

United States Commission on International Religious Freedom.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

□ 1230

PROVIDING FOR CONSIDERATION OF H.R. 4901, SCHOLARSHIPS FOR OPPORTUNITY AND RESULTS REAUTHORIZATION ACT; PROVIDING FOR CONSIDERATION OF H.J. RES. 88, DISAPPROVING DEPARTMENT OF LABOR RULE RELATED TO DEFINITION OF THE TERM "FIDUCIARY"; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM MAY 2, 2016, THROUGH MAY 9, 2016

Ms. FOXX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 706 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 706

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4901) to reauthorize the Scholarships for Opportunity and Results Act, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 88) disapproving the rule submitted by the Department of Labor relating to the definition of the term "Fiduciary". All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce; and (2) one motion to recommit.

SEC. 3. On any legislative day during the period from May 2, 2016, through May 9, 2016—

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

(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. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

SEC. 5. The Committee on Armed Services may, at any time before 5 p.m. on Wednesday, May 4, 2016, file a report to accompany H.R. 4909.

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

Ms. FOXX. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from New York (Ms. SLAUGHTER), 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

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

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

There was no objection.

Ms. FOXX. Mr. Speaker, House Resolution 706 provides a closed rule for the consideration of H.R. 4901, the Scholarships for Opportunity and Results Reauthorization Act, as it is the product of careful bipartisan and bicameral negotiations.

It also provides a closed rule for the consideration of H.J. Res. 88, disapproving the rule submitted by the Department of Labor relating to the definition of the term "fiduciary," which is traditional for Congressional Review Act resolutions.

The underlying bill and resolution we will consider today are important steps forward on two issues of great concern to Americans: education and retirement savings.

H.R. 4901, the Scholarships for Opportunity and Results Reauthorization Act, also known as the SOAR Reauthorization Act, would continue important funding provided to help young students here in Washington, D.C., reach their full potential.

This legislation would provide \$60 million annually for 5 years, split equally among the District's public schools, charter schools, and the District of Columbia Opportunity Scholarship Program, which enables low-income students to attend a private school that would otherwise be out of their reach.

I have great confidence that the SOAR Reauthorization Act is a positive step for students in the District of Columbia and that, through its example, it will provide a model for success that could be adopted by States across the country.

With the adoption of this rule, the House will also provide for the consideration of H.J. Res. 88, a Congressional Review Act resolution disapproving of the Department of Labor's fiduciary rule, a rule that will otherwise soon take effect and limit the ability of Americans to receive adequate advice on how to allocate their retirement savings.

If enacted, this resolution will prevent the red tape and other burdensome mandates that threaten to cut off access to trusted financial advisers and may result in lower savings rates and returns on investment.

As Americans are clamoring for more assistance with retirement savings and financial decisions, we must ensure

that they are encouraged to continue saving and are able to receive helpful guidance. Stopping the harmful fiduciary rule is an important step in that direction.

Mr. Speaker, I commend this rule and both the underlying bill and resolution. I ask my colleagues for their support.

I reserve the balance of my time.

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

Today the majority intends to pass a resolution of disapproval under the Congressional Review Act to overturn the Department of Labor's recent rule-making requiring financial advisers who provide retirement investment advice to abide by a fiduciary standard, meaning that they must act in the best interests of their clients, which seems perfectly legitimate to me. That is right. The House majority is disapproving of financial advisers acting in the best interests of their clients.

Despite the growing importance of individual workers and retirees to obtain sound investment advice, many financial advisers are still not legally required to meet the fiduciary standard of acting in their clients' best interests but, instead, are required only to meet a lower "suitability" standard.

This creates a conflict of interest where advisers are permitted to promote investments that maximized their own returns rather than their clients' returns as long as the investments were still "suitable" for their clients.

That means a small few—and a very small few—unscrupulous financial advisers have been legally permitted to steer clients towards financial products that maximize the advisers' profits through higher fees and commissions even if investments that would produce greater returns for the clients are available.

