlyn Sterling of Saxis, Virginia who died at the age of 20 from a heroin addiction.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Each of us in this room has been impacted by the drug epidemic in our nation and it's irresponsible to limit DoD's ability to effectively conduct drug interdiction. The Constitution clearly states it is our duty to provide for the common defense.

For our forefathers, initially that meant our immediate borders. We have a responsibility to defend our nation from deadly drugs that's taking lives of our citizens. Our predecessors understood this and that's why they expanded the Department of Defense's role in previous NDAA's.

This epidemic requires a whole government approach which includes the military and so I urge my colleagues to support my amendment to allow us to be able to keep this very, very important tool to keep our constituents safe. To allow the Department of Defense to continue to target the drug cartels and to counter those and to be able to provide and build fences and construction of roads if need be to block off the drug corridors that are taking the lives of ultimately of our citizens and so with that I reserve the balance of my time.

GALLEG0: Thank you Mr. Chair and I too wasn't here in 1990 but even as an 11-year-old I can tell the difference of why then that bill was justified and why it's no longer justified now.

Then it went through an appropriate Oversight Committee hearing, it came through HASP, it was appropriated, we functioned as a, the (INAUDIBLE) check on the Presidency. What we have seen now with this particular section is that it is the Trojan horse that is being used essentially to funnel the DoD money that we have appropriated and authorized to this border wall and other efforts.

Now what we are consistently seeing here is that if there's a way to do this, we should go through the proper process but we're saying in this committee or at least on this side was that the president has abused a system that was set up for true emergencies.

Now, if you believe that this is an emergency to the extent that this president is saying, then he should actually go through the appropriations process. We are, what we have in this markup actually allows a certain level of funding to be used as we noted \$100 million entirely within the United States, \$500 million outside the borders and if there's more needed, then he should do what our forefathers always thought so that he should be part of that process and we should have the power of the purse to determine how the taxpayers money is best used.

Unfortunately, what we've seen so far is that this particular section 10 USC 284 has been particularly abused by this administration and has been the funnel from where most of this money has been going through so that's why I ask all committee members to please oppose this amendment.

And I yield back to Representative--I yield my time to Representative Garamendi.

GARAMENDI: Thank you Mr. Gallego. You very correctly pointed out the abuse that the administration is involved in circumventing the appropriation power of Congress.

I do want to speak to the issue of the flow of drugs into the United States. Some members of this committee are also on the Transportation, Infrastructure the Maritime Subcommittee, a hearing took place here in the T and I Committee room. The information provided is that the drugs from Mexico go through the ports of entry. Some smaller amount, a very small proportioned amount do go through areas outside of the ports of entry but the great majority, Fentanyl basically by the postal service and other delivery services and cocaine and heroin and marijuana directly through the ports of entry.

So that's one of the places we ought to do it. Also pointed out very, very clearly was the role of the U.S. Coast Guard which is severely underfunded and is unable to provide more than 16 percent of the known drugs that are flowing from Columbia into Central America and then from there transported both by water and over land into the United States. So, it is incorrect to think that a wall is going to solve the problem. It is correct to spend the money appropriately. Authorized and appropriated by the Congress for the purposes in the homeland defense agency. Not to use a surreptitious route of money that was appropriated and authorized for the Department of Defense from other purposes and then claiming a emergency and then funneling that money into the drug interdiction program.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

So, with that I yield back the remaining of my time.

SCOTT: Thank you Mr. Chairman.

95 percent of the cocaine in the U.S. comes through Mexico. Largest supplier of meth to the U.S., major supplier of heroin. My colleague is correct that more of it comes through ports of entry than comes across--no I don't agree with the 80 to 90 percent, I will concede that more comes through ports of entry but if we're honest about the western hemisphere, what is destroying the governments in Central and South America is the flow of money and weapons to the cartels. We are doing the other countries in the western hemisphere a favor by having a secure border in the United States and stopping the flow of illegal drugs to the United States and stopping the flow of money back to the cartels in the western hemisphere that are destroying those governments and killing those people.

With that I yield the remainder of my time.

SMITH: I believe Mr. Gallego has 40 seconds left. Do you wish to use it?

GALLEGO: Thank you Mr. Smith. This is how absurd that this situation we're dealing with. That 284 actually was supposed to use directly for contra drugs except it was never actually used contra. They actually raided even that fund to put it towards the wall. So if you were actually trying to actually deal with the problems of ports of entry where the majority of the drugs are coming in, then we'd actually use that money to actually put it in the ports of entry, hire more CBP or hire--or do whatever necessary improvements you have to do there. Instead it's been used for a wall, so this is why again the best way to actually deal with an emergency of this nature is actually go through the process. The operation process where we can actually have input and we can actually truly figure out a way to solve this in a bi-partisan manner and not through a power grab by the president using powers that we had never, ever given him or never thought any president would ever use and this is why we have to restrict them because they have not used their power in an appropriate manner.

And I yield back my time.

SMITH: All right. A question occurs in the amendment by Miss Hartzler. All those in favor say aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: Opinion of the chair, the no's have it.

Recorded vote is requested and we'll add that.

All right. We're going to--if everyone will bear with me for a moment, I want to give you an update on where we're at and what we're doing. A lot of fast and furious activity we have here.

We have an amendment by Mr. Crow left and then we have I believe four on block packages. There are two issues that we now have an agreement on that we're going to try to include in those on block packages. If we can't get them in, in time they will be handled separately and that is the launch language which I think we'll be happy to know we are not going to have to have a vote on launch language, we have an agreement.

Second and I'll get into this in a minute. The \$2.3 billion for the emergency funding, we also have an agreement on which we're going to be willing to be able to accept and then we'll have a fast and furious ten-minute debate about 750 or 733. Then we will have a series of amendment votes. Do we have a count on how many amendments now? We've asked for a vote. A lot is not a precise answer. It is accurate but it's not--

UNKNOWN: Eleven.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Eleven, and we will likely have at least one more, so we'll probably have 12 votes to take at the conclusion of (INAUDIBLE) amendment.

So, everyone just take a deep breath, the home stretch here. We will now move to log 360R1 from Mr. Crow. What purpose does Mr. Crow seek recognition?

CROW: I have an amendment at the desk.

SMITH: The clerk will distribute the amendment. Without objection the reading of the amendment will be dispensed with and Mr. Crow is recognized on his amendment.

CROW: Thank you Mr. Chair. My amendment would prohibit the use of Department of Defense funds to house children involuntarily separated from a parent.

This is a very simple amendment. I find the policy of forcible child separation particularly abhorrent and certainly the fact that we did this very recently will be a moral stain on our country but more so or similarly is the--is the impact on those that are forced to participate in those policies and the impact on them and their families.

The primary purpose of our Department of Defense and our military is to ensure our national security, to train and to fight and win our wars. They should not be pulled into politics. They should not be pulled into policies of this nature. So, I believe that this amendment is important to ensure that our uniformed personnel, our men and women are not pulled into politics.

If this administration should decide to reinstitute a child separation policy in the future, we will have that battle in the House of Representatives and I will certainly fight to prevent that happening but I want to do through this amendment is ensure that our men and women in uniform and the Department of Defense are not a part of that battle. That we are insulating them from those politics, and we will have that battle separate from our men and women in uniform, so I would ask for everyone's support to ensure that we can make that happen.

SMITH: aye's there further discussion on the amendment? Mr. Rogers.

ROGERS: Thank you Mr. Chairman. You know since the Trump administration ended the family separation practice months ago, even though it had been carried out the entire eight years of the Obama administration, I really have a problem with this amendment because it's a moot point but for the fact that at the very end of it there's a poison pill that I just can't abide.

It would allow law enforcement decisions about child safety be overruled by an anonymous, unvetted, unaccountable child welfare worker with no law enforcement experience. You know when we take children away from an adult now it's because we suspect the adult is not their parent, it's for their safety. Under the way this is written, unless they can find a child welfare worker within forty eight hours, who can make a decision within forty eight hours, we have to put the kid back with the adult who we expect is really is just somebody who's rented the kid to get into the country.

I think this is a dangerous precedent. If that provision wasn't in there, I'm fine with it but it is in there and I think we need to vote against this.

SMITH: Mr. Moulton.

MOULTON: Mr. Chairman I just wanted to acknowledge that I was reluctant to support this amendment initially because there's a bit of hypocrisy here in the sense that just two years ago Mr. Bridenstine on this committee offered an amendment to prohibit housing unaccompanied alien children on U.S. military installations located inside the U.S. and every democrat on the committee except Mr. Bacon's predecessor voted against it.

