

# PRINTING OF PROCEEDINGS OF FORMER MEMBERS PROGRAM

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that the proceedings during the former Members program be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks.

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

There was no objection.

# PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 783 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 783

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes. No further general debate shall be in order.

SEC. 2. (a) The bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 170, line 7. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived.

(b) No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution, amendments en bloc described in section 3 of this resolution, and pro forma amendments described in section 4 of this resolution.

(c) Each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

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

SEC. 3. It shall be in order at any time for the chair of the Committee on Appropriations or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of this resolution, and

shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 10 pro forma amendments each at any point for the purpose of debate.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend with or without instructions.

SEC. 6. It shall be in order at any time on the legislative day of June 16, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

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

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

## GENERAL LEAVE

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

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

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 783 provides for further consideration of H.R. 5293, the Department of Defense Appropriations Act. The resolution provides for a structured rule and makes in order 75 amendments. The rule also provides suspension authority for Thursday.

I want to kick off today's debate by making one thing very clear: the underlying bill is a very good bill. I know some of my colleagues may have some things to say that they would want to have added or a few things they would want to see changed. But all things considered, this is a very good bill. Let me tell you why.

This bill provides funding for the entire United States military, including critical funding to help fight the Islamic State and others who wish to do us harm. This bill ensures that our military receives the 2.1 percent pay raise they deserve, instead of the 1.6 percent pay raise requested by President Obama.

An important function of our military is research and development of new technologies and weapons systems, so this bill provides funding for those efforts. This bill makes important investments in military readiness by providing for equipment procurement for

each of the service branches. We are sending far too many of our servicemembers into harm's way with outdated or damaged equipment, so this bill also includes much-needed funding for maintenance operations.

This bill also includes vital funding for the Defense Health Program, which provides care for our troops, while also spurring investment in important areas like traumatic brain injuries, cancer research, suicide prevention programs, and sexual assault prevention and response.

Now, I seriously doubt that any of my colleagues disagree with those functions. So this should be a bipartisan bill that passes with overwhelming support, especially considering all that is going on in the world today.

Just look at what happened this past weekend in Orlando. A person influenced by radical Islamic terrorists took the lives of innocent Americans.

Well, this bill includes funding to help fight the groups and organizations like the Islamic State that are spreading this radicalization. This bill is critical if we are to defeat the radical organization that is spreading terror all around the globe.

Sadly, Mr. Speaker, I expect that today's debate will focus little on what is actually in this bill. I fear that today's debate will result in conversations about things that have absolutely nothing to do with the United States military. That is a real shame, because this bill is so very important.

I know some of my colleagues are going to express concerns about procedure and the fact that this is a structured rule. So I want to share some quick facts with you. More importantly, this rule makes in order 75 amendments out of 105 submitted to the Rules Committee. Forty-three of these amendments—over half—are Democrat and bipartisan amendments.

Mr. Speaker, we hear a lot of talk here about regular order. Well, regular order means that the House works. Regular order doesn't mean chaos. Regular order doesn't mean that Members get to offer poison pill amendments just to kill a bill. Regular order is about ensuring we can do the business that the American people elected us to do and that they expect us to do.

Let's be real for a second. Only in Washington are people debating or worried about whether a bill to fund our troops comes to the floor under a structured rule or an open rule.

You know what people are worried about in homes from Maine to Hawaii? They are worried about the safety and security of their families.

So let's not get caught up, especially on this bill, in political games. The men and women who put their lives on the line each and every day to keep us safe deserve better than that. And the American people deserve better than that.

I urge my colleagues to support this rule and this bill.

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

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for yielding.

Mr. Speaker, despite Speakers BOEHNER and RYAN promising that the Chamber would be open, we haven't had an open rule since Speaker RYAN became Speaker. He has closed down the legislative process, shutting out Members and, thus, their constituents.

We need a full, open debate process, and though Speaker RYAN had the best of intentions when he assumed the mantle, his best laid plans have already crumbled and the Chamber has been slowed to a halt so Republicans can avoid taking difficult votes.

Mr. Speaker, the bill before us provides appropriations for the Department of Defense at a level \$3 billion above fiscal year 2016, though it still remains \$587 million below the President's request.

