ceiling fan efficiency that are cost-effective for manufacturers and the consumers. Any upgrades will enable consumers to save money by saving energy, also moving our country closer to its low-carbon future.

Given the proposed rule has yet to be released, industry cannot anticipate how much their manufacturing costs might increase, whether their business model would be turned upside down, or whether the rule would result in energy growth. Industry has not substantiated any of their claims.

The Department of Energy has conducted extensive consultation with industry stakeholders, including the companies themselves, and any potential indirect effects on air-conditioning units.

The amendment ensures that consumers will be stuck with less efficient fans and higher energy costs. I can't see why we would want to do that.

Let's help this industry. As I have stated, I object to the amendment as proposed and urge a ''no'' vote by my colleagues.

I yield back the balance of my time.

□ 2115

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

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. NAPOLITANO

Mrs. NAPOLITANO. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available in this Act may be used in contravention of section 2101 of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 2238b) or section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

The Acting CHAIR. Pursuant to House Resolution 223, the gentlewoman from California and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Madam Chairman, I rise in support of the DeFazio-Poe-Napolitano amendment.

I sincerely thank Ranking Member DEFAZIO and, of course, the ranking member of the committee for offering this critical amendment which implements the harbor maintenance allocation formulas that were carefully negotiated and included in the WRRDA 2014 and passed the House by a vote of 412–4. I repeat, 412–4.

WRRDA '14 said that any funds appropriated for the harbor maintenance account above $898 million—of course this was the baseline amount appropriated in fiscal year '12—should be—it doesn't say ''would be,'' ''could be''—it should be allocated based on the following parameters:

Ten percent at least goes to the Great Lakes. At least 10 percent goes to expanded uses at donor ports, which would be New York/New Jersey, Miami, Seattle, Tacoma, Los Angeles, and Long Beach. Expanded uses are berth dredging, removal of contaminated sediment, environmental remediation, and/or subsidies to shippers to continue to use their ports. At least 5 percent goes to underserved harbors. Ten percent goes for emerging harbors.

The 2016 Corps budget does not—I repeat, does not—include the WRRDA 2014 harbor maintenance trust allocations. It does not include them.

This amendment is needed to require the Corps to implement these funds allocations, as directed by Congress.

Madam Chairman, this amendment is especially important to provide fairness to my State of California and to other ports.

All ports in California only receive 15 percent—this is all ports—back of what their shippers paid into that harbor maintenance trust fund.

Last year, the users of the ports of Los Angeles and Long Beach alone paid $263 million in harbor maintenance taxes and received zero—I repeat, zero—back in harbor maintenance funds. This is terribly unfair, and it is, as far as we are concerned, illegal.

This amendment will ensure that it brings back a little bit of that fairness to the donor harbors by providing them with a small portion of what they paid into the system.

I do want to add that this amendment is supported by the American Association of Port Authorities and the ports of Los Angeles and Long Beach.

I ask for support of the DeFazio amendment. I request a ''yes'' vote.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. STIVERS

Mr. STIVERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

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

SEC. ____. None of the funds made available by this Act may be used for the Cape Wind Energy Project on the Outer Continental Shelf off Massachusetts, Nantucket Sound.

The Acting CHAIR. Pursuant to House Resolution 223, the gentleman from Ohio and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. STIVERS. Madam Chair, the amendment I am offering tonight is simple. It prohibits funding for the Cape Wind project off Nantucket Sound. This amendment was offered last year and was accepted unanimously, and I hope it will be again.

The problem with this project isn't that it is renewable energy. We all support renewable energy. This is a renewable energy that is not supporting American jobs. In fact, they have outsourced their turbines to Denmark and their turbine platforms to Germany.

The other issue is, this project has been quite controversial, and I think that we don't want another Solyndra.

This amendment was adopted last year by a voice vote. I would urge a ''yes'' vote.

I yield back the balance of my time.

The Acting CHAIR (Mr. NEWHOUSE). The question is on the amendment offered by the gentleman from Ohio (Mr. STIVERS).

The amendment was agreed to.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. FOXX) having assumed the chair, Mr. NEWHOUSE, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2028) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes, had come to no resolution thereon.

DISAPPROVAL OF DISTRICT OF COLUMBIA REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT OF 2014

Mr. CHAFFETZ. Madam Speaker, pursuant to House Resolution 231, I call up the joint resolution (H.J. Res. 43) disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 231, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 43

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress disapproves of the action of the District of Columbia Council described as follows: The Reproductive Health Non-Discrimination Amendment Act of 2014 (D.C. Act 20–593), signed by the Mayor of the District of Columbia on January 25, 2015, and transmitted to Congress pursuant to section 602(c)(1) of the District of Columbia Home Rule Act on March 6, 2015.

The SPEAKER pro tempore. The gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials.

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

There was no objection.

Mr. CHAFFETZ. Madam Speaker, I ask unanimous consent to yield the balance of my time to the gentlewoman from Tennessee (Mrs. BLACK) for the purpose of controlling the time.

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

There was no objection.

Mrs. BLACK. Madam Speaker, I reserve the balance of my time.

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

Unfortunately, our thoughts this evening have to be with the ranking member of the Oversight and Government Reform Committee, ELIJAH CUMMINGS, who could not be here due to ongoing events in his Baltimore district, but his statement strongly opposing H.J. Res. 43 will be entered into the RECORD.

Madam Speaker, resentment does not begin to relate our response to this unprecedented disapproval resolution. Republicans this evening continue their war on women, but this time, they have added men in the District of Columbia for good measure.

This resolution is wildly undemocratic. It is a naked violation of the Nation's founding principle of local control of local affairs, and it is profoundly offensive to D.C. residents.

This resolution uniquely targets my district, but every Member will get to vote on it except for me, the District's elected Representative.

Notwithstanding its late-night consideration, Democrats will make sure Americans understand this inflammatory resolution. For the first time ever, the House is voting to license employers to discriminate against employees for their private, constitutionally protected reproductive health decisions.

For the first time in a quarter of a century, the House is voting to overturn the law of a local jurisdiction. The D.C. bill stops employers from job discrimination based on the reproductive health decision of employees, their spouses, or their dependents.

To name just a few of the horribles permitted by this resolution: employers may fire a woman for having an abortion due to rape or a man for using condoms. Or to use actual examples in the United States today, Emily Herx of Indiana was fired for using in vitro fertilization to become pregnant. Jennifer Maudlin of Ohio was fired for having nonmarital sex and becoming pregnant. Christina Dias of Ohio was fired for using artificial insemination to become pregnant. Shaela Evenson of Montana was fired for using artificial insemination to become pregnant. Michelle McCusker of New York was fired for having nonmarital sex and becoming pregnant.

The D.C. bill is constitutional and legal.

Under the U.S. Constitution, laws may limit religious exercise if they are neutral, generally applicable, and rationally related to a legitimate governmental interest. The D.C. bill applies to all employers, does not target religion, and promotes workplace equality.

Under the Federal Religious Freedom Restoration Act, laws may substantially burden religious exercise if they further a compelling governmental interest in the least restrictive means. D.C. has a compelling interest in eliminating discrimination, and the D.C. bill is the least restrictive means to do so.

The D.C. bill certainly protects religious liberty. The bill is subject to constitutional and statutory exceptions to discrimination laws.

The narrow constitutional ministerial exception allows religious organizations to make employment decisions for ministers and ministerial employees for any reason whatsoever.

The exception in title VII of the 1964 Civil Rights Act, which I enforced as chair of the Equal Employment Opportunity Commission, permits religious organizations to make employment decisions based on religion.

□ 2130

D.C. law permits religious and political organizations to make employment decisions based on religion and political views; thus, employers in D.C. may continue to make employment decisions based on their religious and other beliefs, and their employees must be willing to carry out the employer's mission and directives with no exceptions.

The D.C. bill does not require employers to provide health insurance; instead, it requires equal treatment of employees. Both the text and the legislative history of the D.C. bill make that clear.

Nevertheless, when Members of Congress express concerns, the D.C. government, in order to eliminate any doubt, passed a new version of the bill that says, ''This act shall not be construed to require an employer to provide insurance coverage related to reproductive health decisions.''

This provision is in effect now, but, under the Home Rule Act, a D.C. bill is not final until the end of the congressional review period. How absurd is that?

This disapproval resolution is a deliberate abuse of congressional authority over the district. In 1973, Congress passed the Home Rule Act to give the district the authority to legislate on local matters with a few enumerated exceptions and ''to relieve Congress of the burden of legislating upon essentially local District matters.'' D.C. employment and reproductive health laws are not among those exceptions.

This evening, Madam Speaker, I ask my Republican colleagues to live up to their own recently passed fiscal year 2016 budget which calls for the Federal Government to let States and cities govern their own affairs.

''America is a diverse nation. Our cities, States, and local communities are best equipped and naturally inclined to develop solutions that will serve their populations. But far too often, local leaders are limited by numerous Federal dictates,'' so said the Republicans in their own budget this very year.

I ask the majority to live up to its professed principles of local control and of local affairs, Federalism and limited government. I urge Members to vote ''no'' on the disapproval resolution to protect employees' reproductive health decisions, to protect workplace equality, and to protect the District's right to self-government as taxpaying American citizens.

I insert in the RECORD the President's veto threat on this resolution.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, April 30, 2015.

STATEMENT OF ADMINISTRATION POLICY

H.J. RES. 43—DISAPPROVING THE ACTION OF THE DISTRICT OF COLUMBIA COUNCIL IN APPROVING THE REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT OF 2014

(REP. BLACK (R–TN) AND 46 CO-SPONSORS)

The Administration strongly opposes H.J. Res. 43, which would overturn the District of Columbia's Reproductive Health Non-Discrimination Amendment Act of 2014 (the Act). The Act added reproductive health decisions to the list of employment non-discrimination protections included under the basis of sex, which had previously included pregnancy, childbirth, related medical conditions, and breastfeeding. By taking away this newly-added protection, H.J. Res. 43 would undermine the reproductive freedom and private health care decisions of the citizens of the District of Columbia. This legislation would give employers cover to fire employees for the personal decisions they make about birth control and their reproductive health. These personal decisions should not jeopardize anyone's job or terms of employment.

The Act preserves the current exception in the District's Human Rights Law for religious entities and does not impose additional requirements on employers, contrary to their personal beliefs, to provide insurance coverage related to reproductive health decisions.

H.J. Res 43 would also have the unacceptable effect of undermining the will of District of Columbia citizens. While the Home Rule Act of 1973 created a procedure for the Congress to overturn laws passed by the District of Columbia, the Congress has not exercised this authority in over two decades and should refrain from doing so in this circumstance, as well. The Administration urges the Congress to adopt the President's FY 2016 Budget proposal allowing the District to enact local laws and spend local funds in the same way as other cities and States.

If the President were presented with H.J. Res. 43. his senior advisors would recommend that he veto this resolution.

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

Mrs. BLACK. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are here today for two reasons: one, our constitutional duty assigned to us by the Constitution; and, two, to maintain the protections that same document ensures for all Americans.

First, the Constitution mandates Congress oversee the District of Columbia. Article I, section 8, clause 17 makes clear Congresses exercises ''exclusive legislation in all cases whatsoever over the District'' of Columbia.

In that vein, Congress passed the Home Rule Act, which gives the District some autonomy, but Home Rule also retains the constitutional duty imposed on Congress to be the ultimate signoff for all of the District's legislation. That responsibility could not be more important than today.

The D.C. Council recently passed legislation that affects the hiring practices of organizations that work to advance certain beliefs. As passed, the bill fails to acknowledge certain longstanding constitutional protections of the First Amendment for political and religious organizations. Because of this, we cannot let this legislation stand.

Former D.C. Mayor Vincent Gray requested the council postpone its vote on the bill because of its legal problems. In a December 2014 letter, Mayor Gray explained D.C.'s attorney general found that the bill ''raised serious concerns under the Constitution and under the Religious Freedom Restoration Act of 1993.''

He went on to say, ''Religious organizations, religiously affiliated organizations, religiously driven for-profit entities, and political organizations may have strong First Amendment and Religious Freedom Restoration Act grounds for challenging the law's application to them.''

To remedy these problems, the Mayor requested the council include an exemption to ''protect the religious and political liberty interests that the First Amendment and the Religious Freedom Restoration Act are designed to secure.''

Madam Speaker, I will insert Mayor Gray's December 2, 2014, letter to the D.C. Council into the RECORD.

While the council postponed the vote, they took none of the Mayor's advice. Once again, Mayor Gray wrote the council, again, in mid-December voicing his disapproval for the bill.

In that letter, he suggested, ''If the council wishes to adopt this bill, it should clarify the D.C. Human Rights Act's existing exemption for religious and political organizations to ensure that that exemption protects the religious and political liberty interests that the First Amendment and the Religious Freedom Restoration Act are designed to secure.''

Mayor Gray concluded that, ''Without this language, I cannot support the legislation and believe that the council would expose the District government to costly legal challenges by moving forward.''

Again, Madam Speaker, I will insert in the RECORD Mayor Gray's December 17, 2014, letter to the D.C. Council.

Despite these warnings, the council and Mayor Bowser ignored the former Mayor's requests, passed the bill, and sent it to Congress. If they had taken Mayor Gray's advice, we would not be here today.

Madam Speaker, this law is contrary to the Federal statute, and the D.C. Council knows it. The Religious Freedom Restoration Act passed in 1993 prevents the government from creating any law, rule, or regulation that prevents an individual from freely exercising their religion.

