

That is right, ghost soldiers, salaries being paid to soldiers that do not exist.

We have spent \$20 billion supposedly training and arming this Iraqi Army. Right now there is a request for another \$1.2 billion. The time has come to stop supporting this corrupt government. The money for the 50,000 soldiers was going into the pockets of the military and government officials.

Mr. Speaker, my friends, it is time to put an end to this. Give our taxpayers some relief. Use this money to rebuild America and recognize the fact that we have no friends in this conflict. The money, the arms that we send inevitably end up being used against us and contributing to the violence and contributing to the extension and the continuation of this tragic and senseless war and waste of human and financial resources.

It is time to put an end to it.

#### IRANIAN NUCLEAR SANCTIONS

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

Mr. PERRY. Mr. Speaker, the day following the announcement of a 7-month extension to nuclear talks, Khamenei's Supreme Leader, Ayatollah Khamenei, did a victory lap. He said, "In the nuclear issue, America and colonial European countries got together and did their best to bring the Islamic Republic to its knees, but they could not do so, and they will not be able to do so."

These remarks are incredibly disturbing, especially when coupled with his earlier intention of building 100,000 centrifuges. The Iranian regime is essentially bragging that they are running circles around Western negotiators by achieving sanctions relief without indicating any change in behavior.

The economic effects of tough sanctions brought Iran to the negotiating table to begin with. We must continue to hold Iran's feet to the fire with economic sanctions. To do otherwise plays right into Iran's hands and may force our allies in the region, particularly Israel, to take matters into their own hands.

□ 0915

#### NATIONAL DEFENSE AUTHORIZATION ACT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, I rise in support of the public lands provisions in the National Defense Authorization Act that we are considering this morning. This is important to the security of all of our country, even if there are some provisions with which I have significant disagreement.

I am pleased, while the focus is on our national security—important, espe-

cially, to families in San Antonio, whom I represent in what we know as "Military City"—that with this bill we are joining another aspect that is very important to Bexar County, which is the Alamo part of Bexar County, the Alamo City as well. This bill includes a provision that I passed here in the House on June 3 of last year to expand the San Antonio Missions National Historical Park. San Antonio has a unique collection of Spanish colonial resources, the largest of any place in the United States.

Since the House passed this legislation, it has lingered in the Senate; and now, through bipartisan agreement, we have included it in this particular piece of legislation, along with some other parks and natural resource matters. The legislation will now allow us to move forward with our World Heritage status for the Missions, and it will protect our cultural heritage and advance our economic future in San Antonio.

#### PROVIDING FOR CONSIDERATION OF THE SENATE AMENDMENT TO H.R. 3979, PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014; PROVIDING FOR CONSIDERATION OF H.R. 5759, PREVENTING EXECUTIVE OVERREACH ON IM- MIGRATION ACT OF 2014; AND PROVIDING FOR CONSIDERATION OF H.R. 5781, CALIFORNIA EMER- GENCY DROUGHT RELIEF ACT OF 2014

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 770 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 770

*Resolved*, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3979) to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chair of the Committee on Armed Services or his designee that the House concur in the Senate amendment with an amendment consisting of the text of Rules Committee Print 113-58 modified by the amendments printed in part A of the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5759) to establish a rule of construction clarifying the limitations on executive authority to provide certain forms of immigration relief. All points of order

against consideration of the bill are waived. The amendment in the nature of a substitute printed in part B of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5781) to provide short-term water supplies to drought-stricken California. All points of order against consideration of the bill are waived. The amendment printed in part C of the report of the Committee on Rules accompanying this resolution shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit with or without instructions.

SEC. 4. The chair of the Committee on Armed Services may insert in the Congressional Record at any time during the remainder of the second session of the 113th Congress such material as he may deem explanatory of defense authorization measures for the fiscal year 2015.

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

Mr. NUGENT. 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. NUGENT. 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 Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, House Resolution 770 provides for the consideration of the National Defense Authorization Act for fiscal year 2015. It also allows for the consideration of the Executive Amnesty Prevention Act and for the California Emergency Drought Relief Act, a bill that would provide short-term water supplies to drought-stricken California. This combined rule is necessary because Congress is coming to a close, and we need to get our work done.

One of the outstanding items that is most important to me is the 2015 NDAA. Mr. Speaker, I was proud to stand on the House floor in May when the House passed its version of the 2015 NDAA. I was happy to highlight the inclusive and transparent process that

the Armed Services Committee and the House, as a whole, took in crafting this year's National Defense Authorization Act.

We held countless hearings and heard hours of testimony from our combatant commanders. We worked a lot of late nights within the House Armed Services Committee. In the committee alone, the NDAA was amended 155 times. When the bill moved to the House floor, it was again amended, and another 160 amendments were considered.

It was careful. It was deliberate. It was an open process. It is precisely how the House and this Congress should work. When the NDAA passed this body, I was proud of what we produced, and I was really proud of the process that we took to get there.

The Senate, though, is absolutely different. As is so often the case, they didn't act. They either couldn't pass a bill, or they just chose not to; either way, it is a shame. They left us with a mess now that we have to resolve. Eventually, a final product was crafted at the last minute between House and Senate staffers.

It was not done in conference because the Senate never passed a bill. It was not done in conference because the Senate just ignored the fact that the NDAA was a priority for this country in order to make sure that we funded and equipped those soldiers and airmen and sailors and marines who fight the fight for this country. They ignored it.

When you don't get to conference, which is where you have Members argue the points of either piece of legislation—whether it is a Senate bill or a House bill—it really does a disservice to our men and women who fight for this country because they don't get to hear the arguments and they don't get to see the arguments. That is unfortunate.

We go through all of the motions. In the House, we get it right, in the House, through the appropriations process, but then again, through the process of the NDAA, we get it right. We have those hearings. We take the testimony, and we listen to those who are most affected. The Senate, I don't know what they do, but they honestly, in my estimation, didn't care enough to get it done for whatever reason.

As a member of HASC, we did an awful lot of work just to get a product to the floor, and when it left HASC, it was unanimous. When it came to the floor, there were 160 times that people had the opportunity to amend it and change it and prove it and add things that they thought were necessary for the defense of their country. Once again, the Senate just ignored that process, and that is unfortunate.

Congress, as a whole, is harmed by this process. More importantly, it is the troops who are harmed by a process that is broken. It is the troops. We are not out there in harm's way, but they are. We owe them better. I think the House has done that. I think the House

has actually done everything in its power to make it right with the troops whom we put in harm's way, but the Senate doesn't seem to care, and that is troubling to me.

I am concerned about our warfighters. We are their voice. As Members of Congress, we are their voice. We are the elected Representatives of the people, but they are citizens, too, so we are representing them. We are their voice, and they need to be heard on every issue.

Unfortunately, the NDAA is not everything that everybody wants, and I get it. It is always a compromise, and I get that, but we need to show more solidarity with our warfighters, so they know that their voice is being heard here in the Capitol. I fear that, because the Senate botched the process, their voice didn't come through as loudly as it should have.

Mr. Speaker, the rule also allows the House to consider the Executive Amnesty Prevention Act. This legislation, if enacted, would nullify the President's recent executive action.

Regardless of whether you agree or disagree with the policy goal of the President's, every Member of Congress ought to be concerned about what it means when he takes that type of action, of unilaterally ignoring Congress. If you look at our article I powers, we are elected to pass laws. We are elected to do that.

The President is elected to faithfully execute the laws that are passed by Congress. It doesn't matter if the House did or did not do what the President requested. It doesn't give him the unilateral action to go ahead and say, "Do you know what? I can just do it on my own." That is what this bill addresses.

This Nation has benefited by this delicate balance that we have in our government. It benefits every day when we do things the right way. The Constitution is our guiding principle. It is our guiding document.

You just can't say, "Do you know what? I want to do it differently because I disagree with what the legislative branch is or is not doing." That is not appropriate. It is not the way the Founding Fathers crafted it.

The Executive does not have the power to write law; we do. We need to reestablish our rights as elected Representatives of the people to craft laws that affect the people of the United States of America.

It is really just beyond frustrating as all of us, Democrats and Republicans alike, should be jealously guarding our article I powers because it matters not whether it is a Republican President or a Democratic President. This institution matters. Otherwise, what are we doing here? Otherwise, why are the American people voting every 2 years to send Representatives to this body to ensure that the Constitution is upheld and followed?

It is not meaningless. It is important. As I said before, the legislative

versus the Executive issue shouldn't be a Democrat versus a Republican issue. It should be the fact that we should guard the rights and privileges that have been extended to us because of our being elected to this body.

I support the rule because it is important that we have a healthy debate on all of the issues that have been outlined, and I urge my colleagues to do the same.

I reserve the balance of my time.

□ 1030

Mr. MCGOVERN. Mr. Speaker, I thank the gentleman from Florida (Mr. NUGENT) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I rise in strong opposition to this convoluted closed rule, which includes a huge defense bill, a partisan anti-immigrant bill, a California water bill, and, from out of nowhere, an Arizona land exchange bill all in one.

The gentleman from Florida is praising this Congress as somehow being open. The fact of the matter is this is the most closed Congress in the history of the United States of America. This is appalling the way this House of Representatives has been run. Routinely, important, vital issues are shut out from debate on the House floor, and what we are talking about here today is no exception.

The rule includes the FY2015 National Defense Authorization Act. I am pleased that the NDAA establishes the Blackstone River Valley National Historical Park, but this version of the NDAA also authorizes over \$500 billion for the Pentagon's base budget and, on top of that, includes an additional \$63.7 billion for the Pentagon slush fund to finance the continuing war in Afghanistan and the new war in Iraq and Syria against the Islamic State.

Once again, Congress is failing to do its job because, once again, this bill continues to fund two wars for years to come without Congress authorizing either one.

First, Afghanistan. We are ostensibly pulling out of Afghanistan in just 3 weeks, but, in fact, we are leaving about 10,000 troops behind for the next several years. Congress has the responsibility to authorize this new mission. We just can't continue the same-old, same-old.

Mr. Speaker, I will insert, for the RECORD, a Reuters article, entitled, "Obama Widens Post-2014 Combat Role for U.S. Forces in Afghanistan."

It doesn't sound like we are winding down anything.

[From reuters.com, Nov. 23, 2014]

OBAMA WIDENS POST-2014 COMBAT ROLE FOR U.S. FORCES IN AFGHANISTAN

(By Steve Holland and Mirwais Harooni)

President Barack Obama has approved plans to give U.S. military commanders a wider role to fight the Taliban alongside Afghan forces after the current mission ends

next month, a senior administration official said.

The decision made in recent weeks extends previous plans by authorizing U.S. troops to carry out combat operations against the Taliban to protect Americans and support Afghanistan's security forces as part of the new ISAF Resolute Support mission next year.

Obama had announced in May that U.S. troop levels would be cut to 9,800 by the end of the year, by half again in 2015 and to a normal embassy presence with a security assistance office in Kabul by the end of 2016.

Under that plan, only a small contingent of 1,800 U.S. troops was limited to counter terrorism operations against remnants of al Qaeda. The new orders will also allow operations against the Taliban.

"To the extent that Taliban members directly threaten the United States and coalition forces in Afghanistan or provide direct support to al Qaeda, we will take appropriate measures to keep Americans safe," the official said.

A report by the New York Times late on Friday said the new authorization also allows the deployment of American jets, bombers and drones.

The announcement was welcomed by Afghan police and army commanders after heavy losses against the Taliban this summer.

"This is the decision that we needed to hear . . . We could lose battles against the Taliban without direct support from American forces," said Khalil Andarabi, police chief for Wardak province, about an hour's drive from the capital and partly controlled by the Taliban.

Afghan government forces remain in control of all 34 provincial capitals but are suffering a high rate of casualties, recently described as unsustainable by a U.S. commander in Afghanistan.

More than 4,600 Afghan force members have been killed since the start of the year, 6.5 percent more than a year ago. Despite being funded with more than \$4 billion in aid this year, police and soldiers frequently complain they lack the resources to fight the Taliban on their own.

"Right now we don't have heavy weapons, artillery and air support. If Americans launch their own operations and help us, too, then we will be able to tackle Taliban," said senior police detective Asadullah Insaifi in eastern Ghazni province.

The Taliban said it is undeterred by the U.S. announcement.

"They will continue their killings, night raids and dishonor to the people of Afghanistan in 2015. It will only make us continue our jihad," Taliban spokesman Zabihullah Mujahid said.

Mr. MCGOVERN. Twice now, Ranking Member ADAM SMITH, Congressman WALTER JONES, and I have tried to offer an amendment requiring a vote next March to authorize any post-2014 deployment of U.S. troops in Afghanistan, and twice, the leadership of this House has refused to allow our amendments to come to the floor.

What is the leadership afraid of? Why do they refuse to allow a debate and a vote on authorizing America's post-2014 mission in Afghanistan? Don't we owe it to the troops who are going to be there? Don't we owe it to their families?

The gentleman from Florida talks about that we need to be the voice of our troops. Well, we are not the voice of our troops. We are ducking these im-

portant debates. It is shameful. We are letting our troops down. We are better than this, and we ought to be debating and voting on these important issues.

We are also at war against the Islamic State. On July 25, this House overwhelmingly passed a resolution that I offered that if the U.S. were involved in sustained combat operations in Iraq, Congress should vote and enact an authorization. Mr. Speaker, 370 Members of this House voted for that resolution.

Two weeks after that vote, we began bombing Iraq. We have been bombing Iraq nearly every day for the past 4½ months. We have increased the number of U.S. troops in Iraq to around 3,000. On September 22, we started bombing Syria. We have flown scores of bombing missions over Syria over the last 2 months.

We bomb Iraq and Syria as part of our coordinated military operations with the Iraqi military and Kurdish military forces. We bomb to protect infrastructure, and we bomb to target towns and camps harboring Islamic State forces. If that is not being involved in sustained combat operations, I don't know what is.

The war against ISIL began under this Congress. It has escalated under this Congress. It has expanded from Iraq to Syria and now, maybe, to Turkey under this Congress. It is the responsibility, the constitutional responsibility of this Congress, the 113th Congress, to authorize it. And yet while the bill authorizes the money to carry out this war, it does not allow us a "yes" or "no" vote on actually authorizing the war.

Now, last night in the Rules Committee, I offered amendments to limit funding for the Iraq/Syria war until Congress enacted an authorization to ensure that U.S. ground troops in Iraq would not engage in combat operations. Both were rejected. Both were rejected.

Mr. Speaker, enough is enough. It is the institutional and constitutional duty of the Congress of the United States to decide matters of war and peace. It is time for the leadership of this House to step up to the plate and bring an authorization to the floor. It is time to debate it and vote on it before the 113th Congress adjourns. No more excuses. No more whining. Just do it.

