

people, with many generating little to no sales revenue. This is what makes the potential reinstatement of the 2.3 percent excise tax on medical device sales so harmful. This misguided tax would subject the medical device industry to one of the highest corporate tax rates in the world and eliminate thousands of jobs.

Repealing this tax has broad, bipartisan support in both Chambers of Congress, and I urge my colleagues to make eliminating this tax a top legislative priority in 2017.

RECOGNIZING CHANCELLOR KEITH CARVER

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

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today to recognize Chancellor Keith Carver and celebrate his appointment as chancellor of the University of Tennessee at Martin.

I have known Keith Carver for more than 30 years, and I could not think of anyone more deserving of this prestigious role. We met during college at the University of Memphis. And during that time, I was always impressed by his energy, his creativity, and his focus. Most importantly, he was and certainly still is an incredibly strong leader; and that is the most important part.

I believe that Dr. Carver is the right person at the right time—a time when this university needs strong, responsible leadership.

I am so excited for the town of Martin, for the University of Tennessee system, and the entire Volunteer State in this prosperous new era under Dr. Carver's strong leadership. I can't wait to see what great things we can accomplish together.

PROVIDING FOR CONSIDERATION OF H.J. RES. 41, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SECURITIES AND EXCHANGE COMMISSION, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 40, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 71 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 71

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 41) providing for congressional disapproval under chapter 8 of title 5, United States Code, of a rule submitted by the Securities and Exchange Commission relating to "Disclosure of Payments by Resource Extraction Issuers". All points of order against consid-

eration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any 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 Financial Services; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore (Mr. COSTELLO of Pennsylvania). The gentleman from Colorado is recognized for 1 hour.

Mr. BUCK. 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. BUCK. 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 Colorado?

There was no objection.

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

I rise today in support of the rule and the underlying resolutions.

Before us is a resolution of disapproval that restores constitutional rights and empowers individuals with disabilities. Many of us know someone who struggles with a disability. We know friends or family who have mental challenges. We know these people, and we know they deserve the same constitutional protections as everyone else.

That is why this resolution is so important. It ends discrimination against individuals with disabilities. It restores due process rights. It keeps the Social Security Administration focused on its duty.

Mr. Speaker, the Obama administration's last-minute regulation to strip disability benefit recipients of their constitutional rights is deeply troubling.

The regulation at hand declares that just because an individual needs assistance in managing their disability bene-

fits, they are also unfit to own a firearm. But this kind of thinking is discriminatory, forcing those with disabilities to choose between their constitutional rights or their disability benefits turns back the clock on disability rights.

This regulation singles out a single constitutional right to strip away from a group of Americans. It doesn't make sense.

Why take away one right and not others? Why not also strip those citizens of the right to vote or the right to trial by jury or the right to free speech?

In this country, your rights can't be limited without due process, but this regulation limits a constitutional right and only offers the recourse of appeal after the decision has been made. When it is easier to have your rights stripped away than to have them restored, it means your due process rights have also died in the process.

Mr. Speaker, this resolution restores the due process rights of individuals with disabilities. This resolution also refocuses the Social Security Administration. The agency's job is to administer benefits to Americans, not adjudicate cases concerning constitutional rights.

Mr. Speaker, I am also worried that this regulation will divert precious Social Security Administration resources from vital agency tasks. We trust the agency to fulfill our commitments to seniors and those with disabilities. This regulation distracts from those sacred promises.

I thank Mr. JOHNSON and my colleagues for their hard work on this resolution. We need to pass it.

Mr. Speaker, we also need to pass the joint resolution of disapproval for the Dodd-Frank section 1504 regulation. This resolution restores competitiveness to American energy companies. It allows American companies to comply with foreign and domestic laws, and it protects American workers abroad.

Section 1504 of Dodd-Frank requires companies to report their payments to our government or foreign governments related to oil, natural gas, and mineral extraction. After reporting this to the SEC, the agency publishes these disclosures. This process is costly and unfair to American businesses.

By forcing disclosure of project-level sensitive business information, American energy companies will face a disadvantage against government-owned energy companies. Since government-owned companies control three-quarters of the world's oil supply, this regulation could drastically impair the competitiveness of American companies. And the actual cost of compliance limit, estimated by the American Petroleum Institute to take 217,000 employee hours over a 3-year period, would be devastating.

Section 1504 must also be rolled back because it might force American companies to break the law of foreign countries. Some foreign nations prohibit the very disclosure requirements

required by this SEC regulation. Our companies should not have to decide between following the rule of law here and following it abroad.

Finally, by forcing such detailed and specific disclosures to the public, section 1504 could make energy extraction sites prime targets for terrorists. Whether in the U.S. or abroad, we need to wisely protect American workers from terrorism and other threats.

Mr. Speaker, this resolution restores competitiveness to American companies, allowing them to contribute to the global energy economy in a safe, secure, and legal manner.

It is time for Congress to reassert its authority and fix this poorly implemented legislation.

I commend the work done by Representative HUIZENGA and my colleagues on this important resolution, and I urge its passage.

I reserve the balance of my time.

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

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

Mr. MCGOVERN. I thank the gentleman from Colorado (Mr. BUCK) for extending me the customary 30 minutes.

Mr. Speaker, we are only one month into 2017, and today we have another closed rule or, as I call them now, Putin rules. This is the kind of process they have in Russia: no amendments, no debate, no nothing, completely shut down. It is your way or the highway.

This is not the way the United States House of Representatives, the greatest deliberative body in the world, should be run. This is shameful. I have very serious concerns about the road that we are traveling down, Mr. Speaker.

The 115th Congress is only a few weeks old, and we have already ushered in a process that is alarmingly restrictive. Sadly, it has become routine in this Republican House for the majority to close down the process, rush bills through the House without regular order, enforce the rules for Democrats but not for Republicans, and insist on spending all of our time on partisan legislation instead of working together to find bipartisan compromises and solutions to the real problems facing American families and workers.

Mr. Speaker, today's legislation makes clear that the Republicans are eager to repeal protections put in place to help the American people. We should be working to expand opportunity for hardworking families and strengthen safeguards to put the American people first, not corporations, not wealthy CEOs, not big donors, and not special interests, but the people ought to come first.

□ 1230

Today is another sad day. We are engaged in what I would call mindless legislating. While my Republican friends say they want to repeal needless regulation—something that we all

want to do—the process my Republican friends have embraced, to put it gently, is reckless. No matter what you think of a particular regulation, or rule—or, in many cases, they are protections—no matter what you may think of a particular regulation, there is no denying that these rules that my Republican friends are bringing to the floor to repeal went through a vigorous process that took months and months, and even years to complete.

