

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

intent of Congress. Many States have regulatory systems that require all regulations come back through their elected officials.

We find that what we are trying to do is to simply return the power of legislating to Congress and ensure the courts, not the agencies, interpret the laws, based upon the original intent of the laws. This is a critical step in restoring the constitutional balance and, I believe, limiting executive overreach to the balance that works on behalf of people for the intent of the original passage of the laws.

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

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

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Texas (Mr. SESSIONS) for the customary 30 minutes. I really want to thank him because, after what happened 2 weeks ago when we in the minority were denied any debate time on the rule or the underlying bill, I know that being given the customary 30 minutes is no longer something we should automatically assume.

Let me begin by saying I rise in strong opposition to this rule. I am going to rise in strong opposition to the rule that comes after this, and the one that comes after that.

We are debating three rules today that would provide for the consideration of legislation on the separation of powers bill, a health savings account bill that they put together, and a financial services bill. All three bills, I want my colleagues to know, are going nowhere. There are Statements of Administration Policy on all three pieces of this legislation saying the administration would veto them.

Some of these bills are so bad, I am not even sure the Senate will consider them. They are either press releases that were written in the Republican congressional campaign committee or they are bills that are so loaded up with extraneous materials and riders on all kinds of subjects that have nothing to do with the underlying legislation that, again, we are just sitting here debating bills that have no future, that are going nowhere. We are wasting the time of our colleagues, and we are wasting taxpayer money.

What we should be debating here today, and you have heard from a series of my colleagues earlier, is legislation that would provide for comprehensive background checks on anybody who wants to buy a gun, and also on legislation that says that, if you are on an FBI terrorist watch list and you cannot fly on an airplane, then you should not be allowed to go into a gun store and buy a weapon of war—or buy any gun, for that matter.

Those are the two pieces of legislation that we tried 2 weeks ago to get the Speaker of the House to give us

time to debate and a vote on them, and we are still demanding consideration of these two very basic, commonsense pieces of legislation that I believe will save lives in this country. Quite frankly, that is what we should be concerned with: how we better protect our constituents, how we better protect the American people.

The issue of gun violence is something that Democrats and Republicans, alike, care about. In fact, the two pieces of legislation that we want to bring to the floor are authored by a Republican Member. The distinguished gentleman from New York (Mr. KING) is the prime author of both of these pieces of legislation.

This problem is something that seems to worry the American people, trouble the American people, but doesn't seem to trouble the people who are in charge of this House.

Listen to this statistic from PolitiFact:

So many people die annually from gunfire in the United States that the death toll between 1968 and 2011 eclipses all wars ever fought by the country. There were about 1.4 million firearm deaths in that period compared to 1.2 million U.S. deaths in every conflict from the War of Independence to Iraq.

Mr. Speaker, 2 weeks ago, many of us came to this floor and joined with our colleagues—JOHN LEWIS, KATHERINE CLARK, JOHN LARSON, MIKE THOMPSON, and so many others—in a protest, in a sit-in. The reason we did that is because the frustration level on this side of the aisle is boiling over. This is supposed to be a deliberative body where important issues get debated and voted on. Instead, this has become a place where trivial issues get debated passionately and important ones not at all.

In the aftermath of the terrible tragedy in Orlando where 49 people were killed, all we could do in this House was have a moment of silence. That was it. That was what that protest was all about. That is what that sit-in was all about.

We have exhausted every other way to try to get this legislation to the floor. Every time we try to go through regular order, we are blocked, we are blocked, we are blocked, we are blocked.

Enough.

The American people overwhelmingly support the no fly, no buy bill and universal background checks. They are not going to fall for the theatrics that my Republican friends are now engaged in this week, which is to bring up an NRA-written bill, which they are going to say is no fly, no buy.

But what they are not going to tell you is that all of the loopholes still exist. It doesn't matter what this bill purports to do; you could still be on the terrorist watch list and go online and buy a gun. You could still be on the terrorist watch list and not be able to fly and go to a gun show and buy a gun.

It is pathetic that the loopholes and the background checks in our laws continue to be unaddressed. All we are trying to do is have our moment where we can debate this issue, which, again, is a bipartisan issue. It is not a partisan issue. Again, the two pieces of legislation that we want to bring to the floor are authored by a Republican Member.

Mr. Speaker, we are not going away. This issue is too important. We are not going to be silent. We are going to continue to use every means available to us to raise our voices and to demand that the leadership of this House respect not the wishes of the Democratic minority, but respect the wishes of the vast majority of the American people, Democrats and Republicans alike.

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

Mr. SESSIONS. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the Rules Committee.

Mr. COLLINS of Georgia. Mr. Speaker, I appreciate the chairman yielding me the time.

I rise today in support of House Resolution 796, the rule providing for consideration of H.R. 4768, the Separation of Powers Restoration Act.

