

HONORING DR. DEBRA SAUNDERS-WHITE

(Ms. ADAMS asked and was given permission to address the House for 1 minute.)

Ms. ADAMS. Mr. Speaker, I rise today to honor the life of the late Dr. Debra Saunders-White, a dedicated public servant and chancellor of North Carolina Central University. A cherished friend and confidant, I have never met anyone who worked harder and who gave more.

We often worked together on legislation related to HBCUs. I could always count on her to bring pertinent issues to my attention. She remained involved, even during her illness with cancer.

Prior to joining the Eagle family, Dr. Saunders-White served as acting Assistant Secretary for the Office of Postsecondary Education in the U.S. Department of Education and in university administrations of UNC Wilmington and Hampton University.

As chancellor of North Carolina Central University, Dr. Saunders-White expanded NCCU's course curriculum, helped secure critical investments for the university, and increased graduation rates. During her first week on campus, a campus food bank was opened to serve the needs of students, faculty, and staff.

Dr. Debra Saunders-White, educator-chancellor par excellence, will be sorely missed, but her legacy will live forever.

My thoughts and prayers continue to be with the Saunders-White family, friends, and the NCC University campus.

ADVANCES IN HEALTH

(Mr. LAMALFA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMALFA. Mr. Speaker, yesterday, the House overwhelmingly passed H.R. 34, the 21st Century Cures Act, a bill that offers help to millions of Americans whose needs have been pushed aside for far too long and marks the first step in helping improve our healthcare system, notably in mental health.

I commend my Pennsylvania colleague, Congressman TIM MURPHY, for his dedication and years of hard work on this issue. Back in my district in northern California, these failures have reached crisis levels of this system. In some areas, there are no psychiatric inpatient beds, leaving patients who are suffering to wait days, even weeks, to be seen. That could mean having to travel hundreds of miles for people who need care immediately. In other areas, there is virtually no access to psychiatric care, due to severe physician shortages.

Law enforcement struggle while responding to crisis calls due to lack of training, which has, unfortunately, re-

sulted in tragic outcomes that we see way too many times; as well as the opioid struggles, which is a big challenge for law enforcement and our prosecutors. Heroin really has had a great grip in rural areas like mine in northern California. Indeed, 1,100 overdoses in 8 years.

This bill marks a significant historic, bipartisan effort to right what is wrong with our mental health system. It not only offers solutions, but it offers hope.

I ask my colleagues in the Senate to please take quick action.

WORLD AIDS DAY

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Mr. Speaker, I rise today to commemorate World AIDS Day. The theme this year is "Leadership, Commitment, Impact."

First, I would like to thank Leader PELOSI for her steadfast commitment to fighting HIV and AIDS, and for guaranteeing strong United States leadership in this area. Also, to the Congressional Black Caucus for its leadership in the establishment of PEPFAR, which was a bipartisan effort that President Bush signed into law.

As the cofounder and co-chair of the bipartisan Congressional HIV/AIDS Caucus, with Congresswoman ILEANA ROS-LEHTINEN and Congressman MCDERMOTT, we have seen significant progress that we have made in the global fight against AIDS. From PEPFAR and the Global Fund to fight AIDS, TB, and malaria, to the Ryan White Care Act and the Minority AIDS Initiative led by Congresswoman MAXINE WATERS, year after year we have committed critical resources to end this disease.

Partly due to our efforts, 18.2 million people around the world are now living on antiretroviral drugs, and 37 million lives have been saved. But much work remains, which must continue to be bipartisan.

Still, stigma and discrimination prevents too many people from seeking testing and treatment. Around the world, countries criminalize LGBT people and prevent them from accessing critical HIV care. Here in the United States, we preserve stigma through outdated, unscientific laws that criminalize HIV in over 30 States.

We must end these laws and repeal the discrimination laws against people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. FORTENBERRY) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 1, 2016, at 11:49 a.m.:

That the Senate has made a technical correction to the engrossment of the Senate amendments to the House Concurrent Resolution of September 29, 2016 and hereby returns to the House the papers to accompany the resolution H. Con. Res. 122.

That the Senate concur in House Amendment S. 1550.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 1, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 1, 2016, at 9:12 a.m.:

That the Senate passed S. 2971.

