

learned from other disasters, and what can we do to prevent the next one?

This problem has no party. There is no more personal or more compelling issue. Climate change is a human problem, with the direst of consequences. It is time to put aside our partisan differences and start working together to address these issues.

PROVIDING FOR CONSIDERATION OF H.R. 992, SWAPS REGULATORY IMPROVEMENT ACT, AND PROVIDING FOR CONSIDERATION OF H.R. 2374, RETAIL INVESTOR PROTECTION ACT

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 391 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 391

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 992) to amend provisions in section 716 of the Dodd-Frank Wall Street Reform and Consumer Protection Act relating to Federal assistance for swaps entities. 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 to final passage without intervening motion except: (1) one hour of debate equally divided among and controlled by the chair and ranking minority member of the Committee on Agriculture and the chair and ranking minority member of the Committee on Financial Services; (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2374) to amend the Securities Exchange Act of 1934 to provide protections for retail customers, and for other purposes. 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 Rules Committee Print 113-23 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 Financial Services; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative George Miller of California or his designee, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for 20 minutes 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. 3. Notwithstanding section 1002 of the Continuing Appropriations Act, 2014—

(a) a motion to proceed under such section—

(1) may be offered even if the committee to which a joint resolution has been referred has not reported or been discharged; and

(2) shall be in order only on the legislative day of Tuesday, October 29, 2013, or the legislative day of Wednesday, October 30, 2013; and

(b) a joint resolution under such section shall be debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 4. On any legislative day during the period from October 31, 2013, through November 11, 2013—

(a) the Journal of the proceedings of the previous day shall be considered as approved;

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

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

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Boulder, Colorado (Mr. POLIS), 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. SESSIONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. SESSIONS. Mr. Speaker, H. Res. 391 provides a structured rule for consideration of H.R. 2374 and a closed rule for consideration of H.R. 992. However, I think it is important to note that H.R. 992 is a closed rule by default because the Rules Committee did not receive any amendments despite Members having ample time to submit them. So we made sure that, in the interest of time, we are going to move forward on this important legislation.

Mr. Speaker, today's bills are technical in nature, but each carries very important policy implications designed to strengthen our Nation's financial services industry while simultaneously protecting consumers and providing more certainty for our economy.

First, H.R. 992, the Swaps Regulatory Improvement Act, amends section 716 of the Dodd-Frank Act to provide banks and their customers the flexibility to effectively manage risk better.

Today, many banks and bank customers, such as utility companies and agricultural co-ops, use swaps as an effective means to manage their businesses and to operate their cash flows in a safe and practical manner. Unfortunately, section 716 of the Dodd-Frank Act would require banks and their customers to shift these practices out of the traditional bank model and place them in newly created, capitalized,

nonbank entities. Such a change to current business models would create unnecessary instability in domestic markets and potentially restrict access to these important financial instruments. Federal Reserve Chairman Ben Bernanke has said that such a move would "weaken both financial stability and strong prudential regulation."

H.R. 992 would allow banks and their customers to keep the majority of swaps transactions in-house and prevent needless financial instability. Additionally, it is important to note that, despite what my colleagues on the other side of the aisle may say, this legislation only permits traditional swaps to continue under the current operating structure. All structured swaps, such as an asset-backed security and other riskier investment vehicles, will be required to be housed in nonbank entities. I believe this legislation represents commonsense ideas that allow for greater financial flexibility for consumers while ensuring that investors are not subject to unnecessary risk.

□ 1245

The second bill, H.R. 2374, the Retail Investor Protection Act, aims to prevent potentially conflicting and costly definitions of fiduciary standards from being applied to broker-dealers and other financial service professionals. Currently, the Department of Labor is in the final stages of drafting a new definition of fiduciary standards for broker-dealers under the Employee Retirement Income Security Act known as ERISA. This new requirement would dramatically change a longstanding business model and potentially diminish the ability of everyday Americans to access quality investment advice, meaning, the broker that they choose.

At the same time, the Securities and Exchange Commission, known as the SEC, is considering adopting its own uniform fiduciary standard for broker-dealers pursuant to the Frank-Dodd Act. H.R. 2374 would prevent the Department of Labor from issuing any new fiduciary standards before the SEC finalizes its new rule. In other words, we would like for them to work together. This delay would prevent the two agencies from promulgating different and conflicting definitions that could prove difficult, if not impossible, for many financial service professionals to adhere to. Such a change in current business practices is a solution in search of a problem. Current suitability standards applied to broker-dealers did not play a role in the financial crisis of 2008, and Congress should not force American families to have to pay more not only for legal definitions they do not need, but against their own common sense.

Today, millions of Americans who save for retirement take advantage of many affordable investment options that broker-dealers provide. Changing fiduciary standards for broker-dealers

would increase costs and decrease access to important investment tools, especially for low- and middle-income families. I believe that H.R. 2374, as brought to the Rules Committee by the chairman of the Financial Services Committee, the Honorable JEB HENSARLING from Dallas, Texas, provides the certainty and flexibility that Americans need for retirement and to plan for their future and for their own children's education while promoting a safe and equitable marketplace.

I urge my colleagues to vote "yes" on the rule and "yes" on the underlying legislation.

I reserve the balance of my time.

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

Mr. Speaker, I rise in opposition to the rule, which is a closed rule for H.R. 992, the Swaps Regulatory Improvement Act. It only makes in order one amendment for H.R. 2374, the Retail Investor Protection Act, and it would allow for this political game that we like to play which is called the "vote on the disapproval of raising the debt ceiling," which I will talk about a little bit more later.

What I truly object to here is the way that this body, this House, is only meeting for one full day this week. We came in yesterday evening around 6:30 p.m. We are meeting today and, it is my understanding, for about half the day tomorrow. Most people in this country, Mr. Speaker, work a solid 40-hour workweek. I don't know why Members of Congress in this House, the expectations would somehow be they work 10, 12, 15 hours a week, call it a week, and go home, when there are many important things that we could be doing.

Don't get me wrong, Mr. Speaker. What we are talking about today—and I agree with some of the bills under this rule and I disagree with others—is an honest day's work. We are discussing and debating important bills. Would that we were having these kinds of discussions for 5 days a week rather than 1 day a week, Mr. Speaker.

While I disagree with this approach to getting very little work done that is important to the people of this country, this bill does make in order H.R. 992, which I support. I think this bill is common sense. It modifies a revision of the Dodd-Frank bill, which many, including many of the bill's authors, like former Representative Barney Frank and Federal Reserve Chairman Ben Bernanke, regard as problematic. It corrects that.

Many economists and regulators have noted that, without this legislation, it is quite likely that certain swaps activity could be pushed out from the heavily regulated bank institutions, having the opposite effect of what many of us wanted to accomplish with the Dodd-Frank bill and increasing costs to financial institutions. In fact, if we don't pass this bill, it could

make our financial system more susceptible to systemic risk and reduce our international competitiveness, according to former Chairman Bernanke.

I am confident that this bill will pass with a strong bipartisan coalition and does represent important work that this body will do.

The underlying bill, H.R. 992, also ensures that federally backed financial institutions can continue to conduct risk-mitigation efforts that serve commercial and hedging needs of their customers, while still prohibiting dangerous swaps that contributed to our economic collapse. I am pleased to join my colleagues from across the aisle in making this important fix, rather than repealing the law entirely.

I wish, Mr. Speaker, that the approach to ObamaCare and the Affordable Care Act was more analogous to this approach that we are having with Dodd-Frank. I think many of us who supported Dodd-Frank agree there are a number of changes that need to be made.