They went through agency review. They went through a lengthy comment period, oftentimes thousands, if not tens of thousands, of people weighed in on the pros and cons of a particular idea. But the idea that we would just erase them with the blink of an eye, no hearings, no markups, nothing, it is a mindless way to legislate and a disturbing way to govern.

The “act first and think later” approach was on full display with President Trump's Muslim ban. It was so hastily enacted that his own Secretary of Homeland Security didn't even know that the President was signing the executive order until he saw it on cable news. The Trump White House did such a poor job of briefing the Federal agencies charged with enforcing the policy that airports across the country were caught completely off guard, and there was widespread confusion and chaos about how to carry it out.

That is what happens when you don't embrace a process that is thoughtful. You get confusion, you get chaos, and you usually get bad policy.

The mindless approach to governing by Republicans continued this week. On Monday, President Trump announced that, for every new regulation passed, two regulations must be repealed. That is it. No details on what kind of regulations would be repealed, or why they would be repealed. This is a blind shotgun and arbitrary approach to our Nation's laws. We shouldn't be dumbing down the way we govern. The American people deserve better from their leaders in Congress, and I think they deserve better from their leaders in the White House.

Now, when this legislation came before the Rules Committee the other night, there were plenty of questions. The hearing went on for a long time. Lots of the questions came from my Republican friends. And I will tell you, the chairman's answers were not always that enlightening. I think maybe some more hearings would have helped. But in response to some of these objections, namely, did the bill undergo any review by a committee, one of my Republican friends—and it may have been the gentleman from Colorado—said: We don't have time. We don't have time for hearings. We have so many regulations that we want to repeal.

Don't have the time for a hearing? Don't have the time to understand what we are doing? I thought that was part of our job. We were supposed to deliberate. We were supposed to read the bill. We were supposed to under-

stand the impact of the actions that we may or may not take in this Congress. That is our job.

The American people have given us the responsibility to take the time to do our job right and to carefully consider the laws we pass. To say that we don't have time for hearings and deliberation—never mind, we don't have time to allow an open process where people might want to offer amendments—is ridiculous. It is shameful. And I will tell my Republican friends, stand up to your leadership on this. This is not the way this House should be run.

So as we consider the repeal of the NICS rule, we should remember that Congress has failed to take any meaningful action on gun violence at all. We have massacres on a regular basis in this country. All we do is we have a moment of silence. That is our response. We have a high rate of suicides in this country due to gun violence. It is something we ought to talk about. And I think that the NICS rule is a commonsense, responsible gun safety measure that could potentially save the lives of thousands of people in this country. I think Congress has the responsibility to keep our families safe, not remove safeguards that help prevent gun violence.

Far too many have lost their lives to preventable gun violence. This rule is intended to keep firearms out of the hands of those suffering from severe mental illness. That is a commonsense idea that I think we all should agree on. In 2007, President George W. Bush signed a bipartisan bill to identify individuals ineligible to possess firearms because of severe mental health issues. This rule allows for a reporting method to ensure that the law is implemented effectively.

It is intended to save lives. Every year in the United States, more than 21,000 people kill themselves, and mental illness is also an important factor. A gun is used in the majority of these cases. The people listed on NICS are the 75,000 dealing with the most severe mental illnesses. These are people who need help, not access to a dangerous weapon like a gun.

I think this rule is a critical step, but we must close the online gun show loopholes, and we must ensure universal background checks. I think we ought to bring to the floor a bill that says that if the FBI and our security agencies have put you on a terrorist watch list and think that you are too dangerous to fly on an airplane, then you ought not to be able to go out and buy a gun.

But under the way this House is run, we can't even bring those things to the floor for a debate. The Republican leadership and the Republican Rules Committee blocks it so that there can't be real deliberation on the House floor.

When people ask me all the time, Why can't you have a debate on this, or why can't you have a vote on it, I have to explain that the House Rules Committee, run by nine Republicans, says

no to everything, says no to every idea that they don't absolutely embrace. And that is not the way Congress should be run.

Mr. Speaker, even if you disagree with me on the value of this rule, I think it is an important enough issue that there ought to have been a hearing. There ought to have been that opportunity to deliberate and to talk about it and what the impacts are. But no, nothing. We don't have the time. So here we are.

Mr. Speaker, the other bill before us is a naked attempt by Republicans to undo anticorruption rules. The rule that they are so upset about would require energy companies on the U.S. stock exchange to disclose payments they make to foreign governments for access to their natural resources.

Now, there are reasons for this. It is important that there be transparency. We heard all about the plans to drain the swamp, but President Trump and the Republicans are doing all they can to turn the swamp into a cesspool.

Putting aside all of his conflicts of interest that, I think, are on a collision course with corruption, I mean, repealing things like this, is just a bad idea. The Republicans in Congress are trying to roll back regulations like this one that are aimed at increasing transparency and fighting corruption.

ExxonMobil heavily lobbied against this rule. And now, with former ExxonMobil CEO Rex Tillerson on the cusp of becoming our country's new Secretary of State, Republicans are proposing to kill this anticorruption rule that benefits Big Oil. That is reckless, and it is irresponsible.

When this rule was enacted as part of the Dodd-Frank bill in 2010, the Big Oil lobbies strongly fought against it in court, but Congress fought back to assert America's traditional role as a global leader in fighting corruption. American leadership delivered results. The European Union promptly moved to enact nearly identical legislation, as did Canada with support of its global mining companies.

But now, Big Oil is back seeking repeal of the rule so their payments can be kept secret from the American people. They claim they will be at a competitive disadvantage to foreigners, or they will have to reveal commercially sensitive information.

But with Europe and Canada in the same disclosure system, the playing field is now level and the companies already filing have suffered no commercial harm, nor revealed vital secrets. The fact is, this won't cost a single American job, and the only thing oil companies will need to do differently is report their numbers.

Aside from Big Oil, those most eager to repeal this rule are autocrats in places like Russia, Iran, and Venezuela—with oil wells, gas fields, or copper mines—who want to keep the money secret from their citizens. Why should we do their bidding? Why should we be in league with them?

On top of that, this rule is our most affordable and effective way to fight corruption abroad. We cannot afford to betray our own principles and severely undercut our allies in Europe and Canada. It would cost countless lives over the long run and endanger our security. We need to put American interests first, ahead of the special interests, ahead of the corporate interests, and retain that important rule.

Obviously, I urge my colleagues to vote "no" on the repeal of these two rules, but you got to do what you got to do. But I urge you to vote "no" on this rule.

And I ask you to vote "no" because it should be a principle vote.

