

can't even call terrorism what it really is. That is our problem. But today, Mr. Speaker, we are on the floor trying to debate a bill which we are going to be voting on in a few minutes.

In 2014, Mr. Speaker, 224 laws were enacted by Congress during the calendar year, yet 3,554 rules were passed by agencies. That means that there were 16 rules issued for every law.

Mr. Speaker, the administration is attempting to smother, to overrun the free enterprise system in favor of administrations that are not for job creation, that are not for raising GDP. They have a 7-year history of trying to kill the free enterprise system.

We are here for the American people to talk about jobs and job creation and more investment in America. As long as you have got an administration that is all about issuing some 3,554 new rules in exactly 1 year, you have got a problem. That is why we are here.

Mr. Speaker, I know what we are trying to do, and so do they. This legislation restores all Americans' basic rights and it also helps this body. For that reason, I urge my colleagues to support this rule and the underlying bill.

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

AN AMENDMENT TO H. RES. 796 OFFERED BY
MR. MCGOVERN

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

SEC. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and

a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

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

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

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

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

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION
OF H.R. 1270, RESTORING ACCESS
TO MEDICATION ACT OF 2015

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 793

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-60 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 Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. 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. BURGESS. 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 Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 793 provides for consideration of H.R. 1270, the Restoring Access to Medication Act.

The rule provides 1 hour of debate, equally divided between the majority and minority of the Committee on Ways and Means. Further, the rule makes in order an amendment in the nature of a substitute consisting of the text of the Rules Committee print considered previously during the Rules Committee hearing on this measure. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules made no further

amendments in order; however, the rule affords the minority the customary motion to recommitt.

Under the rule, we will be considering commonsense policies from three different bills that empower individuals and families as healthcare consumers, while protecting taxpayer dollars. Each bill advanced through regular order and was favorably reported out of the Committee on Ways and Means.

H.R. 1270, the Restoring Access to Medication Act, would eliminate barriers created in the Affordable Care Act for those who want to purchase over-the-counter medications with funds from their health savings accounts. Congresswoman LYNN JENKINS of Kansas introduced this bipartisan, bicameral bill to cut through the bureaucratic red tape created in the President's healthcare law.

H.R. 5445, the Health Care Security Act, introduced by Congressman PAULSEN and myself, eliminates certain burdensome limitations on health savings accounts to help consumers take back control of their health spending decisions.

Finally, H.R. 4723, also introduced by Congresswoman JENKINS, protects taxpayers by recovering improper payments of Affordable Care Act subsidies.

At the end of last month, the Speaker's Task Force on Health Care Reform released the Republican plan to replace the Affordable Care Act and modernize the American healthcare system. Good policy that will stand the test of time requires hard work, compromise, and the scrutiny of the American people.

As, unfortunately, we learned during the run-up to the Affordable Care Act, policy hastily crafted by government bureaucrats behind closed doors results in devastating consequences. While we are committed to large-scale reform, real people are struggling as we speak, and we are not waiting to take action. These bills are an important example of the work that is going on right now to advance Member-driven solutions that will improve health care for all Americans.

Mr. Speaker, the post-Affordable Care Act world is riddled with flaws, but one of its biggest problems is the failure to promote consumer-driven health care. Expanding the use of health savings accounts could go a long way to reverse this trend.

Health savings account plans give consumers incentives to manage their own healthcare costs by coupling a tax-favored savings account used to pay medical expenses with a high-deductible health plan that meets certain requirements for deductibles and out-of-pocket expense limits. The funds in the health savings account are owned by the individual, controlled by the individual, and may be rolled over from year to year.

Health savings accounts are not a novel idea. They have been available since 2004. In fact, their precursor, the medical savings account, is enjoying

its 20th anniversary of being signed into law this month as part of the Kennedy-Kassebaum Act back in 1996.

Current HSA policy is extraordinarily restrictive, making it harder for consumers to take advantage of them. While I have spent several years in developing extensive reforms to tap the potential for health savings accounts for consumers, H.R. 5445 includes meaningful improvements that can actually get across the finish line today.

Deductibles and out-of-pocket limits have been steadily growing. Congress should be taking steps to make it easier for Americans to save, not restricting their options. Unfortunately, current law limits health savings account contributions to levels that are lower than the combined annual limits on deductibles and out-of-pocket expenses. H.R. 5445 resolves this discrepancy by raising the individual and family contribution limits for health savings accounts to equal the annual limit on deductibles and out-of-pocket costs.

Another problem in current law reduces the flexibility of HSAs for married couples. Under current law, if both spouses are HSA-eligible and age 55 or older, they must open separate HSA accounts to be able to make the maximum available contribution. Individuals should not be forced to jump through hoops just to save for their health care. H.R. 5445 would allow both spouses to deposit catch-up contributions into a single health savings account.

Finally, H.R. 5445 will take steps to ensure that HSA funds can reliably be used for medical expenses. Under current law, taxpayers may use HSA funds only for qualified medical expenses incurred after the establishment of the HSA, which might be some time after the establishment of the associated high-deductible health plan.