Based on this mandate, the Supreme Court recently held that certain corporations are not required to provide health insurance coverage for contraceptive methods that violate their religious beliefs.

From the way it was drafted, it is unclear if the D.C. bill violates this mandate, making it unconstitutional. Both Mayor Bowser and the D.C. Council know that this is a problem.

In fact, in February, Mayor Bowser admitted that the bill was ambiguous and requested the council pass temporary emergency legislation clarifying that the bill doesn't require employers to provide insurance coverage for reproductive health decisions.

Madam Speaker, I will insert in the RECORD Mayor Bowser's February 2, 2015, letter to the D.C. Council.

Madam Speaker, that fix was only temporary and does not address the constitutional concerns I share with Mayor Gray. Given this ambiguity and no permanent fix, the bill is unconstitutional and cannot stand, given the recent Supreme Court decision in Hobby Lobby.

Protecting the freedoms guaranteed by our First Amendment should not be a partisan issue. Mayor Gray knew this and pointed this out to the council that it has gone too far.

Finally, Madam Speaker, I want to speak directly to the claims that this resolution is somehow an attack on women's health care or their rights to use contraceptives. These attacks are offensive and are patently false.

As a registered nurse, I have spent my adult life bringing health care to women, children, and families. This resolution would in no way threaten anyone's access to care or freedom from discrimination based on the use of contraceptives; rather, it simply maintains the status quo in Washington, D.C., before this misguided law was passed.

Women are already protected from discrimination on the basis of pregnancy status and a number of other fronts through both D.C. and Federal law, as they should be.

Specific to concerns regarding how this would impact women using contraceptives, the Equal Employment Opportunity Commission makes clear ''an employer could not discharge a female employee from her job because she uses contraceptives.'' Those protections would in no way be impacted if any resolution were to be signed into law.

Madam Speaker, the RHNDA law is fundamentally dishonest. It purports to be a nondiscrimination act, but it directly targets the fundamental First Amendment freedoms of employers in our Nation's Capital, the very city charged with protecting those same freedoms.

We must act to protect religious freedom and to offer relief from this oppressive RHNDA law.

THE ''DISTRICT OF COLUMBIA LOTS 36, 41 AND 802 IN SQUARE 3942 AND PARCELS 01430107 AND 01430110 EMINENT DOMAIN EMERGENCY AUTHORIZATION ACT OF 2014''

I urge the Council to approve the potential use of eminent domain to acquire Lots 36, 41 and 802 in Square 3942 and Parcels 01430107 and 01430110 (W Street Site). DC Water currently operates a site south of N Place, S.E., north of the Anacostia River and between 1st and Canal Streets, S.E. (DC Water Site). The District plans to revitalize and develop a portion of the DC Water Site and leverage other District investments, such as the South Capitol Street Bridge project and the Nationals Park, and serve to accelerate and promote economic vitality in the Capitol Riverfront neighborhood

The District of Columbia and DC Water have entered into a Memorandum of Understanding for DC Water to relocate a portion of the uses from the DC Water Site to a site in Prince Georges County. In order to ensure adequate response times to water and sewer emergencies, DC Water must also maintain a site west of the Anacostia River.

The W Street Site is currently occupied by a trash transfer station, and has been considered by many as blight to nearby communities.

READING AND VOTE ON PROPOSED LEGISLATION

BILL 20–790, THE ''REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT OF 2014''

I urge the Council to postpone voting on this measure until significant legal concerns expressed by the Office of Attorney General are resolved. My staff shared with the Committee on the Judiciary a detailed review of the bill by OAG that deemed the legislation legally insufficient. The District of Columbia Human Rights Act (Human Rights Act) protects many facets of an individual's identity (such as race, nationality, religion, and sexual orientation) from discrimination. Bill 20–790, the Reproductive Health Non-Discrimination Amendment Act of 2014, would expand these restrictions by prohibiting employers (and others) from discriminating against an individual based on that individual's reproductive health decisions.

According to OAG, the bill raises serious concerns under the Constitution and under the Religious Freedom Restoration Act of 1993 (RFRA). Religious organizations, religiously-affiliated organizations, religiously-driven for-profit entities, and political organizations may have strong First Amendment and RFRA grounds for challenging the law's applicability to them. Moreover, to the extent that some of the bill's language protects only one sex's reproductive health decisions, that language may run afoul of the Fifth Amendment's equal protection guarantee. If the Council wishes to adopt this Bill or similar legislation, it should clarify the Human Rights Act's existing exemption for religious and political organizations to ensure that the exemption protects the religious and political liberty interests that the First Amendment and RFRA are designed to secure.

While I applaud the goals of this legislation, as currently drafted, this legislation is legally problematic. I am committed to working with the Council on language necessary to make the changes needed.

BILL 20–48, THE ''CIVIL ASSET FORFEITURE AMENDMENT ACT OF 2014''

I support passage of this legislation in Final Reading. Bill 20–48 creates a free-standing title for civil forfeitures, which includes sections on seizures, notice, contesting seizure, interim release of seized property, filing a complaint, forfeiture proceedings, return of property, disposal of forfeited property, adoptive seizures, reporting requirements, remission or mitigation, and the rule of lenity.

While I continue to have reservations about the limitations this bill places on the Executive Branch and the Office of the Attorney General (OAG), I recognize that the forfeiture of civil assets—and procedures for their timely return to the owner—is a significant one in the community that is in need of reform. OAG and the U.S. Attorney's Office worked with the Committee on Judiciary and Public Safety on this legislation and was successful in making significant improvements to the requirements included in the legislation. I appreciate the work that the Committee has undertaken to include affected parties, and believe that while this compromise is a good one, future Executives may have to amend the law if the District experiences challenges with the procedures the law puts in place.

BILL 20–468, THE ''LIMITATION ON THE USE OF RESTRAINTS ACT OF 2014''

With the amendments circulated on Monday, December 1, I support passage of this measure. Bill 20–468 limits the use of restraints on a woman or youth who is known to be pregnant or in post-partum recovery, including in limited circumstances while in transport to a medical facility or while receiving treatment at a medical facility.

The District of Columbia is considered a national leader in its treatment of pregnant inmates, and I support codifying existing procedures to continue to be a model to other state penal institutions. However, I do not want to overly burden the administration of our detention facilities with procedures that are unsafe both to inmates and corrections officers. The amendment being offered today strikes that balance.

Thank you for the opportunity to express the Administration's views on these pieces of legislation.

Sincerely,

VINCENT C. GRAY.

''DISTRICT OF COLUMBIA LOTS 36, 41 AND 802 IN SQUARE 3942 AND PARCELS 01430107 AND 01430110 EMINENT DOMAIN AUTHORIZATION EMERGENCY AUTHORIZATION ACT OF 2014'' AND ACCOMPANYING DECLARATION AND TEMPORARY VERSION

I urge the Council to approve this legislation giving the Mayor authorization to utilize eminent domain to secure District ownership of property in Ward 5 that has long been a source of community complaint. This authorization is supported by the surrounding neighborhood community. Further, it does not mandate the use of eminent domain. Councilmember McDuffie and I agree that having this tool available to the incoming Administration will be helpful in finalizing the future of the site.

READING AND VOTE ON PROPOSED LEGISLATION

BILL 20–790, THE ''REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT OF 2014''

I appreciate that the Committee on Judiciary and Public Safety has worked with the Office of the Attorney General to make the bill legally sufficient. However, it is my understanding that additional language which would correct significant legal concerns will not be offered today.

While I support the intent of the bill, without the amendment, the Bill raises serious concerns under the Constitution and under the Religious Freedom Restoration Act of 1993 (RFRA). Religious organizations, religiously-affiliated organizations, religiously-driven for-profit entities, and political organizations may have strong First Amendment and RFRA grounds for challenging the law's applicability to them. Moreover, to the extent that some of the Bill's language protects only one sex's reproductive health decisions, that language may run afoul of the Fifth Amendment's equal protection guarantee.

If the Council wishes to adopt this Bill or similar legislation, it should clarify the Human Rights Act's existing exemption for religious and political organizations to ensure that the exemption protects the religious and political liberty interests that the First Amendment and RFRA are designed to secure. Without this language, I cannot support the legislation and believe that the Council would expose the District government to costly legal challenges by moving forward.

Thank you for the opportunity to express the Administration's views on these pieces of legislation.

Sincerely,

VINCENT C. GRAY.

''H STREET, N.E., RETAIL PRIORITY AREA CLARIFICATION EMERGENCY DECLARATION RESOLUTION OF 2015;'' ''H STREET, N.E., RETAIL PRIORITY AREA CLARIFICATION EMERGENCY AMENDMENT ACT OF 2015;'' AND ''H STREET, N.E., RETAIL PRIORITY AREA CLARIFICATION TEMPORARY AMENDMENT ACT OF 2015''

I urge the Council to support this legislation. The ''Fiscal Year 2015 Budget Support Act of 2014'' and subsequent emergency legislation amended the Bladensburg Road, N.E., Retail Priority Area and included it into the H Street, N.E., Retail Priority Area. The ''H Street, N.E., Retail Priority Area Incentive Emergency Amendment Act of 2014'' amended the criteria for eligible retail development projects eligible to receive grants, but ambiguity remains on the clarity and accuracy of the legislation amending the criteria for eligible retail development projects eligible to receive grants. This emergency legislation addresses those immediate concerns before the next grant cycle, which concludes at the end of February 2015.

''REPRODUCTIVE HEALTH NON-DISCRIMINATION CLARIFICATION EMERGENCY DECLARATION AMENDMENT ACT OF 2015;'' ''REPRODUCTIVE HEALTH NON-DISCRIMINATION CLARIFICATION EMERGENCY AMENDMENT ACT OF 2015;'' AND ''REPRODUCTIVE HEALTH NON-DISCRIMINATION CLARIFICATION TEMPORARY AMENDMENT ACT OF 2015''

Finally, I would like to draw the Council's attention to legislation circulated by the Chairman on my behalf to address legal concerns in Bill 20-790, the ''Reproductive Health Non-Discrimination Amendment Act of 2014.'' The attached emergency legislation, which was circulated on Friday, January 30, will repeal and replace language from the underlying bill to make clear that it does not impose any new insurance requirements on employers related to reproductive health decisions. This emergency legislation ensures that the District will remain in compliance with Federal and Constitutional law. I urge the Council to agendize the emergency at its next legislative meeting.

Thank you for the opportunity to express the Administration's views on these pieces of legislation.

Sincerely,

MURIEL BOWSER.

Chairman Phil Mendelson at the Request of the Mayor

A BILL IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Human Rights Act of 1977 to provide a clarification that the prohibition of discrimination on the basis of sex shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision.

Be it enacted by the Council of the District of Columbia, That this act may be cited as the ''Reproductive Health Non-Discrimination Clarification Emergency Amendment Act of 2015''.

Sec. 2. Reproductive health choices clarification.

(a) Section 105(a) of the Human Rights Act of 1977, effective July 17, 1985 (D.C. Law 6–8; D.C. Official Code §2–1401.05(a)), is amended as follows:

''(a) For the purposes of interpreting this act, discrimination on the basis of sex shall include, but not be limited to, discrimination on the basis of pregnancy, childbirth, related medical conditions, breastfeeding, or reproductive health decisions; provided that this act shall not be construed to require an employer to provide insurance coverage related to a reproductive health decision.''.

Mrs. BLACK. Madam Speaker, I reserve the balance of my time.

Ms. NORTON. Madam Speaker, may I point out that, far from not discriminating, I have named five women in five different States who have been discriminated against because of language precisely of the kind the District of Columbia bill needs to avoid.

It is true that the former Mayor and the former attorney general had some issues with the bill. They are no longer in office. Nevertheless, the current Mayor and the current city council have reviewed those issues.

May I say that the Mayor never offered any examples of the kind of interference with religious or other rights. He was referring to the council, and the Mayor, nevertheless, reviewed his objections, and unanimously, the D.C. City Council and Mayor Bowser have, in fact, endorsed this bill.

Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), my good friend.

Mrs. LOWEY. Madam Speaker, I thank the gentlewoman.

This is a new low in the war on women. Women have been fired for using in vitro fertilization and fired for being pregnant before they are married. This isn't some hypothetical or a cautious story from the 1950s. This is happening in America in the 21st century.

The D.C. Council voted unanimously to protect workers from this type of discrimination because it understands what House Republicans must not, that employees should be judged by their performance, not their reproductive healthcare choices.

Madam Speaker, hard-working women already have enough on their plate, from making 78 cents on the dollar compared to men, to acting as caregivers without paid family and medical leave. The majority doesn't even have

the courage to bring up this bill in the light of day.

Congress should be focused on growing the economy and providing opportunity for all Americans, not making women fear that they might be fired if their employer does not approve of contraception or the manner in which they conceive children.

□ 2145

Mrs. BLACK. Madam Speaker, I yield 4 minutes to the gentleman from Texas (Mr. FLORES), the cosponsor of this bill, the chair of the Republican Study Committee, and someone who has worked very hard on this legislation.

Mr. FLORES. Madam Speaker, I thank the gentlewoman from Tennessee.

Madam Speaker, I rise today in support of H.J. Res. 43, to formally disapprove of the recent measure passed by the District of Columbia that clearly violates religious liberty.

