

the unemployed, and seniors. It is about lifting people out of poverty. It is about supporting our economy. It works for households with children.

ADJOURNMENT FROM TODAY TO  
THURSDAY, MARCH 1, 2018

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 1:30 p.m. on Thursday, March 1, 2018.

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

There was no objection.

ADJOURNMENT FROM THURSDAY,  
MARCH 1, 2018, TO MONDAY,  
MARCH 5, 2018

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, March 1, 2018, it adjourn to meet on Monday, March 5, 2018, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

PROVIDING FOR CONSIDERATION  
OF H.R. 1865, ALLOW STATES  
AND VICTIMS TO FIGHT ONLINE  
SEX TRAFFICKING ACT OF 2017

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 748 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 748

*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. 1865) to amend the Communications Act of 1934 to clarify that section 230 of such Act does not prohibit the enforcement against providers and users of interactive computer services of Federal and State criminal and civil law relating to sexual exploitation of children or sex trafficking, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those

printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), my friend, 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. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Resolution 748, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule on behalf of the Rules Committee.

The rule provides for consideration of H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act of 2017. The rule provides for 1 hour of debate equally divided and controlled by the chairman and ranking member of the Judiciary Committee. The rule also provides for a motion to recommit.

In addition to an amendment offered by the chairman of the Judiciary Committee, the rule makes in order amendments offered by Mrs. MIMI WALTERS of California and Ms. JACKSON LEE of Texas.

Yesterday, the Rules Committee received testimony from numerous Members, including Mr. MARINO, Ms. JACKSON LEE, and the legislation's sponsor, Mrs. WAGNER.

In addition to consideration at the Rules Committee, the legislation was marked up at the House Judiciary Committee last year.

Mr. Speaker, I cannot think of any crime more debased than when one person forces a fellow human being into sexual slavery.

Through many pieces of legislation that the House considered this year, we have been fighting to rid our communities of sex traffickers and the anguish they leave in their wake. Today, we have the opportunity to pass an important piece of legislation that will further this fight by ensuring that we hold websites that turn a profit by aiding sex traffickers accountable.

Mr. Speaker, I would like to thank the committee for its hard work on this legislation, but also, more, importantly, I would like to thank the legislation's author, Mrs. WAGNER, for her tireless efforts in championing this bill, which extends both compassion and justice to trafficking victims. As a result of her efforts, the legislation we consider today will empower law enforcement, State attorneys general, and, most importantly, victims to fight against the sex trade and its predators.

Mr. Speaker, this legislation would give Federal, State, and local prosecutors the tools they need to hold websites and their operators accountable for supporting the sale of sex trafficking victims. Specifically, it would create a new Federal statute with increased penalties for promoting sex trafficking online and would amend section 230 of the Communications Decency Act to permit State authorities to prosecute operators of trafficking websites for criminal acts.

In consideration of this legislation, we must also reflect on why this legislation is necessary.

Section 230 of the Communications Decency Act was created to ensure that websites would not be considered the publishers of, and thereby held responsible for, the content that actually originated with a third party. The statute was never intended to shield websites that profit by creating a marketplace for sexual slavery, like Backpage.com, from facing the legal consequences of their criminal enterprises.

Nevertheless, some websites have successfully invoked the section 230 immunity provision despite engaging in actions that venture far outside the scope of those envisioned by the statute. The authors of the Communications Decency Act did not imagine that wicked men and women would turn vulnerable young people into sexual commodities and then say, "Let's protect those predators."

Mr. Speaker, no law condones such sexual exploitation, and no law should be manipulated to condone such abuse. With the addition of Mrs. WALTERS' amendment, this legislation strikes the important balance of preserving section 230 of the Communications Decency Act for law-abiding websites, while ensuring that bad actors can no longer hide behind a misused statute.

This legislation will ensure that our society continues to protect the innocent and punish those who seek to profit from their sexual enslavement.

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

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, too often, our laws passed with the best of intentions fail to keep pace with technology, and that is what we are seeing today with the Communications Decency Act.

The bill was passed in 1996 as Congress' first attempt to regulate inappropriate material online. This law prevented hosts and visitors of a website from being treated as a publisher for legal purposes. It is what allowed classified websites like eBay to flourish while being legally protected from third-party content posted on their sites.

But 20 years is an eternity in the digital age, and bad actor websites have created platforms designed to facilitate illegalities like child prostitution and sex trafficking, and they use provisions in this law to shield them from any liability.

One of the most notorious examples is online advertiser Backpage.com. Since 2011, more than 20 civil action lawsuits have been brought against this site for willingly facilitating sex trafficking and the prostitution of minors. However, each time a legal action was brought against Backpage, Federal law shielded them from liability.