As far as I know, in the history of this institution, there has never been a perfect piece of legislation passed. It is regularly routine to have cleanup bills that improve and build upon what has been done. I wish that we could get there with the Affordable Care Act. I am a cosponsor of a number of bills that I think would improve the Affordable Care Act. I know that my colleagues from across the aisle are as well.

I think it is time to get past this discussion of trying to repeal ObamaCare and instead get to a discussion of: How do we make it work for our country? How do we make health care work for our country? How do we make health care affordable for our country and build upon the successes of the Affordable Care Act and address the shortcomings of the Affordable Care Act?

This rule also makes in order H.R. 2374, the Retail Investor Protection Act, which addresses pending rulemakings at both the Department of Labor and the Securities and Exchange Commission regarding the new fiduciary standards of care. Again, while the merits of this legislation are up for debate, under this rule the House majority only allowed consideration of one amendment for the two underlying bills. Instead, it is sending us home early with half a day of work tomorrow, Wednesday, rather than staying through the week and allowing further discussion of additional amendments and other important topics, like replacing our broken immigration system with one that works for our country.

More disappointingly, the light workload this week of a day and a half is emblematic of how the next 2 months are calendared for this House of Representatives. There are only 19 days left of work for this House before the end of the year. The House is only in session for 2½ days before we recess in a week. Again, I think that the Amer-

ican people expect and demand a minimum 40-hour workweek from the people that they hire to represent them here in Washington, and I think most people in this country have more than 19 days that they have to work in November and December. That is 2 full months, November and December. Yet, we only have 19 days over that 2-month period that this body will be in session.

Yet, there are critical issues that the American people are demanding that we act on. As an example, today is the 302nd day of 2013 that we have failed to bring to the floor a comprehensive immigration reform bill. Time is running short, and the need for a comprehensive immigration overhaul is growing every day. Even the United States Senate, hardly an institution that is prized for the speed with which it moves, has passed comprehensive immigration reform with more than a two-thirds majority.

Now, I am proud to be a part of a coalition of House Members, a bipartisan coalition, that has introduced a bill very similar to the Senate bill that has replaced some of the border security language with House border security language, H.R. 15, the Border Security, Economic Opportunity, and Immigration Modernization Act. This bill would create jobs, reduce our budget deficit, include a pathway to citizenship, unite families. It would help reflect our values as Americans in our immigration laws, grow the economy, create jobs for Americans here at home, and finally get real about enforcing our immigration laws.

Do you realize, Mr. Speaker, there are over 10 million people in this country illegally? When are we going to get serious about enforcing our laws and not making a mockery of them? This Nation is a Nation based on the rule of law. H.R. 15 reflects that commitment, as does the Senate immigration bill. It is time that we fix our broken immigration system rather than go home on a Wednesday and meet for 19 days in a 63-day period.

This is a bipartisan bill, H.R. 15. We have been joined by several Republicans—Representative DENHAM, Representative ROS-LEHTINEN. We encourage my colleagues, and I certainly invite my friend and colleague from Texas, to join us as cosponsors of this bill that will allow us to create enforcement, a pathway to citizenship, grow jobs, and finally resolve our broken immigration system.

Mr. Speaker, perhaps I am being paranoid, but it appears to me that perhaps leadership—Mr. Speaker, leadership, as you know, controls what we vote on here on the floor of the House. Leadership, of course, being my colleague, Mr. CANTOR from Virginia, and my colleague, Mr. BOEHNER from Ohio. Perhaps, Mr. Speaker, they fear that this bill would pass if it was brought to the floor. Yes, Mr. Speaker, this bill would pass if it was brought to the floor of the House. Twenty-nine Republicans have already publicly expressed

support for a pathway to citizenship. Many more Republicans, Mr. Speaker, have privately expressed support for a pathway to citizenship. It should hardly take courage to do so. Over 70 percent of the American people have expressed support for a pathway to citizenship.

Regrettably, the only action that this House has taken on immigration has been one vote, which voted to undo the deferred action program for childhood arrivals. It voted to deport DREAMers. Yes, the House of Representatives actually voted to do that. Fortunately, it didn't happen. The Democrats control the Senate and stopped it. The President likely would have vetoed it. It is his program that he started in the absence of this body acting. By the way, in the absence of the House of Representatives taking on immigration reform, I hope the President expands deferred action. What other tools does he have at his disposal to address our immigration system if this body, the law-making body, refuses to actually solve the immigration issue? If this body refuses to solve the immigration issue, the number of people here illegally will only increase, and this body, the House of Representatives, and the majority, the Republican Party, who won't allow us to vote on H.R. 15, will be responsible for more illegal immigration and having more people here illegally if we do not act now.

Mr. Speaker, just this week, nearly 600 conservative supporters of immigration reform will storm Capitol Hill from the faith community, the business community, the law enforcement community. An unprecedented coalition will be meeting with Republican members, and is meeting with Republican members, demanding that they take action. We are talking about Partnership for a New American Economy; the Bibles, Badges, and Business coalition for immigration reform; FWD.us; strong support from the technology and business community; and the U.S. Chamber of Commerce, Mr. Speaker.

Regrettably, the only immigration amendment that has passed this House has been to deport DREAMers. Again, thankfully, it didn't happen. The Senate and President were able to stop it. That is the only idea so far that has been proposed and, sadly, tragically, accepted by this body for dealing with DREAMers. We are talking about young people who grew up in this country, have been through American schools, football teams, cheerleaders, prom, got good grades, played by every rule they knew. They were brought here when they were 2 years old, 5 years old. Frequently, they don't even speak another language. They want to get back to our country if only we will let them. Yet, this House voted to eliminate the program that allows them to work in this country. It instead would deport them back to a country they don't know anybody in

and don't speak the language of. We would be denying them the ability to be legally in the only country they know, to make our country stronger.

That is action. The majority party took action on an amendment. They passed the amendment to undo the deferred action program, but I refuse to believe that that is the action that Speaker BOEHNER had in mind when he said he wants to move forward and fix our broken immigration system. Regardless of what we do with the DREAMers, that is only a small part of our broken immigration system.

□ 1300

There are many adults that are working illegally in this country because we refuse to enforce or fix our immigration laws; and that will continue unless this House of Representatives chooses to change that.

The American people, Mr. Speaker, are fed up. That is why enormous majorities of Democrats and Republicans, of Independents, of men, of women, of every single breakdown that you have of the American people want to see the House of Representatives fix our broken immigration system, would like to see us pass the bill, H.R. 15, here in the House of Representatives, a bipartisan bill ready for the floor today and ready to be passed into law.

The House majority needs to move a bill to the floor that includes an earned pathway to citizenship, border security, enforcement of our laws, meets the needs of the businesses, the technology sector, the agriculture sector, other important sectors that rely on an immigrant workforce.

And, yes, we can count the votes, Mr. Speaker. We can help Majority Whip MCCARTHY with his job. The votes for a pathway to citizenship, I am proud to report back to my colleague from Texas, who I know is a member of Republican leadership, and my good colleague, Mr. SESSIONS, we can report back, and you can report back to Majority Whip MCCARTHY that at least 29 House Republicans have publicly endorsed the pathway to citizenship as a component of immigration reform, the principles that are included in H.R. 15 in the Senate bill, and many more Republicans have privately committed their support.

Yet we are hearing more and more about counterproductive measures that might be brought to the House. For instance, I have heard that there might be an effort to introduce the so-called SAFE Act in an immigration package, which would, essentially, turn undocumented immigrants into criminals overnight, creating an enforcement challenge.