I thank my colleague, the gentlewoman from Tennessee, for her work on this important issue. I urge all of my colleagues to join her in reaffirming Congress' commitment to protecting our First Amendment rights.

Despite its name, the Reproductive Health Non-Discrimination Amendment Act does, in fact, discriminate against those who exercise their right to live according to their religious beliefs. The D.C. measure tells values-based organizations that they may no longer live and work according to the very principles that they advocate. A Christian school would be required to pay for health insurance policies that include provisions that violate the beliefs that they teach their students. In addition, a pro-life organization would be forced to hire individuals regardless of their commitment to pro-life values.

Simply put, the D.C. Council measure compels Americans to act in clear violation of their conscience. In doing so, they ignore the opinion of most Americans, Supreme Court precedent, and the First Amendment to our Constitution.

More than 80 percent of Americans agree that individuals should be free to run their businesses and their organizations according to their beliefs, without the government telling them what to do. In 2013, the Supreme Court upheld that opinion, ruling in Burwell v. Hobby Lobby that employers have the right to operate their businesses according to their religious beliefs and principles.

Most importantly, however, the freedom of belief is enshrined in the First Amendment of the Bill of Rights of our Constitution. Freedom of belief is the cornerstone of America's founding principles. It was the promise of religious freedom that spurred the first generation of immigrants to come here, and it is the practice of religious freedom that has brought people from all over the world, from all races and creeds, to our shores ever since.

Religious freedom may be one of our oldest tenets and oldest principles, but it is one we must constantly strive and work to defend. This is not about one city or even one piece of legislation. Other cities or States may be considering similar measures, and doing nothing will only embolden those who would violate religious liberty.

We need to make clear, Madam Speaker, where the House stands on this important issue. Therefore, I urge my colleagues to join the gentlewoman from Tennessee and me in supporting today's resolution.

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

Just to correct the gentleman that the church would have to buy insurance to cover abortion, the church is completely—every church is completely—exempt from this law. Or, as he indicated, that a pro-choice group would have to hire a candidate who believes in abortion, on the contrary, a pro-choice group can ask a candidate if that candidate is willing to carry out the mission of the organization against abortion, and if that candidate has any compunction, that candidate can, indeed, be refused employment; and if such a person is on staff, that person can be fired. You cannot be on somebody's staff and then take a position against the mission of that business or organization.

Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), my good friend.

Mrs. CAROLYN B. MALONEY of New York. Madam Speaker, this resolution is an insult to women everywhere. What business is it of an employer—or anyone else, for that matter—to know whether or not workers or their daughters are taking birth control? It is absolutely none of their business.

And it also makes a mockery of the majority party's oft repeated claims that it wishes to scale back the overreach of the Federal Government, yet here they are reaching into personal lives.

And the resolution is being proposed by the so-called party of states' rights. They are not proposing a Federal law. They are trying to override the decisions of elected officials in the District of Columbia.

Why should the Congress have the right to override the democratic decisions of people in our Nation's Capital? A city with more people than the State of Wyoming and larger than Vermont gets no voting Senators or Congressmember in this body.

This offensive effort to intrude into the most intimate of decisions of a woman's life sends a loud and clear message from the majority that they think a woman's employer does get a say in a woman's reproductive healthcare choices, even though the Supreme Court, the Constitution, and women all across this country think that they do not.

This resolution would give an employer coercive power to intrude on a woman's private decisions about birth control, in vitro fertilization, and abortion. They are activities that obviously happen off the job and decisions that have no bearing whatsoever on a person's ability to do her job.

The District of Columbia's Reproductive Health Non-Discrimination Amendment Act does not diminish the right of religious freedom. This new D.C. law is modest in its scope. It simply protects an employee's right to self-determination. It handles a perceived conflict between two differing claims to rights in a simple and straightforward way.

I urge a ''no'' vote to this new low and public policy.

Madam Speaker, this resolution is an insult to women everywhere.

What business is it of an employer—or anyone else for that matter—to know whether or not workers or their daughters are taking birth control? It is none of your business.

And it also makes a mockery of the majority party's oft repeated claims that it wishes to scale back what it calls the overreach of the Federal government this offensive effort to intrude into the most intimate of decisions of a woman's life—sends a loud and clear message from the Majority that they think a woman's employer does get a say in a woman's reproductive health care choices.

Even though the Supreme Court, the Constitution and women all across the country think you don't.

This resolution would give an employer coercive power to intrude on a woman's private decisions about birth control, in vitro fertilization, and abortion.

They are activities that obviously happen off the job and decisions that have no bearing whatsoever on a woman's ability to do her job.

The District of Columbia's Reproductive Health Non-Discrimination Amendment Act does not diminish the right of religious freedom.

This new DC law is modest in its scope—it simply protects a employee's right to self-determination.

It handles a perceived conflict between two differing claims to rights in a simple and straightforward way.

An employer has the right to hold whatever belief his conscience dictates—but he does not have the right to discriminate against employees based on their private choice to use birth control, in vitro fertilization, or abortion.

The DC law received a unanimous vote on the DC Council and was even revised to make it clear that it would not force an employer to provide insurance coverage for contraceptive or abortion coverage.

And while this resolution might just affect women and their families here in our nation's capital, women across the U.S. should be very much alarmed: Because if this resolution stands—Can there be any doubt—they're coming for you next.

I urge my colleagues to consider the ways this resolution would threaten the jobs and economic security of hardworking DC residents, and to oppose this absurd, discriminatory resolution.

Mrs. BLACK. Madam Speaker, it is my pleasure to yield 2 minutes to the gentlewoman from Missouri (Mrs. HARTZLER), who has been a big protector of life and has been a good colleague of mine since our election in 2010.

Mrs. HARTZLER. Madam Speaker, I rise today in support of H.J. Res. 43, and I commend the gentlewoman from Tennessee and the gentleman from Texas for sponsoring this important piece of legislation. This resolution would prevent the District of Columbia from violating America's basic First Amendment freedom of religion.

We must protect pro-life organizations in D.C. and allow them to operate according to their sincerely held beliefs. The D.C. City Council's actions would have serious negative consequences for religious organizations operating in D.C., and religious or pro-life groups could be forced to make personnel decisions that are inconsistent with their moral convictions. Additionally, these actions will force employers to defend against lawsuits of questionable merit brought with a political motivation.

Our Nation's Capital should not be a place where people's freedoms are taken away; it should be a place where the right to live according to your beliefs is most fervently protected. We must respect and protect the religious freedoms established by the Constitution and the Federal law. We must reject the overreach by the D.C. City Council.

I urge my colleagues to support H.J. Res. 43.

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

Madam Speaker, I must reject the gentlewoman's desire to protect organizations or residents in D.C. No resident in D.C. has asked any Member of this body to protect them except the Member standing before you, and that Member can't even protect them with a vote on this floor.

This bill was passed unanimously by the D.C. City Council. If there is any objection to this bill, D.C. residents will repair to the courts, who are the only authorities who can tell us what is constitutional and what is not constitutional.

Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Madam Speaker, I thank the gentlewoman for yielding, the distinguished Delegate from the District of Columbia. I thank her for her courageous, relentless, persistent, effective leadership and representation of the District of Columbia.

I come to the floor, Madam Speaker, to ask several questions. I think they have to be addressed to you.

How many times have our Republican colleagues come to this floor to express their belief in reducing the role of government, of the Federal Government? How many times have they come to the floor to preach their deference to states' rights and local government? And how many times have these House Republicans thrown all of that out the window when it comes to meddling, government meddling in the reproductive choices of America's families?

Here we are with Republicans who disapprove a duly passed D.C. law in order to enable businesses to fire their employees for the reproductive health decisions that they make. And not only that, not only the decision that the employee makes, but the decision that a spouse makes or a dependent, a child, makes.

Allowing employers to fire employees for using birth control or in vitro fertilization, which answers the prayers of so many families, or any other reproductive health service is an outrageous intrusion into workers' personal lives.

This is Hobby Lobby on steroids. This is about a business firing someone—man or woman—for private health decisions with no bearing on the workplace. In fact, if Republicans have their way, employers would not need to cite religion at all to discriminate against employees for their reproductive decisions.

House Republicans—and I say House Republicans, Madam Speaker, because this isn't what Republicans think throughout the country. House Republicans need to recognize that personal healthcare choices are not your boss' business. A business has no right to threaten its employees for their reproductive choices or for the reproductive choices made by members of their families.

I keep saying it over and over. House Republicans have no business using this House of Representatives to enable such appalling discrimination. I urge my colleagues to stand against this radical assault on the rights of workers and families here in D.C.

Again, how many times have we seen our House Republican colleagues come to the floor to speak of their belief in reducing the role of the Federal Government? Not so fast, families of the District of Columbia. This doesn't mean you.

With that, I urge my colleagues to vote ''no'' on this legislation.

Mrs. BLACK. Madam Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH), who is the chairman of the Pro-Life Caucus. He is a cosponsor of this bill, and he is a defender of life.

Mr. SMITH of New Jersey. Madam Speaker, let me just say at the outset to my friend, the former Speaker for whom I have the highest regard, it is always appropriate to defend to the best extent possible the fragile lives of unborn children from the violence of abortion, and it is always appropriate to defend to the greatest degree possible conscience rights when they are under assault. That is why I, along with many of my colleagues, rise today in support of H.J. Res. 43, to disapprove of D.C. legislation that infringes on the First Amendment freedoms of religious charities and pro-life advocacy groups in the District of Columbia.

I especially want to thank Congresswoman DIANE BLACK for her consistent and highly effective leadership over many years for fundamental conscience rights and for attempting to respect human life to the greatest extent possible.

□ 2200

I agree with six distinguished law professors—and I will include their letters fully in the Record—who wrote the D.C. Council last November and who said:

''RHNDA's attempt to prevent employers from making decisions based on their 'personal beliefs' implies that the State has the power to judge what are and are not legitimate 'personal beliefs' and to conclude that religiously motivated opposition to State policies is unacceptable. The Supreme Court has unanimously affirmed that employers, not the State, may determine which religious practices they use as the basis for their organization's policies.''

The Secretary of Education for the Archdiocese of Washington wrote every Member of Congress, and he said:

''RHNDA would force religious institutions, including the 20 Catholic schools in the District of Columbia that I oversee, to hire or retain employees who publicly act in defiance of the mission of their employer. It would subjugate the church's moral teaching to the moral views of the government.''

The National Right to Life Committee, which has its national headquarters right here in the District, said:

''It would be intolerable for an advocacy organization such as ours to be required to hire or prohibit from firing a person who makes a 'decision' to engage in advocacy or any other activity that is directly antithetical to our core mission to lawfully advocate for the civil rights of the unborn.''

Christian and Muslim leaders also wrote a letter in which they pointed out:

''We come together to oppose RHNDA. We believe it would infringe on religious employers' freedom to make employment decisions when necessary to preserve their religious mission and identity.''

Catholic University president John Garvey, a very, very distinguished president of Catholic U. and whom I literally had up in hearings to speak out against anti-Semitism, said:

''This bill would require all employers, including religious schools such as ours, to hire or retain employees who publicly act in defiance of our mission. It would take away our right to carry

out our mission through personnel policies and practices that are rooted in our faith. The D.C. bill carries no exemption or language of tolerance.''

Again, I would agree with former Mayor Vincent Gray in that it raises serious First Amendment concerns in the Constitution.

APRIL 29, 2015.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE, I am writing to urge your support of the House Joint Resolution 43, disapproving the Reproductive Health Non-Discrimination Amendment Act in the United States House of Representatives.

The Reproductive Health Non-Discrimination Amendment Act would force religious institutions, including the 20 Catholic schools in the District of Columbia that I oversee, to hire or retain employees who publicly act in defiance of the mission of their employer. It would subjugate the Church's moral teaching to the moral views of the government, violating the First Amendment to the U.S. Constitution and the Religious Freedom Restoration Act, and result in discrimination against religious believers. Practically speaking, Catholic schools would be obliged to keep teachers that sow confusion among schoolchildren by engaging in conduct that is contrary to Catholic teaching on the fundamental dignity of human life from the moment of conception. The Archdiocese of Washington has long respected home rule for the District of Columbia and, therefore, advocated for our constitutional rights with the D.C. Council and Mayor. However, they moved forward despite our objections forcing us to appeal to the United States Congress to restore our freedoms.

Accordingly the Archdiocese of Washington joins other religious institutions, faith-based organizations and pro-life advocacy groups urging you and your colleagues to defend our freedom of religion, freedom of speech and freedom of association in the Nation's Capital.

Please vote for House Joint Resolution 43 disapproving the Reproductive Health Non-Discrimination Amendment Act. Thank You.

Sincerely,

THOMAS W. BURNFORD, D.MIN.
Secretary for Education.

THE CATHOLIC UNIVERSITY OF AMERICA, OFFICE OF THE PRESIDENT,
Washington, DC, April 30, 2015.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE, I urge you to vote for House Joint Resolution 43 when it reaches the floor today. The bill would express the House's disapproval of the Reproductive Health Non-Discrimination Act passed by the D.C. Council.

That bill would require all employers, including religious schools such as ours, to hire or retain employees who publicly act in defiance of our mission. It would take away our right to carry out our mission through personnel policies and practices that are rooted in our faith.

The D.C. bill carries no exemption or language of tolerance that would acknowledge or accommodate the religious and associational freedoms protected by the First Amendment. It places the preferences of the government above the Church's teaching on important matters.