Few financial advisers, I am sure, are taking advantage of their clients in their saving for retirement. Some experts, however, feel that this rule is necessary. In fact, the White House Council of Economic Advisers estimates that the cost to American retirees is \$17 billion annually. That is no small sum, and I think it does cry out for attention.

It is absurd that, due to loopholes in the current system, retirees do not have a legal right to expect that their financial advisers will act in their best interests.

When you visit your doctor, you have the legal right to expect that he or she will prescribe whatever treatment is in your best interest. You shouldn't have to guess whether or not your financial adviser is following the same fiduciary standard.

The Labor Department's final rule will close these loopholes, protect workers' savings, and ensure that financial advisers act in their clients' best interests.

The final rule is the result of a thoughtful, thorough, and transparent

multiyear process that stands in stark contrast to the majority's decision to rush to judgment and to overturn this rule at a record, unheard-of pace.

The majority marked up the resolution, H.J. Res. 88, only 13 days after the final rule had been published. So, in 13 days, it understood that it was totally unnecessary despite the \$17 billion lost to clients.

This is far shorter than the 55 days that other committees wait, on average, to ensure that there is ample time to fully understand the impact of a final rule.

In its rush to judgment, the majority has been blinded by its ideological opposition to any action taken by the Obama administration and has missed the many changes that have left industry leaders optimistic, including many of the major financial houses and many of the people whose livelihoods are in this kind of advising.

The majority is ignoring the two important protections that this rule will provide to American workers who are trying to save for their retirements. The first is peace of mind, and the second is to make sure that everything is done in their interests.

Mr. Speaker, all of us are sent here to work in the best interests of the American people, not to shield financial companies. So I urge my colleagues to vote "no" on this disapproval resolution.

What is more, in yet another grab bag rule that joins two unrelated measures under a single rule, the Republicans are proposing another misguided bill to meddle in the District of Columbia's local affairs.

The majority has already tried to overturn the District's marijuana, gun, and abortion laws, and now it intends to rewrite D.C.'s education laws in an attack on the District of Columbia's right to home rule.

The D.C. voucher program exempts students from the protection of Federal civil rights laws that apply to public schools—why in the world would we want to do that to them?—and federally funded programs that go with those civil rights laws protections.

Under the voucher program, the Federal funding is considered assistance to the voucher student and not to the school; therefore, the voucher program is not considered a federally funded program.

The program is exempt from titles IV and VI of the Civil Rights Act of 1964; from title IX of the Education Amendments Act of 1972; from the Equal Educational Opportunities Act of 1974; from the Individuals with Disabilities Education Act; from the Rehabilitation Act of 1973; and from titles II and III of the Americans with Disabilities Act of 1990.

I appreciate that we are not doing anything here that is really going to affect the government in any way. Undoubtedly, again, this will be a one-House bill, and we have wasted a week's worth of money—about \$24 mil-

lion—that it takes to run the House. I urge my colleagues to vote "no" on this bill.

I reserve the balance of my time.

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

The Scholarships for Opportunity and Results Reauthorization Act is a program that makes students the priority.

First authorized in 2004, this program has provided significant, life-changing benefits to students for over a decade. It is no secret that many students in the District of Columbia have not received the education they deserve.

Fourth graders in the District scored below all 50 States in average math and reading scores in 2013, and eighth graders had the lowest average math and reading scores in the country.

The SOAR Reauthorization Act continues a three-sector strategy to improve education in the District of Columbia.

First, it provides additional resources to the public school system for its use in improving student achievement.

An equal amount is provided to the innovative charter schools that are opening across the District, which provide a valuable alternative for students who seek a different experience.

Finally, through the Opportunity Scholarship Program, students receive potentially life-changing scholarships to attend private schools that offer opportunities that are rarely seen by low-income students.