The rule also includes H.R. 5759, the Preventing Executive Overreach on Immigration Act. Give me a break, Mr. Speaker. Give me a break. For over a year and a half, a Senate-passed bipartisan comprehensive immigration reform bill has been awaiting House action. All it needs is a House Republican leadership with the political backbone to take it up because we all know that the votes are there. We could pass it today or tomorrow or next week. We could put an end to all this rancor, all the nasty sound bites by simply doing what we are paid to do: debating and voting on major pieces of legislation.

I would say to my friends on the other side of the aisle, if you don't want the Executive to take administrative action, then start acting like a real Congress. There is still time before we leave town for the holidays. Stop this farce. Take up the Senate bill, pass it, and send it to the President for signature.

Mr. Speaker, whether it comes to issues of war and peace or whether it comes to major issues like comprehensive immigration reform, the answer is simple: all we need to do is our job.

I urge my colleagues to defeat this ridiculous triple-closed rule, and I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield 5 minutes to the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. Mr. Speaker, I thank my friend from Florida for yielding.

I want to talk a little bit about the legislation and then the rule itself.

It is not unusual that we are at a difficult moment near the end of the session and have must-pass legislation. And the main portion of this legislation, the National Defense Authorization Act, is actually very good and very bipartisan. Frankly, it was passed out of committee with overwhelming votes from both sides of the aisle. We all know that the chairman and the ranking member, who are two of our most distinguished Members, work very well together. Like anything in a \$500 billion bill, I could quibble with this or that, but the reality is I favor the legislation. I have no problem supporting it and the rule that moves it forward.

I also want to agree with my friend from Massachusetts (Mr. MCGOVERN). I have the same concerns he does about the authorization for military action. I jointly signed a letter with him to that effect. I look forward to continuing to work with him to that effect because he is precisely right that we need to address this. I think the appropriate way is a full authorization debate, not an amendment, but my friend certainly states his case eloquently.

We also have a major lands bill appropriated with this. Most of that bill is really pretty noncontroversial. Most of it went through committee or a lot of it across the floor. There are a lot of good things in there and things that I find very easy to support.

There is a particular portion, however, that I do oppose, and that is section 3003, as I recall. But it is basically a copper mining issue in southeast Arizona, where we have two Indian tribes that have sacred sites in this area, on what is now Federal land, and they have opposed this legislation.

Now, this legislation was debated on this floor in stand-alone legislation and was then pulled because the votes were not here to pass the legislation. So we are passing, by rule, a bill that the majority in this House did not support.

Fortunately, the bill is somewhat different. There are a couple of things that have been added: a consultation

with the tribes in question, a stronger environmental review. Whether this is window dressing or sincere is hard to know. But I am going to urge the tribes in question to use the consultation fully and aggressively, and I am going to urge the Federal agencies that are responsible for the environmental considerations here to be extraordinarily aggressive in their oversight. We do have a trust responsibility when it comes to sacred sites on Federal lands—or non-Federal lands, for that matter. We have a governmental responsibility.

This is a bill, remember, that did not make it across this floor, and it has never been considered by the United States Senate on the floor. Frankly, if that bill couldn't make it across this House, I very seriously doubt it would have made it across the floor in the Senate. So we really have the rules in the sense, I think, thwarting the majority opinion inside the Congress, and that is unfortunate.

However, speaking personally, when you serve as a member of the majority on the Rules Committee—and I was given extraordinary latitude last night to try to change this rule in a way that would have stripped this particular provision and did vote against the rule in committee—when you are given that responsibility, once the committee makes its decision, you also have a responsibility to accept the decision that has been made.

I also have the great privilege, on my side of the aisle, of serving as a deputy whip, and that usually requires that you support the rule, that you support your party, which is pretty routine on procedural matters on both sides of the aisle. In 12 years, I have never voted against a rule that my own party put on the floor, even if I had disagreements with it. And I do have disagreements; but in the end, I will support the rule, with reservations.

I hope that the provisions that are in the law—to be fair to the authors that have been added since that legislation—will give us some avenues, but I think we ought to reflect long and hard over using this kind of procedural mechanism in this way.

On our side of the aisle, we would like to think we are going to be a different kind of Congress and have been a different kind of Congress, and we can always play the back-and-forth. We have got plenty of gotchas for the other side in terms of how they used rules when they were in the majority. But if we are going to do things differently, it needs to start someplace. So I wanted to come down here and highlight this as, I think, a mistake but make it clear, at the end of the day, I support the rule that the committee arrived at.

I will be looking forward to working with my friend from Massachusetts on his particular concerns about authorization. I will be looking forward and really watching this issue in Arizona with a great deal of concern, and I will

continue to push aggressively that we change the manner in which we operate.

Mr. MCGOVERN. Mr. Speaker, the American people would be better served if we addressed our broken immigration system. And if we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 15, the immigration reform bill.

To discuss our proposal, I yield 2 minutes to the gentleman from Colorado (Mr. POLIS), a member of the Rules Committee.

Mr. POLIS. Mr. Speaker, the motion that the gentleman from Massachusetts (Mr. MCGOVERN) will make might be our last opportunity in this Congress to pass comprehensive immigration reform. We have a bipartisan bill right here in the House of Representatives. It is called H.R. 15. It is almost identical to the Senate bill that passed with more than two-thirds Republicans and Democrats supporting immigration reform.

What does that mean? This is a bill that secures our border. This is a bill that creates over 200,000 jobs for American citizens. This is a bill that restores the rule of law. This is a bill that has support from the faith community, from the business community, from the labor community, from the law enforcement community. This is a bill that provides a pathway to citizenship for de facto Americans who have lived here, in some cases, for decades, for all of their adult lives. By defeating the previous question, we will have the opportunity to pass that bill.

Mr. Speaker, there is sufficient support here in this body among Democrats and Republicans to pass this bill now for immigration reform, H.R. 15, and actually solve this issue. Because, you know what? There is one thing that I think Democrats and Republicans can agree on: what the President has done with his executive actions doesn't solve the entire immigration issue. Yes, people are discussing whether they think it helps or hurts, whether they think it is illegal or legal—even though it is clearly contemplated in statute with regard to the authority given to the Secretary with regard to prioritization—but it doesn't solve it.

The President alone can't establish border security. We need an appropriation and a plan from the United States Congress—that we have in the bill that will pass if we can defeat the previous question, per the Mr. MCGOVERN's motion.

Mr. Speaker, immigration is a challenging issue for our country and is challenging for a lot of reasons. We are a nation of laws. We are also a nation of immigrants. We need to reconcile those two. We need to ensure that we have an immigration system that reflects our values as Americans, and that is good for our economy and for job creation and restores the rule of law. We can accomplish that right here, right now; send the bill back to the Senate, where I believe they will

ratify it, and on to the President to address this issue once and for all, rather than have a sideshow of a discussion about just fixing a little bit around the edges.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Kentucky (Mr. MASSIE).

□ 0945

Mr. MASSIE. Mr. Speaker, on June 19, 2014, the House of Representatives passed a historic amendment to the fiscal year 2015 Department of Defense Appropriations Act. The amendment was offered by myself and Ms. LOFGREN, along with several of our House colleagues.

Our amendment blocks government bureaucrats from performing backdoor warrantless searches of the private email content and telephone calls of U.S. citizens. The amendment also prohibits the NSA and CIA from requiring technology companies to place backdoors in their products.

Our amendment passed the House by an overwhelming bipartisan and veto-proof majority of 293-123. Now, some of those who did not vote for the amendment told me that they thought the proper place for this amendment was in the NDAA, not in an appropriations act, and I tend to agree with them. I would like to see that in the NDAA, but our only opportunity was to put it into the appropriations bill.

There has been some discussion, unfortunately, of recent talk, if you will, that this amendment will be stripped from the omnibus. If that is the case, I think it does belong in the NDAA this year because this is the bill that authorizes these programs that we have heard so much about.

Americans were horrified to learn that the government was spying on them without even bothering to get a warrant, and the overwhelming number of Members who voted in favor of the Massie-Loftgren amendment did so because they listened to their constituents. I would hope we would listen to our constituents today, include provisions to reform the NSA, particularly the provision to stop the backdoor warrantless spying on Americans in this NDAA.

Mr. Speaker, I thank the gentleman for yielding time, and I urge you to include this in the underlying bill.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague for yielding.

Mr. Speaker, I rise today to highlight one provision of this National Defense Authorization Act that hasn't gotten much attention but that will make an important difference in the lives of many new moms who happen to be in the military.

Over the years I am proud to have worked with my colleagues to make our military and veterans' health care programs more responsive to the unique needs of women. Far too many

barriers to optimal health care remain, and that is why I am so pleased that my TRICARE Moms Improvement Act was incorporated into this bill.

Health care providers overwhelmingly recommend that new moms exclusively breast-feed their infants. But we know that despite their good intentions, far too many women who want to breast-feed their babies find the cost of lactation supplies and the lack of support to be a barrier to that choice. And while most women covered by private insurance do have access to these services, women with TRICARE do not.

My TRICARE Moms Improvement Act included in this year's defense authorization bill would end that disparity and that discrepancy. We must do all we can to support our servicemembers and their families, and this is one small but meaningful way to do just that.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman for yielding and the privilege to address you, Mr. Speaker.

Mr. Speaker, I rise to address the underlying bill that we refer to around this Hill now as the Yoho bill, H.R. 5759. I appreciate the gentleman from Florida for drafting this bill. He and I are consistent in our philosophy, our constitutional understanding, and our approach.

I would say, though, that the bill moved a little bit from the time that it was first presented. It had the word "amnesty" in the title. It said, "Preventing Executive Amnesty on Immigration Act." Now it says, "Preventing Executive Overreach." This tones it down a little for me.

It also addresses the subject called prosecutorial discretion. And it says in the bill it "ought to be applied on a case-by-case basis and not to whole categories of persons." Mr. Speaker, prosecutorial discretion can only be applied on a case-by-case basis. It cannot create whole classes or categories of persons and exempt them from the application of the law.

So I want to make sure this CONGRESSIONAL RECORD is clear that this bill doesn't endorse the idea that we are suggesting prosecutorial discretion is anything other than what it actually is, and that is on a case-by-case basis.

It says also:

No provision shall be interpreted or applied to authorize the executive branch to exempt categories of persons unlawfully present.

I agree with that. But:

Any action by the executive branch with the purpose of circumventing the objectives of the preceding sentence shall be null and void and without legal effect.

That is nice. This bill amounts to a resolution, a resolution of disagreement with the President. I don't think it makes it clear enough that the President has clearly violated the Constitution of the United States. I don't want this to be in the RECORD as something that is ambiguous.

I would also point out, Mr. Speaker, the President knows the law. He taught the Constitution for 10 years. For 22 times he said—at least that we know of—into the public record, into the videotape, that he didn't have the authority to do what he did. And so if the President has so little respect for his own opinions, my point would be, how would he have a lot of respect for this bill? And so I encourage the gentleman. I thank him for offering it.

Mr. McGOVERN. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I want to just be clear about one thing. The President did not create this problem. The cowardice of the House Republican leadership created this crisis. Over 1½ years after the Senate passed an overwhelmingly bipartisan, comprehensive immigration bill, this House, Mr. Speaker, has failed to bring it up and debate it. If there is a crisis of leadership, then it is here in this House.

At this point, I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. I thank the gentleman for yielding.

Mr. Speaker, I rise to highlight a significant provision in the defense authorization bill, and this is language that is based on H.R. 2015, the Las Vegas Valley Public Lands and Tule Springs Fossil Beds National Monument.

This important legislation will enact a number of land conveyances across southern Nevada, including over 400 acres for the Nellis Air Force Base used for critical training missions. In addition, the legislation will protect nearby lands that contain fossil beds dating back thousands of years to the Ice Age.

Mr. Speaker, this bipartisan legislation enjoys the support of the entire Nevada delegation as well as the Las Vegas Metro Chamber of Commerce, county and local officials, education institutions, local tribal governments, and area environmentalists.

For years we have been working with leadership in the House and Senate to advance this legislation, which will strengthen our national security mission at Nellis, promote economic development for southern Nevada, and preserve our national history for generations to come.

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

Mr. McGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. VAN HOLLEN), the distinguished ranking member of the Committee on the Budget.

Mr. VAN HOLLEN. Mr. Speaker, this legislation, the defense authorization bill, is now 1,648 pages, and we are being told on the floor of the House that we either vote for the whole thing or nothing because we are not given a chance for any amendments in between. There are some hugely consequential decisions being made for our national defense in this bill on issues of war and peace.

It was just last September the President increased the number of American

troops in Iraq to help train and equip the Iraqi and Kurdish forces there. Mr. McGOVERN, Mr. JONES, and I have a bipartisan amendment saying that U.S. ground forces in Iraq should not be engaged in combat operations going forward. The President has asserted authority under the AUMF. That is a blank check. We don't think there should be a blank check for the executive. This body should vote to make it clear that U.S. forces can't be involved in another ground war in Iraq.

There is also a bipartisan amendment offered by Mr. DENT from Pennsylvania, myself, and others that says we should vote on the question of whether we should now arm the so-called moderate Syrian rebels for 2 years at a price of \$500 million or up. Now, whether you are for or against it, we should have a vote.

Mr. Speaker, I happen to think it is a bad idea. We are not going to be able to successfully micromanage the Syrian civil war. The target of those forces is not ISIS. So in the process, we are actually going to be inadvertently strengthening ISIS. But whether you agree with me on that or not, for goodness' sake, we should have an amendment that has this body make a choice. That is what we are here for, I thought, making important policy decisions for the country on questions of war and peace. We owe it to our troops, and we owe it to the American people to actually debate and vote on these consequential decisions instead of a 1,600-plus page bill that comes to the floor and doesn't give us that opportunity.

So since we don't have that opportunity, I am going to vote "no" on the defense authorization bill. I don't like to do that, but it is irresponsible and reckless for this House not to vote on these important issues separately.

Mr. NUGENT. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. SESSIONS), the chairman of the Rules Committee.

Mr. SESSIONS. Mr. Speaker, I thank the distinguished gentleman from Florida—who, by the way, Mr. Speaker, has three sons who serve or who have served in the United States military—who yesterday so adequately expressed really the concerns of not only a Member of Congress, a father, a proud American, but of a man who wants and needs America to lead in this world rather than follow.

Yesterday—or it turned into last night—in the Rules Committee, we spent a good bit of time that I think, Mr. Speaker, was very thoughtful, and on a bipartisan basis Members of this body expressed deep and dear reservations about actually where we are as a country, where our men and women are in harm's way, the mission and the purpose of what we are attempting to accomplish overseas.

Mr. Speaker, America has adversaries and also enemies. We have people who would do terrible things not just to their own people in foreign countries, but who want to engage the

United States to draw us into further conflict. The United States is without, in my opinion, and I think others', a strategic and tactical plan that would effectively be understood by Congress and the American people.