If we can't enforce our current laws, can you imagine trying to enforce a set of laws where there are 10 million or 15 million criminals in our country?

Now, it is important also to distinguish, Mr. Speaker, when we look at our immigrant detention centers, and we are talking about people who are

here illegally who have committed crimes, not just the civil violation of being here illegally, we join with our Republican colleagues in seeking deportation and punishment.

Whether somebody is here legally or illegally, whether they have paperwork or not, if they ever commit a crime that harms our community, we have no sympathy for them, and we seek their full punishment under the law.

But how can you enforce or punish people when you create a whole new class of criminals?

We can barely punish the criminals we have. We already incarcerate more people, as a percentage of our population, than any other Western industrialized nation. Clearly, incarcerating and deporting more not only is not the answer, but would be a tremendous burden to the American taxpayer.

Each deportation, Mr. Speaker, costs over \$10,000 of your money. Over \$10,000. Is that the solution?

Or should we make sure that people who are working here pay taxes?

Would you rather pay, Mr. Speaker, \$10,000, or would you rather accept their checks to make sure that they are paying their fair share to reduce our budget deficit and reduce the tax burden on everybody else, to the tune of over \$200 billion, which is how much, according to the scoring of the Senate bill, comprehensive immigration reform will reduce our deficit?

And we will be happy to work with the Republican majority to use that \$200 billion to reduce the individual tax rate. It is an issue that I have talked about with my colleague from Texas (Mr. SESSIONS). We would love to bring down those marginal rates. Instead of 39.6 percent, let's get them down to 38, 35, I think, you know, however low we can get them and bring down rates for everybody else as well.

Mr. SESSIONS. Will the gentleman yield?

Mr. POLIS. I will address the question to my good colleague and friend from Texas. We might be able to use the \$200 billion in immigration reform to bring down the individual or corporate tax rate. I will be happy to pose that question to my good friend.

I yield to the gentleman from Texas.

Mr. SESSIONS. I will answer the question quickly. We believe there should be no more than a 25 percent tax on any American for paying their taxes.

Mr. POLIS. Reclaiming my time, and in that mix of the pay-fors might be immigration reform. That won't get us fully there. That is \$200 billion, and I would have to see the scoring on getting it down to 25; but that is a pay-for that I think would have support from my side of the aisle. There are other pay-fors that would as well.

Now, we are not willing to do this if it is going to increase the deficit, as we have talked about. If we just bring down tax rates for the people and that goes to the deficit, I think there would be problems on both sides of the aisle.

But if we can offset it with spending cuts, if we can offset it with immigration reform, if we can offset it by getting rid of loopholes for the oil and gas industry, I think we have a good, bipartisan way to discuss bringing down tax rates for all Americans going forward.

Immigration needs to reflect our values as Americans. It needs to bring people out of the shadows, enforce our laws, be good for American business, be good for labor, create jobs, and help make America more competitive.

Let me talk briefly, Mr. Speaker, about the overwhelming public support for immigration reform. Take my home State of Colorado as an example. More than three-quarters of Coloradans support comprehensive immigration reform with a pathway to citizenship for the people already here.

In California, there have been a number of polls. In the 21st District, represented by my friend and colleague, Representative VALADAO, 77 percent of voters support the Senate immigration bill, H.R. 15, comprehensive immigration reform.

In the 22nd District in California, represented by my friend and colleague, Mr. NUNES, over 74 percent support H.R. 15-style legislation.

Let's move to Nevada. In the Second District of Nevada, represented by my friend, Mr. AMODEI, 72 percent, Mr. Speaker, of voters support comprehensive immigration reform.

In the Third District of Nevada, represented by my colleague, Mr. HECK, over 74 percent.

I can go on and on; the point being, Mr. Speaker, that the American people are demanding action of this body.

H.R. 15 is simply common sense. Instead of going home after 1 day of work, let's bring it to the floor on Thursday, then pass it on Friday, Mr. Speaker. Let's get it done. Common sense.

If the House majority is serious about bolstering innovation, growing our economy, reducing our deficit, bringing down taxes, increasing prosperity for all Americans, a pro-growth agenda that they frequently lend lip service to, then put this immigration reform bill on the floor, and let the House work its will. It will pass.

We can attract investment and entrepreneurs and encourage them to create American jobs, reduce our deficit, bring down the tax burden and, guess what, help restore integrity to our entitlement programs, help make sure that people are paying in to Social Security and Medicare, and that they are solvent. We can accomplish that this week. Or, you know, if you really want to go home on Wednesday of this week, let's come back next week, instead of taking next week off, and we will pass immigration reform then.

I will be happy, and many Members from my side of the aisle would be happy, to cancel vacation plans for next week to come back and pass immigration reform; and I would encourage my colleague from Texas to encourage his leadership to do that.

It is time, Mr. Speaker. Frankly, it is past time. H.R. 15 improves border security, interior enforcement, resolves the issue of the 11 million people who are here illegally, improves our legal immigration system.

The bill makes sure that the Department of Homeland Security develops a comprehensive plan to protect our southern border, a plan that has passed unanimously by the House Homeland Security Committee, Democrats and Republicans joining together to actually get serious about our border security.

The American people are calling out for this body to take the moral high road, the economically beneficial path, for Democrats and Republicans to work together to bring a comprehensive immigration reform bill to the House before the end of the year.

So I can't support this rule today, Mr. Speaker. I can't support a rule that sends us home on Wednesday of a workweek. I can't support a rule that only gives us 19 more legislative days before the end of the year.

Mr. Speaker, I would love to be able to support a rule here on the floor of the House. And if my colleague from Texas and my colleagues on the Rules Committee are willing to bring forward a rule, bring forward H.R. 15 Thursday, bring it forward next week, I will be happy to stand here and proudly support that rule.

But until we reach that time, I will have to voice my opposition to the rule.

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

Mr. SESSIONS. Mr. Speaker, I appreciate the dialogue that the gentleman from Colorado is having. In fact, I have, for a long period of time, not only understood the plight of those who are perhaps in this country as undocumented people, but also I understood the plight of people who are trying to get a job in this country, Americans who are trying to find work.

And there are lots of things that we should have done on this. I would remind the gentleman that for 4 years the Democrat majority had this front and center as a promise that they would accomplish, and the Republican majority now is attempting to work through this issue.

We have had working groups. We have had Members who are very serious about how we work on a bipartisan basis; and I know the gentleman, Mr. POLIS, has been not only aware of that, but also understands the intricacies.

We need to be able to understand that there are still very dangerous people in this country, and the Senate bill did not even get close to understanding who is in this country that is dangerous, some 30,000 people who are special interest aliens who this government is watching. They would sneak right underneath the wire toward citizenship; that normally a person who comes into this country would have to go through a background check, and we

would know who they are and we would transform them from a great member of another country to a proud American.

What we want to make sure is that we measure twice and saw once, and that is really what the Republican Party is trying to do.

Mr. POLIS. Will the gentleman yield?

Mr. SESSIONS. I will not. The gentleman had 18 minutes to get his message out, and I am going to take my few minutes to get this out.

And with great respect to the gentleman from Colorado, I do recognize not only his heart, but his brain is engaged in trying to make sure that we work together; that we do it on a bipartisan basis; that we see the future of hardworking people who are in this country; but that we also recognize that there must be a chance to protect this country and not give constitutional rights and the hard work in this country away, as the Senate bill does, gives it away, rather than having an earned citizenship to where people then have a chance to make our country stronger.

It is a big debate, and the gentleman is most eloquent in his enunciation of support of pushing all of us together. I stand with him. But we will keep working until we get it right.

