

North Carolina Justice Center
U.S. PIRG
Woodstock Institute.

Mr. MCGOVERN. Mr. Speaker, it is clear we have a disagreement here, and it ought to be resolved in an open and fair fashion with a debate and a vote on an amendment. We are not going to have that.

So I am just going to close by saying to my colleagues on both sides of the aisle I have got a radical idea for what I think is the greatest democratic institution in the world, the United States Congress. That radical idea is that we ought to allow a little democracy to happen here. We ought to not be afraid of debate. We ought to not be afraid of allowing at least one amendment—that is all, one amendment—to come to the floor so that the concerns that we have voiced on our side of the aisle, a worry that consumers will once again become victims and get a raw deal, could be avoided. We ought to have that debate, and we ought to vote up or down on it.

This grace period is, as I said, supported by everybody. It is supported by the CFPB. We are all on board on that. That is not the controversy. The controversy is this added stuff. And the way the majority has decided to handle this—to shut the whole process down—that is, I think, beneath what this institution should be about.

So I would urge my colleagues in the strongest possible terms to please vote against this rule. Send a message to the leadership here that we need to do this better. We need a better process. This process is lousy, and we all should be fed up with it.

I yield back the balance of my time.

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

Mr. Speaker, I want to address the thing that the gentleman has continued to talk about: good faith.

Good faith is known in all 50 States. It has been enacted in the Uniform Commercial Code. It is kind of interpreted two ways.

And, by the way, the defendants are the ones who have to prove they acted in good faith, not the litigants, not the people who bring the lawsuit, but the defendants have to meet one of two standards to prove they acted in good faith.

Number one is a reasonableness standard. In general, they relied on something. They were reasonable in their dealings. The plaintiff does not have to prove anything, just the defendant.

The second also uses reasonableness, but it is about intent. If they intended to comply with the standard, that is the other thing that the defendant brings forward.

I want to be clear here. Nothing changes the standard for a plaintiff in this. So this whole argument about whether somebody can act in good faith and yet deceive people, any court in the land would say that can't happen. You can't deceive somebody and

say you acted in good faith. That is not good faith.

So we stand with consumers who want to close on their homes for the American Dream in a timely way. We also stand by those who are trying in good faith to comply with 1,886 pages of regulation. It is important to note that this is a temporary standard through February 1, 2016, to give people a grace period from both administrative actions and legal actions. You have to give them a grace period in both categories.

If you only give an administrative grace period, as the other side of the aisle has argued, everyone will simply run to the courts and there is no grace period there for good faith efforts. Good faith is important. It means something. We stand with consumers. We do not stand with trial lawyers.

This bill allows a transition period to occur and ensure that buyers and sellers can have closings during that period, and those that are acting in good faith will be protected from both regulation and litigation.

Mr. Speaker, I urge my colleagues to support the rule and the underlying bill.

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

The SPEAKER pro tempore (Mr. YODER). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

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

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. SLAUGHTER. Mr. Speaker, I rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

Whereas the attacks in Benghazi, Libya, on September 11, 2012, took the lives of U.S. Ambassador Christopher Stevens, Foreign Service Officer Sean Smith, and former Navy SEALs Tyrone Woods and Glen Doherty;

Whereas the events leading up to and in the immediate aftermath of the attacks on the U.S. consulate in Benghazi were rightfully and thoroughly examined to honor the memory of the victims and to improve the safety of the men and women serving our country overseas;

Whereas the independent Accountability Review Board convened by the U.S. State Department investigated the events in Benghazi and found no evidence of deliberate wrongdoing;

Whereas five committees in the U.S. House of Representatives investigated the events in Benghazi and found no evidence of deliberate wrongdoing;

Whereas four committees in the U.S. Senate investigated the events in Benghazi and found no evidence of deliberate wrongdoing;

Whereas in each fiscal year, more than \$4 billion is appropriated to run the Congress, with untold amounts of this taxpayer money expended by nine Congressional committees to investigate the events in Benghazi, none of which produced any evidence of deliberate wrongdoing;

Whereas after the exhaustive, thorough, and costly investigations by nine Congressional committees and the independent Accountability Review Board found no evidence of deliberate wrongdoing, Republican leaders in the House insisted on using taxpayer dollars to fund a new, duplicative "Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi," (hereafter the Select Committee) to re-examine the matter;

Whereas this taxpayer-funded committee was given broad powers to pursue its investigations, including an unlimited, taxpayer-funded budget and granting the Chairman the legal authority to subpoena documents and compel testimony without any debate or a vote;