I want to thank not only the chairman, but the gentleman from Texas (Mr. RATCLIFFE), my friend, for introducing this legislation and bringing it through the Judiciary Committee. This is something that we have had hearings on, we have had work done on, and I am proud to be an original cosponsor of H.R. 4768. I am glad to see it moving forward today.

The Judiciary Committee discussed these concepts, worked on these concepts, and looked at the whole issue. Frankly, this is one that in many ways, except for the very partisan nature of what we are doing in Congress these days—and it is, and there are things that we disagree on—this one, to me, should really have been one that, frankly, shouldn't be partisan.

In regards to an administrative determination that they will veto it, I am not sure that their machine knows anything else except to send us an administrative statement saying they are going to veto it. I have been on the Rules Committee 1½ years now, and I think I have seen one bill that they thought maybe we could sign. Now, there is a balance between both, but that doesn't bother me near as much as putting forth policy that actually helps and puts forward ideas that make sense.

The Separation of Powers Restoration Act amends the Administrative Procedure Act to overturn two doctrines that call for judicial deference to agency interpretations of statutory and regulatory provisions: the Chevron and Auer doctrines. The legalese description of the bill may sound dry, but its importance cannot be understated. Let's just put it in plain English.

The Separation of Powers Restoration Act ensures Federal bureaucrats

can't interpret the legality of their own regulations at the expense of hard-working Americans and the separation of powers.

The United States Constitution clearly defines the duties of each branch of government, but today the executive branch far too often acts as a lawmaker or a law interpreter when it is supposed to be a law enforcer. And for this Congressman, this is both parties. I do not want the executive to take this constitutional role of this body. I don't care who sits in the White House. This is not something that should be taking place. It has taken place over time. We have got to understand why this matters.

This is a serious threat to the separation of powers. I believe the administration has gone out of its way to try to ignore or to rewrite what they don't like from up here. The Chevron and Auer doctrines are helping them justify these unacceptable actions.

Executive branches should be seen not as lawmaking authorities, but instead almost as expert advisers or witnesses on regulation. But under the Chevron doctrine, agencies essentially got the power to make policy when Congress either explicitly or implicitly delegated the power.

□ 1515

Under the Chevron doctrine, or the Chevron deference, agencies are essentially free to define the meaning of statutes that they administer, and the courts defer to the agencies' interpretations.

Mr. Speaker, just for a moment, listen here. The courts have set up the Chevron doctrine and have said, basically, this may be what Congress said, and here is what unelected officials have said. We are going to side with them. At what point, in the judicial frame of reference, does that make sense when they are to be the interpreter of the law that has been written in these bodies—in this building—instead of by those down the street who have decided, in their own infinite wisdom, that they know better than those here?

They may have larger degrees; they may have longer time; they may have studied it forever. That is fine. If they want to make law, let them put their money down and run for Congress. Do not make law from the cubicle, and that is what we are seeing. Unfortunately, the courts have said: We are going to side with the executive in this.

In my opinion, this is out of the realm of what the Constitution actually states. In other words, really, what the courts are saying is, to avoid interpreting the law, they are allowing the agencies that wrote the regulations to be free to play political games and to do whatever they want to do.

The Separation of Powers Restoration Act will address this situation. It replaces the current standard of review with a requirement that the courts re-

view challenged agency decisions without their having deference or regard of the agency's legal conclusions. This will ensure that unelected bureaucrats are not left to write and interpret laws in order to achieve political gain at the expense of the American people.

Federal regulations impose more than \$1.88 trillion—that is trillion with a T—on the economy. The regulatory burden and the unelected bureaucrats who implement it have spun out of control, and it is the taxpayers of America who are left holding the bag. I am tired of it, and I know the American people are tired of it.

When I go home, one of the first things that is talked about is the overreach and the continuous burden of a bureaucracy that seems to be completely out of control. In northeast Georgia, examples of regulatory burden include everything from ill-conceived requirements for the poultry industry, to new labor requirements that impact manufacturers, to the silica rule's effect on the granite industry in Elberton. It runs across the spectrum. In fact, with that last one, the silica rule, they can't even measure what they are wanting to enforce.

Explain to me how that helps business. Explain to me how that actually helps anyone when you can't measure what you are wanting to actually enforce, except it sounds good, and it is a great press release as I have heard today. The press release is at the expense of American business and is not within the constitutional principles by which we operate.

Part of the problem is that this is just an erosion of power. In fact, last month, the D.C. Circuit Court relied heavily on the Chevron deference to uphold the Federal Communications Commission's Open Internet Order, also known as the net neutrality rule. That rule attempts to regulate our way to new innovation and is a huge blow to Internet freedom.