We will, once again, measure three times and saw once.

Mr. Speaker, I yield 5 minutes to the gentleman from Bowling Green, Kentucky (Mr. GUTHRIE), a member of the Energy and Commerce Committee.

Mr. GUTHRIE. Mr. Speaker, I thank the chairman for yielding time to speak on an important issue that the Retail Investor Protection Act addresses.

Employee Stock Ownership Plans provide good jobs and secure retirements in my home State, the Commonwealth of Kentucky, and across the Nation. In fact, ESOPs had fewer layoffs during the recession than other businesses.

I have been joined by two dozen colleagues, from both sides of the aisle, on a bill to prevent the Department of Labor from imposing the fiduciary standard on appraisers of ESOP stock.

IRS law today requires that ESOPs get an independent appraisal in order to determine the value of the stock. On the other hand, fiduciaries are, by definition, not independent. Any rule that would define ESOP appraisers as fiduciaries would create a conflict with the IRS regulations; and by creating conflicting duties for appraisers, any Department of Labor rules in this area would substantially increase the cost of ESOPs and, in fact, could regulate them out of existence.

DOL's proposal would add costs to all parties and encourage needless litigation time and again. DOL has failed to sufficiently document the problems with ESOPs that they claim they are trying to remedy.

This is simply another example of this administration overreaching and

creating unnecessary burdens on business leaders for providing a great service to their employees.

I am pleased to stand in support of the rule and the underlying bill today because, if enacted, this bill will help protect ESOPs in the near term. By barring DOL from finalizing a rule on fiduciaries until after the SEC has acted, this bill will provide some temporary protection for ESOPs and their appraisers.

We must continue to defend business leaders and their employees from professional regulators whose ill-considered and counterproductive proposals are making it more difficult for hardworking Americans to achieve the American Dream.

And we have been working with both sides of the aisle; and this party, the Republican Party, on this side of the aisle wants to make sure Americans have the opportunity to achieve the American Dream. This bill does that; and, therefore, I support the rule and the underlying bill.

□ 1315

Mr. POLIS. Mr. Speaker, I am proud to yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), my friend.

Mr. HOLT. Mr. Speaker, I want to join my friend from Colorado in lamenting the lack of legislative action on immigration and so many other issues.

I am sure the gentleman doesn't want to leave the impression that Members of Congress do nothing when we are not actually in session. However, the lack of number of days in session, the small number of days in session, is really symptomatic of the problem. It is an unwillingness to deal with the great issues of the day, be they immigration, appropriations and funding for government activities, reauthorizing the Elementary and Secondary Education Act to replace No Child Left Behind, providing workplace training and job creation, the transportation legislation and nutrition programs.

It is worth pointing out that only now—I mean right now, we are about to lose 13 percent in the SNAP program, the food stamp program. For all of those reasons, we should be working here in the Chamber and in committee and elsewhere.

Mr. Speaker, I rise today in opposition to the so-called Retail Investor Protection Act, which is one more attempt to delay and derail implementation of the Dodd-Frank Wall Street Reform law. The financial crisis should be all the evidence we need to know that stronger, not weaker, enforcement; tougher, not weaker, regulations are necessary.

Dodd-Frank is the law of the land. Yet, as with ObamaCare, the Republican agenda consists only of delay and repeal, with no solutions to, in this case, prevent a future economic meltdown.

I want to be clear that, in voting against this bill, I am not stating ap-

proval or endorsement of the U.S. Department of Labor's proposed fiduciary rule. In fact, since 2011, I have voiced concerns about how the proposed changes to the definition of "fiduciary" might lead to a reduction in financial education and access to investment advice.

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

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. HOLT. Americans are not well prepared for retirement. I have long believed that the more investment advice available to employees the better. They need more advice, not less; more encouragement to invest, not less.

I look forward to continuing to work with the Secretary of Labor to craft a rule to allow more Americans, not fewer Americans, to be better prepared, not less prepared, for retirement.

I thank the gentleman from Colorado for the time.

Mr. SESSIONS. Mr. Speaker, I am pleased to now yield 4 minutes to the distinguished gentleman from Gainesville, Georgia, Congressman COLLINS, a member of the Oversight and Government Reform Committee.

Mr. COLLINS of Georgia. Mr. Speaker, as I come here today, one of the things that I have been listening to—and my friend from across the aisle, from Colorado, we talk about things and substantive issues.

I have been in three committee hearings this morning, and a lot of it was going across the aisle, working on issues that work.

One of the things that just concerned me as I was listening to this as well is that the Republican majority is working toward finding solutions for bad bills. Now that doesn't mean that everything is delay, as it was just explained. But when you find something that is wrong, from where I am at, you fix it.

Mr. POLIS. Will the gentleman yield for a moment?

Mr. COLLINS of Georgia. I will yield at the end.

I rise in support of the rule and the underlying bills, especially H.R. 2374. You know, I rise because we must continue to look at this regulatory beast. It is strangling, really, what I feel American business and families are struggling with, the very same issues that really are across the aisle.

I have Democrat friends. I have Republican friends. The bottom line, when it comes to business, is that business has always been about making a profit, money. The gentleman understands that. The gentlemen and ladies on this side understand this.

We have got to get into a position in which the Federal Government is out of the way, except in the areas where it needs to be, so that businesses can flourish and businesses can thrive. I believe this is what we are looking at today.

The Federal agencies too often move forward with new and burdensome reg-

ulatory mandates without proving they are needed to correct harm in the marketplace. I call it, in some ways, a job protection.

They want to do good. I am not implying that the government employees are not hardworking, strong individuals. But many times, they are looking at their own job, and they are saying, What do I need to do to make sure that we are "doing something?"—at the expense, many times, of the ones that are having to live with what they are doing.

So as I look into this today, I want to thank the gentlewoman from Missouri for putting forward legislation to ensure that families in my district and across the Nation are not harmed as they strive to pay for their kids' college or invest for the future.

Our Republican majority is working on bills like this that remove these kinds of issues. The SEC must explore all other options before moving to a fiduciary standard for brokers and dealers. Anything less is a disservice, really, to the individuals the SEC is supposed to protect.

But before I go, one of the things that I have advocated for in my short time here is that Congress has to take back its article I authority. We have got to get into our oversight. Passing bills and leaving it to a nameless, faceless executive agency is not what we need to be doing. When need be, Congress needs to be doing things like this, where we come in and say, No, let's take a break. Let's slow down. Is this really what the law intended? Is this really what the law meant? Is this what we are supposed to be doing?

Congress has a constitutional role. We have got to take that back. I think what we are doing here today—and I think having exchanges across the aisle, whether it be today or tomorrow or next week, when I will be back home actually working and talking to people and preparing for what really right now is crushing in our area, the implementation of the health care legislation is what we are getting—these are the kinds of things that we need to be talking about. When we do that, then we have real dialogue. We have real solutions. But Congress has got to take back its article I authority. We have let it go for years.

This is a small part. Even what my friend from Colorado is talking about, these are issues that need to be debated. We are debating.

The Judiciary Committee, on which I sit, has taken up several of these kinds of issues, and we did it this morning under patents and all kinds of things. This is what matters to the American people. They want to see us work. They want to see us be a part of it and not just simply here talking to the cameras and talking to each other. We have really got to be out listening and working our committees and doing things back home so that they understand that as well.

So when I look at this, I look at this as something powerful to move forward

on. I look at it as something that is a good rule. It is a good underlying bill. The SPEAKER pro tempore. The time of the gentleman has expired.

