

been killed a year earlier—both by gunfire. Saturday night, a 35-year-old male was killed. His brother had been killed a year ago by gunfire—both of them. Families are being torn asunder. No family should have to live under that. A 38-year-old male not far from my office lost his life over a parking space over this past weekend.

Gratuitous gun violence has to stop. There is something that Congress can do about it. We need to take action, little, small action like closing the gun show loophole. It makes a big difference. A little action like no fly, no buy makes a big difference. But this Congress, under the control of the NRA, is unable to do so.

It is time for change.

#### GUN VIOLENCE

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, 2 weeks ago, Democrats made a clear and powerful statement that we will not stand silent as thousands of Americans are victimized by gun violence.

JOHN LEWIS, JOHN LARSON, and more than 100 other Democratic Members didn't hold this floor for 26 straight hours—and hold events with thousands of people across the country just last week—just to get a vote on legislation that won't make Americans safer. This week, Republicans will have a vote on a bill that was written by the NRA and would not address the scourge of gun violence.

The American people deserve a vote on legislation that will actually keep those under investigation for terrorism from purchasing guns legally in our country, bipartisan legislation like Republican Representative PETER KING's no fly, no buy bill. They also deserve a vote on legislation that would strengthen and make comprehensive background checks.

#### GUN VIOLENCE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, if Democrats sound frustrated with the House's failure to act on gun violence, it is because we are. In New York City over this past weekend, 14 people were shot in 10 incidents. Three weeks ago, more than 100 people were shot in a single evening in a single club in Orlando, and 49 of them died.

My Democratic colleagues and I have been running through the statistics over and over again for years now—tens of thousands of deaths every year. Since we had the sit-in on the House floor just a few weeks ago, more than 1,000 Americans have died from gun violence. That is shameful.

So, yes, we are frustrated because this is the only country in the devel-

oped world with gun laws like these. Australia changed its gun laws, and as a result, they virtually have no gun homicides in that place. We just sit and mourn and do nothing.

You can order one over the Internet. We don't require background checks, and they will ship it to your house.

We are asking for no fly, no buy, and we are asking for background checks.

You can walk up to a booth at a gun show and hand a stranger a stack of cash and walk away with a semiautomatic assault rifle, no questions asked. Under current law, even if the FBI has probable cause to believe you are a terrorist, you can walk into a gun store and pass a background check. That is shameful.

We have to make a choice. We have to act. I ask my good colleagues on both sides of the aisle to come together and pass sensible gun control legislation.

#### GUN VIOLENCE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, as the representative of New Jersey's Tenth Congressional District—which suffered one-third of the State's total gun deaths last year—I know the destruction that gun violence inflicts, and I know how important it is that we do more to keep guns out of the wrong hands.

Today we stand with the vast majority of the American people in support of a very simple principle: our gun laws should uphold and protect the freedom of all Americans—that includes responsible gun owners and those Americans trying to exercise their basic right to be free from gun violence.

We stand with the vast majority of Americans who believe that, if you are too dangerous to fly, you are too dangerous to buy a gun; who believe that we need to keep guns from criminals, domestic abusers, and dangerously mentally ill individuals.

Mr. Speaker, on this day of action, we renew our call for Republican leadership to give the American people a vote that is bipartisan in nature on gun safety legislation. We cannot continue to have the NRA stand for “no Republican action.”

#### GUN VIOLENCE PREVENTION

(Mr. BEYER asked and was given permission to address the House for 1 minute.)

Mr. BEYER. Mr. Speaker, I rise in strong opposition to the NRA-authored H.R. 4237, the so-called Protect America Act.

Mr. Speaker, how does this legislation protect America from gun violence? This bill would do nothing to close the terror gap that currently allows suspected terrorists to legally buy guns. This bill would do nothing to ad-

dress our anemic background check system that allows up to 40 percent of all firearm transfers to proceed without a background check. And this bill will do nothing to keep guns out of the hands of the dangerously mentally ill.

Mr. Speaker, there are steps that Congress can take to keep guns out of the hands of dangerous people and to keep Americans safe from gun violence. Unfortunately, the Protect America Act would accomplish neither.

This body should be concerned with protecting Americans from gun violence, not protecting its Members from tough votes.

Mr. Speaker, let the people's House vote on real, meaningful, commonsense legislation that would keep our constituents safe.

#### GUN VIOLENCE

(Ms. FRANKEL of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FRANKEL of Florida. Mr. Speaker, as a mother, the second best day of my life was when my son was born. The first best day was when he returned safely from war. That is because every night was almost unbearable. I prayed that I would not get that fateful knock at the door.

My son went to war, and that knock on the door—while you don't want it, it is unimaginable—but you expect it. But no parent—no parent—should worry that they are going to get that knock on the door when they put their child on a schoolbus or when their child goes to the movies or out for a celebration.

My constituent, Greg Key, got that knock. His daughter, Lindsay, age 19, went to a party and became the victim of a stray bullet.

