8, 1945, to mark the end of the Second World War in Europe.

From Paris to London to New York and in small towns everywhere, people poured into the streets to join the revelry.

Old photos showed ticker tape parades and streamers galore, exciting and proud crowds were cheering the German surrender.

The war was over in Europe, and so many American GIs would return home to be with their loved ones.

It would take another 4 months and the use of two atomic bombs before Japan surrendered and World War II ended for good.

Mr. Speaker, the end of the war in Europe meant an end to nearly 6 years of war—a war that cost millions of lives; a war that destroyed homes, families, and cities; but a war that stamped out hatred and bigotry for the greater good.

VE Day is one that shall never be forgotten.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Mariel Ridgway, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 5645, STANDARD MERGER AND ACQUISITION REVIEWS THROUGH EQUAL RULES ACT OF 2018; PROVIDING FOR CONSIDERATION OF H.R. 2152, CITIZENS' RIGHT TO KNOW ACT OF 2018; AND PROVIDING FOR CONSIDERATION OF S.J. RES. 57, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION

Mr. BUCK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 872 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 872

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5645) to amend the Clayton Act and the Federal Trade Commission Act to provide that the Federal Trade Commission shall exercise authority with respect to mergers only under the Clayton Act and only in the same procedural manner as the Attorney General exercises such authority. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; (2) the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2152) to require States and units of local government receiving funds under grant programs operated by the Department of Justice, which use such funds for pretrial services programs, to submit to the Attorney General a report relating to such program, and for other purposes. All points of order against consideration of the bill are waived. The amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (S.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act''. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services; and (2) one motion to commit.

The SPEAKER pro tempore (Mr. LAMBORN). 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 my friend, the gentlewoman from California (Mrs. TORRES), 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.

The rule makes in order two bills reported favorably by the Judiciary Committee and a Senate joint resolution that gives this House an opportunity to utilize the Congressional Review Act to repeal the CFPB's onerous regulation on indirect auto lenders.

The first proposal we will consider today is the Citizens' Right to Know Act of 2018. This piece of legislation, offered by my friend and colleague from Texas, Judge TED POE, will bring much-needed sunlight to the Federal pretrial services programs.

We will also consider legislation offered by my fellow Judiciary Committee member, Representative HANDEL from Georgia, which ensures companies entering into merger proceedings will receive equal treatment, whether their case is reviewed by the Department of Justice or the Federal Trade Commission.

Finally, the House will consider a joint resolution that will repeal the Consumer Financial Protection Bureau's burdensome guidance on indirect auto lending. Senator MORAN's legislation previously passed the Senate 51–47 on March 22, 2018. President Trump has also signaled his support for this legislation.

The rule makes in order one amendment to the Standard Merger and Acquisition Reviews Through Equal Rules, or SMARTER, Act.

Why?

Because all other amendments offered were not germane to the subject matter being discussed in these important pieces of legislation.

Mr. Speaker, today, we have an opportunity to debate a crucial component of the criminal justice system: federal pretrial release programs. Before the 1960s, defendants had three options to be released prior to trial. Individuals were either released upon one's own recognizance, or if they posted commercial bail, or the individual would remain in prison until his or her hearing date.

However, in the 1960s, the Johnson administration established a fourth option: pretrial services programs. These programs were originally intended to assist nonviolent, indigent individuals who did not possess the means to post commercial bail. The program captured information about the alleged offender's community ties and released low-risk individuals without financial obligations. The program only required a signature and a promise to appear in court.

While pretrial release programs were created to serve those individuals who do not pose a threat to the community and could not afford to post commercial bail, these taxpayer-funded programs have quickly expanded and overgrown their original intent.

Today, more than 300 pretrial release programs exist across the United States. These programs are being used to slowly eliminate a successful service that operates independently of Federal tax dollars: the commercial bail system.

In fact, a number of major cities across the country are exploring the potential of moving completely to a pretrial release system while significantly reducing the use of commercial bail.