I recognize the significance of Congress's acting to disapprove a bill passed by the D.C. Council and urge you to take this unusual step only because of the great impact the bill would have on our ability freely to operate this University. I am grateful for your support

Sincerely,

JOHN GARVEY,
President.

NOVEMBER 5, 2014.

Hon. PHIL MENDELSON,
Council of the District of Columbia, Washington, DC.

DEAR CHAIRMAN MENDELSON: We are college and university professors opposed to the Reproductive Health Non-Discrimination Act of 2014 (RHNDA). It seeks to amend Sec. 2. Section 211 (D.C. Official Code §2–1402.11) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Official Code §201401.01 et seq) (the Act) to read: ''An employer or employment agency shall not discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the individual's or a dependent's reproductive health decision making, including a decision to use or access a particular drug, device or medical service, because of or on the basis of an employer's personal beliefs about such services.''

We are convinced that RHNDA violates the federal Religious Freedom Restoration Act (RFRA), which governs the District's policies on the restriction of religious freedoms. RFRA is not limited to institutions owned by religious organizations, but extends to closely-held corporations whose owners' free exercise of religion is burdened by state regulation. Burwell v. Hobby Lobby Stores, No. 13–354 (U.S. June 30, 2014).

The Act currently contains an exemption for religious organizations and organizations ''operated, supervised or controlled by or in connection with a religious . . . organization'' (§2–1401.3). RHNDA appears aimed at owners of entities like Hobby Lobby, whose owners would seek the same exemption offered religious organizations and their subsidiaries. The standard that RFRA stipulates, that the government may burden religious practice of owners of closely-held corporations only when it is advancing a compelling state interest by means that are the least restrictive to the affected religious practice, is ignored by the proposed legislation.

RHNDA proposes to overturn the longstanding recognition of the right of religious employers to run their enterprises according to their religious beliefs. RHNDA's attempt to prevent employers from making decisions based on their ''personal beliefs'' implies that the state has the power to judge what are, and are not, legitimate ''personal beliefs'' and to conclude that religiously-motivated opposition to state policies is unacceptable. The Supreme Court has unanimously affirmed that employers, not the state, may determine which religious practices they use as the basis for their organizations' policies. Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC, 132 S. Ct. 6.

We oppose passage of the RHNDRA and urge you and your colleagues to reject this bill.

Signed,

PROFESSOR GEORGE W. DENT, Jr.,
Case Western Reserve University School of Law.
ROBERT A. DESTRO,
Professor of Law, Columbus School of Law, The Catholic University of America.
JOHN FARINA,
Associate Prof. of Religious Studies, George Mason University.
ROBERT P. GEORGE,
McCormick Professor of Jurisprudence, Princeton University.
JOHN C. HIRSH,
Professor of English, Georgetown University.
FRANK A. ORBAN III,
Institute of World Politics (Ret.).

APRIL 30, 2015.

Re nullify the D.C. ''Reproductive Health Non-Discrimination'' law.

DEAR MEMBER OF CONGRESS: The National Right to Life Committee, the nationwide federation of state right-to-life organizations, urges you to vote in favor of H. J. Res. 43, a resolution introduced by Congresswoman Black to nullify the so-called ''Reproductive Health Non-Discrimination Amendment Act'' (RHNDA) in the District of Columbia. NRLC intends to include the roll call on H. J. Res. 43 in our scorecard of key pro-life votes of the 114th Congress.

The RHNDA prohibits employers within the District from engaging in ''discrimination'' on the basis of ''decisions'' reached by employees, or potential employees, regarding ''reproductive health'' matters. It is not disputed that abortion is among the matters encompassed by the term ''reproductive health'' as used in the new law. The scope of the RHNDA is very broad, covering any ''decisions'' that are ''related to the use . . . of a particular . . . medical service . . .'' [emphasis added].

The National Right to Life Committee (NRLC) advocates for recognition that each unborn child is a member of the human family, and that each abortion stops a beating heart and ends the life of a developing human being. That viewpoint is shared by many women who once believed otherwise and submitted to abortions, and by many men who once believed otherwise and were complicit in abortion; such persons number among the most committed activists within our organization and other pro-life organizations. Yet it would be intolerable for an advocacy organization such as ours to be required to hire, or prohibited from firing, a person who makes a ''decision'' to engage in advocacy or any other activity that is directly antithetical to our core mission to lawfully advocate for the civil rights of the unborn.

Under the RHNDA, using any ''decision . . . related to'' abortion to inform decisions about hiring, firing, or benefits (among other things) would expose our organization both to enforcement actions by the District government bureaucracy, and to private lawsuits (some of which would likely be engendered by ''sting'' operations by pro-abortion advocates).

Some have suggested that we would be protected from such results by a clause in the pre-existing D.C. Human Rights Act that makes narrow allowance for ''giving preference to persons of the same religion or political persuasion'' as a controlling ''religious or political organization.'' But NRLC is neither a political nor a religious organization as those terms are used in the law. NRLC is not ''operated, supervised or controlled by'' any religious institution or political party, as the law requires to claim the narrow exemption. Moreover, our staff is made up of persons who are personally affiliated with a wide variety of religious bodies,

or with none, and persons who belong to a variety of political parties, or to none.

Article I of the U.S. Constitution provides that Congress shall ''exercise exclusive legislation in all cases whatsoever'' with respect to the seat of government, the federal District. Therefore, the RHNDA has been enacted with legal authority delegated to the District Council by Congress; that local body has no other political authority whatever under the Constitution. It follows that members of Congress are responsible for, and accountable for, abuses of the legal authority that Congress has delegated to District officials. The RHNDA is just such an abuse of delegated power—it is a politically motivated attack on our organization and the other organizations that seek to vindicate the human rights of unborn children.

The roll call on H. J. Res. 43, the resolution of disapproval, will be accurately described in our scorecard and in reports to our national membership as a fair reading of where each Member of the House of Representatives stands regarding a blatantly political attack on the pro-life movement.

Respectfully,

DOUGLAS D. JOHNSON,
Legislative Director.
SUSAN T. MUSKETT, J.D.,
Senior Legislative Counsel.

Hon. PHIL MENDELSON,
Council of the District of Columbia, Washington, DC.

DEAR CHAIRMAN MENDELSON: We represent the city's broad and diverse faith community. We may believe and practice our faith differently. We may have divergent positions on important issues. However we all agree that faith communities have a right to freely exercise their religion and a responsibility to promote and protect this important freedom. We believe religious freedom is not only our priority, but also a priority in our society.

We come together then to oppose the Reproductive Health Non-Discrimination Amendment Act of 2014. We believe it would infringe upon religious employers' freedom to make employment decisions when necessary to preserve their religious mission and identity. In doing so, the legislation would allow for unjust and unnecessary government interference into religious employers' governance and operations.

While religious employers do not police employees' or dependents' private reproductive health decisions, these employers must have the freedom to respond to employees' public behavior repudiating their religious mission and identity.

We believe that the legislation would in fact discriminate against religious employers in a manner prohibited by the significant constitutional and legal protections provided to religious organizations in the U.S. Constitution's First Amendment and the Religious Freedom Restoration Act

We respectfully request that you oppose the Reproductive Health Non-Discrimination Amendment Act. We pray that you will be fair and reasonable in your considerations of our sincere concerns. We will follow up with you with regard to these priority concerns.

Sincerely,

Reverend Patrick Walker, President, Baptist Convention of D.C. and Vicinity; Reverend Susan Taylor, National Public Affairs Director, Church of Scientology National Affairs Office; Talib M. Shareef, CMSgt, USAF-Retired, Imam/President, The Nation's Mosque, Masjid Muhammad; Reverend Kendrick E. Curry, Pastor, Pennsylvania Avenue Baptist Church—DuPont Park; Reverend Dr. George C. Gilbert, Pastor, Holy Trinity United Baptist Church—Hillbrook; Reverend A.C. Durant, Pastor, Tenth Street Baptist Church—Shaw; Reverend Sylvia Stanard, Minister, Church of Scientology; Reverend Lee Holzinger, Minister, Church of Scientology; Reverend Monsignor Robert Panke, Rector, Saint John Paul II Seminary—Brookland; Reverend William Byrne, Secretary of Pastoral Ministry and Social Concerns, Archdiocese of Washington.

Michael Scott, Director, D.C. Catholic Conference; Reverend Frederick Close, Pastor, St. Anthony Catholic Church—Brookland; Reverend Adam Y. Park, Pastor, Epiphany Catholic Church—Georgetown; Reverend Michael Briese, Pastor, Holy Name Catholic Church—Capitol Hill North; Reverend Monsignor Godfrey T. Mosley, Pastor, St. Ann Catholic Church—Tenleytown; Reverend Mark R. Ivany, Pastor, Assumption Catholic Church—Congress Heights; Reverend Michael J. Kelley, Pastor, St. Martin Catholic Church—Bloomingdale; Monsignor Raymond G. East, Pastor, St. Teresa of Avila Catholic Church—Anacostia; Reverend William Gurnee, Director of Spiritual Formation, Saint John Paul II Seminary—Brookland.

Monsignor John Enzler, President and CEO, Catholic Charities of the Archdiocese of Washington; Reverend Henry A. Gaston, Pastor, Johnson Memorial Baptist Church; Reverend Beth Akiyama, Minister, Church of Scientology; Reverend Kay Holzinger, Minister, Church of Scientology; Reverend Mario E. Dorsonville, Vice President of Mission and Immigration Outreach, Catholic Charities of the Archdiocese of Washington; Reverend Avelino A. Gonzalez, Director, Ecumenical and Inter-Faith Affairs Archdiocese of Washington; Reverend Monsignor Ronald W. Jameson, Rector, Cathedral of Saint Matthew the Apostle—DuPont Circle; Reverend Monsignor James D. Watkins, Pastor, Immaculate Conception Catholic Church—Shaw; Reverend Monsignor Paul Langsfeld, Pastor, St. Joseph's Catholic Church on Capitol Hill.

Reverend Gregory Schommer, O.P., Pastor, St. Dominic Catholic Church—Southwest Waterfront; Reverend Andrew F. Royals; Reverend Mark R. Ivany, Pastor, St. Benedict the Moor Catholic Church—Kingman Park; Reverend Ron Potts, Pastor, Shrine of the Most Blessed Sacrament—Chevy Chase; Reverend Thomas Franks, S.S.J., Pastor, Our Lady of Perpetual Help Catholic Church—Buena Vista; Reverend Cornelius Kelechi Ejiogu, S.S.J., Pastor, St. Luke Catholic Church—Marshall Heights; Reverend Alfred J. Harris, Pastor, St Mary Mother of God Catholic Church—Chinatown; Reverend Evelio Menjivar, Pastor, Our Lady Queen of the Americas—Kalorama; Reverend Richard Mullins, Pastor, St. Thomas Apostle Catholic Church—Woodley Park; Reverend Raymond M. Moore, Pastor, St. Thomas More Catholic Church—Washington Highlands; Monsignor Charles Pope, Pastor, Holy Comforter-Saint Cyprian Catholic Church—Capitol Hill.

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

Once again, a pro-life organization can hire or fire anyone it wants to. If that person opposes the mission of the pro-life organization, the pro-life organization does not have to hire that person and may fire that person.

Another matter that has to be corrected is that the D.C. discrimination law provides that nothing in the act—the act under discussion here—prohibits religious and political organizations from limiting employment or admission to or giving preference to persons of the same religion or political persuasion as calculated by that organization to promote the religious or political principles for which it is established or maintained.

That is the text.

Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Illinois (Ms. DUCKWORTH), my friend.

Ms. DUCKWORTH. I thank the gentlewoman from D.C.

Madam Speaker, I stand today in opposition to this resolution.

I want to make clear the consequences of the misguided resolution that we are considering today because it is not about religious freedom; it is about the freedom to make incredibly personal and significant decisions without having to consult your boss.

I have recently experienced the joy of becoming a mother for the first time. This miracle was not possible without the aid of in vitro fertilization. Given the excess radiation exposure I received during treatment for my combat-related amputations, this was the only way I would ever have a child.

Every woman in this country should have the same opportunity to start a family, and no woman should ever be fired for doing so. This should be common sense. Unfortunately, the resolution before us today would remove the legal protections ensuring that this is the case in D.C.

The law we are voting to disapprove today would prevent stories like that of Emily Herx's, a language arts teacher at a Catholic school in Indiana. She was fired after school authorities discovered that she and her husband used in vitro fertilization to try to have a child. They sought IVF treatments after learning that she suffered from a medical condition that caused infertility. She was told that the procedure was contrary to church teachings, and, as a result, her teaching contract would not be renewed. Last December, a jury sided with her, awarding her damages in the case.

Employees like Emily Herx should be judged at work based on their job performances, not on private decisions they make with their families and doctors. That is exactly what the D.C. Council intended to ensure in passing their resolution to protect women in the District.

I urge all Members to oppose this attempt by the majority to limit the rights of the people of the District of Columbia. In this day and age, the last thing we should be doing is punishing couples who are having difficulty in starting a family.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentleman from Georgia (Mr. JODY B. HICE), one of our freshmen and a cosponsor of the bill.

Mr. JODY B. HICE of Georgia. Madam Speaker, I rise in support of H.J. Res. 43, to protect different organizations from having to choose between their faiths and their jobs.

This is not a war on women. It is an outright war on religious liberties.