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

Mr. COLLINS of Georgia. I appreciate the chairman yielding.

This Republican majority was working in a bipartisan manner, giving us the ability to work like this. These are bipartisan pieces that we understand.

So I did promise, and I am good to my word. I yield to the gentleman from Colorado.

Mr. POLIS. I appreciate the gentleman from Georgia, and I appreciate his words, that there is a lot of important work going on. Committees are meeting. You mentioned the Judiciary Committee working on patents. It is a very important issue.

I just wanted to ask the gentleman, with all of the important work that is going on, why the House will be adjourning on Wednesday and not meeting next week as well?

Mr. COLLINS of Georgia. Well, I think as we go back here and if we really look at this—and you took the opportunity to discuss immigration and other things—I have to simply back up my chairman and go back to when the Democrats had the entire floor, they had everything that they wanted. They chose other priorities, strangling typically businesses and other ideas that right now we are having to deal with. The Republican majority is moving forward on getting the un-strangling back. I just have to go back and say, We will work on those things.

In support of our Republican majority, we are working for businesses and families who right now are struggling to put back jobs, but I do appreciate the question.

Mr. POLIS. Mr. Speaker, I yield 3 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

Mr. Speaker, part of this rule is addressing the debt ceiling. This Congress put the American people and our economy through the spectacle of 16 days of shutdown, with the culmination being the actual threat that we would not pay our bills; we would default. That is the second time we have done that in 2 years. There is some progress in this rule because it is going to allow Congress to vote to disapprove, but it can't pass unless it gets, in effect, the President's signature.

There is another way that we ought to do this. We ought to, once and for all, acknowledge that if this Congress, with Republican and Democratic votes, passes an appropriation that has an impact on the debt ceiling, that is the time of reckoning at the moment that appropriation is passed.

What we have done is a good deal hypocritical towards the people we represent. We will vote for spending on day one, and then on day two, when the bill comes due, we will vote against the

debt ceiling increase that was required by the very vote we made. That is just not a stand-up way for a country to operate. We pay our bills.

The idea that we would have a debate, as we did in this Congress, where the premise of that debate was that it was actually an acceptable outcome that we would stiff our creditors, that we wouldn't pay the mortgage, that we might forsake the 1 million veterans who are coming home from Iraq and Afghanistan and not provide to them the services that we have all promised, that is just not right.

The damage we did with the debt ceiling debate and the threat to default was enormous both in August of 2011 and in October of 2013.

In August of 2011, consumer confidence dropped to a 31-year low. The third quarter gross domestic product increased barely at 1.4 percent. It led to, for the first time in the history of this country, us losing our AAA credit rating and suffering a downgrade from Standard & Poor's.

The loss of 0.3 percent of the fourth quarter growth rate translated into \$24 billion of lost revenue. Household wealth collapsed by \$2.4 trillion. While it is true that wealth has come back, the loss of that created an immense amount of insecurity, reduced consumer spending, and cost us jobs. The Peter Peterson Foundation indicated that the uncertainty that was created was something that contributed to \$150 billion in lost output and 900,000 jobs.

The October 2013 shutdown and the threat of default was the biggest plunge in consumer confidence—bigger even than August of 2011—the biggest plunge since the Lehman Brothers collapse in '08. We must acknowledge something very simple: we must pay our bills.

Mr. SESSIONS. Mr. Speaker, I appreciate the gentleman, my dear friend from Colorado, speaking most eloquently about the effects of 5 years of President Barack Obama.

I will remind this body that President Obama said he would not negotiate with House Republicans. In fact, the majority responsible for the bill that had to prepare our country for what we would do for moving our country forward with not only the CR but also the sequestration, House Republicans for months have spent time to make sure we did appropriations bills. Meanwhile, our friends on the Senate did zero appropriations bills.

House Republicans prepared us not to have the demise that we did, and our friends across the aisle did nothing to help us in this endeavor, not even to begin a negotiation. So, unfortunately, it turns out that it goes on someone's record.

I would like for the RECORD to reflect that House Republicans came up with ideas to avoid the government shutdown and to fund the government. We have done that for months, and we will continue to do that.

Mr. Speaker, at this time, I yield 4 minutes to the gentleman from Win-

field, Illinois, Congressman HULTGREN, a member of the Committee on Financial Services and one of the cosponsors and lead sponsors of the bills that are on the floor today.

Mr. HULTGREN. I thank the gentleman from Texas, Chairman SESSIONS, so much for your work. I want to thank the entire Rules Committee for your important work as well.

Mr. Speaker, we have before us today a couple of deserving bills that redirect cumbersome and burdensome Federal regulation and, for a change, put customers first.

I am particularly interested in the fate of H.R. 992, the Swaps Regulatory Improvement Act. I introduced this bill in the 113th Congress and want to thank my bipartisan cosponsors Representative JIM HIMES and, also from the Agriculture Committee, Representative RICHARD HUDSON and Representative SEAN PATRICK MALONEY, who all have done great work in coming together in a bipartisan way to put together legislation that solves a real problem with the law that was passed a couple of years ago. We also owe a debt of thanks to former Representative Nan Hayworth, who carried this effort in the 112th Congress.

H.R. 992 may seem complicated, but the aim is simple: it is to save, for me, Illinois farmers and manufacturers, utility providers, hospitals, and small businesses from higher costs and greater uncertainty.

So much that I hear from my constituents—specifically from people who are looking to grow jobs, grow this economy—is the fear and the uncertainty that they are facing. It is not an uncertainty of whether they can do the job or whether they can provide a product or whether they can provide a service. They know they can do that. The uncertainty they are feeling is can they deal with what government is going to do to them if they grow their business and the greater uncertainty that has come from laws that have passed over the last couple of years.

One area that has created great uncertainty is this Dodd-Frank law that was passed a couple of years ago, and specifically, provision section 716 was supposed to really be focused at Wall Street. What we have seen is, it hurts Main Street, Main Street customers more than anything else, taking away options, raising costs, and raising uncertainty for, again, farmers and manufacturers, people who are providing a great product to our consumers in our districts.

□ 1330

So this legislation is important to bring back that certainty.

For me, as well, this is important. My history is I grew up in a family funeral home. I worked in helping people plan for their future certainly through that family business, but also as an investment adviser and as an attorney helping people.

In Congress, my hope is to continue to help people—and our Nation—plan

for the future and to fight for future generations to make sure we are going to be making good decisions for our kids and grandkids.

This is one of the areas where I see, throughout my lifetime, through our family business and the work that I have done, that trust relationships are important; and the trust relationships that our farmers and our manufacturers have been able to create with their local community banks are important.

Unfortunately, this law that was passed a couple of years ago forces those relationships to be broken so that you can no longer use the trusted financial bank or financial services provider in your local area to be able to help you plan for uncertainty in the future; but, again, they are pushed out into other entities that are less regulated and oftentimes offshore.

I am so excited about taking this step to bring certainty back, and ultimately, hopefully, as that confidence grows with our farmers and manufacturers and employers, our job creation will grow once again. Investment in hiring people is what we want. That is the number one priority that we are fighting for.

There will be time for further debate on this, but I ask my colleagues to adopt the rule for the reasons stated by Federal Reserve Chairman Bernanke in testimony before the House Financial Services Committee on February 27. He said: 716—the section that we are changing here—requires the push-out of certain kinds of derivatives. And it is not evident why that makes the company, as a whole, safer. And what we do see is that it will likely increase costs of people who use the derivatives and make it more difficult for the bank to compete with foreign competitors who can provide a more complete set of services.