Ironically the only Republican to vote no was Mr. Crows predecessor but Mr. Crow in his case here has included significant exceptions to the amendment that I think are--that I think are reasonable.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

Democrats in the past voted against this prohibition because we said if a military base is the safest place for these children to be housed then they should be housed there. Better than leaving them on the street. I think that Mr. Crow has accounted for those concerns with his exceptions and that's why I support the amendment.

I yield back.

SMITH: Mr. Conaway.

CONAWAY: Thank you Mr. Chairman. I'm from Texas as you know and it would be our state courts and state laws that would be involved in this issue and our state legislature just finished their every other year session and one of the unresolved issues is the lack of foster care, the lack of care for children who's parental rights have been severed.

And I can't imagine that Texas would want to step into those shoes, sever those parents' rights and then take possession of those children if this is what this is intended to have happen.

It may be okay for someone from Colorado to propose this but somebody from Texas is not interested in these children being loaded onto the state. We already bear a disproportionate share of the wreck that is the lack of control at our borders and to add this to that, I don't think that our state folks would be really willing to step into this role to assume custody of these children.

With that I reserve.

ESCOBAR: Mr. Chairman?

SMITH: Miss Escobar.

ESCOBAR: Thank you Mr. Chairman. Mr. Crow I want to thank you for your amendment I want you to know that children are still being forcibly separated from their parents in my district. We have casework that identifies those families. We are raising the issue with the acting secretary of the Department of Homeland Security because it is happening, so I see this as a very valuable, important amendment and I want to thank you.

I yield back.

SMITH: Thank you Miss Escobar.

CROW: Can I use the remaining amount of my time Mr. Chair?

SMITH: Absolutely Mr. Crow.

CROW: Just to address some of the points on the opposite side of the aisle here. This is a very narrowly tailored amendment with the exceptions to account for some of the law enforcement activities you had discussed earlier to account for the need in some circumstances to remove a child, if that child's safety and wellbeing requires that but overall the thrust of this amendment remains the same and that is to ensure that our men and women in uniform at our military installations are not being involved and put in the position of having to house forcibly separated--forcibly separated, accompanied minors who are forcibly separated from the folks who brought them over, their parents or guardians. They are not to house those children and get involved in that policy.

SMITH: Any further discussion? All right, no further discussion. The question occurs on the amendment by Mr. Crow. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Those opposed will say no.

UNKNOWN: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Please show the aye's have it. The ayes have it, the amendment is adopted.

It is now in order to consider unblocked package number five. I ask unanimous consent to call up unblocked package number five consisting of amendments that have been worked and approved with the minority without objection. So ordered.

I like the way I'm kind of talking to myself here, but will the clerk please distribute the unblocked amendment. Without objection the amendments are considered as read. Unblocked package number five is comprised of the following. And these are the log numbers that I'm reading.

026R3 by Mr. Turner, 040 by Miss Speier, 050 by Miss Hill, 067R1 by Mr. Gaetz, 075R2 by Mr. Larsen, 084R3 by Miss Gabbard, 093R1 by Miss Torres Small, 02R4 by Mr. Brown, 113R1 by Mr. Brown, 114R3 by Mr. Brown, 117R1 also by Mr. Brown, 118R1 by Mr. Brown, 132R1 by Mr. Wittman, 135R2 by Mr. Cisneros, 139 by Miss Slotkin, 144R1 by Miss Hartzler, 148R1 by Miss Horn, 163R1 by Mr. Kim, 179R1 by Miss Speier.

aye's there discussion on the unblocked amendment? Hearing none all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Those opposed will say no.

UNKNOWN: No.

SMITH: The ayes have it. Unblock number five is adopted.

It is now in order to consider unblocked package number six. I ask unanimous consent to call up unblocked package number six consisting of amendments that have been worked and approved with minority. Without objections so ordered. The clerk will distribute the unblocked amendment. Without objection it will be considered as read. Unblock number six consists of the following amendments.

Amendment number 214 by Mr. Langevin, amendment number 220R1 by Mr. Kelly, amendment number 226 by Doctor Abraham, number 256R1 by Mr. Byrne, number 286 by Mr. Graves, number 288R2 by Mr. Courtney, number 290 by Mr. Courtney, number 292R1 by Mr. Courtney, number 295 by Miss Trahan, number 296 by Miss Trahan, number 302R1 by Mr. Moulton, 311 by Mr. Gallego, 321R1 by Miss Houlahan, 327R1 by Miss Haaland, number 338R1 by Mr. DesJarlais, number 339 by Mr. Carbajal, number 347R1 by Miss Haaland, number 354R1 by Doctor Abraham, 356 by Miss Sherrill, number 3621R1 by Mr. Thornberry, number 365 by Mr. Thornberry, number 368 by Mr. Thornberry.

aye's there discussion on the unblocked package?

KELLY: Mr. Chairman.

SMITH: I'm sorry, who speaks? Oh, Mr. Kelly.

KELLY: Knowing the time of day and how this is an issue one of these unblocked amendments that I want to speak on is Space A is for families of fallen heroes, our gold star families who have sacrificed so much for this country. Many of them had dreams of using Space A after retiring for travel.

The survivor's dreams shouldn't be upended because of death of their loved one in service to this country. This amendment creates a new Space A travel category for loved ones left behind and it's just a small gesture of our appreciation from a grateful nation and a grateful member of Congress to these gold star families.

And with that I yield back Mr. Chairman.

SMITH: Thank you Mr. Kelly. Further discussion?

Hearing none, all those in favor of unblocked package number six will say aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

UNKNOWN: Aye.

SMITH: Those opposed will say no.

UNKNOWN: No.

SMITH: Ayes have it. Unblocked package number six is adopted. It's now on order to consider unblocked package number seven. I ask unanimous consent to call up unblocked package number seven consisting of amendments that have been worked and approved by minority. Without objection so ordered. The clerk will distribute the amendment. Without objection it will be considered as read. Unblocked package number seven consists of the following.

Amendment number 369 by Mr. Thornberry, amendment number 382 by Mr. Norcross, amendment number 392R1 by Mr. Lamborn, amendment number 437R3 by Mr. Gallagher, amendment number 441R1 by Mr. Gallagher, amendment number 448 by Miss Escobar, number 452R2 by Mr. Langevin, 468R2 by Mr. Scott, number 469 by Mr. Smith, number 479R1 by Mr. Norcross, number 488R1 by Miss Gabbard, number 494 by Mr. Thornberry, number 502R1 by Mr. Norcross, number 48R1 by Mr. Crow, number 189 by Mr. Banks, number 371R1 by Mr. Thornberry, number 284R1 by Mr. Waltz. That was the last one.

aye's there any discussion of the unblocked package? Hearing none all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: Ayes have it, unblocked package number seven is adopted.

Which brings us to the last unblocked package. Unblocked package number eight. I ask unanimous consent to call up unblocked package number eight consisting of amendments that have been worked and approved by the majority--minority, sorry. Without objection so ordered. Clerk will distribute the amendment without objection it will be considered as read. Unblocked package number eight is comprised of the following.

Number 037R1 by Miss Speier, number 445R1 by Mr. Banks, number 069 by Miss Gabbard, number 051R1 by Miss Hill, number 031R1 by Miss Speier, number 508 by Mr. Bacon, number 459R1 by Miss Carbajal, number 308R2 by Mr. Gallego, number 2R9 by Mr. Langevin.

This is going to go on for a while by the way.

Number 322R1 by Miss Houlahan, number 447R2 by Miss Escobar, number 035R3 by Miss Speier, number 185R1 by Mr. Cooper, number 350R2 by Mr. Garamendi, number 105 by Mr. Brown, number 380R2 by Mr. Kim, number 328R1 by Miss Haaland, number 086 by Miss Gabbard, number 513 by Miss Haaland, number 253 by Mr. Rogers, number 005R1 by Mr. Turner, number 390R2 by Mr. Lamborn, number 006R1 by Mr. Turner.

aye's there discussion on the unblocked package? Mr. Bacon.

BACON: Mr. Chairman I just want to point out how grateful I am to the committee here for having the MilCon--the Mercy MilCon put in. We've been working this for weeks. I thought we had it yesterday, it came back out, but we just been able to get that added. But you know there was a \$4.8 billion in damage was the estimate and the emergency supplemental that we passed a few weeks back was \$1.6 billion. That left a big delta and the appropriators appropriated most of that contingent on this committee authorizing it this what this does, and this will have a huge impact for Camp Lejeune, Cherry Point, Tindall Air Force Base and Offutt Air Force Base.