We often speak of the States as laboratories of democracy. But, in this instance, it is the District of Columbia that is providing an instructive example of the value of trying different approaches, of studying them, and then of replicating the solutions that work, not the solutions that benefit entrenched interests.

That is why I am so pleased to see that this legislation includes important reforms to the program to ensure it performs at the highest standards and is fully assessed for its effectiveness. It is my hope that these assessment standards will be applied to many other programs at the Department of Education and across the Federal Government.

Parents have also expressed a higher satisfaction rate with their children's schools and have reported that they believe those schools are safer for their children. Both parents and the community support the Opportunity Scholarship Program, with 74 percent supporting a continuation of the program.

It is not hard to understand why that program has that level of support when you consider that 90 percent of students who are participating in the program graduate compared to only 64 percent of students in the schools they left behind.

Mr. Speaker, let me repeat that. Ninety percent of students who are participating in the program graduate compared to only 64 percent of students in the schools they left behind.

□ 1245

How could our colleagues possibly oppose this opportunity for students in the District of Columbia? And that 90 percent graduation rate is even better than the national rate of 82 percent.

It is important to recognize that this legislation has support from across the aisle at the local level. In March 2016, a majority of the D.C. Council and Mayor Muriel Bowser wrote in a letter that "these funds are critical to the gains that the District's public education system has seen in recent years."

I commend the SOAR Reauthorization Act to my colleagues for their support.

I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, the colleagues who have requested time have not shown up. I am prepared to close if Ms. FOXX is.

I reserve the balance of my time.

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

This is not the first time Congress and the public have debated a fiduciary rule conceived by the Department of Labor.

The Department first proposed a rule in 2010, but was later forced to withdraw it due to significant bipartisan opposition. A wide array of stakeholders, both those saving for retirement and those providing assistance to savers, raised legitimate concerns that the Department would be limiting available advice and raising costs.

Unfortunately, the Department chose to ignore the lessons of that debacle and embarked again in 2015 on a misguided effort to create a new fiduciary rule.

Mr. Speaker, it may be helpful to explain exactly why the Department is promulgating rules governing retirement advice whatsoever.

Under the provisions of the Employee Retirement Income Security Act of 1974, also known as ERISA, Federal law establishes ground rules for defined contribution pension plans, which may be 401(k)s, IRAs, or other tax-preferred savings vehicles.

Anyone who exercises discretionary authority over those plans or provides investment advice for a fee to those plans is considered a fiduciary and triggers certain regulatory restrictions that govern their actions. Since 1975, the Department of Labor has used a five-part test to determine when a provider of investment advice is a fiduciary.

As I mentioned earlier, the Obama administration first proposed in 2010 and then in 2015 to expand significantly the definition of fiduciary, which would subject a significant number of new individuals and firms to fiduciary status and have a chilling effect on the willingness of them to provide advice whatsoever to those saving for retirement.

On April 6, the Department finalized its regulation, which will significantly

impact the ability of Americans to receive advice on how to save for retirement and make it more difficult for businesses, in particular small businesses, to establish retirement plans.

At a time when Americans want to save significantly more for retirement, the Department of Labor wants to make it cost prohibitive to offer advice or services to low- and middle-income Americans by increasing compliance costs and the risk of litigation.

Many of the Department's compliance requirements will be counterproductive, as those saving for retirement will be forced to review and sign a number of government-mandated documents instead of focusing on identifying the best options for their retirement savings.

There are also issues related to specific savings vehicles for retirement, such as variable and fixed-indexed annuities, which must comply with the new requirements.

There are also potential class action lawsuits under state law that could prevent good actors in the industry from taking clients and impose an additional cost on savers.

Beyond its impact on individuals saving for retirement and those assisting them, the fiduciary rule will have a negative impact on the businesses that attempt to offer pension plans that benefit their employees.