If, for example, the taxpayer purchases an HSA-eligible health plan and then immediately incurs medical expenses before opening the HSA, the taxpayer may not use tax-favored HSA funds to pay those expenses. H.R. 5445 would treat HSAs opened within 60 days after gaining coverage under an HSA-eligible plan as having been opened on the same day as the health plan. This would allow for a reasonable grace period between the time of coverage through an HSA-eligible plan and establishment of the actual health savings account.

H.R. 1270, the base bill, makes commonsense, patient-centered reforms to help defray costs for individuals.

Over-the-counter medications, such as allergy or cold medications, proton pump inhibitors, antibiotic ointment, or pain relievers were historically eligible expenditures for a health savings account and other similar tax-favored healthcare accounts. However, the Affordable Care Act created a requirement in Federal law that forces the accountholders to go to their doctor to obtain a prescription for these over-

the-counter medications before purchasing them with their health savings account or flexible savings account.

Individuals who fail to jump through these hoops and purchase over-the-counter medications without a prescription face a tax penalty for making a nonqualified distribution. This policy drives unnecessary utilization of doctors' services, decreases access to reasonable over-the-counter medications, and discourages people from taking control of saving for their healthcare needs.

H.R. 1270 repeals this harmful provision of the President's healthcare law, puts the consumer back in the driver's seat, and allows sufficient access to appropriate medication.

□ 1615

Last but not least, H.R. 4723 fulfills our duty as stewards of the tax dollars of hardworking Americans. Improper subsidy payments are treated to arbitrary and inconsistent standards. This is surely not good governance. The policy of H.R. 4723 will ensure that everyone who receives improper Affordable Care Act subsidy overpayments will be treated identically. This commonsense solution is a straightforward approach to saving billions of tax dollars for hardworking Americans.

Instead of empowering individuals, the Affordable Care Act erected barriers to consumer-driven health care. The combined policies in H.R. 1270 are an attempt to instill some of the rationality of a market-based system into the chaotic world of the Affordable Care Act. H.R. 1270 makes targeted but important reforms to strengthen the integrity of the healthcare system and improve access to quality care. This legislation is another example of the concrete actions that are being taken to return power to individual healthcare consumers.

I encourage colleagues to improve the state of health care in America and vote for the rule and the underlying bill, H.R. 1270.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas for yielding me the customary 30 minutes. I appreciate having an opportunity to debate the rule because, as we learned a couple of weeks ago, we are not always guaranteed that right.

I yield myself such time as I may consume.

First of all, Mr. Speaker, with regard to the underlying bill that would be considered if this rule were passed, H.R. 1270, the so-called Restoring Access to Medication Act of 2015, I will insert into the RECORD the Statement of Administration Policy, which says that if the President were presented with H.R. 1270, he would veto the bill.

Let me just read the first paragraph so my colleagues know why.

He says: "The Administration strongly opposes House passage of H.R. 1270, which would create new and unnecessary tax breaks that disproportionately benefit high-income people,

increase taxes for low- and middle-income people, and do nothing to improve the quality of or address the underlying costs of health care.”

STATEMENT OF ADMINISTRATION POLICY

H.R. 1270—THE RESTORING ACCESS TO MEDICATION ACT OF 2015—REP. JENKINS, R-KS, AND 39 COSPONSORS

The Administration strongly opposes House passage of H.R. 1270, which would create new and unnecessary tax breaks that disproportionately benefit high-income people, increase taxes for low- and middle-income people, and do nothing to improve the quality of or address the underlying cost of health care.

The Affordable Care Act is working and is fully integrated into an improved American health care system. Discrimination based on pre-existing conditions is a thing of the past. Thanks to the Affordable Care Act, 20 million more Americans have health insurance. And under the Affordable Care Act, we have seen the slowest growth in health care prices in 50 years, benefiting all Americans.

H.R. 1270 would repeal the Affordable Care Act's provisions that limit the use of flexible savings accounts for over-the-counter drugs—provisions that help fund the law's coverage improvements and expansions. The bill also would provide additional tax breaks that disproportionately benefit those with higher income by expanding tax-preferred health savings accounts. These changes would do little to reduce health care costs or improve quality. To fund these new high-income tax breaks, H.R. 1270 would increase taxes paid by low- and middle-income families by removing the law's limit on repayment of premium tax credits available through the Health Insurance Marketplaces.

Rather than refighting old political battles by once again voting to repeal parts of the Affordable Care Act, Members of Congress should be working together to grow the economy, strengthen middle-class families, and create new jobs.

If the President were presented with H.R. 1270, he would veto the bill.

Mr. MCGOVERN. Mr. Speaker, like the previous bill we considered, this is a bill that is going nowhere. And it is, I guess, the 64th time that we have voted and considered a bill to either repeal or undermine the Affordable Care Act, but we have yet to consider one piece of legislation, not even one, to deal with the issue of preventing any additional gun violence in this country.

For some reason, the leadership of this House can't find the time to have that debate and to bring such legislation to the floor, like the legislation we have been advocating for, which is the no fly, no buy legislation, which says that if you are on the FBI terrorist watch list and you cannot fly on an airplane, that you ought not to be able to go in and buy a gun.