My base, 30 buildings were destroyed and so this was a great moment and I just want to thank the committee. I yield back.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: If (INAUDIBLE) will yield, there are more amendments to unblocked package number eight. I did not read them all and I'm pretty sure that I--the thing's stapled. We put this together at the last minute so if you will indulge me for just a minute, I want to make sure that I read all the ones that were supposed to be read.

Okay so we're going to think of, sorry about that, we're going to think of Mr. Bacon's comments there as an interlude and we are back on unblocked package number eight and we're going to have to agree to adopt it and I'm pretty sure this is where I left off and continue with 037R2 by Miss Speier, number 445R1 by Mr. Banks, did we already cover these?

UNKNOWN: (INAUDIBLE)

SMITH: Ah, 086 by Miss Gabbard, so there was only the last page that we didn't get to so--

UNKNOWN: (INAUDIBLE)

SMITH: Okay I did 0--yeah, I did, okay. Two handwritten one's which were added at the last minute.

Man am I going to have trouble reading this, there we go.

Number 264R1 by Mr. Bacon and number 470R1 by Mr. Smith. All right is there further discussion on unblocked amendments? Miss Torres Small.

TORRES SMALL: Thank you I'd just like to speak quickly about the importance of small business protegee programs that allows small businesses to enter in to contracting opportunities with military--with the military.

It grows rural communities and it helps support the pipeline.

SMITH: Further discussion on unblocked? And ironically, I have to discuss one of the unblocked amendments.

This has to do with the launch language which we've negotiated and we can all be thankful we're spared a larger debate but I want to make clear the intent of the language we came up with was basically to make sure we had a maximum amount of competition while at the same time the intent of the language is to maintain the current request for a proposal and acquisition schedule for what is referred to as Phase 2.

We do not wish to slow down that schedule at all or alter the RFP involved in the process of going through with Phase 2. We will try and do some different things that aren't worth getting in to, but we have no intention of upsetting the current acquisition schedule for Phase 2 launch determinations.

aye's there further discussion on the unblocked amendments? Hearing none, all those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed no.

UNKNOWN: No.

SMITH: Ayes have it unblocked number eight is adopted.

SMITH: (OFF MIC) for what purpose does Mr. Thornberry seek recognition?

THORNBERRY: Mr. Chairman I have an amendment at the desk.

SMITH: Clerk will distribute the amendment and we will dispense with the reading of said amendment, Mr. Thornberry is recognized.

Now I will--we're going to try to keep five minutes for him, five minutes for me. We'll distribute it out, that's what we're going to try to do. We have talked about this subject earlier in the mark, so we have had our chance. Mr. Thornberry.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

THORNBERRY: Thank you Mr. Chairman and I will try to be concise. This amendment would raise the top line in the bill to the same amount that the administration requested and the same amount that the Senate has already marked to.

It represents right at a three percent real growth which testimony has consistently been in this committee, from two Secretaries of Defense, chairman of the Joint Chiefs, endorsed by the National Strategy Commission with six Democratic appointees, six Republican appointees, that that's the right amount.

But I don't really want to focus on the amount. I want to focus on the substance because when we put this together, we identified the specific things that this money would go for. Nearly every bit of it was either in the original administration request or in the unfunded requirements from the services.

There are no lightning rods in here. There's no wall funding or anything like that. Where we agreed in the underlying mark to reduce an administration request, I did not go back and put it back in, I stuck with our agreement. Everything in here is core responsibility of this committee.

For example, \$400 million for next generation air dominance. \$100 million for F15C repairs and parts. And by the way 28 of those aircraft are currently grounded, awaiting repairs and parts. All of this by the way goes back up to what the administration requested. We're not going above; this is what they asked for. To fix the F15's.

We add money for six F35's one E2D Hawkeye, we restore money for \$18 million for the Super Hornets as part of a three-year multiyear deal. Going to ground, we restore \$4.8 million for amphibious combat vehicles, \$5 million for armored multipurpose vehicles. In the sea area we restore \$211 million for CVN refueling overhauls. We put back in the administration request of \$390 million to prevent a one-year slip on CVN 81. We put back in \$49.5 million for JDAM's, \$25 million for army tactical missiles. We restore \$130 million for ground based strategic deterrent.

I mentioned earlier we put back in money for hyper-sonic development, unmanned surface vehicles, depot maintenance support for Army, National Guard and (INAUDIBLE) reserve.

All of those and more is specifically laid out in the amendment before you. So--so this vote is not on some hypothetical number. It is on those specific capabilities and that's what matters most. It is also I would suggest on how this committee can be relevant when it comes to negotiations with the Senate and whether we can engage at a level that the administration and the Senate Armed Services Committee have already agreed to.

I--it is possible, let me say one more thing. It is possible that there could be a cap deal in the future that would be some other number. It may be 733, it may be 740. I don't know what it would be, and I absolutely acknowledge that if and when there's a cap deal and I hope it's tomorrow, that we should adjust our authorization to fit it.

But where we are today for this committee to authorize, I understand where you appropriators are, for us to authorize an amount less than the administration requested, less than the consistent testimony we have received, less than the Senate Armed Services Committee puts us at a disadvantage.

So, this is a vote mainly on the substance of the things I've listed and otherwise. It's also a vote for us to have the most influence possible in the debates to come.

I yield back.

SMITH: Thank you.

Just to walk back through the history, it's worth noting that \$733 billion by about \$17 billion is the largest defense budget ever. It is a 2.4 percent increase over last year's budget which was also the largest defense budget ever.

We have increased the defense budget (INAUDIBLE) significant amount in each of the last two years and in this year. \$733 billion is not a small amount of money and to walk through the history, when we got the caps deal for FY '18 and FY '19 it was agreed to or it was projected in the (INAUDIBLE) in the DoD that they would ask for \$733 billion in FY '20 and as Chairman Dunford testified, that was what they've done for the last year is to build their

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

budget around that \$733 billion number and as recently as March you had administration officials parading up the CentCom Commander testified that \$733 was what they needed to meet their national security objectives.

Then the president said that he felt that the defense budget should be \$700 billion. That caused a fair amount of consternation amongst his Republican colleagues--not colleagues, the Republicans on the hill, which prompted a discussion. You can't go down to \$700 which is why I reference earlier that on March 26th about 70 Republicans, I think it was all House members sent an urgent letter to the president saying you have to stick to \$733, our national security is dependent upon that.

They went over and had a discussion about this and somehow the president's not a particular negotiator in my mind, he started at \$733, he asked for \$700 and after he negotiated, he came out at \$750. That's not normally the way you're supposed to go in a negotiation.

So, the \$733 number was a very informed number over a long period of time to arrive at that number. And it is a number that Republicans as recently as three months ago was insisting upon and I will also submit very strongly as we've seen with the battle over the wall, it didn't take the Pentagon more than the blink of an eye to find \$7 billion for this wall. It wasn't hard at all to take a billion dollars out of (INAUDIBLE) take it from other places.

The Pentagon has a history of asking for money in many instances for programs that are not ready to spend that money yet and if we give it to them it discourages them from being efficient. And I honestly believe that, and I think Mr. Thornberry made a very valid point, back when we, without warning because of the Budget Control Act, cut the Pentagon by 20 percent. Yeah, you're not going to get much efficient when you're cut overnight by 20 percent but we're increasing you by 2.4 percent and after we've done that we throw another \$17 billion at you, there is not incentive whatsoever to develop efficiency because you know there's more money coming around the corner.

The Pentagon still can't perform an audit. They can't tell you where they spent last year's money. Can't do it. They can't tell you what's in their inventory. They can't tell you the amount of buildings that they have. There is inefficiency built into the Pentagon. If you just give them more money without asking for some rigor, and we had rigor in that \$733 number, that's what they did over the course of the last year. They didn't do that for the \$17 billion.

Now, the ranking member read off a very impressive list. Let me tell you something, if we funded at \$750 it wouldn't take anyone in this room more than about a half a day to come up with another list for another \$17 or another \$20 or another \$30. There is always more money than you can spend at the Pentagon.

But I think part of this committee's responsibility is to exercise oversight to ensure that that money is sufficiently spent. I've often joked defense is the one area where Republicans and Conservatives seem to think throwing money at the problem is perfectly okay. It's not. We have to insist upon efficiencies and going artificially up to \$750, which is by the way what the appropriators marked to in the House, I think it's irresponsible. I think it takes away from our oversight responsibilities and from our demanding that our tax dollars be spent wisely and well.

I do appreciate the debate. I just want to close by thanking all members for the debates we have; we're going to have about 12 or 13 amendments coming up here.

