

issue. I would also like to thank the staffs on both sides of the aisle, and I would also like to thank the chairman of the Appropriations Committee, RODNEY FRELINGHUYSEN, for his assistance in a bump that we ran into at the eleventh hour there.

He was a classmate of mine. We both came in in the historic class of 1994, and he will be leaving at the end of this term. He is going to be greatly missed, but, in any event, I want to thank Chairman FRELINGHUYSEN.

Mr. Speaker, to conclude, the 7(a) Loan Program is an important capital access resource for the Nation's small businesses. However, with any government guarantee program, strong oversight is mandatory to safeguard American taxpayer dollars. H.R. 4743 institutes strong and critical reforms to make sure oversight is front and center as this program is administered by the SBA.

H.R. 4743 ensures the program will only be utilized by small businesses that truly require its services, and I urge my colleagues to support the bipartisan reforms instituted in H.R. 4743.

Finally, I want to again thank the gentlewoman from New York and the staffs and everyone else involved in this. I understand it might not be the norm everywhere these days, but, in our committee, it is business—and I should say—it is small business as usual. The gentlewoman was really a pleasure to work with on this and many other issues, so I thank the gentlewoman very much for her work.

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

The SPEAKER pro tempore (Mr. MCCLINTOCK). The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 4743, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY BUREAU OF CONSUMER FINANCIAL PROTECTION

Mr. HENSARLING. Mr. Speaker, pursuant to House Resolution 872, I call up the joint resolution (S.J. Res. 57) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 872, the joint resolution is considered read.

The text of the joint resolution is as follows:

S.J. RES. 57

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Bureau of Consumer Financial Protection relating to "Indirect Auto Lending and Compliance with the Equal Credit Opportunity Act" (CFPB Bulletin 2013-02 (March 21, 2013), and printed in the Congressional Record on December 6, 2017, on pages S7888-S7889, along with a letter of opinion from the Government Accountability Office dated December 5, 2017, that the Bulletin is a rule under the Congressional Review Act), and such rule shall have no force or effect.

The SPEAKER pro tempore. The joint resolution shall be debatable for 1 hour equally divided and controlled by the chair and ranking minority member of the Committee on Financial Services.

The gentleman from Texas (Mr. HENSARLING) and the gentlewoman from California (Ms. MAXINE WATERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. HENSARLING. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and submit extraneous material on the resolution under consideration.

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

There was no objection.

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

Mr. Speaker, the Consumer Financial Protection Bureau, which many of us know as perhaps the single, most powerful, unaccountable agency in the history of our Republic, a few years ago, issued guidance that essentially outlawed the practice of auto dealers in America being able to take wholesale finances from third parties and charge retail rates. They did this because the Bureau claimed that the practice potentially violated the Equal Credit Opportunity Act, known as ECOA.

Mr. Speaker, there were several different problems with this approach, not the least of which is at section 1029 of Dodd-Frank, which forbids the Bureau from regulating auto dealers. It is in the law, and so many of my friends on the other side of the aisle come to this very floor to jealously, religiously, and unrelentingly, defend the Dodd-Frank Act.

I am anxious to hear their voices today, because to defend the Dodd-Frank Act, you must vote to overturn the Bureau's guidance because this was absolutely trampling upon the sacred ground of Dodd-Frank.

Now, I didn't support Dodd-Frank, but it is the law of the land, Mr. Speaker. And if there is anything, shouldn't lawgivers in this Chamber be committed to the rule of law, the laws that have been passed by the United States

Congress and signed into law by the President of the United States? So no less of an authority than Dodd-Frank says: Bureau, thou shalt not regulate auto dealers. But they attempted to do it. So that was sin number one.

Sin number two: they didn't engage in rulemaking. This was guidance. Now, guidance is supposed to tell a market participant: Okay, we understand what you are trying to do, and what you are trying to do is permissible. But, instead, the Bureau flipped it on its head and said: No, you are not allowed to do X, Y, and Z, which is essentially rulemaking, Mr. Speaker.

And so what the Bureau did was they violated the Administrative Procedure Act, which is there to assure that market participants receive due process; that they are allowed notice; that they are allowed to comment; that they are allowed to participate in the democratic process by which rules are promulgated.

So, again, what the Bureau did was, as opposed to engaging in formal rulemaking as demanded by the Administrative Procedure Act—by the way, which was essentially defined by the Clinton administration—but they violated that. They just threw it out.

□ 1515

The third problem here, Mr. Speaker, is the Bureau claimed under its former Director, Mr. Cordray, now gubernatorial candidate Mr. Cordray, that they were a data-driven bureau. Well, guess what? They couldn't come up with any data of this purported violation of the Equal Credit Opportunity Act.