That the Senate passed S. 3183.

That the Senate passed S. 3386.

That the Senate passed without amendment H.R. 5509.

That the Senate passed without amendment H.R. 5995.

With best wishes, I am,
Sincerely,

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON S. 2943, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2017

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 937 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 937

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (S. 2943) to authorize appropriations for fiscal year 2017 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

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

Mr. BYRNE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman

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

GENERAL LEAVE

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may 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 937 provides for consideration of the conference report for the National Defense Authorization Act for fiscal year 2017. This marks the 55th consecutive year that the House and Senate are coming together to pass a bill to authorize spending and set policy for our Nation's military.

Just as important, as is the case with most of our work on the Armed Services Committee that I have the privilege to serve on, this was a bipartisan process that allowed for numerous members to have input into the final bill. That is a testament to the great work and leadership of Chairman MAC THORNBERRY, Ranking Member ADAM SMITH, our subcommittee chairmen and the entire committee staff. This is truly a professional team that puts in long hours to make this bill possible, and they deserve a lot of credit for their efforts.

Mr. Speaker, I have said on this floor many times before that our military faces a serious readiness crisis. Budget cuts have really thinned out our military and hurt our ability to train and prepare for conflict.

One of the most startling examples of this readiness crisis is the fact that some of our marines have been forced to get parts for their F-18s off of planes in a museum. That is simply absurd and it is deeply troubling.

Just as bad, less than one-third of Army forces are at acceptable readiness levels for ground combat and our pilots are getting less training than many of our adversaries.

Thankfully, this NDAA stops the drawdown of the military and authorizes critical funding for the operation and maintenance of our military. The bill authorizes important funding for training, helps rebuild outdated infrastructure, and ensures our military men and women have the munitions they need for ongoing operations.

The bill also provides for a 2.1 percent pay increase for our military. This is the largest pay raise for our troops in 6 years, and it is especially important for our military families.

Additionally, the bill supports our Nation's military operations around the globe. As we fight the Islamic State in Iraq and Syria and continue to have a presence in Afghanistan, it is vital that our military has the tools they need to carry out their mission and defeat radical Islamic terrorism.

Just as important, this NDAA provides for a continued military presence

in Europe to support our allies and deter Russian aggression, as well as resources to support U.S. operations in the ever-important Pacific.

Finally, the NDAA includes some important reforms to make our military and the Pentagon more effective and more efficient. This includes updates to the Goldwater-Nichols Act to improve the overall organizational structure at the Pentagon and throughout our military.

The bill builds upon recent reforms to the Pentagon's acquisition programs to cut down on red tape and spur innovation and research.

It also updates the Uniform Code of Military Justice to promote accountability within our military.

□ 1230

Mr. Speaker, this is a good bill, but it alone will not be enough to fully turn the tide back in favor of the fully trained, fully capable, and fully equipped military that we need.

Congress and the incoming President must act early next year on a funding bill to fully fund our military, and we need to go above even what is included in this bill. As Chairman THORNBERRY has indicated, we need to push for a defense supplemental that includes important military programs that were, unfortunately, left out of this final bill.

I look forward to working with Chairman THORNBERRY, Ranking Member SMITH, the Appropriations Committee, and the incoming administration to get this funding bill taken care of as soon as possible next year because, without supplemental funding, we will leave the job half done.

While this is just one step in ensuring our military is ready for the fight, it is an important one nonetheless; so I urge my colleagues to join me in supporting this truly bipartisan legislation. For the 55th consecutive year, let's send a message to our service-members that supporting the United States military isn't a Republican goal or a Democrat goal—it is an American goal. I urge my colleagues to support House Resolution 937 and the underlying bill.

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

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

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

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Alabama (Mr. BYRNE) for yielding me the customary 30 minutes.

Mr. Speaker, I thank the chairman of the House Armed Services Committee, the gentleman from Texas (Mr. THORNBERRY), and the honorable ranking member, the gentleman from Washington (Mr. SMITH), for their service and for concluding work on this conference report, which authorizes resources for our uniformed men and women, civilian defense workforce, our veterans and their families.

