CELEBRATING BLACK HISTORY MONTH

(Mrs. BROOKS of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BROOKS of Indiana. Mr. Speaker, I rise today to celebrate Black History Month and the remarkable contributions of Black Hoosiers to our State and country:

Take, for instance, Madam C.J. Walker, a visionary leader who rose from being orphaned at age 7 to becoming an accomplished entrepreneur of hair care products and a prolific philanthropist in the Indianapolis community. She was also America's first self-made female millionaire;

Or Emma Christy, Indianapolis' first female police officer, who patrolled the city's streets with the department's all-female unit, the largest in the world in 1921;

Or the 1955 Crispus Attucks State Championship basketball team. It was the first all-Black team to win a State title.

These are just some of the many African American Hoosiers who have helped shape Indiana's history, enriched our community, and transformed our Nation.

As this month draws to a close, let us continue to honor and recognize all of the trailblazing Black Hoosiers who have contributed so much. We recognize that their great work has paved the path we walk today and leaves lasting legacies in their wake.

CARBON CAPTURE ACT

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

Mr. TIPTON. Mr. Speaker, the United States is blessed with nearly 30 percent of the world's coal reserves—more than twice that of the nearest coal reserve country, Russia, and three times as much as China.

Colorado is America's 10th leading coal producer. In Colorado's Third Congressional District, mines in communities like Craig and Delta provide critical jobs and tax revenues as they responsibly produce reliable, affordable electricity on which countless Americans rely.

One thing is certain: the people who work in Colorado's mines and coal-fired power plants take great pride in their communities and the natural environment. They want to develop the land's abundant resources as responsibly as possible with as small a footprint as possible.

I do not support the President's Clean Power Plan and have voted to stop this onerous Federal overreach multiple times. However, as industry continuously searches for safer and more efficient ways to produce energy, we will need to incentivize the improvement of technology. Passing the Carbon Capture Act will help facilitate that.

Our economic, national, and energy security are all served through ensuring that the ability to use our natural resources responsibly to provide abundant, affordable energy continues.

EATING DISORDERS AWARENESS

(Mrs. ELLMERS of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ELLMERS of North Carolina. Mr. Speaker, I rise today in recognition of National Eating Disorders Awareness Week.

This annual campaign sheds light on a disease that affects nearly 30 million Americans and has the highest mortality rate of any mental illness. While recovery is certainly possible, early detection and intervention is key. Unfortunately, many people are unfamiliar with the signs typically associated with an eating disorder.

This is why I introduced a bipartisan bill with several of my female colleagues, H.R. 4153, the Educating to Prevent Eating Disorders Act. It would create a pilot program in middle schools to begin educating school counselors, teachers, and nurses about the symptoms of eating disorders.

The facts are clear: education and early detection save lives. This legislation, H.R. 4153, would allow for us to provide both. We have a responsibility to improve the public's understanding of eating disorders so that we can prevent this mental illness.

PROVIDING FOR CONSIDERATION OF H.R. 2406, SPORTSMEN'S HERITAGE AND RECREATIONAL ENHANCEMENT ACT OF 2015

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 619 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 619

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2406) to protect and enhance opportunities for recreational hunting, fishing, and shooting, 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 and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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.

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

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), 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. NEWHOUSE. 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 Washington?

There was no objection.

Mr. NEWHOUSE. Mr. Speaker, on Tuesday, the Rules Committee met and reported a rule, House Resolution 619, providing for consideration of H.R. 2406, the SHARE Act, also commonly known as the sportsmen's bill.

The rule provides for consideration of H.R. 2406 under a structured rule, with 17 amendments made in order that are roughly evenly split between Democratic and Republican members of this legislative body.

Mr. Speaker, the SHARE Act is an important bipartisan package of proposals that will promote greater opportunities for hunting, fishing, and outdoor recreation, as well as safeguard the rights of hunters, anglers, and recreational shooters.

While similar bills have passed the House in the past two Congresses, the Senate has failed to adopt them, making this legislation long overdue. This is especially true when considering the current administration's ongoing assault on the Second Amendment, as well as their restrictions on access to Federal land. This includes restricting hunting and shooting on Federal lands,

where many people go to participate in these time-honored American activities.