There are some strong, bipartisan measures in the bill, including funding for research into traumatic brain injuries, cancer, and physiological health research, as well as sexual assault prevention funds. Those are welcome investments.

Also included is a well-deserved pay raise for our men and women in uniform. Their immense sacrifice cannot be quantified, and they deserve our wholehearted support for the tireless defense of our Nation.

Additionally, the bill provides robust funding for cybersecurity and sorely needed assistance for our friends struggling for democracy in Ukraine so they can get the training and equipment they need to defend themselves against Russian aggression.

One of the most important aspects of this bill, however, is the investment made in the Department's manufacturing technology programs. That is the wave of the future, Mr. Speaker. We have no way to achieve national security if we cannot manufacture the goods that we need here at home.

The Manufacturing Technology Office administers the soon to be eight DOD-led Manufacturing Innovation Institutes that allow us to secure technological advantage and economic competitiveness around the world.

I am proud that one of these institutes, AIM Photonics, is included, and that this bill fully funds the institute's launch with \$25 million of the total \$110 million committed by the Federal Government. I thank the chair and the ranking member for making our Nation's industrial policy a bipartisan priority.

However, these essential pieces of funding are overshadowed by the way in which the House majority has decided to source their funds. They do so by raiding the overseas contingency operations, or OCO, which is meant to be emergency supplemental funding.

This budget gimmick makes it even more likely that the Department of De-

fense will run out of funding early next year as we will come to another stand-off over funding.

□ 1245

This is robbing Peter to pay Paul, and it is not how any rational citizen would run a household budget. And why would the House majority endorse it?

The discussion and debate, while essential, detract from the urgency of addressing the war at home, the gun violence epidemic that is crippling our Nation. Mr. Speaker, I rise today heartbroken from the horrific loss of life due to gun violence in America, but this Chamber keeps turning and churning, and going about business as usual.

On Monday night, as so many of my colleagues said, we held yet another moment of silence. Since there have been 998 mass shootings in the United States since Newtown, that is a lot of moments of silence, but no action at all.

How many times do we have to stand on the floor and observe that silence when our colleagues who actually have the power to make the changes necessary to stop it are in the room with us?

For the victims of Orlando and every shooting before, for their families and our constituents, we need more than thoughts and prayers. We need action and laws now.

Mr. Speaker, according to the United Nations, half of the world's guns are in the United States. We have 317 million people in our Nation, but an estimated 350 million guns. If you think that the ubiquity of firearms in our Nation has not increased the likelihood of mass shootings, I encourage you to reconsider.

What happened in Orlando was a man with a military weapon shot without pause for heaven knows how long a time because he had a weapon. The fact that he had that—and we have said over and over again that those guns are only intended to kill people, and, unfortunately, that has come true, and it is our citizens that they are killing.

Now, we, the Members of this body, could vote for lifesaving, commonsense measures, yet the majority refuses to act. The majority blocks votes to prevent terrorists from buying guns. A terrorist on a watch list can go ahead and buy a gun.

They won't consider legislation to require universal background checks, which the majority of Americans support. They won't even consider, anymore, the assault weapons ban. Before it expired, it made a lot of difference in the mass killings in this country.

What is even more dangerous is that, in the healthcare bill passed—it was stunning to me that it was even in there—the Centers for Disease Control can't even track data on gun violence as a public health issue. Also, family doctors, who can ask about drugs in the home, are not allowed to ask about guns in the home; and some gun sales

records are destroyed after 24 hours, by law, making it incredibly hard, if not impossible, to verify information and to track sales.

So that is the state of affairs in this Chamber today. Instead of thoughts and prayers, which we always turn to for solace, we would like to have, now, some actions and laws.

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

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

I appreciate the gentlewoman's positive words about the underlying bill. She pointed out a number of things about this bill that are very good indeed.

I hear that she disagrees with the use of the overseas contingency account for funding part of what is going on here, but we are in a war. We are in a war overseas, and we are going to have to use that account to fight that war overseas.