I do urge a no vote on this amendment to enforce efficiency and let the tax payers know we're going to make sure they're getting their money's worth out of every dollar that we spend at the Pentagon we're going to try and rein in some of that waste that we heard discussed today and that we've all witnessed during our time on this committee.

With that I yield back, and a question occurs on Mr. Thornberry's amendment. All those in favor will say aye.

UNKNOWN: Aye.

SMITH: Opposed will say no.

UNKNOWN: No.

SMITH: I'll skip the analysis, ask for a recorded vote. So, we now have how many lined up here?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

I'm sorry, why are you whispering?

CLERK: It's 12 or 13. I think we're talking 13 but a decision has to be made on Miss Escobar's--

SMITH: --oh sorry I made that decision I just didn't tell you. We're not going to revisit back.

CLERK: Okay so 12.

SMITH: 13 votes so if we could get them up in order there. Give us a minute to see them, put them up on the board before we start calling them. We'll then try to go through and explain what they are since it's been a while since we had the debates.

UNKNOWN: (OFF MIC)

SMITH: I don't think so. The suggestion was to unblock all the Guantanamo votes but I'm thinking that's not going to happen so. The suggestion was to unblock all of the Guantanamo votes in one big Guantanamo vote, yeah, I don't think so.

Yeah, I was asked, figured I'd throw it out there. They're not quite all the same. We're getting these things organized here. It will take just a moment.

(OFF MIC)

As we go one by one here if before, we do the roll call vote, you can say, first one is Lamborn 500, briefly what is it.

UNKNOWN: Lamborn 500 requires report by SECNAV on how implementing net zero emissions--

SMITH: It's the Green New Deal.

UNKNOWN: Green New Deal will--

SMITH: We know what it is. Roll call.

CLERK: Chairman Smith.

SMITH: (OFF MIC)

CLERK: Chairman Smith votes no. Mr. Thornberry.

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes aye. Mrs. Davis.

DAVIS: (OFF MIC)

CLERK: Mrs. Davis votes no. Mr. Wilson.

WILSON: Aye.

CLERK: Mr. Wilson votes aye. Mr. Langevin.

LANGEVIN: (OFF MIC)

CLERK: Mr. Langevin votes no. Mr. Bishop.

BISHOP: (OFF MIC)

CLERK: Mr. Bishop votes aye. Mr. Larsen.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

LARSEN: (OFF MIC)

CLERK: Mr. Larsen votes no. Mr. Turner.

TURNER: Aye.

CLERK: Mr. Turner votes aye. Mr. Cooper.

COOPER: (OFF MIC)

CLERK: Mr. Cooper votes no. Mr. Rogers.

ROGERS: Aye.

CLERK: Mr. Rogers votes aye. Mr. Courtney.

COURTNEY: (OFF MIC)

CLERK: Mr. Courtney votes no. Mr. Conaway.

CONAWAY: (OFF MIC)

CLERK: Mr. Conaway votes aye. Mr. Garamendi.

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn.

LAMBORN: Aye.

CLERK: Mr. Lamborn votes aye. Miss Speier.

SPEIER: (OFF MIC)

CLERK: Miss Speier votes no. Mr. Wittman.

WITTMAN: Aye.

CLERK: Mr. Wittman votes aye. Miss Gabbard.

GABBARD: (OFF MIC)

CLERK: Miss Gabbard votes no. Mrs. Hartzler.

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes aye. Mr. Norcross.

NORCROSS: (OFF MIC)

CLERK: Mr. Norcross votes no. Mr. Scott.

SCOTT: Aye.

CLERK: Mr. Scott votes aye. Mr. Gallego.

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BROOKS: Aye.

CLERK: Mr. Brooks votes aye. Mr. Moulton.

MOULTON: (OFF MIC)

CLERK: Mr. Moulton votes no. Mr. Cook.

COOK: Aye.

CLERK: Mr. Cook votes aye. Mr. Carbajal.

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne.

BYRNE: Aye.

CLERK: Mr. Byrne votes aye. Mr. Brown.

BROWN: (OFF MIC)

CLERK: Mr. Brown votes no. Mr. Graves.

GRAVES: Aye.

CLERK: Mr. Graves votes aye. Mr. Khanna.

KHANNA: (OFF MIC)

CLERK: Mr. Khanna votes no. Miss Stefanik.

STEFANIK: Aye.

CLERK: Miss Stefanik votes aye. Mr. Keating.

KEATING: (OFF MIC)

CLERK: Mr. Keating votes no. Dr. DesJarlais.

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes aye. Mr. Vela.

VELA: (OFF MIC)

CLERK: Mr. Vela votes no. Dr. Abraham.

ABRAHAM: (OFF MIC)

CLERK: Dr. Abraham votes aye. Mr. Kim.

KIM: (OFF MIC)

CLERK: Mr. Kim votes no. Mr. Kelly.

KELLY: Aye.

CLERK: Mr. Kelly votes aye. Ms. Horn.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

HORN: Aye.

CLERK: Miss Horn votes aye. Mr. Gallagher.

GALLAGHER: (OFF MIC)

CLERK: Mr. Gallagher votes aye. Mr. Cisneros.

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz.

GAETZ: (OFF MIC)

CLERK: Mr. Gaetz votes aye. Miss Houlahan.

HOULAHAN: (OFF MIC)

CLERK: Miss Houlahan votes no. Mr. Bacon.

BACON: Aye.

CLERK: Mr. Bacon votes aye. Mr. Crow.

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks.

BANKS: (OFF MIC)

CLERK: Mr. Banks votes aye. Miss Torres Small.

TORRES SMALL: (OFF MIC)

CLERK: Miss Torres Small votes no. Miss Cheney.

CHENEY: Aye.

CLERK: Miss Cheney votes aye. Miss Slotkin.

SLOTKIN: Aye.

CLERK: Miss Slotkin votes aye. Mr. Mitchell

MITCHELL: (OFF MIC)

CLERK: Mr. Mitchell votes aye. Miss Sherrill.

SHERRILL: (OFF MIC)

CLERK: Miss Sherrill votes aye. Mr. Bergman.

BERGMAN: Aye.

CLERK: Mr. Bergman votes aye. Miss Hill.

HILL: No.

CLERK: Miss Hill votes no. Mr. Waltz.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

WALTZ: (OFF MIC)

CLERK: Mr. Waltz votes aye. Miss Escobar.

ESCOBAR: (OFF MIC)

CLERK: Miss Escobar votes no. Miss Haaland.

HAALAND: No.

CLERK: Miss Haaland votes no. Mr. Golden.

GOLDEN: (OFF MIC)

CLERK: Mr. Golden votes aye. Mrs. Trahan.

TRAHAN: (OFF MIC)

CLERK: Mrs. Trahan votes no. Mrs. Luria.

LURIA: (OFF MIC)

CLERK: Mrs. Luria votes no.

TORRES SMALL: Mr. Chairman, how am I recorded?

CLERK: Miss Torres Small is recorded no.

TORRES SMALL: I'd like to be recorded yes.

CLERK: So, done. Mr. Chairman on this vote the ayes are 31, the no's are 26.

SMITH: I believe the Boise submarine and taking the money from the R and D program on low--

UNKNOWN: --low enriched uranium.

SMITH: Low enriched uranium. So, the \$20 million. Call the roll.

CLERK: Chairman Smith.

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry.

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes aye. Mrs. Davis.

DAVIS: (OFF MIC)

CLERK: Mrs. Davis--Mrs. Davis

DAVIS: Aye.

CLERK: Mrs. Davis votes aye. Mr. Wilson.

WILSON: Aye.

CLERK: Mr. Wilson votes aye. Mr. Langevin.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop.

BISHOP: Aye.

CLERK: Mr. Bishop votes aye. Mr. Larsen.

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner.

TURNER: Aye.

CLERK: Mr. Turner votes aye. Mr. Cooper.

COOPER: Aye.

CLERK: Mr. Cooper votes aye. Mr. Rogers.

ROGERS: Aye.

CLERK: Mr. Rogers votes aye. Mr. Courtney.

COURTNEY: (OFF MIC)

CLERK: Mr. Courtney votes no. Mr. Conaway.

CONAWAY: Aye.

CLERK: Mr. Conaway votes aye. Mr. Garamendi.

GARAMENDI: (OFF MIC)

CLERK: Mr. Garamendi votes no. Mr. Lamborn.

LAMBORN: Aye.

CLERK: Mr. Lamborn votes aye. Miss Speier.

SPEIER: (OFF MIC)

CLERK: Miss Speier votes no. Mr. Wittman.