The defense bill is one of the most complex bills that comes each year before Congress for consideration and action, and I know the hours'—and the weeks'—and the months'—worth of work that goes into these negotiations by staff and Members. It is also, in general, a bill that receives broad bipartisan support, which is a reflection of the leadership, character, and abilities of the chairman, of the ranking member, and of their staffs.

Mr. Speaker, there is a great deal to support in this conference report and some provisions that continue to raise concern. Some items that were of grave concern have been dropped from the final conference report, like the fiscal cliff, language that would have authorized discrimination by Federal contractors, and some anti-environment riders.

I am very upset, however, that, for the second year in a row, the House caved to unreasonable Senate demands to drop the House-passed provision to honor our Atomic Veterans with a simple service medal. These uniformed men and women literally gave their lives in service to our country. In many cases, totally unprotected, they were exposed to extreme levels of radiation during the post-World War II era and the subsequent cold war period. Because they signed secrecy oaths, they could not even inform their doctors that their many illnesses might be related to radiation exposure.

They never complained, and they did their duty. Their heroism and their service have been publicly recognized by Presidents George H. W. Bush and Bill Clinton. All we are seeking is for them to receive a simple service medal. More than three out of every four of these veterans have already passed away unrecognized for their service; yet the Senate—and Senate Armed Services Committee Chairman JOHN MCCAIN and a handful of Pentagon bureaucrats in particular—seems to think it is a major scandal to provide them with a service medal. My meetings with some at the Pentagon have been particularly troubling because of what I have perceived to be their total lack of sensitivity and their total lack of appreciation for the service that these veterans have provided to our country.

These men and women deserve better from their government. I hope, next year, when the House, once again, includes this bipartisan measure in the defense bill, that it won't be so weak-kneed as to cave for a third time before such unreasonable intransigence.

This conference report, like its most recent predecessors, continues to authorize billions of dollars for our wars against the Islamic State in Syria, Iraq, and elsewhere without any debate on an Authorization for Use of Military Force in those countries and elsewhere.

I hope that one of Speaker RYAN's priorities during the first week of January will be to meet with President-elect Trump and work out a timeline for when Mr. Trump will send an

AUMF to Congress on these wars and when the House will finally fulfill its constitutional duty to debate and vote on this matter. For over 2½ years, this House has failed, time and time again, to take up this serious debate even after President Obama sent an AUMF to Capitol Hill for action.

Enough is enough. With a Republican in the White House, I hope the Republican-controlled Congress will finally do its duty. The cowardice of the 113th and 114th Congresses must not be allowed to extend into and infect the 115th Congress.

Mr. Speaker, I want to say one more thing about the NDAA conference report.

This conference report includes a very important title that incorporates the Global Magnitsky Human Rights Accountability Act. As many of my colleagues know, this is a bipartisan measure, championed and introduced in the House by my friend and colleague, Congressman CHRIS SMITH; me; and by BEN CARDIN in the United States Senate.

The Global Magnitsky Act builds on the seminal Sergei Magnitsky Rule of Law Accountability Act, which is legislation that I authored that focused on Russia, which was approved by Congress and signed into law in 2012. That law targets individual Russian officials who are accountable for the death of Russian lawyer Sergei Magnitsky, as well as other Russian officials engaged in corruption, human rights abuses, or who seek to undermine the rule of law. It denies them visas to the United States and freezes their assets in the United States.

The Global Magnitsky Act will extend the use of those same targeted sanctions to all countries, not just to Russia. It will ensure that visiting the United States and having access to our financial system, including to U.S. dollars, are privileges that should not be granted to those officials who violate basic human rights and the rule of law.

Mr. Speaker, as we enter the uncharted territory of a Trump administration, it is critical that Congress maintain its bipartisan leadership and support for human rights. It is critical that Congress continue to hold accountable the Russian Government and government officials around the world who engage in corruption, human rights abuses, and who flout the rule of law.

During the long campaign, two words I never heard Mr. Trump utter were “human rights.” Quite frankly, I was disturbed by his public admiration of Russian strongman Vladimir Putin, whose government has jailed and even killed human rights defenders and political opponents.