The FCC said it was acting in the interest of fairness and competition, but, in reality, it stifled fairness and competition. A shocker there, Mr. Speaker. What the government interferes with typically doesn't do what they intend it to do. We can go through program after program and see that.

The FCC rule would slow Internet speeds, increase consumer prices, and hamper infrastructure development, including at my home in northeast Georgia, in my home district. Rather than interpreting the legality of the rule, the court's decision basically said it was acceptable for Federal agencies to rewrite the law to suit political whims. The court deferred to the agency's interpretation of its own rule.

I wish I had the ability to say that with a Federal agency such as, maybe, the IRS. I am just going to write them a little letter and say: I interpret the law differently. I don't owe anything this year. Thanks for asking—and have the court uphold mine. Do you think they would go along with that? No. Of

course, this is the same IRS that has one person in control of almost a million people. They have one customer service agent in my district; so I don't think they care, really, about that. You see, if you go back to this right here, it is interpretation. The court said: Interpret your own rules. Do what you want to do.

The Chevron doctrine is bankrupt when it comes to the separation of powers. We have got to get back to a way that this actually does this. This simply does this, and this is not new. This is not something that is unheard of.

Importantly, the bill will also extend this requirement to not only judicial review under the Administrative Procedure Act, but also to various mini APAs that are scattered throughout the United States Code. For example, the Clean Air Act includes its own individual version of the APA. This bill ensures cases like that can't escape notice.

We need to reverse the course. It is time we stopped diminishing congressional authority and handing the power over to the agencies. It is past time that we restore the checks and balances that our Founders built into this system.

Mr. Speaker, this is where it is understandable. We can have differences of opinion on this floor. In fact, that is what our country was based on. We are going to have differences of opinion and different ways to go about it; but what I cannot understand is, on this floor, when we can't even come together to say we will hold for our own authority—our own congressional, constitutional authority. We say we will happily give it, and let the courts say that the folks who have not been elected and who will be there, maybe, long after we are gone can decide that that is not what Congress really meant, whether it be a Democratic Congress or a Republican Congress, whether it be a Democratic President or a Republican President.

The Constitution was set up with three branches—three, not one. Just because the one—the executive—feels that because there is inaction on the Hill it can do whatever it wants is no excuse to not go by the law. It is even less of an excuse that the courts should turn a blind eye to the intent of Congress. That is what this is about.

We are going to hear everything else today on this rule. I just wanted to take a few minutes to talk about the actual rule before you, not about everything else. We will have plenty of time on that. This bill is a good bill. It does what it needs to do. It restores for Republicans and Democrats and the American people what it needs to have.

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

I am tired of this Republican leadership, on a regular basis, bringing meaningless bills to this floor for debate and taking up the time of the Members and wasting taxpayers' money. This bill is going nowhere, and we all know that.

I am also tired of moments of silence after every massacre that occurs in this country—Sandy Hook, San Bernardino, Orlando, Aurora, Virginia Tech, Charleston. I can go on and on and on and on. All this body can do is have a moment of silence.

We can't even have a debate on the floor on serious legislation, which is bipartisan legislation, because the NRA wouldn't like it. Too bad. Too many people are dying in this country, and we have to do something. We have to come together.

Mr. Speaker, I ask that we defeat the previous question, and I will offer an amendment to the rule to bring up bipartisan legislation that would allow the Attorney General to bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

The Republican majority refused to even debate closing this glaring loophole for the first half of the year. Only after Democrats took action did the majority decide to offer a toothless NRA bill that will do nothing to keep our communities safer. The country, simply, cannot wait any longer for this Congress to take meaningful action to end gun violence. The American people will not be fooled by this latest—cynical—Republican capitulation to the gun lobby.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. THOMPSON) to discuss our proposal.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I, too, plan to vote to defeat the previous question so we can have some debate on some gun violence prevention legislation—which is long overdue to be debated in this body. The gentleman mentioned that he is going to offer our amendment on the no fly, no buy legislation—a Republican bill, authored by Republican Congressman PETER KING from New York. I think it is essential that we do that.

I understand we are also going to introduce an amendment on the background check legislation, which is also a bipartisan measure—with the overwhelmingly bipartisan support of 187 coauthors in this body. You have got to look at a lot of bills to find one that has that many coauthors—and bipartisan coauthors at that. Also, it is a measure that has overwhelming support amongst the American people. Upwards of around 90 percent of Americans believe that we should do everything possible to make it more difficult for people who shouldn't have guns to be able to get guns. That is what our bill does. That is what our effort does. It makes it more difficult for individ-

uals who shouldn't have guns to get those guns.

I have said it before on this floor, in an attempt to try and get a vote on this critically important legislation, that, if the Republicans don't like the way we are working, work with us. Help us figure out what we can do to make our communities safer.