WITTMAN: (OFF MIC)

CLERK: Mr. Wittman votes aye. Miss Gabbard.

GABBARD: No.

CLERK: Miss Gabbard votes no. Mrs. Hartzler.

HARTZLER: (OFF MIC)

CLERK: Mrs. Hartzler votes yes. Mr. Norcross.

NORCROSS: (OFF MIC)

CLERK: Mr. Norcross votes no. Mr. Scott.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SCOTT: (OFF MIC)

CLERK: Mr. Scott votes yes. Mr. Gallego.

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks.

BROOKS: Aye.

CLERK: Mr. Brooks votes aye. Mr. Moulton.

MOULTON: Aye.

CLERK: Mr. Moulton votes aye. Mr. Cook.

COOK: Aye.

CLERK: Mr. Cook votes aye. Mr. Carbajal.

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne.

BYRNE: Aye.

CLERK: Mr. Byrne votes aye. Mr. Brown.

BROWN: (OFF MIC)

CLERK: Mr. Brown votes aye. Mr. Graves.

GRAVES: Aye.

CLERK: Mr. Graves votes aye. Mr. Khanna.

KHANNA: No.

CLERK: Mr. Khanna votes no. Miss. Stefanik.

STEFANIK: Aye.

CLERK: Miss Stefanik votes aye. Mr. Keating.

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais.

DESJARLAIS: (OFF MIC)

CLERK: Dr. DesJarlais votes aye. Mr. Vela.

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham.

ABRAHAM: Aye.

CLERK: Dr. Abraham votes aye. Mr. Kim.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly.

KELLY: Aye.

CLERK: Mr. Kelly votes aye. Miss Horn.

HORN: Aye.

CLERK: Miss Horn votes aye. Mr. Gallagher.

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes aye. Mr. Cisneros

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz.

GAETZ: (OFF MIC)

CLERK: Mr. Gaetz votes no. Ms. Houlahan?

HOULAHAN: No ma'am.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: Aye.

CLERK: Ms. Sherrill votes Aye. Mr. Bergman?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: Aye.

CLERK: Ms. Hill votes Aye. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Watz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden vote no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: Aye.

CLERK: Mrs. Luria votes aye.

On this vote, the aye's are 33 and the no's are 24.

(OFF-MIC)

SMITH: --issue dealing with reporting of civilian casualties within DoD and DNAye. I think we remember that. Clerk will call the roll.

CLERK: Chairman Smith?

SMITH: Aye.

CLERK: Chairman Smith votes Aye. Mr. Thornberry?

THORNBERRY: No.

CLERK: Mr. Thornberry votes no. Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes Aye. Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no. Mr. Langevin?

LANGEVIN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Langevin votes Aye. Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no. Mr. Larsen?

LARSEN: Aye.

CLERK: Mr. Larsen votes Aye. Mr. Turner?

TURNER: No.

CLERK: Mr. Turner votes no. Mr. Cooper?

COOPER: Aye.

CLERK: Mr. Cooper votes Aye. Mr. Rogers?

ROGERS: No.

CLERK: Mr. Rogers votes no. Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes Aye. Mr. Conaway?

CONAWAY: No.

CLERK: Mr. Conaway votes no. Mr. Garamendi?

GARAMENDI: Aye.

CLERK: Mr. Garamendi votes Aye. Mr. Lamborn?

LAMBORN: No.

CLERK: Mr. Lamborn votes no. Ms. Speier?

SPEIER: Aye.

CLERK: Ms. Speier votes Aye. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: Aye.

CLERK: Ms. Gabbard votes Aye. Mrs. Hartzler?

HARTZLER: No.

CLERK: Mrs. Hartzler votes no. Mr. Norcross?

NORCROSS: Aye.

CLERK: Mr. Norcross votes Aye. Mr. Scott?

SCOTT: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Scott votes no. Mr. Gallego?

GALLEGO: Aye.

CLERK: Mr. Gallego votes Aye. Mr. Brooks?

BROOKS: No.

CLERK: Mr. Brooks votes no. Mr. Moulton?

MOULTON: Aye.

CLERK: Mr. Moulton votes Aye. Mr. Cook?

COOK: No.

CLERK: Mr. Cook votes no. Mr. Carbajal?

CARBAJAL: Aye.

CLERK: Mr. Carbajal votes Aye. Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no. Mr. Brown?

BROWN: Yes, Aye.

CLERK: Mr. Brown votes Aye. Mr. Graves?

GRAVES: No.

CLERK: Mr. Graves votes no. Mr. Khanna?

KHANNA: Aye.

CLERK: Mr. Khanna votes Aye. Ms. Stefanik?

STEFANIK: No.

CLERK: Ms. Stefanik votes no. Mr. Keating?

KEATING: Aye.

CLERK: Mr. Keating votes Aye. Dr. DesJarlais?

DESJARLAIS: No.

CLERK: Dr. DesJarlais votes no. Mr. Vela?

VELA: Aye.

CLERK: Mr. Vela votes Aye. Dr. Abraham?

ABRAHAM: No.

CLERK: Dr. Abraham votes no. Mr. Kim?

KIM: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Kim votes Aye. Mr. Kelly?

KELLY: No.

CLERK: Mr. Kelly votes no. Ms. Horn?

HORN: Aye.

CLERK: Ms. Horn votes Aye. Mr. Gallagher?

GALLAGHER: No.

CLERK: Mr. Gallagher votes no. Mr. Cisneros?

CISNEROS: Pass.

CLERK: Mr. Gaetz?

GAETZ: No.

CLERK: Mr. Gaetz votes no. Ms. Houlahan?

HOULAHAN: Aye.

CLERK: Ms. Houlahan votes Aye. Mr. Bacon?

BACON: No.

CLERK: Mr. Bacon votes no. Mr. Crow?

CROW: Aye.

CLERK: Mr. Crow votes Aye. Mr. Banks?

BANKS: No.

CLERK: Mr. Banks votes no. Ms. Torres Small?

TORRES SMALL: Aye.

CLERK: Ms. Torres Small votes Aye. Ms. Cheney?

CHENEY: No.

CLERK: Ms. Cheney votes no. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes--

MITCHELL: --No.--

CLERK: Mr. Mitchell votes no. Ms. Sherrill?

SHERRILL: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Sherrill votes Aye. Mr. Bergman?

BERGMAN: No.

CLERK: Mr. Bergman votes no. Ms. Hill?

HILL: Aye.

CLERK: Ms. Hill votes Aye. Mr. Waltz?

WALTZ: No.

CLERK: Mr. Waltz votes no. Ms. Escobar?

ESCOBAR: Aye.

CLERK: Ms. Escobar votes Aye. Ms. Haaland?

HAALAND: Aye.

CLERK: Ms. Haaland votes Aye. Mr. Golden?

GOLDEN: Aye.

CLERK: Mr. Golden votes Aye. Mrs. Trahan?

TRAHAN: Aye.

CLERK: Mrs. Trahan votes Aye. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

WHITTMAN: Mr. Chairman, how am I recorded? Mr. Chairman? Mr. Chairman--

UNKNOWN: --Who's asking the question?

WHITTMAN: --How am I recorded?

(INAUDIBLE)

CLERK: If you would like me to.

(LAUGHTER)

(INAUDIBLE)

CLERK: Mr. Wittman is registered Aye.

WHITTMAN: If you would record me as a no. Thank you. Thank you, Mr. Chairman.

CLERK: Mr. Cisneros?

CISNEROS: Aye.

CLERK: Mr. Cisneros votes Aye.

On this vote, the ayes are 29 and the no's are 28.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Now we are moving on to Guantanamo Palooza and the first one is Mr. Walls, which would--the underlying bill prohibits any further transport to Guantanamo. This would strip that to allow further transfer or further--yeah, not transfer, but put more people in Guantanamo. So, Clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Lamborn--sorry.

Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Yes.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross? (INAUDIBLE) repeat the vote?

CLERK: Say it again.

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Yes.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Yes.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: Aye.

CLERK: Ms. Escobar votes--

ESCOBAR: --No, I'm sorry, I'm sorry. No.

CLERK: Ms--Ms. Escobar votes no--Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Ms--Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mrs. Luria votes no.

CLERK: Mr. Chairman, on this vote, the aye's are--are 26 and the no's are 31..

CLERK: Chairman Smith? Chairman Smith?

SMITH: No.

CLERK: Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Ms--Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Mr.--Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

SMITH: If there are members who want to change their vote or whatever, feel free to speak up and we'll take you. I won't ask you every time.

