Mr. Speaker, I am going to again urge my colleagues on both sides of the aisle to vote to defeat the previous question so we can actually bring an amendment to the floor to demand CBO tell us how much the Republican healthcare bill is going to cost and what its impact is going to be on the American people.

Mr. Speaker, let me tell you why I am worried. The AARP estimates that the Republican repeal bill could increase premium costs by $8,400 for a 64-year-old earning $15,000 a year, and it could put at risk the health care of millions of vulnerable Americans.

Now, we have over 200 employees at the Congressional Budget Office. That office costs nearly $50 million a year. We pay them to advise us precisely at times like this. We ought to rely on their information. We ought to ask for their guidance. Before marking up bills, before rushing bills to the floor that could adversely impact millions and millions of Americans that could break the bank in this country, we ought to find out what we are talking about.

We can walk and chew gum at the same time. You can pass the Defense bill and you can also pass an amendment that tells us how much this Republican healthcare bill is going to cost. We ought to do both.

So defeat the previous question so that we can bring this amendment to the floor. Let a little sunshine in on this process. Let the American people know what is going on here. I think that is the appropriate way to proceed.

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

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

H.R. 1301 is the first step we must take in rebuilding our military. It is only a first step. We must also repeal the Budget Control Act and end sequestration if we are going to truly address our shortfalls. We must return to a rational budgeting process at the Pentagon, where spending is based upon defending the defeating threats to this Nation, not arbitrary and devastating across-the-board cuts.

Mr. Speaker, nearly 70 years ago, President Harry Truman addressed this body about the growing Soviet threat to Eastern Europe. He said: ''There are times in world history when it is far wiser to act than to hesitate. There is some risk in action. There always is. But there is far more risk in failure to act.''

President Truman continued: ''We must be prepared to pay the price for peace or, assuredly, we shall pay the price for war.''

Today, Mr. Speaker, I urge that we begin to pay the price for peace. I urge support for the rule and for the underlying bill.

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

AN AMENDMENT TO H. RES. 174 OFFERED BY MR. MCGOVERN

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

SEC. 2. In rule XXI add the following new clause:

13. (a) It shall not be in order to consider a bill or joint resolution proposing to repeal or amend the Patient Protection and Affordable Care Act (PL 111–148) and the Health Care and Education Affordability Reconciliation Act of 2010 (PL 111–152), or part thereof, in the House, in the Committee of the Whole House on the state of the Union, or in the Committees on Energy and Commerce and Ways and Means, unless an easily searchable electronic estimate and comparison prepared by the Director of the Congressional Budget Office is made available on a publicly available website of the House.

(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a).

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.

Ms. CHENEY. 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.

□ 1330

PROVIDING FOR CONSIDERATION OF H.R. 725, INNOCENT PARTY PROTECTION ACT

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 175 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 175

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. 725) to amend title 28, United States Code, to prevent fraudulent joinder. 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. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted.

The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from 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 Florida (Mr. HASTINGS) 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 rise today in support of the rule and the underlying legislation. Current Federal court rules allow trial lawyers to engage in picking their preferred venue. In particular, trial lawyers are able to file suit against the defendant in one State while keeping their case in a different State's court.

When a lawsuit is filed against a defendant in another State, trial lawyers may also sue a defendant in the State where they want the trial to occur. This keeps the case in the lawyers' preferred State court.

Many times the target of the lawsuit is a large, national business. But if the only defendant in the case is an out-of-State business, then the case can be heard in Federal court. Because of this, the trial lawyer will then also sue an innocent local individual or a small business in order to keep the case before a local court.

Usually, the case against the innocent local defendant is dropped once the case is safely back in State court, but it is dropped only after the innocent local defendant has spent time and money dealing with the lawsuit.

This practice is wrong. This practice perverts our justice system and causes needless pain. Trial lawyers should not have the power to subject innocent local individuals and small businesses to costly and time-consuming lawsuits just to rig the system. This kind of abuse of litigation is unjust and must be stopped.

A well-respected Federal appeals court judge, J. Harvie Wilkinson of the Fourth Circuit Court of Appeals, has publicly supported Congress putting an end to this abuse. He has suggested that Congress provide judges greater leeway in making the proper decision on whether a case should be removed to Federal court. He has also suggested that Congress give Federal judges greater discretion to determine early on in a case whether a local party has been fraudulently sued. The Innocent Party Protection Act provides these exact changes.

In 2014 Judge Wilkinson addressed these proposals and said:

That is exactly the kind of approach to Federal jurisdiction reform that I like because it is targeted.

And there is a problem with fraudulent jurisdiction law as it exists today, I think, and that is that you have to establish that the joinder of a nondiverse local defendant is totally ridiculous and that there is no possibility of ever recovering.

That is very hard to do.

So Judge Wilkinson went on:

So I think making the fraudulent joinder law a little bit more realistic appeals to me because it seems to me the kind of intermediate step that addresses some real problems.

The legislation that this rule makes in order is the solution to the problem that Judge Wilkinson identifies. The underlying legislation would protect innocent local defendants in two main ways. First, the Innocent Party Protection Act allows Federal judges more leeway when determining whether a defendant has been fraudulently joined to a lawsuit for the purpose of keeping the case out of Federal court.

When a judge has a case before his or her court, the judge will have clear guidelines for determining whether the locality of a defendant can be disregarded in establishing whether the case will proceed in Federal or State court. However, this in no way infringes on our State court systems.

The judge must conclude that the defendant will not face a liability under applicable State law. Once that conclusion is reached, the judge then may release the innocent defendant from the case. This provision keeps legal claims in Federal Court that properly belong there by allowing Federal judges to decide whether a local party is truly a legitimate defendant and not simply ensnared in a case for the sole purpose of keeping the case in a trial lawyer-friendly State court. This is a fair and efficient solution to the problem.

Secondly, the Innocent Party Protection Act establishes a uniform approach for evaluating whether a plaintiff has a good-faith intention of seeking judgment against a local defendant.

While the U.S. Supreme Court has long recognized the right of courts to consider whether a plaintiff has a good-faith intention of seeking a judgment against a local defendant, the application of this principle has not been uniform.

The Innocent Party Protection Act simply codifies this longstanding principle and permits Federal judges to limit a lawsuit to the appropriate defendant.

Plaintiffs with legitimate claims against both a local and out-of-State defendant will be able to pursue their case in State court. However, if no legitimate claim exists, the out-of-State defendant will have the opportunity to have the case heard in a neutral forum. By codifying this principle, we effectively protect innocent individuals and small businesses from bad-faith litigation.

Mr. Speaker, the underlying legislation is a fair solution to one type of frivolous litigation. I support this effort, and I thank Chairman GOODLATTE and the Judiciary Committee for bringing this bill to the floor.

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

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

Mr. Speaker, I thank the gentleman from Colorado for yielding me the customary 30 minutes for debate.

Mr. Speaker, I rise today to debate a rule for a piece of legislation that will, in the final analysis, make it more difficult for hardworking Americans to stand up to corporate malfeasance; a piece of legislation that jettisons a history of legal precedent in the blink of an eye because, well, it helps keep the deep pockets of the ultrawealthy as deep as possible.

I learned this law in law school in 1959, but it was in existence way before that time, and now my friends across the aisle are going to tell us that this legislation is needed because it will protect small businesses. This is a feint, folks. Small businesses—indeed all of us—have been and continue to be protected by the century-old jurisprudential rule that the Republicans come here today to upend. In reality, all this bill will do is make it more difficult for regular folks across this country to bring lawsuits against massive corporations.

I shudder to think what would have happened in the critically important asbestos case had this particular law been in effect; and there are many more.

This bill will make it more expensive both in time and treasure for our fellow Americans to hold corporations responsible in the courtroom, a need all the more prevalent today as my friends across the aisle have been busy gutting regulations at a dizzying pace.

Let me make it clear, after we finish, my colleague from Colorado and I are going to go back to the Rules Committee to discuss some more judicial reform. A lot of it is stuff that is going to harm little people in the courts and to cause them not to have access to the court system, as have many of the regulations that we have already disapproved.

Let us be clear, the American people didn't vote for dirty water, but that is what they got with this Republican majority when it voted to repeal a rule that barred corporations from dumping mining debris into our drinking water, helping powerful mining companies by hurting all of the rest of the people in their near curtilage.

The American people didn't vote to weaken the Securities and Exchange Commission, but that is what this majority did when it passed a bill adding more hurdles to the SEC rulemaking process, making it more difficult for the agency to protect consumers, helping Wall Street while putting our economy at risk. I will make a prediction

here. It may not happen right away, but just like we saw the Great Depression that we are just coming out of, we are likely to see that same kind of situation again by virtue of lessening the rules against violations in securities.

The American people didn't vote to drug test Americans on unemployment insurance—degrading the hardworking men and women in this country—but that is what this Republican majority did without delay.

Mr. Speaker, the list really does go on and on. In fact, just yesterday, Republicans continued to chant the corporate clarion call with the unveiling of what I now will call their shameful replacement of the Affordable Care Act. Until there is a resolution, I am going to call it TrumpCare.

My colleagues like to tout how short the bill is compared to the Affordable Care Act. Well, the American people will be surprised to find that, in that brevity, Republicans managed to repeal an Affordable Care Act provision that placed a limit on insurance executives' compensation. Let me repeat that. They managed to repeal a provision that placed a limit on insurance executives' compensation. The insurance executives shouldn't be too surprised by this, however. Repeatedly, Republicans have shown they represent corporate interests over the interests of the American people.

But my Republican colleagues didn't stop there. Their so-called replacement, the Trump bill, also claims to have done away with the individual mandate. What they don't tell you is that, instead, their plan calls for funneling money to the insurance companies in the form of a 30 percent surcharge if an individual goes without health insurance.

Let me tell all the older Americans and 80-year-old people like me to get ready because they are going to be able to charge you just exactly what they want to charge you, and all—mine and yours—insurance is going to go up if this particular measure were to become law.

That is right. Under the Republican healthcare proposal, if you, the American worker, goes without healthcare coverage for longer than 2 months—say you couldn't after a new plan between jobs—then Republicans give insurance companies the right to charge you 30 percent higher premiums. That is ridiculous.

Republicans didn't get rid of the individual mandate. They just turned the mandate into a windfall for insurance companies—a windfall that is going to work out great for insurance executives now that Republicans also removed the cap on their compensation tax deductions.

Mr. Speaker, let us not lose sight of the fact that it took Republicans 7 years of undermining the Affordable Care Act to finally come up with this proposal for replacing it.

□ 1345

Their plan would kick millions of Americans off their health insurance and force millions more to pay higher premiums. It would take health care away from the poor, give tax cuts to the rich, and pull the rug out from under seniors, families, and children.

In fact, this plan is so bad that Republicans literally hid not only their horrific proposal, but themselves, from their constituents. Many of their Members are seeing it just in the last 36 hours. They did this by callously brushing off townhall meeting after townhall meeting.

Why all the smoke and mirrors regarding something as simple as this measure is in light of the fact that they ran on replacing it? Why hide it and why rush it and why go through this charade that most of us know and several Senators said yesterday will be dead on arrival?

Actually, let me ask the American people. Who do you think the Republican Party is representing, you or corporate America?

Mr. Speaker, we are not even a full 2 months into the Republican-led government and, in addition to the unconstitutional Muslim bans—and notice I said ''bans,'' because the old one is nothing but the new one, and the new one is the old one, minus one, and that is the country of Iraq—we have the Republican denial of clear Russian influence in our most recent election.

Let me be very clear about this particular aspect. All of the intelligence agencies have indicated that there was Russian interference in this last election. I don't understand why we are not totally outraged and why there is not extraordinary emphasis on this kind of action against our fundamental democracy.

It is ridiculous that we are around here doing things that we know are not likely to pass the United States Senate and that we are disapproving regulations, yet we cannot get an independent commission to make a determination of how this impact occurred. And we do know that it occurred. I am outraged, and I would hope more Americans would be as well.

We have also seen the almost immediate recusal of the Attorney General due to his inability to be forthright with our Senate colleagues; wild and baseless claims emanating from late-night Twitter storms from 1600 Pennsylvania Avenue or Mar-a-Lago; and we have a Republican Party dedicated to ensuring that their corporate benefactors can rest easy, no matter the harm they cause to everyday working Americans.

Are we addressing any of these concerns here today?

I would imagine my colleague, rightly, will come back and argue that all the things that I just talked about are not this particular rule. Well, this rule is not even deserving of that kind of consideration, largely for the reason it is yet another structured rule disallowing Members of this House to have an opportunity to have input into a measure that is getting rid of a century of precedent in our judiciary. No, what we are doing is debating obscure civil procedure rules that date back to the days of President Teddy Roosevelt.

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 would like to remind the gentleman from Florida that we are debating the special order of business from rules and that all comments must be relevant to the rule or the underlying bill.

This particular underlying bill has to do with a rule of civil procedure and fraudulent joinders. It does not have to do with the gentleman's healthcare replacement act or his thoughts on the healthcare replacement act, insurance executive's compensation, individual mandates, tax cuts for the rich, Russia, Iraq, although I did appreciate the gentleman's memories from law school the year that I was born.

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

Mr. SESSIONS. Mr. Speaker, it is a delight for me to join the gentleman from Colorado (Mr. BUCK) on a piece of legislation that actually has his name on it, he is responsible for, understands, and is prepared today to fully debate.

I would also like to thank the gentleman from Florida, a member of the Rules Committee, for not only coming down to offer his argument against the facts of the case as they reside today on this important piece of legislation, but I also want to acknowledge that I know the frustration.

I know there is a lot of frustration. There is a lot of frustration from our colleagues who have lost the House, the Senate, and the Presidency. They are in the middle of what might be called wandering, as they have called it, in the darkness or in the doldrums of being deep in the minority.

With that said, there is an agenda that is being laid out before the American people. It happened, Mr. Speaker, directly as a result of what we call an election—an election where all these issues, or most of them that have been discussed by the gentleman, were fully debated not only in a theater near you, but directly in congressional contests, in senatorial contests and the debates for the President of the United States.

The facts of the case are really pretty simple. The Republican Party will be talking about all the issues that the gentleman brought up today right before our eyes. Probably on C–SPAN, trying to compete against us, is a hearing in the Energy and Commerce Committee.

The gentleman, GREG WALDEN, the chairman of the committee, over the weekend released the text of the chairman's mark, the ''bill'' of the Republican Party of how we are going to look at health care.

It is true that we have Chairman DEVIN NUNES of the Intelligence Committee looking at the issue that was

brought up of Russia. We have forthrightly, over the weekend, said: All right. We are being asked to look at this. Just so you know, media, American people, we are going to do that. We are going to do what you have asked because we believe it is the right thing to do: open hearings, open debate, acknowledgement of the issues, and a certainty that we will go look into it, and we are going to let you know what we find. That is really where we are.

This morning, at 8 a.m. in my office, I cohosted with the gentleman from Florida an opportunity for the American Bar Association. We brought in, from across this country—I didn't bring them in; they came into my office from across the country—a number of well-established, thoughtful, and articulate people. We didn't ask: Are you Republican? We didn't ask: Are you Democrat? We said: You represent your organization, and we want to hear from you.

This is the kind of leadership that I believe not only myself but also the gentleman, Mr. HASTINGS, wants to be associated with. We want to be associated with listening to the American people, trying to be thoughtful about what we do and have equal participation.

The gentleman knows that at the Rules Committee yesterday we had a very thoughtful person representing the Republican Party. The gentleman from Iowa (Mr. KING) came up. We had Mr. BUCK, who was able to come and talk about this issue today.

In fact, it might be an arcane issue to the American people, but it consumes a lot of time, and it has a deliberative effect on the outcome of important cases in Federal courts and State courts across the country. We feel like it is worthy of an afternoon, an afternoon at the Rules Committee, to fully vet the legislation and an afternoon here on the floor of the House of Representatives.

But like any other good majority, we have a lot of other things going on, and we are looking at the Affordable Care Act, how it worked and how we might thoughtfully replace it. We are looking at the issues related to Russia. We are looking at the American Bar Association.

Members of Congress are extremely busy, but, Mr. Speaker, I think, with great respect, we should give the author of the bill, Mr. BUCK, his time to come and thoughtfully explain why we are doing what we are doing.

I am just a dadgum chairman of the committee. I just do the things that I hope are necessary to look at every single item and being fair—being fair in the ability that people have to come and bring their ideas and trying to be fair in trying to bring them down here.

So I want to thank the gentleman for acknowledging this body is busy. This body is engaged in, as we speak, a public, open debate about what direction health care should go.

What I would like to offer is my evaluation of where we are going to be. We are going to be at a point where we do not have to scare people about where we have been or why we are going to a place.

I am on what is known as ObamaCare. As a Member of Congress, I am legally required to be on ObamaCare for health care. But, Mr. Speaker, it is twice as expensive as what I had before; and it is not working for me, it is not working for my family, and it is not working for a lot of people.

So we are trying to look at how we might carefully, thoughtfully, artfully work with the American people, so we put the bill up and let you see it. We don't have to pass it to find out what is in it. We are trying to read the bill and understand it first.

Mr. Speaker, it is not a pledge. It is a hope that every single Member of this body will understand what is in the bill before they can respectfully, whether somebody disagrees or agrees with it, explain the bill for what is correct.

What is correct about the bill is this: if you like your own doctor, you can keep your own doctor. If you like your own healthcare plan, even if it is ObamaCare, you can do that, too.

The Republican Party is open about what we believe. We are trying to be thoughtful with the American people.

Mr. Speaker, I believe, with the leadership that we have of PAUL RYAN who has attempted to work through a difficult issue, the American people will understand why Republicans not only won the election, but why Republicans have better ideas in health care, too.

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

Mr. Speaker, I have great respect for the chairman of the Rules Committee and he knows that.

I just heard him say his insurance went up under ObamaCare. Mine did, too. I also want to remind him that, if this measure as offered yesterday were to become law, his and my insurance is going to go up again.

So we weren't doing all of the things that you said you were going to do by bringing the price down. In addition, we don't even know what CBO's score is with respect to this matter.

You said that you are reading it to understand it now, yet Members are in the Energy and Commerce Committee, as you explained, marking it up, and they don't even know what CBO's score is. I will get back to that in a few minutes about all these people we pay over there to do that work, and then we are not utilizing them.

I also want to address my friend from Colorado and have him understand that I am not precluded from presenting to the American public what legislation we wish to prioritize.

As the gentleman knows, we are currently debating the rule. This is a tool used to set the House agenda and to prioritize consideration of legislation. For that very reason, this is, in fact, the appropriate time for us to explain to the American people what legislation we would like to prioritize and what agenda we would like to pursue in this House. I won't reiterate it, in the interest of time.

I will have a previous question that will demonstrably show what legislation we think we should be addressing. I will do that for as long as I am given the opportunity to manage rules. I will come down here and present the position of the Democratic Party so that they understand our priorities and not necessarily am I hidebound by this rule.

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

□ 1400

Mr. BUCK. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Speaker, without continuing the dialogue, I would like to at least respond to the gentleman and look right at you, Mr. Speaker, and tell you, in fact, we are going to have a CBO score. We are going to have a CBO score when we have an agreed-upon bill. This is a process that is open. The bill is being proposed. The bill is going to be debated. Then there are going to be votes.

For them to presume that they know the score before they know the outcome is not the way the chairman of the committee looks at it. Mr. WALDEN looks at it that he is going to let the committee vote and come up with a bill, and there are significant changes that could happen one way or another. I think it would be a presumptuous viewpoint to say here is the bill and here is the score, take it or leave it. I know Chairman WALDEN very well, and GREG WALDEN is trying to operate off openness and the agreement to look at the bill. When it is finalized, a score will become available. I appreciate the gentleman bringing this issue up.

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman from Colorado for yielding. I especially thank him for bringing this legislation before this Congress.

I rise in support of this rule and the underlying bill. We are addressing the topic that we used to call fraudulent joinder. I like the title of this bill better, as pointed out by Ms. SLAUGHTER last night. We call it the Innocent Party Protection Act. It is more accurate and it is more descriptive. The other fraudulent joinder piece tends to put people to sleep who aren't operating in this arena.

I know that the gentleman from Colorado (Mr. BUCK) has operated in this arena. He has significant experience and frustrating experience watching innocent parties being drug into litigation just so that an opposing attorney can utilize that jurisdiction within a

particular State where they think they have a friendly venue.

First, Mr. Speaker, I make the point from the beginning, which we don't often enough do here, and that is our pledge we made some years ago that all of our legislation would be indexed back to the Constitution. We don't always address that in the debate.

I just turn my pocket Constitution to Article III, section 1. It says: ''The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.''

We agree with that. I have made this point that all of the Federal courts are completely under the jurisdiction of the United States Congress. If we decided that we wanted to abolish a Federal district, we could do that. In fact, it happened 200 years ago, two districts. I don't propose such a thing, but I am just asserting the power of Congress, which hasn't been questioned or challenged, I would point out.

Under section 2, it says: ''The judicial Power shall extend to all Cases, in Law and Equity, arising . . . between Citizens of different States. . . .''

This is a tool, then, that the fraudulent joinder attorneys use to drag people into litigation who may have nothing to do with it whatsoever. It is a problem. It is a problem, we know, not just because there are complaints out there from innocent parties that have been wrapped up in litigation and required to defend themselves and hire attorneys and spend thousands of dollars—tens of thousands—hundreds of thousands of dollars in order to protect their economic interests even though they have zero involvement in the case and perhaps zero chance of having any judgment brought against them.

So apparently the judges who make these decisions look at rule 11 and they find enough latitude in there that they allow the defendants to stay on the case, and I will call them being fraudulently joined to the case. We need to tighten up these rules. We need to send a very clear message to the courts so that they have got some guidelines to live by because it is their job, of course, to read the law, take their directions from the United States Congress, and act accordingly. I think just this debate and the debate we had in the last Congress help us in that cause.

The next thing I pick up from the Constitution, the next thing is the bill itself, and prevention of fraudulent joinder is under section 2. It sets out four different categories that would be cause for the court to release a defendant. And it says the joinder of the defendant is described in this paragraph. It says it is fraudulent if the court finds that in one of four different categories there is actual fraud in the pleading of jurisdictional facts, which, with respect to that defendant, if there is actual fraud, that is pretty much a no-brainer, should be released from the case. That is pretty simple. I am glad it is now an opportunity to go into statute.

Second is if it is based on a complaint and the materials submitted under the paragraph, it is not plausible to conclude that the applicable State law would impose liability on that defendant. In other words, if it is implausible for the defendant to have a liability, then the court can release that defendant under this act should it become law. That is also, to me, a no-brainer.

As one who has been a defendant in lawsuits, I would reflect, Mr. Speaker, that when I first ran for office, there were some people who thought that I should just simply capitulate to whatever their legal demands were. Even though I have only been in the courtroom a couple handful of times throughout the 40-some years of business that we have done as King Construction, I had four of them lined up against me at the same time. They thought that I would just have to settle out of court. It is a frustrating thing to not see a liability but have that leverage brought against you. I have experienced that, and that animates me on this.

The third component is if a State or Federal law clearly bars all claims in the complaint against that defendant. All right, that is also a simple provision.

But the fourth one is another one that deserves consideration, and that is that there be a good faith intention. Otherwise, if there is no good faith intention to prosecute the action against that defendant or to seek a joint judgment which would include that defendant, then that defendant can be released from the case. We need to streamline our courts, Mr. Speaker.

The SPEAKER pro tempore (Mr. ROTHFUS). The time of the gentleman has expired.

Mr. BUCK. Mr. Speaker, I yield an additional 1 minute to the gentleman from Iowa.

Mr. KING of Iowa. Mr. Speaker, I would just summarize this case in that it is not only me, it is not Mr. BUCK alone, it is not Mr. SESSIONS alone, it is the American people who are calling out for this kind of relief. It is not just the American people—we might consider them to be laypersons in this—but it is also the courts. The Fourth Circuit Court of Appeals, Judge Harvie Wilkinson, as Mr. BUCK quoted, spoke to this issue. The Supreme Court of the United States has spoken to this issue under ''plausible'' versus ''speculative.'' Professor Martin Redish also has spoken on this subject matter.

The Third Circuit spoke to the Briscoe issue. The final piece is the Fifth Circuit has essentially adopted a very similar, if not identical, policy. We need to codify this. This is our chance to do so. I urge adoption of the rule and support of the underlying rule.

Mr. BUCK. Mr. Speaker, I thank the gentleman from Iowa for his thoughts.

May I inquire how much time is remaining on my side?

The SPEAKER pro tempore. The gentleman from Colorado has 10 minutes remaining.

Mr. BUCK. Mr. Speaker, I would advise the gentleman from Florida (Mr. HASTINGS) that I have no additional speakers.

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

Mr. Speaker, if we defeat the previous question, I am going to offer an amendment to the rule which would modify the rules of the House to require a cost estimate from the Congressional Budget Office before any legislation that would amend or repeal the Affordable Care Act may be considered in committee or on the House floor.

The Committee on Ways and Means and the Committee on Energy and Commerce are marking up repeal legislation today. Legislation this significant should not advance through the committee process, let alone the House, without first hearing from our nonpartisan budget experts at the Congressional Budget Office on what the cost and overall impact will be.

Mr. Speaker, we have over 200 employees at the Congressional Budget Office. We pay them collectively—and administrative duties—nearly $50 million a year to advise us at times exactly like this.

House rules already require the Congressional Budget Office cost estimates to be included in committee reports. We are simply trying to improve and strengthen this principle of transparency in order to ensure that we know the cost of this repeal legislation before we vote, and that includes the members in the Committee on Energy and Commerce today who are marking this up so as how they would know the cost before they vote in committee today.

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 Florida?

There was no objection.

Mr. HASTINGS. Mr. Speaker, it is not too late for my friends across the aisle to tether themselves to the ideals that have made this country great for generations; ideals that, if we are to be saved from the rushing current we presently find ourselves being dragged down by, will be, as they always have been, those ideals which save us from ourselves.

We are a nation built upon the strength of immigrants, of teachers, of doctors, of mill workers, garbagemen and -women, small-business owners, and farmers. We are a nation of dreamers and innovators, respectful of our individuality and mindful of our unparalleled power once unified in common cause.

At some point, my Republican friends will, I hope, realize that their unabashed and wholesale championing

of corporate interests at the expense of hardworking Americans is a losing cause. For the sake of our environment, our children, our grandchildren, and our unborn children, I hope this day is earlier rather than later.

Mr. Speaker, I urge a ''no'' vote on the rule and the underlying measure, and I yield back the balance of my time.

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

Mr. Speaker, the rule before the House today is simple. It provides for the consideration of the Innocent Party Protection Act.

Mr. Speaker, we often speak of the Federal regulations or taxes inhibiting job growth in our country, but there are other headwinds that our Nation's job creators face as well. One of those headwinds is frivolous litigation.

I believe strongly that anyone and everyone should have access to justice. Everyone who is injured deserves to have their day in court, and they should have the opportunity to make their case. However, sometimes trial lawyers take advantage of our justice system and seek to gain an unfair advantage against a defendant. Trial lawyers may try to go court shopping in order to rig the case against the defendant.

One way they may seek to secure their preferred venue is to sue a perfectly innocent individual or a small business who happens to reside in the jurisdiction within which the trial lawyer desires to pursue the case. After some time, the innocent party is often released from the litigation, but not before incurring legal costs as well as emotional and opportunity costs. Each time an innocent small-business man or woman has to divert their attention from growing their business and divert resources away from investing in their employees and creating jobs and divert energy away from expanding their involvement in our communities, and instead they are forced to direct their attention toward defending themselves from a frivolous legal claim, each time this happens is a missed opportunity for creating jobs and for realizing economic growth.

The Innocent Party Protection Act defends our small-business men and women from bad faith lawsuits. It provides relief from trial lawyers who seek out friendly courts in order to pursue their cases. It balances the needs of justice with proper restraints on decidedly unjust actions. The Innocent Party Protection Act is a good and equitable solution. I ask my colleagues in the House to support our local businesses and defend them against frivolous lawsuits. Vote ''yes'' on the resolution. Vote ''yes'' on the underlying bill. Rein in this abuse of our justice system. I thank Chairman GOODLATTE and Chairman Sessions for bringing this bill before us.

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

AN AMENDMENT TO H. RES. 175 OFFERED BY MR. HASTINGS

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

SEC. 2. In rule XXI add the following new clause:

13. (a) It shall not be in order to consider a bill or joint resolution proposing to repeal or amend the Patient Protection and Affordable Care Act (PL 111–148) and the Health Care and Education Affordability Reconciliation Act of 2010 (PL 111–152), or part thereof, in the House, in the Committee of the Whole House on the state of the Union, or in the Committees on Energy and Commerce and Ways and Means, unless an easily searchable electronic estimate and comparison prepared by the Director of the Congressional Budget Office is made available on a publicly available website of the House.

(b) It shall not be in order to consider a rule or order that waives the application of paragraph (a).

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on House Resolution 175 will be followed by 5-minute votes on adoption of House Resolution 175, if ordered; ordering the previous question on House Resolution 174; and adoption of House Resolution 174, if ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 184, not voting 15, as follows:

[Roll No. 129]

YEAS—230

Abraham	Conaway	Grothman
Aderholt	Cook	Guthrie
Allen	Costello (PA)	Harper
Amash	Cramer	Harris
Amodei	Crawford	Hartzler
Arrington	Culberson	Hensarling
Babin	Curbelo (FL)	Herrera Beutler
Bacon	Davidson	Hice, Jody B.
Banks (IN)	Davis, Rodney	Higgins (LA)
Barletta	Denham	Hill
Barr	Dent	Holding
Barton	DeSantis	Hollingsworth
Bergman	DesJarlais	Hudson
Biggs	Diaz-Balart	Huizenga
Bilirakis	Donovan	Hultgren
Bishop (MI)	Duffy	Hunter
Bishop (UT)	Duncan (SC)	Hurd
Black	Duncan (TN)	Issa
Blackburn	Dunn	Jenkins (WV)
Blum	Emmer	Johnson (LA)
Bost	Farenthold	Johnson (OH)
Brady (TX)	Faso	Johnson, Sam
Brat	Ferguson	Joyce (OH)
Bridenstine	Fitzpatrick	Katko
Brooks (IN)	Fleischmann	Kelly (MS)
Buchanan	Flores	Kelly (PA)
Buck	Fortenberry	King (IA)
Bucshon	Foxx	King (NY)
Budd	Franks (AZ)	Kinzinger
Burgess	Frelinghuysen	Knight
Byrne	Gaetz	Kustoff (TN)
Calvert	Gallagher	Labrador
Carter (GA)	Garrett	LaHood
Carter (TX)	Gibbs	LaMalfa
Chabot	Gohmert	Lamborn
Chaffetz	Goodlatte	Lance
Cheney	Gosar	Latta
Coffman	Gowdy	Lewis (MN)
Cole	Granger	LoBiondo
Collins (GA)	Graves (GA)	Long
Collins (NY)	Graves (LA)	Loudermilk
Comer	Graves (MO)	Love
Comstock	Griffith	Lucas

Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
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
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—184

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
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
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meng
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
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
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wilson (FL)
Yarmuth

NOT VOTING—15

Bishop (GA)
Brooks (AL)
Cleaver
Crist
Cummings
Gonzalez (TX)
Jeffries
Jenkins (KS)
Jordan
Meeks
Moore
Palazzo
Pittenger
Titus
Welch

□ 1436

Messrs. O'HALLERAN, MOULTON, and WALZ changed their vote from ''yea'' to ''nay.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. PITTENGER. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 129.

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. HASTINGS. 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 235, noes 185, not voting 9, as follows:

[Roll No. 130]

AYES—235

Abraham
Aderholt
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
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
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
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
O'Halleran
Olson
Palazzo
Palmer
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
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—185

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
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Panetta
Pascrell
Payne
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
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wilson (FL)
Yarmuth

NOT VOTING—9

Allen
Cleaver
Cummings
Jeffries
Jenkins (KS)
Pelosi
Suozzi
Titus
Welch

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1444

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ALLEN. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 130.

Stated against:

Mr. SUOZZI. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "nay" on rollcall No. 130.

PROVIDING FOR CONSIDERATION OF H.R. 1301, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2017

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 174) providing for consideration of the bill (H.R. 1301) making appropriations for the Department of Defense for the fiscal year ending September 30, 2017, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 232, nays 189, not voting 8, as follows:

[Roll No. 131]

YEAS—232

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
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
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
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—189

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
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
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
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Wilson (FL)
Yarmuth

NOT VOTING—8

Cleaver
Cummings
Jeffries
Jenkins (KS)
Reed
Roskam
Titus
Welch

□ 1451

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. REED. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on Roll Call No. 131.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, I have a parliamentary inquiry of the Chair.

The SPEAKER pro tempore (Mr. DUNCAN of Tennessee). The gentleman will state his parliamentary inquiry.

Mr. HOYER. Can the Chair tell me whether the CBO has scored the American Health Care Act, which is currently being marked up in the Ways and Means Committee?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

Mr. HOYER. Mr. Speaker, I regret that the Speaker will not respond.

MOTION TO ADJOURN

Mr. HOYER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentleman from Maryland (Mr. HOYER).

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-vote minute vote on the motion to adjourn will be followed by a 5-minute vote on adoption of House Resolution 174, if ordered.

The vote was taken by electronic device, and there were—ayes 127, noes 295, answered ''present'' 1, not voting 6, as follows:

[Roll No. 132]

AYES—127

Adams
Barragán
Bass
Beatty
Beyer
Bishop (GA)
Blunt Rochester
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Cooper
Correa
Costa
Courtney
Crowley
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Evans
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Gonzalez (TX)
Grijalva