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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. VALADAO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 9, 2015.

I hereby appoint the Honorable DAVID G. VALADAO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 6, 2015, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

END-OF-LIFE CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. One of the most difficult and challenging situations any family faces is dealing with circumstances surrounding the end of life.

Earlier this week, NPR ran a fascinating story on a little-known fact that physicians die differently than the rest of us. They are more comfortable. They are more likely to spend their final days surrounded by loved ones. They seldom die in an ICU or even in a

hospital setting. That is because doctors understand what works and what doesn't. Doctors are very clear about their wishes, and they choose quality of life and concern for their families as well as their own well-being.

I have been working in this area of end of life care for more than 6 years. The Ways and Means committee unanimously approved my legislation as part of the Affordable Care Act to provide greater support for families with that decisionmaking process.

It did pass the committee unanimously as part of the Affordable Care Act, even despite the furor of the 2009 lie of the year about death panels, on the strength of some of the most compelling testimony that was delivered not by expert witnesses, but by Members of the committee.

One of our Republican Members discussed how his mother didn't get the care that she needed at the end of her life. Another physician Member of the committee explained how he had these conversations repeatedly, but unfortunately they were often much later than they should have been. There wasn't adequate time for the family to prepare.

Well, there has been a sea change on this issue in part because of rising public awareness. Support for our bipartisan legislation, the Personalize Your Care Act, which I have worked on for years now with Dr. PHIL ROE, has made great strides forward.

We have had advocates like Dr. Bill Frist, former Republican leader of the Senate, who has spoken eloquently and written forcefully about the need to help families under these trying conditions.

The Reverend Billy Graham has written about how it is Christian responsibility to take this on for ourselves and spare our loved ones uncertainty.

Dr. Atul Gawande recently published a brilliant work, "Being Mortal," which quickly climbed to the top of the

best seller list for The New York Times.

The Institute of Medicine has put out a seminal, over 600-page report about dying in America that talked about the problems and opportunities to provide more choices and protect people's wishes.

Yesterday was another important landmark where the administration published a proposed fee schedule for next year in which they have assigned an activity code with payment for advanced care planning.

Now, of course, this is merely a proposal and CMS is still seeking comment, but it is a historic step forward for a decision that will be finalized this fall. It is yet another indication that we can and will do a better job of meeting the needs of America's families under the most difficult of circumstances.

We will make sure Americans have all the information they need to make the right decisions for themselves and their family and then to assure that those decisions, whatever they may be, are honored and enforced.

Medicare will pay for thousands of expensive medical procedures, and now, for the first time, the government is placing a value on this important conversation between a patient and their chosen medical professional.

Now it is the job of the rest of us to do our part to spare our loved ones. Who will speak for us if we are unable to speak for ourselves, and what will they say?

PROPOSED FIDUCIARY STANDARDS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. JOLLY) for 5 minutes.

Mr. JOLLY. Mr. Speaker, most economists and financial advisers have recognized that families across the United States are headed toward a

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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major retirement crisis. Studies have shown that a majority of households headed by someone aged 59 or younger are in danger of suffering from falling living standards in their retirement years.

And so the administration and this Congress should be advancing policies that make retirement counseling, savings advice, and investment services more accessible, not less. Retirement planning, savings counseling, and investment advice can improve the quality of life and economic stability of every American.

Yet recent actions by this administration, however well intended, will make these financial services less accessible and less affordable to those who are in most need of them by forever changing the rules regarding financial advising related to retirement accounts.

Mr. Speaker, for years the community of financial advisers, including those throughout Pinellas County and the Tampa Bay area that I have the privilege to represent, has been governed by what is known as the suitability standard; that is, a financial adviser is required to provide financial counseling and investment recommendations that are suitable for a client based upon that client's financial position and financial goals. The suitability standard requires advisers to act fairly in dealing with clients.

This suitability standard has served individual investors well for many years, creating a market for financial services for new and low dollar investors seeking basic investment services and thoughtful financial and retirement planning.

But the administration is now in the process of replacing that standard with a new standard called the fiduciary standard. This new standard, under the guise of protecting investors, will actually have the opposite effect. The administration's proposed rule will ultimately reduce or, in some cases, eliminate financial counseling, products, and services to new and low dollar investors. The rule will result in the elimination of financial products that adequately compensate advisers for their services, and it will increase the cost of compliance on advisers who ultimately will need to pass on those costs to clients through a higher fee structure. And it will simply cause some advisers to cease serving many clients who are, in fact, in most need of financial services.

