

AN AMENDMENT TO H. RES. 736 OFFERED BY
MR. HASTINGS

At the end of the resolution, add the following new sections:

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5044) making supplemental appropriations for fiscal year 2016 to respond to Zika virus. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Appropriations and the chair and ranking minority member of the Committee on the Budget. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XLX shall not apply to the consideration of H.R. 5044.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives* (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Rep-

resentatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's *Procedure in the U.S. House of Representatives*, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. COLE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. HASTINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4909, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 735 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 735

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4909) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes.

SEC. 2. (a) No further amendment to the bill, as amended, shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and

amendments en bloc described in section 3 of this resolution.

(b) Each further amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(c) All points of order against the further amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. At the conclusion of consideration of the bill for amendment pursuant to this resolution the Committee shall rise and report the bill to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Alabama is recognized for 1 hour.

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

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

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

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 735 provides for continued consideration of H.R. 4909, the National Defense Authorization Act for Fiscal Year 2017.

The resolution provides for a structured rule and makes in order 120 amendments. These amendments are on top of the 61 amendments that were made in order by yesterday's rule. That is a combined 181 amendments on one bill.

As I mentioned during yesterday's debate, the NDAA process has always been bipartisan. In fact, Congress has successfully passed the NDAA for each of the last 54 years. That is a really impressive accomplishment. I hope this year is no different.

Mr. Speaker, I want to remind my colleagues that the NDAA passed out of the Armed Services Committee by a vote of 60-2. That vote total is very, very impressive and demonstrates the bipartisan nature in which our committee, the Armed Services Committee, operates.

Another thing I really appreciate about the NDAA process is how open it is and how so many different Members are able to have input into the final product. The first round of amendment debate yesterday was an example of a healthy debate on a wide range of amendments.

You look around the country, and so many of our communities are home to important military assets and programs. Some communities are home to military bases where we are training our future fighters. Other communities contribute to our military success with industry suppliers; and every single community across the country is home to servicemembers, whether Active Duty, Guard, or Reserve. Each of these communities faces unique challenges and offer different perspectives. That is why I believe it is so important that we have such an open process to allow a wide range of views to be discussed and debated.

During the Armed Services Committee process, we considered 248 amendments. When you add up the amendments considered at the committee level to the amendments we will consider on the floor, it brings us to a huge total of 429 amendments on one bill. These amendments cover a range of important issues from National Guard to cybersecurity, to sexual assault, to religious freedom, to military health care. Looking at specific security threats we face, these amendments address issues relating to Afghanistan, Pakistan, Iraq, Syria, Europe, Russia, and many more places.

I know my colleague from Massachusetts is particularly interested in the Authorization for Use of Military Force, or AUMF, debate, as I am. Although the Foreign Affairs Committee, not the Armed Services Committee, has jurisdiction over AUMFs, I was pleased that we were able to obtain the committee's approval for Ms. LEE's amendment to be made in order so the House can debate this issue on the floor. I know that doesn't go as far as my colleague from Massachusetts would want it to go, and I hope that there is a time when this body, after hearings in appropriate committees of jurisdiction, can have a full and informed debate on a new AUMF, but we cannot do that under these circumstances today and give the American people the full and fair hearing that they deserve.

A few of my colleagues have also expressed concerns about the way this NDAA is funded. This rule makes in order an amendment by Mr. ELLISON that would cut money out of the overseas contingency operations account. While I think these concerns are mis-

guided, this rule allows that debate to take place.

The rule makes in order an amendment by our Rules Committee colleague, Mr. POLIS, which would put in place a 1 percent across-the-board reduction in total spending under the NDAA. Again, I think this would be a grave error, but this rule provides for that important debate.

We have heard bipartisan concerns about visa programs for certain at-risk populations in Afghanistan, and this amendment makes in order a bipartisan amendment by Mr. BLUMENAUER to reform the Special Immigrant Visa program.

The rule allows for debate on another bipartisan amendment that would require the Department of Defense to report on China's activities in the South China Sea in their annual report on Chinese military power. I think this is an issue that is particularly important.

I hope this gets my point across that we have taken a comprehensive look at national security issues and allowed a wide range of Members, both Republicans and Democrats, to bring their amendments forward.

We hear a lot about the need for an open process. Again, I am very pleased that, between the Armed Services Committee and the House floor, 429 amendments will be considered. Given the large number of amendments, I want to thank our Rules Committee staff who put in very late hours to help sort through the amendments. I know it wasn't easy work, but we certainly appreciate all that they do and the extra hours they put in to help facilitate this debate.

Yesterday, I outlined why the National Defense Authorization Act is so critically important. I talked about the critical investment the bill makes to boost our military readiness. I discussed how the bill increases accountability and efficiency at the Pentagon, and I highlighted some of the critical reforms included in the bill.

I won't rehash these points, but I do want to reemphasize one key point: every day we send our servicemembers into dangerous situations. When we do so, we don't send them into battle as Democrats or Republicans. We send them into battle as Americans.

So as we continue working through this bill, I want to again plead with my colleagues to avoid making this about politics. Instead, let's make this about America and about ensuring our servicemembers have sound policy and the resources they need in order to keep our country safe. We shouldn't—and, quite frankly, we can't—let politics get in the way of passing this critical national security bill. Our military men and women deserve nothing less.

Mr. Speaker, I urge my colleagues to support House Resolution 735 and the underlying bill.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Alabama (Mr. BYRNE) for yielding me the cus-

tomary 30 minutes, and I yield myself such time as I may consume.

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

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Mr. MCGOVERN. Mr. Speaker, I would like to thank the honorable chairman of the Armed Services Committee, Mr. THORNBERRY, and the ranking member, Mr. SMITH of Washington, for once again working in a bipartisan manner to bring before this House H.R. 4909, the 2017 National Defense Authorization Act. I don't agree with everything that is in this bill. In fact, there is a lot I do disagree with. But I appreciate that the chairman and the ranking member always treat all Members submitting amendments to the NDAA with respect, and that is very much appreciated.