CLERK: Mr. Chairman, on this vote, the aye's are 26, the no's are 31.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: The amendment is defeated and next up is Mr. Banks. This is the one that prohibits construction of anything in the U.S. to house Guantanamo inmates I believe. Yes. Clerk will call the roll.

[*]CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith, no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott? Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlihan?

HOULAHAN: No.

CLERK: Ms. Houlihan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Ms--Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

On this vote, the aye's are 26, the no's are 31. On this vote, the aye's are 26s, the no's are 31.

(OFF-MIC)

CLERK: Chairman Smith?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego? Mr. Gallego? Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlihan?

HOULAHAN: No.

CLERK: Ms. Houlihan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Yes.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

UNKNOWN: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no.

On this vote, the aye's are 26 and the no's are 31.

(OFF-MIC)

CLERK: Okay, Mr. Chairman?

SMITH: No.

CLERK: Mr. Chairman votes no. Mr. Thornberry?

THORNBERRY: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Gabbard votes no. Mr.--Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

CLERK: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz--Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlihan?

HOULAHAN: Aye.

CLERK: Ms. Houlihan votes Aye. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: Aye.

CLERK: Ms. Torres Small votes Aye. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Slotkin votes Aye. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Ms--Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes--votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

Mr. Chairman, on this vote, the aye's are 29, the no's are 28.

(OFF-MIC)

SMITH: We now move on to Amendment 245, which begins getting us into the border issues. And, this is to strike Section 1046 and 1046 is a limit on presidential and departmental efforts to build emergency assistance walls along the southwest border. Clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith, no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry, Aye. Mrs. Davis?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop? Sorry, Mr. Langevin votes Aye. Sorry, Mr. Langevin votes no. Mr. Bishop?

BISHOP: I, I, Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No, no, no.

(LAUGHTER)

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman? Mr. Wittman?

WITTMAN: Aye.

CLERK: Ms. Gabbard?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

UNKONWN: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlihan?

HOULAHAN: No.

CLERK: Ms. Houlihan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Ms--Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes--votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

Mr. Chairman, on this vote, the aye's are 26, the no's are 31.

(OFF-MIC)

SMITH: Now, we are moving on to Mr. Roger's amendment, 247, which also goes after some of the provisions that restrict the president's ability to do emergency powers to redirect money for wall construction, roughly speaking. Clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Ms. Gabbard?

GABBARD: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

UNKONWN: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlihan?

HOULAHAN: No.

CLERK: Ms. Houlihan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

On this vote, the aye's are 26 and the no's are 31.

SMITH: (OFF-MIC) --is defeated and it's now in order to consider Mr. Roger's amendment number 244, which again changes some of the emergency power--well, changes provisions in the bill that--or strikes provisions in the bills that we're changing the president's emergency powers to provide assistance on the southwest border. Clerk will call the roll.

(OFF-MIC)

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

UNKONWN: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

On this vote, the aye's are 26 and the no's are 31.

SMITH: (OFF-MIC) is defeated. It's now in order to consider 229R1 by Ms. Hartzler, which again had to do with border--border issues, roughly speaking. We'll leave it at that. Clerk will call the roll.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Yes.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Ms--Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

UNKONWN: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais? Sorry, can the member repeat that?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Haaland--I'm sorry, Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: No.

CLERK: Mrs. Luria votes no.

Mr. Chairman, on this vote, the aye's are 26, the no's are 31.

SMITH: The amendment is defeated. We now have Mr. Thornberry's amendment on adding \$17 billion to the mark. I will point out to members after this amendment, we will also have a vote on adoption of the full committee mark. So, that will be a recorded vote as well. Clerk will all the roll on Mr. Thornberry 374.

CLERK: Chairman Smith?

SMITH: No.

CLERK: Chairman Smith votes no. Mr. Thornberry?

THORNBERRY: Aye.

CLERK: Mr. Thornberry votes Aye. Mrs. Davis?

DAVIS: No.

CLERK: Mrs. Davis votes no. Mr. Wilson?

WILSON: Aye.

CLERK: Mr. Wilson votes Aye. Mr. Langevin?

LANGEVIN: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Langevin votes no. Mr. Bishop?

BISHOP: Aye.

CLERK: Mr. Bishop votes Aye. Mr. Larsen?

LARSEN: No.

CLERK: Mr. Larsen votes no. Mr. Turner?

TURNER: Aye.

CLERK: Mr. Turner votes Aye. Mr. Cooper?

COOPER: No.

CLERK: Mr. Cooper votes no. Mr. Rogers?

ROGERS: Aye.

CLERK: Mr. Rogers votes Aye. Mr. Courtney?

COURTNEY: No.

CLERK: Mr. Courtney votes no. Mr. Conaway?

CONAWAY: Aye.

CLERK: Mr. Conaway votes Aye. Mr. Garamendi?

GARAMENDI: No.

CLERK: Mr. Garamendi votes no. Mr. Lamborn?

LAMBORN: Aye.

CLERK: Mr. Lamborn votes Aye. Ms. Speier?

SPEIER: No.

CLERK: Ms. Speier votes no. Mr. Wittman?

WITTMAN: Aye.

CLERK: Mr. Wittman votes Aye. Ms. Gabbard?

GABBARD: No.

CLERK: Ms. Gabbard votes no. Mrs. Hartzler?

HARTZLER: Aye.

CLERK: Mrs. Hartzler votes Aye. Mr. Norcross?

NORCROSS: No.

CLERK: Mr. Norcross votes no. Mr. Scott?

SCOTT: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Scott votes Aye. Mr. Gallego?

GALLEGO: No.

CLERK: Mr. Gallego votes no. Mr. Brooks?

BROOKS: Aye.

CLERK: Mr. Brooks votes Aye. Mr. Moulton?

MOULTON: No.

CLERK: Mr. Moulton votes no. Mr. Cook?

COOK: Aye.

CLERK: Mr. Cook votes Aye. Mr. Carbajal?

CARBAJAL: No.

CLERK: Mr. Carbajal votes no. Mr. Byrne?

BYRNE: Aye.

CLERK: Mr. Byrne votes Aye. Mr. Brown?

BROWN: No.

CLERK: Mr. Brown votes no. Mr. Graves?

GRAVES: Aye.

CLERK: Mr. Graves votes Aye. Mr. Khanna?

KHANNA: No.

CLERK: Mr. Khanna votes no. Ms. Stefanik?

STEFANIK: Aye.

UNKONWN: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: No.

CLERK: Mr. Keating votes no. Dr. DesJarlais?

DESJARLAIS: Aye.

CLERK: Dr. DesJarlais votes Aye. Mr. Vela?

VELA: No.

CLERK: Mr. Vela votes no. Dr. Abraham?

ABRAHAM: Aye.

CLERK: Dr. Abraham votes Aye. Mr. Kim?

KIM: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Kim votes no. Mr. Kelly?

KELLY: Aye.

CLERK: Mr. Kelly votes Aye. Ms. Horn?

HORN: No.

CLERK: Ms. Horn votes no. Mr. Gallagher?

GALLAGHER: Aye.

CLERK: Mr. Gallagher votes Aye. Mr. Cisneros?

CISNEROS: No.

CLERK: Mr. Cisneros votes no. Mr. Gaetz?

GAETZ: Aye.

CLERK: Mr. Gaetz votes Aye. Ms. Houlahan?

HOULAHAN: No.

CLERK: Ms. Houlahan votes no. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: No.

CLERK: Mr. Crow votes no. Mr. Banks?

BANKS: Yes.

CLERK: Mr. Banks votes Aye. Ms. Torres Small?

TORRES SMALL: No.

CLERK: Ms. Torres Small votes no. Ms. Cheney?

CHENEY: Aye.

CLERK: Ms. Cheney votes Aye. Ms. Slotkin?

SLOTKIN: No.

CLERK: Ms. Slotkin votes no. Mr. Mitchell?

MITCHELL: Aye.

CLERK: Mr. Mitchell votes Aye. Ms. Sherrill?

SHERRILL: No.

CLERK: Ms. Sherrill votes no. Mr. Bergman?

BERGMAN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Bergman votes Aye. Ms. Hill?

HILL: No.

CLERK: Ms. Hill votes no. Mr. Waltz?

WALTZ: Aye.

CLERK: Mr. Waltz votes Aye. Ms. Escobar?

ESCOBAR: No.

CLERK: Ms. Escobar votes no. Ms. Haaland?

HAALAND: No.

CLERK: Ms. Haaland votes no. Mr. Golden?

GOLDEN: No.

CLERK: Mr. Golden votes no. Mrs. Trahan?

TRAHAN: No.

CLERK: Mrs. Trahan votes no. Mrs. Luria?

