by a half century as a teacher and administrator, and 17 years as a Riverside school board member.

As school board president, Lew demonstrated his moral courage by insisting that a local high school be named after Martin Luther King, despite a wave of protests and intense opposition. He will be remembered by the Riverside community as someone who cared deeply for his students.

Lew Vanderzyl, an avid reader, crossword puzzler, and traveler, and a constant source of wisdom and kindness. will be dearly missed by our community. May his memory be a blessing to the friends and family he leaves behind.

## □ 1215

### HONORING LOUISE McINTOSH SLAUGHTER

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, Louise McIntosh Slaughter served the people of Rochester in Monroe County, as well as the city of Buffalo, in the United States Congress from 1987 until her untimely death last week

LOUISE SLAUGHTER was a champion of progressive causes and a liberal lioness in the United States Congress. She knew who she was fighting for, and she knew how to fight.

For the homeless, the hopeless, and the voiceless, Louise Slaughter championed all their causes because her political ethos was forever to defend the dignity of every citizen. She never deviated from that cause and reinforced it each and every day on the floor of this Congress, the institution that she

She served as chair and ranking member of the Rules Committee and championed the first \$500 million earmark for breast cancer research to the National Institutes of Health and the Violence Against Women Act. These are among a long list of impressive accomplishments that were championed by Louise Slaughter.

Her friends and her family will miss her, but her accomplishments will forever be enshrined on this institution representing the people that she loved in Rochester and Monroe County.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

> OFFICE OF THE CLERK, House of Representatives, Washington, DC, March 20, 2018.

Hon. PAUL D. RYAN, The Speaker, House of Representatives,

Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 20, 2018, at 11:18 a.m.:

That the Senate passed with an amendment H.R. 3731.

Appointments:

Board of Visitors of the U.S. Military Academy.

United States Holocaust Memorial Council.

With best wishes, I am, Sincerely.

KAREN L. HAAS.

PROVIDING FOR CONSIDERATION OF4566. ALLEVIATING H.R. STRESS TEST BURDENS TO HELP INVESTORS ACT; PROVIDING FOR CONSIDERATION OF H.R. 5247, WENDLER, FRANK TRICKETT MONGIELLO. McLINN. JORDAN AND MATTHEW BELLINA RIGHT TO TRY ACT OF 2018; AND FOR OTHER PURPOSES

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 787 and ask for its immediate consideration.

The Clerk read the resolution, as fol-

### H. RES. 787

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4566) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide relief to nonbanks from certain stress test requirements under such Act. 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 Financial Services now printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-65 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 Financial Services; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by the Member designated in the report, which shall be in order without intervention of any point of order, shall be considered as read, shall be separately debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, and shall not be subject to a demand for a division of the question; and (3) one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 5247) to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, 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 Energy and Commerce; and (2) one motion to recommit.

SEC. 3. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported through the legislative day of March 23, 2018.

SEC. 4. It shall be in order at any time on the legislative day of March 22, 2018, or March 23, 2018, 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.

SEC. 5. Section 3(a) of House Resolution 5 is amended by striking "the first session of".

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1

Mr. BURGESS. 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. 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 787 provides for the consideration of two important bills whose focus is to empower the people of this Nation by removing governmental obstacles standing in the way of life and prosperity in this country.

The first bill, H.R. 4566, the Alleviating Stress Test Burdens to Help Investors Act, is a bipartisan effort from the Committee on Financial Services under Chairman JEB HENSARLING, authored by the gentleman from Maine (Mr. Poliquin).

The second piece of legislation in today's rule, H.R. 5247, the Trickett Wendler, Frank Mongiello, Jordan McLinn, and Matthew Bellina Right to Try Act of 2018, authorizes the use of certain drugs to eligible patients who have been diagnosed with a stage of a disease or a condition for which there is a reasonable likelihood that death will occur in a matter of months.

The rule provides for 1 hour of debate for H.R. 4566, the Alleviating Stress Test Burdens to Help Investors Act, equally divided between the Chair and the ranking members of the Committee on Financial Services.

The rule makes one amendment in order, authored by the gentlewoman from California (Ms. MAXINE WATERS), the ranking member. Further, the rule provides for the consideration of one motion to recommit with or without instructions.

For H.R. 5247, the Right to Try Act of 2018, the rule provides for 1 hour of debate equally divided between the Chair and the ranking member of the Committee on Energy and Commerce. Although no amendments to the bill were made in order, the rule does provide for one motion to recommit.

Mr. Speaker, before I speak about the substance of the two bills under consideration in the rule before us today, I do want to take a minute to honor our colleague and the Rules Committee's ranking member, LOUISE SLAUGHTER, who passed away unexpectedly last week.

I have known Ranking Member SLAUGHTER since I first joined Congress in 2003. We spent countless hours debating every issue one can imagine in the Rules Committee upstairs, often long into the night.