And the other piece of legislation would be one that would close all these loopholes that are currently in our background check laws; loopholes that say that, while you need to get a background check when you go into a licensed gun dealer, you don't need one if you buy a gun online or if you buy a gun at a gun show.

I mean, how ridiculous is that?

And for the life of me, why that kind of initiative is controversial or so dif-

ficult to get to the House floor is beyond me. I just don't get it.

The number of mass shootings in the United States of America continues to increase. There were 372 mass shootings in the United States in 2015, killing 475 people and wounding 1,870 people.

Why isn't there more alarm about those statistics by my friends on the other side of the aisle?

There were 64 school shootings in 2015. I mean, nobody should have to worry about the safety of their child when they send them to school in the morning. Nobody should have to worry about their safety if they go into a movie theater or if they go into a church or if they go into a nightclub.

Yet gun violence is at an epidemic level in this country, and we can't seem to get the leadership in this House to want to do anything about it.

Now, I guess in response to the sit-in that the Democrats did 2 weeks ago, and to the growing calls that I know my colleagues are getting from concerned citizens, they are trying to bring a bill to the floor that essentially was written by the National Rifle Association, which I guess is a sound bite. But other than that, you can't say much about it because it would still allow people on the terrorist watch list to be able to get guns.

So, Mr. Speaker, I would just say to my colleagues that they can talk all they want about bills that are going nowhere, about meaningless pieces of legislation. That is their right. But we have the right—unless my colleagues want to take that away from us, too—to speak about the issue that, quite frankly, is in the forefront of the minds of the American people.

Every public opinion poll shows that 85, 90, 95 percent, Democrats and Republicans, support the commonsense gun safety legislation that we have proposed, and yet we can't even get a vote. The greatest deliberative body in the world, and we can't deliberate on the great issues confronting our country. We have to deliberate on issues that are going nowhere, issues that amount to nothing more than a press release written in the basement of the Republican Congressional Committee. I think that is shameful.

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

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

Mr. MCGOVERN. Mr. Speaker, at this time I yield 3 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I am going to vote against this rule so we can bring up an amendment that will keep our constituents safe; a bill that would say if you are on the terrorist watch list, you can't buy a gun; and an amendment that says that if you buy a gun, you should have a background check.

Federal law says that if you buy a gun at a licensed dealer, you have to

get a background check. So about 60 percent of the guns that are purchased are purchased in a situation where a licensed dealer is involved, and they go through a background check. The reason for this is to make sure that criminals, the dangerously mentally ill, domestic abusers, and terrorists can't get their hands on firearms. It makes it more difficult for them to get their hands on firearms, so it is our first line of defense.

The problem is about 40 percent of the guns that are purchased are able to go around that requirement for a background check. Now, the irony is the places where they buy them. They buy them online. They buy them at gun shows. And if you go to a gun show or if you go online, there are licensed dealers that sell guns there. And if you go to the table that the licensed dealer has and try and buy a gun, you have to get a background check.

Well, if you can't pass a background check, you can go to the next table, you can find an individual selling guns at a gun show, and you can buy the same gun without going through a background check.

Thirty-four States allow guns to be sold through commercial sales without the benefit of a background check. This is tragic. Even if you are from one of the 16 States that don't allow it, all you have to do is, all a terrorist, a criminal, or a domestic abuser, all they have to do is just drive to the State next door that doesn't require background checks, buy the gun, and bring it back to your neighborhood.

Now we know this happens. We know this. I have a friend, Elvin Daniels, from Wisconsin, whose sister was threatened by her husband. She got a restraining order. The husband went to the gun store to try and buy a gun, and because there was a restraining order, he was prohibited from buying that gun. So he went online, he bought the same gun he was prohibited from buying in the gun store, killed Elvin's sister and two other people.

Background checks work. We know that in the licensed dealers arena, where you have to have a background check, 170 felons a day are prohibited from buying guns. Fifty domestic abusers a day are stopped from buying guns. Yet we allow an avenue for domestic abusers, the dangerously mentally ill, criminals, and terrorists to go straight down the road and buy a gun without the benefit of a background check.

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

Mr. MCGOVERN. I yield the gentleman an additional 1 minute.

Mr. THOMPSON of California. Now, I want to emphasize there is nothing about either one of our measures—as a matter of fact, they are Republican bills that we are trying to bring to the floor—there is nothing about either one of them that is against the Second Amendment.

I am a gun owner. I believe strongly in the Second Amendment. And the Supreme Court spelled out specifically in the Heller decision that individuals have a right to own firearms. But they also said that there can be certain restrictions, restrictions such as criminals, terrorists, domestic abusers, dangerously mentally ill; they can't have guns. Well, you can't do that unless you have a background check.

Now, 70 of my friends across the aisle voted to augment the funding for the background check system, \$20 million they voted to add to the system.

How can you vote to fund a system, spend 20 million taxpayer dollars to fund a system that you won't require people to use? It is absurd.

What are you afraid of? What are you afraid of that you won't bring this bill to the floor for a vote?

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

Mr. MCGOVERN. Mr. Speaker, at this time I am happy to yield 2½ minutes to the gentleman from California (Mr. TAKANO).