The Congressional Sportsmen's Foundation recently stated that roughly 37 million American sportsmen and -women spend over $90 billion annually on outdoor sport activities, highlighting the important economic impact this legislation will have on small businesses across the country that comprise our recreational industries.

Mr. Speaker, these outdoor activities are deeply ingrained in America's heritage and culture, with the values they instill passed down from generation to generation. In fact, according to a 2013 Congressional Sportsmen's Foundation report, hunting, fishing, and shooting are growing in popularity throughout the country, with almost 40 million people over the age of 16 hunting or fishing in the United States. However, over the past 7 years, we have seen the Federal Government continually find ways to block law-abiding Americans from exercising this most fundamental right. People all across my State of central Washington are avid hunters, anglers, and outdoorsmen. Many Americans, especially in the West, look to our vast Federal lands to hunt, fish, and shoot.

Unfortunately, over the past few years, we have seen Federal agencies such as the U.S. Forest Service and the Bureau of Land Management prevent or impede access to Federal lands which should otherwise be available for these purposes. Lack of access to acceptable areas to participate in these activities is often one of the main reasons why sportsmen and -women stop participating in these traditional American pastimes. Ensuring the public has reliable access to our Nation's Federal lands must remain a priority of this Congress.

Mr. Speaker, we should be fostering and growing participation in outdoor sporting activities—rather than trying to create regulatory barriers that drive Americans away from them—which instill important lifelong values and principles.

□ 1230

These include responsibility, firearm safety and conservation, as well as patience, discipline, respect for wildlife, and most of all, appreciation of our country's rich natural heritage and beautiful national parks, forests, and vast wilderness areas.

H.R. 2406 is critical to protecting our way of life and ensuring all Americans have the ability to enjoy outdoor recreation and develop a profound appreciation for our country's marvelous natural landscapes.

This legislation is comprised of a number of provisions that will help provide future generations of Americans with access to our country's Federal lands for outdoor recreation, sport shooting, hunting, and fishing.

The measure will also reaffirm the Second Amendment rights of Americans to lawfully carry firearms on Federal lands.

Additionally, it will help prevent Federal overreach, eliminate regulatory impediments, and protect against the promulgation of new, onerous regulations that impede access or restrict lawful activities on Federal lands.

Sportsmen are natural stewards of public lands and greatly contribute to habitat and wildlife conservation, so I find it difficult to understand the rationale behind many of these Federal decisions.

Mr. Speaker, the SHARE Act also includes legislation that I introduced, the Federal Land Transaction Facilitation Act, or FLTFA, which authorizes the BLM to sell surplus lands to States, localities, or private entities that can be put then to economically beneficial use.

Since its initial enactment, FLTFA reduced Federal land ownership by more than 9,000 acres over the course of a decade, while also enhancing access for hunting, fishing, and shooting on these Federal lands.

This critical program brings a commonsense approach to land transactions and helps streamline land ownership patterns, all without spending taxpayer funds or adding to the surplus of federally owned property.

Additionally, the bill includes the Recreational Land Self-Defense Act, legislation that protects the ability of gun owners to exercise their Second Amendment rights when they are legally camping, hunting, and/or fishing on property owned by the Army Corps of Engineers.

Like many in Central Washington, I grew up responsibly exercising the right to bear arms, and I am a longstanding advocate for the protection of those rights, which is why I am proud to cosponsor this bill.

In my district, access to Federal lands is of paramount importance, and the SHARE Act will ensure that sportsmen, outdoorsmen, and all Americans wishing to enjoy our treasured Federal parks and forests have the ability to do so.

For this reason, I have also introduced an amendment to the SHARE Act that would require the U.S. Forest Service to publish a notice in the Federal Register, along with a justification for the closure of any public road in our forests.

In Central Washington and across our country, the Forest Service has closed public roads with no prior notification, preventing access to public areas in our region's national forests. Often, these blocked roadways have been in use for decades, and many local residents rely on them for both everyday activities as well as for recreational purposes.

The first indication of a closure should not come when an individual is faced with an impassable roadway, but, rather, through an adequate public notice from the Forest Service, which my amendment would provide.

Our country has a deep and longstanding tradition of using Federal land for outdoor and recreational activities, and protecting the ability of Americans to use our abundant Federal lands for these purposes must remain one of our top priorities in Congress, which is why I am committed to working with my colleagues in the House and in the Senate to advance this much-needed legislation.