When I joined the Rules Committee in 2013, Ranking Member SLAUGHTER was then the ranking member, but it was under her chairmanship where she ushered through the Affordable Care Act, where my largest memories reside. During the debate for the Affordable Care Act, I went up to H-313, the Rules Committee hearing room, with 18 amendments under my arm, a small selection of the many ways I felt the law needed to be changed.

Certain that I would only be able to get through a small portion of those amendments before I was cut off, I began my testimony. To the chairwoman's credit, she let me go on and on and on, and despite my being convinced that she was going to gavel me down at any second, she allowed me to finish speaking on all 18 amendments.

Mr. Speaker, it wasn't until I actually became a member of the Rules Committee several years later that I discovered there is, in fact, no time limit for Members and witnesses to speak, much to the chagrin of many Members when we debate the National Defense Authorization Act.

Ranking Member SLAUGHTER was always proud of her background as a microbiologist, and it served her well during her tenure in Congress, because, after all, we deal with, sometimes, almost miniscule, microscopic issues, so time as a microbiologist would be good preparation.

One moment where I was glad to be able to work with Ranking Member SLAUGHTER was in 2007. This was right after the Democrats took control of the House. Ms. SLAUGHTER had been pushing for years for legislation that would prohibit the discrimination of employees based on genetic information.

The legislation was forward leaning, long before companies offered DNA testing kits in every pharmacy of the country. And, in fact, it was former Speaker Newt Gingrich himself who brought this bill to my attention, the Genetic Information Nondiscrimination Act, which I was proud to support as it moved through the Energy and Commerce Committee and was eventually signed into law by President Bush.

I would also like to mention Don Sisson, the staff director for the minority on the Rules Committee. Don has been with the committee for years—even at one point working under Chairman Drier—and has been with the ranking member of the Rules Committee through many events in the past years, including the death of her own husband, who, in fact, often sat in the audience of the Rules Committee and joined Ms. SLAUGHTER during our late-night Rules hearings.

Don is, indeed, a loyal staffer, himself hailing from Rochester, New York, and is a great example of how Ms. SLAUGHTER's life and passing is affecting so many people. I do want to thank Don for his written remarks that were read into the record of the Rules Committee last night from the staff perspective on the passing of Ranking Member SLAUGHTER.

Mr. Speaker, at this point, I would like to hold off making further comments on the legislation before us to allow others to speak.

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

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

Mr. Speaker, I thank the gentleman from Texas (Mr. Burgess), my friend, for yielding me the customary 30 minutes for debate.

Mr. Speaker, like my friend from Texas, I was overcome with sadness by the tragic news of LOUISE's passing, who was not only the ranking member of the Rules Committee, but the first and only woman to have chaired the committee.

For 30 years, Louise poured every ounce of energy she had into serving her constituents in upstate New York. She never hesitated to speak her mind, and she never wavered in espousing her beliefs. I will always be truly grateful for the time that I had to serve alongside her.

LOUISE was one of my dearest friends in Congress, having not only served with her on the Rules Committee but also on the Commission on Security and Cooperation in Europe, the Helsinki Commission.

Her legacy speaks for itself. She was not just a champion of women's rights. She was a champion of working families everywhere. This Nation has lost one of our fiercest public servants, and her absence will leave an unfillable void.

Mr. Speaker, I offer my deepest condolences to Louise's daughters: Megan Secatore, Amy Slaughter, and Emily Minerva; her seven grandchildren and one great-grandson; as well as to her friends, constituents, and congressional staff during this extremely difficult time. Her spirit and loving memory will forever live in the Halls of Congress. She will be dearly missed.

Mr. Speaker, turning to today's rules, this rule brings the number of closed rules for the 115th Congress to 74. In other words, more than 50 percent of the legislation coming to the Rules Committee has been closed off from an open and honest debate by my Republican friends.

At the beginning of this Congress, we were told by my Republican colleagues that they would run the government in an open manner. They even championed regular order. Well, that spirit has clearly been jettisoned in favor of an overly partisan approach to governing.

By way of example, one of today's bills, H.R. 5247, was introduced last Tuesday, brought to the House floor for a vote on the same day without the committee of jurisdiction holding one single hearing on the bill or Members having the opportunity to offer their amendments.

□ 1230

Not surprisingly, the measure failed to pass under suspension of the rules.

What was the response of my friends on the other side of the aisle when the vote failed? Did my Republican colleagues insist that the Energy and Commerce Committee hold hearings on the measure? Did my Republican colleagues on the committee of jurisdiction invite experts to speak on what the consequences would be if this bill were to become law? Did my Republican colleagues work with Democrats to come up with a bipartisan solution? No.

Madam Speaker, let me tell you what did happen. The Republican leadership ignored the problems with the measure and brought it to the Rules Committee last night for it to be considered on the House floor today.