But worse, Mr. Speaker, the Department of Labor's new rule reflects the approach we continue to see from regulators throughout this administration, an arrogant and demeaning suggestion that industry throughout America is necessarily comprised of all bad actors, and unless these actors are forced to do so by this administration, they will no longer do right or do good but for the heavy hand of government and the heavy hand of this administration making them do so. It is a Washington-

knows-best approach that communities across the country continue to reject.

My message today is a simple one: The administration can do better. Do not issue the proposed new fiduciary standard rule.

The Department received thousands of comments about the proposed rule and seemingly ignored them all.

Members of Congress from both sides of the aisle have sent letters to the Department of Labor expressing the negative impacts that this proposal would have on their communities, and we have begged the Department of Labor to revisit this rule and simply do better on behalf of the American people.

Congress has also taken action on its own and will continue to do so. Recently, the Appropriations Committee included provisions within their respective bills in the House and Senate to halt the administration from moving forward on this perhaps well-intended but completely wrong proposed rule. It was right that we did so.

The administration simply must do better. It starts with recognizing that the financial adviser industry is comprised of men and women across this country who provide a valuable contribution to individuals and couples seeking retirement guidance.

Then let's realize that transparency and sunlight can solve most concerns. But to instead impose a new legal standard that will only increase compliance cost, result in expensive and needless litigation and ever more trial attorney fees and will ultimately eliminate financial counseling to hundreds of thousands of families who need it most, well, Mr. Speaker, that is the wrong answer.

Let's keep the suitability standard. Let's trust financial advisers for the good service they provide. Let's strictly enforce the current law against the very small number of individuals who seek to take advantage of individual investors. Let's protect financial services for those who need them most. And let's revisit a rulemaking process that focuses only on transparency, ultimately providing consumers and clients with the information they need to make responsible investment decisions and to responsibly select a financial adviser that is right for them.

It is time that this administration begins trusting the American people.

IMMIGRATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, for the record, I am not Mexican, and I am not an immigrant. Given the rhetoric of one of the leading Republican candidates for President, it is important to point that out at the start before I am accused of being a criminal, a drug dealer, or a rapist.

To be fair, Donald Trump didn't say that all Latinos or all Mexicans are rapists, just that the vast majority of

Mexican immigrants are rapists, drug dealers, and criminals. Clearly, if anyone has firsthand knowledge of Mexican immigrants working in the United States, it should be the owner of a hotel, casino, office buildings, or a clothing line. But Trump doesn't seem to be basing his opinions about Mexican immigrants on personal knowledge.

To justify his claims, Trump says that most of the women coming from Central America to the U.S. through Mexico and other countries report being sexually assaulted. On this point, he and I have some agreement. Women and children at the lowest rung of our economic and social ladder are incredibly vulnerable to sexual assault and rape. But the leap from saying that most undocumented women are vulnerable to assault and saying most undocumented men are rapists is, as he might say himself, huge.

The documentary on PBS Frontline, "Rape in the Fields," was a powerful expose on how immigrant women toiling in our fields are regularly the victims of rape and abuse because perpetrators recognize how vulnerable immigrant women are. They are afraid to talk to the police, afraid they will be deported, and afraid they will lose their children. And this fear to report crimes makes us all less safe.

Yes, the rape and abuse is sometimes perpetrated by other Latino immigrants, perhaps even Mexicans, but these crimes are also committed by men of all colors and national origins, including red, white, and blue Americans.

So when Donald Trump says on CNN, "Well, someone is doing the raping," as further evidence that we should be building a big wall so he can plaster his name on it and keep immigrants out, I think it is pretty clear The Donald misses the point.

The question is: How do we create an immigration system that protects us from criminals and that allows people to come with visas and not smugglers so that their work is honored, safe, protected by our labor laws? How do we make sure that these workers who contribute so much to America's economy are not afraid to dial 911 and report wage theft or assault when someone, anyone, is threatening them or their families?

Now, the anti-immigration wing of the Republican Party in this body and on the air is saying that Trump may have a point. After all, a beautiful, innocent woman was shot in cold blood by a Mexican immigrant in San Francisco just last week.

Why wasn't he deported? Why wasn't he held in jail the last time? And you will actually hear this on FOX News: Why is President Obama letting Mexicans kill beautiful young American women?

As the father of two daughters about the age of Kate Steinle, the young woman who was shot and killed, I pray every night that no one of any racial or