Mr. Speaker, for generations Americans have passed down these values to their children and to their grandchildren, which have deeply ingrained hunting, fishing, and recreational shooting in America's heritage and our cultural fabric.

As I said, growing up in Central Washington, I experienced the importance of these values firsthand, and they continue to play an important role in my life to this very day.

The rule we consider here today provides for consideration of legislation that will protect these values, increase opportunities for hunters, anglers, and shooters, and ensure that future generations of Americans have equal opportunity to access and enjoy our Nation's vast public lands.

This is a good, straightforward rule, allowing for the consideration of a critically important measure. I support the rule's adoption, and I urge my colleagues to support the rule as well as the underlying bill.

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

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

I thank the gentleman, my colleague on the Rules Committee, for yielding the customary 30 minutes to me.

Mr. Speaker, for months, the Chamber's majority has been bringing recycled bills to the floor to stall and waste time, knowing full well these bills will not be signed into law.

The majority has introduced no budget. Our infrastructure is crumbling. Americans are in need of new bridges, new roads, new water systems, schools, housing, and much more.

It has been said that it costs an estimated $24 million to run the House of Representatives for a week, money basically wasted when we do bills like these.

As a matter of fact, I think if we were to add up all that money, we might even be able to do high-speed rail in the United States.

Wouldn't that be a new venture?

The majority has sidestepped addressing the high cost of a college education and the student loan debt crisis. They have put their heads in the sand concerning the threat of the Zika virus.

We have done nothing about the century-old water pipes crisscrossing the country, even in light of the tragedy in Flint. No wonder Americans are so disgusted and angry. Instead of focusing on what people are crying out for, we now bring up this whole package of bills that has no chance of advancing.

Today we have the Sportsmen's Heritage and Recreational Enhancement Act. It advances an anti-conservation agenda at odds with the decades of longstanding tradition benefiting our uniquely American landscapes, wildlife, and sporting community.

The SHARE Act cobbles together seven separate legislative proposals, along with six other titles. Now, that is some seamstress work. It is a grab bag that includes provisions that would undermine the Wilderness Act, the National Environmental Policy Act, and other essential conservation laws.

What's more, the SHARE Act would drive the extinction of domestic and international wildlife by adding language that would block the administration's efforts under the Endangered Species Act to stop ivory trafficking—it basically says that you can, if you go on a safari, bring back elephant tusks because they are not in any danger, despite what we all hear to the contrary—and to prevent the slaughter of American elephants, which is necessary to get those tusks.

The U.S. Fish and Wildlife Service wouldn't be able to stop the illegal ivory trade, and the importation of polar bears would be made possible again.

But I think one of the worst things is it brings back the traps that captured so many of people's pets, small animals who died a very cruel and long death. Why in the world would we do that? What is sporting about catching an animal, sometimes a person, or a pet, in something from which they cannot extricate themselves, and to suffer and to die?

Let's be clear. This bill undermines bedrock conservation laws. It won't benefit the average hunter or angler. People going on safaris might get something more out of it, like elephant tusks, but it will destroy years of work done by animal protection advocates and conservationists. The delicate balance at work in our ecosystem's food chain is not to be trifled with, and we disrupt it at our own peril.

Aside from rolling back decades of work conserving our majestic natural resources, the bill is a distraction from what we should be doing.

May I remind my colleagues on the other side of the aisle of a piece of wisdom from Teddy Roosevelt, America's favorite outdoorsman and actually the person who is responsible for the wonderful national parks that we have.

He said, and I quote: ''We are prone to speak of the resources of this country as inexhaustible; this is not so.''

If he had this worry that we have today here, 100 years ago, I can only imagine what he would think of this state of affairs.

I urge a ''no'' vote on this rule and a ''no'' vote on the underlying legislation.

I reserve the balance of my time.

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

I would just respond that certainly there are many issues facing Congress today, many important things that we have to consider in many issue areas, but that should not preclude us from addressing a very important issue, and that is access to our national, our Federal lands by sportsmen, by hunters, by fishers.

Protecting the ability of Americans to enjoy our natural abundance of Federal lands, I think, is something that our President Roosevelt, who the distinguished gentlewoman from New York quoted, would be very much in favor of. Certainly he was a proponent of enjoying those same Federal lands.