However, the problem with this expansion and these federally funded pretrial release programs is that they allow violent individuals and repeat offenders to participate even when many of these defendants are perfectly capable of posting a commercial bond and have previously done so.

Offenders are not required to post any collateral for their release. There is no supervision to ensure that they show up in court on their hearing date. Worst of all, there is no incentive to prevent a criminal from committing another crime in the meantime.

If you have ever watched an episode of the popular television show ''Dog the Bounty Hunter,'' you know that this is not how the commercial bail system works. These professionals ensure that defendants show up for trial on the correct date, or they will physically bring the individual in question to the courthouse for their hearing.

□ 1230

On top of these issues, federally funded pretrial release programs are not required to report to the Department of Justice any information regarding an offender's past criminal history, utilization of the pretrial release program, failure to appear before a court, and any other relevant compliance data. A judge is essentially releasing potentially dangerous individuals back into the community with so little as a wink and a promise that they will appear in court.

We cannot allow this practice to continue. Mr. Speaker, our constituents deserve to know whether their tax dollars are being spent responsibly.

Judge POE's bill, the Citizens' Right to Know Act, will address these significant concerns by ensuring that the Department of Justice and Congress have the information we need to determine whether these programs that receive millions of dollars from the Federal Government are operating effectively.

The legislation requires the Attorney General to submit a report to Congress annually that includes information regarding each defendant participating in a pretrial release program. The report will include the individual's name, each occasion the individual failed to appear for court, and the individual's previous arrest record.

Additionally, this proposal ensures that local jurisdictions will submit required data to the Department of Justice by establishing that any failure to produce this report will result in forfeiture of a portion of the jurisdiction's Federal grant funds for the following year.

Mr. Speaker, this bill is a good government solution that will provide much-needed oversight for pretrial services programs and give communities an incentive to ensure we are not allowing violent repeat offenders back on the streets without the correct level of supervision.

Finally, this important legislation will also ensure that the millions of taxpayer dollars we spend annually on those programs are being utilized in the best way possible.

We owe it to our constituents to make sure that we know how their hard-earned money is being spent. It is about time that we brought a little sunlight to these programs that allow potentially violent offenders to go free in our communities.

Mr. Speaker, the Judiciary Committee also moved an important piece of legislation that will bring parity to the merger and acquisition process no matter which Federal agency takes charge of the antitrust review process.

Currently, both the Federal Trade Commission and Antitrust Division of the Department of Justice have authority to enforce section 7 of the Clayton Act, which prohibits mergers and acquisitions that could undermine competition in the marketplace or create a monopoly. Both agencies receive notice of proposed mergers and are given an opportunity to review the transaction, while only one agency ends up taking custody of the transaction.

However, the FTC and DOJ maintain different standards when seeking a preliminary injunction against a proposed merger. This disparity manifests itself in multiple ways. However, one main difference is that the DOJ will often seek both a preliminary and permanent injunction before a district court, while the FTC has fought against this consolidation of injunctions. That means that two separate Federal agencies with two different legal standards oversee the merger process without any clear guidance determining which agency and standard will be used to examine the transaction.

Mr. Speaker, we cannot continue fostering this double standard surrounding merger and acquisition review. Businesses need certainty before attempting to enter into major transactions, and Federal regulatory bodies must be as transparent as possible when making decisions that can create major ripples in the country's economy.

Representative HANDEL's bill, the SMARTER Act, gives businesses certainty about how their merger will be reviewed before entering into a major deal. This important piece of legislation harmonizes the Federal antitrust review process by ensuring mergers and acquisitions will be treated identically no matter what Federal regulatory agency reviews the transaction. This bill will treat businesses in a way that will encourage continued economic growth, build market stability, and ensure the review process will be the same no matter which Federal agency reviews the transaction.

Mr. Speaker, while we are debating the topic of financial stability and economic growth, we are also here to discuss an important piece of legislation the Senate recently passed and we will consider on the House floor this week.