LURIA: Yes.

CLERK: Mrs. Luria votes yes.

Okay. Mr. Chairman, on this vote, the aye's are 27, the no's are 30.

SMITH: (OFF-MIC) for the purpose of offering a motion.

CLERK: Mr. Chairman, I move to adopt the chairman's mark as amended.

SMITH: I know this is going to roll call, so why don't we just go ahead and--well, I ask for a roll call vote.

CLERK: Chairman Smith?

SMITH: Aye.

CLERK: Chairman Smith votes Aye. Mr. Thornberry?

THORNBERRY: No.

CLERK: Mr. Thornberry votes no. Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes Aye. Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no. Mr. Langevin?

LANGEVIN: Aye.

CLERK: Mr. Langevin votes Aye. Mr. Bishop?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

BISHOP: No.

CLERK: Mr. Bishop votes no. Mr. Larsen?

LARSEN: Aye.

CLERK: Mr. Larsen votes Aye. Mr. Turner?--

SMITH: --Can I interrupt just one quick second? I apolog--I want it to make 100 percent clear this is not final passage. You are not permitted to leave. We have to vote on final passage, which will come up in a minute. So--

CLERK: --Mr. Chairman, if--while we're interrupting, if I could ask. Once you've voted on this, Republican members of the committee to just step in this room for a very brief discussion and then we'll come back out to have the final passage vote.

SMITH: We are voting on the full committee mark.

CLERK: Adoption of the full committee provisions that we just have been getting through.

SMITH: Right. Sorry, yeah I should have explained that. The clerk will resume the roll call.

CLERK: Mr. Turner?

TURNER: No.

CLERK: Mr. Turner votes no. Mr. Cooper?

COOPER: Aye.

CLERK: Mr. Cooper votes Aye. Mr. Rogers?

ROGERS: No.

CLERK: Mr. Rogers votes no. Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes Aye. Mr. Conaway?

CONAWAY: No.

CLERK: Mr. Conaway votes no. Mr. Garamendi?

GARAMENDI: Aye.

CLERK: Mr. Garamendi votes Aye. Mr. Lamborn?

LAMBORN: Nay.

CLERK: Mr. Lamborn votes no. Ms. Speier?

SPEIER: Aye.

CLERK: Ms. Speier votes Aye. Mr. Wittman?

WITTMAN: No.

CLERK: Mr. Wittman votes no. Ms. Gabbard?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

GABBARD: Aye.

CLERK: Ms. Gabbard votes Aye. Mrs. Hartzler?

HARTZLER: No.

CLERK: Mrs. Hartzler votes no. Mr. Norcross?

NORCROSS: Aye.

CLERK: Mr. Norcross votes Aye. Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no. Mr. Gallego?

GALLEGO: Aye.

CLERK: Mr. Gallego votes Aye. Mr. Brooks?

BROOKS: No.

CLERK: Mr. Brooks votes no. Mr. Moulton?

MOULTON: Aye.

CLERK: Mr. Moulton votes Aye. Mr. Cook?

COOK: No.

CLERK: Mr. Cook votes no. Mr. Carbajal?

CARBAJAL: Yes.

CLERK: Mr. Carbajal votes Aye. Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no. Mr. Brown?

BROWN: Yes.

CLERK: Mr. Brown votes Aye. Mr. Graves?

GRAVES: No.

CLERK: Mr. Graves votes no. Mr. Khanna?

KHANNA: Aye.

CLERK: Mr. Khanna votes Aye. Ms. Stefanik?

STEFANIK: No.

UNKONWN: Ms. Stefanik votes no. Mr. Keating?

KEATING: Aye.

CLERK: Mr. Keating votes Aye. Dr. DesJarlais?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

DESJARLAIS: No.

CLERK: Dr. DesJarlais votes no. Mr. Vela?

VELA: Aye.

CLERK: Mr. Vela votes Aye. Dr. Abraham?

ABRAHAM: No.

CLERK: Dr. Abraham votes no. Mr. Kim?

KIM: Aye.

CLERK: Mr. Kim votes Aye. Mr. Kelly?

KELLY: No.

CLERK: Mr. Kelly votes no. Ms. Horn?

HORN: Aye.

CLERK: Ms. Horn votes Aye. Mr. Gallagher?

GALLAGHER: No.

CLERK: Mr. Gallagher votes no. Mr. Cisneros?

CISNEROS: Aye.

CLERK: Mr. Cisneros votes Aye. Mr. Gaetz?

GAETZ: No.

CLERK: Mr. Gaetz votes no. Ms. Houlahan?

HOULAHAN: Aye.

CLERK: Ms. Houlahan votes Aye. Mr. Bacon?

BACON: No.

CLERK: Mr. Bacon votes no. Mr. Crow?

CROW: Aye.

CLERK: Mr. Crow votes Aye. Mr. Banks?

BANKS: No.

CLERK: Mr. Banks votes no. Ms. Torres Small?

TORRES SMALL: Aye.

CLERK: Ms. Torres Small votes Aye. Ms. Cheney?

CHENEY: No.

CLERK: Ms. Cheney votes no. Ms. Slotkin?

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SLOTKIN: Aye.

CLERK: Ms. Slotkin votes Aye. Mr. Mitchell?

MITCHELL: No.

CLERK: Mr. Mitchell votes no. Ms. Sherrill?

SHERRILL: Aye.

CLERK: Ms. Sherrill votes Aye. Mr. Bergman?

BERGMAN: No.

CLERK: Mr. Bergman votes no. Ms. Hill?

HILL: Aye.

CLERK: Ms. Hill votes Aye. Mr. Waltz?

WALTZ: No.

CLERK: Mr. Waltz votes no. Ms. Escobar?

ESCOBAR: Aye.

CLERK: Ms. Escobar votes Aye. Ms. Haaland?

HAALAND: Aye.

CLERK: Ms. Haaland votes Aye. Mr. Golden?

GOLDEN: Aye.

CLERK: Mr. Golden votes Aye. Mrs. Trahan?

TRAHAN: Aye.

CLERK: Mrs. Trahan votes Aye. Mrs. Luria?

LURIA: Aye.

CLERK: Mrs. Luria votes Aye.

SMITH: So, while we're waiting for the tally, I'll just point out that now that all the republicans have left the room, we have a quorum, we can do whatever we wanted.

(LAUGHTER)

So, talk amongst yourself. Let us know--

(INAUDIBLE)

I see the reason for bipartisanship now.

(LAUGHTER)

CLERK: On this vote, the aye's are 31 and the no's are 26.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: The motion is adopted. The full committee report is adopted. We are going to move on to final passage in just a couple of minutes. Talk amongst yourselves. It'll only be another couple of minutes here.

(RECESS)

SMITH: All right, we will reconvene. Before we go to the motion for final passage, I just want to thank all the members of the committee, certainly. I think we had very good debates and I think upheld the tradition of the committee quite well and I appreciate all of your fine work. And, more than anything, I--I want to thank the staff.

(APPLAUSE)

Yes. That is (INAUDIBLE).

(APPLAUSE)

I'll just say we--we've been up all night today. They've been up all night for at least a week. So, very much appreciate their work and I think the kindest thing we can do for them is get done and get them home. So, I will be brief and I will yield to Mr. Thornberry for any comments he has.

THORNBERRY: Mr. Chairman, I share your appreciate for staff. It is literally true that some of our committee staff have spent the last two nights in the office here before tonight. I also want to thank all the personal staff and I want to thank my three interns, Jack, Carter, and Cull, who have been manning the wall and the door all day and night with us.

(APPLAUSE)

And--and finally, I want to thank the intrepid press who has been able to stay up all night with us. I didn't think y'all could do it.

(APPLAUSE)

SMITH: We tried to wear them down.

(LAUGHTER)

THORNBERRY: I know. Mr.--Mr. Chairman, if I could make one more comment.

SMITH: --Sure.--

THORNBERRY: All of us have invested a lot in this committee and feel very strongly about it. I hope that this bill improves from everybody's standpoint as it moves through the process. And, I'll leave it there.

SMITH: In my experience, it--it usually does. So, we'll keep working on it. And, with that, I will recognize the gentleman from Maryland, Mr. Brown, for the purpose of a motion.

BROWN: Mr. Chairman, I move that the committee report the Bill HR 2500 as amended favorably to the House with a recommendation that it do pass.

SMITH: A question on the motion from the gentleman from Maryland. I'm sure this--I'm pretty sure this requires a recorded vote, so the Clerk will call a roll--call the roll.

CLERK: Chairman Smith?

SMITH: Aye.