Any efforts that we can put forth to make sure that we can continue those strong traditions of Americans being exposed to the great outdoors in this country is something that we should do all we can to preserve.

I might note, too, that this is a bipartisan-led effort in the House of Representatives. Passed in the last two Congresses, many of the provisions of this bill have enjoyed overwhelming bipartisan support, and this year we do have a clear path forward, as the committees in the other body across the rotunda are already marking up very similar legislation in their work on this important issue.

So I feel very positive about the direction we are taking, about the bipartisan nature of the effort that we have here before us today, and I think it is an important thing that we need to address, as well as many of the other things that the gentlewoman from New York discussed. But certainly this is something that we can and should move forward.

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

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

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up a resolution that will require the majority to stop the partisan games and hold hearings on the President's budget proposal.

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

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

There was no objection.

Ms. SLAUGHTER. I yield back the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, just out of courtesy to the gentlewoman from New York, I do have one Member who would like to speak on this bill, if that is okay with you.

Ms. SLAUGHTER. Of course.

□ 1245

Mr. NEWHOUSE. So, with that, I would be very happy to yield such time as he may consume to the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Mr. Speaker, I rise today in support of H.R. 2406, the Sportsmen's Heritage and Recreational Enhancement Act of 2015, or the SHARE Act.

The SHARE Act has 13 important provisions that will work to expand opportunities for sportsmen and -women to enjoy their favorite outdoor activities around the country.

Title II of this bill, which I authored, is the Recreational Fishing and Hunting Heritage and Opportunities Act. I grew up in northern Michigan and, like many of my constituents, spent my summers fishing and the fall hunting grouse in the UP woods.

These traditions—spending quality time outdoors with our kids and grandkids—are the kinds of things we must make sure are preserved for generations to come.

This portion of the SHARE Act seeks to create an open until closed policy for sportsmen's use of Federal lands.

As you know, nearly one-quarter of the United States landmass, or over 500 million acres, are Federal lands that are owned by all Americans. It is important that the right to fully utilize these lands is ensured for future generations.

Over the years, legislative ambiguity has allowed antihunting groups to pursue an antihunting agenda that has eliminated opportunities for many of these activities on our Federal lands. Groups like these are taking advantage of loopholes in the law to deprive our constituents of the right to fully use Federal lands.

Recreational anglers, hunters, and sporting organizations, many of whom have endorsed this bill, are passionate supporters of the conservation movement. These dedicated sportsmen and -women deserve to know that the land they cherish will not be closed off to hunting, fishing, and shooting for future generations.

This is a bipartisan issue. Both Presidents Clinton and Bush issued executive orders recognizing the value of these heritage activities. It is time we finally close the loopholes, firm up the language, and make sure that future generations will always be able to enjoy the outdoors, hunting, fishing, shooting, or just taking a walk in the woods.

I encourage all my colleagues today to join me in supporting this piece of commonsense legislation.

Mr. NEWHOUSE. Mr. Speaker, I yield to the gentlewoman from New York (Ms. SLAUGHTER) for an opportunity to respond, since she already yielded back her time.

Ms. SLAUGHTER. That is very kind of the gentleman, but I continue to yield back the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I do have one more speaker who would like to say a few words on this issue.

I yield 2 minutes to the gentleman from Virginia (Mr. WITTMAN), the sponsor of the bill.

Mr. WITTMAN. Mr. Speaker, I rise to support today's rule.

Mr. Speaker, I am proud to join with Sportsmen's Caucus Co-chair TIM WALZ

and Caucus Vice Chairs JEFF DUNCAN and GENE GREEN in introducing H.R. 2406, the Sportsmen's Heritage and Recreational Enhancement Act, better known as the SHARE Act.

This bipartisan package of legislation protects and advances hunting, angling, and recreational shooting traditions and also promotes fish and wildlife conservation efforts.

The SHARE Act passed the House of Representatives in both the 113th and 112th Congress with bipartisan support, and in October 2015 the Natural Resources Committee voted 21–15 in favor of the bill.

In addition, H.R. 2406 is supported by the Nation's leading hunting and fishing conservation organizations, which represent millions of sportsmen and -women across the Nation.