This place is becoming so closed up, so restrictive, that this is not a deliberative body anymore. We are not talking about things anymore. It is basically whatever the leadership wants, whatever Donald Trump wants, you bring to the floor, rubber stamp it, and that is it.

I don't care what political party you are in, nobody who got elected by the people of this country should stand for that kind of process.

With that, I reserve the balance of my time.

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

I appreciate my colleague from Massachusetts raising the issue of a thoughtful process and whether this legislation was rushed to the floor.

I think it is worth noting that the original legislation, which this rule seeks to amend, became law in a time when my colleague was in the House and his party was in the majority. The NICS Improvement Amendments Act of 2007 was introduced in the House on June 11, 2007.

The bill was moved by Congressman CONYERS under suspension of the rules and passed by the House on June 13, 2007. There was no markup in the Judiciary Committee. There was no meaningful debate on the floor. The bill was rammed through the House in 3 days without any thought to the potential consequences of its passage. It passed the Senate by unanimous consent.

I did not see others standing up to leadership at that point in time. In its implementation, we are seeing the consequences. They involve the stripping away of constitutional rights and due process rights. They involve the elimination of due process rights. They involve discrimination against individuals with disabilities.

As for the point that this rule that we are now debating somehow encourages corruption, the fact is that this regulation puts U.S. companies at a competitive disadvantage to state-owned entities abroad that are not subject to SEC regulation.

Additionally, it costs hundreds of millions of dollars in compliance costs for U.S. businesses. The Foreign Corrupt Practices Act already prohibits bribes to foreign governments to obtain or retain business. These are le-

gitimate payments being made to foreign governments, the payments that we are discussing here, and we should still prosecute any corruption to the full extent of the law.

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

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

With regard to the NICS bill, I have a very different version of history than the gentleman does, including one that represents a bipartisan compromise with the Bush White House.

So I have a very, very different recollection of history than he does on that. And on the other bill, it is all about corruption, and it is all about giving Big Oil what they want.

At the end of the day, the two interests that are most happy with the repeal of this rule are Big Oil and Russia. And if that is where we believe that we ought to be using our energy to help then go ahead and vote to repeal it. But again, I think that this process speaks for itself.

Mr. Speaker, I am going to urge my colleagues to defeat the previous question, and, if they do, I will offer an amendment to the rule to bring up Representative LOFGREN's bill to overturn and defund President Trump's immoral, unconstitutional, and discriminatory executive order banning Syrian refugees and suspending immigration from certain countries.

President Trump's executive order flies in the face of our Nation's values. It compromises our national security by providing terrorist groups with a recruiting tool. This executive order needs to be overturned, and, if we defeat the previous question, we will bring up legislation to do just that.

Mr. Speaker, I ask unanimous consent to insert the text of my 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 5 minutes to the distinguished gentleman from California (Ms. LOFGREN) to discuss our proposal.

Ms. LOFGREN. Mr. Speaker, I urge Members to vote against this previous question so that the bill to overturn President Trump's ill-advised ban on travel can be addressed.

□ 1245

There has been a lot of dustup and discussion about this, but, really, if you read the order, it is very clear what it does. It suspends entry for 90 days of all immigrants—that is green card holders—and nonimmigrants from seven Muslim majority countries. It also suspends all refugee admission for 120 days.

Now, there has been discussion about the Middle East refugees, but if you look at last year, most of the refugees who came in were from the Congo and

also from Burma. Those individuals who have suffered—they have been tortured—are going to stay in the refugee camps at least for 120 days, and, obviously, this disrupts the program. This will be a much longer end to the refugee program.

Now, there is an exception, and the President has said he wants to let Christian refugees in, and the order itself says minority religions. There is a problem not only with violating the law because the Immigration and Nationality Act prohibits discrimination based on nationality and on religion, but also the premise is that Christians who had been persecuted were not admitted as refugees. That is simply false. That is false. There were large numbers of refugees who have been persecuted, including Christians. This order violates the Immigration and Nationality Act. It also violates the Constitution. That is why my bill should be brought up.

I am going to give you just two examples. One is General Talib al-Kenani, who is an Iraqi four-star general who is commanding an elite, American-trained counterterrorism unit that has led the fight against ISIS for the last 2 years. His wife and children were moved to the United States because staying in Iraq was too unsafe for them. He is now unable to visit his family in the United States. He told CBS News: “We thought we were partners with our American friends, and now we realize we are just considered terrorists.”

How does this help the fight against ISIS?

I want to give you another example. Remember the Yazidis? The Yazidis were being persecuted by ISIS. We remember that they had been isolated at the top of a mountain in Syria; and when President Obama was in office, he acted. We bombed ISIS and we saved the Yazidis. This is what President Obama said: “When we have the unique capabilities to avert a massacre, then I believe the United States of America cannot turn a blind eye. We can act, carefully and responsibly, to prevent a potential act of genocide. That’s what we’re doing on that mountain.”

I mention this because there is an individual, a Yazidi woman, who had been the only Yazidi person—woman—in the Iraqi parliament, Vian Dakhil. One week after the President’s announcement, she was injured in a helicopter crash during a mission to deliver humanitarian aid to the Yazidis who were trapped in the siege by ISIS. She has received awards in London, in Dubai, in Vienna, and in Geneva for her human rights work. Ironically, she was supposed to come to Washington, D.C., next week to come to the U.S. Capitol to receive an award from the Tom Lantos Human Rights Commission. Now, we remember our late colleague, Tom Lantos, the only Member of Congress who survived the Nazi concentration camps, and we have established this humanitarian prize in his memory.

This valiant woman now can’t come to Washington, to the U.S. Congress, to receive the Tom Lantos Human Rights Prize because of President Trump’s ban on individuals coming from Syria.

This is a ridiculous situation. It is illegal, it is unconstitutional, it is contrary to American values, and it doesn’t make any sense. So I would hope that we can defeat this previous question and that we can do something responsible: stand up for the rule of law, stand up for the Constitution, stand up for common sense, and overturn this executive order.

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

Mr. MCGOVERN. Does the gentleman have any other speakers?

Mr. BUCK. I am waiting for one. I do not have a speaker now, but the gentleman’s eloquence would be welcome at this point and any way that the gentleman would like to inform us on important issues.

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

Mr. Speaker, again, as my distinguished colleague, Ms. LOFGREN, stated, we want to defeat the previous question because we are horrified, quite frankly, by the impact that President Trump’s executive orders on immigration have had on a lot of good, decent people, many of whom have already been vetted. We have students who have been held up who have student visas, we have dual citizens who have been caught up in this mess, and we have people coming to get human rights prizes. I could go on and on and on, but we need to correct this. We are better than this.