But I must rise in very strong opposition to this structured rule because there are very serious issues that merit the time and attention of this House that were submitted to the Rules Committee by Members from both sides of the aisle, which have not been included in this structured rule. Almost 200 amendments were not made in order. As a Democrat, I am used to being shut out by the Republican majority, but dozens of Republican amendments were blocked as well.

Let me say to my Republican friends who did not have their amendment made in order: If you don't want this to be a pattern, then vote "no" on this rule; if you don't want this to be a precedent, then vote "no" on this rule. Send a message to your leadership that, in fact, you want a more open and transparent process. Don't go along just to get along. Don't be a cheap date when it comes to an open process in this House. The issues that are involved with the Defense Authorization Act are too important to be just blocked with no debate, no deliberation, and no votes. My friend talks about an open process. Open process, my foot. It is not an open process. Almost 200 amendments were not made in order. That is just not right.

Mr. Speaker, if there is one thing that disturbs me in particular about this structured rule, it is how it fails the American people once again in not allowing substantial debate about the issues of war and peace. Mr. Speaker, nothing is more critical than the issues of war and peace.

And once again, the Republicans on the Rules Committee have ensured that no amendment that deals with authorizing the current U.S. military engagements in Iraq, Syria, or Afghanistan was made in order. The only amendment made in order is the one offered by the gentlewoman from California (Ms. LEE) to repeal the 2001 AUMF for Afghanistan, an amendment that she has courageously offered for several years now.

Mr. Speaker, one of the amendments not made in order was an amendment

offered by me and several colleagues to prohibit the use of any U.S. funds after April 30, 2017, for the deployment of U.S. Armed Forces to Iraq or Syria in the fight against the Islamic State if an AUMF has not been enacted. This was a bipartisan amendment offered by Representatives JONES, GARAMENDI, YOHO, LEE of California, CICILLINE, and myself.

And let me make one thing very clear, Mr. Speaker: this amendment is not an AUMF. There is not one single syllable in this amendment that reflects the language of an AUMF.

The distinguished chairman of the Armed Services Committee was very clear during the committee markup of the NDAA that AUMF amendments were not the jurisdiction of his committee but, rather, the Foreign Affairs Committee. But this amendment is not an AUMF. And it is germane, by the way.

My amendment only prohibits the obligation and expenditure of funds after April 30, which is the chairman's chosen date for the cutoff of all OCO funding, and then only for the deployment of U.S. Armed Forces to Iraq and Syria to combat ISIS, unless an authorization for that purpose has been enacted.

Quite simply, if you want the money to fight a war, then pass an AUMF. This amendment doesn't care who writes it. It doesn't care when it is debated or approved. It just requires that an AUMF be enacted by April 30. If not, no more funds for U.S. troops in the air, on the water, or on the ground until an AUMF is enacted.

All this amendment asks is that Congress do its job. We ask our men and women in the military to do their jobs, and Heaven only knows, they carry out their duty with courage, honor, and professionalism. I only ask that Congress do the same. This should not be too much to ask.

We have sent our uniformed men and women into harm's way in Syria and Iraq for nearly 2 years now and still Congress refuses to do its duty and authorize their deployment. We have been bombing, we have got boots on the ground and engaged in combat, and we have had troops killed in action, yet this Congress can't seem to debate and vote on an AUMF.

I personally believe that endless wars, endless bombing, and an ever-expanding U.S. military footprint in the Middle East is not a substitute for efforts aimed at reconciliation and political solutions. The status quo will not make the world more secure. I know some of my colleagues differ with me, and that is fine, but let's have the debate. Let's have clarity in what we are doing, and let's make sure that what we are doing works. Dodging responsibility only means that these wars will remain on remote control, and that is sad.

Last night in the Rules Committee, we heard lots and lots and lots of excuses. One of my favorite excuses that

we heard last night was that 10 minutes would not be enough time to debate such a serious matter as what my amendment proposes. Well, Mr. Speaker, the Rules Committee can assign as much time as it wants to debate an amendment. That is what we are there for. Two hours, 3 hours, 3 days, 3 weeks if it wishes. That is what the Rules Committee is supposed to do: provide serious time to debate serious issues.

I heard that the Foreign Affairs Committee should be and would be drafting an AUMF. Fine. Terrific. If it comes out and is enacted before April 30, then it would fit right in with my amendment. But if this House continues to dawdle and whine and shirk its duties, then there should be no more money after April 30 for a war that hasn't been authorized by Congress.

I was told that the Republican leadership doesn't like the AUMF that the President sent to Congress over a year ago. Well, neither do I. I think it is too broad. But, Mr. Speaker, if the majority or anyone here doesn't like the President's AUMF, then it is the duty of Congress to draft debate and vote upon its own version of an AUMF and send the bill back to the President for his signature or veto. That is how the system works, or at least that is how it would work if this House ever managed to do its job.

I was told that the next President wouldn't have enough time to figure out an AUMF for Iraq and Syria by April 30. But, Mr. Speaker, I didn't choose April 30 as a date when all funds for the Overseas Contingency Operations account would be cut off. That date is built into the NDAA already. If April 30 is enough time for a new President and new Congress to ask for more money for these wars that are supplemental, then it should be plenty of time for Congress to take up and debate an AUMF.

Now, of course, this Congress or the next one should and could take up an AUMF any day it so desires. I remember, in 2014, that Speaker Boehner told us that it would be better for the 114th Congress to debate and pass an AUMF for Iraq and Syria rather than the 113th Congress. Well, here we are 16½ months into the 114th Congress with no thought of taking up an AUMF on battling the Islamic State.