The House will debate S.J. Res. 57, Senator MORAN's legislation that offers a resolution of disapproval under the Congressional Review Act that would overturn the CFPB's onerous regulation of the indirect auto lending industry. In fact, despite being expressly prohibited from overseeing auto dealers in the Dodd-Frank financial reform law, the CFPB promulgated and issued guidance regulating the indirect auto lending industry.

To make matters worse, the CFPB tried to disguise this harmful regulation by issuing it in the form of a guidance document, which does not need to go through the typical notice and comment process. This arduous regulatory scheme sought to disrupt third-party lending, especially from small community banks and credit unions in the auto loan market. The CFPB did so by issuing guidance stating that, in order to avoid liability under the Equal Credit Opportunity Act, institutions with indirect lending relationships with auto dealers must either place controls on dealer compensation or forbid dealers from offering a marked-up rate on loans.

The CFPB overstepped its statutory authority once again in what the agency described as an attempt to reduce discrimination in the marketplace. However, as Chairman HENSARLING testified before the Rules Committee yesterday, the House sent 13 letters to the CFPB questioning the rationale for the rule and science the agency used to determine that there was discrimination occurring in the marketplace. Not surprisingly, the CFPB could not point to sound science that led to this decision. In fact, new evidence shows that the CFPB's expected outcomes could be off by as much as 20 percent.

To make matters worse, Chairman HENSARLING also testified that this rule is expected to increase the per person cost of purchasing an automobile by $586 per loan. I know that in eastern Colorado, $586 makes a big difference. That is the difference between being able to put money aside for taking a family vacation or making much-needed home repairs.

This guidance has only resulted in removing options from consumers, reducing the ability to find affordable auto financing, and setting a dangerous precedent in how to dance around Federal rulemaking processes.

Mr. Speaker, it is time that this Congress takes steps to rein in the CFPB's unaccountable, overbroad regulatory powers. One agency should not have the ability to significantly curtail an entire facet of the lending market. Additionally, no agency should be able to skirt formal rulemaking procedures when issuing guidance of this magnitude.

The CFPB's indirect auto lending rules create an unworkable situation where an independent agency, manned by unaccountable bureaucrats, flagrantly ignored Federal statute to do what it thinks is best for the American people. Instead of benefiting the American people, though, this guidance

threatens to raise the cost of credit, cut back opportunity for indirect lending, and has created disincentives for financial companies to provide customers with discounted auto loans.

Congress must take this opportunity to overturn a detrimental guidance that is not only circumventing the rule of law by disguising new regulations in an effort to draw less scrutiny, but is also raising rates and providing fewer choices for consumers.

This resolution of disapproval will accomplish all of these goals. The legislation, which recently passed in the Senate 51–47, will utilize the Congressional Review Act process to overturn the CFPB's guidance while also sending a clear message that agencies should not be circumventing congressional oversight.

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

Mrs. TORRES. Mr. Speaker, I thank the gentleman from Colorado (Mr. BUCK) for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, last week, many of us spent our time in the district working, meeting with our constituents, seeing the good work that people are doing, and learning what issues people want us to take up when we return to voting.

I wish I were before you lauding the majority's leadership for finally taking up the most important and pressing work for our constituents, but, unfortunately, that is not the case. Instead, this rule brings three bills to the floor, three bills none of my constituents have been pleading for, three bills that don't require immediate action, bills that may not even see Senate consideration.

Last year, this majority set the record for the most closed rules in a session, and it seems that nothing has changed.

The first bill considered in this rule is H.R. 2152, the Citizens' Right to Know Act. While I understand the goal of this legislation, by attempting to improve the pretrial services programs to keep dangerous criminals off the streets, this bill fails to accomplish the real need to improve how our Nation's flawed bail systems operate. While this bill received a markup, it received no hearings and was reported out of the Judiciary Committee on a straight party-line vote. Surely, we can do better than this.