I also heard her say that we need to do more than just have a moment of silence, as we did the other night. Acting on this bill does something very important to stop terrorists over there from coming over here and harming us, or to stop terrorists over there from being able to inspire some of our own citizens to attack us. I have said many times, if you want to stop terrorism in the United States, it is better to defeat them over there. The underlying bill does that. It has been worked out carefully, in a bipartisan fashion, as the gentlewoman said, with the Department of Defense, so that they have what they need to protect us, because the most important way to stop violence from terrorists hitting us here at home is to make sure those terrorists are destroyed abroad.

I am glad the gentlewoman from New York brought up the issue of open rules. To have this debate, I think it is important to look at the minority's record when it comes to openness and fairness on appropriations bills.

When the gentlewoman was chair of the Rules Committee in the 111th Congress, they also had a structured rule for the Department of Defense Appropriations. So how many amendments did they make in order? Fifteen. This bill makes in order 75 amendments to the Defense Appropriations bill. That is a pretty stark difference, Mr. Speaker.

Let's not just look at the Defense Appropriations legislation. On the Energy and Water bill, which this House considered under an open rule a few weeks ago, the Democrat majority considered it under a structured rule and made just 21 amendments in order.

What about the Military Construction and Veterans Affairs bill in fiscal year 2010? The gentlewoman made just eight amendments in order. The House considered the same bill earlier this year under an open rule.

A few more numbers for you from fiscal year 2010. Only 5 amendments were made in order through the Labor,

Health and Human Services bill, just 23 for Transportation, Housing and Urban Development Appropriations, 17 for Financial Services, and 1—only 1—amendment to the Legislative Branch Appropriations bill.

Then, for fiscal year 2011, under the Democrat majority, only two appropriations bills were presented to the House, both under structured rules. They were considered, and then they just stopped the appropriations process altogether.

Mr. Speaker, it is easy to talk a big game about open rules and the importance of fairness; but, if you look at the record, it is clear that this House has been much more open and much fairer under Republican leadership.

Our Conference wanted to restore open rules in the appropriations process; however, the minority has abused the process, and we have no choice but to take the steps necessary to ensure we can get the business of the American people done.

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

Ms. SLAUGHTER. Mr. Speaker, let me take just a minute to say that I appreciate the history lesson, but the fact is that both Speaker BOEHNER and Speaker RYAN had said that this was going to be the most open Congress in history, but we haven't had a single open rule since Speaker RYAN took over. So I think we could go on in this debate like a tennis match all day long, but the facts are the facts.

Mr. Speaker, I am pleased now to yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the Democrat whip.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman for yielding.

I tell my friend, BRADLEY BYRNE, I would love to have a discussion with him on that issue that he raised, but I don't have the time to do it now because I want to speak about the bill.

First, let me thank Chairman FRELINGHUYSEN, who is the chairman of the Defense Appropriations Subcommittee, and Mr. VISCLOSKEY. They have worked together. They worked positively, and America can be proud of their leadership. Both of them have been extraordinary advocates for our military and men and women who serve.

This rule presents a rejection, however, of the regular order Speaker RYAN promised in the House. He promised it. That is the issue, not a question of how many. What he said was this was going to be open.

As soon as it became clear, however, that the House Republicans might have to take an up-or-down vote again on whether to ban discrimination against LGBT Americans, they shut the open appropriations process down. And, in fact, when we adopted that amendment, a majority of the Republican Members voted against their own bill. That was the abuse of the system, I tell my friend, not anything we have done over here.

No transparency, no open process, no regular order, no scruples about denying Americans' Representatives the chance to add their input in this Defense bill, simply because they want to allow discrimination against LGBT Americans. That is what this is about. That is how we got to this closed rule or structured rule. Make no mistake about it.

In rejecting the Maloney amendment last month and now closing the process as a result of losing the Energy and Water bill because it did not allow discrimination, House Republicans are feeding the same kind of anti-LGBT sentiment that makes gay, lesbian, bisexual, and transgender Americans feel unsafe in our country and creates an environment which furthers racism, homophobia, and xenophobia. That is tough language. I get it.

Speaker RYAN had said he would allow the House to work its will. That was his pledge. He told Roll Call in November that the Republican leadership would not "predetermine the outcome of everything around here."