I would suggest to my Republican friends, rather than circling the wagons to try to defend the indefensible, they ought to join with us and defeat the previous question so that we can actually do the right thing and overturn this narrowminded, misguided, and discriminatory policy.

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

Mr. BUCK. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I am pleased to join my colleagues, the gentleman from Massachusetts (Mr. MCGOVERN), who sits on the Rules Committee, and Mr. BUCK, who is handling, I think, his first rule as a member of the Rules Committee today. Mr. BUCK is from Windsor, Colorado. He is a second-term Member and is doing an awesome job not only on his homework duties of recognizing how important it is for Members to understand what we are talking about and why we are doing things, but also enunciation of rules that we are talking about that were promulgated by an administration.

Mr. Speaker, what we are really here today to talk about is there are some of those rules and regulations where perhaps you didn’t go through the process that you should have or where there was really a determination made

by the American people that rule-making goes too far. That is why we are here today.

We are here today because there is a group of rules that were promulgated that don’t work and that did not really see, in our opinion, the balance of what was going to be in it for the American people. So, in particular, we are here to talk about a Social Security rule that discriminates against individuals with disabilities by denying them their constitutional rights.

The gentleman, Mr. MCGOVERN, spoke very clearly about a meeting that we had at the Rules Committee. I think that the witnesses that we had were very specific and that they questioned—including Mr. BUCK, who was most active in his participation in the hearing—to work through the rule that is promulgated but doesn’t make sense when you evaluate it. The administration chose to, I think, without due process, take away from a person based upon a disability that had nothing to do with their ability to effectively control a weapon, but based upon other criteria and to take away a person’s Second Amendment rights.

We oppose that. That is one of the reasons why we are here today. This rule that we are going to take away wrongly discriminates against those receiving disability benefits and, I believe, falsely promulgates a stereotype against individuals with mental illness, calling them dangerous. There are people who do have mental illnesses, there are people who are struggling in life, and there are people who need help and seek help; but that is not a criteria for taking away a person’s constitutional right.

We are joined in what we believe by the National Council on Disability. This is what they said in a letter that they sent that was dated January 24 of this year: “There is, simply put, no nexus between the inability to manage money and the ability to safely and responsibly own, possess, or use a firearm. This arbitrary linkage not only unnecessarily and unreasonably deprives individuals with disabilities of a constitutional right, it increases the stigma for those who, due to their disabilities, may need a representative payee. . . .”

So what happened is the rule by the administration linked together these characteristics that they think identify a person as being a risk so they take away their constitutional right. We couldn’t really relate to anybody that had done this, but it simply sounded like a good idea, I am sure, to people, and so they did this.

Mr. Speaker, we are not trying to right all wrongs at the Rules Committee, but when you take away somebody’s constitutional rights and take advantage of a person because of their disability, I don’t think that is fair.

I am proud of what Mr. BUCK is doing here. I am proud that we stood up on this issue, and I am pleased to be on the floor not only to support Mr. BUCK,

but people who also live in the congressional district that I represent in Dallas, Texas. I have received several calls from people. While I will not say their names, they live in Dallas, Texas; Garland, Texas; Wylie, Texas; and Rowlett, Texas; and they are worried about their ability to lose their constitutional rights simply because they have some help in managing their affairs but not related to a constitutional right of owning a weapon.

So I am pleased to do this. There is no grandstanding necessary. There is an understanding of some things that can be written properly and some things that can't, and I simply think they got it wrong, and that is what we are going to do here today. I thank the gentleman, Mr. BUCK, for allowing me the chance to speak on this important issue.

Mr. MCGOVERN. Mr. Speaker, I ask the gentleman from Colorado if he has additional speakers or is that the speaker we were waiting for?

Mr. BUCK. Mr. Speaker, I have a few comments before I close, and then I would like to recognize the chairman for additional comments.

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

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

Mr. Speaker, I thank the chairman of the Rules Committee for being here today and just reinforce some of what the chairman had to say.

As I travel Colorado, I hear from individuals of all walks of life about the regulatory burdens that they face, the burden that has been placed upon them by their own government and how those burdens have impeded their life, liberty, and certainly pursuit of happiness. Small-business owners who would not open their business today because of the change in the business climate find that their tax burden, their regulatory burden, and the attitude of Federal regulators is such that they would choose a different path had they had to do it all over again.

I talked to school administrators who are, again, facing a pile of paperwork to comply with school and nutrition requirements that have been promulgated by this previous administration.

□ 1300

I talk to veterans who have to wait on long, long lines and fill out ridiculous paperwork because the Veterans Administration is unable to recognize the necessity, the importance of what those veterans are trying to accomplish at the VA. I am deeply concerned about the regulations, and I am proud that my colleagues have decided to address some of these regulations in the way that they have. I appreciate the chairman standing up on this issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Massachusetts not

only, once again, for being here, but for responsibly standing up for his party and the things which they not only have a right to bring to the floor, but an opportunity for him to discuss those things as he chooses to justify the rules that we are going to not only discuss their merits, but to really ensure that the American people understand why we believe that these rules that were promulgated need to be overturned.

Mr. Speaker, the second joint resolution that was included in Mr. BUCK's rule is a resolution that discusses the Securities and Exchange Commission related to what is called disclosure of payments by resource extraction issuers.

My gosh, what does that mean? Well, we understood the previous administration is anti what they call Big Oil. They are after anybody that is in the oil business. You and I both understand that our country and the world is stronger because we don't freeze to death in the winter and we don't get too hot in the summer because we have available energy at a great price.

But it means that companies in the United States also go around the world to find other places where they may extract oil or resources related to energy, and the Securities and Exchange Commission published in the Federal Register, on July 27, 2016, a rule that would place American companies—and only American companies—that extract valuable resources—meaning energy—from other places in the world and that they would have to publicly disclose arrangements and deals that they make related to them buying these resources.

The Securities and Exchange Commission understands already the rules that are on American companies, including a rule that we know as the Foreign Corrupt Practices Act, which means that an American company cannot go overseas and induce through bribing someone to do something. But now, in order to stop these companies—many of them large companies, many of them medium-sized companies, but their nexus is that they are energy companies—they are going to require in this rule that that company tell everybody, including competitors, what the deal might be that they got. So a private contract that might be between a country, a company, and an American company is now going to see the light of day.

Mr. Speaker, I think that is wrong. Fortunately, so does my party. We think that is wrong, because it unnecessarily puts U.S. companies at a competitive disadvantage to many state-owned competitors around the world who are competing, many times, for the same resources.