Forcing people to participate in offensive acts in order to stay in business is unconstitutional, and the D.C. Council has wholeheartedly interfered with the rights that are guaranteed in our Constitution. It is not a crime for individuals or organizations to exercise their First Amendment right. Respecting religious liberties when it can be reasonably accommodated is both common sense and constitutional.

As Congress, we have a duty to disapprove of what the D.C. Council has done, and I urge my colleagues to do so.

Ms. NORTON. Madam Speaker, may I inquire as to how much time remains on my side.

The SPEAKER pro tempore. The gentlewoman from the District of Columbia has 11 minutes remaining.

Ms. NORTON. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Ms. MICHELLE LUJAN GRISHAM), a member of our committee.

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Madam Speaker, we have an obligation to fight discrimination wherever it exists and in whatever form it exists.

This resolution would allow employers to discriminate against employees who make decisions based on the interests of their health and their families. If employers don't like the personal health care decisions that their employees make, this resolution would allow employers to fire them.

Is it right to allow employers to fire women who use contraception or who try to conceive through in vitro fertilization?

Employees should be judged on their job performances and nothing else, especially not on their private medical decisions. Nobody has the right to interfere with those decisions—nobody—not an employer, not the House of Representatives, not any of us.

Mrs. BLACK. Madam Speaker, I am pleased to yield such time as he may consume to the gentleman from Utah (Mr. CHAFFETZ), the chairman of the Oversight and Government Reform Committee.

Mr. CHAFFETZ. Madam Speaker, I first want to start by thanking my ranking member, Mr. ELIJAH CUMMINGS. I feel for him and for his city and what they are having to go through in Baltimore. I know he would have liked to have been here, but I have the utmost respect for him, and I wish nothing but the best for the people of Baltimore. I thank him for the decorum we have had and for the success we have had thus far on the Oversight and Government Reform Committee. We have had good debates. We have disagreed on issues, but I think we have probably agreed on most issues that we have had come before us.

I also want to thank the gentlewoman from the District, who cares passionately about her service and the people of Washington, D.C., and I know it comes from her heart as she speaks about these. We have had good success on our committee in having these vigorous debates but having done so in a professional manner, and I thank her for that kind of discussion that we have had. Again, I know that she speaks from her heart on this.

Madam Speaker, we do believe that this was a timely and appropriate bill to bring up. I know that it doesn't happen very often. It is not a common occurrence. That is because a lot of what Washington, D.C., does and passes is not something that is of any controversy whatsoever. Yet, when you have the attorney general for the District of Columbia saying this has problems with the Constitution and problems in the law and when you have Mayor Gray making the same case that this has problems, I hope that both sides will recognize, no matter how they vote, that this law that was transmitted to the Oversight and Government Reform Committee—to Congress—is problematic, and they have admitted as such. They know that it is problematic, and I think we have a role and a responsibility to add our voice to that. That is what the Constitution calls for.

The Constitution makes it clear that Congress does have the ability to exercise the ultimate legislative authority over the District of Columbia. In the typical case, Congress plays no part in it as the overwhelming majority of pieces of legislation that get transmitted to us continue to sail on, but the RHNDA legislation, as passed by the D.C. Council, has left us with no choice but to act.

The bill affects the hiring practices of all D.C. employers, but it provides no exemption for religious or political organizations that work to advance certain beliefs regarding reproductive health. Because of this, the bill fails to ensure that protections are guaranteed under the First Amendment.

As I said before, former D.C. Mayor Vincent Gray, a Democrat, wrote the D.C. Council twice, warning that this bill was unconstitutional. To fix the problem, Mayor Gray recommended the council include an exemption for religious or political organizations, but the council and the current mayor ignored Mayor Gray's request, which would have alleviated the constitutional concerns. She ignored that. The current mayor ignored that. If they had taken Mayor Gray's advice, I don't think we would be standing here today, talking about this bill.

Washington, D.C.'s current mayor, Ms. Bowser, also saw the problems with the bill. She requested the council pass temporary—and that is important, ''temporary''—emergency legislation clarifying the bill doesn't require an employer to provide insurance coverage for reproductive health decisions that an employer does not agree with. That is an important part of this discussion, but the legislation is only temporary. The bill remains unclear as to what it requires the D.C. employers to cover.

The other point that I would put in place here is that Washington, D.C., has been a city for a long time—for a couple hundred years, I think—and this legislation has not been in place. We are not trying to erase something. We are saying that the bill that was transmitted to us is problematic, and there are ways to remedy and fix that. Some would say, well, it has been fixed by this temporary—again, temporary—piece of legislation, but that hasn't been transmitted to us. The D.C. Council had an opportunity to provide us with that temporary legislation, but they didn't. Maybe they will in the future—I don't know—but that is not the bill that is before us today.

What I am arguing for is the same thing in concept as from the Washington, D.C., attorney general. It is the same thing in concept that D.C. Mayor Gray has said, and it is the same thing, quite frankly, that the current mayor has argued is problematic, because she wanted to clarify that the very arguments we hear back to us are that their bill doesn't actually do that, that we are not trying to effect that—in essence, saying that we are right, that we are not trying to get into this dangerous, unprecedented territory which a lot of us find offensive.

Madam Speaker, I think what we have done is very reasonable in our approach. We have very differing approaches and mindsets. I get that, but I do appreciate the debate. That is what we are supposed to be doing in Congress.

I appreciate the gentlewoman from the District of Columbia and, certainly, our ranking member, Mr. CUMMINGS. He is a good man, and he is in a tough situation. Again, our thoughts and prayers are with him and with the people of Baltimore and of Maryland. I would hope they would look to his leadership and what he is telling the people, which is to calmly, calmly discuss these issues as we are calmly discussing these issues here tonight.

Again, I urge the passage of this. I think it is an appropriate thing to do, and it is a timely thing to do. The clock has run out. We only have 30 days. The time is right upon us, so I urge my colleagues to vote in favor of this resolution tonight.

□ 2215

Finally, I will say I really do appreciate Mrs. BLACK for her heart and passion on this issue and the good work that she has done. She cares deeply about these issues. We all do.

Ms. NORTON. Madam Speaker, I yield myself such time as I may consume, and say that I do want to thank the chairman of the full committee, Mr. CHAFFETZ, for the way he has run the committee and especially with respect to this controversial legislation. He has allowed members to speak. It has been a very civil repartee on both sides.

I would like to offer that I have already read the text of D.C. law that exempts both religious and political organizations from limiting employment

in the way that other employers must, that they may hire based on their religious views and their political views. Pro-life organizations are protected; churches are protected.

The continuous citation of the former Mayor and the former attorney general would make you think that they were still in office. The council did, in fact, look once again at their objections, finding that their objections had already been taken care of in prior D.C. law. The council then unanimously passed the bill again.

It is painful to hear the insurance matter cited against the District of Columbia because the only reason it isn't final law is because the District of Columbia has to transmit to this body every law, and it has to lay over for at least 30 days before it becomes final. If we had our way, if we had the same rights that every other Member has whose district is in the United States of America, it would already be law. It shouldn't be cited against us.

Madam Speaker, I yield 2 minutes to the gentlewoman from Michigan (Mrs. LAWRENCE), a member of the committee.

Mrs. LAWRENCE. Madam Speaker, I address you today in strong opposition to H.J. Res. 43. The resolution undermines the purpose of the D.C. Council antidiscrimination bill. D.C. residents deserve to be protected from discrimination in the workplace. Everyone should have the ability to make a private healthcare decision, including when and how they will start a family, and without the fear of losing their jobs or facing retaliation or retribution from their employer.

Unfortunately, women across the country have faced discrimination for personal decisions such as using birth control, becoming pregnant while unmarried, or using in vitro fertilization to become pregnant. Contrary to claims by my Republican colleagues, this bill does not impose any new requirements on employers to cover or to pay for any reproductive health services.

Are women's rights not guaranteed by the Constitution just like those of men in this country? This is not about whether you or I have an abortion or whether you or I use IVF. Madam Speaker, this is about a woman's right to choose what is right for them in the privacy of their homes and doctor's office and with their family. This is not about pro-choice or pro-life. This is about religious freedom. This is about government intrusion.

This resolution, forced on the people of D.C. by a Member of Congress from Tennessee, flies in the face of the democratic debate and vote already heard by the D.C. Council. This resolution preserves the current exemption in the D.C. human rights laws for religious organizations and does not impose any additional requirements on employers based on their religious belief.

I stand here today, Madam Speaker, as a member of the largest number of women in this Congress, and I can tell you, I am offended by this bill. I stand here today in opposition.

Mrs. BLACK. Madam Speaker, I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a cosponsor of the bill and one of my colleagues from my State.

Mrs. BLACKBURN. Madam Speaker, I thank the gentlewoman from Tennessee for her work on this issue, and I also thank Chairman CHAFFETZ for the work that he has done on this issue.

Both the gentlewoman and the chairman have mentioned the work and the comments by Mayor Gray regarding this policy and the policy by the RHNDA. You can say the reason that we are here tonight is to correct a wrong. I think you could also say that it is here to protect one of those first principles that we hold so very dear in this country and one of the reasons that our country was founded: to celebrate and enjoy religious freedom. So that is what brings us to the floor tonight. One of the things that we hear from our constituents all the time, Madam Speaker, is that we should never pass bills that are going to compromise or limit our freedoms.

Now, it is important to note that what the District has done with the RHNDA would prevent organizations of faith—including schools, churches, and pro-life groups established explicitly to uphold their moral and ethical views—from making personnel decisions consistent with the mission of their very establishment. So that is a prohibition that we are addressing with this resolution that we are bringing forward tonight.

I think it is important to note the resolution doesn't take away any rights and it doesn't add any new rights. What it does is to maintain what has been current law. That is something that is important for us to remember. I also think it is important to note that in 2012 the Supreme Court unanimously affirmed the rights of religious organizations, and we stand tonight with that affirmation.

Ms. NORTON. I yield to the gentleman from Virginia (Mr. SCOTT), my good friend.

Mr. SCOTT of Virginia. Madam Speaker, I insert for the RECORD two letters, one from Americans United for Separation of Church and State, and the other from over 20 organizations, including the Anti-Defamation League, Catholics for Choice, People for the American Way, United Methodist Church General Board of Church and Society, over 20 organizations. Both letters are in opposition to the resolution.

AMERICANS UNITED, APRIL 30, 2015.

Re: Oppose Attempts to Curtail Civil Rights in the District of Columbia

DEAR REPRESENTATIVE: On behalf of Americans United for Separation of Church and State, we write to urge you to oppose efforts to curtail civil rights in the District of Columbia, including H.J. Res. 43, the resolution to disapprove of D.C.'s Reproductive Health Non-Discrimination Amendment Act of 2014 (RHNDAA). This bill, which the D.C. Council recently passed unanimously, expands civil rights and effectuates the will of the people of D.C. It should not be nullified by Congress.

Founded in 1947, Americans United is a nonpartisan educational organization dedicated to preserving the, constitutional principle of church-state separation as the only way to ensure true religious freedom for all Americans. We fight to protect the right of individuals and religious communities to worship—or not—as they see fit without government interference, compulsion, support, or disparagement. Americans United has more than 120,000 members and supporters across the country.

THE REPRODUCTIVE HEALTH NON-DISCRIMINATION AMENDMENT ACT

The RHNDAA protects D.C. employees and their dependents from discrimination based on their personal reproductive health care decisions. This bill strengthens existing protections against employment discrimination and ensures that employees and their families can make their own private health decisions, including whether, when, and how to start a family and what the size of their family should be, without fear of losing their jobs or facing retribution from their employers.

Our nation's laws have long protected the freedom of religion and belief, ensuring every person has the right to follow the dictates of his or her own conscience. Contrary to opponents' claims, the RHNDAA does not violate religious freedom protections.

In accordance with the Free Exercise Clause of the First Amendment to the U.S. Constitution, religious beliefs do not excuse compliance with valid and neutral laws of general applicability. Courts deem laws neutral unless they ''target religious beliefs'' or ''if the object of [the] law is to infringe upon or restrict practices because of their religious motivation.'' The RHNDAA does not single out religious beliefs or practices. Instead, the bill treats all employers the same.

The RHNDAA would also survive a challenge under the Religious Freedom Restoration Act (RFRA), which applies to D.C. RFRA prohibits the government from ''substantially burden[ing] a person's exercise of religion'' unless the government can demonstrate that the burden is justified by a compelling government interest and is the least restrictive means of furthering that interest. RFRA is not triggered when there is just ''the slightest obstacle to religious exercise.'' And, burdens are permissible when the government's interest is important, including combatting discrimination.

The bill does not compel any employer to endorse any actions that may be in conflict with their religious tenets. This act merely ensures that employees and their families face no employment consequences for their private health care decisions. Eradicating employment discrimination against women is a compelling government interest and there is no less restrictive means of preventing discrimination.

Furthermore, this bill protects women who choose to exercise their constitutionally protected rights to make ''personal choice[s] in matters of marriage and family life.'' Business owners are absolutely entitled to their religious beliefs—but they cannot use their beliefs to justify discrimination against their employees. The RHNDAA would make sure that employees and their families can make their own private health decisions, based on their own consciences and in consultation with their own physicians, without fear of losing their job.

Finally, it's important to remember that the RHNDAA does not override existing protections for religious employers in hiring.