Well, in this instance, the House is being steered in a very deliberate direction by the Speaker and the leader. The Republican leadership, once again, is more concerned with keeping its Members from having to vote on LGBT discrimination than on maintaining the open process that it promised. Each and every Member of this House ought to be not only willing but eager to cast their votes to say, unequivocally, we are against discrimination.

Let me be clear. There are many provisions in this bill that I support, but there are a number about which I have serious concerns. My concerns include the dangerous act of setting up a funding cliff next year that would put our troops in danger.

In their attempt to get around the funding caps both parties agreed to last year, House Republicans pretend that they are keeping the deal we made, but, in reality, they are raiding the account that provides our troops with the resources they need to do their jobs safely.

This bill also includes restrictions on the Pentagon's ability to transfer Guantanamo Bay detainees as well as, once again, abandoning military-civilian pay parity in cost-of-living increases.

The American public, Mr. Speaker, ought to know it costs \$5 million per incarcerated at Guantanamo, \$5 million per person. How many terrorists have escaped from American prisons? Zero. Zero.

Now there is a Republican amendment to ban DREAMers from serving in uniform, a discriminatory provision in this bill.

Because the process has been shut down, Mr. Speaker, Democrats have been severely limited in our ability to put forward amendments to improve this bill and address these concerns. We will continue, however, to push hard to ensure all our troops have the tools

they need to succeed at their mission and come home safely, and we will keep asking the House to take a vote to end discrimination. We must not rest until all Americans are truly equal under the laws and Constitution our men and women in uniform put their lives at risk to defend.

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

I really appreciate my friend from Maryland who, recently, he and I had an opportunity to spend some time together. I have enjoyed his company, and I recognize that he is a man of great experience and wisdom. I do have some differences with him on some of his remarks, however.

He mentioned the Guantanamo Bay provision. It has recently come to light that the White House has now admitted that some of the Guantanamo Bay detainees that have been released are now back on the battlefield trying to kill American servicemen and -women. So, for those of us on this side of the aisle, that is not acceptable. We don't want more Guantanamo Bay detainees out there putting our men and women in harm's way. We want to keep them where they are, to keep our men and women in uniform safe.

He talked about a funding cliff. What he is referring to is that this takes us, on the OCO account, into next spring, to when we will have a new President in place and, at that time, we can put in the rest of the funding.

Now, this is exactly what was done 8 years ago when we were having a transition from the Bush administration to the Obama administration. At that time, then-Senator Obama, then-Senator Kerry, both voted for that, both supported that. So all we are doing now is the same thing we did 8 years ago. It is common sense. It was perfectly okay with them then; it is not now.

And then on the Maloney amendment, I know exactly what the gentleman is talking about. The other side asked for that amendment. It was adopted by the House. It was put in the bill, and then when the bill itself, with the amendment on it, came up for a vote, only six Democrats voted for it. I voted for the bill with the language in it. The Democrats voted and killed the bill that had the antidiscriminatory language that they feel so strongly about.

So let's understand what is really going on here. This is not an effort to do anything about discrimination. This is an effort to bring an end to the appropriations process, to throw a rock in the gears of what we have got to do to make government work for the American people. And our side of the aisle, the majority, is simply not going to allow that to happen. We are going to do the work that the American people sent us here to do; we are going to use structured rules; we are going to bring order out of chaos; and we are going to get the people's work done.

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

□ 1300

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), a valued member of the Rules Committee.

Mr. MCGOVERN. Mr. Speaker, I thank the gentlewoman from New York, our ranking member, for yielding me the time.

I urge my colleagues on both sides of the aisle to vote against this restrictive rule. The gentleman from Alabama talks about a poison pill. The poison pill amendment he is talking about is an amendment that would prohibit discrimination against the LGBT community. That is the poison pill. It is pathetic that an anti-discrimination measure would be considered a poison pill, but only in this Republican-controlled House would that be the case.

I would also say to the gentleman that the last time I checked, Republicans have the majority in this place. You have 247; we have 188. You can do whatever you want to do. That is why we see these restrictive rules one after another after another coming before the House.

When I hear that we are limiting the appropriations amendment process only to get rid of poison pills, there are other amendments that I don't think would be considered poison pills that would be denied. My colleague from California, JACKIE SPEIER, had an amendment dealing with littoral combat ships. That was not made in order. If we had an open rule under the appropriations process that we should have had, that we were promised, she could have offered her amendment. But that was denied as well.