Now, this flies in the face of regular order, to ask the entire membership of the people's House to vote on something for which no one can honestly say they know what the unintended consequences would be if this bill were to become law.

Bad process makes bad bills, and the process we have witnessed with this bill can't get much worse. Yet it did get worse when the Republican majority blocked the ranking member's, Mr. PALLONE's, substitute amendment, an amendment which was both germane and had bipartisan support.

Madam Speaker, the Republican majority took it a step further when they extended the Holman rule for the remainder of the 115th Congress. My friends on the other side of the aisle are yet again seeking to scapegoat Federal employees, make cuts to the Federal workforce, and politicize the civil service system that was established to professionalize agencies and offices, all while ignoring the waste and abuses in the reality show of the Trump administration.

Madam Speaker, challenged by the American people to bring up comprehensive gun reform, House leadership instead brings up one bill that hasn't gone through anything resembling regular order and another bill that weakens and undermines a valuable tool that gives financial companies and regulators an opportunity to identify and correct problems before they could lead to another financial crisis.

Every year, roughly 35,000 people are killed by guns. Moreover, 2,700 children and teens are shot and killed, and over 14,000 more are shot and injured every year. That is an average of 47 American children and teens shot every day.

And the effects of gun violence extend far beyond those struck by a bullet. Gun violence shapes the lives of the millions of children who witness it, know someone who was shot, or live in fear of the next shooting. We have witnessed the effects over the last month with the students from Marjory Stoneman Douglas High School.

This weekend, hundreds of thousands of students and their supporters will descend on Washington, D.C., to demand that the Federal Government take action to stop the epidemic of mass shootings, which have become all too familiar

No less than this morning when I turned on the television, less than an hour and a half away from here, in yet another school, yet another shooting. Fortunately, it appears that the resource officer there engaged the shooter early on and may have caused there to be less damage, although some people were injured, and one or two critically.

We can no longer ignore what gun violence really is in this country. It is an epidemic.

But do not just take my word for it or the students who witnessed 14 friends' and 3 teachers' lives brutally cut short. The American Medical Association, following the tragedy at the Pulse nightclub in Orlando, declared gun violence in this country "a very public health crisis," a crisis which the Republican majority's only answer is to offer thoughts and prayers and further block any Democratic measures to address this crisis and to continue to block the Centers for Disease Control and Prevention from even researching gun violence.

Instead of finally making permanent the status of Dreamers in this country as full citizens, the Republican majority ignores their calls and the calls of the vast majority of Americans and, instead, brings up one bill that undermines a valuable early warning system of our Nation's economy and another bill that has gone through a completely closed process.

Enough is enough. President Donald John Trump says he wants to fix this problem. The Speaker says he wants to fix this problem. We on this side of the aisle clearly want to fix this problem. So let's do it already.

Madam Speaker, last week, when I was managing yet another useless financial regulation, I commented and I asked the American public to respond:

Would you rather us stop banks from having stress tests or would you prefer that we deal with the deferred action for children in this country, 800,000 of whom are Dreamers, 120 of whom lose their status every day?

Would you prefer that we deal with the measure that is on the floor today or that we deal seriously with a variety of issues having to do with gun violence in our society, which I have described as an epidemic?

Would you prefer as a priority, America, that we deal with these trivial matters that are going nowhere fast or that we center ourselves and focus on those measures that are vital to the survival, security, and safety of all Americans?

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, it was indeed incredibly disappointing last week when our Democratic colleagues did not join us in supporting what was very carefully crafted right-to-try legislation.

The President came and talked to us at the beginning of February, and right to try was one of the issues that he highlighted there from the podium. So it should be to no one's great surprise that this House would indeed take up and work on that issue that the President himself highlighted. Right to try was the one piece of legislation that President Trump specifically promised to the American people in the State of the Union address.

Today, I want it to be known that I stand with the President. I stand with the thousands of Americans with terminal diseases and their families and their friends in getting this important bill passed.

Since 2014, 37 States, including my home State of Texas, have passed a version of a right-to-try law, and through a strong grassroots movement, they have accomplished that.

Today, the House is considering H.R. 5247, the Right to Try Act of 2018, which would improve access to experimental treatments for terminally ill patients and offer them a chance—a second chance, a third chance—at life.

Over the course of the last decade, our Nation has achieved unprecedented innovation and scientific breakthroughs. Thanks to researchers in our academic institutions and those working in the pharmaceutical and medical device industries, American patients have access to innovative treatments.

Regardless of these achievements, I hear from patients with serious life-threatening conditions, including my constituents from north Texas, who are frustrated with what they see as regulatory barriers from trying and experimenting with new therapies when every other avenue has failed.

It does seem we are at a crossroads when lifesaving treatments, while not yet approved, both exist and remain unavailable to patients.