The rule holds large and small businesses to different standards, with negative implications for those most in need of assistance, which are small businesses with less than \$50 million in assets in their retirement plan. As with so many other provisions of the fiduciary rule, that will raise costs and reduce the choices available to small businesses.

These concerns have been echoed by the National Federation of Independent Businesses and the U.S. Chamber of Commerce. Even the Small Business Administration's Office of Advocacy submitted a comment letter stating that "The proposed rule would increase the costs and burdens associated with serving smaller plans . . . and could limit financial advisers' ability to offer savings and investment advice to clients."

In order to stop the Department of Labor's misguided efforts, Representatives ROE, BOUSTANY, and WAGNER introduced this Congressional Review Act resolution to disapprove of the fiduciary regulation.

The Congressional Review Act provides a special process for consideration of joint resolutions disapproving of a regulation. Should a resolution, such as the one we will consider today, be enacted into law, it will prevent the rule from taking effect or being reissued.

Clearly, if the fiduciary rule comes into effect, millions of Americans and the businesses employing them will be provided with fewer investment opportunities and higher costs, limiting their return on investments and the

amount they are one day able to retire with.

That is why I cosponsored H.J. Res. 88 to disapprove of this harmful rule and enable Americans to continue working with the adviser of their choice and save for retirement in a prudent and cost-effective way.

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

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

Hardworking Americans deserve solid advice about how to save for retirement, not conflicted guidance from financial counselors.

The Department of Labor's fiduciary rule is the product of thoughtful, long-term planning and research because the estimate is that \$17 billion a year is lost to this industry.

I urge my colleagues to support the rule by voting "no" on this rule we have before us.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up a bill that would provide desperately needed funding to combat the Zika virus. We can't put off when the Zika virus is going to arrive. We make no appointments with it. It shows up, and the devastation it produces is well known.

We must not in the Congress of the United States turn our backs on this impending problem facing the United States. It is already here, and I heard just this morning that this summer they are expecting quite a lot of infection to spread. The administration requested this funding more than 2 months ago, and it is reckless to delay the response to this crisis any longer.

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

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

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge my colleagues to vote "no" to defeat the previous question and vote "no" on the rule.

I reserve the balance of my time.

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

I would like to say a few additional things on the benefit of the SOAR Reauthorization Act.

When the Opportunity Scholarship Program, OSP, was first designed, D.C. public school students had the lowest test scores in the Nation. D.C. schools have improved since then, but D.C. public school students continue to test well below national averages. D.C. OSP students are seeing improved achievement against non-OSP students in reading and in graduation rates.

In addition, the D.C. Opportunity Scholarship Program does not take away money from the D.C. public and charter schools nor does it reallocate D.C. education money. In fact, H.R.

4901 directs additional Federal resources to the D.C. education system that would not otherwise be available if not for the OSP.

Finally, there are thousands of families on charter school waiting lists who aren't able to access the schools their children need. OSP allows income-eligible families to get into high-quality district or charter schools who would not otherwise have access to education alternatives.

I reserve the balance of my time.

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

Mr. Speaker, I want to spend a few minutes here talking about precisely what has been going on in this Congress.

Well, 3 or 4 weeks ago the Rules Committee passed out to the House of Representatives three measures. One was to stop all class action lawsuits. One was to damage the Clean Water Act. The third one was that no Federal agency would any longer be allowed to do regulations. It would be done by a group of people set up to do that. I use that illustration a lot because it shows what we are doing here in the House.

Anybody who is familiar with sheet music—and that does go back a long time—when you are playing the piano, do you remember it used to said "vamp till ready" and you would continue playing until the singer would start to sing?

We have been waiting here for a very long time for the singer to start to sing. We have no budget. We don't exactly know where we are going here. The Zika virus is bearing down on us. We have crumbling infrastructure that everybody is worried about. Kids are still drinking lead in Flint, Michigan.

But that is not the only place. In almost every city of the old cities in the Northeast, they still have brick water conduits and wood. Believe that. The city that I represent has some very, very old pipes as well.