In terms of how the whole bill is funded with this overseas contingency account, it is one gimmick after another. It is embarrassing to try to defend this OCO account and how my colleagues have tried to get around the budget caps by going in and taking money to lift up the overall amounts in the base bill.

But here is the deal: I will say that I am grateful that an amendment was made in order that I authored along with Congressman JONES and many of my other colleagues that would basically say that it is about time Congress has a debate and a vote on an AUMF. We are at war in Syria, and we are at war in Iraq again. Our troops are in combat situations. That is the way the Secretary of Defense describes it. Our troops are being wounded. We have lost soldiers in these recent battles, and we have not had the courage in this institution to actually debate these wars and to vote up or down on whether we should continue these wars.

My friends have all kinds of excuses why we can't do this. First they say: Well, the White House has to come up with a plan.

The White House did.

Now it is: Well, we can't debate this because it is a delicate time.

We should have debated these wars before we entered these wars, yet the

leadership of this House prevented us time and time again.

Now we have 10 minutes, 5 on both sides, to debate this amendment. But my amendment is very simple. It basically says no AUMF, no money. If we don't have the courage to have this debate and to authorize these wars, then our troops ought to come home. It is that simple. It is very, very straightforward. For the life of me, I can't understand why anybody would vote against this.

The SPEAKER pro tempore (Mr. ROTHFUS). The time of the gentleman has expired.

Ms. SLAUGHTER. Mr. Speaker, I yield the gentleman an additional 1 minute.

Mr. MCGOVERN. If some of my colleagues want to expand these wars, then this is the opportunity for you to do it. If some of my colleagues, like me, want to lessen our military footprint in the Middle East, this is the opportunity. But to do nothing is unconscionable, and voting for this would force us—would force us—to do our job and to live up to our constitutional responsibility.

We cannot hide behind all these excuses anymore. There is no more excuse. Our brave men and women are in harm's way. The least we can do is show them that we care enough about what is going on to have this debate and vote on an AUMF.

Mr. Speaker, I urge my colleagues on both side of the aisle to vote for the McGovern-Jones amendment. Vote to force this House to have a debate and a vote on an AUMF. If not, let us bring our troops back home to safety with their families.

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

Mr. Speaker, my colleague from the Rules Committee is exactly right. We made in order his amendment that would allow him to have a debate on this floor on the AUMF. I also agree with him that it is probably not enough time to have a full debate on the AUMF. We talked about this several times in the Rules Committee, and he and I have a common understanding of the need for us to have a full debate on this floor on an AUMF. I agree with the gentleman, so we made his amendment in order.

I think he would like for us to go beyond that and actually bring an AUMF itself to the floor so we could have a fuller debate. When the time is right—and I don't know when that is going to be—I am going to be supportive of that. I have written letters in that respect, so I believe in that.

I want to point out to him that we made his amendment in order. We made his amendment in order and 74 others. That is 60 more amendments that were made in order on the Defense Appropriations bill than when the Democrats were in control of this House. So I have heard enough about this closed debate, closed rules. We have a structured rule to bring order

out of chaos, and we have allowed many, many, many more amendments than the Democrats ever allowed on appropriations bills.

This is a good rule. It is a fair and balanced rule that allows for a full debate on issues. Some of these amendments I don't agree with, Mr. Speaker, but I thought they should be made in order, as did everybody else in the Rules Committee who voted for the rule. I know the Democrats didn't. This is a good rule, and I hope that we will adopt this rule and move forward with the debate on these important issues.

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

Ms. SLAUGHTER. Mr. Speaker, I would like to ask if my colleague has further speakers.

Mr. BYRNE. Mr. Speaker, I do not.

Ms. SLAUGHTER. Then I am prepared to close.

Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, my colleague says that some amendments he likes, some he doesn't. That is perfectly legitimate, but that is not why we make amendments in order in the Rules Committee. We don't pick out some we like and some we don't. We talk about the germaneness of the amendments. Certainly, if you have 70, I am sure there are going to be several people do not agree with.