Yesterday—that turned into last night—we had Members of this body on a bipartisan basis who showed up at the Rules Committee to politely and professionally express their reservations about our funding through the National Defense Authorization Act what is considered to be a year or 2-year long process of funding without a clear mark, a clear understanding, about what we are agreeing to.

Mr. Speaker, I found myself not just agreeing with the likes of Mr. MCGOVERN and others who spoke about a need for us to know what we are doing, but I found great confidence when we had the gentleman from Colorado, MIKE COFFMAN, who showed up and spoke about the unrelenting and unending fraud on behalf of other countries taking American tax dollars.

The problem is that we are debating this without any real discussion because our friends on the other side of this building are not willing to engage us on the issue. So we are viewing this in a difficult way today.

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

Mr. NUGENT. I yield the gentleman an additional 30 seconds.

Mr. SESSIONS. I thank the gentleman from Florida, a member of the Rules Committee.

I want to show up and to say to you, Mr. Speaker, the American people, and Members—as they are trying to prepare for what we are attempting to do today with this document—that in January there is going to be a reorganization and discussion around this exact same issue where we will have a partner in the United States Senate with thoughtful content.

Mr. Speaker, I will end here. If the Chinese, the Russians, and the Iranians can establish a policy of where they are in these dangerous areas, the United States should also. We need leadership, and it will happen starting January 5.

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

Mr. Speaker, I appreciate the words of the distinguished chairman of the Rules Committee. And he is correct. We were in a meeting yesterday for quite some time—over 6 hours—in the Rules Committee discussing multiple amendments on the defense bill, on the immigration bill, and on other things as well.

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My problem with what happened yesterday is that, after all that talk, we got nothing; not a single amendment is being made in order here. We have yet another closed process.

I appreciate the fact that the Senate can be difficult, but the Senate is not the problem when it comes to the House of Representatives debating and

voting up or down on an AUMF on Iraq or Syria—or any other war for that matter. We can do that ourselves. We don't need anybody to tell us we can do it. We don't need the White House to tell us we can do it. It is our constitutional responsibility.

Yes, we had a long meeting. We had a lot of discussion. It was a spirited discussion, but at the end of it all, we got nothing. I regret that very much because the issues that we talked about last night are very, very serious, and we owe it to the American people, and we owe it to the men and women who we put in harm's way to have these serious discussions, and we are not having that on the floor today.

With that, I yield 2 minutes to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I thank Mr. MCGOVERN. I would like the RECORD to reflect my strong agreement with the views expressed by the gentleman from Maryland (Mr. VAN HOLLEN) earlier about not having amendments in which we can fully discuss as the House the 2-year funding for the Syrian rebel army and also to make sure that we do not have combat troops actively engaged in Iraq.

Mr. Speaker, I am rising right now to strongly state my deep disappointment in a version of the Southeast Arizona Land Exchange Act that was included in the National Defense Authorization.

Here is the National Defense Authorization bill, and in here are some land bills. Now, one of the land bills in particular that has been included in here is extremely controversial. It is non-germane, and it will lead to the destruction of sacred sites for two major tribal nations in our country. When it does that, when it destroys these sacred sites, it benefits a foreign-owned mining company with troubling ties to the Government of Iran.

I would like to submit for the RECORD a long list of tribal organizations and other groups who oppose this proposal because of its direct disregard for Native American sacred and cultural sites, Mr. Speaker.

TRIBES AND TRIBAL ORGS OPPOSED TO H.R.  
687, SE AZ LAND EXCHANGE

TRIBAL ORGANIZATIONS

National Congress of American Indians—the oldest and largest organization representing tribes across the country

National Indian Gaming Association—represents 184 tribes across the country

Inter-Tribal Council of Arizona—represents 20 tribes in Arizona

Apache Coalition—represents Apache tribes in Arizona, New Mexico, Oklahoma

Inter-Tribal Council of Nevada—represents 27 tribes in Nevada

United South and Eastern Tribes—represents 26 tribes in Maine, New York, Connecticut, Massachusetts, Rhode Island, North Carolina, South Carolina, Alabama, Mississippi, Louisiana, Florida, and Texas and based in Tennessee

California Association of Tribal Governments—represents tribal governments in California

Midwest Alliance of Sovereign Tribes—represents 35 tribes in Minnesota, Michigan, Wisconsin, and Iowa

Affiliated Tribes of the Northwest Indians—represents 57 tribes located in Washington, Oregon, Idaho, Southeast Alaska, Northern California, and Western Montana

All Indian Pueblo Council—represents 20 pueblos located in New Mexico and Texas

Eight Northern Indian Pueblos of New Mexico

Great Plains Tribal Chairman's Association—represents 16 tribes in North Dakota, South Dakota, and Nebraska

Coalition of Large Tribes—represents 14 tribes in North Dakota, South Dakota, Montana, Idaho, Arizona, New Mexico, Utah, Washington

Alaska Inter-Tribal Council  
Navajo Nation Human Rights Commission

ALABAMA

Poarch Band of Creek Indians, Alabama

ARIZONA

San Carlos Apache Tribe, Arizona  
Hopi Tribe, Arizona  
Ak-Chin Indian Community, Arizona  
Ft. McDowell Yavapai Nation, Arizona  
White Mountain Apache Tribe, Arizona  
Colorado River Indian Tribes, Arizona  
Cocopah Indian Tribe, Arizona  
Hopi Tribe, Arizona  
Hualapai Tribe, Arizona  
Pascua Yaqui Tribe, Arizona  
Tohono O'odham Nation, Arizona  
Quechan Indian Tribe, Arizona  
Tonto Apache Tribe, Arizona  
Yavapai-Apache Nation, Arizona  
Yavapai Prescott Indian Tribe, Arizona  
Havasupai Tribe, Arizona  
Ft. Mojave Indian Tribe, Arizona, California, and Nevada  
Navajo Nation Council, Arizona, New Mexico, and Utah

CALIFORNIA

Susanville Indian Rancheria, California  
Coyote Valley Band of Pomo Indians, California  
Habematolel Pomo of Upper Lake, California  
Hopland Band of Pomo Indians, California  
Soboba Band of Luiseno Indians, California  
California Valley Miwok Tribe, California  
Santa Rosa Band of Cahuilla Indians, California  
San Manuel Band of Mission Indians, California

CONNECTICUT

Mohegan Tribe, Connecticut

FLORIDA

Miccosukee Tribe of Indians of Florida

IDAHO

Coeur d'Alene Tribe, Idaho  
Shoshone-Bannock Tribes, Idaho

KANSAS

Kickapoo Indian Nation, Kansas

LOUISIANA

Jena Band of Choctaw Indians, Louisiana  
Tunica-Biloxi Tribe, Louisiana

MAINE

Penobscot Indian Nation, Maine

MASSACHUSETTS

Aquinnah Wampanoag Tribe of Gay Head, Massachusetts  
Mashpee Wampanoag Tribe, Massachusetts

MICHIGAN

Saginaw Chippewa Tribe, Michigan  
Sault Ste. Marie Tribe, Michigan

MINNESOTA

Leech Lake Band of Ojibwe, Minnesota  
Prairie Island Indian Community, Minnesota  
Shakopee Mdewakanton Sioux Indian Community, Minnesota

MISSISSIPPI

Mississippi Band of Choctaw Indians, Mississippi



- NEBRASKA  
Santee Sioux Tribe, Nebraska
- NEVADA  
Moapa Band of Paiutes, Nevada  
Shoshone-Paiute Tribes, Nevada and Idaho  
Walker River Paiute Tribe, Nevada
- NEW MEXICO  
Jicarilla Apache Nation, New Mexico  
Mescalero Apache Tribe, New Mexico  
Pueblo of Zuni, New Mexico  
Pueblo of Tesuque, New Mexico  
Pueblo of Santa Clara, New Mexico  
Pueblo of Acoma, New Mexico  
Pueblo of Laguna, New Mexico  
Pueblo of Zuni, New Mexico
- NEW YORK  
Seneca Nation, New York
- NORTH CAROLINA  
Eastern Band of Cherokee Indians, North Carolina
- OKLAHOMA  
Cherokee Nation, Oklahoma  
Ft. Sill Apache Tribe, Oklahoma and New Mexico  
Osage Nation, Oklahoma
- OREGON  
Coos, Lower Umpqua, and Siuslaw Indians  
Coquille Indian Tribe, Oregon
- RHODE ISLAND  
Narragansett Tribe, Rhode Island
- SOUTH CAROLINA  
Catawba Indian Nation, South Carolina
- SOUTH DAKOTA  
Oglala Sioux Tribe, South Dakota
- WASHINGTON  
Confederated Tribes of the Colville Reservation, Washington  
Muckleshoot Indian Tribe, Washington  
Puyallup Tribe of Indians, Washington  
Quinalt Indian Nation, Washington  
Hoh Indian Nation, Washington  
Samish Indian Nation, Washington  
Squamish Indian Tribe, Washington  
Swinomish Indian Tribal Community, Washington
- WISCONSIN  
Bad River Band of Lake Superior Tribe of Chippewa Indians, Wisconsin  
Ho-Chunk Nation, Wisconsin  
Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin  
Oneida Nation, Wisconsin  
Sokaogan Chippewa Community, Wisconsin  
Stockbridge-Munsee Community, Band of Mohican Indians, Wisconsin
- OTHER GROUPS OPPOSING H.R. 687/S. 339, SE AZ LAND EXCHANGE  
Town of Superior  
Queen Valley Golf Association, Queen Valley, Arizona  
Queen Valley Homeowners Association, Queen Valley, Arizona  
Peridot Strategic Tribal Empowerment Prevention Plan  
Arizona Mining Reform Coalition  
American Lands Access Fund  
Arizona Mountaineering Club  
Arizona Native Plant Society  
Arizona Wildlife Federation  
The American Alpine Club—Golden, CO  
Center for Biological Diversity  
Chiricahua-Dragoon Conservation Alliance  
Comstock Residents Association—Virginia City, NV  
Concerned Citizens and Retired Miners Coalition—Superior, AZ  
Concerned Climbers of Arizona, LLC  
Earthworks  
Endangered Species Coalition
- Environment America  
Environment Arizona  
Friends Committee on National Legislation  
Friends of Ironwood Forest—Tucson, AZ  
Friends of the Boundary Waters Wilderness  
Friends of The Cloquet Valley State Forest  
Friends of the Kalmiopsis—Grants Pass, OR  
Friends of Queen Creek  
Gila Resources Information Project  
Grand Canyon Chapter—Sierra Club  
Great Basin Mine Watch  
Groundwater Awareness League—Green Valley, AZ  
High Country Citizens' Alliance—Crested Butte, CO  
Information Network for Responsible Mining—Telluride, CO  
Keepers of the Water—Manistee, MI  
League of Conservation Voters  
Maricopa Audubon Society—Phoenix, AZ  
Ministers' Conference of Winston-Salem, North Carolina & Vicinity  
The Morning Star Institute—Washington, D.C.  
Mount Graham Coalition—Arizona  
Natural Resources Defense Council  
National Wildlife Federation  
Progressive National Baptist Convention  
Religion and Human Rights Forum for the Preservation of Native American Sacred Sites and Rights  
Rock Creek Alliance—Sandpoint, ID  
San Juan Citizens Alliance—Durango, CO  
Save Our Cabinets—Heron, MT  
Save Our Sky Blue Waters—Minnesota  
Save the Scenic Santa Ritas  
Sierra Club  
Sky Island Alliance  
The Lands Council—Spokane, WA  
Tucson Audubon Society  
Water More Precious Than Gold  
Western Lands Exchange Project—Seattle, WA  
Wilderness Workshop  
Wisconsin Resources Protection Council—Tomahawk, WI  
Yuma Audubon Society
- TRIBES AND TRIBAL ORGS WITH RESOLUTIONS/LETTERS OPPOSING H.R. 1904 IN THE 112TH CONGRESS—SAME BILL AS H.R. 687  
National Congress of American Indians  
Inter-Tribal Council of Arizona  
Inter-Tribal Council of Nevada  
United South and Eastern Tribes  
Midwest Alliance of Sovereign Tribes  
Great Plains Tribal Chairman's Association—represents 16 tribes in North Dakota, South Dakota, and Nebraska  
All Indian Pueblo Council  
Eight Northern Indian Pueblos Council, Inc.  
Affiliated Tribes of the Northwest Indians  
Association on American Indian Affairs, Maryland
- ARIZONA  
San Carlos Apache Tribe, Arizona  
White Mountain Apache Tribe, Arizona  
Pascua Yaqui Tribe, Arizona  
Yavapai-Apache Nation, Arizona  
Yavapai-Prescott Indian Tribe, Arizona  
Ft. McDowell Yavapai Nation, Arizona  
Cocopah Indian Tribe, Arizona  
Hopi Tribe, Arizona  
Tohono O'odham Nation, Arizona  
Navajo Nation Council, Arizona, New Mexico, and Utah  
Navajo Nation Human Rights Commission  
Dine (Navajo) Medicine Men's Association  
Ft. Mojave Indian Tribe, Arizona, California, and Nevada
- ALABAMA  
Poarch Band of Creek Indians, Alabama
- ALASKA  
Sealaska Heritage Institute, Alaska
- CALIFORNIA  
Susanville Indian Rancheria, California  
Ramona Band of Cahuilla, California  
Kashia Band of Pomo Indians, California  
Karuk Tribe, California
- COLORADO  
Ute Mountain Ute Tribe, Colorado  
Idaho Shoshone-Bannock Tribes, Idaho
- MICHIGAN  
Saginaw Chippewa Indian Tribe, Michigan
- NEVADA  
Duckwater Shoshone Tribe, Nevada  
Fallon Paiute-Shoshone Tribe, Nevada  
Wells Band Council, Te-Moak Tribe, Nevada
- NEW MEXICO  
Mescalero Apache Tribe, New Mexico  
Jicarilla Apache Nation, New Mexico  
Pueblo of Tesuque, New Mexico  
Pueblo of Picuris, New Mexico  
Pueblo of Santo Domingo, New Mexico  
Pueblo of Santa Clara, New Mexico  
Pueblo of Zuni, New Mexico and Arizona
- WASHINGTON  
Confederated Tribes and Band of the Yakama Nation, Washington  
Confederated Tribes of the Colville Reservation, Washington  
Puyallup Tribe of Indians, Washington  
Skokomish Indian Tribe, Washington  
Muckleshoot Tribe, Washington  
Hoh Indian Nation, Washington
- WYOMING  
Shoshone & Arapaho Tribes, Wyoming
- Ms. MCCOLLUM. Unfortunately, the amendment to strike this provision from the bill offered by the gentleman from Oklahoma (Mr. COLE), who is the cochair of the Native American Caucus along with me—a bipartisan amendment—was totally rejected by the Rules Committee; so, Mr. Speaker, I urge my colleagues to oppose this rule.
- The National Defense Authorization Act should not be used as a vehicle to undermine our commitment to protecting religious liberties for tribal nations where so many of those men and women have proudly fought to serve their country, the United States of America.
- Mr. NUGENT. Mr. Speaker, I think Mr. COLE really addressed the issue. In regards as to how it went down in the Rules Committee, he clearly addressed the issue on this floor in regards to his support of the rule, even though he didn't get everything that he wanted.
- Mr. Speaker, I reserve the balance of my time.
- Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. LEE).
- Ms. LEE of California. Mr. Speaker, I want to thank the gentleman for yielding and for his leadership and for really trying at least to allow many of us with different points of view to have some input into this rule and this bill. Unfortunately, that did not happen at the Rules Committee, so of course, I rise in strong opposition to this rule to provide consideration for the National Defense Authorization Act.
- While I certainly support several elements of this bill, I have grave concerns about the more than \$63 billion in funding for the overseas contingency

operations fund. The OCO account remains a slush fund that allows the Pentagon to circumvent the Budget Control Act, and we still haven't received an audit from the Pentagon.