Whereas the ongoing Republican-led investigation into the events in Benghazi is now one of the longest running and least productive investigations in Congressional history;

Whereas a widely-quoted statement made on September 29th, 2015 by Representative Kevin McCarthy, the Republican Leader of the House of Representatives, has called into question the integrity of the proceedings of the Select Committee and the House of Representatives as a whole;

Whereas this statement by Representative McCarthy demonstrates that the Select Committee established by Republican leaders in the House of Representatives was created to influence public opinion of a presidential candidate;

Whereas the Select Committee has been in existence for 17 months but has held only three hearings;

Whereas the Select Committee abandoned its plans to obtain public testimony from Defense Department and Intelligence Community leaders;

Whereas the Select Committee excluded Democratic Members from interviews of witnesses who provided exculpatory information related to its investigation;

Whereas information obtained by the Select Committee has been selectively and inaccurately leaked to influence the electoral standing of a candidate for public office;

Whereas such actions represent an abuse of power that demonstrates the partisan nature of the Select Committee;

Whereas the Select Committee has spent more than \$4.5 million in taxpayer funds to date to advance its partisan efforts;

Whereas this amount does not include the costs of the independent Accountability Review Board; the hearings and reports by nine Congressional committees; the time, money, and resources consumed by Federal agencies to comply with Select Committee requests; or the opportunity cost of not spending this money elsewhere, such as improving security for our diplomatic officers abroad;

Whereas it is an outrage that more than \$4.5 million in taxpayer funds have been used by Republicans in the House of Representatives, not to run the government, but to interfere inappropriately with an election for president of the United States;

Whereas the use of taxpayer dollars by the House of Representatives for campaign purposes is a violation of the Rules of the House and Federal law;

Resolved, That:

1) this misuse of the official resources of the House of Representatives for political purposes undermines the integrity of the proceedings of the House and brings discredit to the House;

2) the integrity of the proceedings of the House can be fully restored only by the dissolution of the Select Committee; and

3) the Select Committee shall be dismantled and is hereby directed to make public within thirty days transcripts of all unclassified interviews and depositions it has conducted.

The SPEAKER pro tempore. The Chair would entertain argument on whether the resolution qualifies as a question of the privileges of the House. Does any Member seek recognition?

If not, the Chair will rule.

The gentlewoman from New York seeks to offer a resolution as a question of the privileges of the House under rule IX. The resolution alleges that a select committee established by order of the House has misused House resources for a political purpose and proposes to dismantle the select committee.

In evaluating the resolution under rule IX, the Chair must determine whether the resolution affects “the rights of the House collectively, its safety, dignity, and the integrity of its proceedings.” In addition, Cannon’s Precedents, volume 6, section 395 cites the precedent of September 24, 1917, for the proposition that “the presence of unprivileged matter destroys the privilege of a resolution otherwise privileged.” That ruling is the foundation for the principle that either the entire resolution is privileged, or none of it is.

Section 706 of the House Rules and Manual documents several precedents holding that a resolution alleging a question of the privileges of the House may not collaterally challenge a rule of the House.

One such precedent occurred on January 23, 1984. On that date, Speaker O’Neill ruled that a resolution directing a change in political ratios of committee membership did not qualify as a question of privilege because that issue could be otherwise presented to the House in a privileged manner. The Speaker noted that the resolution itself did not constitute a change in the rules of the House, but nevertheless held that the resolution did not qualify because it presented a collateral challenge to an adopted rule of the House.

The Chair would also note the events of January 31, 1996, when a resolution directing the Speaker to withdraw an invitation for a foreign head of state to address a joint meeting of Congress was held not to present a question of privilege because it proposed a collateral change in a previous order of the House.

In each of these cases, the crucial question was whether the resolution presented a collateral challenge to an existing rule or order of the House.

The resolution offered by the gentlewoman from New York proposes to dismantle the Select Committee on the Events Surrounding the 2012 Terrorist Attack in Benghazi, which was established in the 114th Congress by section 4(a) of House Resolution 5, adopted by the House on January 6, 2015. The resolution presents a collateral challenge

to that order of the House. As such, the resolution does not constitute a question of the privileges of the House.

Ms. SLAUGHTER. Mr. Speaker, I appeal the ruling of the Chair.

The SPEAKER pro tempore. The question is, Shall the decision of the Chair stand as the judgment of the House?