But there is beginning to be a very unpleasant trend—and I am very concerned about it—that members of the majority on the Rules Committee will ask people coming to ask to have their amendments made in order—which, remember, as far as I can say right now, and I could be proved wrong, I think we are the only committee where members of a committee come up and ask for something. It is a totally different process from what happens in the other committees.

They come to us with full understanding—of course, the ratio, as you know, is 9-4, so it is kind of window dressing a lot of time—to ask that an amendment be in order. Those are sometimes people from the committee whose amendments weren't made in order in the committee, or it is other Members who have a great interest in that bill and would like to express the interest of their constituents in it.

But there is no question that there is really beginning to be a trend: if they don't like the amendment themselves, it is out the window. There is no chance of debate. In fact, so few of us get a chance to do any debating that we believe—and think that it is a fact—that many of our constituents in the country are just shut out of the debate.

What is even worse than that, now members have begun to ask the witnesses, as they come with their amendments: If we make your amendment in order, will you vote for the bill?

I object most strenuously to that. We are just getting into it, and I really want to study, but there is a quid pro

quo there that I don't believe is intended for members of the Rules Committee to have.

There is a favoritism being asked: If we do this for you, not because it is good, it is germane, it should move the bill and because, as a Member of Congress, you have a right to do it; but if we grant you this wish, your obligation is to vote for the bill, even though you may hate everything else that is in it.

So we will amplify on that a little bit. We have some review to do on how that is going to work, but on the face of it, I find it totally offensive myself.

Mr. Speaker, we have an opportunity now to make a meaningful change, as all my colleagues have said, to address the gun violence epidemic that is crippling our Nation.

If we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation that would bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

No matter how hard I might try—and I don't plan to—I don't believe I could find any kind of cogent argument that would argue against that. I think a thinking person would say: Yes, someone on the FBI's terrorist list, we would not like them to be collecting firearms and explosives.

It is unconscionable that the Republican majority has repeatedly refused to even debate closing such a glaring loophole. In fact, in our discussions about that and shouldn't that be done—as I said, the public really wants that done—they won't even consider it.

The country can't wait any longer for Congress to act. I think the whole country is absolutely paralyzed with sadness, anger, and mixed feelings about what is going on in this country. The number of people shot in a weekend in Chicago; the young singer the other night, just before the Orlando massacre, who was shot to death because somebody wanted to do it and had the ability to do it.

We have Second Amendment rights, but we also have rights to live. We have the right to think that when our children go to school in the morning, they are going to come home in the afternoon. I can assure you that all the people worshipping in Mother Emmanuel Church believed they were going to go home after that to supper and to bed and to look forward to the next day.

We are not sensibly looking at what is going on here. Our record internationally is appalling. I will tell you that the country, I believe, at this moment is really crying out for something, and I am afraid, again, it will fall on deaf ears.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" and defeat the previous question so that we can do an amendment on guns and to vote "no" on the rule.

I yield back the balance of my time.

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

Mr. Speaker, I listened very intently to the gentlewoman, and I do want to say this to her and to all of my colleagues in the House: The American people are worried. They are fearful, and they are fearful because there are people in other places who want to come here and do us harm simply because we are different from them. We are Christians, or we are a different type of Muslim from them, or we are LGBT, or we believe in all the principles that make America great. They want to come here and destroy all of us.

The attack on Sunday was an attack on every citizen of the United States of America. People are fearful that those terrorists will come here or they will find more people who are here now and inspire them to do the horrendous act that we saw done Saturday night, early Sunday morning.

They want us to defend them. We defend them by authorizing and appropriating the money to pay for the activities of the Armed Forces of the United States of America. That is what this bill is about. That is what we should be debating. That is what the people of the United States want us to do.

So we have put together a rule that is going to get the people's work done and provide the money to defend them from people that would harm us. That is the least we could do in reaction to what happened the other night, but it is a very, very important step for the people of this country.

Mr. Speaker, I, again, urge my colleagues to support House Resolution 783 and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 783 OFFERED BY  
MS. SLAUGHTER

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

SEC. 7. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may

have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 8. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

#### THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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



or motion and who controls the time for debate thereon."

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

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

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

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

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

The yeas and nays were ordered.