As a physician, I understand that access to investigational drugs and therapies is a deeply personal priority for those seeking treatment for themselves or loved ones with a serious and lifethreatening condition.

It is crucial to mention the multistakeholder efforts that have gone into

improving the original right-to-try bill. Chairman WALDEN of the Energy and Commerce Committee led negotiations with the Commissioner of the United States Food and Drug Administration, Dr. Scott Gottlieb, and with other stakeholders to ensure that this legislation opens the door to innovative experimental drugs for these patients without necessarily compromising the vital work and the mission of the Food and Drug Administration. The product of those negotiations is a bill that strikes the proper balance between ensuring patient safety and granting access to these treatments.

I also want to mention that the Subcommittee on Health did have a hearing in this regard October 3. We heard from the Commissioner of the Food and Drug Administration during that hearing. We heard from a number of patient groups and stakeholders who felt that it was, in fact, in their best interest for us to advance legislation.

Currently, the Food and Drug Administration conducts an expanded access program aimed at helping patients who do not qualify for clinical trials to gain access to therapies that the agency has yet to approve. While this program makes a good faith effort to help those patients, right to try would create an alternative pathway for those individuals, allowing them to access eligible investigational drugs.

The fact is that individuals may not qualify for a clinical trial if they do not meet very specific patient inclusion criteria, which may include factors such as age, gender, type and stage of disease, previous treatment history, and other medical conditions. There are also many patients for whom participation in a clinical trial is not feasible, especially those who live in rural areas far from where those academic clinical trial sites exist.

Most, if not all, of the patients with a terminal medical condition fall into one of these categories. This legislation allows those patients to participate in the alternative pathway so long as they are certified by a physician who is in good standing and abides by the rules laid out in the bill.

Again, we worked closely with the Food and Drug Administration to ensure that the new alternative pathway does not hinder or conflict with the critically important oversight that that agency conducts. While some people may have reservations about the safety of a new pathway, this bill protects patients from manufacturers mislabeling or misbranding drugs, requires sponsors and manufacturers to report adverse events to the Food and Drug Administration, and provides certain liability protections for parties participating in the new pathway. This alternative pathway would also be limited to individuals who have exhausted all FDA-approved treatment options.

Additionally, only certain investigational drugs are considered eligible under this legislation. In order to qualify, the drug must have completed a phase one clinical trial, must have an active application, must be under active development or production by the manufacturer, and must not be the subject of a clinical hold.

Eligible patients include those suffering from a stage of a disease or condition for which there is reasonable likelihood that death will occur in a matter of months or that would result in significant irreversible morbidity that is likely to lead to premature death.

This revised right-to-try bill also provides certainty to manufacturers in the drug approval process. It is essential that we do not create additional hurdles in that process. The legislation clearly states that the Secretary of the Department of Health and Human Services "may not use a clinical outcome associated with the use of an eligible investigational drug . . . to delay or adversely affect the review or approval of such drug."

#### $\Box$ 1245

Since the Health Subcommittee first considered the right-to-try legislation, the bill has passed in the Senate, and we have had many conversations with patients, advocates, the administration, and stakeholders on all sides of this complex topic. That collaborative effort was necessary, and I am certainly grateful to all who participated in those discussions.

Madam Speaker, this represents months of hard work and thoughtful discussions and decisions. I believe this legislation is a positive step forward in our shared goal of improving care for American patients. Again, this was the one aspect of the President's State of the Union Address where he asked us specifically to act on this legislation.

For these reasons, I urge my colleagues to support the rule and the underlying bill.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, last night in the Rules Committee, I had dialogue with the author of this legislation and also the ranking member, Mr. PALLONE. I indicated to them that I have very strong sympathies regarding persons who are in the apparent throes of death and seeking some hope, and medication can have its advantages, and experimental medication can have its advantages.

My quarrel with the legislation is that it didn't go through regular order. I don't understand why, with all of the experts. I introduced into the RECORD in the Rules Committee last night a substantial number of organizations and individuals who have come forward. They all agree that something along the lines of what is being sought ought be undertaken, but it would allow for those persons to have added input into what ultimately may be significant legislation. But my friends on

the other side plow right ahead on this matter that I reiterate was brought on suspension last week that failed, and then brought here last night for purposes of a rule along with financial stress legislation

So it is not that many of us are not sympathetic to the underlying principle that is being offered. It is that it is rank process and that we should not allow legislation to continue to come to the floor of the House of Representatives that blocks out a significant number of persons who may have input that would make the measure be much more salient to a more significant number of people.

It is for that reason that I continue to ask the questions: What are our priorities here? What is the rush with reference to this matter while we are ignoring a significant number of other matters that we could be undertaking?

In addition to that, we were supposed to go to the Rules Committee this afternoon on the omnibus bill; and now, evidently, there is wrangling going on between the parties and bicameral between the Senate and the House, and that measure isn't ready to come to the floor.