Every agency has to go through an audit process. What happened at the Pentagon—we still have not received the audit for a lot of reasons that they state, but in a bipartisan way, many of us are urging the Defense Department to come up and show us the numbers, show us what their audit will provide, so the American people know what their taxpayer dollars are paying for.

I also have grave concerns about authorizing any funding for the current war in Iraq and Syria—and, yes, that is a war that is taking place. Congress has not yet debated or authorized this new war. We see more and more troops being sent to the region; and, of course, unintended consequences could put these troops in harm's way and lead to combat operations. I don't believe the American people want to see our brave young men and women in that role.

That is why many of us have called and will call on Congress to live up to its constitutional responsibility and have a full debate on any authorization for any use of military force. We are in a war, Mr. Speaker, and each and every day we see more and more danger. We see more and more warfare take place. Enough is enough.

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

Mr. MCGOVERN. I yield an additional 1 minute to the gentlewoman.

Ms. LEE of California. Mr. Speaker, committing the United States to yet another long-term war in the Middle East, it should never be an afterthought. What we continue to do is authorize, in a variety of bills, the continuation of a war that has not been authorized nor declared.

I know that the American people worry about the world and what is taking place. They know how dangerous the world is. We know that also, and we know that the Pentagon deserves a budget and authorizations that ensure our national security, but we also know that we have a constitutional responsibility to debate the use of force, and in fact, if we believe that that is the course of action that our country should take, then let's have an up-or-down vote.

This really should be the moment that we are debating that because, once we leave here, come January, we don't know what will happen. We don't know how far this war will have expanded, and it will continue to be an unauthorized war.

Congress and the American people deserve to understand the costs and consequences to our national security and to our domestic priorities in fighting this war.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. May I inquire how many additional speakers the gentleman has?

Mr. NUGENT. I have none.

Mr. MCGOVERN. We have a couple, but they are not here yet. I yield myself such time as I may consume.

Mr. Speaker, I am sad to say that this Congress is kind of ending the way it began, under a very closed and restrictive process. As I said earlier, this is the most-closed Congress in the history of the United States of America.

Routinely important issues, issues that impact not just the American people, but that impact the entire world, are denied a debate on the House floor. We are bringing up multiple bills here today all under a very closed process; yet there are some very important issues that need to be debated and to be discussed and to be voted on.

I have crumbling bridges and sewer and water systems in my district that need repair, and I can't get a penny to repair or replace them. We are told that we don't have any money, but we seem to have billions and billions of dollars to throw at these endless wars in Afghanistan and the Middle East.

Mr. Speaker, I enter into the RECORD the November 2 New York Times editorial, "The New War's Rising Cost."

[From the New York Times, Nov. 2, 2014]

THE NEW WAR'S RISING COST

(By the Editorial Board)

The Pentagon disclosed last week that America's ever-shifting new war in the Middle East has cost taxpayers more than half a billion dollars since it began in August. Yet Congress has not bothered to hold a vote to authorize the Obama administration's decision to get into another war.

As the price tag of the military campaign in Iraq and Syria rises, it might seem reasonable to expect that Congress would have to consider the state of the effort and appropriate funding for it. Thanks to the dysfunctional politics of defense budgeting, it turns out Congress won't have to—at least not anytime soon.

As of Oct. 16, the air campaign against the Islamic State, also known as ISIS, had cost \$580 million, according to the Pentagon. The military is paying for the bombing sorties using the Overseas Contingency Operations budget, a flexible fund established for the wars in Iraq and Afghanistan. With the Afghan war drawing to a close this year, the Obama administration had sought to cut that fund from the nearly \$85 billion appropriated for 2014 to \$59 billion for 2015. But because lawmakers were not able to pass a budget in time, the fund will continue at last year's level under a continuing resolution that ends in December and is likely to be extended until the spring.

Authorizing a new defense budget would force lawmakers to take stock of the military action that was initially billed as a limited defensive measure before the White House said that it was likely to last for years. It would also serve as an opportunity to revisit the dubious legal authority the White House is relying on.

American officials continue to be alarmingly vague about a central unanswered question about the military campaign against the Islamic State: whether it formally or implicitly represents a shift in American policy toward the government of President Bashar al-Assad of Syria. Washington has called for Mr. Assad's ouster and has provided limited support to rebel factions fighting the state. But the United States must clarify what its goals are con-

cerning Mr. Assad, some senior administration officials believe, including Defense Secretary Chuck Hagel, as Mark Landler of The Times reported recently.

The Pentagon says the bombing campaign has dealt the Islamic State setbacks in the battlefield. But the group remains strong and continues to make inroads in key parts of Syria and Iraq. Military officials have said curiously little in recent weeks about Khorasan, a militant group they described during the early stages of the airstrikes in Syria as posing an imminent threat to the United States. The vague and at times contradictory information the government has provided about that group, and the broader strategy, shows a distressing level of improvisation.

The past few weeks have also presented reminders of the risks of the military mission. Officials at the Pentagon are worried about reports that Islamic State fighters have acquired shoulder-fired surface-to-air missiles, which could be used to bring down American aircraft. Those fighters recently took credit for shooting down an Iraqi military helicopter; the group posted online a manual instructing fighters how to use one of the missiles to bring down Apache helicopters, one of the attack aircraft the Pentagon has been using.

Congress has a responsibility to take a hard look at the long-term goal of the military mission and its projected cost. It has skirted that duty for too long.

[From Reuters.com, Nov. 23, 2014]

OBAMA WIDENS POST-2014 COMBAT ROLE FOR U.S. FORCES IN AFGHANISTAN

(By Steve Holland and Mirwais Harooni)

President Barack Obama has approved plans to give U.S. military commanders a wider role to fight the Taliban alongside Afghan forces after the current mission ends next month, a senior administration official said.

The decision made in recent weeks extends previous plans by authorizing U.S. troops to carry out combat operations against the Taliban to protect Americans and support Afghanistan's security forces as part of the new ISAF Resolute Support mission next year.

Obama had announced in May that U.S. troop levels would be cut to 9,800 by the end of the year, by half again in 2015 and to a normal embassy presence with a security assistance office in Kabul by the end of 2016.

Under that plan, only a small contingent of 1,800 U.S. troops was limited to counter terrorism operations against remnants of al Qaeda. The new orders will also allow operations against the Taliban.

"To the extent that Taliban members directly threaten the United States and coalition forces in Afghanistan or provide direct support to al Qaeda, we will take appropriate measures to keep Americans safe," the official said.

A report by the New York Times late on Friday said the new authorization also allows the deployment of American jets, bombers and drones.

The announcement was welcomed by Afghan police and army commanders after heavy losses against the Taliban this summer.

"This is the decision that we needed to hear . . . We could lose battles against the Taliban without direct support from American forces," said Khalil Andarabi, police chief for Wardak province, about an hour's drive from the capital and partly controlled by the Taliban.

Afghan government forces remain in control of all 34 provincial capitals but are suffering a high rate of casualties, recently described as unsustainable by a U.S. commander in Afghanistan.



More than 4,600 Afghan force members have been killed since the start of the year, 6.5 percent more than a year ago. Despite being funded with more than \$4 billion in aid this year, police and soldiers frequently complain they lack the resources to fight the Taliban on their own.

"Right now we don't have heavy weapons, artillery and air support. If Americans launch their own operations and help us, too, then we will be able to tackle Taliban," said senior police detective Asadullah Insaifi in eastern Ghazni province.

The Taliban said it is undeterred by the U.S. announcement.

"They will continue their killings, night raids and dishonor to the people of Afghanistan in 2015. It will only make us continue our jihad," Taliban spokesman Zabihullah Mujahid said.

Mr. MCGOVERN. We seem to have money for these other things. We heard earlier today about the fact that there are 50,000 ghost soldiers in Iraq that we are funding with our taxpayer dollars; they don't exist. Somebody is stealing that money, and where is the outrage in this Congress? Where is the outrage?

Mr. Speaker, these wars deserve a debate. They deserve our oversight. We are supposed to be a deliberative body. We should be talking about these things, and we are getting more deeply involved in another war in Iraq and in Syria. We have 3,000 troops in Iraq right now. God knows how many are going to be there when we come back in January.

By the way, there is nothing in this bill that prevents the President from adjusting the mission of those troops, so that they are engaged in direct on-the-ground combat. It is something that we ought to be concerned about; yet we are not. We are leaving town without even talking about this stuff.

You don't need an NDAA bill to be able to debate and vote on an authorization. All we need is a Republican leadership with the backbone to bring it to the floor. This is our responsibility. This is our job. This is our constitutional responsibility; yet we are not doing anything.

Mr. Speaker, I would also like to enter into the RECORD an article by FOX News political analyst Juan Williams entitled, "Congress ducks its duty on ISIS vote."

[From TheHill.com, Oct. 6, 2014]

JUAN WILLIAMS: CONGRESS DUCKS ITS DUTY ON ISIS VOTE

(By Juan Williams)

Speaker John Boehner (R-Ohio) said recently he would not even ask his colleagues to vote on an authorization to use military force against the Islamic State in Iraq and Syria (ISIS) until next year, when the new Congress is seated.

Boehner told the New York Times, "Doing this with a whole group of members who are on their way out the door, I don't think that is the right way to handle this."

Then last week he changed his position, telling ABC News he is willing to call the House into session to debate the U.S. military action to destroy the terrorists. But the Speaker said it is up to President Obama to request a Congressional vote authorizing military action.

Meanwhile, the Speaker said it was wrong of President Obama to try to beat the terror-

ists without putting American military combat "boots on the ground" to win the current fight.

Huh? That makes no sense. When did House Republicans start taking orders from President Obama?

The hard fact is the GOP House is responsible for its own failure to act on the central question of authorizing the U.S. military to put combat boots on the ground.

"Since when do we sit around waiting, using the excuse 'He didn't ask'?" House Minority Leader Nancy Pelosi (D-Calif.) asked reporters last week. "No, if you want to have an authorization that has any constraints on the president, you don't wait for him to write it."

Instead, some Republican House members are busy campaigning for reelection by appealing to voters' fears about the ISIS threat.

Rep. Doug Lamborn, a Colorado Republican, told his constituents that his fellow House Republicans are sharing political complaints about the president with commanders in charge of the military.

"A lot of us are talking to the generals behind the scenes, saying, 'Hey, if you disagree with the policy that the White House has given you, let's have a resignation,'" Rep. Lamborn said. He added that any Generals who resigned in protest would "go out in a blaze of glory."

That is an overt effort to undermine civilian control of the U.S. military, which is required by the Constitution. It is outrageous. It is a purely partisan effort to win votes by playing to extremist hatred of the president.

These right-wing attacks are coming from some of the same people who condemned anyone in disagreement with any part of the Bush administration's foreign policy as "soft on terrorism," "unpatriotic" or worse.

Is it any wonder that Congress now has an 80 percent disapproval rating and a 12.6 approval rating, according to the latest Real Clear Politics average?

Is it any wonder that, according to a recent ABC News/Washington Post poll, 51 percent of Americans would not vote to reelect their own representative, the highest figure recorded on that question in the 25-year history of the poll?

Article I of the Constitution gives Congress, not the president, the power to declare war. However, Congress has not made a formal declaration of war since World War II.

Since then, Authorizations for Use of Military Force or "AUMFs" have become politically expedient substitutes.

Now, the current Congress is too cowardly to even vote on that kind of nominal approval. Some say the 2001 and 2002 AUMFs that gave President Bush the authority to use the military against the perpetrators of 9/11 and Saddam Hussein, respectively, are still in effect.

As my friend and Fox News Senior Judicial Analyst Judge Andrew Napolitano has noted, this is ridiculous because ISIS did not exist in 2001 and 2002, so Congress could not have intended the AUMFs to apply to the group by any stretch of the imagination.

Last week, one major Western democracy did call its legislature back from a weeks-long recess to vote on the critical, time-sensitive issue of military strikes against ISIS.

That legislative body was Britain's Parliament—not the U.S. Congress.

Congress is not absolved of responsibility just because we are in the middle of a political campaign season—especially when its members are telling us that ISIS is on the march and, in the words of Sen. Lindsey Graham (R-S.C.), "we need to stop them before we all get killed here at home."

Members have a job to do right now and they are not doing it.

There are increasing signs that many Republican members in Speaker Boehner's own caucus can no longer stomach this hypocrisy and abdication of Congress' duty.

"The president should have come to Congress and still should come to Congress for authorization," Rep. Ileana Ros-Lehtinen, a Florida Republican who used to chair the House Foreign Affairs Committee, told BuzzFeed.

"Everybody can come back at a moment's notice. Everyone is in the districts . . . We can all go back [to D.C. for a vote] and I hope we do," she added.

"If you can't make the argument for or against an AUMF, and actually justify your vote for or against an AUMF, you have absolutely no business being in Congress," Rep. Raul Labrador, an Idaho Republican and Tea Party favorite, told the Washington Post.

"This is why we come to Congress . . . It's shameful if anyone here in Congress decides that they would rather leave it up to the president by himself to determine if we should actually be doing something in that region of the world," Labrador said.

Principled Republicans like Ros-Lehtinen and Labrador are in the minority within their party.

Their ranks may be growing, but they are still a minority.

Mr. MCGOVERN. Mr. Speaker, I also want to talk a little bit about the immigration bill. As I said before, the President didn't create this problem. Quite frankly, the House Republican leadership created this problem. We had the Senate that acted in a good faith bipartisan manner and passed a comprehensive immigration reform bill. That was a year and a half ago.

In a year and a half, this House of Representatives has done nothing except come to the floor and demagogue the immigration issue. The debate on the other side of the aisle, quite frankly, has gotten so ugly that it is, I think, beneath the level of dignity of this House of Representatives.