This commonsense proposal will expand opportunities for hunting and fishing and promote conservation across the United States, particularly on Federal lands. In many parts of the country, American sportsmen and -women rely on access to Federal lands to hunt, fish, and recreationally shoot.

This bill would expand access to these lands by requiring the Bureau of Land Management and the U.S. Forest Service to keep lands open for hunting, fishing, and recreational shooting unless there is a specific reason to close them.

The bill also requires the National Park Service or Office of National Marine Sanctuaries to consult with State fish and wildlife agencies prior to closing areas to fishing, and allows State fish and wildlife agencies the added flexibility needed to construct public shooting ranges.

The SHARE Act also protects Second Amendment rights. It ensures the rights of law-abiding citizens to possess firearms on lands and waters managed by the United States Corps of Engineers, which is consistent with rights afforded on other Federal public lands. The bill also prevents the Environmental Protection Agency from unnecessarily regulating ammunition and fishing tackle.

As an avid sportsman, I am humbled to advocate for this commonsense legislation. I am proud, also, to introduce it in order to advance the priorities of American sportsmen and -women.

I encourage my colleagues to ensure that America's hunting and fishing heritage remains a top priority for the Federal Government for years to come and to pass this critical legislation.

Mr. Speaker, I urge my colleagues to support the rule and to support H.R. 2406.

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

Mr. Speaker, in closing, let me first say I very much appreciate the distinguished gentlewoman's indulgence on allowing folks to speak on this issue. As you can tell, it is very important to a lot of people. So I thank her very much for her polite indulgence.

Mr. Speaker, the debate that we have had here today underscores the importance of the legislation that is considered under this rule.

I believe we must take a firm stand against executive overreach on the infringement of Americans' constitutional rights to keep and bear arms by protecting the Second Amendment as well as protecting the public's access to Federal lands for the purposes of hunting, fishing, and sports shooting.

People all across the country are avid hunters, anglers, and outdoorsmen, often utilizing public lands for those purposes, and the SHARE Act will ensure that the Federal Government does not restrict their ability to participate in these activities.

Federal lands represent an important and precious national resource for many mixed-use purposes. We must not tolerate efforts by Federal agencies such as the Forest Service or the BLM to restrict, impede, or prevent access to Federal lands that should otherwise be available for use by our country's outdoor enthusiasts as well as sportsmen and -women.

By adopting this rule, providing for consideration of the underlying bill, the House will be taking an important step toward resolving many of the long overdue issues facing our country's outdoor recreational community.

The SHARE Act will allow the values instilled by hunting, fishing, and recreational shooting to be passed down to future generations of Americans, just as our parents passed them to many of us.

This is particularly important to me because, as a farmer, I consider myself a conservationist, a steward of our resources, and believe we have a responsibility to use our natural resources wisely and with care, preserving them for those who come after.

Mr. Speaker, this is a good, straightforward rule allowing for consideration of a long overdue piece of legislation that ensures future generations have access to our country's Federal lands for outdoor recreation and sporting activities.

I have certainly appreciated the discussion here today, which underscores the importance of this issue to so many people. I believe this rule and the underlying bill are strong measures that are important to preserving our Nation's cultural heritage.

Mr. Speaker, I urge my colleagues to support House Resolution 619 and the underlying bill.

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

AN AMENDMENT TO H. RES. 619 OFFERED BY MS. SLAUGHTER

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

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 624) Directing the Committee on the Budget to hold a public hearing on the President's fiscal year 2017 budget request with the Director of the Office of Management and Budget as a witness. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the resolution specified in section 2 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. NEWHOUSE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

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

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

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

The yeas and nays were ordered.

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

FRAUDULENT JOINDER PREVENTION ACT OF 2016

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3624.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 618 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3624.

The Chair appoints the gentleman from Louisiana (Mr. GRAVES) to preside over the Committee of the Whole.

□ 1254

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3624) to amend title 28, United States Code, to prevent fraudulent joinder, with Mr. GRAVES of Louisiana in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

□ 1300

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Hardworking Americans are some of the leading victims of frivolous lawsuits and the extraordinary costs that our legal system imposes. Every day, local businessowners routinely have lawsuits filed against them, based on claims they have no substantive connection to, as a means of forum shopping on the part of the lawyers filing the case. These lawsuits impose a tremendous burden on small businesses and their employees. The Fraudulent Joinder Prevention Act, introduced by Judiciary Committee Member KEN BUCK from Colorado, will help reduce the litigation abuse that regularly drags small businesses into court for no other reason than as part of a lawyer's forum shopping strategy.