Mr. Speaker, in past years, I have often voted against the final passage of the NDAA conference report. In general, I can't vote for a bill that provides tens of billions of dollars for wars that Congress refuses to debate and authorize. I can't vote for a bill that ties

the hands of a President—any President—to shut down the prison at the U.S. Naval Base at Guantanamo Bay. I can't support a bloated budget that fails to make hard choices, that provides the Pentagon with even more money than it asks for, and that continues to increase in size—without end—for the foreseeable future.

However, because of the inclusion of the Global Magnitsky Human Rights Accountability Act, this year, I will vote in support of the FY 2017 NDAA conference report. The Global Magnitsky Act will give Congress a tool with which to hold accountable human rights abusers even if our new President ends up turning a blind eye. This language in this authorization bill is important because it sends a signal—no matter what our next President believes on the issue of human rights—that, in this Congress, in a bipartisan way, we believe that, if the United States of America stands for anything, it needs to stand out loud and four-square for human rights.

I urge all of my colleagues to support the conference report notwithstanding the many reservations we may have.

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

Mr. BYRNE. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. COLE), a distinguished member of the Rules Committee and a distinguished member of the Appropriations Committee.

Mr. COLE. I thank the gentleman from Alabama for yielding. Frankly, I thank him for the wonderful work he provided as a member of the Armed Services Committee to bring this legislation to the floor today.

Mr. Speaker, I also want to quickly associate myself with my friend from Massachusetts' remarks about the authorization. I think he is absolutely right on that issue—we have worked together on that—and it is something that ought to happen. It is an institutional question of whether or not we retain our war-making authority, and he has done admirable work in that area.

The bill, itself, which I support—and, of course, the rule and the underlying legislation—is a very important piece of legislation.

I commend our friends on the Armed Services Committee for working in a bipartisan fashion, first, to make sure they stop the erosion of the end strength of the military. It is an absolutely critical thing to do. It could not have happened had they not worked together and made some tough decisions.

Second, I want to point out all of the reforms in this legislation—procurement reforms, in particular. They have gone well beyond simply appropriating money for the military as they have done some important work to put important tools in our hands that, I think in going forward, will save billions of dollars.

I also commend them for fully funding a pay raise for the men and women

in uniform. That is an important thing. The amount of money—a 2.1 percent increase—is relatively modest but appropriate. The more important thing is the signal it sends to the men and women who put themselves between us and harm's way, and I thank the gentleman for his role in that.

Finally, I want to pick up on one of the points that my friend from Alabama made that I couldn't agree with more. As important and as good as this legislation is, if we do not marry it with the money that it takes to actually implement it, we are making the mistake of a lifetime. In my opinion, we could do that, literally, this year if we were to do an omnibus; but if we fail to do that and if we do a CR, my friend is exactly right in that we should act as rapidly as possible in January to make sure that we actually put the money together with the excellent authorization work that is done here. Otherwise, we simply undercut all of the good work of the Armed Services Committee.

This is something that we need to focus on. The authorization is important, but if we don't appropriate the money, a lot of the hard work that was done on the Armed Services Committee will be for naught, and it will be for naught until we actually make that decision. We shouldn't wait until the end of April or the end of May. We ought to get it done as quickly as we can. I would like to get it done before we go home, but if we can't do that, we certainly ought to get it done as quickly as we can when we get back.

With all of that aside, again, I congratulate both sides of the aisle. This is a model of bipartisanship. My friend from Massachusetts mentioned some other measures in here with regard to Russia that, I think, are absolutely also appropriate, and I applaud their inclusion.

I urge every Member to support the rule and, certainly, to vote for the underlying legislation.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ENGEL), the distinguished ranking member of the Committee on Foreign Affairs.

Mr. ENGEL. I thank the gentleman for yielding to me.

Mr. Speaker, I support the defense authorization bill. Our men and women in uniform are the greatest fighting force in the world, and they deserve our unwavering support. I thank Chairman THORNBERRY and Ranking Member SMITH for their hard work on this year's effort, but I oppose the rule because this bill could be made better not by expanding it, but by taking out parts that don't belong there in the first place.