We should expect better in terms of the debate on the issue of immigration. I enter into the RECORD the November 20 editorial from The New York Times, which concludes by saying:

The right will falsely label Mr. Obama's actions lawless. They are a victory for problem-solving over posturing, common sense over cruelty, and lawful order over a chaotic status quo.

[From the New York Times, Nov. 20, 2014]

AT LONG LAST, IMMIGRATION ACTION

(By the Editorial Board)

President Obama says he will speak to the nation on Thursday night about making major changes to immigration policy, including shielding several million unauthorized immigrants from deportation. He intends to do this under executive authority, because he has given up waiting for Congress to act.

The result will not be ideal, but no broad executive action on immigration was ever going to be. Only Congress can create an immigration system that rescues workers and families from unjust laws and creates legal pathways to citizenship. The best Mr. Obama can offer is a reprieve to people trapped by Congress's failures—temporary permission to live and work without fear.

But respite for as many as four million to five million people, according to some estimates, should be cause for relief and celebration. The reasons given by Mr. Obama and

his aides are sound and well within the law. The executive branch has limited means to deport all 11 million people living here without authorization. It should focus on expelling serious and violent criminals, and not waste money and effort on breaking up families, and deporting those who contribute to society and whose ties to this country are deep and permanent.

Details have not been announced, but it seems that Mr. Obama's plan will protect the parents of citizens and legal permanent residents, and a larger portion of the young people called Dreamers, who came here when they were children. Other, smaller groups may qualify as well.

Mr. Obama should draw the circle of inclusion as large as possible—up to the eight million or so who might have qualified under an ambitious bipartisan bill that passed the Senate last year. But Mr. Obama, who wants to bolster his actions against legal attack, seems unlikely to include parents whose children lack citizenship or green cards. Tens of thousands of families will surely be disheartened by this exclusion and other politically motivated shortcomings—the plan is expected to bar recipients from health coverage under the Affordable Care Act, for example. Some immigrant advocacy groups have already denounced the plan as too cautious and too small.

The backlash on the right, too, is well underway, with Republican lawmakers condemning what they see as a tyrannical usurpation of congressional authority by “Emperor” Obama. They fail to mention, though, that new priorities will put the vast deportation machinery to better use against serious criminals, terrorists and security threats, which should be the goal of any sane law-enforcement regime. Nor did they ever complain when Mr. Obama aggressively used his executive authority to ramp up deportations to an unprecedented peak of 400,000 a year.

It has been the immigration system's retreat from sanity, of course, that made Mr. Obama's new plan necessary. Years were wasted, and countless families broken, while Mr. Obama clung to a futile strategy of luring Republicans toward a legislative deal. He has been his own worst enemy—over the years he stressed his executive impotence, telling advocates that he could not change the system on his own. This may have suited his legislative strategy, but it was not true.

It's good that Mr. Obama has finally turned the page. He plans to lead a rally in Las Vegas on Friday at a high school where he outlined his immigration agenda in January 2013. Legislative solutions are a dim hope for some future day when the Republican fever breaks. But until then, here we are.

This initiative cannot be allowed to fail for lack of support from those who accept the need for progress on immigration, however incremental. Courageous immigrant advocates, led by day laborers, Dreamers and others, have pressed a reluctant president to acknowledge the urgency of their cause—and to do something about it. The only proper motion now is forward.

The right will falsely label Mr. Obama's actions lawless. They are a victory for problem-solving over posturing, common sense over cruelty, and lawful order over a chaotic status quo.

Mr. MCGOVERN. I also enter into the RECORD a November 25 letter from 130 legal scholars on why President Obama's action is lawful and has historical precedent.

25 NOVEMBER 2014.

We write as scholars and teachers of immigration law who have reviewed the executive actions announced by the President on November 20, 2014. It is our considered view

that the expansion of the Deferred Action for Childhood Arrivals (DACA) and establishment of the Deferred Action for Parental Accountability (DAPA) programs are within the legal authority of the executive branch of the government of the United States. To explain, we cite federal statutes, regulations, and historical precedents. We do not express any views on the policy aspects of these two executive actions.

This letter updates a letter transmitted by 136 law professors to the White House on September 3, 2014, on the role of executive action in immigration law.<sup>1</sup> We focus on the legal basis for granting certain noncitizens in the United States “deferred action” status as a temporary reprieve from deportation. One of these programs, Deferred Action for Childhood Arrivals (DACA), was established by executive action in June 2012. On November 20, the President announced the expansion of eligibility criteria for DACA and the creation of a new program, Deferred Action for Parental Accountability (DAPA).

#### PROSECUTORIAL DISCRETION IN IMMIGRATION LAW ENFORCEMENT

Both November 20 executive actions relating to deferred action are exercises of prosecutorial discretion. Prosecutorial discretion refers to the authority of the Department of Homeland Security to decide how the immigration laws should be applied.<sup>2</sup> Prosecutorial discretion is a long-accepted legal practice in practically every law enforcement context,<sup>3</sup> unavoidable whenever the appropriated resources do not permit 100 percent enforcement. In immigration enforcement, prosecutorial discretion covers both agency decisions to refrain from acting on enforcement, like cancelling or not serving or filing a charging document or Notice to Appear with the immigration court, as well as decisions to provide a discretionary remedy like granting a stay of removal,<sup>4</sup> parole,<sup>5</sup> or deferred action.<sup>6</sup>

Prosecutorial discretion provides a temporary reprieve from deportation. Some forms of prosecutorial discretion, like deferred action, confer “lawful presence” and the ability to apply for work authorization.<sup>7</sup> However, the benefits of the deferred action programs announced on November 20 are not unlimited. The DACA and DAPA programs, like any other exercise of prosecutorial discretion do not provide an independent means to obtain permanent residence in the United States, nor do they allow a noncitizen to acquire eligibility to apply for naturalization as a U.S. citizen. As the President has emphasized, only Congress can prescribe the qualifications for permanent resident status or citizenship.

#### STATUTORY AUTHORITY AND LONG-STANDING AGENCY PRACTICE

Focusing first on statutes enacted by Congress, §103(a) of the Immigration and Nationality Act (“INA” or the “Act”), clearly empowers the Department of Homeland Security (DHS) to make choices about immigration enforcement. That section provides: “The Secretary of Homeland Security shall be charged with the administration and enforcement of this Act and all other laws relating to the immigration and naturalization of aliens . . . .”<sup>8</sup> INA §242(g) recognizes the executive branch's legal authority to exercise prosecutorial discretion, specifically by barring judicial review of three particular types of prosecutorial discretion decisions: to commence removal proceedings, to adjudicate cases, and to execute removal orders.<sup>9</sup> In other sections of the Act, Congress has explicitly recognized deferred action by name, as a tool that the executive branch may use, in the exercise of its prosecutorial discretion, to protect certain victims of abuse, crime or trafficking.<sup>10</sup> Another statutory

provision, INA §274A(h)(3), recognizes executive branch authority to authorize employment for noncitizens who do not otherwise receive it automatically by virtue of their particular immigration status. This provision (and the formal regulations noted below) confer the work authorization eligibility that is part of both the DACA and DAPA programs.

Based on this statutory foundation, the application of prosecutorial discretion to individuals or groups has been part of the immigration system for many years. Long-standing provisions of the formal regulations promulgated under the Act (which have the force of law) reflect the prominence of prosecutorial discretion in immigration law. Deferred action is expressly defined in one regulation as “an act of administrative convenience to the government which gives some cases lower priority” and goes on to authorize work permits for those who receive deferred action.<sup>11</sup> Agency memoranda further reaffirm the role of prosecutorial discretion in immigration law. In 1976, President Ford's Immigration and Naturalization Service (INS) General Counsel Sam Bernsen stated in a legal opinion, “The reasons for the exercise of prosecutorial discretion are both practical and humanitarian. There simply are not enough resources to enforce all of the rules and regulations presently on the books.”<sup>12</sup> In 2000, a memorandum on prosecutorial discretion in immigration matters issued by INS Commissioner Doris Meissner provided that “[s]ervice officers are not only authorized by law but expected to exercise discretion in a judicious manner at all stages of the enforcement process,” and spelled out the factors that should guide those decisions.<sup>13</sup> In 2011, Immigration and Customs Enforcement in the Department of Homeland Security published guidance known as the “Morton Memo,” outlining more than one dozen factors, including humanitarian factors, for employees to consider in deciding whether prosecutorial discretion should be exercised. These factors—now updated by the November 20 executive actions—include tender or elderly age, long-time lawful permanent residence, and serious health conditions.

#### JUDICIAL RECOGNITION OF EXECUTIVE BRANCH PROSECUTORIAL DISCRETION IN IMMIGRATION CASES

Federal courts have also explicitly recognized prosecutorial discretion in general and deferred action in particular.<sup>15</sup> Notably, the U.S. Supreme Court noted in its *Arizona v. United States* decision in 2012: “A principal feature of the removal system is the broad discretion exercised by immigration officials. . . . Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all . . . .”<sup>16</sup> In its 1999 decision in *Reno v. American-Arab Anti-Discrimination Committee*, the Supreme Court explicitly recognized deferred action by name. This affirmation of the role of discretion is consistent with congressional appropriations for immigration enforcement, which are at an annual level that would allow for the arrest, detention, and deportation of fewer than 4 percent of the noncitizens in the United States who lack lawful immigration status.<sup>17</sup>

Based on statutory authority, U.S. immigration agencies have a long history of exercising prosecutorial discretion for a range of reasons that include economic or humanitarian considerations, especially—albeit not only—when the noncitizens involved have strong family ties or long-term residence in the United States.<sup>18</sup> Prosecutorial discretion, including deferred action, has been made available on both a case-by-case basis and a group basis, as are true under DACA and DAPA. But even when a program like deferred action has been aimed at a particular

group of people, individuals must apply, and the agency must exercise its discretion based on the facts of each individual case. Both DACA and DAPA explicitly incorporate that requirement.

#### HISTORICAL PRECEDENTS FOR DEFERRED ACTION AND SIMILAR PROGRAMS FOR INDIVIDUALS AND GROUPS

As examples of the exercise of prosecutorial discretion, numerous administrations have issued directives providing deferred action or functionally similar forms of prosecutorial discretion to groups of noncitizens, often to large groups. The administrations of Presidents Ronald Reagan and George H.W. Bush deferred the deportations of a then-predicted (though ultimately much lower) 1.5 million noncitizen spouses and children of immigrants who qualified for legalization under the Immigration Reform and Control Act (IRCA) of 1986, authorizing work permits for the spouses.<sup>19</sup> Presidents Reagan and Bush took these actions, even though Congress had decided to exclude them from IRCA.<sup>20</sup> Among the many other examples of significant deferred action or similar programs are two during the George W. Bush administration: a deferred action program in 2005 for foreign academic students affected by Hurricane Katrina,<sup>21</sup> and “Deferred Enforcement Departure” for certain Liberians in 2007.<sup>22</sup> Several decades earlier, the Reagan administration issued a form of prosecutorial discretion called “Extended Voluntary Departure” in 1981 to thousands of Polish nationals.<sup>23</sup> The legal sources and historical examples of immigration prosecutorial discretion described above are by no means exhaustive, but they underscore the legal authority for an administration to apply prosecutorial discretion to both individuals and groups.

Some have suggested that the size of the group who may “benefit” from an act of prosecutorial discretion is relevant to its legality. We are unaware of any legal authority for such an assumption. Notably, the Reagan-Bush programs of the late 1980s and early 1990s were based on an initial estimated percentage of the unauthorized population (about 40 percent) that is comparable to the initial estimated percentage for the November 20 executive actions. The President could conceivably decide to cap the number of people who can receive prosecutorial discretion or make the conditions restrictive enough to keep the numbers small, but this would be a policy choice, not a legal issue.<sup>24</sup> For all of these reasons, the President is not “re-writing” the immigration laws, as some of his critics have suggested. He is doing precisely the opposite—exercising a discretion conferred by the immigration laws and settled general principles of enforcement discretion.

#### THE CONSTITUTION AND IMMIGRATION ENFORCEMENT DISCRETION

Critics have also suggested that the deferred action programs announced on November 20 violate the President’s constitutional duty to “take Care that the Laws be faithfully executed.”<sup>25</sup> A serious legal question would therefore arise if the executive branch were to halt all immigration enforcement, or even if the Administration were to refuse to substantially spend the resources appropriated by Congress. In either of those scenarios, the justification based on resource limitations would not apply. But the Obama administration has fully utilized all the enforcement resources Congress has appropriated. It has enforced the immigration law at record levels through apprehensions, investigations, and detentions that have resulted in over two million removals.<sup>26</sup> At the same time that the President announced the November 20 executive actions that we dis-

cuss here, he also announced revised enforcement priorities to focus on removing the most serious criminal offenders and further shoring up the southern border. Nothing in the President’s actions will prevent him from continuing to remove as many violators as the resources Congress has given him permit.

Moreover, when prosecutorial discretion is exercised, particularly when the numbers are large, there is no legal barrier to formalizing that policy decision through sound procedures that include a formal application and dissemination of the relevant criteria to the officers charged with implementing the program and to the public. As DACA has shown, those kinds of procedures assure that important policy decisions are made at the leadership level, help officers to implement policy decisions fairly and consistently, and offer the public the transparency that government priority decisions require in a democracy.<sup>27</sup>

#### CONCLUSION

Our conclusion is that the expansion of the DACA program and the establishment of Deferred Action for Parental Accountability are legal exercises of prosecutorial discretion. Both executive actions are well within the legal authority of the executive branch of the government of the United States.

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#### ENDNOTES

<sup>1</sup> See Letter to the President of the United States, Executive authority to protect individuals or groups from deportation (Sep. 3, 2014), [https://pennstatelaw.psu.edu/\\_file/Law-Professor-Letter.pdf](https://pennstatelaw.psu.edu/_file/Law-Professor-Letter.pdf)

<sup>2</sup> See Thomas Aleinikoff, David Martin, Hiroshi Motomura & Maryellen Fullerton, *Immigration and Citizenship: Process and Policy* 778–88 (7th ed. 2012); Stephen H. Legomsky & Cristina Rodriguez, *Immigration and Refugee Law and Policy* 629–32 (5th ed. 2009); Shoba Sivaprasad Wadhia, *The Role of Prosecutorial Discretion in Immigration Law*, 9 Conn. Pub. Int. L.J. 243 (2010), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1476341](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1476341).