Yet we are dealing with something that isn't the highest priority of the moment. I commented last night, anything that will help a person who is facing death is the kind of thing that we would want that person to have that opportunity to deal with. But we have children who have been killed and we have children who are facing the potential for that kind of horror, yet we are doing nothing.

So, Madam Speaker, once again, I rise to appeal to my friends on the other side of the aisle: Please, listen to the American people and do more to help end the epidemic of gun violence that has plagued our Nation and that the American people are demanding Congress to do more.

For example, in a recent Gallup Poll, nearly two-thirds of adults wanted stricter laws on the sale of firearms. According to a recent NPR/Ipsos poll, 75 percent of respondents said they think gun laws should be stricter.

As I indicated earlier, just this morning there were reports of another school shooting just an hour and a half from Washington, D.C., in Great Mills, Maryland. The American people are begging this body to do something to end this epidemic, so I offer the majority this opportunity:

Madam Speaker, if we defeat the previous question, I am going to offer an amendment to the rule to bring up four commonsense gun safety bills: H.R. 4240, the Public Safety and Second Amendment Rights Protection Act; H.R. 3464, the Background Check Completion Act; H.R. 2598, the Gun Violence Restraining Order Act; and H.R. 1478, the Gun Violence Research Act.

These bills would close the dangerous gun show and internet sale background check loopholes, prevent the sale of guns without a completed background check, ensure that people who are a danger to themselves or others can be prevented from possessing a gun, and lift the prohibition on government-sponsored scientific research on the causes of gun violence.

Madam 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 (Ms. Foxx). Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS. Madam Speaker, I urge my colleagues to defeat the previous question so that we can finally do something to address gun violence.

Through you, Madam Speaker, I would advise my friend from Texas that I have no further speakers and I am prepared to close when he is prepared to close.

Madam Speaker, I reserve the balance of my time.

Mr. BURGESS. Madam Speaker, I yield 3 minutes to the gentleman from Washington (Mr. Newhouse), who is a fellow member of the Rules Committee.

Mr. NEWHOUSE. Madam Speaker, I want to thank the gentleman from Texas (Mr. Burgess), as well as the good gentleman from Florida (Mr. HASTINGS), because I want to take just a minute.

I think it is appropriate at this time during this debate on a rule to remember Ms. Louise Slaughter, our ranking member of the Rules Committee, a historical position. She was the very first woman to be the chairman of the Rules Committee. She gave three decades of service to our Nation through the U.S. Congress. As importantly—or, to me, more importantly—she was someone whom I consider a personal friend.

Louise was an individual who I said yesterday could really transcend between politics and personal relationships. We had some very heated debates—a good example is today—and very strong differences of opinions, but we can do that. That is our job to do that. But Louise also taught us that we could do that without being negative to each other in a personal way. She was great at that. She embodied and personified the ability to have an objection without being objectionable, and I admired that greatly about her.

She was a senior Member and I was a very junior Member. She didn't have to do this, but in many ways she took me under her wing when I became a Member of Congress. We served on the Rules Committee together, and I very much relished that relationship that we had.

Another thing that we had in common was we joined a very exclusive club, one that several other Members of this body belong to, and that is those people who have lost their spouses. When I was going through that very personally difficult time, LOUISE

had the similar experience. She was very gracious to me to be able to help me through that very difficult time. We exchanged books. Many Members of Congress have read books by C.S. Lewis. Louise and I had many discussions about some of the things in some of his writings. In kind of a funny way, as she would do in manipulating me into thinking I was helping her, she was actually having me help myself through that very challenging time. I will always be forever grateful to her for doing that.

She stood strong, and she was a formidable opponent. When she was managing the rule for the Democrats on the other side of the floor, it was always a challenging task, and you had to be on your game when you were on this side making the debate with her.

I count myself very fortunate to have been able to know her and to have been able to work with her. I join together with all of my colleagues and her family to be able to remember her and honor her memory; and I will continue to do so, as she has truly left a large mark on this institution.

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

I would say to my friend from Washington what I said last night: We would do a great service to LOUISE's memory if we were to make more open rules here on the House floor; and I will argue for her in that regard.

Madam Speaker, before I close, I want to again reiterate the tremendous loss felt in this Chamber with the passing of our longtime colleague, Congresswoman LOUISE MCINTOSH SLAUGHTER. She was a champion of all the issues she cared about and a giant here in the House of Representatives. Her wisdom will be missed every day.

Madam Speaker, the people's House should be approaching our work in a manner that is fair to all Americans, in a manner where the appropriate committee of jurisdiction holds hearings and markups, in a manner where experts in the field are consulted, and in a manner where Members of both parties have the opportunity to offer amendments and debate the contents of the bill.

The process we are witnessing here today is truly a slap in the face to regular order. A bill that has zero input from members on the Energy and Commerce Committee or that has been the subject of any thoughtful discussion is suddenly on the House floor for a vote.