The D.C. Human Rights Act already contains an exemption for employers ''operated, supervised, or controlled by or in connection with a religious . . . organization'' to give preference or limit employment to those of the same faith. Moreover, as the Supreme Court held in Hosanna-Tabor Evangelical Lutheran Church & Sch. v. E.E.O.C., the First Amendment protects religious institutions' right to make decisions about employees in ministerial positions—those who preach and teach the faith. The RHNDAA does not alter these already-existing protections.

THE HUMAN RIGHTS AMENDMENT ACT

Although the House will be voting on H.J. Res. 43, which would prevent the RHNDAA from taking effect, H.J. Res. 44, a resolution of disapproval of D.C.'s Human Rights Amendment Act of 2014 (HRAA), has also been introduced. This is another attempt to curtail civil rights in the District of Columbia and should likewise be rejected.

The HRAA would ensure that LGBT students in the District are not subject to discrimination by educational institutions. Under the HRAA, religiously affiliated educational institutions would have to provide LGBT student groups with the same equal access to school facilities and services as all other student groups, but they would not be required to provide LGBT student groups with funds or official recognition.

The HRAA, like the RHNDAA, has also been attacked by opponents claiming it violates religious freedom protections under the First Amendment and RFRA. But religiously affiliated educational institutions have neither a constitutional nor statutory right to discriminate against LGBT student groups in the name of religion. The HRAA is a neutral law of general applicability that has the effect of ensuring all schools and universities provide equal access and services to LGBT students. It would not compel the schools to fund or recognize LGBT student groups and serves a government interest that the D.C. Court of Appeals long ago held was compelling. As explained by the Court, eradicating discrimination against LGBT students serves to ''foster[] individual dignity, . . . creat[e] a climate and environment in which each individual can utilize his or her potential to contribute to and benefit from society, and [promote the] equal protection of the life, liberty and property that the Founding Fathers guaranteed to us all:''

CONCLUSION

The D.C. Council, supported by the people it represents, passed the RHNDAA and the HRAA to protect members of the D.C. community from discrimination. Contrary to the rhetoric surrounding this bill, it does not violate religious liberty protections. Rather, the RHNDAA stands to protect all employees in the District from discrimination. Accordingly, we urge you to reject any attempts to curtail civil rights in the District of Columbia, including H.J. Res. 43.

Religion should never be used an excuse to justify discrimination. Yet that is what opponents of these measures would like to do. We know there will be other attempts to misuse religious liberty in Congress. We urge you to reject this one and those to come.

Thank you for your consideration of this important matter.

Sincerely,

MAGGIE GARRETT,
Legislative Director, Americans United for Separation of Church and State
ELISE HELGESEN AGUILAR,
Federal Legislative Counsel, Americans United for Separation of Church and State.

APRIL 30, 2015.

Re: Oppose Attempts to Curtail D.C. Civil Rights

DEAR REPRESENTATIVE: The undersigned religious, interfaith, and civil liberties organizations that advocate for freedom of religion and belief write to urge you to reject any and all congressional efforts, including resolutions of disapproval, that would prevent two D.C. civil rights bills from taking effect. The D.C. Council unanimously passed both the Reproductive Health Non-Discrimination Amendment Act of 2014 (RHNDAA) and the Human Rights Amendment Act of 2014 (HRAA) to support one basic underlying principle: fairness. The bills help ensure that others are treated fairly—as we all would like to be treated. These bills do not violate religious freedom, but instead protect freedom of conscience of and ensure equal treatment for all students and employees.

We urge you to oppose H. J. Res. 43, which seeks to overturn the RHNDAA. The RHNDAA strengthens the District's existing nondiscrimination protections so that employees in D.C. and their dependents do not face employment discrimination because of their personal reproductive health care decisions.

The RHNDAA would ensure that employees and their families can make their own private health decisions, based on their own consciences and in consultation with their own physicians, without fear of losing their job. Business owners are absolutely entitled to their personal religious beliefs—but they cannot use their beliefs to justify discrimination against their employees.

Similarly, we urge you to oppose H. J. Res. 44, which would repeal the HRAA. The HRAA ensures that all educational institutions in D.C. provide access to school facilities and services for all student clubs equally. Contrary to opponents' claims, the HRAA does not require religiously affiliated schools to provide LGBT student groups with funding or official recognition. The HRAA simply upholds students' freedom of conscience by repealing a congressionally imposed exemption to D.C. law that allows religiously affiliated educational institutions to discriminate on the basis of sexual orientation.

Despite opponents' claims, neither bill violates the religious freedom protections found in the Free Exercise Clause of the First Amendment or the Religious Freedom Restoration Act (RFRA). The two bills are neutral and generally applicable because they have the effect of applying nondiscrimination protections to all employers and all educational institutions in the District; neither single out a faith group or religious practice. Moreover, neither bill requires a religious organization to endorse any action that conflicts with its religious teachings. Finally, each bill furthers the government's compelling interest in eradicating discrimination in the District.

Religious freedom is a fundamental American value. It guarantees us the freedom to hold any belief we choose without government interference. It cannot, however, be used to trump others' civil rights, and it should not justify striking down laws that ensure people are treated fairly. We should strive to expand civil rights protections, not curtail them.

We urge you to oppose any attempts to curtail civil rights in the District of Columbia, including H. J. Res. 43 and H. J. Res. 44.

Sincerely,

Americans United for Separation of Church and State, Anti-Defamation League, Catholics for Choice, Center for Inquiry, Disciples for Choice, Disciples Justice Action Network, Equal Justice Task Force of African American Ministers In Action, Equal Partners in Faith, Hindu American Foundation, Institute for Science and Human Values, Inc., Interfaith Alliance, Methodist Federation for Social Action, Metropolitan Community Churches, National Council of Jewish Women, People For the American Way, Religious Coalition for Reproductive Choice, Secular Coalition for America, Sikh American Legal Defense and Education Fund (SALDEF), Union for Reform Judaism, United Church of Christ, Justice and Witness Ministries, United Methodist Church, General Board of Church and Society, Unitarian Universalist Association.

Ms. NORTON. Madam Speaker, I yield 1½ minutes to the gentlewoman from Washington (Ms. DELBENE), a member of the committee.

Ms. DELBENE. Madam Speaker, I rise in strong opposition to this extreme and misguided resolution.

I am deeply troubled that this Chamber continues to waste its time attacking women's health rather than crafting solutions for the American people. Instead of addressing the real challenges facing our Nation, this resolution is yet another attempt by House leaders to inject ideology into women's personal medical decisions. A woman's healthcare choices should be made between her and her doctor, not by her boss.

By overturning D.C.'s new anti-discrimination protections, this resolution would give employers the right to fire workers based on the decisions they make about their birth control. This is simply unacceptable. All Americans should be free to make medical decisions without the fear of being fired or demoted.

Now is the time for House leaders to stop undermining women's reproductive rights and focus on the actual needs of working families. I urge my colleagues to vote ''no.''

Mrs. BLACK. Madam Speaker, I yield 30 seconds to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Madam Speaker, let me repeat the opinion of former D.C. Mayor Vincent Gray and his attorney general. They believe that this law we are considering tonight is legally problematic and raises serious concerns under the Constitution.

Madam Speaker, many organizations in the District have asked Congress for help, including Cardinal Wuerl of the Catholic Diocese. I include for the RECORD the April 17, 2015, letter to the editor of The Washington Post from Cardinal Wuerl and President Garvey from Catholic University.

[From the Washington Post, April 17, 2015]

DISAGREEMENT IS NOT DISCRIMINATION

(By Donald Wuerl and John Garvey)

Cardinal Donald Wuerl is the archbishop of Washington. John Garvey is the president of Catholic University of America.

Last month, Pope Francis announced that the Catholic Church would celebrate a Holy Year of Divine Mercy. God's mercy has been a theme of his pontificate.

We all need God's forgiveness. The pope has said, ''I am a sinner.'' The Catholic Church's response to our human frailty is not condemnation but mercy. There may be no institution that understands this better.

Recent laws enacted by the D.C. Council would have us believe otherwise. The Reproductive Health Non-Discrimination Amendment Act and the Human Rights Amendment Act purport to address ''discrimination'' by institutions such as ours, the Archdiocese of Washington and the Catholic University of America. The putative victims of this discrimination are people who part ways with church teaching about unborn life and sexual autonomy.

Consider the reproductive health law, which the council says is designed to prevent discrimination against employees who have abortions, have sex outside marriage or seek sterilization or other means to prevent pregnancy. Given the effort expended and ink spilled on this purported civil rights measure, you would think the church was hunting out sexual offenders and fining or firing them. But the church understands that we are all sinners, all equally deserving of punishment (if it comes to that) and all equally in need of God's mercy. We are not in the business of privileging some sinners over others.

The church's message, though, is one of mercy, not moral indifferentism. That is why we object to these two laws. They ask for much more than mercy and understanding. Consider again the reproductive health law. It forbids an employer to ''discriminate against an individual'' on the basis of her ''reproductive health decision making.'' Suppose your job is pro-life education in the archdiocese's Department of Life Issues. We can imagine a woman who had an abortion working effectively in that office. (Dorothy Day, founder of the Catholic Worker movement and a great witness to life, had an abortion when she was 21.) But suppose you continue to believe that abortion was the right choice for you to make and honesty compels you to share that opinion with other women in your circumstances. A law forbidding discrimination on the basis of ''reproductive health decision making'' would seem to prevent the church from challenging or dismissing such an employee, even though she is working at odds with the mission of the office that hired her.

We have similar concerns about the Human Rights Amendment law. It says that religious institutions are guilty of discrimination against gay and lesbian student groups if, in the words of the committee report, they deny them the same ''rights and facilities as other officially recognized student groups.'' The Catholic Church's views about sexual autonomy, like its views about reproductive health, are more traditional than those held by the D.C. Council. But it seems peculiar to say that the church discriminates, in some morally objectionable way, by declining to give official support to groups that hold views opposed to its own.

Mercy is not the same as moral relativism. Disagreement is not the same as discrimination. The law goes too far when it demands that the church abandon its beliefs in the pursuit of an entirely novel state of equality.

The D.C. Council has failed to appreciate this point. Reluctantly, we turned to Congress for a resolution of disapproval. This procedure is in keeping with the American tradition of political appeal against political decisions. If that course of action fails, we have no doubt we will eventually prevail in court. The respect for religious freedom that we ask for is enshrined in the Constitution. But we hope that our elected officials can also see that it's a matter of common sense.

Mr. ROTHFUS. Madam Speaker, our history has a long history of tolerance toward religious institutions. Indeed, one of the words inscribed on the rostrum here in the center of it is ''tolerance.'' We need to approve this resolution to be tolerant of our religious institutions. I urge my colleagues to support H.J. Res. 43.

Ms. NORTON. May I inquire how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from the District of Columbia has 5 minutes remaining. The gentlewoman from Tennessee has 5½ minutes remaining.

Ms. NORTON. I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), my good friend.

Ms. JACKSON LEE. Madam Speaker, let me thank the gentlewoman from the District of Columbia for her outstanding service and leadership on behalf of the District of Columbia and the people of the District of Columbia. As well, let me acknowledge the chairman of the Committee on Oversight and Government Reform for his kind words of deliberation, and certainly the ranking member for his leadership, Mr. CUMMINGS, who, as we all know, is addressing some of the very heavy concerns in his own city.

Let me give all the facts, Madam Speaker. I happen to believe in statehood for the District of Columbia. I think that is important to state on the record. But I realize that the Constitution has a framework for the Congress to address the issues of the laws here in the District of Columbia. I realize, as well, that home rule has been given under that authority, and this Congress, in the right thinking, has allowed basically for the District of Columbia to rule its city on the basis of good governance of the citizens of this particular community. That is the right thing to do. They are taxpaying Americans.

So I am disturbed by H.J. Res. 43 because it seeks to cause confusion where there is no need for confusion. Let me first start by saying that the Ninth Amendment gives a right to privacy to all Americans, and Washingtonians are Americans. The right to privacy has indicated, through the Supreme Court, that Roe v. Wade, the right to choose, is the law.

Yes, the First Amendment gives the freedom of religion, but our gentlewoman from the District of Columbia has indicated that the District of Columbia clarified that this law does not violate and will not force someone to go against their political views or their religious views.

Why are we here tonight when this resolution that the District of Columbia passed simply prohibits employers from discriminating against employees based on their reproductive health decisions, protects the reproductive health decisions of the spouses and dependents, and prohibits an employer from firing an employee for using in vitro fertilization or birth control?

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

Ms. NORTON. I yield an additional 15 seconds to the gentlewoman from Texas.

Ms. JACKSON LEE. I thank the gentlelady.

So, in essence, Madam Speaker, this resolution is not in order.

If I might make another analogy, what is not given to the Federal Government is left to the States in the Tenth Amendment. I know that D.C. is not a State, but what I would say is that this law has been clarified in the District of Columbia. We are intruding. The rights are protected under the Ninth Amendment, and this resolution is out of order. I ask my colleagues to vote against it.

Madam Speaker, I rise in strong opposition of H.J. Res. 43 disapproving the District of Columbia government's approval of the Reproductive Health Non-Discrimination Act also known as RHNDA.

As I have before, I maintain that the right of a woman to privacy must remain sacrosanct because the well being and protection of women is the nucleus of a healthy America and a healthy world.

Indeed, in most parts of our country, the woman is the constant that keeps all the variables of family together, organized and on track.

Thus, for three key reasons I oppose H.J. Res. 43.

First, it is in derogation of DC's local autonomy, an autonomy that we enjoy in our respective states, pursuant to the Tenth Amendment of the U.S. Constitution.