The second bill we are considering is H.R. 5645, the Standard Merger and Acquisition Reviews Through Equal Rules Act, or SMARTER Act. Quite simply, this bill aims to weaken the Federal Trade Commission's ability to carry out the agency's antitrust responsibilities.

Maybe things are different elsewhere in the country, but I have not had one constituent call my office complaining about the need to weaken the FTC's antitrust enforcement abilities. No. People in southern California are more concerned about good wages, finding affordable housing, and getting their children a good education. However, again, we will take up this legislation, which already died in the Senate last Congress. This legislation undermines the independence of the FTC and undercuts the congressional intent and purpose for the agency's creation.

There are far more important issues under the jurisdiction of the Judiciary Committee that we should be considering instead, including bipartisan gun safety measures and legislation to protect Dreamers. However, instead of considering these very important issues facing our Nation, we are debating a bill to make technical changes to antitrust laws that, if enacted, would only be used in exceedingly rare situations.

Finally, the third legislation included in this rule is S.J. Res. 57, a Congressional Review Act disapproval resolution of a CFPB rule relating to ''Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act.'' Unlike the other two bills included in this rule, this joint resolution hasn't seen a single hearing or markup in the House.

If the majority is fine with bringing up legislation that has yet to have a hearing, why not bring up the Dream Act?

Two weeks ago, I spoke about some of the more important issues our constituents care about, and nothing about my time back home in California changed my beliefs of what we should be working on. In fact, over the past 2 weeks, we have seen even more Members sign on to Representative DENHAM's Queen of the Hill resolution. Three more Members of the majority now support an open process.

For those who may not understand what Queen of the Hill means, it is really quite simple: let the best idea win.

If Speaker RYAN allows us, Queen of the Hill would give all the competing immigration proposals in Congress a vote on the floor. All of us would have an opportunity to vote on the four most well-known proposals: the Dream Act, Chairman GOODLATTE's bill, the USA Act, and any other bill the Speaker sees fit for a vote. This is how the House should work: an open process where we take up the most important issues of the day.

Mr. Speaker, I urge my colleagues to oppose the rule we have before us.

I reserve the balance of my time.

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

□ 1245

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

Mr. Speaker, my Republican friends like to claim that their tax scam bill they jammed through Congress last year, skewing all the benefits to the wealthy and rich corporations, is some sort of panacea that will eventually trickle down all of its benefits to American workers, curing all the ills in our economy. That tired idea hasn't worked before, and it isn't working now.

But don't take my word for it. Just ask the Republican Senator from Florida, MARCO RUBIO, who said in a recent interview: ''There is still a lot of thinking on the right that, if big corporations are happy, they're going to take the money they're saving and reinvest in American workers. In fact, they bought back shares; a few gave out bonuses; there's no evidence whatsoever that money's been massively poured back into the American worker.''

All this Republican majority seems intent on doing is bringing up bills that benefit large banks and big businesses. When are we going to do something for workers?

As we toil on rolling back the Wall Street regulations and cutting taxes for the richest corporations, the 21st century economy is changing. Mr. Speaker, over the next decade, approximately 45 percent of all jobs will be in middle-skill occupations, which require more than a high school diploma but less than a bachelor's degree. Registered apprenticeship programs are a vital element of training for these middle-skill occupations and helping individuals contribute to an effective workforce.

A highly skilled workforce is necessary to compete in today's global economy, but this Republican majority has given working Americans a raw deal instead of extending a helping hand. Luckily for my Republican colleagues, today we will give them an opportunity to vote on legislation that will actually benefit American workers and finally help them get a better deal.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative POCAN's LEARNS Act, H.R. 2933, which would promote effective registered apprenticeships that would give students and workers the skills they need to find well-paying jobs.

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 gentlewoman from California?

There was no objection.

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

Mr. BUCK. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ZELDIN).