Last year, The Washington Post reported that a contractor for this site was soliciting and creating sex-related ads, despite Backpage's repeated insistence that they had no role in the content of their ads. Backpage used longstanding Federal protections under the Communications Decency Act to shield itself from all liability.

In the *Doe v. Backpage* ruling by the first circuit, the judges held that, even if Backpage had facilitated the crime of sex trafficking, this law shielded the company from the claims that were filed by the child victims. The first circuit recently reiterated that when it threw out yet another lawsuit against Backpage. The courts weren't able to help these victims, instead, encouraging them to pursue legislative changes, and that brings us here today.

H.R. 1865 finally creates a legislative solution to hold these bad actors accountable and allow the victims to seek the damages that they deserve. It creates a new offense in the Federal code for websites that facilitate this criminal activity and gives, to prosecutors, the tools they need to hold the wrongdoers accountable.

The bill is a product of a lot of great work, and I want to thank Congresswoman WAGNER for introducing it. The Rules Committee, last night, made in order an amendment from Congresswoman WALTERS that substantially strengthens the legislation and has Congresswoman WAGNER's full support. Its inclusion attached the text of bipartisan Senate language to drastically improve its implementation. This is language that has the support of both the tech industry and the victims advocacy groups.

Mr. Speaker, it is so nice to see Members of both parties from both sides of the Capitol come together on this. Through collaboration, we have crafted a bill that does more than just update a 20-year-old law. It fulfills our moral responsibility to protect the children that we represent.

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

Mr. COLLINS of Georgia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Missouri (Mrs. WAGNER), the sponsor of this legislation and a tireless advocate for this issue.

Mrs. WAGNER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I love this opportunity to testify on the rule for H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act, or FOSTA. This legislation has been born, sadly, out of necessity, but has been truly a labor of love for me since I was first elected to Congress over 5 years ago. The bill is the result of meetings with trafficking survivors across the country who have been victimized by the online sex trade and unable to access either justice or relief in our court systems.

Today's consideration of the bill is an historic achievement, a long-awaited clarification from this Congress that the businesses that sell our children online can no longer do so with impunity. It is a clear statement that there are serious legal consequences for websites that actively profit from the exploitation of our most vulnerable. It is a wake-up call to America's judicial system, making clear that section 230 of the Communications Decency Act does not provide immunity to websites that are actively engaged in modern-day slavery.

□ 1130

FOSTA is a recommitment to Americans that Congress never intended to create a system that allows businesses to commit crimes online that they could not commit offline. It is in many ways just a simple statement of the obvious: Congress does not believe—and did not ever believe—that rape was a requisite of a free and open internet.

This bill is a promise to our State and local law enforcement and prosecutors. Congress is making it clear that we believe in and support their missions to protect our communities. Combined with the Walters amendment, which reinstates victim-centered provisions from my original bill last April, this legislation is now a guarantee of the fundamental rights of the most vulnerable members of our society. It is a message to the children and victims who have been robbed of their basic dignities that Congress hears them and is responding to the injustices that they all have faced.

It has not been an easy journey to get to this point, to find middle ground with the tech industry and the victims' advocates to incorporate the concerns

of prosecutors and the law enforcement community to move this bill through committee and to get both FOSTA and the SESTA Walters amendment to the floor today. So I am very grateful for the many, many people who joined my crusade to restore justice to the brave children, women, and men across our country who have been sold online.

I am grateful to Chairman GOODLATTE and his team for going the extra mile in helping us include a strong, new crime that will enable prosecutors to better target online trafficking and prostitution. I am grateful for the Energy and Commerce Committee and House leadership and their willingness to prioritize this issue.

I must give a big thank-you to Majority Leader MCCARTHY, our Whip SCALISE, and Speaker RYAN for leading the way in doing the right thing for America's children.

I am grateful for Senators PORTMAN and BLUMENTHAL and Senators CORNYN and MCCASKILL for carrying SESTA on their shoulders and advocating for a solution that allows victims to access the civil remedies that they deserve. I am grateful to each and every one of our 176 bipartisan cosponsors, many of whom personally stopped on the House floor to hear and express their concerns about victims of online sex trafficking. I especially want to mention Congresswoman CAROLYN MALONEY and Congresswoman JOYCE BEATTY who fought the good fight on the other side of the aisle for what is truly a landmark, for a bipartisan piece of legislation that is going to save lives.

I am also so thankful for my dedicated staff who have poured their hearts, their minds, and their lives into this fight in more ways than the public will ever know.

FOSTA, combined with the Walters amendment, which is SESTA, will provide better civil justice for victims, more prosecutions of bad actor websites, more convictions, and more predators behind bars. Because of this package, fewer businesses will ever dare to enter the sex trade and fewer victims will be sold into modern-day sex slavery.