I guess this Congress is just too damned chicken to do its job when it comes to war, and we are going to kick the can into the 115th Congress or maybe the 116th Congress. Enough with the excuses, enough. In fact, I remember, last year, Speaker RYAN said an AUMF for Iraq and Syria for the war against the Islamic State would be one of the first things this Congress would take up this year. Well, here we are in the middle of May and there is no AUMF in sight, just the same old tired excuses, the same cowardice, the same political posturing.

There is no shortage of Members of Congress talking tough against ISIS. We hear it all the time on the House

floor. But let's be honest: that takes absolutely no courage at all. None of us are on the frontlines in Syria or Iraq. We are all safe and sound in the U.S. Capitol.

But think for a minute. What must be going through the minds of our troops when they see a Congress that doesn't even have the guts to debate these wars while they have been put in harm's way?

Every single Member of this House should be ashamed. Our collective silence—our collective indifference—is dismissive of our constitutional responsibility. This Chamber is guilty of moral cowardice.

Mr. Speaker, there are nearly 200 reasons to oppose this rule, and that is how many of the amendments submitted to the Rules Committee were not made in order under either the first rule to the NDAA or today's rule. Basically, 50 percent of all amendments submitted are not being allowed a chance to be heard.

I urge my colleagues to reject this rule. I urge my colleagues to show some backbone and demand that the majority leadership of this House carry out its constitutional duty to debate and vote on an AUMF for Iraq and Syria.

I reserve the balance of my time.

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

My colleague from Massachusetts raises some very important points. It would be appropriate for our Foreign Affairs Committee to take up those points and consider them after we have had a lot of hearings, including an opportunity for a notice to the American people so the American people can be heard.

Coming up with this sort of an idea that it is just going to come through the Rules Committee without any hearing, without any real expertise in the Rules Committee to consider it, and then putting it on the floor for limited debate is not the way to do it.

Now, I must admit I have some reservations about establishing a hard stop of April 30 of next year. Saying that we are going to allow the next President to come forward with a new OCO proposal before April 30 of next year, which we did 8 years ago, is not the same thing. What my colleague is proposing is a hard stop. That is exactly what the President did in Iraq: a hard stop. We pulled out, and look what happened: absolute chaos, a nation that has gone from being a nation into being a nation in total dissolution.

We came close to doing the same thing in Afghanistan. Thankfully, the President has pulled back from that. Because when we telegraph to our enemies, "Hey, we are out of here after a certain date," they know when we are leaving, they know when we are stopping, and they know exactly how to time their activities against us. I don't think we should give that opportunity to our enemies.

Now, I completely agree with my colleague from Massachusetts that we

need a new AUMF. I have said that on multiple occasions. I have signed letters to that effect. And I do believe that we have a situation in Syria that is not authorized, as it should be under the law.

Why are we in this situation? Because we have yet to receive a strategy from the Obama administration on how to prosecute that war. We had the gentlewoman from Hawaii (Ms. GABBARD) before the committee last night. She has fought over there. She knows this better than just about anybody in this room. She laid out clear deficiencies in the administration's so-called plan, which they sent over to the Armed Services Committee 45 days later, and only after we had to browbeat the Secretary of Defense to meeting its statutory responsibility.

And she laid out clearly what we need to do in terms of a strategy. We have yet to get that from the Commander in Chief of our own Armed Forces. If we would get that, if we would get a clear strategy for victory, not a clear strategy for some pie in the sky, we are going to arm some Free Syrian Army that is not working, then I think we could have something to work on to bring to this floor. The problem is we are having to put ourselves in the place of the Commander in Chief, which is not what the Constitution calls for, nor will it work. We are going to continue to struggle with this because of the failure of this administration, not because of the failure of this House.

I agree with the gentleman: I want to see a new AUMF. I want to see it go through hearings. I want to see it debated on this floor so I can vote for it or against it, and everybody can vote for it or against it. But the proposal he makes is not the right way to do that, so I hope that we continue to reject it.

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

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

With respect to the gentleman, I don't think we agree with each other. The reason why we are doing this is because Congress has failed to act. The time for an AUMF is before you put troops in harm's way. Some of us tried before we entered into this latest Syrian war to actually have a debate on an AUMF, and we were denied that opportunity. We are reengaged in Iraq. We asked before we did that, "Let's have an AUMF," and we were denied that opportunity. We have been denied and denied and denied and denied.

All we are saying is that we ought to do our job. The President submitted an AUMF to Congress. He did his job. You don't like it—I don't like what he submitted either—but he did his job. He doesn't control what we do here. We decide what to do. The Foreign Affairs Committee 2 years ago could have taken this issue up. They didn't. They are not taking it up now. Here we are 2 years into these latest conflicts and nothing. It is shameful. Come on. We

ought to come together, even if we disagree on what our strategy should be, and debate this.

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We have no trouble sending our young men and women into harm's way; yet when it comes to doing our job, all of a sudden we have 1,000 excuses why we can't do it. That is unacceptable.

Mr. Speaker, I yield 1 minute to the gentleman from Washington (Mr. KILMER).

Mr. KILMER. I thank the gentleman for yielding.

Mr. Speaker, the NDAA is about ensuring that we have the best trained and equipped fighting force in the world. It is about honoring our commitment to the men and women who serve and to their families. It is not about targeting proud Americans simply based on who they love; but this rule would effectively discriminate against LGBT men and women who serve our Nation as private contractors.

This rule runs contrary to our values. It runs contrary to what we believe in. It runs contrary to the idea that we treat everyone with equal respect. It also runs contrary to what the majority said it wants—a transparent process, allowing the House to work its will. This rule blocks an amendment that was offered by my Republican colleague, CHARLIE DENT, to strip this discriminatory provision from even being considered.

As we approach Memorial Day, our focus should be on providing our servicemembers with the proper tools so that they may carry out their missions, not on pushing forward provisions that target LGBT Americans. Let's vote down this rule. Let's strip this harmful policy from the NDAA so that we remain committed to equal rights, and let's get back to debating how best to support our troops.