MOTION TO TABLE

Mr. STIVERS. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER pro tempore. The question is on the motion to table.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on adoption of House Resolution 462.

The vote was taken by electronic device, and there were—yeas 240, nays 183, not voting 11, as follows:

[Roll No. 536]

YEAS—240

Abraham	Farenthold	LaHood	Roe (TN)	Shimkus	Walter
Aderholt	Fincher	LaMalfa	Rogers (AL)	Shuster	Walters, Mimi
Allen	Fitzpatrick	Lamborn	Rogers (KY)	Simpson	Weber (TX)
Amash	Fleischmann	Lance	Rohrabacher	Smith (MO)	Webster (FL)
Amodei	Fleming	Latta	Rokita	Smith (NE)	Wenstrup
Babin	Flores	LoBiondo	Rooney (FL)	Smith (NJ)	Westerman
Bartletta	Forbes	Long	Ros-Lehtinen	Stefanik	Westmoreland
Barr	Fortenberry	Loudermilk	Roskam	Stewart	Whitfield
Barton	Foxx	Love	Rothfus	Stivers	Wilson (SC)
Benishek	Franks (AZ)	Lucas	Rouzer	Thompson (PA)	Wittman
Bilirakis	Frelinghuysen	Luetkemeyer	Russell	Tiberti	Yoder
Bishop (MI)	Garrett	MacArthur	Ryan (WI)	Tipton	Yoho
Bishop (UT)	Gibbs	Marchant	Salmon	Trott	Young (AK)
Black	Gibson	Marino	Sanford	Turner	Young (IA)
Blackburn	Gohmert	Massie	Scalise	Upton	Young (IN)
Blum	Goodlatte	McCarthy	Schweikert	Valadao	Zeldin
Bost	Gosar	McCaull	Scott, Austin	Wagner	Zinke
Boustany	Gowdy	McClintock	Sensenbrenner	Walberg	
Brady (TX)	Graves (GA)	McHenry	Sessions	Walden	
Brat	Graves (LA)	McKinley			
Bridenstine	Graves (MO)	McMorris			
Brooks (AL)	Griffith	Rodgers			
Brooks (IN)	Grothman	McSally			
Buchanan	Guinta	Meadows			
Buck	Guthrie	Meehan			
Bucshon	Hanna	Messer			
Burgess	Hardy	Mica			
Byrne	Harper	Miller (FL)			
Calvert	Harris	Miller (MI)			
Carter (GA)	Hartzler	Moolenaar			
Carter (TX)	Heck (NV)	Mooney (WV)			
Chabot	Hensarling	Mullin			
Chaffetz	Herrera Beutler	Mulvaney			
Clawson (FL)	Hice, Jody B.	Murphy (PA)			
Coffman	Hill	Neugebauer			
Cole	Holding	Noem			
Collins (GA)	Huelskamp	Nugent			
Collins (NY)	Huizenga (MI)	Nunes			
Comstock	Hultgren	Olson			
Conaway	Hunter	Palazzo			
Cook	Hurd (TX)	Palmer			
Costello (PA)	Hurt (VA)	Paulsen			
Cramer	Issa	Pittenger			
Crawford	Jenkins (KS)	Pearce			
Crenshaw	Jenkins (WV)	Perry			
Culberson	Johnson (OH)	Pitts			
Curbelo (FL)	Johnson, Sam	Poe (TX)			
Davis, Rodney	Jolly	Poliquin			
Denham	Jones	Pompeo			
Dent	Jordan	Posey			
DeSantis	Joyce	Price, Tom			
DesJarlais	Katko	Ratcliffe			
Diaz-Balart	Kelly (MS)	Reed			
Dold	Kelly (PA)	Reichert			
Donovan	King (IA)	Renacci			
Duffy	King (NY)	Ribble			
Duncan (SC)	Kinzinger (IL)	Rice (SC)			
Duncan (TN)	Kline	Rigell			
Ellmers (NC)	Knight	Roby			
Emmer (MN)	Labrador				