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

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 13 minutes p.m.), the House stood in recess.

□ 1402

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 2 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed. Votes will be taken in the following order:

Ordering the previous question on House Resolution 783;

Adopting House Resolution 783, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 5293, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 783) providing for further consideration of the bill (H.R. 5293) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 239, nays 183, not voting 12, as follows:

[Roll No. 304]

### YEAS—239

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

### NAYS—183

Adams	Bera	Boyle, Brendan
Aguilar	Beyer	F.
Ashford	Bishop (GA)	Brady (PA)
Bass	Blumenauer	Brown (FL)
Beatty	Bonamici	Brownley (CA)
Becerra		Bustos

Butterfield	Hastings	O'Rourke
Capps	Heck (WA)	Pallone
Capuano	Higgins	Pascarelli
Cárdenas	Himes	Payne
Carney	Hinojosa	Pelosi
Carson (IN)	Honda	Perlmutter
Cartwright	Hoyer	Peters
Castor (FL)	Huffman	Pingree
Castro (TX)	Israel	Pocan
Chu, Judy	Jackson Lee	Polis
Cicilline	Jeffries	Price (NC)
Clark (MA)	Johnson (GA)	Quigley
Clarke (NY)	Johnson, E. B.	Rangel
Clay	Kaptur	Richmond
Cleaver	Keating	Roybal-Allard
Clyburn	Kelly (IL)	Ruiz
Cohen	Kennedy	Ruppersberger
Connolly	Kildee	Rush
Conyers	Kilmer	Ryan (OH)
Cooper	Kind	Sánchez, Linda
Costa	Kirkpatrick	T.
Courtney	Kuster	Sanchez, Loretta
Crowley	Langevin	Sarbanes
Cuellar	Larsen (WA)	Schakowsky
Cummings	Larson (CT)	Schiff
Davis (CA)	Lawrence	Schrader
Davis, Danny	Lee	Scott (VA)
DeFazio	Levin	Scott, David
DeGette	Lewis	Serrano
Delaney	Lieu, Ted	Sewell (AL)
DeLauro	Lipinski	Sherman
DeBene	Loebach	Sinema
DeSaulnier	Loftgren	Sires
Deutch	Lowenthal	Slaughter
Dingell	Lowey	Smith (WA)
Doggett	Lujan Grisham	Speier
Doyle, Michael	(NM)	Swalwell (CA)
F.	Lujan, Ben Ray	Takano
Duckworth	(NM)	Thompson (CA)
Edwards	Lynch	Thompson (MS)
Ellison	Maloney,	Titus
Engel	Carolyn	Tonko
Eshoo	Maloney, Sean	Torres
Esty	Matsui	Tsongas
Farr	McCollum	Van Hollen
Foster	McDermott	Vargas
Frankel (FL)	McGovern	Veasey
Fudge	McNerney	Vela
Gabbard	Meeks	Velázquez
Gallego	Meng	Visclosky
Garamendi	Moore	Walz
Graham	Moulton	Wasserman
Grayson	Murphy (FL)	Schultz
Green, Al	Nadler	Waters, Maxine
Green, Gene	Napolitano	Watson Coleman
Grijalva	Neal	Welch
Gutiérrez	Nolan	Yarmuth
Hahn	Norcross	

### NOT VOTING—12

Brat	Love	Westmoreland
Fattah	Pearce	Whitfield
Forbes	Rice (NY)	Wilson (FL)
Herrera Beutler	Takai	Young (IN)

□ 1420

Mr. BRENDAN F. BOYLE of Pennsylvania changed his vote from "yea" to "nay."

Messrs. BOUSTANY and MCHENRY changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Ms. WASSERMAN SCHULTZ was allowed to speak out of order.)

### CONGRESSIONAL WOMEN'S SOFTBALL GAME

Ms. WASSERMAN SCHULTZ. Mr. Speaker, colleagues, we stand before you as the congressional women's softball team. Our bipartisan team, which we are very proud of, has won the Congressional Women's Softball Game for the last 2 years in a row, and we are looking to three-peat against the Bad News Babes press team tonight.

So we encourage all of you to come out tonight. Tell your staffs and anyone that is interested in helping to raise money to beat cancer to join us