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

I appreciate the gentleman's comment. This is something that we had some significant discussion about last night in the Committee on Rules.

Let's make sure that the facts are straight. There is not one single thing in this bill that discriminates against anybody. In fact, in the provision he is talking about, there is not one single mention of LGBT.

What is in that provision is a clear application by this law of protections of religious liberties that people have enjoyed in this country since the passage of the 1964 Civil Rights Act—one of the hallmarks of the legislative achievements of this body and an act, I believe, everybody in this body supports today. It says that the religious protections in that law that we are all so proud of should be enjoyed by people who have Federal contracts. Private parties that contract with the government should enjoy religious freedom. That is not discrimination. That is pro-

tecting the rights of the American people. Sometimes we get confused around here about that, and we are getting confused in the military bill about that, and that is very troublesome.

Let's talk about the First Amendment.

The First Amendment says that the government can't do anything to restrict the expression of religion, the practice of religion, the belief of religion by anybody in this country. It is called the Free Exercise Clause. We have forgotten the Free Exercise Clause in this body and in this country. We need to go back to it.

About 20 years ago, this body passed the Religious Freedom Restoration Act. It was so popular that it passed by a voice vote. It had just a handful of people who voted against it in the Senate. It specifically requires that we do exactly what is in this bill. We are being consistent with that law by putting this provision in there.

What do we do with this particular provision?

We say that the provisions of title VII in the 1964 act and the provisions that regard this in the Americans with Disabilities Act apply to private contractors with the Federal Government. That is not discrimination. By anybody's definition, that is not discrimination. To try to turn it into that is doing something on a bill that is talking about the defense of this country, which is just not appropriate.

It is absolutely appropriate that the Committee on Rules rejected that amendment. If the people on the other side of the aisle or on our side of the aisle want to have this debate, there are other forums and other times to do it. When we are talking about the defense of this country, it is not the right time.

I reserve the balance of my time.

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

In the dead of night in the Committee on Armed Services, House Republicans added what we believe is discriminatory language to the NDAA, which would effectively overturn President Obama's historic executive order that protects LGBT workers in Federal contracts, therefore, enabling discrimination with taxpayer funds. That is what we believe.

We had a very vigorous debate in the Committee on Rules last night, and the gentleman defended his position quite ferociously; but we believe it is discrimination, plain and simple. An amendment was offered by a Republican Member to strike that discriminatory language from the bill. It was germane, and the Committee on Rules decided on its own not to make it in order.

The Committee on Rules shouldn't be about making decisions on issues that, I think, the entire Congress has an interest in debating and in voting on, but, unilaterally, the Republicans in the Committee on Rules last night said: No, we are not going to make a

Republican amendment in order that would have struck what we believe is discriminatory language.

That is not an open and transparent process. That is shutting the process down in a way that, I think, demeans this House.

Mr. Speaker, I yield 3 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished Democratic whip.

Mr. HOYER. I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, I rise in opposition to this rule. This is not consistent with what the Speaker and the other leaders of the Republican Party have said they were going to do. It is inconsistent with how they said they were going to manage this House. It is inconsistent with the rights of the American people to have their Representatives vote on issues of great importance, which, of course, is what the Speaker and Mr. MCCARTHY and Mr. Cantor said in this book, "Young Guns."

I am going to read a paragraph from this book. This is in PAUL RYAN's section, under his heading, the Speaker of the House:

"The new Washington way," in speaking about what was apparently the stuff he didn't like, "isn't open debate broadcast on C-SPAN; it is closed-door, backroom deals. The Washington way doesn't seek input from both sides of the issue; it muscled through bills on strict one-party votes. And the Washington way," speaking clearly of the way the majority of the Democrats were leading, "isn't interested in honest up-or-down votes on transformational programs. It rigs the process," it reads, "to produce the outcome it desires through any means necessary."

That is exactly what is happening in this rule—exactly. PAUL RYAN and the young guns promised transparency, openness, and the House's being allowed to work its will.

So what has happened in the Committee on Rules?

Exactly the opposite. No transparency—a muzzling of the Members of the House of Representatives in not allowing a vote—but simply, unilaterally, in the dead of night, pocketing an amendment that was adopted in the committee that says that women would be treated just like men.

Now, I know that is a revolutionary concept for some on your side of the aisle here, and I know you certainly didn't want your Members to vote on that extraordinarily controversial issue. So in the dead of night, without any debate, without a vote in the Committee on Rules, it was simply put in the chairman's pocket, and 434 of us were ripped out of the process. The young guns said that wouldn't happen. Now, the young guns, by the way, so we all understand, are the Speaker and the majority leader now.

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

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. HOYER. Ladies and gentlemen, we ought to reject this rule, and the American people ought to reject this rule. The American people ought to say: bring the issues to the floor and let the House work its will. That is why they elected us, not to have the chairman of the Committee on Rules say: Sorry, you don't get to vote.

He wasn't elected dictator; STENY HOYER wasn't elected dictator; JIM MCGOVERN wasn't elected dictator. We were elected to be one of 435 people to make policies for this country and for our people.

Reject this rule. Bring democracy back to the House of Representatives. Let the people's representatives set policy in the light of day.

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

I appreciate the comments of the gentleman from Maryland. He wasn't on the floor when I spoke earlier. Perhaps he didn't hear that, between the Committee on Armed Services and on this floor, 429 amendments have been made in order—181 for this floor alone. That is an open process, and it is a far more open process than what this House saw when other people were in charge. This is the process that the American people have a right to expect, and they are getting exactly what they were told they were going to get.