So the schools in my district—and I am sure in all the rest of your districts—are finding out that there is lead in the water in their schools as well.

Well, we are going to mess around here with things that happen. And then, when Zika comes and we are not ready, I hope that we will—that we are sitting in this room with people who could do something about it.

I yield back the balance of my time.

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

We are considering crucial legislation today impacting two important issues, ensuring Americans are able to save for retirement and enabling the education of our next generation.

As any parent knows, the education of our children is one of our highest priorities. For far too long, children in Washington, D.C., have not received the education they deserve, and have suffered from unacceptable achievement levels and graduation rates.

The SOAR Reauthorization Act, which this rule provides for consideration of, continues a successful three-

sector approach to improving the lives and educational outcomes of low-income students in the District.

It provides \$60 million in funding for students, split equally among D.C.'s public schools, charter schools, and scholarships for students to attend private schools that would otherwise be out of reach.

Students receiving private school educations have demonstrated higher test scores and significantly higher graduation rates, showcasing the importance of continuing students' access to these institutions.

Students participating in the Opportunity Scholarship Program reauthorized in this legislation have graduated at a rate of 90 percent, besting both other schools in D.C. where only 64 percent of students graduate and the national graduation rate of 82 percent.

These programs are an important example of the need for innovation and experimentation in how to best reform our education system to benefit students, not entrenched interests.

It has been an honor for me personally to witness some of the students who benefited from the programs included in the SOAR Reauthorization Act. After seeing the hope for the future those students have in their eyes, I cannot fathom preventing other students from receiving their own second chances.

It has also been my pleasure over the past several decades to join my husband in working with a number of financial advisers on how best to save for retirement and our other financial goals. Those advisers have always acted in the best interest of our family and provided useful advice that has enabled us to meet our goals.

Unfortunately, I believe that not everyone in Washington believes financial advisers are well-intentioned and skilled. It is my fear that, as private sector actors, not government employees, they are suspected by some of being motivated by greed and taking any opportunity available to take their clients' money for their own.

□ 1300

That is a disturbing viewpoint that has no place in reality. These advisers work with their friends and neighbors in their home communities. The larger companies are brands that have been well established for decades and are subject to significant regulation and public scrutiny from customers and the marketplace. If there were widespread fleecing of those saving for retirement, we would all rightly hear about it.

The reality is that the vast majority of financial advisers, large and small, have been and will continue to act in their clients' best interests. There are laws and regulations in place to ensure bad actors are identified and punished, and I support those enforcement efforts wholeheartedly.

What I and other Members cannot support is another effort by the Department of Labor to vilify an industry

with real consequences for the ability of Americans to save affordably for retirement. We must strengthen our focus on stopping and punishing bad actors instead of increasing rules and regulations that hinder the countless good actors in this industry.

We have a retirement savings crisis in this Nation, Mr. Speaker, and it is vital that every American has access to high-quality advice and an array of financial products available at a low cost.

We can continue to trust Americans to make the right choice. The fiduciary rule takes that right away, and therefore, I am pleased to have an opportunity today to vote on H.J. Res. 88, disapproving the fiduciary rule.

Mr. Speaker, I believe both the underlying bill and resolution are necessary steps on issues of great import to our Nation, and I commend them and this rule, providing for their consideration, to all of my colleagues for their support.

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

AN AMENDMENT TO H. RES. 706 OFFERED BY
MS. SLAUGHTER

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. 5044) making supplemental appropriations for fiscal year 2016 to respond to Zika virus. 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 Appropriations and the chair and ranking minority member of the Committee on the Budget. 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. 5044.

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), de-

scribes 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.

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

The SPEAKER pro tempore (Mr. POE of Texas). The question is on ordering the previous question.

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-

minute votes on adoption of House Resolution 706, if ordered, and the motion to suspend the rules and pass H.R. 5019.