To my friend on the other side of the aisle, do the Republican Members really believe that it should be easy for criminals, the mentally ill, domestic abusers, or terrorists to get guns?

I know their constituents don't think that they should be able to easily get guns.

The truth of the matter is that the background check legislation that we have makes it more difficult. That is our first line of defense against criminals, the dangerously mentally ill, domestic abusers, and terrorists from being able to get guns. We should bring that bill to the floor; we should debate that bill; and we should pass it. We should be in step with the 90 percent of American people who think that comprehensive background checks should be the law of this great land.

I am a gun owner. I believe strongly in the Second Amendment. Personally, I wouldn't sell a gun to people unless I knew they weren't criminals, they weren't dangerously mentally ill, they weren't domestic abusers, and they weren't terrorists. How do you find out? If you are selling your gun to those you do not know, how do you know if they fall into one of these categories? That is why the background check is so critically important.

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

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

Mr. THOMPSON of California. Mr. Speaker, the fact of the matter is that 34 States do not go beyond what that Federal floor is. They allow guns to be sold at gun shows, through newspaper ads, or online without the benefit of there being a background check. We should stop that. We should make sure that we do everything we can to ensure that criminals, the dangerously mentally ill, domestic abusers, and terrorists don't get guns. Right now, some 40 percent of the firearms that are sold in our country are sold without the benefit of there being a background check. How does that make our constituents safe? How does that make America more safe?

It is shameful. We need to bring this bill to a vote. We need to pass a background check. We need to make sure that we know who it is who is buying guns. We must do everything we can to keep guns out of the hands of people who should not have guns: criminals, the dangerously mentally ill, domestic abusers, and terrorists.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, we need to act. We need to act to save lives as 100,000 Americans have died in the last 3½ years since Sandy Hook—since 6- and 7-year-olds were killed in my district. What has this House done? Nothing but hold moments of silence.

Do any of my colleagues on either side of the aisle think that moments of silence are responsive to the needs of 100,000 American families who have lost loved ones in the last 3½ years?

There is no other crisis we wouldn't be responding to. That is why that sense of frustration and urgency is what caused 150 or more of my colleagues to come to the floor 2 weeks ago to demand that we vote on two commonsense, bipartisan bills. These are bipartisan, and they will save lives.

Background checks on all commercial sales work. They have stopped over 2 million felons and domestic violence abusers from buying weapons in the last 20 years. Those are all lives that are potentially saved; so they actually work.

We also have bipartisan no fly, no buy legislation. The no fly, no buy legislation would also help keep guns out of the hands of terrorists.

With all due deference to other legislative matters, 100,000 American families have borne the ultimate loss of their loved ones while this body has failed to act. The time to act is now. We should call up these two bills and vote on them this week. We will continue to push these bills.

□ 1530

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

The purpose why we came to the floor was to support the rule and the underlying legislation. And I believe that the gentleman from Georgia (Mr. COLLINS) spoke very clearly about how this Congress needs to stand up and speak clearly about not only the role of Congress in writing laws, but also working more carefully with agencies as they write rules and regulations.

We get that. We have oversight. We work with regulatory bodies. But what we are trying to say, as we provide the information on this bill, is that we want the courts to recognize that in the power struggle that takes place between the executive, legislative branch, and the courts, that we would like to defer to the people who originally wrote the law. What we are here to do today to talk about is exactly that.

I know my colleagues on the other side of the aisle feel like they have a lot of frustration about a lot of issues. I would say to them: 2 weeks ago, that was the Zika virus; this House has tried to work its will on that. We will get to rather quickly this issue of the terrorist watch list.

What we are trying to do today are also things that are of grave importance to the American people because of the loss of jobs in this country, based upon the executive branch that

is overusing what we believe are the rules and regulations to inhibit the American people that are costly—over a trillion dollars' worth of cost—that have been placed over these years on private industry and the American citizens.

We are here today to also talk about an important aspect, and that is jobs opportunity. The American people are overburdened. We are trying to bring back the discussion today that we believe the intent of those who write the law, that the rules and regulations that are the underpinning of how those laws will be looked at, will be supported by the same effort that we wrote the law with. And so we are trying to go back to the intent that the people who wrote the laws and the agencies that are attempting to enforce the laws, that they would mirror each other to the benefit of the American people.

We have had virtually 1 percent GDP growth now during the entirety of President Obama's administration. For 7 years, America has lagged behind in its ability to catch up and be competitive with the world. And the question becomes: Why do we allow the Federal Government to be bigger and larger and put roadblocks, impediments in front of job creators?

That is why we are here today. We are here today to say we would like to balance out the process. We would like the courts to understand and the administration to understand that for America to continue to be competitive with the world, we have to go back to some balance of power that we believe directly is related to Article I; that we believe that the courts should understand that the original intent of laws come from the legislative process. And that is why we are on the floor today.