In other words, we just told them what the deal is—how much money, what the arrangement is, how it might be concluded—and that is a violation, in my opinion, of not only the power that the SEC has, but I think it is un-

wise. I think it is blatantly unwise that we would unearth contracts from the free enterprise system while, at the same time, knowing they have to follow the rules of engagement, meaning the rules under the Foreign Corrupt Practices Act, at the same time.

So, Mr. Speaker, what we are here to say is that we believe that these agencies are trying to harm America's opportunity to go and seek out good deals, better deals, and to find long-term contracts around the globe, wherever they might be, and that they have singled out energy companies, that they have gone out of their way in what was known as the Obama administration to single out energy companies because they don't like energy deals.

Mr. Speaker, what has happened as a result of not only this, but legislation that the Congress has done on December 18, 2015, is we changed the Federal law related to the export of U.S. energy. Before, there was a provision, some 40-year-old provision, that did not allow energy from the United States to be sold overseas. Once we did that, it completely turned the market upside down. So what might be deals then and deals now are in the best interest of consumers instead of what might be OPEC or a few other energy-rich countries.

We think that what this was done for was to punish those companies that can go find better deals by telling everybody what happened—but it was mostly done to punish—and it put us at a disadvantage.

We are here on the second part of this joint resolution to say that the rule that was promulgated on July 27, 2016, is bad for America, is bad for consumers, and most of all, it is bad for America to have rules and regulations that take away the power of a private contract.

We stand up and say: What are we going to do about it? We are going to go through the deliberate action that was taken not only at the White House, but was taken on the floor of the House of Representatives so that we have our say in the matter on rules and regulations.

Mr. Speaker, I would advise my colleague, Mr. BUCK, that there is a person who heard this debate going on and has come to the floor. I don't know if he would choose to yield time to the gentleman from Kentucky (Mr. MASSIE), but I have been told that Mr. MASSIE would like to help me along on some of my comments because of his excitement about what this rule does.

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

The SPEAKER pro tempore (Mr. HULTGREN). The gentleman from Colorado has 7½ minutes remaining. The gentleman from Massachusetts has 9¼ minutes remaining.

Mr. BUCK. Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. MASSIE).

Mr. MASSIE. Mr. Speaker, I thank my colleagues, SAM JOHNSON and

RALPH ABRAHAM, for sponsoring this joint resolution. I would also like to point out that my colleague from Colorado is a member of the Second Amendment Caucus, and he has been working hard on this issue.

H.J. Res. 40 would strike down a rule that was finalized by the Social Security Administration just days before the close of the 114th Congress. This rule is yet another example of the previous administration's last-ditch efforts to attack our Second Amendment rights.

Any attempt to curtail the right of Americans to defend themselves and their liberty is untenable. This scheme is particularly appalling because of whom it targets and how the administration sought to implement the rule.

The rule targets our grandparents, our elderly mothers and fathers who have been awarded disability benefits and have had a family member or guardian appointed to handle their finances. They haven't committed a crime or demonstrated that they were a danger to society. There is no trial, no presumption of innocence. Their names are sent to the NICS database and their firearms are taken away, their right to own a firearm.

Hardened criminals don't have their rights violated to that extent without due process, so why would it be acceptable for our seniors?

These men and women have worked hard to raise families, worked a job, and paid their fair share of taxes. Now they are being told that, in order to receive their Social Security benefits, they must first surrender the fundamental right to defend themselves. Is this the level of pettiness to which we have sunk?

The House and the American people have soundly rejected gun control in all of its forms year after year; yet this last administration bypassed the legislative process, imposed a rule, and completely disregarded due process in order to strip seniors of their constitutional rights. Our seniors deserve better than that.

This rule is not about protecting anyone. This rule should be seen for what it truly is: awful, politically motivated, and a dangerous infringement on our Second Amendment rights.

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

Mr. Speaker, in closing, I am not sure where to begin, because I have heard so many fascinating things here today.

The distinguished chairman of the Rules Committee said we are here today to enunciate the rules. I don't know what there is to enunciate. The only thing to enunciate is this is a closed rule. It is yet another closed rule. There is no opportunity to have any real deliberation, no real discussion. On top of that, there were no hearings on any of this stuff.

No matter what your position is, I have to be honest with you, listening to the gentleman, Mr. MASSIE, just

speak, I think it would have been nice if the Judiciary Committee could have actually had a hearing on this and maybe delved into some of the issues that the gentleman raised.

When people say that there is no due process, I would remind them that, under the rule, impacted beneficiaries are notified that this determination is being considered and they are provided a process to challenge that determination. Should the Social Security Administration determine that that recipient is able to safely use or possess guns, rights are restored and the person's name is removed from NICS. That is what it says.

Now, if there is a way to improve this, I am all for improving it; but by passing this measure here today, you prevent the agencies that are impacted here from ever being able to revisit the issue unless Congress deemed it appropriate.

So we are not trying to fix anything here. Basically, what we are doing is the bidding of the National Rifle Association to eliminate anything aimed at protecting people from gun violence in this country.

The gentleman from Colorado talked about the fact that his constituents want the right to protect their rights for life, liberty, and the pursuit of happiness. Well, my constituents want that, too, but they have a right to not have to be victims of gun violence. They have a right to protect their loved ones who may use a weapon against themselves or their family members.

But again, we can have this argument on whether or not we should do more—and I believe we should—to protect people in this country from gun violence, but that discussion ought to have happened first in the Judiciary Committee, at a minimum, not in the Rules Committee. I am on the Rules Committee. I admire the intellect of everybody on the Rules Committee, but our expertise is not on judiciary matters.

Similarly, on the other rule that is being repealed, the Financial Services Committee should have deliberated on that. I think there are some serious issues raised by repealing that rule, issues that I think go to the heart of corruption not only here in the United States, but around the world.

When the chairman of the Rules Committee got up and gave his description that somehow the U.S. oil companies are only being singled out, it makes my case why we should have had a hearing. What he just said, in my opinion, does not reflect reality.

The fact of the matter is, I looked at section 1504 of Dodd-Frank. It doesn't just require all extractive companies in the U.S. It says that all extractive companies, U.S. and foreign, listed on the U.S. exchanges are to publicly disclose the payments they make to governments for oil, gas, and mining resources.

□ 1315

And then, on top of that—and I said this earlier—is that other countries have followed suit. Canada and the European Union and Norway have all passed similar laws. It is not just the United States being singled out. That is just wrong. Maybe, if we had a hearing in the committee of jurisdiction, that would have been clear, and this wouldn't be a point of contention.