In relevant part, the Tenth Amendment states that powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

I find it ironic, as duly elected officials that some of us seek to trample upon the rights that we enjoy vis a vis the separation of the federal and state powers, as delineated in our Constitution.

To add insult to injury, some of us are even able to look the congressional representative from Washington, DC in the eye, while we take adverse decisions that affect the livelihood of her constituents.

Second, the District of Columbia government's action does good without infringing on the First Amendment and religious freedoms of American citizens.

Third, this recent iteration of the war on the rights of women underscores our misplaced priorities where we have numerous pressing issues.

Among others, we continue to have unemployment, national security concerns with the continued proliferation of terrorist organizations across the globe.

We continue to grapple with how we need to work in a bipartisan manner on the issues of education, healthcare and infrastructure building to protect children, our elderly, veterans and other groups.

Our focus ought to be on bettering the quality of life for everyday American people.

Let us zoom in on one of what should be our major priority areas: jobs.

The Bureau of Labor Statistics reports that over 8 million Americans are unemployed.

Specifically, among the major worker groups affected by the current unemployment rates

are adult men who account for 5.1 percent, adult women who account for 4.9 percent and teenagers who account for 17.5 percent.

Whites make up 4.7 percent, African Americans 10.1 percent, Asians 3.2 percent and Hispanics make up 6.8 percent.

Should we really be focusing our attention on a measure that blocks the District of Columbia's effort to make laws that protects the privacy rights of women and their spouses when we have more pressing priorities?

But back to H.J. Res. 43.

What does this legislation do to undermine DC's autonomy, attack women's rights and waste precious tax payer resources?

H.J. Res. 43 seeks to undermine an underlying Bill: the Reproductive Health Non-Discrimination Act considered, voted upon by the duly elected officials of the District of Columbia and signed into law by Mayor Muriel Bowser of Washington, DC in January of this year.

The underlying bill signed into law in Washington, DC would do the following:

Prohibit employers from discriminating against employees based on their reproductive health decisions.

Protect the reproductive health decisions of spouses and dependents.

Prohibit an employer from firing an employee for using in vitro fertilization or birth control.

Contrary to assertions by my colleagues across the aisle, let us look at what RHNDA does not do:

First, it does not impose any new requirements on employers to provide health insurance coverage;

In fact, the D.C. Council considered this issue and clarified that RHNDA's protections do not reach insurance coverage by passing a temporary clarification;

Second, the RHNDA does not infringe on First Amendment rights;

Indeed, the RHNDA does not impact an organization or church's ability to make hiring decisions based on religious or political views.

Opponents may claim that the bill might require churches or religious organizations to hire pro-choice candidates.

This can hold no water because it is simply not within the scope of RHNDA.

The RHNDA strikes the balance of protecting personal decisions a woman makes regarding her reproductive health while not overreaching related to personal religious beliefs as it relates to a woman's reproductive health.

In my view, H.J. Res. 43 is another jab at the voice of women, their rights to self-determination and reproductive freedoms articulated in our nation's highest court's ruling in Griswold v. Connecticut and Roe v. Wade.

My friends, this week, 100 years ago, over 1000 women activists congregated at the Hague to ask for peace, protesting World War I and asserted their right to self-determination.

Dr. Aletta Jacobs, Jane Addams and sociologist Emily G. Balch were some of the champions of women's rights a century ago at the Hague.

Similar to their counterparts a century ago, today, in our era, we are blessed with women who are champions of a woman's right to self-determination and privacy.

Wendy Davis, Sandra Fluke and Lilly Ledbetter, just to name a few.

Notwithstanding the sacrifices made by all these women of courage, women and girls continue to be at the mercy of people who fail to try to show empathy towards their mothers, their sisters, their daughters, and loved ones.

Take for example the case of Emily Herx, a married woman who was terminated for using in vitro to become pregnant.

With her husband by her side, fortunately she was awarded a $1.9 million judgment against her employer.

Then there's the case of Jennifer Maudlin, a single unmarried mother working to support her children, who worked for an employer hostile towards unmarried women who became pregnant.

Maudlin was terminated as well, but was able to enter a settlement with her employer after she fought her illegal termination.

Then there is the case of Apryl Kellam, who was threatened with termination for being a single mother.

And the stories go on and on.

Clearly, as these real life stories reflect, H.J. Res. 43 affects all: significant others, spouses and daughters.

If passed, Republicans seek to empower employers to fire a woman because she has an abortion after experiencing the violent act of rape.

That is immoral.

Republicans seek to empower employers to demote a woman or pay her less if she chooses to take birth control pills.

That is unfair.

Indeed, Republicans seek to empower employers to fire a male worker because he uses condoms and because his wife uses birth control pills.

That makes no sense.

Republicans seek to empower employers to terminate a male employee because his teenage daughter becomes pregnant out of wedlock.

That is irrational.

In other words, Madam Speaker, H.J. Res. 43 is immoral, unfair and irrational.

It is also in derogation of women's privacy rights, violative of family rights and economic empowerment-issues affecting the livelihood of millions of families across our nation.

Thus, I stand in solidarity with my colleagues in opposing this Bill.

I also stand in solidarity with the Administration which has urged Congress in this Statement of Administration Policy to adopt the President's FY 2016 Budget proposal allowing the District to enact local laws and spend local funds in the same way as other cities and States.

For these reasons, I strongly oppose H.J. Res. 43.

Mrs. BLACK. Madam Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. MEADOWS), who is a subcommittee chairman of the Committee on Oversight and Government Reform and a cosponsor of the bill.

Mr. MEADOWS. Madam Speaker, I rise today and want to reach out to my colleague, the Delegate from D.C. to, one, say that I appreciate the tone and tenor of this debate. I have great respect for her and, actually, during this debate have grown to admire her even more.

I would like to point out, however, that much of what has been talked about tonight about there being clarity is simply not the case, Madam Speaker.

□ 2230

We do know that, if we just broaden the ministerial exception, where we can look for items of conscience and make sure that those fundamental rights are protected, Madam Speaker, that this particular legislation would indeed do exactly what the Delegate from D.C. has said that it would do.

I stand here tonight to offer, again, my willingness to work with not only the Delegate from D.C., but the Mayor and the city council, to hopefully provide that clarifying language.

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

May I say how much I appreciate that the chairman of the subcommittee, Mr. MEADOWS, made every effort to try to find some accommodation with the District of Columbia. I certainly appreciated that so much.

We were, unfortunately, unable to do so because the exemption he sought would have swallowed the equal employment laws. There would have been nothing left to them, but he tried very hard, and I appreciate the spirit in which he has acted as our subcommittee chair.

I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCOTT), my good friend.

Mr. SCOTT of Virginia. Madam Speaker, I rise in opposition to H.J. Res. 43.

This resolution would express Congress' disapproval of the District of Columbia's legislation that would protect employees from discrimination based on their reproductive health decisions.

Just last month, the States of Indiana and Arkansas attempted to pass so-called ''religious freedom'' bills that are really an attempt to permit discrimination.

Tonight, we are debating a resolution that would allow employers to fire or refuse to hire workers because of their private reproductive medical decisions, notwithstanding the protection provided to the employees by the District of Columbia.

Madam Speaker, in 1993, when Congress passed the Religious Freedom Restoration Act, better known as RFRA, it did so with the intent to expand protections for religious exercise; but since then, we have seen attempts by Congress and some States to use so-called ''religious liberty'' or ''religious freedom'' measures to undermine otherwise valid protections against discrimination provided in the Civil Rights Act.

This resolution would allow claims of a ''sincerely held religious belief'' to justify otherwise illegal discrimination. The reasoning in this resolution would also undermine all civil rights laws because anyone could claim a sincerely held religious belief to justify discrimination based on anything—race, religion, or any other protected class.

The District of Columbia got it right. This law protects Washington, D.C.,

citizens from invidious discrimination based on reproductive health decisions. We should not overrule this legislation.

I urge my colleagues to vote ''no'' on H.J. Res. 43.

Mrs. BLACK. Madam Speaker, may I ask how much time I have remaining?

The SPEAKER pro tempore. The gentlewoman from Tennessee has 4½ minutes remaining. The gentlewoman from the District of Columbia has three-quarters of a minute remaining.

Mrs. BLACK. Madam Speaker, at this time, I am pleased to yield 30 seconds to the gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Madam Speaker, I rise today in support of H.J. Res. 43, which will stop the so-called Reproductive Health Non-Discrimination Amendment Act.

This bill, passed by the D.C. City Council, discriminates against religious and pro-life advocacy groups in the District of Columbia.

The D.C. government forces employers to provide abortion coverage for their employees. This law represents a flagrant disregard for the conscience rights of all D.C. employers.

Madam Speaker, I urge my fellow Members of the House to vote ''yes'' on this important resolution of disapproval.

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

Mrs. BLACK. Madam Speaker, at this time, I am pleased to yield 30 seconds to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. I thank the gentlewoman for yielding.

Madam Speaker, I rise today in support of H.J. Res. 43, to disapprove the action of the D.C. Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014, which I believe clearly violates the constitutional freedoms of the citizens of the District of Columbia.

This is not just about the citizens of one city. It is about protecting the freedoms and liberties enshrined in our Constitution for all Americans. This is about making sure the government does not force employers with deeply held religious beliefs and values to act against their conscience.

I urge my colleagues to vote ''yes'' on H.J. Res. 43.

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

Mrs. BLACK. Madam Speaker, at this time, I am pleased to yield 30 seconds to the gentleman from North Carolina (Mr. PITTENGER).

Mr. PITTENGER. I thank Mrs. BLACK for her leadership.

''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.''

Madam Speaker, will we dare vote tonight to uphold the free exercise of religion? Will we dare vote tonight to ensure that no church or religious institution in the District of Columbia is forced to violate their beliefs and convictions?

Yes, we have a solemn obligation to support our constitutional commitment to religious liberty, so I urge all my colleagues to join me in supporting H.J. Res. 43, the disapproval resolution to block the D.C. Council's disregard of fundamental constitutional rights.

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

Mrs. BLACK. Madam Speaker, at this time, I am pleased to yield 30 seconds to the gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. I thank the gentlewoman.

Madam Speaker, the question tonight is clearly the evisceration of the U.S. Constitution by the District of Columbia.

Don't take my word for it. Even the former Mayor of D.C., who agrees ideologically with the D.C. Council, warned his colleagues that the D.C. bill was ''legally insufficient,'' ''legally problematic,'' and ''raises concerns under the Constitution and under the Religious Freedom Restoration Act.''

RHNDA discriminates against mission-driven organizations located in the Nation's Capital, impinging on the freedom of association and religion for advocacy groups, particularly religious and pro-life affiliates, our neighbors right here in the District of Columbia.

I ask we vote ''yes.''

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

Mrs. BLACK. Madam Speaker, I have no further speakers, and I reserve the balance of my time.

Ms. NORTON. This resolution represents tyranny on two levels: the tyranny the Framers most feared, by the Federal Government interfering with local government; and the tyranny Americans especially fear today, interference with the most private decision they make, the decision concerning their reproductive health.

Vote ''no.'' Stop this tyranny in the District of Columbia before it spreads throughout the United States.

I yield back the balance of my time.

Mrs. BLACK. Madam Speaker, I yield myself such time as I may consume.

I appreciate the robust debates that we have had here today on this important issue.

As I close, I would like to remind everyone, Madam Speaker, that this is legislation that has constitutional problems. We have said this over and over again since its inception, and the constitutional problems have been recognized by both the Democrats and the Republicans.

There has been a lot of conversation tonight about what this bill does and does not do. This resolution is about allowing religious and political organizations to hire employees who agree with their core mission as protected by the First Amendment.

It is imperative that this body adopt this resolution of disapproval to ensure the protections granted to each and every American by the First Amendment of our Constitution.

As a matter of fact, folks tried to say what this resolution would do. It is a very simple resolution. It is a 1-page resolution. It has a few sentences to it, and I would like to just read those sentences. It is ''disapproving the action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act of 2014.'' That is simply what it does.

We have the constitutional authority to give an up-or-down vote. We are not amending. If this resolution of disapproval is adopted by this body, it simply will put back into place what is already law in the District of Columbia. It will not be taking away any rights.

I urge my colleagues to adopt this resolution, and I yield back the balance of my time.

Mr. CUMMINGS. Madam Speaker, I rise in strong opposition to this resolution, which would disapprove of the D.C. Council's passage of the Reproductive Health Non-Discrimination Amendment Act.

This resolution infringes on the reproductive rights of American citizens.

It allows employers to discriminate against employees based on their personal health decisions.

And it tramples on the rights of the people of the District of Columbia to govern themselves.

In January, the Mayor of the District of Columbia signed the Reproductive Health Non-Discrimination Amendment Act.

This Act was passed by the District's elected representatives on the D.C. Council.

The Act prohibits employers from discriminating against employees based on their reproductive health decisions.

It also protects the reproductive health decisions of their spouses and their dependents.

By passing this resolution, congressional Republicans are impinging on the rights of women in the District of Columbia to make their own reproductive health decisions without fear that their bosses will punish them.

This resolution would permit an employer to fire a woman because she has an abortion after being raped.

It would allow an employer to demote a woman—or pay her less—if she chooses to take birth control pills.

This resolution would not affect only the rights of women.

It would allow an employer to fire a male worker because he uses condoms, because his wife uses the pill, or because his teenage daughter becomes pregnant out of wedlock.