Mr. ZELDIN. Mr. Speaker, I rise in support of this rule for an important resolution, S.J. Res. 57. I proudly sponsor the House companion legislation to this Congressional Review Act resolution to repeal ill-founded guidance issued by the Consumer Financial Protection Bureau relating to the dealer-directed auto lending market.

Mr. Speaker, only to a group of unaccountable bureaucrats in Washington, D.C., would it make sense to raise the

cost of lending for some of the most vulnerable consumers while, at the same time, claiming you are doing this edict to help them.

The indirect auto lending market, also known as dealer-directed financing, is loans offered to car buyers in the dealership where they are purchasing the vehicle, as opposed to direct auto loans which consumers get from banks or other financial institutions.

Dealer-directed financing is an important option for consumers and provides them and the dealership they are purchasing the vehicle from with the flexibility to meet a consumer's needs based on their budget and credit score.

In 2013, in an attempt to shut down this market, the Consumer Financial Protection Bureau, under the leadership of Richard Cordray, issued this flawed guidance based on questionable ''disparate impact'' statistics. To justify this illegal and secretive edict, the CFPB falsely accused honest automobile dealerships and the financial institutions they work with of unproven violations of fair lending practices.

The CFPB, through its own admission, noted a 20 percent error rate in its data, and an independent audit of the data used to justify this ruling showed an error rate as high as 41 percent.

If the CFPB had followed the law, most notably, the Administrative Procedure Act, which requires public notice and comment on any pending regulations, they could have been held accountable for their use of deeply flawed data to justify a questionable regulation. To get around the law, however, the CFPB issued the ruling as ''guidance,'' but then proceeded to enforce this mandate as a Federal regulation. Through this flawed attempt to take control of the $1.1 trillion auto lending market by effectively barring dealer-directed financing, this Obama-era CFPB ruling could raise the cost of auto loans by nearly $600 for each consumer.

Let's be absolutely clear: discrimination of any kind, whether in lending, housing, or other financial services, is morally repugnant and also very illegal under various Federal and State laws, including the Equal Credit Opportunity Act, or ECOA.

But what is also very wrong and illegal is when a rogue Federal agency sidesteps the law and common sense by creating a false claim of unfair lending practices with zero proof, transparency, or accountability.

Mr. Speaker, I strongly support the hard work of Director Mulvaney in undoing so much of the damage caused by his predecessor, but it is critical we assist him by changing the law. Through passage of this resolution, Congress will use its Article I powers and our authority under the Congressional Review Act to strike down this flawed regulation.

Once a regulation is repealed through passage of a CRA resolution into law, Federal agencies are barred from issuing a similar regulation in the future. Through this resolution, we can assure that this Warren-Cordray-Obama attack on automobile dealerships and their customers will never be revived by a future administration.

Just 2 years ago, a similar measure to rein in a flawed CFPB ruling passed this Chamber with overwhelming bipartisan support. I hope this continues to be a priority on both sides of the aisle, and I urge all of my colleagues to support this rule.

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

As I mentioned, this rule includes three bills. One of those is H.R. 2152, the Citizens' Right to Know Act. The Citizens' Right to Know Act fails to address the real problems in our Nation's bail system and, instead, threatens to make things much, much worse.

I don't think many of us disagree with the need to assist our local governments in keeping dangerous criminals off the streets while respecting the rights of those who may be innocent of crimes and have yet to have had their day in court. This legislation makes things worse. It threatens Federal assistance and would encourage local governments to lean more on high bail demands.

Unlike many bipartisan proposals in Congress which seek to make real improvements to bail, this bill will likely result in more low-income individuals being kept in jail simply because they aren't one of the fortunate who can afford to pay bail. This is a real issue in southern California and why I have worked with my colleagues on legislation to implement ''ability-to-pay'' rules to bail demands. Your income shouldn't determine your freedom.

In our community, bail was so excessive that private companies found a way to get rich off people who couldn't afford to pay the high costs. We ended up with people stuck in permanent contracts, paying hundreds of dollars a month to companies that found ways to skirt the rules of bail bondsmen.