Year after year, Congress has placed more and more diplomatic prerogatives under the military's purview. There are 80 provisions from the House and Senate bills in the conference report that

cross into the jurisdiction of the Foreign Affairs Committee. As that committee's ranking member, I am grateful to my friend, Mr. SMITH of Washington, as we have worked together to improve these parts of the bill; but different agencies have different responsibilities and capabilities. That is why different committees oversee these issues.

We would never ask a group of Foreign Service Officers to carry out a targeted strike on an enemy. That is not their job. So why would we assign diplomatic functions to those who are already handling the tall order of protecting and defending us?

Take the Asia Maritime Security Initiative—a program seeking greater collaboration among our Asian partners to solve maritime disputes peacefully. This is the sort of effort that our diplomats are trained to deal with. It takes time and precision and patience to develop interest among governments and to ramp up capacity; but the Pentagon moved ahead without the State Department, and the DOD's approach was like performing surgery with a hacksaw.

The Philippines and Vietnam were slow to come on board. That is where, I believe, careful diplomacy would have paid off. Instead, the DOD threw money at the problem. The Philippines didn't want the money, and they weren't ready to absorb it; so the effort fell apart. Now, in a difficult time in American-Philippines relations, we have a gaping hole in our maritime security strategy. This should be a lesson learned, but, instead, this bill will put even more diplomatic responsibility in military hands.

For instance, the bill diverts Defense Department dollars to the Global Engagement Center, the GEC. It is a State Department program that is focused on countering violent extremist propaganda overseas. The goal of this provision is worthwhile, but the way it is written ignores overwhelming advice from experts in the field and from our public diplomacy officials who are already hard at work in Foggy Bottom. Instead of building on what we already know from years of countering propaganda, it says that the DOD should decide how much money to give a State Department program. Mr. Speaker, that is just bad policy, and that example just scratches the surface.

□ 1245

So I support the underlying bill because it is good for our military, but I don't support this rule. I did not sign the conference report because I have deep concerns that the line between our military and diplomatic efforts is blurring. We will be back here in a year, and I hope at that time we will pass a defense authorization that deals just with defense.

Mr. BYRNE. Mr. Speaker, I am prepared to close.

I reserve the balance of my time.

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

I am going to urge my colleagues to defeat the previous question. And if we defeat the previous question, I will offer an amendment to the rule to bring up legislation authored by the gentlewoman from California (Ms. ESHOO), who has been a leader on this issue, that would require Presidential nominees to disclose 3 years of their tax returns.

Mr. Speaker, tax returns provide the public with vital information about our Presidential candidates. Have they paid taxes at all? Do they keep money offshore? Or have they taken advantage of tax loopholes? This is important information that voters have a right to know. The American people should expect candidates running for President to be open and transparent about their tax returns, and this legislation would ensure that transparency. It is hard for me to believe that giving the people the right to know about a Presidential candidate's financial dealings is controversial. I hope that this isn't.

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 Massachusetts?

There was no objection.

Mr. MCGOVERN. Mr. Speaker, to discuss our proposal, I yield 3 minutes to the distinguished gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I rise today to urge all House Members to defeat the previous question so that this bipartisan, bicameral legislation, the Presidential Tax Transparency Act, can be made in order for immediate floor debate and a vote.

Now, the legislation is really very simple. It requires Presidential nominees of major political parties to file 3 previous years of their Federal tax returns with the Federal Election Commission. Now, tax returns contain vital information. We all know that. But it is also vital for the public, for voters, to consider. They should be able to know whether a candidate has paid taxes, if they have paid any taxes, how much they have paid, whether they have made charitable contributions and to whom, and whether they took advantage of tax loopholes or offshore tax shelters.

This election year, we experienced a bipartisan problem in this area. For the first time since 1976, Mr. Trump, who is now the President-elect, would not release any tax returns to the public whatsoever. And on the Democratic side, Senator SANDERS only disclosed a summary of 1 year of his tax returns. I think that these are areas that demonstrate themselves to fall far short of what the American people deserve in terms of transparency. So this legislation ensures that the custom of disclosing—and it has been a custom since 1976—that they disclose multiple years

of tax returns and that it be required by Federal law for future Presidential candidates to do so.