Now, I respect my friend from Texas' view that last year in the Senate, and even perhaps since that time, and throughout the country, right-to-try measures have passed in several States to some degree. But this particular bill that is on the floor that we are making a rule for has not gone through regular order; and that, then, disallows a significant number of persons who would have an opportunity to have input to what could be legislation that all sides could agree upon. Our failure to undertake to do that is a disservice, in my

view, to the institution and to the measure that is being sought to be passed here today.

This is not just an affront to normal House procedure; it is downright undemocratic and emblematic of the Republican majority's inability to govern. I think it will redound to their discredit that they are not allowing this House to proceed under regular order.

As I indicated earlier, more than 50 percent of all of the measures that have come to the Rules Committee and have ultimately come to the floor of the House of Representatives have been under closed rules, which means that Members who represent millions of people in America do not have opportunities to offer amendments that might make the measure better or, at the very least, have their views heard with reference to substantive legislation that is moving through this body.

### $\sqcap$ 1300

If we continue down this path for the remainder of this session, we will probably break the 100th barrier on closed rules. We have already had more closed rules than in the history of legislating in this country.

That is not fair. That is basically all we are arguing. Open up the process. Let every Member have an opportunity for input on behalf of his or her constituents. It is the right thing to do. What has been happening is the dead wrong thing to do.

Mr. Speaker, I urge a "no" vote on the rule, and I yield back the balance of my time.

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

Mr. Speaker, I include in the RECORD an article from The Dallas Morning News from 2010. The title of the article—and I am not going to read the whole thing—is: "Pelosi Pulled Strings to Let Dying Dallas Lawyer Try Experimental Cancer Drug."

[From the Dallas Morning News, 2010]
PELOSI PULLED STRINGS TO LET DYING DALLAS LAWYER BARON TRY EXPERIMENTAL
CANCER DRUG

## (By Todd J. Gilman)

Washington.—Dallas' top Democratic donors will cut big checks to share dinner later this month with House Speaker Nancy Pelosi. Most will be motivated by a desire to protect the party's congressional majority.

Lisa Blue will have an extra reason: to say thanks for Pelosi's efforts when her husband, Fred Baron, was dying of bone marrow cancer. His only option was an experimental drug whose manufacturer refused to give permission to use it for Baron's condition.

"He was a big fan of hers, and now I am as well," Blue said.

Baron, the "King of Toxic Torts," built a fortune suing on behalf of asbestos victims. He died the week before Election Day 2008 at age 61

A prolific Democratic fundraiser, he served as finance chief that year for his friend John Edwards, who also made his fortune in court. Baron later acknowledged funneling large sums to Edwards' mistress—a scandal that gave ammunition to those who already despised trial lawyers.

But to Blue, first and foremost, Baron was a husband.

The tale she tells of his final weeks is not so different than any widow might tell, except, of course, that the couple had friends in especially high places—friends like Pelosi, who will headline the Aug. 24 dinner to raise cash for the Democratic Congressional Campaign Committee.

In 2002, Baron was diagnosed with multiple myeloma. By October 2008, his doctors at the Mayo Clinic were telling him he had just days to live.

They also offered a glimmer of hope. Over the years, the couple had donated about \$1 million to Mayo. The staff was especially diligent, Blue said. They tested an arsenal of drugs and finally discovered that Baron's cancer responded surprisingly well, in the lab, to a drug called Tysabri.

Mayo had an ample supply, but the drug was—and still is—approved only for treatment of multiple sclerosis and Crohn's disease. The manufacturer, Biogen Idec, refused to give permission, even under special "compassionate use" rules that protect a drugmaker from a black mark in case of an adverse outcome.

Biogen said it didn't want to jeopardize the drug's availability to other patients. (The company did not respond to a request for comment last week.)

"I told Mayo, 'I'll sign anything, I'll release anything. Just give him the drug,'" Blue said.

Blue, also a top lawyer, began making calls. She started with Lance Armstrong, the bicyclist and cancer survivor, whom she had represented.

"I started going through Fred's Rolodex," she said. "I called every politician, every celebrity that I knew and just begged them to help. . . . I must have made 200 calls."

She called clinics in Canada, trying in vain to find doctors willing to administer the drug without Biogen's OK. She hired a lawyer and prepared to sue Mayo to force it to dispense the drug. She even bought some Tysabri online from Australia, intending to send stepson Andrew Baron to smuggle it back, she said.

The younger Baron posted an open plea online to Biogen, noting that Bill Clinton, Sens. John Kerry and Edward Kennedy of Massachusetts, Sen. Tom Harkin of Iowa and even the head of the Food and Drug Administration had urged the company to reconsider.