Last, but most importantly, I am in awe of and grateful for the contributions of the survivors in this fight to turn FOSTA and SESTA into law. It is heartbreaking to watch survivors struggle to piece their lives back together alone while our justice system shields the websites that sold them. That is why I introduced this bill, and that is why it must become law.

I expect this piece of legislation to sail through the Senate and make its way to the President's desk so that we can put those bad actor websites behind bars, deter others from entering this ecosystem, and make sure that there are rights and justice for our victims.

Mr. Speaker, I thank the Chair and our colleagues because, when we vote today for FOSTA and the Walters amendment, our survivors will know

that they are not alone and justice will indeed no longer be out of reach.

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

Mr. Speaker, President Trump tweeted over the weekend: “Dems are no longer talking DACA.”

Mr. Speaker, I beg to differ. Democrats are still urging our colleagues yet again to act by helping us bring up the Dream Act for a vote on the House floor.

If we defeat the previous question, I will offer an amendment to the rule to bring up H.R. 3440, the Dream Act. This bipartisan, bicameral legislation would help hundreds of thousands of young people who are American in every way except on paper. President Trump set the official deadline for DACA to expire on March 5, so we can’t afford to waste any more time, and Dreamers should not be forced to live in fear any longer.

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 New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. ESPAILLAT), to discuss our proposal.

Mr. ESPAILLAT. Mr. Speaker, ending DACA would be a nightmare for Dreamers. In fact, it would be a nightmare for businesses and a nightmare for America’s economy.

You would think that that statement may have been said by the advocates for immigration rights or maybe by some of the faith-based groups that support immigration. But it wasn’t. It was said by the U.S. Chamber of Commerce, Mr. Speaker, and that is so because DACA-eligible workers contribute \$1.4 billion in Federal taxes, \$2 billion in Social Security taxes, and \$470 million in Medicare every single year.

So this statement on its face we would think was made by folks who have traditionally supported immigration rights was made by the U.S. Chamber of Commerce, the one entity that is really concerned about economic growth, job creation, and the well-being of our economy.

Ranking Member NYDIA VELÁZQUEZ’s report on the impact of DACA on small businesses found that deporting Dreamers will cost \$60 billion and reduce economic growth by \$280 billion, including \$460 billion in economic output over a decade. So this is the dramatic impact that not resolving DACA and not bringing help to the Dreamers will have on our Nation.

Mr. Speaker, when we look into the eyes of these Dreamers, we just can’t say no to them. You can’t say no to a young person full of aspirations, full of dreams, and still full of so much hope

for our Nation. Even under these very critical and challenging times for our Nation and the world, these Dreamers are full of aspirations.

So the question will be: Are we a nation of aspirations or a nation of deportation?

Nearly 8 in 10 voters support allowing Dreamers to remain permanently in our country. In red States and blue States, in Republican majority districts and Democratic districts, over 80 percent of Americans feel that these young people should stay in our Nation. Even three-quarters of Trump voters and only 14 percent believe that they should be forced out. Only 14 percent of our Nation feels that these young people should be kicked out, thrown out in the cold—only 14 percent. A very small minority of Americans believe that that should be what we do.

Ninety-one percent of DACA recipients younger than 25 are employed. They are no burden on our economy. Those who are over 25 years old have been employed at a rate of 93 percent. Ninety-three percent of DACA recipients over 25 years old are working residents of our Nation with an average earning of \$36,000.

Dreamers are students, teachers, healthcare workers, devoted members of our communities, members of our Armed Forces, and first responders. That is who Dreamers are. They are not a load on our country. As we saw in the aftermath of Hurricane Harvey, it was a Dreamer who made food and volunteered to set up beds for thousands of Americans who were displaced. Jesus Contreras, a Dreamer and a paramedic, worked as a first responder for 6 days straight after the hurricane.

Mr. Speaker, I ask my colleagues to vote against the previous question so that we can immediately bring the Dream Act to the floor and stand with our Nation’s Dreamers.

Mr. COLLINS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in strong support of H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act, and the rule that brings this bill to the floor. I thank the gentleman from Georgia for yielding me this time. I want to also commend the gentleman from Missouri for introducing this very important legislation.

According to the Department of Justice, more than half of sex trafficking victims are 17 years old or younger. According to the National Center for Missing and Exploited Children, there was an astounding 846 percent increase from 2010 to 2015 in reports of suspected child sex trafficking. They found this to be “directly correlated to the increased use of the internet to sell children for sex.”

This is something I have been concerned about for a long time. Before I came to Congress, I was a criminal court judge for 7½ years trying felony

criminal cases. Far too many of those cases involved sexual abuse of minors. I was told my first day as a judge that well over 90 percent of defendants in felony cases came from father-absent households. Certainly family breakdown has been a major factor—maybe the major factor—in almost all serious crimes we have had through the years.