NAYS—183

Adams	Fudge	Napolitano
Aguilar	Gabbard	Neal
Ashford	Gallego	Nolan
Bass	Garamendi	Norcross
Beatty	Graham	O’Rourke
Becerra	Grayson	Pallone
Bera	Green, Al	Pascarella
Beyer	Green, Gene	Pelosi
Bishop (GA)	Grijalva	Perlmutter
Blumenauer	Gutiérrez	Peters
Bonamici	Hahn	Peterson
Boyle, Brendan F.	Hastings	Pingree
Brady (PA)	Heck (WA)	Pocan
Brown (FL)	Higgins	Polis
Brownley (CA)	Himes	Price (NC)
Bustos	Honda	Quigley
Butterfield	Hoyer	Rangel
Capps	Huffman	Rice (NY)
Capuano	Israel	Richmond
Cárdenas	Jackson Lee	Royal-Allard
Latta	Jeffries	Ruiz
Carney	Johnson (GA)	Ruppersberger
Carson (IN)	Johnson, E. B.	Rush
Castor (FL)	Kaptur	Ryan (OH)
Castro (TX)	Keating	Sánchez, Linda T.
Chu, Judy	Kelly	Sánchez, Loretta
Cicilline	Kennedy	Sarbanes
Clark (MA)	Kildee	Schakowsky
Clarke (NY)	Kilmer	Schiff
Marshall	Kind	Schrader
Marino	Kirkpatrick	Scott, David
McCarthy	Clay	Serrano
McCaull	Cleaver	Speier
McClintock	Clyburn	Sewell (AL)
McHenry	Connolly	Lawrence
McKinley	Conyers	Lee
McMorris	Cooper	Sires
Rodgers	Costa	Slaughter
McSally	Courtney	Lewis
Meadows	Crowley	Smith (WA)
Meehan	DeLauro	Titus
Messer	DelBene	Tonko
Mica	Davis (CA)	Torres
Miller (FL)	DeFazio	Takai
Miller (MI)	DeGette	Takano
Moorlach	Delaney	Thompson (CA)
Mooney (WV)	DeLauro	Thompson (MS)
Mullin	DelBene	Titus
Mulvaney	DeSaulnier	Swalwell (CA)
Murphy (PA)	Deutch	Van Hollen
Neugebauer	Doggett	Velázquez
Noem	Doyle, Michael F.	Velázquez
Nugent	Duckworth	McCollum
Nunes	Edwards	McDermott
Olson	Ellison	McGovern
Palazzo	Engel	McNerney
Palmer	Eshoo	Meeks
Paulsen	Esty	Meng
Pittenger	Farr	Moore
Pitts	Fattah	Moulton
Poe (TX)	Foster	Murphy (FL)
Poliquin	Frankel (FL)	Nadler
Pompeo	Dingell	Lummis
Posey	Granger	Payne
Price, Tom	Hinojosa	Scott (VA)
Ratcliffe	Hudson	Sinema

NOT VOTING—11

Carolyn Maloney, Sean P. Maloney	Vargas
Matsui	Veasey
McCullum	Vela
McDermott	Velázquez
McGovern	Wasserman
McNerney	Waters, Maxine
Meeks	Watson Coleman
Meng	Welch
Moore	Wilson (FL)
Moulton	Yarmuth

□ 1413

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3192, HOMEBUYERS ASSISTANCE ACT, AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM OCTOBER 12, 2015, THROUGH OCTOBER 19, 2015

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 462) providing for consideration of the bill (H.R. 3192) to provide for a temporary safe harbor from the enforcement of integrated disclosure requirements for mortgage loan transactions under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, and for other purposes, and providing for proceedings during the period from October 12, 2015, through October 19, 2015, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 238, nays 181, not voting 15, as follows:

[Roll No. 537]