In order to avoid the jurisdiction of the Federal courts, plaintiffs' attorneys regularly join instate defendants to the lawsuits they file in State court, even if the instate defendants' connections to the controversy are minimal or nonexistent.

Typically, the innocent but fraudulently joined instate defendant is a small business or the owner or employee of a small business. Even though these innocent instate defendants ultimately don't face any liability as a result of being named as a defendant, they nevertheless have to spend money to hire a lawyer and take valuable time away from running their businesses or spending time with their families to deal with matters related to a lawsuit to which they have no real connection.

To take just a couple of examples, in Bendy v. C.B. Fleet Company, the plaintiff brought product liability claims against a national company for its allegedly defective medicinal drink. The plaintiff also joined a resident local defendant health clinic alleging it negligently instructed the plaintiff to ingest the drink. The national company removed the case to Federal Court and argued that the small local defendant was fraudulently joined because the plaintiff's claims against the clinic were time-barred by the statute of limitations, showing ''no possibility'' of recovery.

Despite finding the possibility of relief against the local defendant ''remote,'' the court remanded the case after emphasizing how hard it is to demonstrate fraudulent joinder under the current rules. The court practically apologized publicly to the joined party, stating: ''The fact that Maryland courts are likely to dismiss Bendy's claims against the local defendant is not sufficient for jurisdiction, given the Fourth Circuit's strict standard for fraudulent joinder.''

Shortly after remand, all claims against the local defendant were dismissed, of course, after its presence in the lawsuit served the trial lawyer's tactical purpose of keeping the case in their preferred State court. When courts themselves complain about the unfairness of current court rules, Congress should take notice.

In Baumeister v. Home Depot, Home Depot removed a slip-and-fall case to Federal Court. The day after removal and before conducting any discovery, the plaintiff amended the complaint to name a local business, which it alleged failed to maintain the store's parking lot. The court found the timing of the amended complaint was ''suspect,'' noting the possibility ''that the sole reason for amending the complaint to add the local defendant as a defendant . . . could have been to defeat diversity jurisdiction.''

Nevertheless, the court held Home Depot had not met its ''heavy burden'' of showing fraudulent joinder under current law because the court found it was ''possible,'' even if it were just a tenth of a percent possible, that ''the newly added defendant could potentially be held liable,'' and remanded the case back to State court. Once back in State court, the plaintiff stipulated to dismiss the innocent local defendant from the lawsuit, but only after it had been successfully used as a forum shopping pawn.

Trial lawyers join these unconnected instate defendants to their lawsuits because today a case can be kept in State court by simply joining as a defendant a local party that shares the same local residence as the person bringing the lawsuit. When the primary defendant moves to remove the case to Federal Court, the addition of that local defendant will generally defeat removal under a variety of approaches judges currently take to determine whether the joined defendant prevents removal to Federal Court.

One approach judges take is to require a showing that there is ''no possibility of recovery'' against the local defendant before a case can be removed to Federal Court, or some practically equivalent standard. Others require the judge to resolve any doubts regarding removal in favor of the person bringing the lawsuit. Still, others require the judge to find that the local defendant was added in bad faith before they allow the case to be removed to Federal Court.

The current law is so unfairly heavy-handed against innocent local parties joined to lawsuits that Federal Appeals Court Judge J. Harvie Wilkinson of the Fourth Circuit Court of Appeals has publicly supported congressional action to change the standards for joinder, saying: ''That's exactly the kind of approach to Federal jurisdiction reform that I like because it's targeted. And there is a problem with fraudulent jurisdiction law as it exists today, I think, and that is that you have to establish that the joinder of a nondiverse defendant is totally ridiculous and that there's no possibility of ever recovering . . . That's very hard to do. So I think making the fraudulent joinder law a little bit more realistic . . . appeals to me because it seems to me the kind of intermediate step that addresses some real problems.''

The bill before us today addresses those real problems in two main ways:

First, the bill allows judges greater discretion to free an innocent local party from a case where the judge finds there is no plausible case against that party. That plausibility standard is the same standard the Supreme Court has said should be used to dismiss pleadings for failing to state a valid legal