CLERK: Chairman Smith votes Aye. Mr. Thornberry?

THORNBERRY: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Mr. Thornberry votes no. Mrs. Davis?

DAVIS: Aye.

CLERK: Mrs. Davis votes Aye. Mr. Wilson?

WILSON: No.

CLERK: Mr. Wilson votes no. Mr. Langevin?

LANGEVIN: Aye.

CLERK: Mr. Langevin votes Aye. Mr. Bishop?

BISHOP: No.

CLERK: Mr. Bishop votes no. Mr. Larsen?

LARSEN: Aye.

CLERK: Mr. Larsen votes Aye. Mr. Turner?

TURNER: No.

CLERK: Mr. Turner votes no. Mr. Cooper?

COOPER: Aye.

CLERK: Mr. Cooper votes Aye. Mr. Rogers?

ROGERS: No.

CLERK: Mr. Rogers votes no. Mr. Courtney?

COURTNEY: Aye.

CLERK: Mr. Courtney votes Aye. Mr. Conaway?

CONAWAY: No.

CLERK: Mr. Conaway votes no. Mr. Garamendi?

GARAMENDI: Aye.

CLERK: Mr. Garamendi votes Aye. Mr. Lamborn?

LAMBORN: No.

CLERK: Mr. Lamborn votes no. Ms. Speier?

SPEIER: Aye.

CLERK: Ms. Speier votes Aye. Mr. Wittman?

WITTMAN: No.

CLERK: Mr. Wittman votes no. Ms. Gabbard?

GABBARD: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Gabbard votes Aye. Mrs. Hartzler?

HARTZLER: No.

CLERK: Mrs. Hartzler votes no. Mr. Norcross?

NORCROSS: Aye.

CLERK: Mr. Norcross votes Aye. Mr. Scott?

SCOTT: No.

CLERK: Mr. Scott votes no. Mr. Gallego?

GALLEGO: Aye.

CLERK: Mr. Gallego votes Aye. Mr. Brooks?

BROOKS: No.

CLERK: Mr. Brooks votes no. Mr. Moulton?

MOULTON: Aye.

CLERK: Mr. Moulton votes Aye. Mr. Cook?

COOK: No.

CLERK: Mr. Cook votes no. Mr. Carbajal?

CARBAJAL: Aye.

CLERK: Mr. Carbajal votes Aye. Mr. Byrne?

BYRNE: No.

CLERK: Mr. Byrne votes no. Mr. Brown?

BROWN: Aye.

CLERK: Mr. Brown votes Aye. Mr. Graves?

GRAVES: No.

CLERK: Mr. Graves votes no. Mr. Khanna?

KHANNA: Aye.

CLERK: Mr. Khanna votes Aye. Ms. Stefanik?

STEFANIK: Aye.

UNKONWN: Ms. Stefanik votes Aye. Mr. Keating?

KEATING: Aye.

CLERK: Mr. Keating votes Aye. Dr. DesJarlais?

DESJARLAIS: No.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Dr. DesJarlais votes no. Mr. Vela?

VELA: Aye.

CLERK: Mr. Vela votes Aye. Dr. Abraham?

ABRAHAM: No.

CLERK: Dr. Abraham votes no. Mr. Kim?

KIM: Aye.

CLERK: Mr. Kim votes Aye. Mr. Kelly?

KELLY: No.

CLERK: Mr. Kelly votes no. Ms. Horn?

HORN: Aye.

CLERK: Ms. Horn votes Aye. Mr. Gallagher?

GALLAGHER: No.

CLERK: Mr. Gallagher votes no. Mr. Cisneros?

CISNEROS: Aye.

CLERK: Mr. Cisneros votes Aye. Mr. Gaetz?

GAETZ: No.

CLERK: Mr. Gaetz votes no. Ms. Houlahan?

HOULAHAN: Yes.

CLERK: Ms. Houlahan votes Aye. Mr. Bacon?

BACON: Aye.

CLERK: Mr. Bacon votes Aye. Mr. Crow?

CROW: Aye.

CLERK: Mr. Crow votes Aye. Mr. Banks?

BANKS: No.

CLERK: Mr. Banks votes no. Ms. Torres Small?

TORRES SMALL: Aye.

CLERK: Ms. Torres Small votes Aye. Ms. Cheney?

CHENEY: No.

CLERK: Ms. Cheney votes no. Ms. Slotkin?

SLOTKIN: Aye.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

CLERK: Ms. Slotkin votes Aye. Mr. Mitchell?

MITCHELL: No.

CLERK: Mr. Mitchell votes no. Ms. Sherrill?

SHERRILL: Aye.

CLERK: Ms. Sherrill votes Aye. Mr. Bergman?

BERGMAN: No.

CLERK: Mr. Bergman votes no. Ms. Hill?

HILL: Aye.

CLERK: Ms. Hill votes Aye. Mr. Waltz?

WALTZ: No.

CLERK: Mr. Waltz votes no. Ms. Escobar?

ESCOBAR: Aye.

CLERK: Ms. Escobar votes Aye. Ms. Haaland?

HAALAND: Aye.

CLERK: Ms. Haaland votes Aye. Mr. Golden?

GOLDEN: Yes.

CLERK: Mr. Golden votes Aye. Mrs. Trahan?

TRAHAN: Aye.

CLERK: Mrs. Trahan votes Aye. Mrs. Luria?

LURIA: Aye.

CLERK: Mrs. Luria votes Aye.

SMITH: Clerk will report the tally.

CLERK: On this vote, chairman, the aye's are 33 and the no's are 24.

SMITH: The bill is passed out of committee and we are adjourned. Thank you.

(APPLAUSE)

I'm sorry--hey, sorry, we're not--you--you guys can go. I've got some procedural stuff I've got to read, so. (INAUDIBLE) present the motion is adopted without objection. The motion reconsiders late upon the table. For what purposes the gentleman from Texas seek recognition?

THORNBERRY: Mr. Chairman, consistent with House rules, I'd like to assert the right of any member to file supplemental minority additional and descending views for inclusion in the committee report to the House on the bill just ordered reporting.

House Armed Services Committee Holds Markup on Fiscal 2020 National Defense Authorization Act

SMITH: Pursuant to Clause 2L of House Rule 11, all members are entitled to not less than two calendar days to file such views in writing. I ask you now I must consent that staff be authorized to make necessary conforming technical and clerical changes and (INAUDIBLE) for the bill as amended provisions that would cause the bill to be referred to other committees or would result in additional direct spending or that would result in a near mark. Without objection so ordered.

I finally ask you now, I must consent that the chairman be authorized to make such motions on the floor as necessary--as are necessary to go to the conference with the Senate on each--on the Bill, HR 2500 or a similar Senate measure. Without objection so ordered.

If there is no further business, the committee stands adjourned subject to the call of the chair.

Classification

Language: ENGLISH

Subject: US DEMOCRATIC PARTY (89%); US REPUBLICAN PARTY (88%); DEFENSE SPENDING (72%)

Industry: DEFENSE SPENDING (72%)

Person: RO KHANNA (79%); ANTHONY G BROWN (79%); BRADLEY BYRNE (79%); DONALD NORCROSS (79%); ELISE STEFANIK (79%); FILEMON VELA (79%); JIM BANKS (79%); JOHN GARAMENDI (79%); MICHAEL R TURNER (79%); RALPH ABRAHAM (79%); SETH MOULTON (79%); GIL CISNEROS (78%); JAMES R LANGEVIN (77%); K MICHAEL CONAWAY (77%); JIM COOPER (77%); MO BROOKS (76%); TRENT KELLY (73%); MIKE GALLAGHER (73%); SALUD CARBAJAL (72%); DON BACON (71%); JOE COURTNEY (57%); MAC THORNBERRY (57%); ADAM SMITH (57%); PAUL COOK (57%); JACKIE SPEIER (57%); JOE WILSON (57%); RICK LARSEN (57%); DOUG LAMBORN (57%); ROB BISHOP (57%); ROBERT J WITTMAN (57%); MIKE ROGERS (57%); SAM GRAVES (57%); WILLIAM KEATING (56%); AUSTIN SCOTT (56%); RUBEN GALLEGO (56%); SCOTT DESJARLAIS (56%); SUSAN A DAVIS (56%); TULSI GABBARD (53%); VICKY HARTZLER (50%); MATT GAETZ (50%)

Geographic: AUSTIN, TX, USA (55%); TEXAS, USA (90%); COLORADO, USA (86%); RHODE ISLAND, USA (72%); HAWAII, USA (56%); NEBRASKA, USA (50%)

Load-Date: June 19, 2019