We have too many people who cannot find work, cannot find a job because of rules and regulations that are burdening industry and people who are job creators. This is why we are here today, Mr. Speaker. I think we are here doing the right thing.

We are talking about jobs, job creation, the original intent of this body, the legislation that is written by legislators with the intent and rule of law.

I reserve the balance of my time.

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

My Republican friends have the right to talk about whatever they want to talk about no matter how inconsequential or meaningless. We all know that this stuff we are dealing with today is going nowhere.

We Democrats reserve the right to talk about matters of consequence, to talk about things that, quite frankly, our constituents are concerned about.

From every public opinion poll I have seen, the majority of Americans want us to do something about it, and that is this issue of gun violence. People don't want to have massacres become the new norm in this country. They want us to do something.

I would suggest to my colleagues that those who are resisting, allowing

us to have these debates and to have these votes are on the wrong side of not only public opinion, they are on the wrong side of history.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. CLARK), one of the leaders in our Caucus.

Ms. CLARK of Massachusetts. Mr. Speaker, the American people have been very clear. They are demanding a vote to keep American families safe from gun violence. When the Speaker announced a vote this week on gun legislation, the American people hoped this would be the moment when the silence would end and debating and voting here in Congress on commonsense proposals to curb gun violence would begin. Instead, American families have been given a bait-and-switch. And for years, the majority of Americans have supported bipartisan, commonsense legislation that has been gathering dust on the Speaker's desk.

Over the last few weeks since the horrendous event in Orlando, whether it was a sit-in on the floor of the House, to demonstrations across this country, the American people have clearly stated they will no longer stand for capitulation to the gun lobby. Yet, instead of listening to those demands, Speaker RYAN has doubled down on the gun lobby's demands.

You, in America, are 25 times more likely to be shot to death than in any other developed country. But we know it doesn't have to be this way. We can look to my home State of Massachusetts where we rolled up our sleeves. We had tough debates with local communities, with sportsmen, with gun rights advocates, with law enforcement, moms, dads, teachers, voices from across our communities and neighborhoods. We worked together to close loopholes and enact some of the strongest gun safety bills in the country.

What happened as a result?

We in the Commonwealth are the third lowest in the country in terms of gun deaths. This wasn't easy, but we fought for it because we knew it would save lives. Most importantly, the families of victims and survivors fought to make sure their voices were heard so others would not have to endure their same pain. Massachusetts lawmakers went to work for them.

Shouldn't the American people know that their Federal lawmakers work for them, too?

So I ask the Speaker: Does this Congress work for the American people? Or are we working for the gun lobby?

I urge my colleagues on both sides of the aisle to vote the will of the American people, to reject a cynical bill bought and paid for by the gun lobby and that will do nothing to make Americans safe.

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

Mr. MCGOVERN. Mr. Speaker, I yield the gentlewoman an additional 30 seconds.

Ms. CLARK of Massachusetts. Mr. Speaker, I ask this Congress to pass comprehensive background checks and to keep guns out of the hands of suspected terrorists and defeat the previous question.

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

The bill that we are debating and going to vote on is a bill that is a very important bill talking about what is essentially the power of the United States Congress as we pass laws and to have the rules and regulations that are written by agencies to conform not only with the law, but even the intent of the law.

This administration increasingly goes further and further and further and further beyond not only the original intent and narrowness of bills and laws, but they are into a power grab.

That is why we are here, Mr. Speaker, because we are concerned about the GDP growth, the lack of jobs in this country, the huge number of people who are unemployed and the strong, strong support that they are not getting from Washington, D.C., to try and say that we need a pro-growth agenda and we need less rules and regulations.

We have many, many, many laws that are already on the books. And this administration keeps pouring on more and more and more rules, taking the laws that we have passed and taking advantage by writing rules that will inhibit not only business, but job creation. That is why we are on the floor today, and this is why Republicans will pass this bill, because we are talking about the real problems today that the average American has.

Americans want to see themselves in a good job, a job that is located near their home, a job that provides good access not only for them, to provide more goods and services for their family, but for communities to survive the onslaught of rules and regulations where it seems like Washington knows better than people back home about how to provide not just jobs, but to make things better for people that are in their own environment.

So, Mr. Speaker, that is why we are here. Republicans are going to stay after this. We deeply believe that what we are doing today is offering the American people a good solution to a huge, huge problem.

I reserve the balance of my time.

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

Again, I would remind my colleague that what we are doing today is considering three rules that will bring forward legislation that is going absolutely nowhere. And when the gentleman talks about the power of Congress, he is right; Congress does have power.

Congress has the power to actually pass a universal background check, to make sure that there are no loopholes in our law that allows criminals or suspected terrorists from getting weapons that they could use against our people.