Mr. Speaker, how many more devastated parents like Greg and the moms and dads we have heard about have to get devastating news and feel devastating pain? It is time for this Congress to do its job.

No more guns for criminals or terrorists.

#### GUN VIOLENCE

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, we are here with a very simple plea this morning with 5-minutes and this afternoon with 1-minutes.

We know the Speaker is an honorable man. We know that the chairman of the Rules Committee, Mr. SESSIONS, is an honorable man. We in the minority are just asking for two commonsense, simple votes, both that have bipartisan support and sit here waiting to be discharged. But in the minority, it is the only voice that we have.

This minority party represents, actually, a majority of the American citizens, and we can't get a vote on what

the American people are crying out for. Mr. Speaker, 85 to 95 percent—depending upon what poll you read—believe that there should be a bill that does not provide terrorists who are on the no-fly list with a gun. Also, people believe that there should be background checks to keep guns out of the hands of criminals.

There have been more than 1,000—1,000—mass murders since Sandy Hook. We cannot be silent anymore. We respectfully ask that our colleagues in the majority who control the floor allow us the simple dignity of what we take an oath here for: a vote.

**PROVIDING FOR CONSIDERATION OF H.R. 4768, SEPARATION OF POWERS RESTORATION ACT OF 2016; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 23, 2016, THROUGH JULY 4, 2016; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES**

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 796 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 796

*Resolved*, That at any time after adoption of this resolution the Speaker may, 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. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments 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. Any Member may demand a separate vote in the House on any amendment adopted in the

Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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.

SEC. 2. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July, 2016.

SEC. 3. On any legislative day during the period from June 23, 2016, through July 4, 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. It shall be in order at any time on the legislative day of June 23, 2016, or June 24, 2016, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or his designee shall consult with the Minority Leader or her designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore (Mr. COLLINS of New York). 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 the gentleman from Massachusetts (Mr. MCGOVERN), 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 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.

□ 1500

Mr. SESSIONS. Mr. Speaker, this rule provides for the consideration of H.R. 4768, the Separation of Powers Restoration Act of 2016. I rise today in support of this rule and the underlying legislation, which I believe directly benefits the American people by ensuring unelected bureaucrats are not able to reinterpret the intent of legislation passed by this body, the United States Senate, signed by the President, or known also as lawmakers under the legislative process Article I powers that are directly elected by the people of this country.

Two weeks ago, the Rules Committee met and reported a structured rule for H.R. 4768. This rule provides for 1 hour of debate equally divided by the chair and ranking member of the Judiciary Committee. I also want to point out that the Rules Committee asked Members to submit their ideas and amendments, and, as a result, this resolution

makes in order all of the amendments submitted that did not raise a point of order.

Mr. Speaker, the Constitution of these United States established three coequal branches of government, each with a clearly defined role. The separation of powers protects Americans by preventing any one branch from gaining too much power.

Unfortunately, this system is being, I believe, abused by unlawful actions by administrative agencies that are increasingly asserting lawmaking powers. This modern “Federal administrative state,” as it is called, runs counter to our Founders’ intent, outlined in our Constitution, and I believe must be reined in. That is why we are on the floor of the House of Representatives today with our ideas to move forth on behalf of the ideas that we believe should rule in law, in rulemaking, and in the way the American people find governance of these United States.

Mr. Speaker, in 1984, the Supreme Court ruled that, when a congressional statute is ambiguous, courts hearing challenges to executive actions must preemptively defer to the regulators’ interpretation of the law. The Court effectively rigged America’s regulatory and judicial system in favor of unelected bureaucrats and against the American citizens that are being targeted.

Later, in *Auer v. Robbins*, the Court required deference to agencies’ interpretations of their own regulations. This great deference to administrative agencies is particularly troubling because it effectively gives unelected bureaucrats the power to make law.

Administrative agencies issue, enforce, and settle disputes involving regulations that have the force of law in many, many respects. In every aspect of our daily life, we are impacted by these decisions. Though the courts have a duty to check the abuses of the political branches in certain appropriate cases, they too often rely on deferential doctrines in reviewing agency actions. Given the inconsistent application of Chevron deference and concerns about the separation of powers, it is imperative that Congress act.

H.R. 4768 reverses this erosion of our constitutional system that has allowed unelected bureaucrats to mandate their own interpretations of laws. The legislation overturns the Chevron and Auer doctrines by clarifying the intent of the Administrative Procedure Act. Specifically, the bill directs courts to conduct a *de novo*, or from scratch, review of all relevant questions of law, including the interpretation of constitutional and statutory provisions and the provisions of agency rules.

I believe, Mr. Speaker, that, at the time we pass laws, at the time we debate intent, and at the time we pass these laws and give to the agencies the opportunity to work with us on the formation of how the laws will be played out, meaning the agencies’ rules and regulations, it should be done with the