<sup>3</sup> Notably, in criminal law, prosecutorial discretion has existed for hundreds of years. It was a common reference point for the immigration agency in early policy documents describing prosecutorial discretion. See Doris Meissner, *Immigration and Naturalization Service (INS) Commissioner, Exercising Prosecutorial Discretion 1* (Nov. 17, 2000) [hereinafter Meissner Memo], <http://www.legalactioncenter.org/sites/default/files/docs/lac/Meissner-2000-memo.pdf>; Sam Bernsen, *INS General Counsel, Legal Opinion Regarding Service Exercise of Prosecutorial Discretion* (July 15, 1976), <http://www.ice.gov/doclib/foia/prosecutorial-discretion/service-exercise-pd.pdf>. See also, e.g., Angela J. Davis, *Arbitrary Justice* (2007); Hiroshi Motomura, *Prosecutorial Discretion in Context: How Discretion is Exercised Throughout our Immigration System*, *American Immigration Council* 2–3 (April 2012), [http://www.immigrationpolicy.org/sites/default/files/docs/motomura\\_-\\_discretion\\_in\\_context\\_04112.pdf](http://www.immigrationpolicy.org/sites/default/files/docs/motomura_-_discretion_in_context_04112.pdf); Stephen H. Legomsky, *Legal Authorities for DACA and Similar Programs* (Aug. 24, 2014), <http://www.washingtonpost.com/r/2010-2019/WashingtonPost/2014/11/17/Editorial-Opinion/Graphics/executive%20action%20legal%20points.pdf>.

<sup>4</sup> C.F.R. §241.6.

<sup>5</sup> INA §212(d)(5).

<sup>6</sup> 8 C.F.R. §274a.12(c)(14).

<sup>7</sup> Under INA §212(a)(9)(B)(ii), a person will not be deemed unlawfully present during any “period of stay authorized by the Attorney General” (now the Secretary of Homeland Security). The Department of Homeland Security has authorized such a period of stay for recipients of deferred action. See Donald Neufeld, Lori Scialabba, & Pearl Chang, *U.S. Citizenship and Immigration Services (USCIS), Consolidation of Guidance Concerning Unlawful Presence for Purposes of Sections 212(a)(9)(B)(i) and 212(a)(9)(C)(i)(I) of the Act* (May 6, 2009), [http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static\\_Files\\_Memoranda/2009/revision\\_redesign\\_AFM.PDF](http://www.uscis.gov/sites/default/files/USCIS/Laws/Memoranda/Static_Files_Memoranda/2009/revision_redesign_AFM.PDF); U.S. Citizenship

and Immigration Services, Frequently Asked Questions (updated June 5, 2014), <http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/frequently-asked-questions>.

<sup>8</sup>INA §103(a).

<sup>9</sup>INA §242(g); see also *Reno v. American-Arab Anti-Discrimination Committee*, 525 U.S. 471 (1999).

<sup>10</sup>INA §237(d)(2); 204(a)(1)(D)(i)(II,IV).

<sup>11</sup>8 C.F.R. §274a.12(c)(14).

<sup>12</sup>Bernsen, *supra* note 3.

<sup>13</sup>Meissner Memo, *supra* note 3. Notably, the Meissner memorandum was a key reference point for related memoranda issued during the Bush administration, among them a 2005 memorandum from Immigration and Customs Enforcement legal head William Howard and a 2007 memorandum from ICE head Julie Myers on the use of prosecutorial discretion when making decisions about undocumented immigrants who are nursing mothers.

<sup>14</sup>John Morton, Director, U.S. Immigration & Customs Enforcement, Exercising Prosecutorial Discretion Consistent with the Civil Immigration Enforcement Priorities of the Agency for the Apprehension, Detention, and Removal of Aliens (June 17, 2011), available at <http://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>. [hereinafter Morton Memo].

<sup>15</sup>See e.g., *Lennon v. Immigration & Naturalization Service*, 527 F.2d 187, 191 n.5 (2d Cir. 1975); *Soon Bok Yoon v. INS*, 538 F.2d 1211, 1213 (5th Cir. 1976); *Vergel v. INS*, 536 F.2d 755 (8th Cir. 1976); *David v. INS*, 548 F.2d 219 (8th Cir. 1977); *Nicholas v. INS*, 590 F.2d 802 (9th Cir. 1979).

<sup>16</sup>See *Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012).

<sup>17</sup>525 U.S. 471 (1999). One source suggests that DHS has resources to remove about 400,000 or less than 4% of the total removable population. See Morton memo, *supra* note 14.

<sup>18</sup>For example, of the 698 deferred action cases processed by Immigration and Customs Enforcement between October 1, 2011, and June 30, 2012, the most common humanitarian reasons for a grant were: Presence of a USC dependent; Presence in the United States since childhood; Primary caregiver of an individual who suffers from a serious mental or physical illness; Length of presence in the United States; and Suffering from a serious mental or medical care condition. See Shoba Sivaprasad Wadhia, *My Great FOIA Adventure and Discoveries of Deferred Action Cases at ICE*, 27 *Geo. Immigr. L.J.* 345, 356-69 (2013), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2195758](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2195758). See also, Shoba Sivaprasad Wadhia, *Relics of Deferred Action*, *The Hill* (2014), <http://thehill.com/blogs/congress-blog/civil-rights/224744-relics-of-deferred-action>.

<sup>19</sup>See *Marvine Howe*, *New Policy Aids Families of Aliens*, *N.Y. Times* (March 5, 1990), <http://www.nytimes.com/1990/03/05/nyregion/new-policy-aids-families-of-aliens.html>.

<sup>20</sup>See 67 *Interpreter Releases* 204 (Feb. 26, 1990); 67 *Interpreter Releases* 153 (Feb. 5, 1990). Bush's policy followed a narrower 1987 executive order by President Reagan's immigration commissioner that applied only to children. 64 *Interpreter Releases* 1191 (Oct. 26, 1987). Congress later in 1990 legislatively provided some of them a path to legalization. *Immigration and Nationality Act of 1990*, Pub. L. 101-649, 301, 104 Stat. 4978, <http://www.justice.gov/eoir/IMMACT1990.pdf>.

<sup>21</sup>See Shoba Sivaprasad Wadhia, *Response*, In *Defense of DACA, Deferred Action, and the DREAM Act*, 91 *Tex. L. Rev.* See Also 59, n.46 (2013), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2195735](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2195735), citing Press Release, U.S. Citizenship and Immigration Services, USCIS Announces Interim Relief

for Foreign Students Adversely Impacted by Hurricane Katrina (Nov. 25, 2005), [http://www.uscis.gov/sites/default/files/files/pressrelease/F1Student\\_11\\_25\\_05\\_PR.pdf](http://www.uscis.gov/sites/default/files/files/pressrelease/F1Student_11_25_05_PR.pdf).

<sup>22</sup>DED Granted Country-Liberia, U.S. Citizenship and Immigration, <http://www.uscis.gov/humanitarian/temporary-protected-status-deferred-enforced-departure/ded-granted-country-liberia/ded-granted-country-liberia> (last visited Nov. 22, 2014).

<sup>23</sup>Legomsky & Rodriguez, *Immigration and Refugee Law and Policy*, *supra* note 2, at 1115-17; See also David Reimers, *Still the Golden Door: The Third World Comes to America 202* (1986).

<sup>24</sup>For a broader discussion about the relationship between class size and constitutionality, see Wadhia, *Response*, In *Defense of DACA, Deferred Action, and the DREAM Act*, *supra* note 20.

<sup>25</sup>U.S. Const. art. II, 3.

<sup>26</sup>U.S. ICE, FY 2013 ICE Immigration Removals, <http://www.ice.gov/removal-statistics/> (last visited Nov. 22, 2014); Marc R. Rosenblum & Doris Meissner, *The Deportation Dilemma: Reconciling Tough and Humane Enforcement*, Migration Policy Institute (April 2014), <http://www.migrationpolicy.org/research/deportation-dilemma-reconciling-tough-humane-enforcement>.

<sup>27</sup>For a broader discussion of the administrative law values associated with prosecutorial discretion, see Hiroshi Motomura, *Immigration Outside the Law* 19-55, 185-92 (2014); Shoba Sivaprasad Wadhia, *Sharing Secrets: Examining Deferred Action and Transparency in Immigration Law*, 10 *U. N. H. L. Rev.* 1 (2012) (also providing a proposal for designing deferred action procedures), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1879443](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1879443).

\* all institutional affiliations are for identification purposes only

Mr. MCGOVERN. I enter into the RECORD a November 29 letter to Senate and House Judiciary Committee Chairmen LEAHY and GOODLATTE and the ranking members, GRASSLEY and CONYERS, from four former INS general counsels from the George W. Bush and Clinton administrations on the President's authority to take lawful executive action on immigration.

FOUR FORMER INS/USCIS GENERAL COUNSELS ON PRESIDENT'S AUTHORITY TO ACT ON IMMIGRATION

NOV 29, 2014.

Hon. PATRICK LEAHY  
Hon. CHUCK GRASSLEY  
Hon. BOB GOODLATTE  
Hon. JOHN CONYERS, Jr.

We are writing as former General Counsels of the Immigration and Naturalization Service or former Chief Counsels of U.S. Citizenship and Immigration Services. As you know, the President on November 20 announced a package of measures designed to deploy his limited immigration enforcement resources in the most effective way. These measures included an expansion of Deferred Action for Childhood Arrivals (DACA) and the creation of Deferred Action for Parental Accountability (DAPA). We take no positions on the policy judgments that those actions reflect, but we have all studied the relevant legal parameters and wish to express our collective view that the President's actions are well within his legal authority.

Some 135 law professors who currently teach or write in the area of immigration law signed a November 25, 2014 letter to the same effect. Rather than repeat the points made in that letter, we simply attach it here and go on record as stating that we agree

wholeheartedly with its legal analysis and its conclusions.

Respectfully,

STEPHEN LEGOMSKY,  
*The John S. Lehman University Professor, Washington University School of Law, Former Chief Counsel, U.S. Citizenship and Immigration Services.*

ROXANA BACON,  
*Former Chief Counsel, U.S. Citizenship and Immigration Services.*

PAUL W. VIRTUE,  
*Partner, Mayer Brown LLP, Former General Counsel, Immigration and Naturalization Service,*

BO COOPER,  
*Partner, Fragomen, Del Rey, Bernsen & Loew, Former General Counsel, Immigration and Naturalization Service.*

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. GARCIA).

Mr. GARCIA. Mr. Speaker, I am a very fortunate man. I am the son of immigrants. My parents came here at the ages of 17 and 18, respectively. Through the great fortune that we had, they were adjusted, and they were part of this great Nation, but since then, many more have come after.

In particular, I represent a community that is almost 69 percent Hispanic, the majority of which were born in a foreign land. The reality is that our immigration system for years has worked and has worked efficiently to make what we do better than any other nation in the world: we make Americans.

In the last decade and a half, this system has ground to a halt. In the last few years, our President has moved steadily to use his executive power to try to make the system work a little bit better. I believe that is an important step.

But we had an opportunity. We had an opportunity in this House to pass the Senate version that received 68 votes, something that would have made the system function better, brought more investment into America, more dollars into Federal revenue; yet the House punted. I am appreciative of the President's action because he is well within executive power.

If the other side does not like the President's action, they can bring up the Senate bill. There are enough votes in this House to pass it. We will have an orderly process. It is not a perfect bill, but it does do the right thing, which fixes a broken immigration system.

I want to beg the other side to understand the implications that fighting on this issue has. This is a nation of laws, there is no question on that, but the

executive has plenary authority in this area. The time has come to move, since this House would not move.

Mr. MCGOVERN. Mr. Speaker, I ask unanimous consent to insert the text of the amendment along with extraneous material that I will offer in the RECORD if we defeat the previous question 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. That basically will be the text of H.R. 15, the Senate-passed comprehensive immigration reform bill. We could bring this issue to a close right now.

I reserve the balance of my time.

□ 1015

Mr. NUGENT. If I could inquire, I thought the gentleman was closing.

Mr. MCGOVERN. Mr. Speaker, there is some confusion here that the gentleman may be offering to amend the rule. I am just trying to get a sense for what is going on over there before I yield back all of my time.

Mr. NUGENT. Mr. Speaker, shortly, I will be offering an amendment to the rule, which is necessary to alleviate the budgetary point of order that currently lies against the defense bill. In addition to clearing a point of order, we hope it will expedite the consideration in the Senate of this critically important bill.

Mr. MCGOVERN. Mr. Speaker, we have one additional speaker that just showed up, and so I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Mr. Speaker, I thank the gentleman from Massachusetts for his leadership, and the manager.

Many of us, Mr. Speaker, have come to the floor of the House time and time again and supported our troops, supported their families, wanted them to have increased dollars in their compensation; but today I come with a heavy heart that issues of war and peace are in this bill, the authorization bill, and we have not had the time to debate this in front of the American people. Sending young men and women in the midst of a storm in war where they may lose their life, and yet this majority refuses to give us hours of time to show the American people what the commitment is, I raise a question.

And then, of course, a bill that attacks the constitutional authority of the President of the United States in an immigration bill that is closed in falsehoods because the President is not going beyond the law; he is not changing the law. He has the authority to use his executive power for humanitarian relief, and he is saving the parents of children who are citizens.

This is a wrong rule, and I ask my colleagues to vote against it.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 2½ minutes remaining. The gentleman from Florida has 8¼ minutes remaining.

Mr. MCGOVERN. Mr. Speaker, let me close by again asking my colleagues to vote against this closed rule—triple closed rule. It unfortunately has become a pattern in this Congress, the most closed Congress in the history of the United States of America.

I would urge my colleagues to vote “no” as well because we are talking about a defense bill, but we are not allowed to have a debate or a vote on any of these wars that we are involved in. If we truly care about our troops, if we are truly living up to our constitutional responsibilities, we ought to have a debate and a vote. We ought not to duck it. We ought not to leave town without talking about these serious issues.

On the issue of immigration, rather than this silly, petty, ugly, symbolic bill that is being brought to the floor, if my colleagues don’t approve of the President’s executive action, then help me defeat the previous question and we will bring up H.R. 15, the comprehensive immigration reform bill that the Senate passed in a bipartisan way, and we can get that job done and end all this nonsense and end all this rancor that we have seen unfold here in the House.

We could do better than what is on display today. I regret very much that the Republican leadership continues to insist on this closed process which stifles debate and prevents us from debating and voting on important issues.

I yield back the balance of my time.

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

I think I have made my frustrations readily clear in regards to how we got to the current NDAA. It is troubling to see how the Senate’s failure to act is going to end up costing our troops. To me, it is just not right to the men and women, the 1 percent of America that put their lives on the line for this country the Senate has turned a blind eye to.

I am optimistic, though, that with the changing of the guard in January, that we are actually going to get things done. We are actually going to pass legislation to address the issues that are so confronting this Nation that deserve to have discussions in both Houses. It is important that the Senate act. It is important that the Senate has debate. So I think that at the end of the day, in January with the changing of the guard, we are going to see a different set of facts as Congress moves forward.

I am really hopeful that Congress takes the steps, and Mr. MCGOVERN talks about it, but we need to talk about the AUMF. We need to talk about those guiding principles that set up where we are today, things that

were passed long before I came to Congress, authorizations that go back 12 to 13 years ago.

The landscape has changed, and we need to absolutely have a strong and long, hard debate in regards to how we authorize the use of force in the future in specific instances, as the Constitution requires.