But certainly another problem is that we have addicted our children to the computers. Now, almost everyone is addicted to computers, iPads, iPods, and screens of all types. While some technology has been good, it has also in some ways been very harmful to many in our society.

In an article entitled “Have Smartphones Destroyed a Generation?,” psychologist Jean M. Twenge wrote in the Atlantic magazine: “If you were going to give advice for a happy adolescence based on this survey, it would be straightforward: Put down the phone, turn off the laptop, and do something—anything—that does not involve a screen.”

She wrote that too much time on the internet has caused teenagers to be more subject to mental problems of all types, even depression and suicide. While this advice pertains to teens, I think it really applies to everyone. Even most adults today would be healthier, both mentally and physically, if they spent less time staring at screens.

Today, technology has made many things easier, but, unfortunately, this includes the crime of child sex trafficking. This is very important legislation, very necessary at this time, and I strongly encourage my colleagues to support this bill.

Ms. SLAUGHTER. Mr. Speaker, may I inquire of my colleague if he has further speakers?

Mr. COLLINS of Georgia. Mr. Speaker, I have no further speakers, and I am prepared to close.

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

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

Mr. Speaker, in closing, many of my colleagues today, as well as I, discussed the need to protect America’s children. This bill is a great piece of that, and I am very grateful to have it on the floor today. But there is more that we can do. It must include acting to curb the Nation’s gun violence epidemic.

Every day in America, 91 people are killed by a gun. Since Sandy Hook, there have been close to 1,000 mass shootings. A mass shooting is one where three or more people have lost their lives. Imagine that, thousands of them. Our Nation is still mourning the loss of 17 lives just last week when a gunman using an AR-15-style rifle opened fire at Marjory Stoneman Douglas High School in Parkland, Florida. That gun is a weapon of war and should only be in the hands of the military and never on the streets of the United States.

Assault weapons were the weapon of choice not just in the Florida shooting but also in the mass shootings at the concert in Las Vegas; the movie theater in Aurora, Colorado; and the elementary school in Sandy Hook, Connecticut.

They were prohibited under the assault weapons ban that Congress let expire in 2004. I was here when we established that ban, and we saw a great decrease in gun deaths from that. So they should be prohibited today and not in the hands of people who simply want to kill the most people they can in the shortest time.

Why would we allow an insanity like that?

So I was pleased to cosponsor legislation this week to re-implement the assault weapons ban.

□ 1145

The students of Marjory Stoneman Douglas High School are inspiring the entire Nation to push Congress to do our job and to act on gun violence.

I will tell you that I understand the pain that everybody feels from all of this, but we can't maintain it. We go from one to the other, as though nothing had ever happened before.

But we have to also do what the NRA has forbidden us from doing, which is to have gun research at the Communicable Disease Center. That certainly should be lifted, as well.

We certainly should expand and strengthen the background check system. Keeping people on the terrorist watch list and the no-fly list from being able to purchase firearms and explosives seems to me to be a no-brainer, but we won't even do that. And, yes, reinstating that weapons ban again, I think, is critically important.

Perhaps the voices of those injured and grieving children can break the gun lobby's stranglehold on Congress. I hope so. The majority should heed their call because we, as Members of Congress, are in a unique position. Unlike the clergy or grief counselors or elected officials, we can actually do something to combat this violence. It certainly is, Mr. Speaker, past time that we do.

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

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

Mr. Speaker, as a member of the Judiciary Committee, I am proud to support H.R. 1865, the Allow States and Victims to Fight Online Sex Trafficking Act of 2017.

This legislation will prevent websites like Backpage from hiding behind section 230 of the Communications Decency Act while simultaneously empowering law enforcement, State attorneys general, and victims to fight against the sex trade and its predators. I look forward to supporting this rule and the underlying bill.

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

AN AMENDMENT TO H. RES. 748 OFFERED BY  
Ms. SLAUGHTER

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. 3440) to authorize the cancellation of removal and adjustment of status of certain individuals who are long-term United States residents and who entered the United States as children and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3440.

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

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

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

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

The yeas and nays were ordered.

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

PROVIDING FOR CONSIDERATION  
OF H.R. 4296, OPERATIONAL RISK  
CAPITAL REQUIREMENTS FOR  
BANKING ORGANIZATIONS, AND  
PROVIDING FOR CONSIDERATION  
OF H.R. 4607, COMPREHENSIVE  
REGULATORY REVIEW ACT

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 747 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 747

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4296) to place requirements on operational risk capital requirements for banking organizations established by an appropriate Federal banking agency. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Financial Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of