Mr. Speaker, the provision that he is referring to, a provision regarding including women in the draft, was, in fact, offered in the middle of the night without there being any hearings in the Committee on Armed Services, without there being any notice to the American people. There wasn't an adequate hearing; there wasn't an adequate opportunity for everybody to be heard. So the decision was made that the better way to do it, if we are going to consider it—and it probably is something we need to consider at some time—is to do it through a regular committee process, where we notice it to the American people, where we have hearings, and when people can be heard. Then we can have a full and honest debate with the American people having had a chance to weigh in.

I disagree with the gentleman from Maryland. I think this is exactly the appropriate process. If we are going to take up something of that magnitude, we ought to do it right and not do it because of an amendment that was offered as sort of a last-minute thing in the middle of the night when we are considering this bill.

I have great respect for the gentleman from Maryland. He was not there when it was offered. He was not there during the Committee on Rules' consideration last night, so he is probably not fully aware of the number of amendments that we have both in the committee and on the floor today—429 amendments. This is an open process.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 10 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I thank the gentleman for protecting us from ourselves. That seems to be somewhat paternalistic, of course.

As I understand it—and I was not there, but it wouldn't have mattered whether I was in the Committee on Rules—it was not done in open session in the Committee on Rules. The Committee on Armed Services voted upon it, and apparently the majority of your side lost, and they don't want us to consider it, and they don't want to subject your Members to voting on it and letting the American people know where you stand.

The SPEAKER pro tempore. Members are advised to address all remarks to the Chair and not to each other.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Minnesota (Mr. ELLISON).

Mr. ELLISON. I thank the gentleman for yielding.

Mr. Speaker, while millions of Americans are struggling to get by and sustain their families, Republicans are trying to make it easier for employers to steal their wages. Right now we know that there are reports of at least \$5 million in stolen wages and penalties from the U.S. contract companies.

Last month, Representative JOHN KLINE, my colleague and friend, introduced an amendment to this bill to block the President's Fair Pay and Safe Workplaces Executive Order at the Department of Defense. This executive order that the President issued helps ensure companies with Federal contracts are following Federal labor laws, like protections against wage theft, workplace safety rules, and the right for workers to organize. It is the result of years of advocacy by workers, labor rights activists, members of the Progressive Caucus, and Members of Congress generally.

This week I introduced an amendment to strike Mr. KLINE's language. Let's at least have a debate about it. Let's at least debate whether or not workers should get protection from wage theft. I guess that was one of those amendments that didn't quite make it through the process.

It is no surprise that the Republican-led Committee on Rules didn't give us a vote on our amendment, because they don't want to have to debate this in front of the American people. The American people might like to know that there are companies that are stealing workers' wages but that the President is trying to protect those workers. Now the Republican majority is trying to stop the President from protecting those workers.

□ 1415

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

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

Mr. ELLISON. Mr. Speaker, now, the President's executive order isn't punitive. It actually helps companies to follow the rules.

Debarment is the last resort, and it is the clear nuclear option for companies that refuse to correct their behavior, but Republicans don't like it. Instead of helping companies that are fair to workers, they want to make it easier for companies that steal workers' wages.

Workers aren't the only ones who should be outraged. This amendment actually gives a leg up to contractors who don't play by the rules, putting companies who are doing right at a disadvantage.

Please vote "no" on this rule for this and many other reasons.

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

I wasn't able to respond to that last comment from the gentleman from Maryland (Mr. HOYER). I want to make sure that he knows—and everybody in the House knows—that during the consideration of the rule we passed yesterday, an amendment was offered in the Rules Committee to strip out this executing amendment. That was offered in the Rules Committee and rejected by the Rules Committee in an open vote. Our meetings are on C-SPAN. They are not behind closed doors. Everybody can watch what we do.

Then yesterday we came on the floor, and that rule was offered on this floor and there was a full debate. I know; I was here for it. I managed that rule as well. After that full debate, this House voted, and voted by a clear majority to adopt the rule.

So we went through a democratic process. We went through an open and clear process, both to consider that particular issue and consider the rule itself, and the House acted its will.

I reserve the balance of my time.

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

Give me a break. To insinuate that this is somehow all on the level or an open process, I take exception to that characterization.

The amendment that the distinguished minority whip was referring to was put into the rule. It was a self-executing amendment so that the majority here did not have an opportunity here to vote up or down on it on its own merits. Instead, they were forced to vote up or down on a rule that made in order a whole bunch of amendments on a variety of issues where they could vote up or down on, but not on this. So to defend this process, a process that is indefensible, is getting a little tired.

I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in opposition to this rule for a number of reasons: because it doesn't make a proper AUMF in order, because it fails to make in order an amendment I cosponsored along with Representatives DENT, SMITH, and several others.

The bill contains language adopted by the Committee on Armed Services at 1 in the morning the other day with no warning that would effectively overturn President Obama's executive

order protecting LGBT workers for companies with private contracts. In other words, private contractors using our Federal tax dollars in any area—not just in the defense area, by the way—would be allowed to fire someone just because they are gay, lesbian, bisexual, or transgender. This is unacceptable, it is cruel, and it is totally unnecessary.

Now, the distinguished gentleman said that the language contains nothing referring to gay or lesbian people; it simply protects religious liberty. It says that private contractors, in the exercise of their religious liberty, may discriminate. It disallows the President's executive order, and so the effect is that private contractors may discriminate on the basis of sexual identity or gender if that is their religious belief.

No one has said it for years on this floor, but they used to, that it is okay to say: My religious belief says I shouldn't hire a Black person or a Jewish person.

We don't think that is acceptable, and we don't call that religious liberty. But we now call religious liberty the ability of a private contractor to fire someone or refuse to hire them just because they are gay or lesbian. That is cruel and unacceptable.

Why not allow the House to vote on whether or not to include this type of hateful language in the defense bill? Why not allow a vote on the Dent-Smith amendment? Must we let this bigotry and intolerance win the day?