When we talk about the Constitution, we talk about the President just ignoring it, the administration sidestepping Congress whenever it sees fit, the use of force is one of those areas, I think. And the same with what this administration has done in the underlying bills that this bill allows us to address in the President’s recent executive order. The bill reaffirms that Congress—Congress—has the power to write the immigration laws. It reaffirms that the President must enforce the laws that are currently on the books, not something that he wishes, but what is currently law of the land.

Mr. Speaker, the President’s actions have gotten so out of hand that we now must pass bills to remind him of what the Constitution sets, and that is a shame. We even have to remind the President of what he, himself, has said in the past about what is the appropriate role of the office of President.

Speaking in 2011 in a Univision town hall, the President stated:

With respect to the notion that I can just suspend deportations through executive order, that is just not the case because there are laws on the books.

He also said that Congress passes the laws, and it is the executive branch’s job to enforce and implement those laws, and then it is up to the judiciary to interpret those laws if there is a question.

The President even said that there are enough laws on the books by Congress that are very clear in terms of how we have to enforce our immigration system. That, for me, is simple enough. And the President said that: through executive order, to ignore those congressional mandates would not conform with my appropriate role as President. I didn’t say that; he said that. I am not a lawyer; he is a lawyer, a constitutional lawyer.

What he hasn’t said to us, the American people, is in those 22 utterances where he said those things, why hasn’t he justified to the American people that maybe he was wrong when he said that, he didn’t get it right, he didn’t understand. He never said anything like that. What he has done is come back and to say: Do you know what—and he said it before that—I have a pen and a phone. And he can do what he pleases.

Mr. Speaker, this is an unfortunate time when we have to call the President out for not following the Constitution. This is not something that I look forward to. It is not something that I want to do. But it is so important, as I have said before, that we respect the article I power that this body has in the Constitution, that our



Founding Fathers thought it was so important that there be a separation of powers so that there was no monarchy, so there was no one person that can call all the shots. They sought it because they needed to because of what the impression is that they left that they were under.

We are merely standing up for our rights as citizens of the United States, as I believe we should be enforcing the constitutional requirements, that founding document. Maybe I am wrong, but I don't think so. I have been wrong in the past, but on this particular issue, the Constitution is the document that we should live by. The Constitution sets forth the operation of this government, not by whim and not by decree, but by law. We are a nation of laws.

You have heard me talk about the NDAA, and I will say this to Mr. MCGOVERN as it relates to authorization of military force. I agree wholeheartedly that we need to have a separate debate. We need to have it when we have a partner across the other side of the Capitol that will join in that debate about what we should be doing with the use of force and what we do as it relates to our men and women that serve.

Mr. Speaker, I urge my colleagues to support this rule and to support the checks and balances our Founders so thoughtfully crafted.

AMENDMENT OFFERED BY MR. NUGENT

Mr. NUGENT. Mr. Speaker, I offer an amendment to the resolution.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 14, insert before the period "and the amendment specified in section 5 of this resolution".

At the end of the resolution, add the following:

SEC. 5. The amendment referred to in the first section of this resolution is as follows: Strike section 3096 and insert the following: "SEC. 3096. PAYMENTS IN LIEU OF TAXES.

"For payments in lieu of taxes under chapter 69 of title 31, United States Code, which shall be available without further appropriation to the Secretary of the Interior—

"(1) \$33,000,000 for fiscal year 2015; and

"(2) \$37,000,000 to be available for obligation and payment beginning on October 1, 2015.

Funds available for obligation and payment under paragraph (2) shall be paid in October 2015."

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

AN AMENDMENT TO H. RES. 770 OFFERED BY MR. MCGOVERN FROM MASSACHUSETTS

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

SEC. 5. 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. 15) to provide for comprehensive immigration reform and for other purposes. 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 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. 6. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 15 as specified in section 5 of this resolution.

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. NUGENT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the amendment and 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 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on the amendment and on the resolution will be followed by 5-minute votes on adopting the amendment, if ordered, adopting the resolution, if ordered, and suspending the rules and adopting H. Res. 758.

The vote was taken by electronic device, and there were—yeas 227, nays 191, not voting 16, as follows:

[Roll No. 546]

YEAS—227

Amash	Cotton	Graves (GA)
Amodei	Cramer	Graves (MO)
Bachmann	Crawford	Griffin (AR)
Bachus	Crenshaw	Griffith (VA)
Barletta	Culberson	Grimm
Barr	Daines	Guthrie
Barton	Davis, Rodney	Hanna
Benishek	Denham	Harper
Bentivolio	Dent	Harris
Bilirakis	DeSantis	Hartzler
Black	DesJarlais	Hastings (WA)
Blackburn	Diaz-Balart	Heck (NV)
Boustany	Duffy	Hensarling
Brady (TX)	Duncan (SC)	Herrera Beutler
Brat	Duncan (TN)	Holding
Bridenstine	Ellmers	Hudson
Brooks (AL)	Farenthold	Huelskamp
Brooks (IN)	Fincher	Huizenga (MI)
Broun (GA)	Fitzpatrick	Hultgren
Buchanan	Fleischmann	Hunter
Bucshon	Fleming	Hurt
Burgess	Flores	Issa
Byrne	Forbes	Jenkins
Calvert	Fortenberry	Johnson (OH)
Camp	Fox	Johnson, Sam
Campbell	Franks (AZ)	Jolly
Capito	Frelinghuysen	Jones
Carter	Gardner	Jordan
Cassidy	Garrett	Joyce
Chabot	Gerlach	Kelly (PA)
Chaffetz	Gibbs	King (IA)
Clawson (FL)	Gibson	King (NY)
Coffman	Gingrey (GA)	Kingston
Cole	Gohmert	Kinzinger (IL)
Collins (GA)	Goodlatte	Kline
Collins (NY)	Gosar	Labrador
Conaway	Gowdy	LaMalfa
Cook	Granger	Lamborn

Lance	Perry	Shuster	Thompson (CA)	Vargas	Waters	Neugebauer	Rohrabacher	Stutzman
Lankford	Petri	Simpson	Thompson (MS)	Veasey	Waxman	Noem	Rokita	Terry
Latham	Pittenger	Smith (MO)	Tierney	Vela	Welch	Nugent	Rooney	Thompson (PA)
Latta	Pitts	Smith (NE)	Titus	Visclosky	Wilson (FL)	Nunes	Ros-Lehtinen	Thornberry
LoBiondo	Poe (TX)	Smith (NJ)	Tonko	Walz	Yarmuth	Nunnelee	Roskam	Tiberi
Long	Pompeo	Smith (TX)	Tsongas	Wasserman		Olson	Ross	Tipton
Lucas	Posey	Southerland	Van Hollen	Schultz		Palazzo	Rothfus	Turner
Luetkemeyer	Price (GA)	Stewart				Paulsen	Royce	Upton
Lummis	Reed	Stivers				Pearce	Runyan	Valadao
Marchant	Reichert	Stockman	Aderholt	Duckworth	Miller, Gary	Perry	Ryan (WI)	Wagner
Marino	Renacci	Stutzman	Bishop (UT)	Gallego	Negrete McLeod	Peterson	Salmon	Walberg
Massie	Ribble	Terry	Capuano	Hall	Rush	Petri	Sanford	Walder
McCarthy (CA)	Rice (SC)	Thompson (PA)	Cleaver	Johnson (GA)	Velázquez	Pittenger	Scalise	Walorski
McCaul	Rigell	Thornberry	Coble	McAllister		Pitts	Schock	Weber (TX)
McClintock	Roby	Tiberi	Doyle	McCarthy (NY)		Poe (TX)	Schweikert	Webster (FL)
McHenry	Roe (TN)	Tipton				Pompeo	Scott, Austin	Weststrup
McKeon	Rogers (AL)	Turner				Posey	Sensenbrenner	Westmoreland
McKinley	Rogers (KY)	Upton				Price (GA)	Sessions	Whitfield
McMorris	Rogers (MI)	Valadao				Reed	Shimkus	Williams
Rodgers	Rohrabacher	Wagner				Reichert	Shuster	Wilson (SC)
Meadows	Rokita	Walberg				Renacci	Simpson	Wittman
Meehan	Rooney	Walder				Ribble	Smith (MO)	Wolf
Messer	Ros-Lehtinen	Walorski				Rice (SC)	Smith (NE)	Womack
Mica	Roskam	Weber (TX)				Rigell	Smith (NJ)	Woodall
Miller (FL)	Ross	Webster (FL)				Roby	Smith (TX)	Yoder
Miller (MI)	Rothfus	Weststrup				Roe (TN)	Southerland	Yoho
Mullin	Royce	Westmoreland				Rogers (AL)	Stewart	Young (AK)
Mulvaney	Runyan	Whitfield				Rogers (KY)	Stivers	Young (IN)
Murphy (PA)	Ryan (WI)	Williams				Rogers (MI)	Stockman	
Neugebauer	Salmon	Wilson (SC)						
Noem	Sanford	Wittman						
Nugent	Scalise	Wolf						
Nunes	Schock	Womack						
Nunnelee	Schweikert	Woodall						
Olson	Scott, Austin	Yoder						
Palazzo	Sensenbrenner	Yoho						
Paulsen	Sessions	Young (AK)						
Pearce	Shimkus	Young (IN)						

## NAYS—191

Adams	Fudge	McIntyre
Barber	Gabbard	McNerney
Barrow (GA)	Garamendi	Meeks
Bass	Garcia	Meng
Beatty	Grayson	Michaud
Becerra	Green, Al	Miller, George
Bera (CA)	Green, Gene	Moore
Bishop (GA)	Grijalva	Moran
Bishop (NY)	Gutiérrez	Murphy (FL)
Blumenauer	Hahn	Nadler
Bonamici	Hanabusa	Napolitano
Brady (PA)	Hastings (FL)	Neal
Braley (IA)	Heck (WA)	Nolan
Brown (FL)	Higgins	Norcross
Brownley (CA)	Himes	O'Rourke
Bustos	Hinojosa	Owens
Butterfield	Holt	Pallone
Capps	Honda	Pascrell
Cárdenas	Horsford	Pastor (AZ)
Carney	Hoyer	Payne
Carson (IN)	Huffman	Pelosi
Cartwright	Israel	Perlmutter
Castor (FL)	Jackson Lee	Peters (CA)
Castro (TX)	Jeffries	Peters (MI)
Chu	Johnson, E. B.	Peterson
Cicilline	Kaptur	Pingree (ME)
Clark (MA)	Keating	Pocan
Clarke (NY)	Kelly (IL)	Polis
Clay	Kennedy	Price (NC)
Clyburn	Kildee	Quigley
Cohen	Kilmer	Rahall
Connolly	Kind	Rangel
Conyers	Kirkpatrick	Richmond
Cooper	Kuster	Roybal-Allard
Costa	Langevin	Ruiz
Courtney	Larsen (WA)	Ruppersberger
Crowley	Larson (CT)	Ryan (OH)
Cuellar	Lee (CA)	Sánchez, Linda T.
Cummings	Levin	Sánchez, Loretta
Davis (CA)	Lewis	Sarbanes
Davis, Danny	Lipinski	Schakowsky
DeFazio	Loeb sack	Schiff
DeGette	Lofgren	Schneider
Delaney	Lowenthal	Schrader
DeLauro	Lowe y	Schwartz
DelBene	Lujan Grisham	Scott (VA)
Deutch	(NM)	Scott, David
Dingell	Luján, Ben Ray	Serrano
Doggett	(NM)	Stewart
Edwards	Lynch	Hastings (AL)
Ellison	Maffei	Shea-Porter
Engel	Maloney,	Sherman
Enyart	Carolyn	Sinema
Eshoo	Maloney, Sean	Sires
Esty	Matheson	Slaughter
Farr	Matsui	Smith (WA)
Fattah	McCollum	Speier
Foster	McDermott	Swalwell (CA)
Frankel (FL)	McGovern	Takano

## NOT VOTING—16

Bishop (UT)	Duckworth	Miller, Gary
Capuano	Gallego	Negrete McLeod
Cleaver	Hall	Rush
Coble	Johnson (GA)	Velázquez
Doyle	McAllister	
	McCarthy (NY)	

## □ 1052

Mr. SCHIFF, Ms. PINGREE of Maine, Mr. HOYER, Ms. KUSTER, and Mr. WALZ changed their vote from “yea” to “nay.”

Mr. STEWART changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

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

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

## RECORDED VOTE.

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 191, not voting 11, as follows:

[Roll No. 547]

## AYES—232

Amash	DeSantis	Hurt
Amodei	DesJarlais	Issa
Bachmann	Diaz-Balart	Jenkins
Bachus	Duffy	Johnson (OH)
Barber	Duncan (SC)	Johnson, Sam
Barletta	Duncan (TN)	Jolly
Barr	Ellmers	Jordan
Barton	Farenthold	Joyce
Benishke	Fincher	Kelly (PA)
Bentivolio	Fitzpatrick	King (IA)
Bilirakis	Fleischmann	King (NY)
Black	Fleming	Kingston
Blackburn	Flores	Kinzinger (IL)
Boastany	Forbes	Kirkpatrick
Brady (TX)	Fortenberry	Kline
Brat	Fox	Labrador
Bridenstine	Franks (AZ)	LaMalfa
Brooks (AL)	Frelinghuysen	Lamborn
Brooks (IN)	Gardner	Lance
Broun (GA)	Garrett	Lankford
Buchanan	Gerlach	Latham
Bucshon	Gibbs	Latta
Burgess	Gibson	LoBiondo
Byrne	Gingrey (GA)	Long
Calvert	Gohmert	Lucas
Camp	Goodlatte	Luetkemeyer
Campbell	Gosar	Lummis
Capito	Gowdy	Marchant
Carter	Granger	Marino
Cassidy	Graves (GA)	Massie
Chabot	Graves (MO)	McAllister
Chaffetz	Griffin (AR)	McCarthy (CA)
Clawson (FL)	Griffith (VA)	McCaul
Coffman	Grimm	McClintock
Cole	Guthrie	McHenry
Collins (GA)	Hanna	McIntyre
Collins (NY)	Harper	McKeon
Conaway	Harris	McKinley
Cook	Hartzler	McMorris
Costa	Hastings (WA)	Rodgers
Cotton	Heck (NV)	Meadows
Cramer	Hensarling	Meehan
Crawford	Herrera Beutler	Messer
Crenshaw	Holding	Mica
Culberson	Hudson	Miller (FL)
Daines	Huelskamp	Miller (MI)
Davis, Rodney	Huizenga (MI)	Mullin
Denham	Hultgren	Mulvaney
Dent	Hunter	Murphy (PA)
Adams	Barrow (GA)	Bass
Beatty	Becerra	Bera (CA)
Bishop (GA)	Bishop (NY)	Blumenauer
Bonamici	Brady (PA)	Braley (IA)
Brown (FL)	Brownley (CA)	Bustos
Butterfield	Capps	Cárdenas
Carney	Carson (IN)	Carney
Carson (IN)	Cartwright	Castor (FL)
Castro (TX)	Castro (TX)	Chu
Chu	Cicilline	Clark (MA)
Clark (MA)	Clarke (NY)	Clay
Clyburn	Cohen	Connolly
Cohen	Connolly	Conyers
Cooper	Cooper	Costa
Courtney	Crowley	Cuellar
Crowley	Cuellar	Cummings
Cuellar	Cummings	Davis (CA)
Davis (CA)	Davis, Danny	DeFazio
DeFazio	DeGette	Delaney
DeGette	Delaney	DeLauro
Delaney	DeLauro	DelBene
DeLauro	DeBene	Deutch
DelBene	Deutch	Dingell
Deutch	Dingell	Doggett
Dingell	Doggett	Edwards
Doggett	Edwards	Ellison
Edwards	Ellison	Engel
Ellison	Engel	Enyart
Engel	Enyart	Eshoo
Enyart	Eshoo	Esty
Eshoo	Esty	Farr
Esty	Farr	Fattah
Farr	Fattah	Foster
Fattah	Foster	Frankel (FL)
Foster	Frankel (FL)	Gutiérrez
Frankel (FL)	Gutiérrez	Hahn
	Hahn	Hanabusa
	Hanabusa	Hastings (FL)
	Hastings (FL)	Heck (WA)
	Heck (WA)	Higgins
	Higgins	Himes
	Himes	Hinojosa
	Hinojosa	Holt
	Holt	Honda
	Honda	Horsford
	Horsford	Hoyer
	Hoyer	Huffman
	Huffman	Israel
	Israel	Jackson Lee
	Jackson Lee	Jeffries
	Jeffries	Johnson (GA)
	Johnson (GA)	Johnson, E. B.
	Johnson, E. B.	Jones
	Jones	Kaptur
	Kaptur	Keating
	Keating	Kelly (IL)
	Kelly (IL)	Kennedy
	Kennedy	Kildee
	Kildee	Kilmer
	Kilmer	Kind
	Kind	Kuster
	Kuster	Langevin
	Langevin	Larsen (WA)
	Larsen (WA)	Larson (CT)
	Larson (CT)	Lee (CA)
	Lee (CA)	Levin
	Levin	Lewis
	Lewis	Lipinski
	Lipinski	Loeb sack
	Loeb sack	Lofgren
	Lofgren	Lowenthal
	Lowenthal	Lowe y
	Lowe y	Lujan Grisham
	Lujan Grisham	(NM)
	(NM)	Luján, Ben Ray
	Luján, Ben Ray	(NM)
	(NM)	Lynch
	Lynch	Maffei
	Maffei	Maloney,
	Maloney,	Carolyn
	Carolyn	Maloney, Sean
	Maloney, Sean	Matheson
	Matheson	Matsui
	Matsui	McCollum
	McCollum	McDermott
	McDermott	McGovern
	McGovern	McIntyre
	McIntyre	McKeon
	McKeon	McKinley
	McKinley	McMorris
	McMorris	Rodgers
	Rodgers	Meadows
	Meadows	Meehan
	Meehan	Messer
	Messer	Mica
	Mica	Miller (FL)
	Miller (FL)	Miller (MI)
	Miller (MI)	Mullin
	Mullin	Mulvaney
	Mulvaney	Murphy (PA)
	Murphy (PA)	
		Adams
		Barrow (GA)
		Bass
		Beatty
		Becerra
		Bera (CA)
		Bishop (GA)
		Bishop (NY)
		Blumenauer
		Bonamici
		Brady (PA)
		Braley (IA)
		Brown (FL)
		Brownley (CA)
		Bustos
		Butterfield
		Capps
		Cárdenas
		Carney
		Carson (IN)
		Cartwright
		Castor (FL)
		Castro (TX)
		Chu
		Cicilline
		Clark (MA)
		Clarke (NY)
		Clay
		Clyburn
		Cohen
		Connolly
		Conyers
		Cooper
		Costa
		Courtney
		Crowley
		Cuellar
		Cummings
		Davis (CA)
		Davis, Danny
		DeFazio
		DeGette
		Delaney
		DeLauro
		DelBene
		Deutch
		Dingell
		Doggett
		Edwards
		Ellison
		Engel
		Enyart
		Eshoo
		Esty
		Farr
		Fattah
		Foster
		Frankel (FL)
		Gutiérrez
		Hahn
		Hanabusa
		Hastings (FL)
		Heck (WA)
		Higgins
		Himes
		Hinojosa
		Holt
		Honda
		Horsford
		Hoyer
		Huffman
		Israel
		Jackson Lee
		Jeffries
		Johnson (GA)
		Johnson, E. B.
		Jones
		Kaptur
		Keating
		Kelly (IL)
		Kennedy
		Kildee
		Kilmer
		Kind
		Kuster
		Langevin
		Larsen (WA)
		Larson (CT)
		Lee (CA)
		Levin
		Lewis
		Lipinski
		Loeb sack
		Lofgren
		Lowenthal
		Lowe y
		Lujan Grisham
		(NM)
		Luján, Ben Ray
		(NM)
		Lynch
		Maffei
		Maloney,
		Carolyn
		Maloney, Sean
		Matheson
		Matsui
		McCollum
		McDermott
		McGovern
		McIntyre
		McKeon
		McKinley
		McMorris
		Rodgers
		Meadows
		Meehan
		Messer
		Mica
		Miller (FL)
		Miller (MI)
		Mullin
		Mulvaney
		Murphy (PA)
		Adams
		Barrow (GA)
		Bass
		Beatty
		Becerra
		Bera (CA)
		Bishop (GA)
		Bishop (NY)
		Blumenauer
		Bonamici
		Brady (PA)
		Braley (IA)
		Brown (FL)
		Brownley (CA)
		Bustos
		Butterfield
		Capps
		Cárdenas
		Carney
		Carson (IN)
		Cartwright
		Castor (FL)
		Castro (TX)
		Chu
		Cicilline
		Clark (MA)
		Clarke (NY)
		Clay
		Clyburn
		Cohen
		Connolly
		Conyers
		Cooper
		Costa
		Courtney
		Crowley
		Cuellar
		Cummings
		Davis (CA)
		Davis, Danny
		DeFazio
		DeGet

## NOT VOTING—11

Aderholt  
Bishop (UT)  
Capuano  
Coble

Doyle  
Duckworth  
Gallego  
Hall

McCarthy (NY)  
Miller, Gary  
Negrete McLeod

□ 1101

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### CONDEMNING THE ACTIONS OF THE RUSSIAN FEDERATION

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 758) strongly condemning the actions of the Russian Federation, under President Vladimir Putin, which has carried out a policy of aggression against neighboring countries aimed at political and economic domination, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 10, not voting 13, as follows:

[Roll No. 548]

YEAS—411

Adams	Cartwright	Dingell
Amodei	Cassidy	Doggett
Bachmann	Castor (FL)	Duffy
Bachus	Castro (TX)	Duncan (SC)
Barber	Chabot	Edwards
Barletta	Chaffetz	Ellison
Barr	Chu	Ellmers
Barrow (GA)	Cicilline	Engel
Barton	Clark (MA)	Enyart
Bass	Clarke (NY)	Eshoo
Beatty	Clawson (FL)	Esty
Becerra	Clay	Farenthold
Benishek	Cleaver	Farr
Bentivolio	Clyburn	Fattah
Bera (CA)	Coffman	Fincher
Bilirakis	Cohen	Fitzpatrick
Bishop (GA)	Cole	Fleischmann
Bishop (NY)	Collins (GA)	Fleming
Black	Collins (NY)	Flores
Blackburn	Conaway	Forbes
Blumenauer	Connolly	Fortenberry
Bonamici	Conyers	Foster
Boustany	Cook	Foxx
Brady (PA)	Costa	Frankel (FL)
Brady (TX)	Cotton	Franks (AZ)
Braley (IA)	Courtney	Frelinghuysen
Brat	Cramer	Fudge
Bridenstine	Crawford	Gabbard
Brooks (AL)	Crenshaw	Garamendi
Brooks (IN)	Crowley	Garcia
Brown (GA)	Cuellar	Gardner
Brown (FL)	Culberson	Garrett
Brownley (CA)	Cummings	Gerlach
Buchanan	Daines	Gibbs
Buchson	Davis (CA)	Gibson
Burgess	Davis, Danny	Gingrey (GA)
Bustos	Davis, Rodney	Gohmert
Butterfield	DeFazio	Goodlatte
Byrne	DeGette	Gosar
Calvert	Delaney	Gowdy
Camp	DeLauro	Granger
Campbell	DelBene	Graves (GA)
Capito	Denham	Graves (MO)
Capps	Dent	Green, Al
Cardenas	DeSantis	Green, Gene
Carney	DesJarlais	Griffin (AR)
Carson (IN)	Deutch	Griffith (VA)
Carter	Diaz-Balart	Grijalva

Grimm	Matsui	Ryan (OH)
Guthrie	McAllister	Ryan (WI)
Gutiérrez	McCarthy (CA)	Salmon
Hahn	McCaul	Sánchez, Linda
Hanabusa	McClintock	T.
Hanna	McCollum	Sanchez, Loretta
Harper	McGovern	Sanford
Harris	McHenry	Sarbanes
Hartzler	McIntyre	Scalise
Hastings (WA)	McKeon	Schakowsky
Heck (NV)	McKinley	Schiff
Heck (WA)	McMorris	Schneider
Hensarling	Rodgers	Schock
Herrera Beutler	McNerney	Schrader
Higgins	Meehan	Schwartz
Himes	Meeke	Schweikert
Hinojosa	Meng	Scott (VA)
Holding	Messer	Scott, Austin
Holt	Mica	Scott, David
Honda	Michaud	Sensenbrenner
Horsford	Miller (FL)	Serrano
Hoyer	Miller (MI)	Sessions
Hudson	Moore	Sewell (AL)
Huelskamp	Moran	Shea-Porter
Huffman	Mullin	Sherman
Huizenga (MI)	Mulvaney	Shimkus
Hultgren	Murphy (FL)	Shuster
Hunter	Murphy (PA)	Simpson
Hurt	Nadler	Sinema
Israel	Napolitano	Sires
Issa	Neal	Slaughter
Jackson Lee	Neugebauer	Smith (MO)
Jeffries	Noem	Smith (NE)
Jenkins	Nolan	Smith (NJ)
Johnson (GA)	Norcross	Smith (TX)
Johnson (OH)	Nugent	Smith (WA)
Johnson, E. B.	Nunes	Southerland
Johnson, Sam	Nunnelee	Speier
Jolly	Olson	Stewart
Jordan	Owens	Stivers
Joyce	Palazzo	Stockman
Kaptur	Pallone	Stutzman
Keating	Pascrell	Swalwell (CA)
Kelly (IL)	Pastor (AZ)	Takano
Kelly (PA)	Paulsen	Terry
Kennedy	Payne	Thompson (CA)
Kildee	Pearce	Thompson (MS)
Kilmer	Pelosi	Thompson (PA)
Kind	Perlmutter	Thornberry
King (IA)	Perry	Tiberi
King (NY)	Peters (CA)	Tierney
Kingston	Peters (MI)	Tipton
Kinzinger (IL)	Peterson	Titus
Kirkpatrick	Petri	Tonko
Kline	Pingree (ME)	Tsongas
Kuster	Pittenger	Turner
Labrador	Pitts	Upton
LaMalfa	Pocan	Valadao
Lamborn	Poe (TX)	Van Hollen
Lance	Polis	Vargas
Langevin	Pompeo	Veasey
Lankford	Posey	Vela
Larsen (WA)	Price (GA)	Velázquez
Larson (CT)	Price (NC)	Visclosky
Latham	Quigley	Wagner
Latta	Rahall	Walberg
Lee (CA)	Rangel	Walden
Levin	Reed	Walorski
Lewis	Reichert	Walz
Lipinski	Renacci	Wasserman
LoBiondo	Ribble	Schultz
Loeb	Rice (SC)	Waters
Lofgren	Richmond	Waxman
Long	Rigell	Weber (TX)
Lowenthal	Roby	Webster (FL)
Lowe	Roe (TN)	Welch
Lucas	Rogers (AL)	Wenstrup
Luetkemeyer	Rogers (KY)	Westmoreland
Lujan Grisham	Rogers (MI)	Whitfield
(NM)	Rokita	Williams
Lujan, Ben Ray	Rooney	Wilson (FL)
(NM)	Ros-Lehtinen	Wilson (SC)
Lummis	Roskam	Wittman
Lynch	Ross	Wolf
Maffei	Rothfus	Womack
Maloney,	Roybal-Allard	Woodall
Carolyn	Royce	Yarmuth
Maloney, Sean	Ruiz	Yoder
Marchant	Runyan	Yoho
Marino	Ruppersberger	Young (AK)
Matheson	Rush	Young (IN)

NAYS—10

Amash	Jones	O'Rourke
Duncan (TN)	Massie	Rohrabacher
Grayson	McDermott	
Hastings (FL)	Miller, George	

## NOT VOTING—13

Aderholt  
Bishop (UT)  
Capuano  
Coble  
Cooper

Doyle  
Duckworth  
Gallego  
Hall  
McCarthy (NY)

Meadows  
Miller, Gary  
Negrete McLeod

□ 1110

Ms. SPEIER changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

### PERMISSION TO POSTPONE ADOPTION OF MOTION TO CONCUR IN SENATE AMENDMENT TO H.R. 3979, PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014

Mr. McKEON. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to concur in the Senate amendment to H.R. 3979 with an amendment may be subject to postponement as though under clause 8 of rule XX.

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

There was no objection.

### SUBMISSION OF MATERIAL EXPLANATORY OF THE AMENDMENT OF THE HOUSE OF REPRESENTATIVES TO THE AMENDMENT OF THE SENATE TO H.R. 3979

Pursuant to section 4 of House Resolution 770, the chairman of the Committee on Armed Services submitted explanatory material relating to the amendment of the House of Representatives to H.R. 3979. The contents of this submission will be published in Book II of this RECORD.

### PROTECTING VOLUNTEER FIREFIGHTERS AND EMERGENCY RESPONDERS ACT OF 2014

Mr. McKEON. Mr. Speaker, pursuant to House Resolution 770, I call up the bill (H.R. 3979) to amend the Internal Revenue Code of 1986 to ensure that emergency services volunteers are not taken into account as employees under the shared responsibility requirements contained in the Patient Protection and Affordable Care Act, with the Senate amendment thereto, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

Senate amendment:

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Emergency Unemployment Compensation Extension Act of 2014".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Extension of emergency unemployment compensation program.  
Sec. 3. Temporary extension of extended benefit provisions.