We support greater transparency in our criminal justice system; however, this bill falls short of that goal. Rather than shedding the light on our trial system, this bill undermines Americans' privacy rights and exposes defendants to vulnerability.

The American Civil Liberties Union, ACLU, has come out in strong opposition to this bill, citing privacy concerns due to the personally identifiable information that will be collected and publicly reported by the Federal Government.

Mr. Speaker, I include in the RECORD the text of the ACLU's position letter.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, March 7, 2018.

Re ACLU Opposes H.R. 2152, the Citizens' Right to Know Act of 2017.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.
Hon. JERROLD NADLER,
Ranking Member, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE AND RANKING MEMBER NADLER: On behalf of the American Civil Liberties Union (ACLU), we write to express our opposition to H.R. 2152, the Citizens' Right to Know Act of 2017,'' as the House Judiciary Committee considers this bill. This legislation raises privacy concerns for the ACLU given the personally identifiable data that is to be collected and publicly reported by the federal government. The bill also undermines efforts to eliminate or reduce jurisdictions' reliance on money bail systems. We urge the Committee to instead consider H.R. 1437, the ''No Money Bail Act of 2017,'' and H.R. 4019, the bipartisan ''Pretrial Integrity and Safety Act of 2017,'' two bills endorsed by the ACLU.

For nearly 100 years, the ACLU has been our nation's guardian of liberty, working in courts, legislatures, and communities to defend and preserve the individual rights and liberties that the Constitution and the laws of the United States guarantee everyone in this country. The ACLU takes up the toughest civil liberties cases and issues to defend all people from government abuse and overreach. With more than two million members, activists, and supporters, the ACLU is a nationwide organization that fights tirelessly in all 50 states, Puerto Rico, and Washington, DC, for the principle that every individual's rights must be protected equally under the law, regardless of race, religion, gender, sexual orientation, disability, or national origin. The Citizens' Right to Know Act is inconsistent with the ACLU's mission.

THE CITIZENS' RIGHT TO KNOW ACT RAISES PRIVACY CONCERNS

The Citizens' Right to Know Act requires jurisdictions receiving funds from the Department of Justice (DOJ) to report to the Attorney General the names, arrest records, and appearance failures for those participating in DOJ funded pretrial services programs. The legislation allows the Attorney General to make public the names, arrest records, and failure appearances that jurisdictions report. Except for a clause that subjects the data ''to any applicable confidentiality requirements,'' the bill does not provide any explicit privacy protections for those whose personally identifiable information has been collected by the federal government and is subject to public release. The bill requires that the Attorney General penalize noncompliant jurisdictions by denying them 100% of the DOJ grant program funds that are used to support pretrial services programs.

While the ACLU appreciates the need for the federal government to collect and report data, personal privacy interests must be balanced with public interests. When personally identifiable information is being collected and publicly reported, the ACLU largely believes that such information should be obtained and disseminated only with individuals' informed consent. We also believe that the potential to harm individual reputations should be considered when arrest records are publicly shared. We are troubled that the Citizens' Right to Know Act would collect and publicly report personally identifiable information of individuals participating in pretrial services programs—individuals who have not been convicted of a crime given their pretrial status.

THE CITIZENS' RIGHT TO KNOW ACT UNDERMINES BAIL REFORM EFFORTS

The Citizens' Right to Know Act is inconsistent with bipartisan efforts to reform money bail systems, like the Pretrial Integrity and Safety Act, which the ACLU endorses. By collecting and reporting only certain data about pretrial services programs and those participating in them, the Citizens' Right to Know Act will depict a one-sided picture of pretrial services programs and participants. For example, the legislation's focus on when an individual has failed to appear promises a negative narrative around the pretrial stage. If this bill were serious about measuring the true impact of pretrial services programs, it would collect a more robust data set and not that which is of interest only to the bail bonds industry.