We ought to defeat this rule. I, for one, will not vote for the entire bill if this language is included in it. We must strip this toxic, hateful measure from the NDAA, if not through an amendment, then in conference. We ought to ensure that no Federal contractor has the ability to fire someone just because of who they are or who they love and because they profess that it is their religious belief. So they cannot be allowed to impose their religious beliefs on hiring and firing other people. We must continue to fight until all Americans have the rights they deserve.

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

With regard to the amendment in question, it was considered late at night because of the fair and open process we have in the committee. And it took us that long—from 10 in the morning until that time of the night—to get to it. Everybody knew it was coming because it was noticed and everybody had a copy of it well in advance. So it wasn't a surprise to anybody. Everybody knew it was coming.

Now, the particular provision itself does not contain anything close to a word like discrimination. But just so we can make the record straight, I am going to read it:

Any branch or agency of the Federal Government shall, with respect to any religious corporation, religious association, religious educational institution, or religious society

that is a recipient of or offeror for a Federal Government contract, subcontract, grant, purchase order, or cooperative agreement, provide protections and exemptions consistent with section 702(a) and 703(e)(2) of the Civil Rights Act of 1964 and section 103(d) of the Americans with Disabilities Act of 1990.

It doesn't provide discrimination. It provides protection for rights, and, unfortunately, people want to try to twist it around to be something it simply is not.

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

Many of us on this side, including many Republicans—because a Republican actually offered the amendment to strike this provision that the gentleman referred to because they thought it was discriminatory—we think it is potential discrimination against members of the LGBT community.

But here is the deal—I get you disagree with us—but what is wrong with allowing an amendment that is germane, to debate it and vote on it? I mean, where does the Rules Committee get off saying you can't have that debate, you can't have that vote?

It is germane.

Now, we could disagree. We think it is discrimination. We ought to have that vote, and the Rules Committee denied us. This is another reason for Democrats and Republicans to vote down this rule.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to express a deep disappointment in the Rules Committee's decision to throw out three of the amendments I put forward.

By not doing those amendments, you failed to provide to those serving our country the same necessary health services that all of us get now guaranteed under ACA. You refused to take steps to protect young athletes attending United States military academies. And you neglected to provide congressional oversight on over \$1 trillion worth that this country plans to invest in our nuclear deterrents.

We need to fix the current TRICARE system so that we can ensure that servicemembers are provided the same access to preventive health services as those ensured under the ACA, including gestational diabetes with no copayments, smoking cessation, et cetera.

My second amendment was simple. It directed the Secretary of Defense to conduct a study on the effects of concussions in contact sports, including hockey, football, lacrosse, and soccer at our United States service academies. We all know that we see what concussions can do to people.

The third amendment was to simply direct the Department of Defense to include a 25-year plan to look at our nuclear spending.

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

I was listening to my friend from Massachusetts talk about what he considers to be discriminatory. Well, I am going to go through the list again.

Do we consider the First Amendment to the Constitution to be discriminatory? Do we consider the Religious Freedom Restoration Act that passed this House by a voice vote to be discriminatory? Do we consider title VII of the 1964 Civil Rights Act to be discriminatory? Do we consider the Americans with Disabilities Act to be discriminatory?

Because that and only those things are what are contained in this provision.

So we can call things discriminatory, but when you look at the actual text of it and understand what they actually are, they are protecting basic rights. And that is what we should be all about.

I reserve the balance of my time.

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

I appreciate the gentleman reciting the Republican talking points of the Republican leadership, but that doesn't explain why the amendment to strike this provision was not made in order.

I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I rise in opposition to this rule and the underlying bill.

Our armed service chiefs and secretaries have requested two results from Congress in defense: stability and predictability in the budget.

Instead of adhering to their requests, this bill actually creates a contentious budget environment next April that causes even more harm to our military.

The bill is full of contradiction. It authorizes funds for over 50,000 more troops, but no money to send them anywhere after April. It authorizes much-needed equipment, but not any money to employ it on the battlefield. It authorizes 9,800 troops in Afghanistan, just not any money to keep them there during the actual fighting season.

It sends a message to our allies that we are only 60 percent committed to our missions with them, and it sends the message to our adversaries that we are only 60 percent committed to stopping them.

It is like we are a basketball team who bought new uniforms, recruited highly skilled players, built a new facility, and didn't even have any money left to play the second half of the season. No team wins under those circumstances. It doesn't matter how many state-of-the-art weapons you have or how well-trained your troops are, you can't win if you don't show up.

Much like General Breedlove, who believes "virtual presence means actual absence," I believe this is a virtual plan and will be an actual disaster.

I urge my colleagues to vote "no" on the rule and "no" on the underlying bill.

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

With great respect to the gentlewoman, she, I am sure, was not here yesterday and was not listening when I said this: that provision she is referring to, which gives the next President the opportunity to make changes in the overseas contingency operation account, is exactly what this House did in 2008, the last time we were about to change administrations. Then-Senator Obama voted for it. Then-Senator Kerry voted for it. Then-Senator BIDEN voted for it. This is not new. This is standard when you are changing administrations. Nothing more. Nothing less.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, may I inquire of the gentleman how many more speakers he has on his side?

Mr. BYRNE. Mr. Speaker, I believe I am the only speaker from my side.

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

I urge my colleagues on both sides of the aisle to vote against this rule. Almost 200 germane amendments, substantive amendments were not made in order.

Again, I am used to, as a Democrat, having the Republicans shut me out every chance they get; but to my Republican colleagues who were shut out on their legitimate amendments, the germane amendments, stand with us and send a signal to your leadership that this closed process is unacceptable.

My colleague, Mr. BYRNE, talks about this being an open process. We must have different definitions of openness because when almost 200 amendments are shut out—and, by the way, on top of all of that, there were really kind of unusual shenanigans in the Rules Committee about self-executing amendments so that we don't have an opportunity to even vote up or down on them—that is not an open process. That is something we should try to move away from.