As I told my colleagues in the Oversight Committee when we marked up this resolution, this is the same Committee that brought the world Sandra Fluke.

She wanted to come before the House Oversight Committee to testify about contraceptives on February 16, 2012.

But she was not allowed to speak. She was deemed ''unqualified.''

Today, this is exactly what House Republicans are doing to the people of the District of Columbia.

They want a voice in their own governance. They expressed their will. And their elected officials passed a law protecting their rights.

But now, House Republicans are trying to silence the voters of the District of Columbia, just as they tried to silence Sandra Fluke.

This approach will backfire, just as it did with Sandra Fluke.

She gave a voice to millions of women across the country, and she was heard far and wide.

The simple fact is that, regardless of what House Republicans do here today, this resolution has no chance of becoming law.

We all know this is nothing more than a symbolic gesture. But it reveals very clearly what Republicans stand for.

I strongly urge my colleagues to vote against this measure,

Mr. FARR. Madam Speaker, it is simply shocking that in this day and age employees are still being discriminated against because of their reproductive health choices, such as whether or not to use birth control, undergo in vitro fertilization to get pregnant, or for having sex without being married.

The Council of the District of Columbia recently passed a law protecting D.C. women and families from such discrimination, making it clear that they cannot be penalized or retaliated against because of the employee's personal reproductive health care choices. The District of Columbia Reproductive Health Non-Discrimination Amendment Act takes a stand and makes a statement that this sort of discrimination will not be tolerated in the District of Columbia.

The House Majority wants to overturn the D.C. Council's law. H.J. Res. 43 is not only a slap in the face of the women of D.C. but also to their families. It affects whether people can chose to wait to have children, have children at all, and when they can or cannot have sex. Frankly, it's none of our business. Is there anything more private than someone's childbearing decisions? Than who to get intimate with? In a country that will spend $166 million on the movie 50 Shades of Grey, the Republican Majority thinks imposing their own Puritanical ideology and theology on District residents is acceptable?

House Republicans constantly argue for limiting the power of the federal government and to respect the rights of the state and local governments. However, once again, they feel it is necessary to usurp the decision that the D.C. government unanimously voted on for its own citizens. Do unto others but don't do unto me. That is about as hypocritical as you can get.

Madam Speaker, I strongly urge my colleagues to reject H.J. Res. 43 and to support D.C.'s local government and the women of D.C. to make their own reproductive choices.

Mr. CONNOLLY. Madam Speaker, I strongly oppose the Republican Majority's unilateral, and rather extraordinary, effort to undermine democracy in the District of Columbia.

A majority that claims to oppose big government and fancies itself as the champion of State and local rights; astonishingly finds itself on the precipice of wielding the Federal Government's power to overturn the decision of a local government solely because it can. Not because it should; but because it can.

Never mind that the Reproductive Health Non-Discrimination Amendment Act was appropriately considered, passed, and enacted by the duly elected representatives of the District of Columbia. The majority has decided that democratic principles take a back seat to pleasing its anti-reproductive rights base.

Make no mistake; this disgraceful vote represents a strike against the right to self-governance. It is an affront to D.C. home rule and a regrettable regression by the majority to a previous era, when Republicans of the 1990's abused congressional power to advance intrusive, anti-democratic legislation that meddled in the District's local affairs. Indeed, this resolution is emblematic of efforts by certain segments of the conservative movement that intended or not, would actually have the effect of enshrining bigotry into our laws in the name of fighting it.

Let us have no illusions about what the majority seeks to do this evening. In making a mockery of the D.C. Home Rule Act, the majority is seeking to repeal a local government statute that prohibits discrimination on the basis of reproductive health decisions and protects its citizens against prejudice in the workplace.

This law has absolutely nothing to do with health insurance coverage. As the Chairman of the D.C. Council stated in a letter to Congress, ''The purpose and intent of this bill is to prevent an employer, through our Human Rights Act, from firing an employee for that employee's personal decision regarding his or her reproductive health.''

In closing, it is true that the United States Constitution grants the Congress exclusive jurisdiction over the affairs of the District of Columbia. Yet, just because we can does not mean we should.

I implore my colleagues on the other side of the aisle, who loudly proclaim to be the part of limited government, to recognize that Congress should always strive to treat the District of Columbia like any other State, and respect the rights of all Americans to exercise democratic self-governance.

I urge all my colleagues to strongly oppose this anti-democratic resolution.

Ms. WASSERMAN SCHULTZ. Madam Speaker, I rise today in strong opposition to House Joint Resolution 43 to overturn the D.C. Reproductive Health Non-Discrimination Amendment Act.

To be clear, this Resolution is not about protecting freedom of religion and beliefs. No, House Joint Resolution 43 is about allowing discrimination.

Despite misleading rhetoric, this Resolution would allow an employer to discriminate against an employee based on the employee's personal health care decisions—decisions which have nothing to do with the employer.

Everyone should have the ability to make private health decisions including whether, when, and how to start a family, without fear of losing their jobs or facing retribution from employers.

The D.C. Council understands this and, by passing the Reproductive Health Non-Discrimination Amendment Act, seeks to ensure fair and necessary employment protections for the people of the District of Columbia.

The Council deserves our respect when protecting the rights of their constituents . . . the people who elected them. The oversight of this body should not extend to overturning legislation passed by democratically-elected representatives of the people of D.C.

The freedom of religion is a fundamental freedom established by our founding fathers that we should fiercely protect, but to suggest that it extends to employers imposing their beliefs on the people that work for them, as this Resolution does, is just plain WRONG, particularly when it comes to something as personal as reproductive health.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I rise in opposition to H.J. Res. 43, Disapproving the Action of the District of Columbia Council in approving the Reproductive Health Non-Discrimination Amendment Act. While this resolution is certainly an abuse of Congress' authority over the District of Columbia, it more importantly undermines the right of a woman to make personal, private healthcare decisions.

The Reproductive Health Non-Discrimination Act of 2014 (RHNDA) was passed by the D.C. Council in order to protect employees and their families from discrimination. RHNDA ensures that an employee cannot be terminated based on personal reproductive healthcare decisions. For instance, the use of birth control, the decision of when to start a family, or the use of in vitro fertilization are not grounds for termination in the District of Columbia.

The RHNDA does not impose any new requirements on employers to provide health insurance coverage or to pay for any reproductive or abortion services nor does it discriminate against pro-life organizations. The RHNDA actually clarifies that every employee in D.C. is able to follow their own moral or religious beliefs, including when and how to start a family, without fear of facing consequences at work.

Religious liberty is of the utmost importance and the RHNDA respects religious and moral decision-making without impacting anyone outside of the person making their own decisions. We must allow religious liberty to also mean allowing people to work in an environment that respects their dignity and private life and is free from discrimination.

I urge my colleagues to vote against H.J. Res. 43 because it not only infringes upon the personal decision-making of an individual, it also blatantly disregards D.C.'s local laws.

Mr. BABIN. Madam Speaker, I rise in strong support of H.J. Res. 43, a joint resolution of Congress, which is needed to protect the conscience rights of pro-life employers that operate in the District of Columbia. Under DC's home rule law, Congress has a time period in which to review DC-passed legislation.

In January, DC Mayor Bowser signed the Reproductive Health Non-Discrimination Amendment Act (RHNNDA). This measure would, in part, ban employers from making personnel decisions based on an individual's decisions relating to abortion and other reproductive health issues.

RHNNDA would have the force of law and specifically discriminate against pro-life employers by potentially forcing them to hire and retain individuals who advocate for policies that run counter to the employer's mission.

Pro-life organizations, including those who exist to advance pro-life policies, should not be forced by the DC government to hire individuals who hold and advocate for positions

that run counter to the core values of that organization. Christian schools and pro-life organizations should not be required to cover ''reproductive health decisions'' in their health care plans that are counter to their core pro-life convictions.

This DC law amounts to coercion and should have no place in the nation's capital, or any jurisdiction for that matter. This is a step too far and H.J. Res. 43 restores these fundamental conscience rights.

I rise in strong support of this legislation and urge my colleagues to join me in voting for this important legislation.

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

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 228, nays 192, not voting 11, as follows:

[Roll No. 194]

YEAS—228

Abraham	Diaz-Balart	Jenkins (KS)
Aderholt	Duffy	Jenkins (WV)
Allen	Duncan (SC)	Johnson (OH)
Amash	Duncan (TN)	Johnson, Sam
Amodei	Ellmers (NC)	Jones
Babin	Emmer (MN)	Jordan
Barletta	Farenthold	Joyce
Barr	Fincher	Kelly (PA)
Barton	Fitzpatrick	King (IA)
Benishek	Fleischmann	King (NY)
Bilirakis	Fleming	Kinzinger (IL)
Bishop (MI)	Flores	Kline
Bishop (UT)	Forbes	Knight
Black	Fortenberry	Labrador
Blackburn	Foxx	LaMalfa
Blum	Franks (AZ)	Lamborn
Bost	Frelinghuysen	Lance
Boustany	Garrett	Latta
Brady (TX)	Gibbs	Lipinski
Brat	Gohmert	LoBiondo
Bridenstine	Goodlatte	Long
Brooks (AL)	Gosar	Loudermilk
Brooks (IN)	Gowdy	Love
Buchanan	Granger	Lucas
Bucshon	Graves (GA)	Luetkemeyer
Burgess	Graves (LA)	Lummis
Byrne	Graves (MO)	MacArthur
Calvert	Griffith	Marchant
Carter (GA)	Grothman	Marino
Carter (TX)	Guinta	Massie
Chabot	Guthrie	McCarthy
Chaffetz	Hardy	McCaul
Clawson (FL)	Harper	McClintock
Cole	Harris	McHenry
Collins (GA)	Hartzler	McKinley
Collins (NY)	Heck (NV)	McMorris Rodgers
Comstock	Hensarling	Meadows
Conaway	Hice, Jody B.	Messer
Cook	Hill	Mica
Cramer	Holding	Miller (FL)
Crawford	Hudson	Miller (MI)
Crenshaw	Huelskamp	Moolenaar
Cuellar	Huizenga (MI)	Mooney (WV)
Culberson	Hultgren	Mullin
Davis, Rodney	Hunter	Mulvaney
Denham	Hurd (TX)	Murphy (PA)
DeSantis	Hurt (VA)	Neugebauer
DesJarlais	Issa	Newhouse
Noem	Rooney (FL)	Tipton
Nugent	Ros-Lehtinen	Trott
Nunes	Roskam	Turner
Olson	Ross	Upton
Palazzo	Rothfus	Valadao
Palmer	Rouzer	Walberg
Paulsen	Royce	Walden
Pearce	Russell	Walker
Perry	Ryan (WI)	Walorski
Peterson	Salmon	Walters, Mimi
Pittenger	Sanford	Weber (TX)
Pitts	Scalise	Webster (FL)
Poe (TX)	Schweikert	Wenstrup
Pompeo	Scott, Austin	Westerman
Posey	Sensenbrenner	Westmoreland
Price, Tom	Sessions	Whitfield
Ratcliffe	Shimkus	Williams
Reichert	Shuster	Wilson (SC)
Renacci	Simpson	Wittman
Ribble	Smith (MO)	Womack
Rice (SC)	Smith (NE)	Woodall
Rigell	Smith (NJ)	Yoder
Roby	Smith (TX)	Yoho
Roe (TN)	Stewart	Young (AK)
Rogers (AL)	Stivers	Young (IA)
Rogers (KY)	Stutzman	Zeldin
Rohrabacher	Thompson (PA)	Zinke
Rokita	Thornberry	
	Tiberi	

NAYS—192

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

NOT VOTING—11

Buck	Lewis	Wasserman Schultz
Cummings	Poliquin	
Herrera Beutler	Smith (WA)	Yarmuth
Hinojosa	Wagner	Young (IN)

□ 2308

Mr. BARLETTA changed his vote from ''no'' to ''aye.''

So the joint resolution was passed.

The result of the vote was announced as above recorded.

ENERGY AND WATER DEVELOPMENT AND RELATED AGENCIES APPROPRIATIONS ACT, 2016

The SPEAKER pro tempore. Pursuant to House Resolution 223 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2028.

Will the gentleman from Georgia (Mr. COLLINS) kindly take the chair.

□ 2310

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2028) making appropriations for energy and water development and related agencies for the fiscal year ending September 30, 2016, and for other purposes, with Mr. COLLINS of Georgia (Chair) in the chair.

The Clerk read the title of the bill.

The CHAIR. When the Committee of the Whole rose earlier today, an amendment offered by the gentleman from Ohio (Mr. STIVERS) had been disposed of, and the bill had been read through page 57, line 11.

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. MCCLINTOCK of California.

Amendment by Mr. RUIZ of California.

Amendment by Mr. GRIFFITH of Virginia.

Amendment by Mr. SWALWELL of California.

Amendment by Mr. BYRNE of Alabama.

Amendment by Mr. MCCLINTOCK of California.

Amendment by Mr. ELLISON of Minnesota.

Amendment by Mr. SWALWELL of California.

Amendment by Mr. QUIGLEY of Illinois.

Amendment by Mr. GARAMENDI of California.

Amendment by Mr. HUDSON of North Carolina.

Amendment by Mr. SANFORD of South Carolina.

Amendment by Mr. BURGESS of Texas.

The Chair will reduce to 2 minutes the time for any electronic vote in this series.