The ACLU supports bail reform that corrects the injustice of basing a defendant's release on how much money the person has. Instead of considering the Citizens' Right to Know Act, the Committee should take up the Pretrial Integrity and Safety Act. This legislation would incentive jurisdictions to reform their money bail systems through federal resources rather than penalize them like the Citizens' Right to Know Act, which denies DOJ grants to noncompliant jurisdictions. The Pretrial Integrity and Safety Act would build safer communities, stronger families, and a fairer criminal justice system by ensuring that people who are innocent in the eyes of the law are not deprived of their freedom because they cannot afford money bail.

For the above described reasons, the ACLU urges Members of the House Judiciary Committee against favorably reporting out the Citizens' Right to Know Act. Instead, we encourage the Committee to give serious consideration to bail reform bills through legislative and oversight hearings on the issue. If you have any questions, please contact Kanya Bennett, Legislative Counsel with the ACLU.

Sincerely,

FAIZ SHAKIR,
National Political Director.
KANYA BENNETT,
Legislative Counsel.

Mrs. TORRES. Mr. Speaker, this bill fails to provide explicit privacy protections for the individuals whose personal information will be collected and subject to public release, and jurisdictions that fail to comply with these reporting requirements face the severe penalty of losing 100 percent of their DOJ pretrial services grant funding.

Not only does this bill fail to require consent from the defendants to publicly release information about their alleged crimes and their private information, but it also poses the very real threat of destroying their reputation. These individuals have not been convicted of a crime nor have they had their day in court, given their pretrial status.

These are the concerns that could have been raised if this legislation was given a full, robust debate through committee hearings.

I am disappointed that my amendment to this bill, which would have addressed one of the many abuses perpetrated by the money bail system, was not made in order. My amendment would have prohibited predatory companies from locking people into seemingly lifetime contracts of monthly fees.

We can do better. These are bipartisan issues. For this reason and many other concerns I have with the closed process we are operating under, I must oppose this bill.

Mr. Speaker, I urge my colleagues to oppose the previous question and the rule, and I yield back the balance of my time.

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

We have before us a rule that makes three pieces of legislation in order: a bill that increases transparency for pretrial release programs, legislation that streamlines the review process for mergers and acquisitions, and a resolution of disapproval for the CFPB's harmful indirect auto lending rule.

The Federal Government's greatest responsibility to its citizens is to secure their safety and security. Congress has a duty to recognize when there is a security problem that is putting people in jeopardy, especially when it is a Federal pretrial release program that is putting potentially violent offenders onto the streets without any supervision. The American people deserve to know that their hard-earned tax dollars are being spent in the most responsible way possible. We cannot continue pushing millions of dollars into broken programs that release dangerous individuals back on the street.

Additionally, Congress has a statutory duty to ensure that businesses are not pursuing anticompetitive mergers and acquisitions. However, that does not mean that we should continue fostering the current climate that features the DOJ and FTC maintaining two distinctly different processes for reviewing these transactions. We have the unique opportunity to create certainty for businesses while harmonizing the review process with the SMARTER Act.

Finally, the House must take advantage of this opportunity to rein in the CFPB utilizing the Congressional Review Act's power to overturn harmful regulations on the indirect auto lending industry. Not only will this resolution of disapproval end a detrimental piece of guidance, but it will also send a strong message to regulatory agencies that they cannot overstep their statutory boundaries and will not get away with attempting to cloak major regulatory actions merely as guidance documents.

I urge support of the rule and the underlying legislation.

The material previously referred to by Mrs. TORRES is as follows:

AN AMENDMENT TO H. RES. 872 OFFERED BY MS. TORRES

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

SEC.4. 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. 2933) to promote effective registered apprenticeships, for skills, credentials, and employment, 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 Education and the Workforce. 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.5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 2933.

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.

□ 1300

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.

Mrs. TORRES. 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.