This is an important change.

Mr. POLIS. Mr. Speaker, if we defeat the previous question, we will offer an amendment to the rule that would allow the House to consider the Make It In America Manufacturing Act of 2013. To discuss the proposal, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentleman for yielding.

Mr. Speaker, it is beyond time for Congress to focus on getting Americans back to work. If we want to get things back on the right track, we have to start making things again in this country.

Job creation should not be a Democratic issue or a Republican issue; it is an American issue. At some point, the gridlock in Washington needs to end and we need to take advantage of the opportunities we have to reinvigorate this critical sector of our economy.

That is why I urge my colleagues to defeat the previous question today, so we can consider the Make It In America Manufacturing Act, legislation that I have introduced that would facilitate the creation of unique public-private

partnerships, bringing together Federal, State, local, and regional stakeholders to develop comprehensive manufacturing enhancement strategies and deliver targeted resources to strengthen the manufacturing sector, which has proven vital to our country's economy.

It will provide small- to medium-sized manufacturers with the resources they need to retool and retrofit their operations and train their workforce in order to transition to the manufacturing of clean energy, high technology, and advanced products. It would enhance the competitiveness of the industry, including through increased exports and domestic supply chain opportunities.

Mr. Speaker, it is time for Congress to work together to make things again so that Americans can make it again; and this is about strengthening the manufacturing sector, which helped build the middle class of this country, which helped build one of the strongest economies in the world. This would allow manufacturers who are beginning to see a resurgence, a revival, because of some market conditions. Because of the great innovations and the great quality of our workforce, it would allow us to strengthen this sector and grow jobs at a critical time for my State and for our country.

So I urge my colleagues to defeat the previous question so that we can consider the Make It In America Manufacturing Act, something we should be able to come together on that would create job growth in this critical sector of our Nation's economy.

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

I appreciate the gentleman speaking very clearly about getting manufacturer jobs, and that is why the Republican Party listens to the National Association of Manufacturers. They have a very specific list of things that they, as manufacturers, want as they try and make not only more jobs available in this country, but also as they want to make sure that investment and opportunity and keeping their companies alive is something that goes forward into the future.

That is why they oppose ObamaCare. That is why their number one issue is to say that they see a big government spending program, not just like ObamaCare, but also taxes on energy, which our friends on the other side of the aisle push every day, and higher taxes for investors and more and more and more Big Government.

So I do understand what manufacturers want, and it is directly related to the meetings that I have with people from Dallas, Texas, and all across this country who are in the business. They put their names on their doors. Manufacturers are awesome and important people to our economy.

Mr. Speaker, what we are really here to speak about are these two bills from the Financial Services Committee today.

H.R. 2374 is something that has been talked about. What it really boils down

to is there are investment advisers, and investment advisers are those people in the marketplace that an individual customer would go to. That financial adviser has not only a higher standard on them, but they also have legal and regulatory costs to go with it. But they are to know the customers and the customers' needs and how old that customer is and what they are trying to achieve and to know about their family and their processes, and not to take risks where there shouldn't be any but to match the expectation of performance.

And then there is the broker-dealer. That broker-dealer is available in the marketplace. Maybe they are a \$5 or \$6 or \$7 per trade person. It is somebody that you call up and you execute the agreement that you have from your investment adviser.

What we are trying to say here today—Mr. HULTGREN and others—we don't think that the regulatory burdens, including costs, including legal fees and other burdens, should be placed on the broker-dealers. They should be someone that has a lesser or different standard. They are simply the person that takes the order to effectively and cheaply get the order done that came from the customer as a result of their advice from the financial adviser.

How important is this? It is important enough because the U.S. Chamber of Commerce, that stalwart that stands for all business—not just manufacturers, but also customers—has said this about what Chairman HENSARLING is attempting to accomplish today. I quote from a letter that came from Bruce Josten, who is executive vice president of the Chamber, dated October 28, to all Members of the U.S. House of Representatives, asking them for support:

Due to the increasing overlap between the Department of Labor and the SEC in the area of retirement plans and the related nature of each agency's fiduciary initiative, the Chamber believes that the two agencies should coordinate and work in a systematic manner, allowing the SEC to complete its rules first to avoid investor confusion, regulatory conflict, and one rule being usurped by the other.

Mr. Speaker, this is common sense. That is your U.S. Chamber that is speaking on behalf of all the people across this country saying let's not put ourselves into a circumstance where indecision that has been talked about today becomes a hindrance in the marketplace and where good rules and commonsense are able to flourish.

And that is what the Republican majority is attempting to do today. That is why H.R. 2374 means that what we are trying to do is to provide our ideas to a marketplace rather than having the Department of Labor go first and perhaps have one set of rules and then the Securities and Exchange Commission, who really should be the lead agency, come up with their own rules and regulations. Let's have them work together. And that is what we are

doing here. Common sense means asking government to work with itself between a regulatory body and a Cabinet-level position.

I believe that if we are successful on the floor today, we will see that white flag that comes up that says, well, this bill may not make it through the other body, like so many other bills that we have, but common sense should prevail. That is why Republicans are here today, and that is why the U.S. Chamber of Commerce stands up and says, This is what we see as the real issue in the marketplace.

I reserve the balance of my time.

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

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

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

There was no objection.

Mr. POLIS. Mr. Speaker, since this week is spoken for, that leaves us with 19 legislative days before the end of the session. Reportedly, I have read in the press, that House leadership is struggling to find ways to fill that time. Well, I have an idea.

Four weeks is more than enough time to pass immigration reform; and if we can't stay here on Thursday and Friday to do it, let's do it in the 19 days we have left. There is no reason at all for us to leave here in December, disappoint the American people, without taking action on an issue that is on Speaker BOEHNER's agenda and on Majority Leader CANTOR's agenda for over a year. Speaker BOEHNER and the House leadership can present a plan for votes on immigration reform before the end of the year.

Every week that Congress is in session until we pass immigration reform, I will be on the floor speaking about the cost of inaction. Immigration reform will create 750,000 to 900,000 jobs for Americans that are out of work.

My colleague from Texas mentioned that there are dangerous people that we don't know where they are in this country. That is true. By passing comprehensive immigration reform, we will make sure that we know where people who represent a threat to this Nation are. The people have to register. Enforcement of the law actually means something.

The Senate has acted and passed a bipartisan, comprehensive immigration bill last June. Meanwhile, the House of Representatives hasn't dedicated a single minute of legislative floor time to any immigration bill; and so, too, this week, this House is going home Wednesday instead of discussing immigration reform.

The price of inaction is too heavy a price to pay for the American people. The majority of this body—the Republicans who control the floor of the House—have a choice: they can sit

back, twiddle their thumbs and watch the costs of our immigration problems go up for the American people, destroying more jobs and decreasing our deficit; or they can come to the table, start a serious discussion about immigration reform, bring a bill to the floor of the House and pass it, reduce our deficit, improve security, and create jobs for Americans.

Mr. Speaker, I urge my colleagues to vote “no” and defeat the previous question. I urge a “no” vote on the rule, and I urge us to bring up immigration reform.

I yield back the balance of my time.

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

I appreciate the courtesy that the gentleman has afforded me with what I believe is his support of the bill, the underlying legislation, the importance to the marketplace, and perhaps more importantly, what we are trying to do here today, and that is to move forward with ideas that will help the American people.

I also know that the discussions that he wanted to have are really not what we are here to meet for today but are very, very important issues not only to the gentleman from Colorado, but I think every single Member of this body, and that is an intention that we give to understanding the legislation that could be attached to the immigration bill.