Mr. TAKANO. I thank the gentleman from Massachusetts for yielding.

Mr. Speaker, the American people may be wondering why my colleagues and I are focusing on gun violence today and not on this financial services appropriations bill which, I should add, is loaded with poison pill riders.

The reason is simple. We refuse to continue treating gun violence as business as usual in America. Forty-nine were killed in Orlando. We took a moment of silence, then it was business as usual.

Fourteen were killed in San Bernardino. We took a moment of silence, then it was business as usual.

Nine were killed in Roseburg. We took a moment of silence, then it was business as usual.

Nine more were killed in Charleston. We took a moment of silence, then it was business as usual.

Thirty-three thousand were killed by gun violence last year. We took a moment of silence, then it was business as usual.

I cannot, in good conscience, debate a rule on an appropriations bill when so many of our communities continue to suffer from gun violence every day.

I hear my Republican colleagues say this is our democracy at work, but a Congress that rejects two gun violence prevention bills that are supported by 90 percent of Americans is not democracy at work.

I hear my Republican colleagues say we don't have the votes. Then prove it. Bring these bills to the floor. I am betting they pass.

Every day that goes by, these firearms become more powerful and our failure to act becomes more reckless. I implore my Republican friends to disobey the gun lobby, hold a vote, and let's pass legislation that will save American lives.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUFFMAN).

Mr. HUFFMAN. Mr. Speaker, it seems that when it comes time to attempt another repeal of the Affordable Care Act, House Republicans are willing to bring an unlimited number of bills to this floor, consume an almost unlimited amount of this House's resources. It seems that Congress is always ready to act and always ready to have debates and votes on their favorite issues for their favorite special interests.

But when it comes to the worsening gun violence epidemic in America, we are back to the moments of silence. We are back to the banging of the gavel, the 30 seconds, at best, of silence, followed by another bang of that gavel and the resumption of business as usual; no meaningful debates, no meaningful votes.

And we are now hearing that this week we are going to get a glorified moment of silence, a bill, written and blessed by the NRA, that would not keep guns out of the hands of terrorists or other dangerous people because it imposes a completely arbitrary 72-hour time window within which standards must be met that are simply unachievable.

The prosecutor, the U.S. attorney, the Attorney General, must somehow, within this 72-hour window, marshal evidence that meets a probable cause standard that an individual is about to commit an act of terror, serve process on this individual, make sure that individual has been able to hire an attorney, and give that individual the opportunity to show up at a hearing and present their side of the case.

□ 1630

If none of that happens within 72 hours, guess what. They get to proceed right to their gun purchase.

So this is not meaningful gun violence reform. This is window dressing. This is cosmetic. It is a glorified moment of silence.

If we defeat the previous question on the 4,000th attempt to repeal or undermine ObamaCare, we can get serious about this issue. We can show the American people that we are listening to their voices and that we take seriously the thousands of people who are killed by gun violence each and every year. We can bring forward bills that will make a difference—and that is what we should do, Mr. Speaker.

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

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

Mr. Speaker, I am going to urge that we defeat the previous question. If we do, I will once again offer an amendment to the rule to bring up no fly, no buy, bipartisan legislation that would give the Attorney General the authority to bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, the American people sent us here to solve problems. They sent us here to work together to help the American people.

Frankly, the American people are getting pretty frustrated. We noticed a little bit of frustration break out on the floor of this body 2 weeks ago, and they did that because, although we are hearing today about the consumer reigns supreme, the American people are afraid. They are afraid right now because you have to worry when you are praying in a church, when you are teaching or have your child in a first grade classroom, when you are playing in a park, walking down a street, or enjoying a Saturday night at a nightclub that a dangerous person with a gun may cut you down.

That is the most fundamental right we all have as Americans, our right to our very lives, and we have not been allowed the opportunity to even debate this matter in the 3½ years that I have been in Congress.

The time has passed. The time has passed for handwringing and for moments of silence. We have two bills. They are bipartisan bills. They will make a meaningful difference and save lives. We should call them up this week. The time is now.

If you are too dangerous to get on an airplane because you are dangerous to the national security of this country, you should not be free to buy an arsenal. We should pass no fly, no buy.

Fundamentally, we need to have expanded background checks on all sales of guns. None of this other legislation works. If we don't ask whether you are a dangerous, forbidden, prohibited person from buying a weapon, then even closing the terrorist watch list will be of no meaning because you can just go online, as so many Americans now do, and avoid the law.

It is our job to help fix problems and to make things right. We are not doing our job if we are not debating—much less even voting on—legislation that will save lives. The time has come to act. The time is now: no fly, no buy this week; expanded background checks this week.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentleman from Massachusetts for yielding.

I come to the floor again to ask my Republican colleagues to bring to the

floor two commonsense proposals that will significantly reduce gun violence in this country. We have, each day it feels like—certainly regularly—come to the floor of the House and observed moments of silence. That is what we have done. We have spent one moment, said, and done nothing as our communities continue to be ravaged by gun violence. There are many of us who believe we have a responsibility to do more than to just observe moments of silence.

So these two bills are overwhelmingly supported by the American people. The first bill says that if you are determined to be too dangerous to get on an airplane, if you are a suspected terrorist barred from getting on an airplane because it is too dangerous, then you should also be prevented from going into a gun store and buying as many guns as you want.

The American people should know this: between 2004 and 2014, over 2,000 individuals on the terrorist watch list went into a gun store and bought guns. Ninety-five percent of the American people who have been killed by terrorists since September 11 in this country were killed with a firearm. We have allowed more than 2,000 individuals on that watch list, that terrorist watch list, to go into a gun store. We must stop that.

No fly, no buy: if you are too dangerous to get on a plane, then you are too dangerous to buy a gun. We owe it to those we serve, the people who sent us here, to end this practice and close this loophole.

The second bill is to ensure that there are universal background checks. Background checks work. Every day, 171 attempted purchases by felons are stopped because of criminal background checks; 48 attempted purchases by domestic abusers and 19 attempted purchases by fugitives are stopped every single day in those sales where background checks occur. But some reports are that up to 35 percent of gun sales don't have a background check because they happen on the Internet or they happen at gun shows.

Background checks make sense. Ninety percent of the American people support universal background checks.

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

Mr. MCGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from Rhode Island.

Mr. CICILLINE. Universal background checks will require that all gun sales be subjected to that important safeguard.

This is about our solemn responsibility to keep our constituents safe. We can't pass a bill that is going to eliminate every single instance of gun violence, but I will tell you this: we can do a lot to significantly reduce gun violence in this country. These two bills are an important first step, broadly supported by the American people. I know that I speak for so many of my constituents when I say that we have a

moral responsibility to do something to respond to the carnage of gun violence in this country.

I had an event in Rhode Island at the National Day of Action, and a couple came up to me. They said: Congressman, we lost our son at Virginia Tech. When we saw you and your colleagues sitting down on the House floor, we thought finally someone is trying to do something about it.

Let's respond to those parents and to all the other parents who have lost a child to gun violence. Let's pass these two bills and show the American people we can get something done that will help keep them safe.

Mr. Speaker, I urge my Republican colleagues to bring those bills to the floor, and I thank the gentleman for yielding.

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

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

Mr. Speaker, I include in the RECORD a letter from 141 of the Nation's leading medical and public health organizations, a letter sent to all Members of Congress that urges us to end the dramatic and chilling effect of the current rider language restricting gun violence research, which, apparently, in the wisdom of the people who run this House, thought they would prevent the Centers for Disease Control and Prevention the ability to do research into this, which shows you just how powerful the National Rifle Association is in this House of Representatives.

APRIL 6, 2016.

Hon. THAD COCHRAN,
Chairman, Appropriations Committee, U.S. Senate, Washington, DC.

Hon. BARBARA MIKULSKI,
Vice Chairwoman, Appropriations Committee, U.S. Senate, Washington, DC.

Hon. HAROLD ROGERS,
Chairman, Appropriations Committee, House of Representatives, Washington, DC.

Hon. NITA LOWEY,
Ranking Member, Appropriations Committee, House of Representatives, Washington, DC.

DEAR SENATOR/REPRESENTATIVE: The undersigned health care, public health, scientific organizations and research universities representing over 1 million members across the country urge you to end the dramatic chilling effect of the current rider language restricting gun violence research and to fund this critical work at the Centers for Disease Control and Prevention (CDC).

In 1996, Congress passed the so-called Dickey amendment as a rider to the Labor-Health and Human Services-Education Appropriations bill. The language stated that the CDC could not fund research that would "advocate or promote gun control," and the language has remained in each subsequent annual funding bill. At the same time, Congress cut CDC funding for this research. Although the Dickey amendment does not explicitly prevent research on gun violence, the combination of these two actions has caused a dramatic chilling effect on federal research that has stalled and stymied progress on gathering critical data to inform prevention of gun violence for the past 20 years. Furthermore, it has discouraged the next generation of researchers from entering the field.

Gun violence is a serious public health epidemic resulting in the senseless deaths of an

average of 91 Americans, and another 108 gun injuries, each and every day. A central part of preventing future tragedies is through conducting rigorous scientific research as this has been a proven successful approach in reducing deaths due to other injuries.

Health care providers and public health professionals are overwhelmed in emergency departments, clinics, offices, and communities with the victims of mass shootings, homicides, suicides, accidental shootings, and firearm injuries. Medical professionals and our communities work to address the devastating and long-lasting physical and emotional effects of gun violence on victims, their families and their friends, but are hampered by the insufficient body of evidence-based research to use to point communities toward proven gun violence prevention programs and policies.

Former Representative Jay Dickey (R-AR), author of the current language that has effectively restricted gun violence research, recently noted that, "it is my position that somehow or someday we should slowly but methodically fund [gun] research until a solution is reached. Doing nothing is no longer an acceptable solution."

Here are some of the critical questions that enhanced research would help us answer:

(1) What is the best way to protect toddlers from accidentally firing a firearm? Safe firearm storage works, but what kinds of campaigns best encourage safe storage? What safe storage methods are the most effective and most likely to be adopted? What should be the trigger pull on a firearm so a toddler can't use it?

(2) What are the most effective ways to prevent gun-related suicides? Two-thirds of firearm related deaths are suicides. Are firearm suicides more spontaneous than non-firearm suicides? Do other risk factors vary by method? How do we prevent it in different populations active military, veterans, those with mental illness, law enforcement or correctional officers, the elderly, or teenagers?

(3) What is the impact of the variety of state policies being enacted? How are different policies around safe storage, mental health, public education, and background checks impacting firearm injuries and deaths?

The CDC's National Center for Injury Prevention and Control is an important part of answering these types of questions. Public health uniquely brings together a comprehensive approach connecting the complex factors that result in violence and injuries including clinical, social, criminal, mental health, and environmental factors.

The impact of federal public health research in reducing deaths from car accidents, smoking and Sudden Infant Death Syndrome has been well proven. Decades ago, we did not know infant car seats should be rear-facing. Robust research on car accidents and subsequent legislation has helped save hundreds of thousands of lives without preventing people from being able to drive. It's time to apply the same approach to reducing gun violence in our communities.

As professionals dedicated to the health of the nation and to the application of sound science to improving the lives of our fellow Americans, we urge you to take action this year. Americans deserve to know that we are working with the best tools and information in the fight to reduce gun violence deaths and injuries.

As Congress works to craft the FY 2017 Labor-HHS-Education Appropriations bill, we urge you to provide the Centers for Disease Control and Prevention with funding for research into the causes and prevention of gun violence.

Thank you for your consideration. We look forward to working with you to improve

health and protect the safety of all Americans.

Sincerely,

Academic Consortium for Integrative Medicine & Health

Academic Pediatric Association

Alameda Health System Department of Emergency Medicine

American Academy of Family Physicians

American Academy of Pediatrics

American Association for the Advancement of Science

American Association of Colleges of Pharmacy

American Association of Nurse Practitioners

American College of Emergency Physicians

American College of Emergency Physicians, California Chapter

American College of Occupational and Environmental Medicine

American College of Physicians

American Congress of Obstetricians and Gynecologists

American Educational Research Association

American Geriatrics Society

American Medical Association

American Medical Student Association

American Medical Women's Association

American Pediatric Society

American Psychiatric Association

American Psychological Association

American Public Health Association

American Society for Clinical Pathology

American Society of Hematology

American Thoracic Society

American Trauma Society

Arkansas Public Health Association

Asociación de Salud Pública de Puerto Rico

Association for Psychological Science

Association of American Universities

Association of Medical School Pediatric Department Chairs

Association of Population Centers

Association of Public and Land-grant Universities

Big Cities Health Coalition

Boulder County Public Health

Brigham Psychiatric Specialties

California Center for Public Health Advocacy

California Public Health Association-North

Center for Science and Democracy at the Union of Concerned Scientists

Central Oregon Medical Society

Champaign-Urbana Public Health District

Chicago Center for Psychoanalysis

Chicago chapter Physicians for Social Responsibility

Colorado Public Health Association

Committee of Interns and Residents/SEIU Healthcare

Congregation Gates of Heaven

Consortium of Social Science Associations

Council of State and Territorial Epidemiologists

Cure Violence

Delaware Academy of Medicine/Delaware Public Health Association

Doctors Council SEIU

Doctors for America

Eastern Association for the Surgery of Trauma

Federation of Associations in Behavioral and Brain Sciences

Florida Chapter of the American Academy of Pediatrics, Inc.

Futures Without Violence

Georgia Public Health Association

Hawaii Public Health Association

Health Officers Association of California

Houston Health Department

Illinois Public Health Association

International Society for Developmental Psychobiology

Iowa Chapter Physicians for Social Responsibility

Iowa Public Health Association

JPS Health Network

Kansas Public Health Association

Koop Institute

KU Department of Preventive Medicine and Public Health

Law and Society Association

Lee County Health Department

Local Public Health Association of Minnesota

Louisiana Center for Health Equity

Maine Public Health Association

Maryland Academy of Family Physicians

Minnesota Public Health Association

Montana Public Health Association

National AHEC Organization

National Association of County and City Health Officials

National Association of Medical Examiners

National Association of Nurse Practitioners in Women's Health

National Association of Social Workers

National Association of State Emergency Medical Services Officials

National Association of State Head Injury Administrators

National Black Nurses Association

National Hispanic Medical Association

National Medical Association

National Network of Public Health Institutes

National Physicians Alliance

National Violence Prevention Network

Nevada Public Health Association

New Hampshire Public Health Association

New Mexico Public Health Association

North Carolina Public Health Association

Ohio Public Health Association

Oregon Academy of Family Physicians

Oregon Physicians for Social Responsibility

Oregon Public Health Association

Pediatric Policy Council

Physicians for Social Responsibility, Arizona Chapter

Physicians for a National Health Program NY Metro Chapter

Physicians for Reproductive Health

Physicians for Social Responsibility/Northeast Ohio

Physicians for Social Responsibility Wisconsin

Physicians for Social Responsibility, Arizona Chapter

Physicians for Social Responsibility/New York

Physicians for the Prevention of Gun Violence

Population Association of America

Prevention Institute

Psychonomic Society

Public Health Association of Nebraska

Public Health Association of New York City

Public Health Institute

Research!America

RiverStone Health

Safe States Alliance

San Francisco Bay Area Chapter, Physicians for Social Responsibility

Society for Adolescent Health and Medicine

Society for Advancement of Violence and Injury Research

Society for Mathematical Psychology

Society for Pediatric Research

Society for Psychophysiological Research

Society for Public Health Education

Society of Experimental Social Psychology

Society of General Internal Medicine

Southern California Public Health Association

Southwest Ohio Society of Family Medicine

Student National Medical Association

Suicide Awareness Voices of Education

Texas Doctors for Social Responsibility

Texas Public Health Association

Trauma Foundation

Tri-County Health Department

Trust for America's Health

United Physicians of Newtown

Vermont Public Health Association

Virginia Public Health Association

Washington Chapter of the American Academy of Pediatrics

Washington State Public Health Association

Wellness Institute of Greater Buffalo

Whiteside County Health Department

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman for yielding.

When I spoke earlier, I asked: What are you afraid of? Why won't you bring these bills to the floor?

I think back to when I met with the parents of some of the children who were killed in one of the most horrific incidents in our country, the terrible, terrible incident at Sandy Hook Elementary School, and listening to the parents and hearing their stories, and I can't help but think to myself: Are you more afraid to bring this bill to the floor for a vote than those kids were hiding for their lives in those classrooms? Are you more afraid than those movie-goers in Aurora, Colorado, who were hiding, trying not to be killed? Are the people who were praying in Charleston when they were gunned down, are you more afraid; is this more frightening than what they experienced or San Bernardino or Orlando? What is stopping you from bringing common-sense, pro-Second Amendment gun violence prevention legislation to the floor for a vote?

Gun owners are for this. I am a gun owner. I have told you that before. As a matter of fact, I am proud to say I am one of the 26 Democrats who were labeled by the rightwing media for being hypocrites because we owned guns and we want to pass gun violence prevention legislation.

As a matter of fact, I bought a gun. I bought it before the break but picked it up during the break because, in California, not only are you required to get a background check, but there is a cooling-off period that they require. You have to wait 10 days.

So before the break, I bought a gun from a very close friend of mine, someone whom I have known for over 25, 30 years, yet the law says background check. It wasn't a problem. I took it in, left the gun. My friend signed the paper. I signed the paper. Ten days later, over this last break, I came and picked it up. It is no big deal.

Why would you want to sell a gun to someone who may be a criminal, dangerously mentally ill, a domestic abuser, or a terrorist?

These bills make sense. Bring them to the floor, and let's vote.

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

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank my good friend for yielding to me because I must rise in strong opposition to H. Res. 794 and H.R. 5485. They assault the District of Columbia's right to govern itself.

This bill contains undemocratic, harmful, Big Government riders that prohibit the D.C. government from spending its local funds, consisting of local taxes and fees, as it deems necessary.

In addition, the Republican-led Rules Committee has allowed Representative GARY PALMER to offer an amendment and interfere with my jurisdiction to keep D.C. from spending its local funds to enforce its own employment non-discrimination law.

This bill repeals the D.C. budget autonomy referendum, which allows D.C. to spend its local funds after a 30-day review period.

The Rules Committee prevented me from offering my amendments to strike the provisions in this bill that prohibit D.C. from spending its local funds on taxing and regulating marijuana sales and on abortion services for low-income women.

Let's see the results.

While recreational marijuana use is legal under D.C. law, Congress has uniquely prohibited the city from spending its local funds to set up a tax and regulatory system. This rider, therefore, has been referred to as the Drug Dealer Protection Act.

As one marijuana dealer told the press, the rider is "a license for me to print money."

Regulating marijuana, like alcohol, would allow D.C., instead of violent drug gangs, to control marijuana production, distribution, sales, and revenue collection.

Every State has the authority to spend its own funds on abortion services for low-income women, and 17 States fund these services. The rider in this bill effectively prevents low-income women in D.C. from exercising their constitutional right to abortion, just affirmed by the Supreme Court, by depriving them of necessary funds.

Republicans claim to support devolving Federal authority to State and local governments. Here is your chance. That support should not end at the D.C. border. The Constitution allows, but does not require, Congress to legislate on local D.C. matters.

The Rules Committee had a choice to allow me to offer my amendments on the floor to strike the D.C. marijuana and abortion riders as well as to block the amendment on the D.C. non-discrimination law. In our democracy in the 21st century, these decisions should not be difficult because these are purely local matters.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BURGESS. I yield myself 2 minutes, Mr. Speaker.

I just want to again clarify what we have under consideration at this time, three different bills, a rule that would allow votes on three different bills that empower individuals and families as healthcare consumers while protecting taxpayer dollars. Each of these bills did advance through regular order and was favorably reported out of the Committee on Ways and Means.

H.R. 1270, the Restoring Access to Medication Act, would eliminate barriers created in the Affordable Care Act for those who want to purchase over-the-counter medications with funds from their health savings account. H.R. 5445, the Health Care Security Act, introduced by Congressman PAULSEN and myself, eliminates certain burdensome limitations on health savings accounts to help consumers take back control of their healthcare spending decisions. Finally, H.R. 4723, also introduced by Congresswoman JENKINS, protects taxpayers by recovering improper overpayments from subsidies awarded under the Affordable Care Act.

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

□ 1645

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. CLARKE).

Ms. CLARKE of New York. Mr. Speaker, I thank my colleague for yielding.

Mr. Speaker, I would like to express my opposition to the rule being debated on the floor this evening, but also take this opportunity to remind the Speaker that the American people are waiting. They are waiting for us to bring commonsense gun violence prevention measures to this floor.

Mr. Speaker, every day in New York City and in the Borough of Brooklyn, people are hurt and killed by gun violence. Too many families hold fear and sorrow in their hearts from their experiences with senseless gun violence.

Mr. Speaker, people in my district and from all over our Nation have been demanding action. You and your Republican colleagues cannot continue to ignore their pleas and their pain.

Well, I cannot ignore their pleas and their pain, and my Democratic colleagues will not either. Enough is enough. Congress must act to protect the lives of Americans. Congress must do more than hold a moment of silence to absolve you, Mr. Speaker, of your role in the death and destruction due to gun violence.

For me and many in this Nation, gun violence is personal and it has hit home. My colleague, former New York City Councilman James E. Davis, was gunned down in the chambers of the New York City Council before me and his colleagues, the New Yorkers who visited our gallery, and the children, who were part of our audience on that infamous day. Whether it is in the legislative chamber of city hall, in a theater, an elementary school, or a night club, gun violence must end.

Mr. Speaker, I will work tirelessly, relentlessly here on Capitol Hill to protect our communities from the ever-present threat of gun violence. I will continue to stand with all people of goodwill to demand action on the legislation that puts an end to this crisis. I will be their voice here in Washington, D.C.

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

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

Mr. Speaker, let me begin by saying that it is frustrating for not only many of us on this side of the aisle, but I am sure it must be frustrating to the American people who are watching this debate that here we are debating a bill that would essentially be the 64th bill that we have debated and voted on to either repeal or undermine the Affordable Care Act.

We all know this bill is not going anywhere, and I doubt very much that we will see much action in the Senate, but we know that the President will definitely veto it. This is not like the other bills that we have been dealing with in this Congress, bills that really are more designed for press releases and sound bites than for really, actually, making people's lives better.

In the aftermath of Orlando where 49—49—of our brothers and sisters were murdered, the best that the leadership of this House could do was have a moment of silence. I have to tell you, people that I have talked to in the aftermath of that moment of silence viewed that as the ultimate inaction by Congress because all we do is moments of silence when there are massacres. We don't do moments of silence after each individual loses a life to gun violence in this country because we would never have time to do anything else if we did. But people are just so angry that the people who serve in this Chamber don't seem to have the political will to do anything about it. I mean, massacre after massacre after massacre cannot be the new norm.

Last Wednesday, a number of us participated in a national day of action all across the country in an attempt to try to raise awareness of ways to prevent gun violence. I did one in Worcester, Massachusetts, where I am from. We had a grandmother, Beverly Spring, who talked about how she lost not only one grandson to gun violence, but she lost two grandchildren to gun violence.

Does anybody have any idea the heartache that this woman and mothers and fathers and grandmothers and grandfathers have gone through who have lost their loved ones to gun violence? Does anyone have any idea the pain of those family members whose loved ones were lost in Orlando or Aurora or Sandy Hook? Or I could go right down the list of massacres.

I am asking my colleagues here to give us an opportunity to have a debate and to have a vote on two commonsense gun safety legislative initiatives. One is no fly, no buy. And the other is let's have our background check system be universal so that people who have criminal backgrounds or who have a history of mental illness do not go to gun shows to buy guns or go online to buy guns.

That is why I am urging my colleagues to defeat the previous question. If we defeat the previous question, we could vote on the underlying bill, but we could vote on this sensible piece of

legislation. Enough is enough. Let's do something. Let's not just sit around here and continue to be indifferent. The American people expect more of us than what they have seen.

I yield back the balance of my time.

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

Mr. Speaker, today's rule provides for consideration of an important bill to correct some of the most egregious changes in the Affordable Care Act that affected individuals' ability to save for their own healthcare needs. I was happy to be able to work with Mr. PAULSEN, Ms. JENKINS, and Mr. KIND, who each contributed to the underlying legislation which will be considered by the House following the passage of today's rule.

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

AN AMENDMENT TO H. RES. 793 OFFERED BY
MR. MCGOVERN

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

SEC. 2. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

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

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's

ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

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

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

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

Mr. BURGESS. 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 on the resolution.

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION OF H.R. 5485, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2017

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 794 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 794

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. 5485) making appropriations for financial services and general government for the fiscal year ending September 30, 2017, 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 Appropriations.

SEC. 2. (a) After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read through page 265, line 9. Points of order against provisions in the bill for failure to comply with clause 2 or clause 5(a) of rule XXI are waived except as follows: beginning with "Provided further" on page 122, line 19, through "2012" on page 122, line 22. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph.

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

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

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

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