Former Presidential candidate Mitt Romney stated earlier this year that: "Tax returns provide the public with its sole confirmation of the veracity of a candidate's representations regarding charities, priorities, wealth, tax conformance, and conflicts of interest."

One of the Republican cosponsors of my bill, Congressman MARK SANFORD, wrote in *The New York Times* in August: "The Presidency is the most powerful political position on Earth, and the idea of enabling the voter the chance to see how a candidate has handled his or her finances is a central part of making sure the right person gets the job."

So I rise today because I believe Congress should write this important disclosure tradition into law. I urge my colleagues to reject the previous question so we can hold an immediate vote on the Presidential Tax Transparency Act.

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

It is not unusual for me to come down here to handle pieces of legislation for the Rules Committee that pertain to our national defense and find myself in a debate about issues that have nothing to do with national defense. Whatever else you can say about the issue about the President or the President-elect providing tax returns, it has nothing to do with the defense of the United States of America. It has nothing to do with authorizing what the Army, the Marine Corps, the Air Force, and the Navy need to defend this country.

So whatever may be the merits of the proposal we just heard from the gentlewoman from California, it is totally irrelevant to the piece of legislation and the resolution on the rules before this body. So I think that it is an interesting argument. Maybe there is another time to have it, but this is not that time.

We need to stay focused on what needs to be authorized to defend the United States of America, and I would urge my colleagues to reject the notion that we just heard.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me disagree with my distinguished colleague that somehow this has nothing to do with national defense. I strongly disagree with him on that. I think where a Presidential candidate or a soon-to-be President has financial dealings is related directly to our national defense. Does he have investments in Russia? Does he have investments in countries that have been hostile to human rights or to U.S. interests in various parts of the world? That is very relevant.

One of the reasons why we are utilizing this mechanism of defeating the previous question—by the way, if we defeat the previous question, we still

get to bring up the defense authorization conference report. But one of the reasons that we do it is because—the way this House operates is that, if you are in the minority, you don't get an opportunity to get any of your amendments made in order or your bills made in order, especially bills of any consequence. So that is why we are utilizing this. This is very relevant to our national defense.

As I said, I normally vote against these authorization bills because I think they are overbloaded. I think there are issues concerning the fact that we spend billions of dollars on wars that we never debate or we don't properly authorize here in the Congress.

But I am voting for this one because of the Global Magnitsky legislation because of the human rights provisions. Because I don't know where the head of our next President is going to be when it comes to standing up to abuses by people like Vladimir Putin, against opposition leaders and journalists and anybody he disagrees with.

This bill is named after a guy named Sergei Magnitsky who, by the way, was an accountant in Russia who uncovered the largest corruption scandal in Russia's history. What was his reward for doing that? Putin had him put in jail. He was tortured, and he was beaten to death. You know, that is what happens in places that are run by strongmen like Vladimir Putin.

So, yeah, I would like to know whether or not our next President has investments in Russia. I think that would be very relevant to know. Quite frankly, the reason why this Magnitsky legislation is so important is it gives us a tool to pressure the next administration on the issue of human rights, and it is a signal to people like Putin and other dictators and strongmen around the world that Congress is not going to be silent in the face of human rights abuses. So I think this is all very relevant.

I would urge my colleagues to vote "no" on the previous question so we can do what I would think most people in this country think is noncontroversial, which is to have people running for President release their tax returns so we know. This shouldn't be a big deal. We should do it now, and we have an opportunity to do it now and still vote on this NDAA bill. I hope that we will do that.

Mr. Speaker, I include in the RECORD a letter from 20 national organizations voicing concern about the \$3.2 billion added to the overseas contingency operations account in funds not requested by the Pentagon.

DEAR SENATOR/REPRESENTATIVE: The recently released conference report for the Fiscal Year 2017 National Defense Authorization Act (NDAA) would authorize an additional \$3.2 billion unrequested by the Pentagon, effectively exceeding the spending limits set in place previously by Congress as part of the Budget Control Act of 2011 and Bipartisan Budget Act of 2015. As organizations representing Americans across the political

spectrum, we are writing to voice our disagreement with this tactic.