But the work that we are doing today is about what we have, which is here for a reason, and that is to make it easier for people back home to be able to make decisions about financial long-term issues and ideas, whether it is their retirement, whether it is about sending their kids to college, or whether it is about trying to take costs out of the marketplace to allow a consumer a better opportunity to come to a broker-dealer of their choice, to go to the financial adviser to work whatever they do and then to go to a marketplace that is cost-effective for them. That is why we are here today.

The bottom line is that the Dodd-Frank Act puts unnecessary rules and regulations on the entire industry. That takes away from the effectiveness and how nimble the marketplace can be. It takes away and adds cost to consumers who would wish to not only make a trade—they have already gotten the advice they need, and now what they are interested in is executing that trade without trying to receive, necessarily, someone who is trying to be careful about what they do.

□ 1345

So, Mr. Speaker, you know why we are here today. I urge my colleagues to vote “yes” on the rule and “yes” on the underlying legislation.

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

AN AMENDMENT TO H. RES. 391 OFFERED BY
MR. POLIS OF COLORADO

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

Sec. 6. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 375) to require the Secretary of Commerce and the Secretary of Labor to establish the Make It in America Incentive Grant Program, 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 among and controlled by the chair and ranking minority member of the Committee on Financial Services and 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. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 375 as specified in section 6 of this resolution.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

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

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

The Republican majority may say “the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.” But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous

question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 226, nays 193, not voting 11, as follows:

[Roll No. 563]

YEAS—226

Amash	Chabot	Fleischmann
Amodei	Chaffetz	Fleming
Bachmann	Coble	Flores
Bachus	Coffman	Forbes
Barletta	Cole	Fortenberry
Barr	Collins (GA)	Foxx
Barton	Collins (NY)	Franks (AZ)
Benishek	Conaway	Frelinghuysen
Bentivolio	Cook	Gardner
Bilirakis	Cotton	Garrett
Bishop (UT)	Cramer	Gerlach
Black	Crawford	Gibbs
Blackburn	Crenshaw	Gibson
Boustany	Culberson	Gingrey (GA)
Brady (TX)	Daines	Gohmert
Bridenstine	Davis, Rodney	Goodlatte
Brooks (AL)	Denham	Gosar
Brooks (IN)	Dent	Gowdy
Broun (GA)	DeSantis	Granger
Buchanan	DesJarlais	Graves (GA)
Bucshon	Diaz-Balart	Graves (MO)
Burgess	Duffy	Griffin (AR)
Calvert	Duncan (SC)	Griffith (VA)
Camp	Duncan (TN)	Grimm
Cantor	Ellmers	Guthrie
Capito	Farenthold	Hall
Carter	Fincher	Hanna
Cassidy	Fitzpatrick	Harper

Harris	Meadows	Ryan (WI)
Hartzler	Meehan	Salmon
Hastings (WA)	Messer	Scalise
Heck (NV)	Mica	Schock
Hensarling	Miller (FL)	Schweikert
Holding	Miller (MI)	Scott, Austin
Hudson	Miller, Gary	Sensenbrenner
Huelskamp	Mullin	Sessions
Huizenga (MI)	Mulvaney	Shimkus
Hultgren	Murphy (PA)	Shuster
Hunter	Neugebauer	Simpson
Hurt	Noem	Smith (MO)
Issa	Nugent	Smith (NE)
Jenkins	Nunes	Smith (NJ)
Johnson (OH)	Nunnelee	Smith (TX)
Johnson, Sam	Olson	Southerland
Jones	Palazzo	Stewart
Jordan	Paulsen	Stivers
Joyce	Pearce	Stockman
Kelly (PA)	Perry	Stutzman
King (IA)	Petri	Terry
King (NY)	Pittenger	Thompson (PA)
Kingston	Pitts	Thornberry
Kinzinger (IL)	Poe (TX)	Tiberi
Kline	Pompeo	Tipton
Labrador	Posey	Turner
LaMalfa	Price (GA)	Upton
Lamborn	Radel	Valadao
Lance	Reed	Wagner
Lankford	Reichert	Walberg
Latham	Renacci	Walden
Latta	Ribble	Walorski
LoBiondo	Rice (SC)	Weber (TX)
Long	Rigell	Webster (FL)
Lucas	Roby	Wenstrup
Luetkemeyer	Roe (TN)	Westmoreland
Lummis	Rogers (AL)	Whitfield
Marchant	Rogers (KY)	Williams
Marino	Rogers (MI)	Wilson (SC)
Massie	Rohrabacher	Wittman
McCarthy (CA)	Rokita	Wolf
McCaul	Rooney	Womack
McClintock	Ros-Lehtinen	Woodall
McHenry	Roskam	Yoder
McKeon	Ross	Yoho
McKinley	Rothfus	Young (AK)
McMorris	Royce	Young (IN)
Rodgers	Runyan	

NAYS—193

Andrews	Duckworth	Levin
Barber	Edwards	Lewis
Barrow (GA)	Ellison	Lipinski
Beatty	Engel	Loebsock
Becerra	Enyart	Lofgren
Bera (CA)	Eshoo	Lowenthal
Bishop (GA)	Esty	Lowey
Bishop (NY)	Farr	Lujan Grisham
Blumenauer	Fattah	(NM)
Bonamici	Foster	Lujan, Ben Ray
Brady (PA)	Fudge	(NM)
Braley (IA)	Gabbard	Lynch
Brown (FL)	Galleo	Maffei
Brownley (CA)	Garamendi	Maloney,
Bustos	Garcia	Carolyn
Butterfield	Grayson	Maloney, Sean
Capps	Green, Al	Matheson
Capuano	Green, Gene	Matsui
Cárdenas	Grijalva	McCollum
Carney	Gutiérrez	McDermott
Carson (IN)	Hahn	McGovern
Cartwright	Hanabusa	McIntyre
Castor (FL)	Hastings (FL)	McNerney
Castro (TX)	Heck (WA)	Meeks
Chu	Higgins	Meng
Cicilline	Himes	Michaud
Clarke	Hinojosa	Miller, George
Clay	Holt	Moore
Cleaver	Honda	Moran
Clyburn	Horsford	Murphy (FL)
Cohen	Hoyer	Nadler
Connolly	Huffman	Napolitano
Conyers	Israel	Neal
Costa	Jefferson Lee	Negrete McLeod
Courtney	Jeffries	Nolan
Crowley	Johnson, E. B.	O'Rourke
Cuellar	Kaptur	Owens
Cummings	Keating	Pallone
Davis (CA)	Kelly (IL)	Pascarell
Davis, Danny	Kennedy	Pastor (AZ)
DeFazio	Kildee	Payne
DeGette	Kimmer	Pelosi
Delaney	Kind	Perlmutter
DeLauro	Kirkpatrick	Peters (CA)
DeBene	Kuster	Peters (MI)
Deutsch	Langevin	Peterson
Dingell	Larsen (WA)	Pingree (ME)
Doggett	Larson (CT)	Pocan
Doyle	Lee (CA)	Polis

Price (NC)	Schwartz	Titus
Quigley	Scott (VA)	Tonko
Rahall	Scott, David	Tsongas
Rangel	Serrano	Van Hollen
Richmond	Sewell (AL)	Vargas
Roybal-Allard	Shea-Porter	Veasey
Ruiz	Sherman	Vela
Ruppersberger	Sinema	Velázquez
Ryan (OH)	Sires	Visclosky
Sánchez, Linda	Slaughter	Walz
T.	Smith (WA)	Waters
Sanchez, Loretta	Speier	Watt
Sarbanes	Swalwell (CA)	Waxman
Schakowsky	Takano	Welch
Schiff	Thompson (CA)	Wilson (FL)
Schneider	Thompson (MS)	Yarmuth
Schrader	Tierney	

NOT VOTING—11

Aderholt	Frankel (FL)	Rush
Bass	Herrera Beutler	Sanford
Campbell	Johnson (GA)	Wasserman
Cooper	McCarthy (NY)	Schultz

□ 1409

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

Stated against:

Ms. FRANKEL of Florida. Mr. Speaker, on rollcall No. 563, had I been present, I would have voted “no.”