Finally, Mr. Speaker, I am going to close as I began by saying to my colleagues to please vote against this rule because it does not make in order the opportunity for us to be able to debate the issues of war and peace when it comes to Iraq and Syria.

We have been involved in Syria and again in Iraq now for almost 2 years. By the way, we left Iraq not because President Obama wanted us to, but because the Iraqi Parliament voted us to leave. That is a little bit of history that my colleague left out.

The time to debate an AUMF, an Authorization for Use of Military Force, was before we commit our forces into harm's way. Many of us, Democrats and Republicans, pleaded with the leadership to let us have that opportunity, for us to work in a bipartisan way to see whether we could come together. And time and time and time again, we were denied that ability, that right.

Now, we are being told: Well, you know, this is not the time. We don't have enough time to do it. Maybe the

Committee on Foreign Affairs should do it, but this is not the place to do it.

When is?

You have waited for over 2 years. Nothing. I will say that these excuses, they are insulting to the American people, but more importantly and more significantly, they are insulting to the men and women who are in harm's way. They do their job. They do what we have asked them to do, but yet we don't have the guts to do what we are supposed to do. Shame on all of us for allowing this to go on this long without debating these wars.

The President of the United States submitted an AUMF. I have problems with it. I think it is too broad. If you don't like it, fine. Then come up with a new idea, but doing nothing is not an option.

Read the Constitution. We have an obligation. We are not living up to it. Do what is right by the American people, by the men and women who risk their lives every day because we have put them into harm's way.

□ 1430

It is absolutely unconscionable that we can't even have the ability to debate the amendment that I offered to be able to say that we are not going to continue funding these wars unless Congress does its job. That is the least we can do, and yet the Committee on Rules said no. It is germane, it is in order, there is no problem, but because some majority in the Committee on Rules says, "No, we are not going to do it," everybody is denied that right? It is a bipartisan amendment. This is not just a Democratic concern. There are a lot of Republicans who share my views on this as well.

Let's do our job. Stop being so chicken when it comes to debating issues of war and peace. This is the time when we ought to come together and do the right thing. Vote "no" on this closed rule.

I yield back the balance of my time.

Mr. BYRNE. I yield myself the balance of my time.

Mr. Speaker, I hold in my hand all 1,271 pages of the underlying bill, and it is filled with the things that we need to do to defend the American people. As interesting as the debate we have just had has been, think of how much of it had nothing to do with defending the American people, which is what we are supposed to be here about, which is the single most important thing that we do.

My colleague talked about guts. The guts I care about are the guts of the fighting men and women of the United States. We have a solemn obligation to them to pass this bill, to make sure that we are doing everything to supply them, to train them, to make sure that they are ready, to make sure we have reformed the Pentagon so that the Pentagon is doing its job by them, so that we have a policy that will make sure that we are defending the American people. That is what this law is all about.

The rule itself makes in order, between yesterday and today, 181 amendments. That is on top of over 200 amendments that were considered as part of this bill. This has been a completely open and transparent process and will continue to be as we consider it over the next several hours.

Mr. Speaker, I again urge my colleagues to support House Resolution 735 and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adoption of the resolution will be followed by 5-minute votes on ordering the previous question on House Resolution 736 and adoption of House Resolution 736, if ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 175, not voting 28, as follows:

[Roll No. 200]

YEAS—230

Abraham	Duffy	Kelly (PA)
Aderholt	Duncan (SC)	King (NY)
Allen	Duncan (TN)	Kinzinger (IL)
Amash	Ellmers (NC)	Kline
Amodei	Emmer (MN)	Knight
Babin	Farenthold	Labrador
Barletta	Fincher	LaHood
Barr	Fitzpatrick	Lamborn
Barton	Fleischmann	Lance
Benishkek	Fleming	Latta
Bilirakis	Flores	LoBiondo
Bishop (MI)	Forbes	Long
Bishop (UT)	Foxx	Loudermilk
Black	Franks (AZ)	Love
Blackburn	Frelinghuysen	Lucas
Blum	Garrett	Luetkemeyer
Bost	Gibbs	Lummis
Boustany	Gibson	MacArthur
Brady (TX)	Goodlatte	Marchant
Bridenstine	Gowdy	Marino
Brooks (AL)	Granger	Massie
Brooks (IN)	Graves (GA)	McCarthy
Buchanan	Graves (LA)	McCaul
Buck	Graves (MO)	McClintock
Buehson	Griffith	McHenry
Burgess	Grothman	McKinley
Byrne	Guinta	McMorris
Calvert	Guthrie	Rodgers
Carter (GA)	Hanna	McSally
Carter (TX)	Hardy	Meadows
Chabot	Harper	Meehan
Chaffetz	Harris	Messer
Clawson (FL)	Hartzler	Mica
Coffman	Heck (NV)	Miller (FL)
Cole	Hensarling	Miller (MI)
Collins (GA)	Hice, Jody B.	Moolenaar
Collins (NY)	Hill	Mooney (WV)
Comstock	Holding	Mullin
Conaway	Hudson	Mulvaney
Cook	Huelskamp	Murphy (PA)
Costello (PA)	Huizenga (MI)	Neugebauer
Cramer	Hultgren	Newhouse
Crawford	Hunter	Noem
Crenshaw	Hurd (TX)	Nugent
Culberson	Hurt (VA)	Nunes
Curbelo (FL)	Issa	Olson
Davis, Rodney	Jenkins (KS)	Palazzo
Denham	Jenkins (WV)	Palmer
Dent	Johnson (OH)	Paulsen
DeSantis	Jolly	Pearce
DesJarlais	Jordan	Perry
Diaz-Balart	Joyce	Pittenger
Dold	Katko	Pitts
Donovan	Kelly (MS)	Poe (TX)