The fact of the matter is, it is a simple reporting requirement. It places no limits or restrictions on who companies can pay money to or how much or for what. It has absolutely no regulatory effect on any aspect of their business operations. There is absolutely no benefit to nullifying this commonsense law unless your objective is to make it easier for corrupt elites to steal money. The rule has no regulatory impact on business operation and does not define illegal or improper payments. It is a simple reporting requirement.

There is a problem with corruption, especially in places like Russia. Now, I know with the new administration, Russia is now in, and we are all supposed to say nice things about Russia. But Russia has a terrible record on human rights, and Russia has a terrible record when it comes to corruption, and we know that. We ought to not just cave to everything that Russia wants, and Russia and Big Oil want this repealed.

So I would say to my colleagues that we can argue about the merits of all of this, and that is fine, but I go back to my original point. This is the rule, and the Speaker of the House talked about the importance of regular order. I have heard my colleagues talk about the importance of regular order. We don't have regular order. You are all out of order. We end up coming to the floor with legislation that is always under restrictive processes, and most of the time now, in this new Congress, completely closed rules. That doesn't just disadvantage Democratic lawmakers who may have some ideas or may want to raise some issues, it disadvantages Republicans who may want to come to the floor with thoughtful ideas.

I urge my colleagues to absolutely vote "no" on this rule because, again, we are getting into this habit where it is closed, closed, closed, closed, closed, and it undermines the integrity of this House of Representatives. It really is shameful.

Finally, I will urge my colleagues to vote "no" on the previous question so that we can have a debate and a vote on overturning President Trump's awful, discriminatory executive orders on immigration. It jeopardizes our national security. It was carelessly implemented, carelessly put together. It is shameful. It is unconscionable that we are confronted with the mess that we are confronted with now.

I know it is uncomfortable to talk about issues that impact the new President who is of your party, but this

is absolutely the right thing to do. And if you want to vote no on these things, vote no on them, but allow us to have the debate and allow us to have the vote. I urge “no” on the previous question and “no” on the rule.

Mr. Speaker, I yield back the balance of my time.

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

I thank the gentleman from Texas and the gentleman from Kentucky for their remarks, and I appreciate the insightful remarks from the gentleman from Massachusetts. I am troubled right now. I am struggling to remember—as the gentleman describes Russia with its terrible record on human rights, I am trying to remember exactly who it was who had the reset button with Vladimir Putin, and I don’t think it was the Trump administration. I could be wrong.

Mr. Speaker, America has come so far in advancing the rights of those with disabilities. We have also fought long and hard to protect our constitutional rights. The rule before us achieves both of those ends. The Obama administration’s last-ditch effort to strip constitutional rights from individuals with disabilities must not stand. We also cannot stand for regulations that place American companies at a disadvantage and place their workers at risk.

The rule before us will undo the costly and dangerous reporting requirements placed on America’s energy companies operating abroad. When we repeal this unwise regulation on American energy companies, they can again fully contribute to the world’s energy economy.

Mr. Speaker, I urge support for this rule and the underlying measures.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to the rule governing debate on H.J. Res. 40, and the underlying legislation, because in a nation that leads the civilized world in deaths by gun violence, the last thing we should be doing is making it easier for persons suffering from a very severe, long-term, mental disorder that makes them incapable of managing their financial benefits and unable to do any kind of work in the U.S. economy, even part-time or at very low wages to obtain deadly firearms.

The Republicans have brought to the floor this week a Congressional Review Act (CRA) of Disapproval to overturn Social Security Administration (SSA) regulations to comply with existing federal law governing the submission of records to the National Instant Criminal Background Check System (NICS).

H.J. Res. 40, would vacate an important rule issued by the Social Security Administration implementing the NICS Improvement Amendments Act of 2007.

That law, which we adopted in the wake of the tragic mass shooting at Virginia Tech, requires federal agencies to report to the National Instant Criminal Background Check System (NICS) records of individuals who are statutorily prohibited from purchasing or possessing firearms.

The statute was enacted with bipartisan support, and we should stand together to defend efforts to see that it is fully implemented.

Let us be clear what a submission vote on this legislation is about: the Republican’s goal is to weaken our firearms background check system.

The shootings at Virginia Tech in April 2007 presented the deadliest shooting rampage in U.S. history.

On April 16 2007, the violence began around 7:15 a.m., ending in the deaths of 32 students and teachers after being gunned down on the campus of Virginia Polytechnic Institute and State University by Seung Hui Cho, a student at the school, who later died from a self-inflicted gunshot wound.

Only four months prior, on December 13, 2005, Cho had been ordered by a judge to seek outpatient care after making suicidal remarks to his roommates and was subsequently evaluated at Carilion-St. Alban’s mental health facility.

On February 9, 2007, Cho picked up a Walther P–22 pistol that he purchased online, just days before, on February 2 from an out-of-state dealer at JND Pawn shop in Blacksburg, across the street from Virginia Tech.

In March of 2007, Cho purchased a 9mm Glock pistol and 50 rounds of ammunition from Roanoke Firearms for 571 dollars.

The attack, resulting from these preventable actions, left 30 people dead and another 17 wounded.

In all, 27 students and five faculty members died as a result of the actions of a known mentally unstable individual who was nonetheless allowed to purchase a firearm.

On December 14, 2012, Lenny Pozner dropped off his three children, Sophia, Arielle, and Noah, at Sandy Hook Elementary School in Newtown, Connecticut.

Noah had recently turned 6, and on the drive over they listened to his favorite song, for what turned out to be the last time.

Half an hour later, while Sophia and Arielle hid nearby, Adam Lanza walked into Noah’s first-grade class with an AR–15 rifle.

Noah was the youngest of the 20 children and seven adults killed in one of the deadliest shootings in American history.

Depending on whom you ask, there were twenty-six, twenty-seven, or twenty-eight victims in Newtown.

It is twenty-six if you count only those who were murdered at Sandy Hook Elementary School; twenty-seven if you include Nancy Lanza—Adam’s own mother; twenty-eight once Adam turned the gun on himself.

There are twenty-six stars on the local firehouse roof.

On the anniversary of the shootings, the governor of Connecticut asked churches to ring their bells twenty-six times.

Americans have spoken and they are outraged by the countless, needless gun related deaths claiming the lives of their children.

To ensure the continued safety of American families, the Gun Control Act of 1968 prohibits certain categories of individuals from possessing firearms, including those who, using outdated terminology, are “adjudicated as a mental defective.” (This is referred to as the “federal mental health prohibitor.”)

The 1993 Brady Handgun Violence Prevention Act requires federally licensed firearms dealers to run background checks on prospective gun purchasers through NICS.

NICS includes records from various databases on individuals who are prohibited by law from purchasing and possessing firearms.