The very real challenges facing our military are not the result of a lack of funds. They are the result of years of failing to make necessary, tough choices our nation's security requires. If Congress votes to simply throw additional billions of dollars at this problem by using a budgetary gimmick involving the Overseas Contingency Operations (OCO) account, you will do nothing to solve these problems. Rather, you will simply be guaranteeing another year of massive spending at the Pentagon. Refusing to make hard choices and trade-offs does not strengthen our security, it undermines it.

Earlier this year, many of our organizations expressed our opposition to the House Armed Services Committee's draft NDAA which included an \$18 billion gimmick to fund the OCO account above previously agreed upon levels. What was a bad idea at \$18 billion is still a bad idea at \$3.2 billion. We strongly urge you to scrap any plans to fund the OCO account above the levels set in existing law and finally pursue a path of fiscal responsibility at the Pentagon.

Sincerely,

Campaign for Liberty, Center for International Policy, Council for a Livable World, Council for Citizens Against Government Waste, FreedomWorks, Friends Committee on National Legislation, Just Foreign Policy, National Priorities Project, National Taxpayers Union, Peace Action, Project on Government Oversight, Taxpayers for Common Sense, Taxpayers Protection Alliance, Taxpayers United of America, The Libertarian Institute, The London Center, United for Peace and Justice, Win Without War, Women's Action for New Directions.

Mr. MCGOVERN. Mr. Speaker, one of my many concerns about this bill—and if it wasn't for the Global Magnitsky Human Rights Accountability Act, I would be voting against this bill because of things like that.

Vote "no" on the previous question. Let the American people know what the financial dealings of their Presidential candidates and soon-to-be Presidents are, and then we get on to dealing with passing the National Defense Authorization Act.

I yield back the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself the balance of my time to close.

The Presidential election is over. Maybe some people would like to relitigate the results, but certainly the National Defense Authorization Act is not the place to do that. So we need to get back to the focus of what we are here about today, and that is authorizing the defense of the United States of America.

I appreciate the gentleman's support for the rule. I appreciate his support, which he says is unusual for the underlying bill. I also agree with him, as I heard the gentleman from Oklahoma agree with him, about the need for us in the future to address an authorization for the use of military force in the Middle East.

I don't know what the authorization is under law for what we are undertaking today in Yemen, what we are undertaking today in Libya, or what we are undertaking today in other countries like Somalia. I hope the new administration will take a complete

new look at that and come to us and tell us what they think a real strategy for success and victory is. Now, that is something we could all get together and authorize. This is not the piece of legislation to address it, and I appreciate the fact that my friend is willing to drop his concerns about that to support it.

We are here to do one very important thing—and it is the most important thing that the Congress does—and that is to provide for the defense of the American people, pure and simple. This rule, the underlying legislation, does that.

There is more work to be done at the beginning of next year, and I hope and am confident that there will be a real effort to come back and do that. At this point in time, it is important that we move forward with this National Defense Authorization Act for the 55th straight year.

Mr. Speaker, I again urge my colleagues to support House Resolution 937 and the underlying bill.

The material previously referred to by Mr. MCGOVERN is as follows:

AN AMENDMENT TO H. RES. 937 OFFERED BY
MR. MCGOVERN

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

SEC. 2. 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. 5386) to amend the Federal Election Campaign Act of 1971 to require candidates of major parties for the office of President to disclose recent tax return information. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means and the chair and ranking minority member of the Committee on House Administration. 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. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 5386.

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.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further pro-

ceedings on this question will be postponed.

□ 1300

PERMISSION TO POSTPONE PROCEEDINGS ON MOTION TO RECOMMIT ON H.R. 6392, SYSTEMIC RISK DESIGNATION IMPROVEMENT ACT OF 2016

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to recommit on H.R. 6392 may be subject to postponement as though under clause 8 of rule XX.

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

There was no objection.

SYSTEMIC RISK DESIGNATION IMPROVEMENT ACT OF 2016

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 934, I call up the bill (H.R. 6392) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to specify when bank holding companies may be subject to certain enhanced supervision, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 934, the bill is considered read.

The text of the bill is as follows:

H.R. 6392

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Systemic Risk Designation Improvement Act of 2016".

SEC. 2. TABLE OF CONTENTS.