The vote was taken by electronic device, and there were—yeas 231, nays 182, not voting 20, as follows:

[Roll No. 173]

YEAS—231

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

NAYS—182

Adams	Bishop (GA)	Bustos
Aguilar	Blumenauer	Butterfield
Ashford	Bonamici	Capps
Bass	Boyle, Brendan	Capuano
Beatty	F.	Cárdenas
Becerra	Brady (PA)	Carney
Bera	Brown (FL)	Carson (IN)
Beyer	Brownley (CA)	Courtney

Castor (FL)	Honda	Payne
Castro (TX)	Hoyer	Pelosi
Chu, Judy	Huffman	Perlmutter
Cicilline	Israel	Peters
Clark (MA)	Jackson Lee	Peterson
Clarke (NY)	Johnson (GA)	Pingree
Clay	Johnson, E. B.	Pocan
Cleaver	Kaptur	Polis
Clyburn	Keating	Price (NC)
Cohen	Kelly (IL)	Quigley
Connolly	Kennedy	Rangel
Conyers	Kildee	Rice (NY)
Cooper	Kilmer	Richmond
Courtney	Kind	Roybal-Allard
Crowley	Kirkpatrick	Ruiz
Cuellar	Kuster	Ruppersberger
Cummings	Langevin	Rush
Davis (CA)	Larsen (WA)	Ryan (OH)
Davis, Danny	Larson (CT)	Sánchez, Linda
DeFazio	Lawrence	T.
DeGette	Lee	Sanchez, Loretta
Delaney	Levin	Sarbanes
DeLauro	Lewis	Schakowsky
DeBene	Lieu, Ted	Schiff
DeSaulnier	Lipinski	Schrader
Deutch	Loeb sack	Scott (VA)
Dingell	Lofgren	Serrano
Doggett	Lowenthal	Sewell (AL)
Doyle, Michael	Lowey	Sherman
F.	Lujan Grisham	Sinema
Duckworth	(NM)	Sires
Edwards	Luján, Ben Ray	Slaughter
Ellison	(NM)	Smith (WA)
Engel	Lynch	Speier
Eshoo	Maloney,	Swalwell (CA)
Esty	Carolyn	Takano
Farr	Maloney, Sean	Thompson (CA)
Fattah	Matsui	Thompson (MS)
Foster	McCollum	Titus
Frankel (FL)	McDermott	Tonko
Fudge	McGovern	Tsongas
Gabbard	McNerney	Vargas
Gallego	Meeks	Veasey
Garamendi	Meng	Vela
Graham	Moore	Velázquez
Grayson	Moulton	Visclosky
Green, Al	Murphy (FL)	Walz
Green, Gene	Nadler	Wasserman
Grijalva	Napolitano	Schultz
Hahn	Neal	Waters, Maxine
Hastings	Nolan	Watson Coleman
Heck (WA)	Norcross	Welch
Higgins	O'Rourke	Wilson (FL)
Himes	Pallone	Yarmuth
Hinojosa	Pascrell	Young (AK)

NOT VOTING—20

Bishop (UT)	Gutiérrez	Stutzman
Black	Hanna	Takai
Collins (NY)	Issa	Torres
Costa	Jeffries	Van Hollen
Davis, Rodney	MacArthur	Westmoreland
Fitzpatrick	Rothfus	Whitfield
Graves (MO)	Scott, David	

□ 1323

Messrs. DOGGETT, BISHOP of Georgia, and NORCROSS changed their vote from “yea” to “nay.”

Mr. LUETKEMEYER changed his vote from “nay” to “yea.”

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, on rollcall No. 173, I was unavoidably detained. Had I been present, I would have voted “yea.”