In response to the mass shootings at Virginia Tech, prior to which the shooter’s mental health prohibitor should have been, but was not, reported to NICS, Congress in 2007 unanimously approved legislation to adopt the NICS Improvement Amendments Act.

As senior member of the House Committees on Judiciary and Homeland Security and Ranking Member of the Judiciary Subcommittee on Crime, Terrorism, Homeland Security and Investigations, I supported the 2016 Social Security Administration (SSA) rule, which committed the SSA to submit records to the gun background check system for social security recipients prohibited from possessing guns due to severe mental illness.

It is a critical process for enforcing the law that bars prohibited people from passing background checks and purchasing firearms.

The only way we are going to prevent guns from getting into the hands of people who should not have them, people who pose a known and documented danger to themselves and others, is through a system based on robust, accurate and complete information.

Prior to the new SSA rulemaking, the agency had no process for submitting records of prohibited people to the National Instant Criminal Background Check System (NICS).

NICS therefore, has been missing records for those prohibited individuals.

NICS is only as good as the records it contains.

With those records missing from the system, these individuals are able to pass a background check and complete a purchase even though they are legally prohibited from purchasing guns under longstanding federal law.

The SSA regulation closes this gap by committing the agency to begin submitting prohibiting records into the gun background check system.

The rule does not impact any beneficiaries who are not already prohibited under law, and does not impact people based on disability findings that have been made prior to the rule taking effect.

Americans have spoken and they are outraged by the countless, needless gun related deaths claiming the lives of their children.

Under the regulation, only individuals with the most severe mental impairments, who are (1) unable to earn any income due to their mental incapacity, and (2) have been found incapable of managing their own benefits meet the NICS reporting system cautionary criteria to report the names of certain individuals who are prohibited by law from purchasing or possessing firearms to the National Instant Criminal Background Check System (NICS).

SSA has evaluated legal, medical and lay evidence and determined that these individuals are not capable of managing their own benefits.

SSA estimates that about 75,000 people per year will meet these criteria for reporting to NICS.

Disability examiners make the determination based on medical and other evidence, but physicians or psychologists review the evidence and sign off on the cases.

An individual who has a diagnosis of schizophrenia, suffers from hallucinations and delusions, and most days cannot care for herself—feeding, dressing, communicating with those around her.

Her symptoms and medical history meet the criteria in the listing for schizophrenia.

She receives disability benefits and has a representative payee.

She would meet the criteria for reporting.

An individual who has significant intellectual disability that prevents him from working at any level (i.e., he meets the listing for intellectual disability), and is unable to understand how to pay rent or use his benefits to buy food.

He qualifies for disability benefits and has a representative payee.

He would meet the criteria for reporting.

Placing anyone into the NICS as a “prohibited person” is not something we should take lightly, but it is a task that must be done in limited circumstances and as required by statute.

The circumstances addressed by this rule require that we work together on this serious and unfortunate issue.

The Congressional Review Act (CRA) resolution of Disapproval would, if passed by the House and Senate and signed by the President, deem the rule to have not been in effect at any time and would also prohibit SSA from reissuing a rule that is substantially the same.

The Republican’s use of the CRA process to overturn the rule is an extreme exercise in bad governance.

Rather than fixing or improving the rule, it would ban reporting by the SSA entirely.

There would be no opportunity to simply improve aspects of the rule, and we would prevent full implementation of the law we enacted after the Virginia Tech shooting.

I cannot support that result and therefore oppose this resolution, and I urge my colleagues to do the same.

Subverting long-standing gun safety laws under the guise of protecting Constitutional rights, while simultaneously pushing for repeal of health reform laws that provided care to these communities rings hollow.

Now is not the time to weaken our background checks system by excluding those with the most severe and incapacitating forms of mental impairment.

The Social Security Administration should be commended for its efforts to keep children and families safe by following the lead of other agencies and enforcing laws that have been on the books for decades.

I urge you to oppose this Republican scare tactic of a rule, and the underlying bill.

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

AN AMENDMENT TO H. RES. 71 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. 724) to provide that the Executive Order entitled “Protecting the Nation from Foreign Terrorist Entry into the United States” (January 27, 2017), shall have no force or effect, to prohibit the use of Federal funds to enforce the Executive Order, and for other purposes. 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 con-

clusion 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. 724.

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 ques-

tion 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. BUCK. 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 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 231, nays 191, not voting 10, as follows:

[Roll No. 70]

YEAS—231

Abraham	DeSantis	Johnson, Sam
Aderholt	DesJarlais	Jones
Allen	Diaz-Balart	Jordan
Amash	Donovan	Joyce (OH)
Amodei	Duffy	Katko
Arrington	Duncan (SC)	Kelly (MS)
Babin	Duncan (TN)	Kelly (PA)
Bacon	Dunn	King (IA)
Banks (IN)	Emmer	King (NY)
Barletta	Farenthold	Kinzinger
Barr	Faso	Knight
Barton	Ferguson	Kustoff (TN)
Bergman	Fitzpatrick	Labrador
Biggs	Fleischmann	LaHood
Bilirakis	Flores	LaMalfa
Bishop (MI)	Fortenberry	Lamborn
Bishop (UT)	Fox	Lance
Black	Franks (AZ)	Latta
Blum	Frelinghuysen	Lewis (MN)
Bost	Gaetz	LoBiondo
Brady (TX)	Gallagher	Long
Brat	Garrett	Loudermilk
Bridenstine	Gibbs	Love
Brooks (AL)	Gohmert	Lucas
Brooks (IN)	Goodlatte	Luetkemeyer
Buchanan	Gosar	MacArthur
Buck	Gowdy	Marchant
Bucshon	Granger	Marino
Budd	Graves (GA)	Marshall
Burgess	Graves (LA)	Massie
Byrne	Graves (MO)	Mast
Calvert	Griffith	McCarthy
Carter (GA)	Grothman	McCaul
Carter (TX)	Guthrie	McClintock
Chabot	Harper	McHenry
Chaffetz	Harris	McKinley
Cheney	Hartzler	McMorris
Coffman	Hensarling	Rodgers
Cole	Herrera Beutler	McSally
Collins (GA)	Hice, Jody B.	Meadows
Collins (NY)	Higgins (LA)	Meehan
Comer	Hill	Messer
Comstock	Holding	Mitchell
Conaway	Hollingsworth	Moolenaar
Cook	Hudson	Mooney (WV)
Costello (PA)	Huizenga	Mullin
Cramer	Hultgren	Murphy (PA)
Crawford	Hunter	Newhouse
Culberson	Hurd	Noem
Curbelo (FL)	Issa	Nunes
Davidson	Jenkins (KS)	Olson
Davis, Rodney	Jenkins (WV)	Palazzo
Denham	Johnson (LA)	Palmer
Dent	Johnson (OH)	Paulsen

Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus

NAYS—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Ciocline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Españat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard

NOT VOTING—10

Blackburn
Clark (MA)
Kildee
Mulvaney

Price, Tom (GA)
Russell
Smith (TX)
Taylor

Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

□ 1346

Ms. BONAMICI and Mr. KENNEDY changed their vote from “yea” to “nay.”