Poliquin	Russell	Upton
Pompeo	Salmon	Valadao
Posey	Sanford	Wagner
Price, Tom	Scalise	Walberg
Ratcliffe	Schweikert	Walden
Reed	Scott, Austin	Walker
Reichert	Sensenbrenner	Walorski
Renacci	Shimkus	Walters, Mimi
Ribble	Shuster	Weber (TX)
Rice (SC)	Simpson	Webster (FL)
Rigell	Smith (MO)	Wenstrup
Roe (TN)	Smith (NE)	Westerman
Rogers (AL)	Smith (NJ)	Whitfield
Rogers (KY)	Stefanik	Williams
Rohrabacher	Stewart	Wilson (SC)
Rokita	Stivers	Wittman
Rooney (FL)	Stutzman	Womack
Ros-Lehtinen	Thompson (PA)	Woodall
Roskam	Thornberry	Yoder
Ross	Tiberi	Young (IA)
Rothfus	Tipton	Young (IN)
Rouzer	Trott	Zeldin
Royle	Turner	Zinke

NAYS—175

Adams	Fudge	Murphy (FL)
Aguilar	Gabbard	Nadler
Ashford	Gallego	Napolitano
Bass	Garamendi	Neal
Beatty	Gohmert	Nolan
Becerra	Gosar	Norcross
Bera	Graham	O'Rourke
Beyer	Grayson	Pallone
Blumenauer	Green, Gene	Payne
Bonamici	Grijalva	Pelosi
Boyle, Brendan F.	Gutiérrez	Peters
Brady (PA)	Hahn	Peterson
Brat	Hastings	Pingree
Brown (FL)	Heck (WA)	Pocan
Brownley (CA)	Higgins	Polis
Bustos	Himes	Price (NC)
Butterfield	Honda	Quigley
Capps	Hoyer	Rangel
Capuano	Huffman	Rice (NY)
Cárdenas	Israel	Roybal-Allard
Carney	Ruiz	Ruppersberger
Cartwright	Jeffries	Rush
Castor (FL)	Johnson (GA)	Ryan (OH)
Castro (TX)	Johnson, E. B.	Sánchez, Linda T.
Chu, Judy	Jones	Sanchez, Loretta
Cicilline	Kaptur	Sarbanes
Clark (MA)	Keating	Schakowsky
Clarke (NY)	Kelly (IL)	Schrader
Clay	Kennedy	Scott (VA)
Cleaver	Kildee	Scott, David
Clyburn	Kilmer	Serrano
Connolly	Kind	Sewell (AL)
Conyers	Kirkpatrick	Sinema
Cooper	Kuster	Sires
Costa	Langevin	Slaughter
Courtney	Larsen (WA)	Smith (WA)
Crowley	Larson (CT)	Takano
Cuellar	Lawrence	Thompson (CA)
Cummings	Lee	Thompson (MS)
Davis (CA)	Levin	Titus
Davis, Danny	Lieu, Ted	Tonko
DeFazio	Lipinski	Torres
DeGette	Loebsack	Tsongas
Delaney	Lofgren	Van Hollen
DeLauro	Lowenthal	Vargas
DeBene	Lowe	Veasey
DeSaulnier	Lujan Grisham (NM)	Vela
Deutch	Luján, Ben Ray (NM)	Velázquez
Dingell	Lynch	Visclosky
Doggett	Maloney	Walz
Doyle, Michael F.	Carolyn	Wasserman
Duckworth	Maloney, Sean	Schultz
Ellison	Matsui	Waters, Maxine
Engel	McCollum	Watson Coleman
Eshoo	McDermott	Welch
Esty	McGovern	Wilson (FL)
Farr	McNerney	Yarmuth
Foster	Meng	Yoho
Frankel (FL)	Moulton	

NOT VOTING—28

Bishop (GA)	King (IA)	Sessions
Carson (IN)	LaMalfa	Sherman
Cohen	Lewis	Smith (TX)
Edwards	Meeks	Speier
Fattah	Moore	Swalwell (CA)
Fortenberry	Pascrell	Takai
Green, Al	Perlmutter	Westmoreland
Herrera Beutler	Richmond	Young (AK)
Hinojosa	Roby	
Johnson, Sam	Schiff	

□ 1452

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

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. YOHO. Mr. Speaker, on rollcall No. 200: I intended to vote "yes" instead of "no."

Mr. KING of Iowa. Mr. Speaker, I was unable to vote on 5/18/2016. Had I been present, I would have voted as follows:

"Yes" on rollcall No. 200.

Stated against:

Ms. EDWARDS. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 200.

Mr. SCHIFF. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 200.

Mr. PASCRELL. Mr. Speaker, today, May 18, 2016, I was unable to vote on H. Res. 735. Had I been present, I would have voted: "Nay"—Rollcall No. 200—H.R. 735—Rule providing for consideration of H.R. 4909—National Defense Authorization Act for Fiscal Year 2017.

Mr. AL GREEN of Texas. Mr. Speaker, today I missed the following vote:

H. Res 735—Rule Providing for consideration of H.R. 4909—National Defense Authorization Act for Fiscal Year 2017. Had I been present, I would have voted "no."

PROVIDING FOR CONSIDERATION OF H.R. 4974, MILITARY CONSTRUCTION AND VETERANS AFFAIRS AND RELATED AGENCIES APPROPRIATIONS ACT, 2017; PROVIDING FOR CONSIDERATION OF H.R. 5243, ZIKA RESPONSE APPROPRIATIONS ACT, 2016; AND FOR OTHER PURPOSES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 736) providing for consideration of the bill (H.R. 4974) making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; providing for consideration of the bill (H.R. 5243) making appropriations for the fiscal year ending September 30, 2016, to strengthen public health activities in response to the Zika virus, and for other purposes; and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 182, not voting 11, as follows:

[Roll No. 201]

YEAS—240

Abraham	Amash	Barletta
Aderholt	Amodei	Barr
Allen	Babin	Barton