

Mr. KILDEE. Mr. Speaker, Republicans are moving ahead with the repeal of ObamaCare—but years later, after all the talk, they still have no replacement. Six weeks into control of this Congress and of this government—all branches—there is no plan.

From today's Politico, it reads: "House conservatives . . . are plotting a major push to repeal the law immediately without simultaneously approving an alternative."

The consequences of Republican repeal without replacement are devastating: 30 million Americans would lose health coverage. People could be kicked off their coverage. They would not be allowed coverage if they have a preexisting condition. Young people could be kicked off their parents' plans.

In recent weeks, Republicans have been bombarded with messages from their constituents sending a clear message that the Affordable Care Act repeal would be devastating to their family. It would be devastating to real people like Jia Ireland, my constituent, who, before ACA, had no health insurance. Because of Medicaid expansion, she and 600,000 other Michiganders have coverage.

We cannot lose access to health care in this country. We ought not do that.

PRESIDENT TRUMP MUST RELEASE HIS INCOME TAX RETURNS

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

Mr. COHEN. Mr. Speaker, I had a town hall in Memphis on Saturday. We had over 1,000 people there, and over 10,000 people live streamed on Facebook. Many were concerned about Russia's influence with this administration.

Something smells. It would be like a vegan going and talking about how much they were supporting the Beef and Dairy Council, or that Chick-fil-A cow going up and saying: Eat more chicken.

There is something else to it. There is an ulterior motive.

This President's love affair with Russia, his constant support for Russia and Putin—one of the most villainous leaders on the face of this Earth—spells a problem. We need to get to the bottom of it, and one way we will find out is through his taxes.

Mr. Speaker, I urge the President to release his income taxes to the American people. It is so important to us having confidence in his administration and to our government's ability to withstand an evil power, as Ronald Reagan called them.

PROVIDING FOR CONSIDERATION OF H.J. RES. 66, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY STATES FOR NON-GOVERNMENTAL EMPLOYEES, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 67, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO SAVINGS ARRANGEMENTS BY QUALIFIED STATE POLITICAL SUBDIVISIONS FOR NON-GOVERNMENTAL EMPLOYEES

Mr. BYRNE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 116 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 116

Resolved, That upon adoption of this resolution it shall be in order to consider in the House any joint resolution specified in section 2 of this resolution. All points of order against consideration of each such joint resolution are waived. Each such joint resolution shall be considered as read. All points of order against provisions in each such joint resolution are waived. The previous question shall be considered as ordered on each such 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. 2. The joint resolutions referred to in the first section of this resolution are as follows:

(a) The joint resolution (H.J. Res. 66) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by States for non-governmental employees.

(b) The joint resolution (H.J. Res. 67) disapproving the rule submitted by the Department of Labor relating to savings arrangements established by qualified State political subdivisions for non-governmental employees.

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

Mr. BYRNE. 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. BYRNE. 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 Alabama?

There was no objection.

Mr. BYRNE. Mr. Speaker, House Resolution 116 provides for consideration of two joint resolutions designed to protect working families by blocking harmful regulations through the Congressional Review Act process.

In 1974, Congress passed and President Gerald Ford signed the Employee

Retirement Income Security Act, or ERISA. This legislation, which has broad and bipartisan support, sets standards for employer-provided retirement plans to protect the workers of the United States of America. This regulatory framework for employer-provided retirement plans has been largely successful at helping working families save for retirement over the last 40 years.

Unfortunately, in the waning days of his administration, President Obama put forward regulations to uproot this system that has worked for decades. The Obama administration's rules would pave the way for government-run IRAs—for bureaucrat-run IRAs—managed by States and certain municipalities. Employees in several States would be forced to automatically enroll in these government- and bureaucrat-run IRAs that are not subject to the important protections established by ERISA.

In other words, in the waning days of the Obama administration, they sought to take back from workers the protections that were given to them when ERISA was passed 40 years ago. Let me say that again. Workers' ERISA protections will be out the window for those people in these government- and bureaucrat-run plans.

These regulations remove important protections for American workers as they relate to their retirement plans. American consumers would be directly hurt by this regulation were it to go forward.

Just as bad, workers would have less control over their retirement savings. Withdrawals or roll-over investments to a private-sector account could be restricted and even penalized.

These regulations would create disincentives for small businesses to offer their retirement plans and invest in their employees' retirement, resulting in fewer options for workers. Instead, smaller employers will likely simply shift their employees on to these government- and bureaucrat-run plans.

These regulations could also create a confusing patchwork of rules that vary State to State or, even worse, city to city. This confusion would directly hurt the consumer.

Another concern with pushing people on to government- and bureaucrat-run retirement plans is that taxpayers would end up footing the bill. We have seen how poorly managed many State and city pension plans have been all over this country. If these government-run IRAs are also mismanaged, taxpayers may be asked to pay and to honor the government's promises.

Ultimately, these regulations are simply another attempt to exert control over the American people with a "government knows best" policy.

Mr. Speaker, the American people are not children that need direction from their parents. They should not be forced by the heavy hand of the government and faceless bureaucrats to obtain certain plans the government

likes that they may not need or want. People are free today to decide whether they want their IRAs or not. This will put them in a position where they can be forced to have them whether they want them or not.

We have seen the problems caused when the government tries to tell the American people what to do or what the government thinks is best for them. These types of heavy-handed policies simply do not work and they are counter to the principles our country was founded on.

So these two bills would use the Congressional Review Act process to block these anti-consumer regulations from taking effect. By passing these two bills, we will protect working families, we will support our Nation's small businesses, and we will be shielding the taxpayers from potential liabilities.

As I pointed out last week on this floor, just because we pass these bills using the CRA does not mean we cannot continue working toward solutions that improve our Nation's retirement programs. Just as the CRA gives Congress power to block regulations, the legislative branch can also give agencies further instructions and directions if a regulation is needed at some point in the future.

As a member of the Education and the Workforce Committee, I look forward to working with my colleagues on both sides of the aisle to find solutions to help Americans save for their retirement. Attempting to use the regulatory pen to skate around ERISA and its important protections is just not the right answer.

So I hope my colleagues will join me in supporting this rule and these pro-consumer bills and protect American families, workers, and their retirement plans.

I reserve the balance of my time.

□ 1230

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 thank the gentleman from Alabama (Mr. BYRNE) for yielding me the customary 30 minutes.

Mr. Speaker, we are less than 2 months into 2017, and today we have another closed rule, or as I call them, "Putin rules." This is how they operate in Russia—no deliberation. It is simply astonishing that here in the people's House we continue to have this closed process: no amendments, no debate, no nothing, completely shut down.

I have very serious concerns about the road we are traveling down. The 115th Congress is only 6 weeks old, and we have already ushered in a process that is alarmingly restrictive. It should distress not just Democrats, but Republicans as well. This is now the norm and is very, very sad.

Mr. Speaker, today's rule would pave the way for the House to repeal two

important consumer protections that help working families save for retirement. These protections went through a very lengthy process of review. We are repealing these protections without the committees of jurisdiction having any chance to weigh in and in a rushed process that is completely closed.

These protections, as I said, were reviewed by the relevant agencies; they were subjected to public commentary; and we are bringing them to the floor to repeal them without even giving the committees of jurisdiction an opportunity to actually discuss these bills, to discuss whether this makes sense.

Mr. Speaker, America is facing a retirement savings crisis, and rules like this—I should say, protections like this—are essential to helping workers plan for the future. As of today, 55 million Americans lack access to a way to save for retirement out of their regular paycheck. As a result, nearly half of all workers have no retirement assets. Yet we know that employees are 15 times more likely to save just by having access to a workplace retirement plan. These programs are a commonsense solution for working families and small businesses.

Republicans should be working to strengthen programs like these, not rip them apart. If you have a problem and you want to make a tweak, maybe you ought to work with the agency to make that tweak, but not an outright repeal.

Quite frankly, Mr. Speaker, pushing dangerous bills like this in a closed process with no debate is a lousy way to conduct the people's business. But with the avalanche of alternative facts coming out of the Trump White House every day, it should be no surprise that the House Republican majority on Capitol Hill is carrying on in such a heavy-handed way. God forbid, in the people's House, we should actually deliberate and have debate and have the kind of give-and-take that the American people expect.

Mr. Speaker, as bad as this process is, as bad as dismantling the rules and regulations put in place to protect the savings of working families is, I would like to take a few minutes to talk about something that is very serious and troubling to the American people.

Mr. Speaker, this administration regularly goes on TV and appears before the press—and let me say this as plainly as I can—and consistently spouts falsehoods. Now, I am told, Mr. Speaker, that under the rules and precedents of the House that there are certain things that cannot be said. Mr. Speaker, as a member of the Rules Committee and as somebody who respects the precedents of the House, I am going to be very polite in how I respond here today. I will speak plainly, but politely. I want people to understand that I would like to say things much stronger based on what is happening in this country and based on what is happening in this administration.

Mr. Speaker, I certainly wouldn't want to do anything to hurt anybody's

feelings, but it is troubling what is happening, the falsehoods and fabrications that we hear each and every day. Some of it is trivial and some of it is silly, like saying that his inaugural crowd size was bigger than President Obama's. Who cares?

But some are more sinister and more dangerous, like the claim that 3 million to 5 million "illegal aliens" voted for his opponent in the 2016 Presidential election. Every fact checker, every Secretary of State, both Republicans and Democrats, say this is absolutely false. There is no basis for this falsehood. It undermines confidence in our political system. My fear is that the real purpose of this claim is to put in place policies to restrict voter rights in order to make it more difficult for people to vote in this country.

Mr. Speaker, every day it feels like President Trump and his White House are trying to set a new record in terms of misinformation. There are so many falsehoods coming out of this White House, it makes me nostalgic for Nixon.

President Trump, in a meeting with U.S. Senators last week, repeated another falsehood, that he only lost New Hampshire because thousands of Massachusetts residents were bussed to the State to vote illegally. This is simply not true. There is no basis for this statement. This is similar to the President's fabrication that 3 million to 5 million votes were cast illegally in the 2016 election. Plain and simple, President Trump and his White House staff continue to provide zero evidence to back up their claims of voter fraud.

On Sunday, when top White House aide Stephen Miller was asked about the judiciary challenging President Trump's unconstitutional Muslim ban, he aggressively attacked critics and said that "the powers of the President to protect our country are very substantial and will not be questioned." The powers of the President will not be questioned. I couldn't believe my ears when I heard that.

President Trump might talk a lot about his love for Vladimir Putin, but this is not Russia. This is the United States of America. We have checks and balances to stop authoritarianism. Kellyanne Conway, when she is not giving free commercials for the Trump family business on the taxpayers's dime, is making up stories about the Bowling Green massacre, a terrorist attack which never happened, and spouting alternative facts on a daily basis. The latest falsehood from the Trump White House is one of the most serious yet.

In repeated interviews, both Vice President MIKE PENCE and National Security Adviser Michael Flynn—I should be saying now, former National Security Adviser Michael Flynn—said that Flynn did not speak with Russian officials about U.S. sanctions before President Trump took office. A new report shows that that is blatantly false.

After the U.S. intelligence community overwhelmingly agreed that Russia had actively meddled in our 2016 Presidential election to tip the result in favor of Donald Trump, President Obama announced strong sanctions against Russia, including expelling 35 Russian diplomats or agents from U.S. soil. When Vladimir Putin responded by saying that they would not expel any U.S. officials in Russia—what many expected he would not do—a lot of red flags were raised. A new report now shows that, in the 24 hours that followed, Michael Flynn communicated with Russian Government officials about the sanctions and may have actively undermined U.S. foreign policy weeks before Donald Trump even took the oath of office. And now we know that last month the Justice Department informed the White House of Flynn's deception of the Vice President and of the American people in the days immediately following the inauguration.

Mr. Speaker, this is outrageous, and the fact that President Trump did not immediately fire Michael Flynn as soon as this came to light is stunning. I guess he was too concerned about crowd size rather than a deeply compromised national security adviser.

Mr. Speaker, getting rid of Flynn is not enough. President Trump must stop the blatant and dangerous falsehoods coming from his White House. We need a full and independent and bipartisan investigation not only under the purview of the intelligence committees; we need to have a full investigation out in the open so the American people actually know what happened and know how many others were involved in Flynn's undermining of our national security.

Who knew what when?

Was Donald Trump aware of these unauthorized talks with Russia while President Obama was enforcing sanctions?

The American people deserve the truth. They deserve transparency. They deserve this Congress to actually do proper oversight.

One of the most troubling parts of all this is that the American people would have been completely in the dark if it were not for the hardworking journalists and patriotic U.S. officials who helped bring this outrageous scandal to light. Now, more than ever, we need to support freedom of the press, to hold President Trump and his White House accountable.

The Republicans in Congress need to start doing their job by exercising the strong oversight needed. President Trump needs to know that he answers to the American people and he and no President is above the law.

Mr. Speaker, America's hardworking families deserve a Congress that puts them first and a President and a White House that tells the truth instead of spreading falsehoods to stir up fear and advance a dangerous and extreme agenda. We can have policy disagreements,

but you have to tell the truth. You can't just make stuff up.

As we are seeing with this administration, alternative facts are contagious. The White House is rapidly losing the public's trust, and every day that Congress fails to hold the Trump White House accountable, we are losing the public's trust as well.

Members of Congress, both Democrats and Republicans, have a responsibility to stand up for the truth and hold the President and his White House accountable. We are here to serve the American people, and they need to know that we are fighting for them, not serving as a rubber stamp for this administration.

I urge my colleagues to vote against this rule, and I reserve the balance of my time.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

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

I appreciate the gentleman from Massachusetts' remarks. We are not here today to talk about Russia, but I do remember about a month ago when we were on this floor counting electoral college votes, my colleague from Massachusetts objected to the Electoral College votes from my home State of Alabama because of Russian interference.

I want to put his mind at rest. As a Representative of Alabama, I think I can say with complete confidence that the Russians had no influence over the Presidential vote in the State of Alabama last November. We get our electoral information like most people in America do: from watching FOX News or something like that.

But in the fall, in Alabama, we are also paying real close attention to college football. So far from letting Russian influence have anything to do with our vote in Alabama, we were doing what most people in America were doing and paying close attention to college football. We gave no more credence to what the Russians think about our political votes in Alabama than we do to what they think about our college football teams.

But let's get back to the substance of his remarks. He says that there is no debate. This rule provides for at least 2 hours of debate, perhaps more if we get into motions to recommit. And the truth of the matter is, under the Congressional Review Act, the actual form of these laws are prescribed by statute. We have no control over what can be in them. We can either vote for them or against them. And we are going to have clear debate—over 2 hours, maybe more—whether we are going to vote for or against it.

There are people who are going to vote for them, and there are people who are going to vote against them, and people are going to have reasons for doing each. That is standard order here in the House. I think the Amer-

ican people would agree, on these sorts of fundamental things when you know what is simply in them, that is plenty of debate.

He calls these regulations that we seek to overturn "consumer protections." But remember what I said earlier: They take these employer plans, these IRA plans that are forced by the government, they take them out from the protections of ERISA. They take consumer protection away from the people that have these plans. So far from being consumer protection regulations, they are anticonsumer protection regulations. They are antiworker.

So what is really going on here is this is not some effort—or was some effort by the Obama administration—to protect workers. It is an effort to try to get government more involved in people's lives, and the people of America don't want the government more involved in their lives.

The gentleman mentioned that there are 55 million people in America today who don't have a retirement plan. Every one of those 55 million people have access, if they choose to get it, to an IRA. Anybody can set up an IRA. You don't need your employer to set it up for you. You sure don't need the government to set it up for you. There are plenty of people around the country that will help you set it up, and it is pretty easy, pretty simple.

Maybe some of these people, or a lot of these people that don't have them, don't want them. So why would the government come in and tell them you have got to have them unless your real interest here is in empowering government and not protecting consumers? I will leave it to you to make the decision what the real motive was here.

□ 1245

Now, the gentleman talked about the fact that these come to us without going through the committees of jurisdiction; but, as I said earlier, because the form of these bills are prescribed by statute, there is really nothing for the committees of jurisdiction to do. But he will be glad to know that I am informed that, after we come back from the Presidents Day week break, there will be a number of bills coming to the floor that will have, in fact, gone through the committees of jurisdiction, including bills, I predict, that will both repeal and replace the Affordable Care Act. So there is going to be plenty of things coming through regular order to this floor.

But as we go through the Congressional Review Act process, we are pretty constrained in what we can say and not say in these bills, and we are simply following that which is prescribed by statute. As I said earlier, we can all decide, based upon that statutorily prescribed form for what we do, whether we are for it or we are against it, whether we want to force workers in America to get some government-forced type IRA and take them out from the protections of ERISA, or

whether we want to let them have their freedom and keep the protections of ERISA.

We want to keep freedom for the American people. We want to keep freedom for the American workers, and we sure want them to keep the protections they have had for over 40 years under ERISA and not take those protections away from them so that we can force something down their throat from some government-bureaucrat-run plan.

Getting back to what we are here to talk about today, we are here to reverse ill-considered regulations in the waning days of the Obama administration that hurt the American workers. By adopting this rule and by adopting these two pieces of legislation, we protect the American workers. I hope all of us are here to do exactly that.

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

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

The gentleman is correct. I did rise to object to certifying the electoral college vote. Part of it was because I was appalled by the unprecedented Russian interference in our election system. I would urge the gentleman to read—maybe he doesn't want to read the classified version of the report—the unclassified version of the report. It is pretty outrageous. That is why so many of us have been calling for an independent bipartisan commission to investigate this.

But the other reason why I objected was because of voter suppression. I would say to the gentleman that that is an equally serious issue, that there is still voter suppression in the United States of America, and it is something that we need to deal with. I worry very much under the Republican majority and under this White House that we are going to see more of an effort to restrict people's right to vote.

Now, the gentleman is trying to paint a rosy picture about what we are doing here. I mean, we have had 13 closed rules, 6 structured rules, zero modified open rules, zero open rules. By the end of this week, we will be a third of the way to breaking the record for the Republicans' most closed Congress in the history of the United States, and we are still in February. My friends have outdone themselves in terms of closing up this process, of shutting people out from participation.

The fact of the matter is, as I mentioned, these protections that the Republicans want to repeal went through a long process, lots of review within the agencies, lots of public commentary, a long time to develop these protections. Now, if the Republicans aren't happy with it, one of the things they might do is they could bring up these rules in the form of legislation where we could have an open process, and people can amend and add and change and do whatever they want to do to make it better, if that is what they want to do.

But that is not what they are interested in. It is all about a press release. This is mindless legislating. When committees of jurisdiction do not do their job, do not hold hearings, do not do markups, and all of a sudden the Rules Committee just reports something out and sends it to the floor under a closed rule, that is mindless legislating. By the way, I am on the Rules Committee. I don't think that we have yet had a single bill come before the Rules Committee that went through committee. I am happy I am on the Rules Committee. At least you see a little action going on, but I feel bad if you are on any of these other committees.

This is a lousy way to do business, and I am shocked that my Republican friends come to the floor and defend the indefensible. This is not the way this House should be run. This is the kind of process, as I said at the opening, you would expect to see in Russia, not here in the United States Congress. Different ideas should be debated. People ought to have an opportunity to have their voices be heard. But yet here, in this House of Representatives—which will break records in terms of being the most restrictive Congress, I think, in history—the name of the game is to try to shut people out. I think that is wrong. I think my Republican friends should be ashamed of the way they are conducting themselves in this Congress. This is not right.

I just point that out because I think it is important for people to note that, by the end of this week, my Republican friends will be a third of the way to breaking their own record for the most restrictive Congress in history, with the most closed rules. That is something that I don't think anyone should be proud of. But it is the new norm here: shut everything down, shut everybody out. I think that results in bad legislation and, again, mindless legislating like we are doing here today.

Mr. Speaker, we are all deeply concerned, as I mentioned in my opening statement, with the reports from our intelligence community regarding potential foreign interference in our most recent election. Everybody should be. Mr. Speaker, I am going to ask people to vote "no" on the previous question. If we defeat the previous question, I will offer an amendment to the rule to bring up Representative SWALWELL's and Representative CUMMINGS' bill which would create a bipartisan commission to investigate foreign interference in our 2016 election. With the revelations about General Flynn coming to light, and all that we know about his dealings with the Russians, this is extremely timely.

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

Mr. SWALWELL of California. Mr. Speaker, I thank Mr. MCGOVERN for his work on this issue. I love my country, and I don't doubt that every one of my colleagues in this Chamber also loves this country. I admire every man and woman who has so bravely fought to defend it. After all, this is a country, this is a democracy worth defending. That is actually what defeating this previous question would take us to, the question of is this democracy still worth defending.

This past election, our democracy was attacked. The attack was electronic, and it was nearly invisible. It came from a foreign adversary in Russia, ordered by Vladimir Putin. It was intended to help Donald Trump. Most concerning, the public intelligence report about this attack, the last finding is, Russia intends to do this again. They are undertaking a lessons-learned campaign so they can attack the United States again and attack our allies, the best check against Russia through the NATO alliance.

Yesterday, the President removed a rotten plank in what is a compromised platform, Michael Flynn. In 2015, he went to Russia and sat next to Vladimir Putin, was paid for it, and, The New York Times reported yesterday, did not disclose that in the proper way he is supposed to to the Department of Defense. Because Russia attacked us, President Obama issued sanctions against Russia on December 28. Michael Flynn called Russia, its Ambassador, five times, at least five times, and discussed those sanctions, likely in violation of the Logan Act. He lied about it, lied to the Vice President about it, who went on national TV and defended Michael Flynn, saying it never happened.

But here is what we also learned. We learned that 3 weeks ago the White House knew, because acting Attorney General Sally Yates told the White House, that Michael Flynn had lied and had put himself in a position where he could be compromised through blackmail by the Russian Government. Yet, despite knowing this, the White House allowed Michael Flynn to remain as the National Security Adviser, receive security briefings at the highest level, and advise our President on our security.

All of the arrows continue to point to the Russian Government. We have more questions today than we did yesterday about whether there were any personal, political, or financial connections between President Trump, his family, his businesses, his campaign, and the Russian Government before the election and whether there are any efforts right now going on to pay back the Russian Government.

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

Mr. MCGOVERN. Mr. Speaker, I yield an additional 2 minutes to the gentleman.

Mr. SWALWELL of California. All of the arrows continue to point to Russia. It is not disputed that Russia carried out this attack. It is not disputed that it was ordered by President Putin. It is not disputed that they sought to help Donald Trump. It is not disputed that Donald Trump admires President Putin and can't say a single bad thing about him. Despite disparaging our allies in Australia and Mexico, he can't say a bad thing about Putin. In fact, he wants to ease some of the sanctions against Russia and wants to roll back the influence of NATO.

Of course, while all of this is going on, the President will not show us his tax returns. With all of those arrows pointing to Russia, the American people deserve to know what was the political, personal, and financial relationship between the President and his team and Russia. The only way to get there is to have an independent, bipartisan-appointed commission.

Defeating the previous question and bringing up the Protecting Our Democracy Act will get us one step closer. I believe that my Republican colleagues—who love this great country as much as I do—can join us, and this can be a bipartisan quest to say that never again will we allow a foreign adversary to interfere in our elections.

Mr. BYRNE. I yield myself such time as I may consume.

Mr. Speaker, when I was a young lawyer, an old lawyer one time gave me a piece of advice that I was fortunate to never have to follow. He said: Son, when you are strong on the facts, pound on the facts. When you are strong on the law, pound on the law. If you are weak on the facts and the law, pound on the table.

What we just heard is pounding on the table about Russia, and that has nothing to do with the two bills that are covered by this rule. Nothing in the bills that underlie this rule has anything to do with Russia. But because there is not a good argument against the rule, there is not a good argument against these bills, we are pulling up something else and pounding on the table. Let's get back to the rule and the underlying legislation.

This legislation will reverse two regulations that hurt working people in America, period, end of sentence. Far from being a press release, as my colleague from Massachusetts talked about, this bill is going to pass not only this House, it is going to pass the Senate, and, yes, it is going to be signed by the President of the United States. Two of the Congressional Review Act bills that have already come through this House have passed the Senate and, I am told, are going to be signed by the President this week. These aren't press releases. These aren't messaging bills. These are pieces of legislation that are going to become law and protect American workers

after an attempt by the Obama administration, as it is going out the door, an attempt by them to take ERISA rights away from American workers through a regulation. I would think everybody in this body would be outraged, after 40 years of bipartisan support for ERISA, that we would think it is okay for anybody to take away workers' ERISA rights. It is not.

What we are doing today is the right thing to do, not if you are for Big Government. But if you are for the American worker, this is the right thing to do. Rather than pound on the table, let's work together, pass this rule, pass this underlying legislation, and do the right thing for the American worker.

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

□ 1300

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

Mr. Speaker, there is one similarity with Russia and what we are doing here today, and that is the process. This is completely closed. This is totally undemocratic. There is no opportunity for amendment. There is no opportunity for different opinions to be presented here. So, again, this process is deeply flawed.

Again, my friends on the other side of the aisle may want to defend it, but I will tell you this is unprecedented. With the number of closed rules that we have seen, you are going to break all records.

My Republican friends also have the distinction of presiding over the most closed Congress in history. This will outdo that because they are moving in such a restrictive and closed way. This is not right.

The idea that we are going to repeal protections with an up-or-down vote without having the committees of jurisdiction even do a hearing, even to weigh the very points of view on this, to bring these bills to the floor like this in a way that would not allow people to improve these protections is outrageous. But this is the new norm here. Everything is shut down.

And the gentleman is right that the previous question maybe is a little bit off subject from the two underlying bills here, but as the gentleman knows, we are currently debating the rule. This is a tool used to set the House's agenda and to prioritize consideration of legislation.

For that very reason, this is, in fact, the appropriate time for us to explain to the American people what legislation we would like to prioritize and what agenda we would like to pursue in this House. Because the fact of the matter is, if we offer amendments to the Rules Committee by a 9-4 vote, we are turned down. We are shut out all the time.

So this is our only opportunity to be able to bring some of our priorities before our fellow Members in the House and to be able to let the American people know that some of us in this House

are horrified by Russian interference in our election. It is unprecedented what they did. Anybody who sat through any of the briefings or even read the unclassified report, I don't know how you could not be horrified by the deliberate attempt to impact our elections.

And yet, we can't even get oversight in this House. The wagons have all circled around the President. You can't do anything that will make him uncomfortable. Well, the fact of the matter is this is about more than making a President of the United States uncomfortable. This is about defending our electoral system, defending our democracy.

And the gentleman from California, in arguing in favor of voting "no" on the previous question so we can bring up a bill that would allow there to be an independent bipartisan investigation of Russian interference on our election I think is even more important, given what we know about what happened with General Flynn. Many of us said, when he was being considered for the top national security spot in the White House, that this was a bad choice. Why? Well, because this is a guy who regularly peddled in conspiracy theories, whacky conspiracy theories.

Members of the intelligence community, members of our Defense Department regularly said, when he was being considered, that this was a bad choice. My Republican friends said nothing. Now we realize just how bad a choice this was and how bad the President's judgment was in allowing a man like this to be elevated to such a high position in the White House.

There are serious questions that need to be answered here. I would say to my colleagues, rather than trying to dodge and rather than trying to hide and rather than trying to frustrate attempts to get to the truth, there ought to be a bipartisan effort, similar to the 9/11 Commission, where people come together and, in an open, transparent way so the American people know what is going on, are able to get to the truth. That is what we are trying to do here. We have no other means to be able to get our views heard—certainly not in the Rules Committee. Every amendment we offer is turned down.

So I would say to my colleagues, vote "no" on the previous question. Let us be able to bring up the Swalwell-Cummings bill and have a vote on it. If you don't want to do an investigation, then vote "no." But this is important and, I would argue, more important than the underlying bills, given what we are faced with. This is serious business, and it is about time my friends on the other side of the aisle treated it as serious business.

I will just close, Mr. Speaker, by saying that I have served here now for 20 years, and I have gotten to know some of the finest people in this Chamber, both Democrats and Republicans. I know there are a lot of Republicans who believe, as we do on the Democratic side, that we need to find out

what happened and we need to get to the truth. We don't want to see more attempts to block investigations.

I hope that those Republicans would join with us and vote "no" on the previous question because, if you vote "no," we get to bring this up, we get to vote on it, and we still get to vote on the underlying legislation. This doesn't slow anything down; this doesn't stop anything; but it allows us, at this very important moment, to be able to debate something that I know a lot of people in this country are very concerned about.

Mr. Speaker, again, vote 'no' on the previous question, and vote "no" on this closed, restrictive Putin rule.

I yield back the balance of my time.

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

I agree with my colleague from Massachusetts (Mr. McGOVERN) that this is, indeed, serious business. Looking out for the workers of America is perhaps the most serious business that we do.

We have heard a lot of speechifying about trying to do the right thing for the average person in America. On the way out the door, the Obama administration promulgated two regulations that attempt to force government-tight retirement on people when they don't want it and take away their consumer protection rights under ERISA. That is very serious business.

But instead of having a debate about that, my colleagues on the other side of the aisle tried to switch the subject to something else because they don't want to have to defend the indefensible. These two regulations that these two CRA bills would reverse would take away protections for American workers.

This debate is not closed. I completely disagree with that assertion. We had a full debate on this yesterday afternoon in the Rules Committee. We devoted an hour of debate to it right now. Of course, my colleagues on the other side of the aisle have chosen to chew up most of their time, instead of talking about this rule and the underlying legislation, talking about something else; but that is their right if that is what they want to do.

If they had some serious debate that they wanted to have on this rule and the underlying legislation, we wouldn't be talking about Russia. We would be talking about these bills. We would be talking about these regulations.

If this rule is adopted, we will have at least 2 hours of debate here on the floor on the bills themselves, and perhaps more if there is a motion to recommit. There is plenty of debate here. There is plenty of time to decide that you are for the American workers and protecting their consumer protection rights under ERISA or you are against American workers—either/or. It doesn't have anything to do with Russia. It has nothing to do with the Presidential election. It has everything to do with whether you stand with the workers of America or not.

I stand with the workers of America. I think the vast majority of the people in this body want to stand with the workers of America. If they do, I hope that they will vote for this rule and vote for the underlying legislation so that we can reverse these two regulations.

Mr. Speaker, I again urge my colleagues to support H.R. 116 and the underlying joint resolutions.

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

AN AMENDMENT TO H. RES. 116 OFFERED BY
MR. McGOVERN

At the end of the resolution, add the following new sections:

SEC. 3. 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. 356) to establish the National Commission on Foreign Interference in the 2016 Election. 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 Foreign Affairs. 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. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

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. Fitz-

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

PARLIAMENTARY INQUIRY

Mr. McGOVERN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. McGOVERN. My parliamentary inquiry is, are there any amendments that have been made in order under this rule?

The SPEAKER pro tempore. The Chair will not interpret the measure while it is pending.

Mr. McGOVERN. Can the Speaker respond to whether this is a closed rule, which means that no amendments are in order?

The SPEAKER pro tempore. The Chair will not characterize the measure.

Mr. McGOVERN. Thank you, Mr. Speaker.

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. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT, AND PROVIDING FOR CONSIDERATION OF H.J. RES. 42, DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

Mr. COLE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 99 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 99

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 428) to survey the gradient boundary along the Red River in the States of Oklahoma and Texas, 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 Natural Resources; 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. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants. 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 Ways and Means; and (2) one motion to recommit.

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

Mr. COLE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), 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. COLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. COLE. Mr. Speaker, last week, the Rules Committee met and reported

a rule for consideration of two important measures. First, the resolution provides for consideration of H.R. 428, the Red River Gradient Boundary Survey Act. The rule provides for 1 hour of debate, equally divided and controlled by the chair and ranking member of the Natural Resources Committee, and provides for a motion to recommit.

In addition, the resolution provides for consideration of H.J. Res. 42, providing for congressional disapproval of a rule issued by the Department of Labor with regard to drug testing. The rule provides 1 hour of debate, equally divided and controlled by the chair and ranking member of the Ways and Means Committee, and provides for a motion to recommit.

Mr. Speaker, H.R. 428 is a product of months of negotiation between the States of Texas and Oklahoma and the Kiowa, Comanche, and Apache Tribes in my district. I am happy to have been able to work with my friend Mr. THORNBERRY to come up with a fair and equitable solution which all interested parties have agreed to.

As you may know, the Red River serves as the State line separating Oklahoma and Texas. Over time, the river has moved, as much as a mile in some areas, causing landowners' properties to be affected. Instead of working to resolve this, for nearly a century, the Bureau of Land Management, BLM, has been unwilling to survey a small portion of the Federal land along a 116-mile stretch of the Red River between Oklahoma and Texas. H.R. 428 would direct the survey to be completed, using the gradient boundary survey method that was mandated by the Supreme Court, so that ownership of the land, which has been under dispute, can be effectively resolved.

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In addition, Mr. Speaker, the rule provides for the consideration of another Congressional Review Act resolution, which would overturn a Department of Labor rule related to drug testing for those applying for unemployment insurance.

In 2012, the Middle Class Tax Relief and Job Creation Act made a number of reforms to the unemployment insurance program, including overturning a 1960s-era Department of Labor ban on the screening or testing of unemployment applicants for illegal drugs. The 2012 provision allowed, but did not require, States to test unemployment insurance applicants who either, one, lost their jobs due to drug use or, two, who were seeking new jobs that generally required new employees to pass a drug test. Unfortunately, after 4 years and a now finalized rule, States are no closer to being able to implement this sensible policy. Instead, because of the Department of Labor's overreach, three States which have enacted necessary State law changes to implement this commonsense policy are actually now precluded from moving forward with this sensible, bipartisan policy.

Mr. Speaker, most States already limit unemployment insurance benefits or individuals who refuse to take or fail an employer drug test or who have previous employment issues with drugs. We should empower States, employers, and prospective employees who are looking for work and overturn this onerous regulation.

Mr. Speaker, I urge support of the rule and the underlying legislation.

I reserve the balance of my time.

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

I thank the gentleman from Oklahoma for yielding to me the customary 30 minutes for debate.

I rise to debate the rule for consideration, which bundles together two completely unrelated pieces of legislation. One is a joint resolution disapproving of a Department of Labor rule that relates to the drug testing of unemployment compensation applicants. The other, as the gentleman just described, is the Red River Gradient Boundary Survey Act.

There are many more important issues, in my opinion, that face this country at the moment, and for the life of me, I cannot figure out why my colleagues across the aisle think that ceding Bureau of Land Management survey authority over federally owned land to the States and impugning the integrity of those who rightfully seek unemployment insurance are on the same list of important matters this body should be addressing.

First, I would note the odd events that brought us here today as we operate, once again, under a closed rule. I just heard the debate on the previous rule, and I was illuminated by the gentleman from Alabama, on the other side, who indicated that the rule wasn't closed because we had a debate in the Rules Committee yesterday for 1 hour. A closed rule is a closed rule. It means that other Members of this body do not have an opportunity to have their amendments heard and/or made in order. We are now entering our 13th of these closed rules in a body that claimed that it was going to have open rules and regular order.

On February 3, Congressman MCCLINTOCK wrote to Chairman Sessions, asking that the Red River Gradient Boundary Survey Act be heard under a structured rule, which still isn't an open rule. An amendment deadline was set, and two germane amendments with no budgetary issues were submitted. Nevertheless, my Republican colleagues shut down the process and reported a closed rule. As of today, two-thirds of all of the rules issued this session by the Rules Committee have been closed rules. We should not be conducting the people's business this way.

I call on my Republican colleagues to put their unfounded fear aside and let this body operate under regular order, under open rules, or, at the very least, under structured rules.