"You talk about mental anguish," Blue recounted. "Fred, every day, would wake up and he said, 'Am I going to get the drug?" Others were supportive, she said, but

Pelosi "put her heart and soul" into the cause, as did Harkin.

Somehow—Blue still isn't sure how—Pelosi cajoled the FDA to find a legal justification that let Mayo administer the drug, even without Biogen's consent.

"Nancy figured out a way," she said.

The drug beat back the cancer for a few days, but not enough.

Blue has no illusion that a typical family could pull such strings.

"There are so many cases like Fred's," she said. "One thing he taught me was politics matters. What a personal experience for me to understand how politics matters."

And no, she added, "It's not fair that other people can't pick up the phone and make the government give them a drug. . . . It was just such an awakening about how the drug companies have so much power."

That's what she'll tell Pelosi over dinner.

Mr. BURGESS. Mr. Speaker, this article references events that occurred in 2008.

In 2002, this individual was diagnosed with multiple myeloma. By October of 2008, his doctors were telling him that

he had just days to live. They also offered a glimmer of hope. There was perhaps one chance of therapy. It was an unproven therapy that might, in fact, be helpful to him.

The family made inquiries, made entreaties, but they were not successful until they invoked the then-Speaker of the House, NANCY PELOSI, who actually helped this lawyer get access to this medication. Unfortunately, it was not successful. His disease spread to a point where the therapy was not helpful. But the family observed, "NANCY figured out a way."

How about that. The Speaker of the House figured out a way to get this medication to an individual who was dying of a disease, who obviously was very important—a large Democratic donor, and I get that.

But the Speaker of the House intervened because the clinic where he was being treated felt that they did not have the authority to give him the medication. The company that was manufacturing the medication did not feel that it was in anyone's best interest to give him the medication. But NANCY found a way.

Well, Mr. Speaker, today, we are going to find a way. The President asked us, and we are going to find a way for those millions of Americans who are asking for that same chance.

So today's rule provides for consideration of two important consumer-driven pieces of legislation:

H.R. 4566, by Mr. Poliquin, will help alleviate some of the regulations that were put in place under the Dodd-Frank Act.

H.R. 5247, the right-to-try bill which garnered a majority of bipartisan support last week, will give patients who have nowhere else to turn another option to fight the potentially fatal health conditions with which they have been diagnosed.

I do want to thank President Trump and Vice President Pence for their leadership on this issue and helping us understand here in this body how important it is to move forward with this patient-centered legislation.

I urge my colleagues to support today's rule and the two underlying pieces of legislation.

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

AN AMENDMENT TO H. RES. 787 OFFERED BY MR. HASTINGS

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

SEC. 6. That 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. 4240) to protect Second Amendment rights, ensure that all individuals who should be prohibited from buying a firearm are listed in the National Instant Criminal Background Check System, and provide a responsible and consistent background check process. 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. Immediately after disposition of H.R. 4240 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. 3464) to prohibit firearms dealers from selling a firearm prior to the completion of a background check. 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. 8. Immediately after disposition of H.R. 3464 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. 2598) to provide family members of an individual who they fear is a danger to himself, herself, or others new tools to prevent gun violence. 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. 9. Immediately after the disposition of H.R. 2598, 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. 1478) To repeal the provision that in practice prohibits the Department of Health and Human Services from sponsoring research on gun violence in fiscal year 2017, and for other purposes. 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 Energy and Commerce. 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. 10. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 4240, H.R. 3464, H.R. 2598, or H.R. 1478.

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

The SPEAKER pro tempore (Mr. BACON). 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. HASTINGS. 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.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 4 minutes p.m.), the House stood in recess.

## □ 1340

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Jody B. Hice of Georgia) at 1 o'clock and 40 minutes p.m.

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 787; and

Adoption of House Resolution 787, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FORCONSIDERATION OF H.R. 4566. ALLEVIATING STRESS TEST BURDENS TO HELP INVESTORS ACT; PROVIDING FOR CONSIDERATION OF5247 H.R. TRICKETT WENDLER, FRANK MONGIELLO. JORDAN McLINN. AND MATTHEW BELLINA RIGHT TO TRY ACT OF 2018; AND FOR OTHER PURPOSES

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 787) providing for consideration of the bill (H.R. 4566) to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to provide relief to nonbanks from certain stress test requirements under such Act; providing for consideration of the bill (H.R. 5247) to authorize the use of eligible investigational drugs by eligible patients who have been diagnosed with a stage of a disease or condition in which there is reasonable likelihood that death will occur within a matter of months, or with another eligible illness, and for other purposes; and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

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

The vote was taken by electronic device, and there were—yeas 233, nays 181, not voting 15, as follows:

# [Roll No. 117]

# YEAS-233

Abraham Cheney Flores Aderholt Coffman Fortenberry Allen Cole Foxx Amash Collins (GA) Frelinghuysen Amodei Collins (NY) Gaetz Gallagher Arrington Comer Babin Comstock Garrett Gianforte Bacon Conaway Banks (IN) Cook Gibbs Costello (PA) Barr Gohmert Barton Cramer Goodlatte Bergman Crawford Gosar Biggs Culberson Gowdy Bilirakis Curbelo (FL) Granger Bishop (MI) Graves (GA) Bishop (UT) Davidson Graves (LA) Davis, Rodney Graves (MO) Blackburn Denham Griffith Bost. Dent Grothman Brady (TX) DeSantis Guthrie Brat DesJarlais Handel Bridenstine Diaz-Balart Harper Brooks (AL) Donovan Harris Brooks (IN) Duffy Hartzler Duncan (SC) Hensarling Buchanan Herrera Beutler Buck Duncan (TN) Bucshon Hice, Jody B. Dunn Budd Emmer Higgins (LA) Burgess Estes (KS) Hill Farenthold Holding Byrne Hollingsworth Calvert Faso Carter (GA) Hudson Ferguson Carter (TX) Fitzpatrick Huizenga Fleischmann Hultgren Chabot

Hunter Hurd Issa Jenkins (KS) Jenkins (WV) Johnson (LA) Johnson (OH) Johnson, Sam Jordan Jovce (OH) Katko Kelly (MS) Kelly (PA) King (IA) King (NY) Kinzinger Knight Kustoff (TN) Labrador LaMalfa Lamborn Latta Lewis (MN) LoBiondo Long Loudermilk Lucas Luetkemever MacArthur Marchant Marino Marshall Massie Mast McCarthy McCaul McClintock McHenry McKinley McMorris Rodgers McSally

Adams

Bass

Bera.

Bever

Bishop (GA)

Blumenauer

Bonamici

Brady (PA)

Brown (MD)

Butterfield

Capuano

Carbajal

Cárdenas

Carson (IN)

Cartwright

Castor (FL)

Castro (TX)

Clark (MA)

Clarke (NY)

Cicilline

Clay

Cleaver

Clyburn

Connolly

Cohen

Cooper

Correa

Courtney

Crowley

Cuellar

DeFazio

DeGette

Delanev

DeLauro

DelBene

Demines

Deutch

Dingell

Doggett

DeSaulnier

Davis (CA)

Costa

Crist

Brownley (CA)

Ē

Bustos

Blunt Rochester

Boyle, Brendan

Beatty

Aguilar

Barragán

Meadows Meehan Messer Mitchell Moolenaar Mullin Newhouse Noem Norman Nunes Olson Palazzo Palmer. Paulsen Pearce Perrv Pittenger Poe (TX) Poliquin Posey Ratcliffe Reed Reichert Renacci Rice (SC) Roby Roe (TN) Rogers (AL) Rogers (KY) Rohrabacher Rokita Rooney, Francis Rooney, Thomas Ros-Lehtinen Roskam Ross Rothfus Rouzer Royce (CA) Russell Rutherford Sanford Scalise Schweikert

Scott, Austin Sensenbrenner Sessions Shimkus Shuster Simpson Smith (MO) Smith (NE) Smith (NJ) Smith (TX) Smucker Stefanik Stewart Stivers Taylor Tenney Thompson (PA) Thornberry Tipton Trott Turner Upton Valadao Wagner Walberg Walden Walker Walorski Walters, Mimi Weber (TX) Webster (FL) Wenstrup Westerman Williams Wilson (SC) Wittman Womack Woodall Yoder Yoho Young (AK) Young (IA) Zeldin

Lowenthal

### NAYS-181

Doyle, Michael Ellison Engel Eshoo Espaillat Esty (CT) Evans Foster Frankel (FL) Fudge Gabbard Gallego Garamendi Gomez Gonzalez (TX) Gottheimer Green, Al Green, Gene Grijalva Gutiérrez Hanabusa Hastings Heck Higgins (NY) Himes Huffman Jackson Lee Javapal Jeffries Johnson (GA) Kaptur Keating Kennedy Khanna Kihuen Kildee Kilmer Kind Krishnamoorthi Kuster (NH) Langevin Larsen (WA) Larson (CT Lawrence Lawson (FL) Lee Levin Lewis (GA) Lieu, Ted Loebsack Lofgren

Lowey Lujan Grisham. Luján, Ben Ray Lynch Maloney, Carolyn B. Maloney, Sean Matsui McCollum McEachin McGovern McNerney Meeks Meng Moore Moulton Murphy (FL) Nadler Napolitano Neal Nolan Norcross O'Halleran O'Rourke Pallone Panetta Pascrell Payne Pelosi Perlmutter Peters Peterson Pocan Polis Price (NC) Quigley Raskin Rice (NY) Richmond Rosen Roybal-Allard Ruiz Ruppersberger Ryan (OH) Sánchez Sarbanes Schakowsky Schiff Schneider

Schrader