Congress could pass a no fly, no buy bill, which says that if you are on an FBI terrorist watch list, then you should not be able to go to a gun store and buy a gun. So we have the power to do some important things for the American people. Unfortunately, this leadership in this House refuses to bring these important priorities to the floor.

Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY), the vice chairman of the Democratic Caucus.

Mr. CROWLEY. Mr. Speaker, I sense a bit of frustration in the voice of my good friend from Texas (Mr. SESSIONS) in appealing to Democrats to focus on the issue before us.

We are focusing on the issue before us, the issue of gun violence in America today. If we learn nothing from 2 weeks ago, we should have learned this: it is no longer business as usual, and we are going to use whatever tactics we need to to get on this floor votes on no fly, no buy and on universal background checks. We are not going to settle for what is being cooked up right now as we speak in the Rules Committee, which has taken the Cornyn language in the Senate that will provide for a 3-day background check, which law enforcement has said over and over and over again will not work.

So I can understand the frustration that I'm hearing, but I have to say get used to it because you are going to be frustrated for some time longer until we get on the floor a vote on those two measures that we have asked for.

Now, Mr. Speaker, while most Americans were celebrating the anniversary of our Nation's independence this last weekend, hundreds more were mourning the loss of loved ones. Because in the past 72 hours—in just these 72 hours—and since we have gotten these statistics, this number has probably grown. What we know is that 94 people died and 248 were injured due to gun violence in America. That is one person killed or injured about every 12 minutes. At the end of the day, that number will have increased at pretty much that same pace.

Now, I know we could not have prevented all of these senseless deaths and injuries, but perhaps if this House majority had allowed action in some meaningful way to improve our gun laws, we could have prevented just some of them.

Would that not have been worth it to have prevented just some of them?

Democrats in the House have been calling on Speaker RYAN and Republican leadership to, at the very least, consider, debate, and vote on the reforms we are requesting.

□ 1545

But not even the lowest common denominator, keeping firearms out of the hands of suspected terrorists, would be put to a vote on this floor. Until today maybe or maybe tomorrow. Caving in to the pressure—not that the House

Democrats bore—the House Republicans have finally decided to address this issue, sort of, kind of.

The legislation we will consider this week doesn't really make Americans safer. In fact, it does just the opposite. The bill will actually create a brand-new loophole just for terror suspects. That is right, despite Republicans' description of the bill, individuals who are being investigated for links to terrorist groups won't be kept from buying a gun under their bill. Instead, they will get the firearm they tried to buy just because their background check wasn't completed in 72 hours, even if the background check fails at hour 73.

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

Mr. McGOVERN. Mr. Speaker, I yield an additional 1 minute to the gentleman from New York.

Mr. CROWLEY. Mr. Speaker, we have called this the Charleston loophole because it is how Dylan Roof, who opened fire on a Bible study group at the AME church in Charleston, South Carolina, received his gun. He failed his background check, but not within 3 days, so he got his gun. And now the terror suspects will have that same opportunity.

Now, given this, you would think the Republicans would provide the funding needed to complete background checks and make them faster, but not under the bill they have proposed.

So let's just call it what it is. More than the Charleston loophole, it is a brand-new "anywhere loophole" for terrorists. And dare I mention that all the other loopholes in our background check system will remain open under the legislation that they are stirring up in the Committee on Rules.

So, Mr. Speaker, let's be under no illusion. I get the frustration on the other side of the aisle. More frustration to come until we get a vote on this floor for universal background checks that are long enough for law enforcement to do their job and we get a vote on this floor on the no fly, no buy legislation.

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

Once again, what we are here to do today is to bring forth a bill that would bring about the constitutional authority that would give a clearer understanding and meaning to not only the legislative process, the executive process, but also the judicial process whereby there would be an understanding of the laws that are passed and rules and regulations which very understandably must be given to a branch of government, in this case the executive, to look at the law which the executive signed to determine its implementation.

The facts of the case are that years later, this administration comes in and uses that same law which was very specific, which rules and regulations were passed for, and create new and onerous roadblocks and problems for not only industry, but also the development of jobs and job creation. And it is an ap-

parent administration policy that they will use this as their advantage rule-making authority to prevent further opportunities for us to grow jobs and job creation in this country.

Mr. Speaker, I really could not be here at a more genuine time and say that just last month this great country only netted adding 28,000 jobs—net 28,000 jobs—and yet we had millions and millions of young people who had just graduated from high school or college who should be seeking an opportunity to help themselves into a line of business, into a career, into an opportunity to sustain themselves, their way of life, their city, their State, and this great Nation.

But the sign is there that said: No jobs available; we are not interested; we cannot hire more people; no thank you. And the number one reason back from industry, from employers, from people who want to make America stronger is rules and regulations, rules and regulations coming out of Washington, D.C., that are harming job creation, that are impediments to effectively being able to create new jobs.