The SPEAKER pro tempore (Mr. WOMACK). 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. POLIS. 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 230, noes 188, not voting 12, as follows:

[Roll No. 564]

AYES—230

Amash	Culberson	Harris
Amodei	Daines	Hartzler
Bachmann	Davis, Rodney	Hastings (WA)
Bachus	Denham	Heck (NV)
Barber	Dent	Hensarling
Barletta	DeSantis	Holding
Barr	DesJarlais	Hudson
Barton	Duffy	Huelskamp
Benishek	Duncan (SC)	Huizenga (MI)
Bentivolio	Duncan (TN)	Hultgren
Bilirakis	Ellmers	Hunter
Bishop (UT)	Farenthold	Hurt
Black	Fincher	Issa
Blackburn	Fitzpatrick	Jenkins
Boustany	Fleischmann	Johnson (OH)
Brady (TX)	Fleming	Johnson, Sam
Bridenstine	Flores	Jones
Brooks (AL)	Forbes	Jordan
Brooks (IN)	Fortenberry	Joyce
Broun (GA)	Foxx	Kelly (PA)
Buchanan	Franks (AZ)	King (IA)
Bucshon	Frelinghuysen	King (NY)
Burgess	Gardner	Kingston
Calvert	Garrett	Kinzinger (IL)
Camp	Gerlach	Kline
Cantor	Gibbs	Labrador
Capito	Gibson	LaMalfa
Carter	Gingrey (GA)	Lamborn
Cassidy	Gohmert	Lance
	Goodlatte	Lankford
	Gosar	Latham
	Gowdy	Latta
	Granger	LoBiondo
	Graves (GA)	Long
	Graves (MO)	Lucas
	Griffin (AR)	Luetkemeyer
	Griffith (VA)	Lummis
	Grimm	Marchant
	Guthrie	Marino
	Hall	Massie
	Hanna	McCarthy (CA)
	Harper	McCaul

McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pausen
Pearce
Perry
Peters (CA)
Petri
Pittenger
Pitts
Poe (TX)
Pompeo

Posey
Price (GA)
Radel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)

Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

Walz
Waters
Watt
Welch
Wilson (FL)
Yarmuth

Aderholt
Bass
Campbell
Cooper
Cramer

Diaz-Balart
Herrera Beutler
McCarthy (NY)
Rush
Sanford

Wasserman
Schultz
Waxman

NOT VOTING—12

□ 1418

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.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

CENTRAL OREGON JOBS AND
WATER SECURITY ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2640) to amend the Wild and Scenic Rivers Act to adjust the Crooked River boundary, to provide water certainty for the City of Prineville, Oregon, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2640

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Central Oregon Jobs and Water Security Act”.

SEC. 2. WILD AND SCENIC RIVER; CROOKED, OREGON.

Section 3(a)(72) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)(72)) is amended as follows:

(1) By striking “15-mile” and inserting “14.75-mile”.

(2) In subparagraph (B)—

(A) by striking “8-mile” and all that follows through “Bowman Dam” and inserting “7.75-mile segment from a point one-quarter mile downstream from the toe of Bowman Dam”; and

(B) by adding at the end the following: “The developer for any hydropower development, including turbines and appurtenant facilities, at Bowman Dam, in consultation with the Bureau of Land Management, shall analyze any impacts to the Outstandingly Remarkable Values of the Wild and Scenic River that may be caused by such development, including the future need to undertake routine and emergency repairs, and shall propose mitigation for any impacts as part of any license application submitted to the Federal Energy Regulatory Commission.”.

SEC. 3. CITY OF PRINEVILLE WATER SUPPLY.

Section 4 of the Act of August 6, 1956 (70 Stat. 1058), (as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954)) is further amended as follows:

(1) By striking “ten cubic feet” the first place it appears and inserting “17 cubic feet”.

(2) By striking “during those months when there is no other discharge therefrom, but this release may be reduced for brief temporary periods by the Secretary whenever he may find that release of the full ten cubic feet per second is harmful to the primary purpose of the project”.

(3) By adding at the end the following: “Without further action by the Secretary, and as determined necessary for any given year by the City of Prineville, up to seven of the 17 cubic feet per second minimum release shall also serve as mitigation for City of Prineville groundwater pumping, pursuant to and in a manner consistent with Oregon State law, including any shaping of the release of the up to seven cubic feet per second to coincide with City of Prineville groundwater pumping as may be required by the State of Oregon. As such, the Secretary is authorized to make applications to the State of Oregon in conjunction with the City to protect these supplies instream. The City shall make payment to the Secretary for that portion of the minimum release that actually serves as mitigation pursuant to Oregon State law for the City in any given year, with the payment for any given year equal to the amount of mitigation in acre feet required to offset actual City groundwater pumping for that year in accordance with Reclamation ‘Water and Related Contract and Repayment Principles and Requirements’, Reclamation Manual Directives and Standards PEC 05-01, dated 09/12/2006, and guided by ‘Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies’, dated March 10, 1983. The Secretary is authorized to contract exclusively with the City for additional amounts in the future at the request of the City.”.

SEC. 4. FIRST FILL PROTECTION.

The Act of August 6, 1956 (70 Stat. 1058), as amended by the Acts of September 14, 1959 (73 Stat. 554), and September 18, 1964 (78 Stat. 954), is further amended by adding at the end the following:

“SEC. 6. Other than the 17 cubic feet per second release provided for in section 4, and subject to compliance with the Army Corps of Engineers’ flood curve requirements, the Secretary shall, on a ‘first fill’ priority basis, store in and release from Prineville Reservoir, whether from carryover, infill, or a combination thereof, the following:

“(1) 68,273 acre feet of water annually to fulfill all 16 Bureau of Reclamation contracts existing as of January 1, 2011, and up to 2,740 acre feet of water annually to supply the McKay Creek lands as provided for in section 5 of this Act.

“(2) Not more than 10,000 acre feet of water annually, to be made available to the North Unit Irrigation District pursuant to a Temporary Water Service Contract, upon the request of the North Unit Irrigation District, consistent with the same terms and conditions as prior such contracts between the District and the Bureau of Reclamation.

“SEC. 7. Except as otherwise provided in this Act, nothing in this Act—

“(1) modifies contractual rights that may exist between contractors and the United States under Reclamation contracts;

“(2) amends or reopens contracts referred to in paragraph (1); or

“(3) modifies any rights, obligations, or requirements that may be provided or governed by Oregon State law.”.

SEC. 5. OCHOCO IRRIGATION DISTRICT.

(a) EARLY REPAYMENT.—Notwithstanding section 213 of the Reclamation Reform Act of 1982 (43 U.S.C. 390mm), any landowner within Ochoco Irrigation District in Oregon, may repay, at any time, the construction costs of

NOES—188

Andrews
Barrow (GA)
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Ciilline
Clarke
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Galego
Garamendi

Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Joh
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebach
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney
Malone
Matheson
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George

Moore
Moran
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky