

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO S. 764, NATIONAL SEA GRANT COLLEGE PROGRAM AMENDMENTS ACT OF 2015; PROVIDING FOR CONSIDERATION OF S. 304, MOTOR VEHICLE SAFETY WHISTLEBLOWER ACT; AND WAIVING A REQUIREMENT OF CLAUSE 6(A) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS REPORTED FROM THE COMMITTEE ON RULES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 822) providing for consideration of the Senate amendment to the House amendment to the bill (S. 764) to reauthorize and amend the National Sea Grant College Program Act, and for other purposes; providing for consideration of the bill (S. 304) to improve motor vehicle safety by encouraging the sharing of certain information; and waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 183, not voting 5, as follows:

[Roll No. 439]

YEAS—245

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

| | | |
|-------------|---------------|---------------|
| Moolenaar | Rogers (AL) | Thornberry |
| Mooney (WV) | Rogers (KY) | Tiberi |
| Mullin | Rohrabacher | Tipton |
| Mulvaney | Rokita | Trott |
| Murphy (PA) | Rooney (FL) | Turner |
| Neugebauer | Ros-Lehtinen | Upton |
| Newhouse | Roskam | Valadao |
| Noem | Ross | Wagner |
| Nugent | Rothfus | Walberg |
| Nunes | Rouzer | Walden |
| Olson | Royce | Walker |
| Palazzo | Russell | Walorski |
| Palmer | Salmon | Walters, Mimi |
| Paulsen | Sanford | Weber (TX) |
| Perry | Scalise | Webster (FL) |
| Peterson | Schweikert | Wenstrup |
| Pittenger | Scott, Austin | Westerman |
| Pitts | Sensenbrenner | Westmoreland |
| Poliquin | Sessions | Whitfield |
| Pompeo | Shimkus | Williams |
| Posey | Shuster | Wilson (SC) |
| Price, Tom | Simpson | Wittman |
| Ratcliffe | Smith (MO) | Womack |
| Reed | Smith (NE) | Woodall |
| Reichert | Smith (NJ) | Yoder |
| Renacci | Smith (TX) | Yoho |
| Ribble | Stefanik | Young (AK) |
| Rice (SC) | Stewart | Young (IA) |
| Rigell | Stivers | Young (IN) |
| Roby | Stutzman | Zeldin |
| Roe (TN) | Thompson (PA) | Zinke |

NAYS—183

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

NOT VOTING—5

| | | |
|----------|----------|------|
| Hastings | Poe (TX) | Vela |
| Pearce | Takai | |

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1435

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

ELECTING THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

Mrs. McMORRIS RODGERS. Mr. Speaker, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 826

Resolved, That Philip George Kiko of the State of Ohio, be, and is hereby, chosen Chief Administrative Officer of the House of Representatives, effective August 1, 2016.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the Chief Administrative Officer-designate please take the well.

The Chair will now administer the oath of office to the Chief Administrative Officer.

Mr. Kiko appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear or affirm that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, Mr. Kiko.

Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker 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. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 185, not voting 6, as follows:

[Roll No. 440]

AYES—242

| | | |
|-------------|---------------|---------------|
| Abraham | Buchanan | Crenshaw |
| Aderholt | Buck | Culberson |
| Allen | Bucshon | Curbelo (FL) |
| Amodei | Burgess | Davidson |
| Babin | Byrne | Davis, Rodney |
| Barletta | Calvert | Denham |
| Barr | Carter (GA) | Dent |
| Barton | Carter (TX) | DeSantis |
| Benishek | Chabot | DesJarlais |
| Bilirakis | Chaffetz | Diaz-Balart |
| Bishop (MI) | Clawson (FL) | Dold |
| Bishop (UT) | Coffman | Donovan |
| Black | Duffy | Cole |
| Blackburn | Collins (GA) | Duncan (SC) |
| Blum | Collins (NY) | Duncan (TN) |
| Bost | Comstock | Ellmers (NC) |
| Boustany | Conaway | Emmer (MN) |
| Brady (TX) | Cook | Farenthold |
| Brat | Costello (PA) | Fincher |
| Bridenstine | Cramer | Fitzpatrick |
| Brooks (IN) | Crawford | Fleischmann |

| | | |
|-----------------|-------------|---------------|
| Fleming | Lamborn | Rogers (KY) |
| Flores | Lance | Rohrabacher |
| Forbes | Latta | Rokita |
| Fortenberry | LoBiondo | Rooney (FL) |
| Fox | McCaul | Long |
| Franks (AZ) | McClintock | Roskam |
| Frelinghuysen | Love | Ross |
| Garrett | Lucas | Rothfus |
| Gibbs | Luetkemeyer | Rouzer |
| Gibson | Lummis | Royce |
| Gohmert | Lynch | Russell |
| Goodlatte | MacArthur | Salmon |
| Gosar | Marchant | Sanford |
| Gowdy | Marino | Scalise |
| Granger | Massie | Schweikert |
| Graves (GA) | McCarthy | Scott, Austin |
| Graves (LA) | McCauley | Sensenbrenner |
| Graves (MO) | McClintock | Sessions |
| Griffith | McHenry | Shimkus |
| Grothman | McKinley | Shuster |
| Guinta | McMorris | Simpson |
| Guthrie | Rodgers | Smith (MO) |
| Hanna | McSally | Smith (NJ) |
| Hardy | Meadows | Smith (TX) |
| Harper | Meehan | Stefanik |
| Harris | Messer | Stewart |
| Hartzler | Mica | Stivers |
| Heck (NV) | Miller (FL) | Stutzman |
| Hensarling | Miller (MI) | Thompson (PA) |
| Herrera Beutler | Moolenaar | Thornberry |
| Hice, Jody B. | Mooney (WV) | Tiberi |
| Hill | Mullin | Tipton |
| Holding | Mulvaney | Trott |
| Hudson | Murphy (PA) | Turner |
| Huelskamp | Neugebauer | Upton |
| Huizenga (MI) | Newhouse | Valadao |
| Hultgren | Noem | Wagner |
| Hunter | Nugent | Walberg |
| Hurd (TX) | Nunes | Walden |
| Hurt (VA) | Olson | Walker |
| Issa | Palazzo | Walorski |
| Jenkins (KS) | Palmer | Walters, Mimi |
| Jenkins (WV) | Paulsen | Weber (TX) |
| Johnson (OH) | Perry | Webster (FL) |
| Johnson, Sam | Pittenger | Wenstrup |
| Jolly | Pitts | Westerman |
| Jones | Poliquin | Westmoreland |
| Jordan | Pompeo | Whitfield |
| Joyce | Posey | Williams |
| Katko | Price, Tom | Wilson (SC) |
| Kelly (MS) | Ratcliffe | Wittman |
| Kelly (PA) | Reed | Womack |
| King (IA) | Reichert | Woodall |
| King (NY) | Renacci | Yoder |
| Kinzinger (IL) | Ribble | Yoho |
| Kline | Rice (SC) | Young (AK) |
| Knight | Rigell | Young (IA) |
| Labrador | Roby | Young (IN) |
| LaHood | Roe (TN) | Zeldin |
| LaMalfa | Rogers (AL) | Zinke |

NOES—185

| | | |
|----------------|----------------|----------------|
| Adams | Conyers | Grijalva |
| Aguilar | Cooper | Gutiérrez |
| Amash | Costa | Hahn |
| Ashford | Courtney | Heck (WA) |
| Bass | Crowley | Higgins |
| Beatty | Cuellar | Himes |
| Becerra | Cummings | Hinojosa |
| Bera | Davis (CA) | Honda |
| Beyer | Davis, Danny | Hoyer |
| Bishop (GA) | DeFazio | Huffman |
| Blumenauer | DeGette | Israel |
| Bonamici | Delaney | Jackson Lee |
| Boyle, Brendan | DeLauro | Jeffries |
| F. | DelBene | Johnson (GA) |
| Brady (PA) | DeSaulnier | Johnson, E. B. |
| Brooks (AL) | Deutch | Kaptur |
| Brown (FL) | Dingell | Keating |
| Brownley (CA) | Doggett | Kennedy |
| Bustos | Doyle, Michael | Kildee |
| Butterfield | F. | Kilmer |
| Capps | Duckworth | Kind |
| Capuano | Edwards | Kirkpatrick |
| Cárdenas | Ellison | Kuster |
| Carney | Engel | Langevin |
| Carson (IN) | Eshoo | Larsen (WA) |
| Cartwright | Esty | Larson (CT) |
| Castor (FL) | Farr | Lawrence |
| Castro (TX) | Foster | Lee |
| Chu, Judy | Frankel (FL) | Levin |
| Ciçilline | Fudge | Lewis |
| Clark (MA) | Gabbard | Lieu, Ted |
| Clarke (NY) | Gallego | Lipinski |
| Clay | Garamendi | Loebsack |
| Cleaver | Graham | Loftgren |
| Clyburn | Grayson | Lowenthal |
| Cohen | Green, Al | Lowey |
| Connolly | Green, Gene | |

| | | |
|----------------|------------------|---------------|
| Lujan Grisham | Peters | Sires |
| (NM) | Peterson | Slaughter |
| Luján, Ben Ray | Pingree | Smith (WA) |
| (NM) | Pocan | Speier |
| Maloney, | Polis | Swalwell (CA) |
| Carolyn | Price (NC) | Takano |
| Maloney, Sean | Quigley | Thompson (CA) |
| Matsui | Rangel | Thompson (MS) |
| McCollum | Rice (NY) | Titus |
| McDermott | Richmond | Tonko |
| McGovern | Roybal-Allard | Torres |
| McNerney | Ruiz | Tsongas |
| Meeks | Ruppersberger | Van Hollen |
| Meng | Rush | Vargas |
| Moore | Ryan (OH) | Veasey |
| Moulton | Sánchez, Linda | Vela |
| Murphy (FL) | T. | Velázquez |
| Nadler | Sanchez, Loretta | Visclosky |
| Napolitano | Sarbanes | Walz |
| Neal | Schakowsky | Wasserman |
| Nolan | Schiff | Schradler |
| Norcross | Scott (VA) | Scott, David |
| O'Rourke | Scott, David | Serrano |
| Pallone | Serrano | Sewell (AL) |
| Pascarella | Sewell (AL) | Sherman |
| Payne | Sherman | Sinema |
| Pelosi | Sinema | |
| Perlmutter | | |

NOT VOTING—6

| | | |
|------------|----------|------------|
| Hastings | Pearce | Smith (NE) |
| Kelly (IL) | Poe (TX) | Takal |

□ 1443

So the resolution was agreed to.
The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Nebraska. Madam Speaker, on rollcall No. 440, I was unavoidably detained. Had I been present, I would have voted "yes."

□ 1445

CONSCIENCE PROTECTION ACT OF 2016

Mrs. BLACKBURN. Madam Speaker, pursuant to House Resolution 822, I call up the bill (S. 304) to improve motor vehicle safety by encouraging the sharing of certain information, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Ms. FOXX). Pursuant to House Resolution 822, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-61 is adopted, and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

S. 304

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Conscience Protection Act of 2016".

SECTION 2. FINDINGS.

Congress finds as follows:
(1) Thomas Jefferson stated a conviction common to our Nation's founders when he declared in 1809 that "[n]o provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority".

(2) In 1973, the Supreme Court concluded that the government must leave the abortion decision "to the medical judgment of the pregnant woman's attending physician", recognizing that a physician may choose not to participate in abor-

tion. *Roe v. Wade*, 410 U.S. 113, 164 (1973). The Court cited with approval a policy that "neither physician, hospital, nor hospital personnel shall be required to perform any act violative of personally-held moral principles", 410 U.S. at 143 n. 38, and cited State laws upholding this principle. *Doe v. Bolton*, 410 U.S. 179, 197-8 (1973).

(3) Congress's enactments to protect this right of conscience in health care include the Church amendment of 1973 (42 U.S.C. 300a-7), the Coats/Snowe amendment of 1996 (42 U.S.C. 238n), and the Weldon amendment approved by Congresses and Presidents of both parties every year since 2004.

(4) None of these laws explicitly provides a "private right of action" so victims of discrimination can defend their conscience rights in court, and administrative enforcement by the Department of Health and Human Services Office for Civil Rights has been lax, at times allowing cases to languish for years without resolution.

(5) Defying the Federal Weldon amendment, California's Department of Managed Health Care has mandated coverage for all elective abortions in all health plans under its jurisdiction. Other States such as New York and Washington have taken or considered similar action, and some States may go farther to require all physicians and hospitals to provide or facilitate abortions. On June 21, 2016, the Administration concluded a nearly two-year investigation of this matter by determining that California's decision to require insurance plans under the California Department for Managed Health Care authority to cover all legal abortion services did not violate the Weldon amendment. This interpretation means that individuals will have to choose between ignoring their conscience or forgoing health care coverage.

(6) The vast majority of medical professionals do not perform abortions, with 86 percent of ob/gyns unwilling to provide them in a recent study (*Obstetrics & Gynecology*, Sept. 2011) and the great majority of hospitals choosing to do so in rare cases or not at all.

(7) A health care provider's decision not to participate in an abortion, like Congress's decision not to fund most abortions, erects no new barrier to those seeking to perform or undergo abortions but leaves each party free to act as he or she wishes.

(8) Such protection poses no conflict with other Federal laws, such as the law requiring emergency stabilizing treatment for a pregnant woman and her unborn child when either is in distress (*Emergency Medical Treatment and Active Labor Act*). As the Obama administration has said, these areas of law have operated side by side for many years and both should be fully enforced (76 Federal Register 9968-77 (2011) at 9973).

(9) Reaffirming longstanding Federal policy on conscience rights and providing a right of action in cases where it is violated allows longstanding and widely supported Federal laws to work as intended.

SEC. 3. PROHIBITING GOVERNMENTAL DISCRIMINATION AGAINST PROVIDERS OF HEALTH SERVICES THAT ARE NOT INVOLVED IN ABORTION.

Title II of the Public Health Service Act (42 U.S.C. 202 et seq.) is amended by inserting after section 245 the following:

"SEC. 245A. PROHIBITING GOVERNMENTAL DISCRIMINATION AGAINST PROVIDERS OF HEALTH SERVICES THAT ARE NOT INVOLVED IN ABORTION.

"(a) IN GENERAL.—Notwithstanding any other law, the Federal Government, and any State or local government that receives Federal financial assistance, may not penalize, retaliate against, or otherwise discriminate against a health care provider on the basis that the provider does not—

"(1) perform, refer for, pay for, or otherwise participate in abortion;

"(2) provide or sponsor abortion coverage; or