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED MEXICAN STATES FOR COOPERATION IN PEACEFUL USES OF NUCLEAR ENERGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 115–116)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit to the Congress, pursuant to subsections 123b. and 123d. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b), (d)) (the ''Act''), the text of an Agreement between the Government of the United States of America and the Government of the United Mexican States for Cooperation in Peaceful Uses of Nuclear Energy (the ''Agreement''). I am also pleased to transmit my written approval, authorization, and determination concerning the Agreement and an unclassified Nuclear Proliferation Assessment Statement (NPAS) concerning the Agreement. In accordance with section 123 of the Act, a classified annex to the NPAS, prepared by the Secretary of State, in consultation with the Director of National Intelligence, summarizing relevant classified information, will be submitted to the Congress separately. A joint memorandum submitted to me by the Secretaries of State and Energy and a letter from the Chairman of the Nuclear Regulatory Commission stating the views of the Commission are also enclosed. An addendum to the NPAS containing a comprehensive analysis of the export control system of Mexico with respect to nuclear-related matters, including interactions with other countries of proliferation concern and the actual or suspected nuclear, dual-use, or missile-related transfers to such countries, pursuant to section 102A(w) of the National Security Act of 1947 (50 U.S.C. 3024(w)), is being submitted separately by the Director of National Intelligence.

The Agreement has been negotiated in accordance with the Act and other applicable law. In my judgment, it meets all applicable statutory requirements and will advance the nonproliferation and other foreign policy interests of the United States.

The Agreement contains all of the provisions required by subsection 123a. of the Act. It provides a comprehensive framework for peaceful nuclear cooperation with Mexico based on a mutual commitment to nuclear nonproliferation. It would permit the transfer of material, equipment (including reactors), components, and information for nuclear research and nuclear power production. It would not permit the transfer of Restricted Data or sensitive nuclear technology. Any special fissionable material transferred could only be in the form of low enriched uranium, with the exception of small quantities of material for use in samples, standards, detectors, or targets or for such other purposes as the parties may agree.

Through the Agreement, Mexico would affirm its intent to rely on existing international markets for nuclear fuel services involving sensitive nuclear technologies (i.e. enrichment and reprocessing), and the United States would affirm its intent to support these international markets and would agree to endeavor to take necessary and feasible actions to ensure a reliable supply of low enriched uranium fuel to Mexico.

The Agreement has a term of 30 years, although it can be terminated by either party on one year's advance written notice. In the event of termination or expiration of the Agreement, key nonproliferation conditions and controls will continue in effect as long as any material, equipment, or component subject to the Agreement remains in the territory of the party concerned or under its jurisdiction or control anywhere, or until such time as the parties agree that such material, equipment, or components are no longer usable for any nuclear activity relevant from the point of view of safeguards.

Mexico has a strong track record on nonproliferation and has consistently reiterated its commitment to nonproliferation. It is a party to the Treaty on the Non-Proliferation of Nuclear Weapons and has concluded a Comprehensive Safeguards Agreement and Additional Protocol with the International Atomic Energy Agency. Mexico has a strong system of nuclear export controls and has harmonized its controls with the Nuclear Suppliers Group guidelines. A more detailed discussion of Mexico's domestic civil nuclear activities and its nuclear nonproliferation policies and practices is provided in the NPAS and its classified annex.

I have considered the views and recommendations of the interested departments and agencies in reviewing the Agreement and have determined that its performance will promote, and will not constitute an unreasonable risk to, the common defense and security. Accordingly, I have approved the Agreement and authorized its execution and urge that the Congress give it favorable consideration.

This transmission shall constitute a submittal for purposes of both subsections 123b. and 123d. of the Act. My Administration is prepared to begin immediately consultations with the Senate Foreign Relations Committee and the House Foreign Affairs Committee, as provided in subsection 123b. Upon completion of the 30 days of continuous session review provided for in subsection 123b., the 60 days of continuous session review provided for in subsection 123d. shall commence.

DONALD J. TRUMP.

THE WHITE HOUSE, *May 8, 2018.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HIGGINS of Louisiana). Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 872; and

Adoption of House Resolution 872, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.