YEAS—238

Abraham	Dold	Jolly	Palazzo	Roskam	Tipton	Tipton
Aderholt	Donovan	Jones	Palmer	Ross	Trott	Trott
Allen	Duffy	Jordan	Paulsen	Rothfus	Turner	Turner
Amash	Duncan (SC)	Joyce	Pearce	Rouzer	Upton	Upton
Amodei	Duncan (TN)	Katko	Perry	Royce	Valadao	Valadao
Babin	Ellmers (NC)	Kelly (MS)	Pittenger	Russell	Wagner	Wagner
Barletta	Emmer (MN)	Kelly (PA)	Pitts	Ryan (WI)	Walden	Walden
Barr	Farenthold	King (IA)	Poe (TX)	Salmon	Walker	Walker
Barton	Fincher	King (NY)	Poliquin	Sanford	Walters, Mimi	Walters, Mimi
Benishek	Fitzpatrick	Kinzinger (IL)	Pompeo	Scalise	Weber (TX)	Weber (TX)
Bilirakis	Fleischmann	Kline	Posey	Schweikert	Webster (FL)	Webster (FL)
Bishop (MI)	Fleming	Knight	Price, Tom	Scott, Austin	Wenstrup	Wenstrup
Bishop (UT)	Flores	Labrador	Ratcliffe	Sensenbrenner	Westerman	Westerman
Black	Fortenberry	LaHood	Reed	Sessions	Westmoreland	Westmoreland
Blackburn	Foxx	LaMalfa	Reichert	Shimkus	Whitfield	Whitfield
Blum	Franks (AZ)	Lamborn	Renacci	Shuster	Wilson (SC)	Wilson (SC)
Bost	Frelinghuysen	Lance	Ribble	Simpson	Wittman	Wittman
Boustany	Garrett	Latta	Rice (SC)	Smith (MO)	Womack	Womack
Brady (TX)	Gibbs	LoBiondo	Rigell	Smith (NE)	Woodall	Woodall
Brat	Gibson	Long	Roby	Smith (NJ)	Yoder	Yoder
Bridenstine	Gohmert	Loudermilk	Roe (TN)	Stefanik	Yoho	Yoho
Brooks (AL)	Goodlatte	Love	Rogers (AL)	Stewart	Young (AK)	Young (AK)
Brooks (IN)	Gosar	Lucas	Rogers (KY)	Stivers	Young (IA)	Young (IA)
Buchanan	Gowdy	Luetkemeyer	Rohrabacher	Stutzman	Young (IN)	Young (IN)
Buck	Graves (GA)	MacArthur	Rokita	Thompson (PA)	Zeldin	Zeldin
Bucson	Graves (LA)	Marchant	Rooney (FL)	Thornberry	Tiberi	Zinke
Burgess	Graves (MO)	Marino	Ros-Lehtinen			
Byrne	Griffith	Massie				
Calvert	Grothman	McCarthy				
Carter (GA)	Guinta	McCaull				
Carter (TX)	Guthrie	McClintock				
Chabot	Hanna	McHenry				
Chaffetz	Hardy	McKinley				
Clawson (FL)	Harper	McMorris				
Coffman	Harris	Rodgers				
Cole	Hartzler	McSally				
Collins (GA)	Heck (NV)	Meadows				
Collins (NY)	Hensarling	Meehan				
Comstock	Herrera Beutler	Messer				
Conaway	Hice, Jody B.	Mica				
Cook	Hill	Miller (FL)				
Costello (PA)	Holding	Miller (MI)				
Cramer	Huelskamp	Moolenaar				
Crawford	Huizenga (MI)	Mooney (WV)				
Crenshaw	Hultgren	Mullin				
Culberson	Hunter	Mulvaney				
Curbelo (FL)	Hurd (TX)	Murphy (PA)				
Davis, Rodney	Hurt (VA)	Neugebauer				
Denham	Issa	Newhouse				
Dent	Jenkins (KS)	Noem				
DeSantis	Jenkins (WV)	Nugent				
DesJarlais	Johnson (OH)	Nunes				
Diaz-Balart	Johnson, Sam	Olson				

NOT VOTING—15

Dingell	Lummis	Speier
Forbes	Payne	Velázquez
Granger	Scott (VA)	Walberg
Hinojosa	Sinema	Walorski
Hudson	Smith (TX)	Williams

□ 1421

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.

PERMISSION TO POSTPONE ADOPTION OF MOTION TO RECOMMIT ON H.R. 3192, HOMEBUYERS ASSISTANCE ACT

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that the question of adopting a motion to recommit on H.R. 3192 may be subject to postponement as though under clause 8 of rule XX.

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

There was no objection.

HOMEBUYERS ASSISTANCE ACT

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 462, I call up the bill (H.R. 3192) to provide for a temporary safe harbor from the enforcement of integrated disclosure requirements for mortgage loan transactions under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 462, the bill is considered read.

The text of the bill is as follows:

H.R. 3192

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 “Homebuyers Assistance Act”.

SEC. 2. ENFORCEMENT SAFE HARBOR.

The integrated disclosure requirements for mortgage loan transactions under section 4(a) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2603(a)), section 105(b) of the Truth in Lending Act (15 U.S.C. 1604(b)), and regulations issued under such sections may not be enforced against any person until February 1, 2016, and no suit may be filed against any person for a violation of such requirements occurring before such date, so long as such person has made a good faith effort to comply with such requirements.

The SPEAKER pro tempore. The bill shall be debatable for 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and