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

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

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

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

RECORDED VOTE

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

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 191, not voting 10, as follows:

[Roll No. 71]

AYES—231

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso

Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas

Smith (MO)
Smith (NE)
Smith (NJ)
Smucker
Stefanik
Stewart
Stivers
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton

Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup

NOES—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castro (TX)
Chu, Judy
Ciocline
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Españat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard

NOT VOTING—10

Clark (MA)
Hartzler
Kildee
Mulvaney

Price, Tom (GA)
Russell
Smith (TX)
Taylor

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1352

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

A motion to reconsider was laid on the table.

Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

O'Halleran
O'Rourke
Pallone
Panetta
Pascarell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Khanna
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF THE INTERIOR

Mr. BISHOP of Utah. Mr. Speaker, pursuant to House Resolution 70, I call up the joint resolution (H.J. Res. 38) disapproving the rule submitted by the Department of the Interior known as the Stream Protection Rule, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 70, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 38

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Office of Surface Mining Reclamation and Enforcement of the Department of the Interior relating to the "Stream Protection Rule" (published at 81 Fed. Reg. 93066 (December 20, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. BISHOP) and the gentleman from Arizona (Mr. GRIJALVA) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. BISHOP of Utah. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.J. Res. 38.

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself 4 minutes.

We are starting an historic week in the House, something that was replicated almost two decades ago, but we are doing it again and are using the Congressional Review Act to look at actual rules and regulations. What we are doing is the right thing.

In 1996, when this act was first passed, President Clinton, after signing it, said that this act would give congressional accountability for regulations. Even Harry Reid said that this act would be reclaiming for Congress some of its policymaking authority, and SANDER LEVIN of Michigan, at the time, also said that now we are in a position to do something ourselves. If a rule goes too far afield from the intent of Congress in its passing the statute in the first place, we can stop it. That is exactly what we are attempting to do, and this is one of the first of those activities we will be doing this week.

The Congressional Review Act actually has three purposes in mind. They said, if a rule has excessive costs, if a rule goes beyond the particular agency's statutory authority, and if a rule is duplicative or unnecessary, it should be reviewed by Congress and rescinded. That is exactly what we are going to do because this rule, commonly called the

stream protection rule, does all three of those criteria.

What I want to do is talk about this rule that was passed at the last minute by the former administration—it actually went into effect on the very last day of the administration—and say that it violates all of those three elements. The act itself—the rule itself—was done in secret. They had their own opaque study that they did without letting anyone know what the data was. We asked for it repeatedly, but the agency refused to tell us. Even in 2015, Congress passed a law in the Appropriations Act that mandated they tell us the data, the information. They simply ignored that law. They have refused to work with Congress in any particular way.

□ 1400

Actually, it violates law. If this rule goes forward, it violates the NEPA law. If gone into implementation, it would violate the Endangered Species Act.

It violates a memo of understanding the Federal Government had with 10 States at the time. In fact, there are 14 States suing over this rule and regulation. We have the letters of support from 14 State attorneys general in support of what we are attempting to do here.

If put into effect, it clearly violates the Clean Water Act by its effort to redefine hydraulic balance, which this agency does not have the authority to do. It is given to other elements.

It also puts us at risk of litigation on a takings issue. There is precedent for that. It could happen again, all because of this ill-defined and unnecessary rule and regulation.

If we roll it back, there is still protection. There will always still be protection. In a Department of the Interior study, they clearly said that 93 percent of all the impact has already been taken care of and does not actually exist. It would be easy for us to do and it would put us back to a rule established in 1983 that is effective in protecting these areas. Ninety three percent of all streams have no impact by this issue whatsoever.

It also clearly says, under the report when this rule was being done, that the States that are legally supposed to be coordinated and be a part of the process were shut out of the process. It is one of the reasons why they are still suing, which means the memo of understanding signed by those States was ignored by the agency in coming up with this rule. The States that regulate 97 percent of the Nation's coal production, States and tribes that abate well over 90 percent of the abandoned mine problems—they have it in line, they have it ready, they are ready to move forward with it—they were simply shut out of the process. It is a poor process.

There was a former icon of this body, a great Member who once allegedly said: If I let you make the policy and you let me make the procedure, I will screw you over every time.

This is poor procedure that has produced a poor rule, which will result in poor policy. At best, this rule is redundant. It is clearly unnecessary, and it does have the potential of hurting people nefariously when it does not need to.

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

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

I rise in strong opposition to this resolution, which would put coal company profits ahead of clean water and public health. The stream protection rule has been in development for 7 years and puts in place modest, commonsense protections for people who live near coal mines.

This isn't just a rule to protect streams. This is a rule to protect people's health, to protect people's homes, and to protect the clean water that they rely on. These folks felt strongly enough about this rule to submit public comments.

The rule is designed to protect people like Donetta from West Virginia, who nearly lost her life when chemicals from coal fields found their way into her water supply and interacted with her medication in such a way that it nearly destroyed her liver.

The rule is designed to protect people like John from Alabama, who reports lakes that have turned gray and streams that have turned orange.

This rule is designed to protect people like David from Tennessee, who watched a creek near his grandmother's home become lifeless due to strip mining nearby.

This rule is designed to protect people like Josh from North Carolina, who can no longer fish in the streams near a family home and wants coal companies to be held accountable for the damage that they did.

This rule is designed to protect people like Jonita from Kentucky, a coal miner's daughter whose water supply is tainted with heavy metal and other toxins from coal sludge. She wrote: "Coal put the food on my table. It also put the poison in my water. Reasonable trade-off?"

I don't believe that Jonita or anyone else should have to make that trade-off. No one's water supply should be sacrificed in the name of higher bonuses for coal company CEOs. Those coal executives have made it their overriding goal to kill this regulation; and after spending nearly \$50 million on political campaign contributions over the past 6 years, they now have a Congress and a President to do it.

So for the first time in 16 years and just the second time ever, Republicans are going back to Newt Gingrich's playbook and trying to successfully use the Congressional Review Act simply because the coal industry feels like it shouldn't be held accountable.

But as we know, this is only the first of five regulations that we will be repealing just this week. Later today, they are going to get rid of the rule