That is uncertainty. That is agency power that specifically targets all sorts of industry in this country. And they are doing it for a reason—to the demise of the free enterprise system of America on behalf of Washington, D.C., unnamed, unknown bureaucrats who hide behind their rules and regulations.

We, as Members of Congress, are getting questions: Hey, what about our generation having jobs? What about our communities that cannot have jobs and job creation?

Ask the coal industry in West Virginia. The war on West Virginia, Ohio, Virginia, people who are in an industry not only that has a lineage in this country, but who have adapted themselves very rapidly in the environment that we are in.

How about truckers, men and women who are engaged in moving goods and services back and forth? How about bankers? How about financial services people who look up and see a regulatory scheme that keeps coming after them? How about my old industry that I spent 16 years at, the telecommunications industry, that would wish to put an extra some \$18 billion a year more in investment in the ground, up in the air, and available to people, \$18 billion they would like to put into the ground for people to have better services?

No. The rules and regulations out of Washington, D.C.—and that is why you see the Democratic Party today talking about something else, because they are protecting this administration. They are protecting these people who write rules and regulations who are making sure that we only have 1 percent GDP growth and, Mr. Speaker, only 28,000 net new jobs last year in the middle of summer in 2016. Meanwhile, we look up and India is at a 7.9 percent GDP growth rate. We are minuscule. We can't sustain what we have, Mr. Speaker. That is why we are here.

I understand the Democrats are frustrated. They are frustrated because their utopia of this idea of this land that would be just a giveaway isn't working because people don't have jobs, and that is why people are shooting each other—drug gangs, drug cartels, people who we have allowed to be in this country who shouldn't be here. That is why, because there are not jobs for people to do, and they are taking it out on each other.

So we are going to stay on the floor. We are going to get our work done here on this bill, and it is about jobs and job creation, but more important, it is back to the original intent of what we believe that those people who write the rules, that the rules and the laws should better be in line with what they wrote in the original intent.

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

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

I appreciate the gentleman from Texas' defense of what I think is a lousy and meaningless piece of legislation. It is going nowhere. And just so people can put it in perspective, basically what it is about is easing up on regulations on polluters and big corporations that, quite frankly, don't care about average working people.

But be that as it may, let me make clear to my colleagues, both Democrats and Republicans, that when I am asking Members to defeat the previous question, you can still vote on this meaningless and lousy piece of legislation. It would just also allow us to bring up the no fly, no buy legislation as well, the bipartisan no fly, no buy legislation.

The underlying bill that the gentleman from Texas is talking about is a purely partisan document. And if we want to talk about how we get this economy moving even faster, maybe we ought to talk about how we work in a bipartisan way to do that, not constantly bringing partisan documents like this to the floor.

Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. MEEKS).

Mr. MEEKS. Mr. Speaker, I urge my colleagues to vote "no" on the previous question. It has nothing to do with the bad bill, as indicated.

Mr. Speaker, for years Democrats in this House and a majority of the American people have demanded a vote on gun safety bills. After hundreds of thousands of Americans have lost their lives to a gun, Republican leadership is bringing up an NRA-written bill that does little to make our communities safer. Republicans aren't serious about gun reform, not even preventing suspected terrorists on the no-fly list, like the one in Orlando, from buying a gun.

It is ridiculous, absolutely ridiculous that suspected terrorists can still buy guns at gun shows or online without completing a background check, and it is downright irresponsible for this loophole to continue to put guns in the

hands of those who shouldn't have them. It is just as irresponsible for Republicans to allow the NRA and gun manufacturers to dictate how the gun industry is regulated. That is insane.

Should we also allow the tobacco industry to write a bill regulating cigarettes?

The answer to that is no.

We should protect the people who elected us, not the interests of the gun lobby. With 33,000 friends and family members dying by a gun every year, it is truly upsetting that these bills fail on very short or real reform that would protect American lives.

During the civil rights movement, when legislation was slow in moving, Dr. Martin Luther King asked the question: How long? He said: No matter how difficult the moment or how frustrating the hour, not long.

And so today the question is: How long before someone who is on the no-fly list can no longer buy a gun?

I say not long because truth crushed to Earth will rise again.

How long before the NRA run the Republican Congress?

Not long because no lie can live forever.

How long before the Republicans keep good bills from the floor?

Not long because you shall reap what you sow.

What we have and what we will have is legislation that will help reduce gun violence because the arc of the moral universe bends toward justice, and justice requires us to have a vote that will save American lives because Americans are sick and tired of being sick and tired of gun violence.

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

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Ms. KELLY).

Ms. KELLY of Illinois. Mr. Speaker, I rise in opposition to the rule and underlying bill. I, instead, urge consideration of H.R. 1217, the Public Safety and Second Amendment Rights Protection Act. This bipartisan bill has the support of 186 Members of Congress and it would simply require every firearm sale to conduct a background check. It is a commonsense bill that 90 percent of Americans support and that would save lives.

Right now anyone can buy a gun online or at a gun show without a background check. I ask you, Mr. Speaker, how does that make sense?

By not requiring background checks for gun shows or online purchases, we are inviting bad guys to access guns. We have a gaping hole in our system that must be closed. It is time for the House to take action on gun violence.

This week we finally have a gun bill on the floor, except that it isn't a gun violence prevention bill. It is a bill written by the big gun lobby that would give the Attorney General just 72 hours to determine if someone on the no-fly list should be able to purchase a gun. To call this a gun violence

protection bill is disrespectful and dishonors the millions of victims of gun violence.

What will it take for this House to take action on a real gun violence bill?

When Congresswoman Gabby Giffords was shot, Congress did nothing. When innocent schoolchildren were slaughtered in Newtown, this House did nothing. As thousands of Americans each month continue to fall victim to gun violence, this House does nothing.

□ 1600

This past weekend, the world lost a great man, Elie Wiesel. He famously said that the opposite of love isn't hate; it's indifference.

My Republican colleagues for too long have been indifferent to America's gun violence epidemic. They have been indifferent to grieving mothers. They have been indifferent to dying children. They have been indifferent to communities that have lost hope for their future. They are indifferent to 90 percent of the American people who want expanded background checks.

The American people are sick of this inaction. I am one of these Americans.

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

Mr. MCGOVERN. I yield the gentlewoman an additional 30 seconds.

Ms. KELLY of Illinois. I can think of at least 185 other Americans in this Chamber right now who want to vote on a real gun violence prevention bill.

Mr. Speaker, call a vote on H.R. 1217. This is the people's House. The people and their Representatives are speaking. We implore you to find the courage to stand up against the gun lobby and call a vote on this commonsense, bipartisan bill.

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

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

Mr. Speaker, once again, I urge my colleagues to defeat the previous question so that we can bring up bipartisan legislation that would allow the Attorney General to bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

Mr. Speaker, enough is enough is enough. The American people demand action. We are supposed to be the greatest deliberative body in the world. It is time we act like it.

Vote "no" to defeat the previous question and vote "no" on the rule.

Mr. Speaker, I yield back the balance of my time.

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

Mr. Speaker, my friends failed to tell you that we know of not one person—not one—that has used the terrorist watch list as an excuse to buy a gun and do things.

What they are forgetting to tell you is that we do have a problem with terrorists and people in this country. The President of the United States is not, in my opinion and in many other people's opinion, taking executive and affirmative action against this. They

can't even call terrorism what it really is. That is our problem. But today, Mr. Speaker, we are on the floor trying to debate a bill which we are going to be voting on in a few minutes.

In 2014, Mr. Speaker, 224 laws were enacted by Congress during the calendar year, yet 3,554 rules were passed by agencies. That means that there were 16 rules issued for every law.

Mr. Speaker, the administration is attempting to smother, to overrun the free enterprise system in favor of administrations that are not for job creation, that are not for raising GDP. They have a 7-year history of trying to kill the free enterprise system.

We are here for the American people to talk about jobs and job creation and more investment in America. As long as you have got an administration that is all about issuing some 3,554 new rules in exactly 1 year, you have got a problem. That is why we are here.

Mr. Speaker, I know what we are trying to do, and so do they. This legislation restores all Americans' basic rights and it also helps this body. For that reason, I urge my colleagues to support this rule and the underlying bill.

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

AN AMENDMENT TO H. RES. 796 OFFERED BY
MR. MCGOVERN

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. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. 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. 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. 1076.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and

a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

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

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

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

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

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

Mr. 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.

PROVIDING FOR CONSIDERATION OF H.R. 1270, RESTORING ACCESS TO MEDICATION ACT OF 2015

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 793 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 793

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 1270) to amend the Internal Revenue Code of 1986 to repeal the amendments made by the Patient Protection and Affordable Care Act which disqualify expenses for over-the-counter drugs under health savings accounts and health flexible spending arrangements. All points of order against consideration of the bill are waived. In lieu of the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-60 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto, to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. 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. BURGESS. 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.

Mr. BURGESS. Mr. Speaker, House Resolution 793 provides for consideration of H.R. 1270, the Restoring Access to Medication Act.

The rule provides 1 hour of debate, equally divided between the majority and minority of the Committee on Ways and Means. Further, the rule makes in order an amendment in the nature of a substitute consisting of the text of the Rules Committee print considered previously during the Rules Committee hearing on this measure. As is standard with all legislation pertaining to the Tax Code, the Committee on Rules made no further