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

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. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 183, not voting 16, as follows:

[Roll No. 174]

YEAS—234

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

NAYS—183

Adams	Brownley (CA)	Clay
Aguilar	Bustos	Cleaver
Ashford	Butterfield	Clyburn
Bass	Capps	Cohen
Beatty	Capuano	Connolly
Becerra	Cárdenas	Conyers
Bera	Carney	Cooper
Beyer	Carson (IN)	Costa
Bishop (GA)	Cartwright	Courtney
Blumenauer	Castor (FL)	Crowley
Bonamici	Castro (TX)	Cuellar
Boyle, Brendan	Chu, Judy	Cummings
F.	Cicilline	Davis (CA)
Brady (PA)	Clark (MA)	Davis, Danny
Brown (FL)	Clarke (NY)	DeFazio

DeGette Kind
 Delaney Kirkpatrick
 DeLauro Kuster
 DelBene Langevin
 DeSaulnier Larsen (WA)
 Deutch Larson (CT)
 Dingell Lawrence
 Doggett Lee
 Doyle, Michael Levin
 F. Lewis
 Duckworth Lieu, Ted
 Edwards Lipinski
 Ellison Loeb sack
 Engel Lofgren
 Eshoo Lowenthal
 Esty Lowey
 Farr Lujan Grisham
 Fattah (NM)
 Foster Luján, Ben Ray
 Frankel (FL) (NM)
 Fudge Lynch
 Gabbard Maloney,
 Gallego Carolyn
 Garamendi Maloney, Sean
 Graham Matsui
 Grayson McCollum
 Green, Al McDermott
 Green, Gene McGovern
 Grijalva McNerney
 Hahn Meeks
 Hastings Meng
 Heck (WA) Moore
 Higgins Moulton
 Himes Murphy (FL)
 Hinojosa Nadler
 Honda Napolitano
 Hoyer Neal
 Huffman Nolan
 Israel Norcross
 Jackson Lee O'Rourke
 Jeffries Pallone
 Johnson (GA) Pascrell
 Johnson, E. B. Payne
 Kaptur Pelosi
 Keating Perlmutter
 Kelly (IL) Peters
 Kennedy Peterson
 Kildee Pingree
 Kilmer Pocan

NOT VOTING—16

Collins (NY) MacArthur
 Fitzpatrick Rothfus
 Graves (MO) Russell
 Gutiérrez Scott, David
 Hanna Stutzman
 Issa Takai

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1329

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.

FAIR ACCESS TO INVESTMENT RESEARCH ACT OF 2016

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5019) to direct the Securities and Exchange Commission to provide a safe harbor related to certain investment fund research reports, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 6, not voting 16, as follows:

[Roll No. 175]
 YEAS—411
 Abraham Dent
 Adams DeSantis
 Aderholt DeSaulnier
 Aguilar DesJarlais
 Allen Deutch
 Amash Diaz-Balart
 Amodei Dingell
 Ashford Doggett
 Babin Dold
 Barletta Donovan
 Barr Doyle, Michael
 Barton F.
 Bass Duckworth
 Beatty Duffy
 Becerra Duncan (SC)
 Benishek Duncan (TN)
 Bera Edwards
 Beyer Ellison
 Bilirakis Ellmers (NC)
 Bishop (GA) Emmer (MN)
 Bishop (MI) Engel
 Bishop (UT) Eshoo
 Black Esty
 Blackburn Farenthold
 Blum Farr
 Blumenauer Fincher
 Bonamici Fitzpatrick
 Bost Fleischmann
 Boustany Fleming
 Boyle, Brendan Flores
 F. Forbes
 Brady (PA) Portenberry
 Brady (TX) Foster
 Brat Fox
 Bridenstine Frankel (FL)
 Brooks (AL) Franks (AZ)
 Brooks (IN) Frelinghuysen
 Brown (FL) Fudge
 Brownley (CA) Gabbard
 Buchanan Gallego
 Buck Garamendi
 Bucshon Garrett
 Burgess Gibbs
 Bustos Gibson
 Butterfield Gohmert
 Byrne Goodlatte
 Calvert Gosar
 Capps Gowdy
 Cardenas Graham
 Carney Granger
 Carson (IN) Graves (GA)
 Carter (GA) Graves (LA)
 Carter (TX) Grayson
 Cartwright Green, Al
 Castor (FL) Green, Gene
 Castro (TX) Griffith
 Chabot Grijalva
 Chaffetz Grothman
 Chu, Judy Guinta
 Cicilline Guthrie
 Clark (MA) Hahn
 Clarke (NY) Hardy
 Clawson (FL) Harper
 Clay Harris
 Cleaver Hartzler
 Clyburn Hastings
 Coffman Heck (NV)
 Cohen Heck (WA)
 Cole Hensarling
 Collins (GA) Herrera Beutler
 Comstock Hice, Jody B.
 Conaway Higgins
 Connolly Hill
 Conyers Himes
 Cook Hinojosa
 Cooper Holding
 Costa Honda
 Costello (PA) Hoyer
 Courtney Hudson
 Cramer Huelskamp
 Crawford Huizenga (MI)
 Crenshaw Hultgren
 Crowley Hurd (TX)
 Cuellar Hurt (VA)
 Culberson Israel
 Cummings Jackson Lee
 Curbelo (FL) Jeffries
 Davis (CA) Jenkins (KS)
 Davis, Danny Jenkins (WV)
 Davis, Rodney Johnson (GA)
 DeFazio Johnson (OH)
 DeGette Johnson, E. B.
 Delaney Johnson, Sam
 DeLauro Jolly
 DelBene Palazzo
 Denham Jones
 Jordan

Pascrell Ruiz
 Paulsen Ruppertsberger
 Payne Rush
 Pearce Russell
 Pelosi Ryan (OH)
 Perlmutter Salmon
 Perry Sanchez, Linda
 Peters T.
 Peterson Sanchez, Loretta
 Pingree Sanford
 Pittenger Sarbanes
 Pitts Scalise
 Pocan Schakowsky
 Poe (TX) Schiff
 Poliquin Schrader
 Pompeo Schweikert
 Posey Scott (VA)
 Price (NC) Scott, Austin
 Price, Tom Sensenbrenner
 Quigley Serrano
 Rangel Sessions
 Ratcliffe Sewell (AL)
 Reed Sherman
 Reichert Shimkus
 Renacci Shuster
 Ribble Simpson
 Rice (NY) Sinema
 Rice (SC) Slaughter
 Richmond Smith (MO)
 Rigell Smith (NE)
 Roby Smith (TX)
 Roe (TN) Smith (WA)
 Rogers (AL) Speier
 Rogers (KY) Stefanik
 Rohrabacher Stewart
 Rokita Stivers
 Rooney (FL) Swalwell (CA)
 Ros-Lehtinen Takano
 Roskam Thompson (CA)
 Ross Thompson (MS)
 Rouzer Thompson (PA)
 Roybal-Allard Thornberry
 Royce Tiberi

NAYS—6

Capuano Huffman
 Fattah Lynch

NOT VOTING—16

Collins (NY) MacArthur
 Graves (MO) Olson
 Gutiérrez Rothfus
 Hanna Scott, David
 Hunter Stutzman
 Issa Takai

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1337

Ms. MAXINE WATERS of California changed her vote from “nay” to “yea.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HANNA. Mr. Speaker, on rollcall No. 175 on H.R. 5019, I am not recorded because I was absent for personal reasons. Had I been present, I would have voted “aye.”

DISAPPROVING DEPARTMENT OF LABOR RULE RELATED TO DEFINITION OF THE TERM “FIDUCIARY”

Mr. ROE of Tennessee. Mr. Speaker, pursuant to House Resolution 706, I call up the joint resolution (H.J. Res. 88) disapproving the rule submitted by the Department of Labor relating to the definition of the term “Fiduciary”, and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.