The table of contents for the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5301 et seq.) is amended by striking the item relating to section 113 and inserting the following:

"Sec. 113. Authority to require enhanced supervision and regulation of certain nonbank financial companies and certain bank holding companies."

SEC. 3. REVISIONS TO COUNCIL AUTHORITY.

(a) PURPOSES AND DUTIES.—Section 112 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5322) is amended in subsection (a)(2)(I) by inserting before the semicolon ", which have been the subject of a final determination under section 113".

(b) BANK HOLDING COMPANY DESIGNATION.—Section 113 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5323) is amended—

(1) by amending the heading for such section to read as follows: "AUTHORITY TO REQUIRE ENHANCED SUPERVISION AND REGULATION OF CERTAIN NONBANK FINANCIAL COMPANIES AND CERTAIN BANK HOLDING COMPANIES";

(2) by redesignating subsections (c), (d), (e), (f), (g), (h), and (i) as subsections (d), (e), (f), (g), (h), (i), and (j), respectively;

(3) by inserting after subsection (b) the following:

"(c) BANK HOLDING COMPANIES SUBJECT TO ENHANCED SUPERVISION AND PRUDENTIAL STANDARDS UNDER SECTION 165.—

"(1) DETERMINATION.—The Council, on a nondelegable basis and by a vote of not fewer than ¾ of the voting members then serving, including an affirmative vote by the Chairperson, may determine that a bank holding company shall be subject to enhanced supervision and prudential standards by the Board of Governors, in accordance with section 165, if the Council determines, based on the considerations in paragraph (2), that material financial distress at the bank holding company, or the nature, scope, size, scale, concentration, interconnectedness, or mix of the activities of the bank holding company, could pose a threat to the financial stability of the United States.

"(2) CONSIDERATIONS.—In making a determination under paragraph (1), the Council shall use the indicator-based measurement approach established by the Basel Committee on Banking Supervision to determine systemic importance, which considers—

"(A) the size of the bank holding company;

"(B) the interconnectedness of the bank holding company;

"(C) the extent of readily available substitutes or financial institution infrastructure for the services of the bank holding company;

"(D) the global cross-jurisdictional activity of the bank holding company; and

"(E) the complexity of the bank holding company.

"(3) GSIBS DESIGNATED BY OPERATION OF LAW.—Notwithstanding any other provision of this subsection, a bank holding company that is designated, as of the date of enactment of this subsection, as a Global Systemically Important Bank by the Financial Stability Board shall be deemed to have been the subject of a final determination under paragraph (1).";

(4) in subsection (d), as so redesignated—

(A) in paragraph (1)(A), by striking "subsection (a)(2) or (b)(2)" and inserting "subsection (a)(2), (b)(2), or (c)(2)"; and

(B) in paragraph (4), by striking "Subsections (d) through (h)" and inserting "Subsections (e) through (i)";

(5) in subsections (e), (f), (g), (h), (i), and (j)—

(A) by striking "subsections (a) and (b)" each place such term appears and inserting "subsections (a), (b), and (c)"; and

(B) by striking "nonbank financial company" each place such term appears and inserting "bank holding company for which there has been a determination under subsection (c) or nonbank financial company";

(6) in subsection (g), as so redesignated, by striking "subsection (e)" and inserting "subsection (f)";

(7) in subsection (h), as so redesignated, by striking "subsection (a), (b), or (c)" and inserting "subsection (a), (b), (c), or (d)"; and

(8) in subsection (i), as so redesignated, by striking "subsection (d)(2), (e)(3), or (f)(5)" and inserting "subsection (e)(2), (f)(3), or (g)(5)".

(c) ENHANCED SUPERVISION.—Section 115 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (12 U.S.C. 5325) is amended—

(1) in subsection (a)(1), by striking "large, interconnected bank holding companies" and inserting "bank holding companies which have been the subject of a final determination under section 113";

(2) in subsection (a)(2)—

(A) in subparagraph (A), by striking "or" at the end and inserting a period;

(B) by striking "the Council may" and all that follows through "differentiate" and inserting "the Council may differentiate"; and

(C) by striking subparagraph (B); and

(3) in subsection (b)(3), by striking "subsections (a) and (b) of section 113" each place