They claimed that somehow there was unconscious discrimination on racial basis, known as disparate impact. But where was the data? Auto dealers, by law, cannot keep records on the racial characteristics of their customers.

So what did the very enterprising Bureau do, Mr. Speaker? They guessed. Now, they came up with a great academic name for it: Bayesian Improved Surname Geocoding system. Do you know what that means, Mr. Speaker? They guessed. They looked at somebody's last name. They looked at a ZIP Code. They scratched their heads.

Oh, that person must be of Asian heritage.

Oh, that person must be of European heritage.

Oh, that person must be of African heritage.

They made it up. They had no data; so they made it up.

Now, because of all this, in the previous Congress, Mr. Speaker, this body voted overwhelmingly—overwhelmingly—to overturn the guidance. The vote was 332-96. Unfortunately, the Senate did not act then. Fortunately, today the Senate has now acted; so this body has the opportunity to overturn these many wrongs.

And let me end with this wrong: consumers are being hurt. An analysis by The Wall Street Journal showed that

many creditworthy borrowers, because of what the Bureau has done, will have to pay up to \$586 more—\$586 more—for their auto loans because of what the Bureau has done. Because of that, under the Congressional Review Act, it is time for Congress to say: We said what we mean. We are going to protect consumers. We are going to overturn the Bureau's guidance, and we are going to do it today.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in opposition to S.J. Res. 57, a Congressional Review Act resolution to repeal a very important guidance on indirect auto finance lending that was issued by the Consumer Financial Protection Bureau all the way back in 2013, in order to prevent discriminatory lending.

Indirect auto lenders are lenders such as banks that work with car dealers to finance car loans for consumers. Mr. Speaker, first let me say that this is an inappropriate and misguided use of the Congressional Review Act that sets a dangerous precedent. While congressional Republicans so far have been very active in using the Congressional Review Act to tear down important regulations that protect Americans, today they are expanding their harmful efforts even further to now go after regulatory guidance issued by the Consumer Bureau years ago. This is a clear overreach that goes way beyond how the Congressional Review Act was intended to be used.

This resolution is one part of a widespread Republican effort to make it more difficult to hold financial institutions accountable. The Consumer Bureau's 2013 guidance on indirect auto lending was issued to provide clarity to indirect auto lenders and protect auto loan borrowers from discrimination. This is a market where discriminatory practices have well been documented. Since its establishment, the Consumer Bureau has levied more than \$140 million in fines and penalties against lenders for engaging in discriminatory auto lending practices.

Just this January, an investigation by the National Fair Housing Alliance found that, 62 percent of the time, highly qualified minority borrowers seeking purchase and financing options for a car receive more costly pricing options than less qualified White borrowers receive for the same vehicle. According to the same report, less qualified White borrowers were presented with more financing options 75 percent of the time.

The guidance issued by the Consumer Bureau simply clarified that indirect auto lenders would be held accountable for violations of the Equal Credit Opportunity Act, or ECOA, if they took part in discriminatory practices in the pricing of auto loans. Under ECOA, it is illegal for a creditor or a lender to discriminate against a person because

of race, color, religion, national origin, sex, marital status, age, or receipt of income from any public assistance program.

So the issuance of this guidance, which also provided a number of steps to indirect auto lenders that they could use to ensure that they were in compliance with the law, was a commonsense action that has both protected borrowers from unfair practices and helped lenders stay on the right side of the law.

Proponents of this resolution say to the Consumer Bureau: Oh, you had no authority to regulate auto dealers. But that is not what is at issue here today. Let's be clear. The Consumer Bureau's guidance applies to indirect auto lenders, not automobile dealers.

This resolution would set back efforts to prevent discriminatory auto lending, make it harder for responsible businesses to follow the law, and harm consumers. It would not only repeal the Consumer Bureau's regulatory guidance on auto lending but could also prevent the Consumer Bureau from ever again issuing "substantially similar" guidance on the matter.

Furthermore, by setting this terrible precedent of repealing regulatory guidance, the majority is opening up a Pandora's box that could have deeply harmful consequences for the public and badly impede the important work of regulators, not just of the financial services industry but of all industries.

Mr. Speaker, I strongly oppose the resolution and urge Members to vote "no."

I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. ZELDIN), an outstanding advocate for all the working people of New York, a member of the Financial Services Committee, and the author of the House companion bill.

Mr. ZELDIN. Mr. Speaker, I thank the gentleman for yielding. I rise in strong support of this important resolution, S.J. Res. 57.

I am the House sponsor of the companion legislation to this Congressional Review Act resolution to repeal ill-founded guidance issued by the Consumer Financial Protection Bureau relating to the dealer-directed auto lending market. Mr. Speaker, I want to thank Chairman JEB HENSARLING for all of his amazing leadership on this very important issue. I also want to commend my Senate counterparts on this legislation: Senators JERRY MORAN and PAT TOOMEY.

Mr. Speaker, for so many of my constituents, access to transportation is key to their economic prosperity. And access to affordable credit is what helps them get behind the wheel to get their kids to school, get themselves to work, or to get sick loved ones to medical appointments. That is why the 2013 assault by the Consumer Financial Protection Bureau on the dealer-directed auto finance market is so damaging to the very people this rogue agency is claiming to help.

Indirect auto financing, also known as dealer-directed auto financing, are the loans offered to consumers in the dealerships where they are purchasing a vehicle. Dealer-directed financing is an important option for consumers and provides them and the dealerships they are purchasing the vehicle from with the flexibility to meet a consumer's needs based on their budget and credit score.

The CFPB, under the leadership of Richard Cordray, in their classic government-knows-best approach, decided in 2013, without consulting Congress or following the law, that they had a problem with this well-known form of auto financing. They launched an unconstitutional and illegal assault on honest car dealerships and the financial institutions they work with, falsely claiming discrimination and unfair lending practices.

The data to back up these egregious claims, through the Bureau's own admission, was deeply flawed and had an error rate as high as 41 percent. That was according to an independent audit. Let me be absolutely clear that any form of lending discrimination—whether based on race, religion, gender, orientation, or creed—is absolutely unacceptable and also totally illegal under various Federal and State laws, including the Equal Credit Opportunity Act, or ECOA.

What is also illegal and wrong is how the CFPB went about issuing this flawed mandate, labeling it as benign guidance, yet enforcing it as if it was a true Federal regulation, all in violation of the transparency and public comment requirements of the Administrative Procedures Act.

Through passage of today's joint resolution, we will permanently strike down this flawed CFPB mandate that attempted to virtually outlaw indirect auto lending in the United States. Today's fight over this important resolution may sound like a wonky policy debate, but to my constituents, permanently repealing this flawed CFPB ruling may make the difference between being denied or approved for an auto loan they desperately need.

This CFPB decree is estimated to raise the cost of auto lending by as much as \$600 per consumer. That is not crumbs. And through passage of S.J. Res. 57, we can also ensure that no future CFPB Director or administration can revive it without the express permission of Congress.

Mr. Speaker, I commend Director Mulvaney for working so hard to repair the serious damage done by his rogue predecessor at the CFPB. But at the end of the day, Congress must do its job by changing the law. This has been a bipartisan priority in the past, and I hope that all my colleagues on both sides of the aisle will vote "yes."

Mr. Speaker, I urge adoption of S.J. Res. 57.

Ms. MAXINE WATERS of California. Mr. Speaker, this is about discrimination. This is not about false accusations. It is documented that these car

lenders have discriminated against people of color.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE. Mr. Speaker, I thank the gentlewoman from California. I rise in opposition to S.J. Res. 57. This is a resolution to disapprove of the CFPB auto lending rules. I oppose this, Mr. Speaker, because I believe U.S. markets should be free from fraud and from schemes like the auto lending scheme to which we have been subjected as Americans. I oppose because I don't think Americans should be discriminated against; and then, when they are discriminated against, the guilty parties have no consequences. I think they need to be caught, punished, and the victims made whole.

The gentleman from Texas talked about the research that went into cross-matching ZIP Codes and surnames as if these technologies don't benefit all of us. We know down to the block where our voters are, who they are, what race they are, what gender they are, and who they are likely to vote for. So it is no great technological feat that these auto dealers could figure out who to discriminate against.

I oppose this because I, too, was one of those Black people who lived in one of those ZIP Codes, and I was discriminated against in my car loan. The CFPB thankfully pursued justice and got my money back, which I needed.

This resolution is everything wrong with the GOP agenda: rewarding fraudsters, hooksters, charlatans, and donors while ignoring the needs and the will of Americans.

We are seeing a buildup of subprime auto loans. Haven't we learned our lesson? Why would an entrepreneur go into inventing something or innovating something when they can just make their money with these predatory lending practices. Why invest in infrastructure and transportation when you can use opaque financial markets and dirty practices to turn people's desperation into misery-fueled profits.

They say history rhymes, Mr. Speaker. And it will be like the housing crisis but with cars. Voting for this resolution is a vote against good financial market practices, fairness, and against Americans.

□ 1530

Mr. HENSARLING. Mr. Speaker, I yield myself 30 seconds just to say that the study that my friends on the other side of the aisle allude to from the NFHA wasn't even in existence when the Bureau promulgated their guidance, number one.

Number two, it is based on 2 people, 2 people out of 325 million. This is beyond junk science. It is a mockery, an absolute mockery of the Equal Credit Opportunity Act when we are here today to ensure that working Americans of all colors and races and creeds get credit.

I yield 2 minutes to the gentleman from Missouri (Mr. LUETKEMEYER), the

chairman of the Financial Services Subcommittee on Financial Institutions and Consumer Credit.

Mr. LUETKEMEYER. Mr. Speaker, I thank the chairman for his patience on this issue.

I want to start by thanking the Senator from Kansas, Mr. MORAN, and, more specifically, also thank the gentleman from New York (Mr. ZELDIN) for his hard work on the House companion legislation to S.J. Res. 57.

Let me give my colleagues a brief history of the situation we are discussing today.

Dodd-Frank, specifically, barred the Consumer Financial Protection Bureau from regulating all dealers. The Bureau did it anyway. In doing so, the CFPB didn't adhere to the Administrative Procedure Act, choosing instead to push this rule forward. They pushed it through based not on sound evidence or thoughtful methodology; rather, Bureau staff seem to have conducted the research backwards. They came up with the answer they wanted, and then they wrote the questions.

The simple truth of the matter is that the Bureau seized an opportunity to test congressional intent and expand its jurisdiction. Today, we are exercising not just our right, but our constitutional duty, to rescind the indirect auto guidance that is blatantly unprofessional and illegal.

And again, the CFPB—let me just reinforce this. CFPB does not have oversight of automobile transactions because Dodd-Frank specifically prohibited it, and they did it anyway.

My colleagues and I have stood on this floor time after time and warned of the dangers of this most powerful and completely unaccountable agency. Allowing the Bureau to move forward on such a rule would have been negligence on our part.

Unfortunately, this isn't the first time we have seen this play out, and it won't be the last. Across the financial regulatory spectrum, agencies have abused their authority, dodging congressional oversight by promulgating guidance that, in reality, acts as a rule. This has to end, Mr. Speaker.

I want to again extend my thanks to the gentleman from New York (Mr. ZELDIN) for his constant efforts in holding this government accountable and commend the Senate for their action on this and ask my colleagues on both sides of the aisle to join us in advocating for a more responsible approach to guidance and rulemaking.

Ms. MAXINE WATERS of California. Mr. Speaker, the chairman just said that junk science was used; however, Republicans put out a report called, "Disparate Impact' Claims Against Vehicle Financing Businesses." Here it is. And guess what. The Center for Responsible Lending said that was junk science.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. ELLISON), a senior member of the Financial Services Committee and a tireless ad-

vocate dedicated to combating discrimination.

Mr. ELLISON. Mr. Speaker, I thank the ranking member.

Mr. Speaker, the Congress today is going to be voting on whether or not to make it easier for dealers making car loans to offer better prices to borrowers based on the color of their skin. The majority wants you to vote, yeah, they can. We say they shouldn't. We say all Americans should be treated equally, and we think that the CFPB should be allowed to make sure that that is true.

You know, it is clear, minority buyers pay more. This has been found in any number of statistical ways. In a recent settlement with a large auto dealer, the Department of Justice and the CFPB found that 235,000 minority borrowers were paying higher rates. African-American, Asian, and Latino borrowers were paying between \$200 and \$300 more per loan compared to White borrowers.

Now, some of us believe in liberty and justice for all. Some of us believe in equal protection under the law. I believe that it is absolutely the wrong policy for us to second-guess the CFPB today, and I urge a "no" vote.

This is a fact that this disparate treatment in borrowing and rates and prices is even true when minority borrowers had the same or better credit than White borrowers. So the CFPB cracked down, and they issued guidance, which is what we would expect them to do. In fact, in total, they made sure that over—almost \$12 billion has gone back to consumers, a fact which I think, for my Republican friends, really upsets them.

But guidance was set to ensure that lenders were complying with the law, which makes discrimination in auto lending illegal. They also brought cases and recovered millions for borrowers: Ally Financial paid back \$80 million in recovery for victims of discrimination; American Honda Finance Corporation, \$24 million; Toyota Motor Credit Corporation, \$21.9 million; Fifth Third Bank, \$18 million.

Now, are we to believe that these institutions, run by some of the most sophisticated businesspeople and lawyers in America, are just handing out checks for nothing? They are paying settlements because why not? They have probably got more lawyers in one of these places than they do in the CFPB.

Now, the bottom line is these folks paid out because they needed to settle. They had exposure. This move today by the majority in the Financial Services Committee is to say: Go ahead. Don't worry about discrimination. We have got your back.

We are not going to stand here and let Americans get treated like second-class citizens, though.

The new system is working well, so, naturally, some folks want to change it. So, Republicans, I ask you guys to vote "no" on this thing. I want you to

join us in telling Americans that everybody should be treated equally.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROYCE), a senior member of the Financial Services Committee and chairman of the House Foreign Affairs Committee.

Mr. ROYCE of California. Mr. Speaker, I was here during the debates that we had on Dodd-Frank and involved in much of the discussion. On the Democratic side and on the Republican side, there were a number of things we debated, but through all of that debate, there was a bipartisan belief that auto dealers and lenders were certainly not at the heart of the crisis and should not be the focus of new regulation.

With that in mind, as the chairman has noted, section 1029 of Dodd-Frank explicitly exempted auto dealers from CFPB supervision and regulation. If that is the case, Mr. Speaker, why are we here today?

We are here because the auto dealers are the focus of a CFPB action that ends the consumers' ability to receive discounted car loans.

Why are consumers facing higher, not lower, costs when going to buy a car? The answer is regulatory overreach.

CFPB ignored the will of Congress, ignored the law as written. As *The Wall Street Journal* noted, Congress' explicit exemption "didn't stop former CFPB chief Richard Cordray, who used the back door of auto financing to regulate dealers."

And while Mr. Cordray may have been able to suspend this belief, we do not have the same luxury here. We are not here by choice, frankly. We must act to pass this resolution today.

And, Mr. Speaker, I would like to share the bipartisan call for enforcement of the Equal Credit Opportunity Act and make this point: let's work together to tackle discrimination where it exists—where it exists—not where regulators ignore the law and employ algorithms to guess that it might exist.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 3 minutes to the gentleman from Rhode Island (Mr. CICILLINE), the ranking member of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law on the Judiciary Committee.

Mr. CICILLINE. Mr. Speaker, I thank the gentlewoman for yielding.

I would like to begin by reminding everyone that the Financial Protection Bureau, under the leadership of Director Cordray, returned \$12 billion to American consumers, including \$140 million in enforcement and consumer savings related to auto loans.

Mr. Speaker, I rise in strong opposition to S.J. Res. 57, a direct attack on people of color, vulnerable persons, and any other person of a protected class who is subject to financial discrimination by auto lenders.

This resolution is an unambiguous stamp of approval for Office of Manage-

ment and Budget Director Mick Mulvaney's agenda to shutter the CFPB by removing its ability to protect consumers and police discriminatory lending policies.

But aside from my deep, substantive concerns with this resolution, I am fundamentally opposed to this reckless and unprecedented use of the Congressional Review Act. The legislative history and plain reading of the statute make it clear that the CRA was designed to provide Congress with an opportunity to review new rules, not long-established agency guidance.

But because this archaic law was poorly designed—it actually requires agencies to physically submit thousands of rules every year in triplicate by courier—it is inevitable that some guidance will not be physically received by Congress for purposes of the CRA.

Today's resolution to disapprove guidance issued 5 years ago on procedural grounds makes it painfully obvious that the CRA has not only been horribly misused by Republicans, but it is irredeemably broken as well. In this Congress alone, Republicans have repealed more than a dozen critical protections for hardworking Americans with little notice or debate.

And how many jobs will this reckless agenda create, Mr. Speaker? None. We know this because President Trump's director of legislative affairs was asked whether these rollbacks would spur employment growth, and he conceded they would not.

So, if not to create jobs, stimulate the economy, or help working families, why vacate these commonsense rules? Corporate money, Mr. Speaker.

According to a report by Public Citizen, special interest groups spent more than \$1 billion in lobbying and campaign expenditures in opposition to the 14 rules already repealed by this Congress. And last month, OMB Director Mulvaney told a room full of bank lobbyists that campaign contributions were a determining factor for who he met with while serving as a Member of Congress, a disgraceful signal to corporations that this is a pay-to-play administration that is for sale.

That is why I have introduced the Sunset the CRA and Restore American Protections Act, or the SCRAP Act, to address this blatant abuse of process and to immediately restore the rules previously repealed by this Congress to the detriment of the American people.

I urge my colleagues to oppose this resolution, and I thank the gentlewoman for yielding.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Mrs. WAGNER), chairwoman of the Financial Services Subcommittee on Oversight and Investigations.

Mrs. WAGNER. Mr. Speaker, I thank the chairman for yielding to me.

Mr. Speaker, I rise today in strong support of a bill that, frankly, is long overdue. While former CFPB Director

Richard Cordray indicated in testimony before the House Committee on Financial Services that the Bureau's guidance was "nonbinding," the damage was already done.

The Bureau's attempt to regulate an industry that the Dodd-Frank Act specifically told them they could not regulate is the very reason our committee has worked tirelessly to bring accountability to an agency that has none. Sadly, this guidance has become symbolic for everything that is wrong with the CFPB.

So why are we here today? Why does this Congress care about guidance put out in 2013?

Let me read section 1029 from the Dodd-Frank Act: "the Bureau may not exercise any rulemaking, supervisory, enforcement or any other authority, including any authority to order assessments, over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles."

Unfortunately, we have seen, time and time again, an agency that is willing to issue regulation by enforcement. Since the 2013 guidance came out, the Bureau has issued over \$200 million in out-of-court settlements to auto lenders based on guidance that was flawed from the very start.

As chairman of the Subcommittee on Oversight and Investigations, our staff has issued multiple reports detailing the Bureau's baseless enforcement agenda. Because of their work, the CFPB can no longer hide behind, as one report noted, junk science.

I thank the chairman, and I urge all my colleagues to support this bipartisan effort.

Ms. MAXINE WATERS of California. Mr. Speaker, I would encourage the gentlewoman to continue reading so that she can see, under the CFPB rule, that they have the ability to oversee the lending; and what she is talking about is the exemption of the automobile dealers, themselves, but not the lenders.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. TAKANO), the vice ranking member of the Veterans' Affairs Committee.

□ 1545

Mr. TAKANO. Mr. Speaker, I thank Ranking Member WATERS for her leadership on the floor on this issue.

I rise in opposition to S.J. Res. 57 because it erases measures established a half-decade ago to prevent auto dealers from using discriminatory data tactics.

I also rise because it signals the majority's intention to contort the Congressional Review Act to allow it to be used on a dramatically increased scale in ways never intended.

Let me start with the policy.

When auto dealers provide financing through a third-party lender, they can increase the rate offered to the consumer and pocket the difference. Evidence suggests these dealer markups are frequently higher for minority borrowers than for similarly qualified White borrowers.

In 2013, the CFPB sought to address this problem. The agency produced guidance that clarified the fair lending requirements of the Equal Credit Opportunity Act applied to auto loans. The CFPB's action simply spelled out that dealer markups were indeed illegal if they led to discriminatory outcomes, intentional or otherwise.

It also listed some useful steps that auto dealers could take to ensure fair lending compliance. In recent years, the CFPB has fined auto dealers more than \$150 million for discriminating against minority borrowers.

A resolution of disapproval is not the way to change policy in this area. Instead, we should be going through regular order with public hearings, committee consideration, and amendments to achieve a bipartisan compromise, not just throwing out words like "junk science." We can settle that in regular order through a process.

In bringing this resolution to the floor, the majority is setting a dangerous new standard for the use of the Congressional Review Act, which only grants Congress the power to rescind regulations within a 60-legislative-day window. The CFPB guidance on auto lending was established in 2013, well outside the CRA's window.

Make no mistake: Using the CRA to repeal guidance from more than 5 years ago is an unprecedented expansion of the law's scope, and it will imperil thousands of Federal decisions going back decades. Let's not make it easier for minority car buyers to be exploited and discriminated against. Let's not open the door to an even more extreme and unprecedented use of the CRA.

I strongly urge my colleagues to vote against S.J. Res. 57.

Mr. HENSARLING. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arkansas (Mr. HILL), the majority whip of the House Financial Services Committee.

Mr. HILL. Mr. Speaker, I thank the chairman for bringing S.J. Res. 57 to the floor today, a joint resolution to disapprove the 2013 Bureau guidance on auto finance. It has been well discussed today, why that is.

This is a very tailored, commonsense approach. It does not open up a precedent towards guidance being used for a CRA. It is a very narrow joint resolution. It is designed particularly with the GAO's ruling from last December, so I don't think that hyperbole is necessary.

We are here today to make sure that all of our constituents have access to affordable auto credit. Black, White, female, male, they need affordable auto credit. How do we get a job if we don't have an affordable car with which to go to work? So that is why we are here.

Secondly, we are here because our constituents demand that we demand accountability in our oversight function, we demand transparency. When you have a process that was not transparent and did not follow the Administrative Procedures Act and did not fol-

low the statute, we don't have accountability and we don't have transparency. Our constituents argue for that.

Many argue laws should be based on sound data; our rules should be carefully debated in public. That was not done in this instance. So we have this surreptitious, specious display of sophistry known as the indirect auto guidance from the Bureau.

So we are correcting that today, and the beneficiaries will be our constituents. The beneficiaries will be Article I power in this House as we oversee the executive.

Mr. Speaker, I thank the chairman for bringing this bill to the floor, and I thank Mr. ZELDIN for his leadership.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. FOSTER), a Member who has shown true leadership in speaking out against this harmful resolution.

Mr. FOSTER. Mr. Chairman, I thank the ranking member for yielding me time.

I rise today in opposition to S.J. Res. 57, which provides for congressional disapproval of CFPB guidance on discrimination in the indirect auto lending industry.

As the only Ph.D. scientist in Congress, when I come to the floor, it is usually to debate science or important technical details of financial service regulations. But I am also the son of a civil rights lawyer, a scientist who stepped away from his career in science and became a civil rights lawyer. My father actually wrote much of the enforcement language behind the Civil Rights Act of 1964.

The issue of minorities being systematically overcharged when purchasing automobiles is not a small issue, and, unfortunately, it is not going away.

This issue was first documented academically in the Chicago metropolitan region in the early 1990s when it was found that if you were a non-White person you were, on average, charged over \$500 more, in today's dollars, than a White person was.

In a recent study in the D.C. suburbs, it was found that non-Whites were charged an average of \$2,500 more than White people.

I understand this is a subject for some debate. I urge my colleagues to actually read the report that some are calling junk science here. It is a report that, frankly, as a scientist, may not have the statistics that I would like in terms of a large number of test cases, but the effect is so large that it cannot be a statistical fluctuation.

It was undertaken by the National Fair Housing Alliance, and it was done with a number of important scientific controls in its process.

This number by which non-Whites are being overcharged is not a small number. If you are overcharged by thousands of dollars on every one of the 5 to 10 cars that you buy during your lifetime, it is a big impediment to

building up household wealth for minorities or any family. Every dollar that goes out to pay an overpriced loan is \$1 that cannot be spent for retirement savings or for your child's college education.

A big part of this discrepancy is that non-Whites were far too often discriminated against not only in whether the loan application is approved but also in the rate charged for the loan.

Because of the financial arrangement between banks, when a non-White person is overcharged for a loan, the extra profits from that are split between the dealership and the bank. So I believe there is a responsibility for both parties to make sure that this financial incentive does not lead to the sort of discriminatory behavior that we unfortunately continue to see in this country.

During the debate over the Dodd-Frank bill, we decided to exempt car dealerships from direct oversight from the CFPB. I believe we did that because we felt, correctly, that car dealerships were the victims, rather than the cause, of the financial collapse. But we retained CFPB oversight over financial products, like the loans that are sold on financial markets.

This left an important line to be drawn because both banks and dealerships need guidance. While the banks, I believe, have a duty to make sure that the dealerships that are acting as, effectively, loan brokers on their behalf are not engaging in discriminatory behavior, they cannot be expected to put one of their agents in the room where every car deal is negotiated.

So guidance is needed. Into the breach strode the CFPB, which I believe was appropriate. This guidance is important to protecting American consumers.

In the past, critics of the CFPB guidance have argued that it relies on data that is inaccurate or misunderstood. I think that it relies on an incorrect understanding of the statistical uncertainties that are always present in any scientific measurement. The effect here is real, and it is large.

In the past, there have been bipartisan efforts to put some clarity on how the CFPB could offer this guidance, and this bill walks away from that bipartisan effort.

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

Ms. MAXINE WATERS of California. Mr. Speaker, I yield an additional 1 minute to the gentleman from Illinois.

Mr. FOSTER. The bill that the majority is bringing to the floor this week will preclude the reissuance of that necessary guidance instructive of how to comply with the Equal Credit Opportunity Act of 1974, which will remain in place.

Lenders will still be, rightly, required to comply with the law, but they will not have any guidance on how to do so, leading at least one analyst to call S.J. Res. 57 a "long-term negative for lenders," which, as a businessman, I agree with. S.J. Res. 57 is bad for both consumers and for lenders.

Mr. Speaker, I urge my colleagues to oppose S.J. Res. 57 and preserve the opportunity to promulgate guidance intended to curtail discrimination.

Mr. HENSARLING. Mr. Speaker, I am very happy to yield 2 minutes to the gentleman from Kentucky (Mr. BARR), the chairman of the Financial Services Subcommittee on Monetary Policy and Trade.

Mr. BARR. Mr. Speaker, I thank the chairman for yielding.

I rise today in support of the Congressional Review Act resolution to disapprove the Consumer Financial Protection Bureau's 2013 auto finance guidance.

The Dodd-Frank financial control law explicitly exempted auto dealers from the Bureau's supervision and regulation. However, this did not deter former Director of the Bureau Richard Cordray from trying to regulate this industry, circumventing the legislative intent of Congress through a backdoor guidance.

Not only did the Bureau lack the legal authority to issue such regulation, it also based its justification for the guidance on a flawed statistical methodology.

That methodology, which supposedly provided evidence of widespread discrimination of auto lenders against minorities, determined the probability of an individual's race and ethnicity merely based upon last names and ZIP Codes. According to a 2014 study, only 50 percent of Asians and 24 percent of African Americans were correctly identified by the Bureau's flawed methodology.

My friend and colleague from Illinois, a gentleman who self-identifies as a scientist, says that statistical uncertainties are always present. But the truth is that the Bureau's own records show that the Bureau designed a remuneration process that ensured that 235,000 consumers would receive remuneration checks, even though the Bureau knew that White consumers were not discriminated against on account of race. They would receive remuneration checks under that process.

Now, to me, Mr. Speaker, that is not statistical uncertainties that are always present; that is a totally flawed process. I think the American taxpayer would be totally offended to know that their tax dollars are going to people who were never harmed. That is not flawed statistical analysis that is always present; that is outright just a totally flawed process that rips off American taxpayers.

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

Mr. HENSARLING. Mr. Speaker, I yield an additional 30 seconds to the gentleman from Kentucky.

Mr. BARR. If the lack of legal authority and deeply flawed methodology were not enough, the real-world consequences of the guidance could have been far worse if auto dealers didn't do everything they could to fight against the guidance. That is because auto

dealers help customers, especially those customers with less than pristine credit scores.

Let me give you an example from Kentucky. A female buyer, having gone through a recent divorce, had credit challenges. She was offered a 7.99 percent rate by a competing bank that put her payment at \$506 a month. But thanks to Ford Credit's Certified Pre-Owned Program, which is only available through a franchised Ford dealer, the same customer was able to receive a 2.9 percent rate, for a payment of \$441 a month. This scenario saved her almost \$70 a month and a whopping \$4,200 in interest charges over the life of the loan.

Ms. MAXINE WATERS of California. Mr. Speaker, I can't believe that in 2018 we are on the floor of Congress seeing the denial of some of my colleagues about discrimination in the auto lending business and defending the automobile lenders despite the fact there has been a study that shows that there has been discrimination.

The study should have included women, because they discriminate against women also. They think women are stupid and don't know how to negotiate a loan. Women have been taken advantage of too.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. CAROLYN B. MALONEY), the ranking member of the Subcommittee on Capital Markets of the Financial Services Committee.

□ 1600

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I thank the ranking member for yielding and for her leadership on the Financial Services Committee.

Mr. Speaker, I strongly, strongly oppose this resolution, which will actually encourage discrimination against people of color who want to buy cars.

I know my Republican colleagues claim that this is about a rulemaking process, but let's be clear: This is not about process. This is about discrimination.

This issue is very simple. Financial institutions that make auto loans have an obligation not to discriminate against borrowers based on the color of their skin. This has been the law since Congress passed the Equal Credit Opportunity Act over 43 years ago.

The Consumer Financial Protection Bureau found compelling evidence that, when financial institutions allow auto dealers to increase the interest rates on auto loans for specific borrowers that come into their dealership, minority borrowers were systematically charged a higher rate. In other words, this particular practice resulted in illegal lending discrimination.

So the Consumer Financial Protection Bureau did what it was supposed to do. It told financial institutions to stop this illegal and discriminatory practice or risk being sued by the Bureau for lending discrimination.

But the Consumer Bureau did not stop there. It also told the lenders exactly how they needed to change their practices to avoid being sued for lending discrimination.

This kind of transparency is a good thing. It allows the Consumer Bureau to root out discrimination in the auto lending market while also providing guidance and certainty to all the lenders that want to do the right thing.

Yet this guidance is exactly what the resolution before us today would repeal. Why? This would have the effect of encouraging discrimination against minority borrowers in the auto lending market and discouraging the Consumer Bureau from cracking down on this horrible practice.

I believe we need to stand strong against discrimination in all forms, including lending discrimination.

Mr. Speaker, I urge my colleagues to vote for their constituents, to vote for consumers, and to oppose this resolution.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. KUSTOFF), a very hard-working member of the Financial Services Committee.

Mr. KUSTOFF of Tennessee. Mr. Speaker, I rise today in support of S.J. Res. 57, which will roll back a rule issued by the Bureau of Consumer Financial Protection related to indirect auto lending.

We know that in 2013 the Bureau issued guidance to financial institutions that would eliminate an auto dealer's ability to discount interest rates offered to consumers who finance vehicle purchases.

As many of us know, the CFPB has a longstanding history of imposing burdensome rules and regulations on a wide range of financial products. The CFPB has often issued rules without understanding of the full scope of the problem and without regard to the costs of compliance it imposes on an industry. This rule is no exception.

As clearly stated in section 1029 of the Dodd-Frank Act, the Bureau is explicitly prohibited from regulating auto dealers. This attempt by the Bureau to provide guidance to auto lending is a clear violation of the statute and is yet another example of how the Bureau continued to abuse its statutory power under then-Director Richard Cordray.

I am pleased to join my colleagues here today to ensure that the Bureau does not issue any substantially similar rules as it relates to indirect auto lending.

Mr. Speaker, I thank the chairman and other members of the House Financial Services Committee for bringing this important legislation to the floor. I urge my colleagues to support this important measure to help rein in the CFPB's regulatory overreach.

Ms. MAXINE WATERS of California. Mr. Speaker, I reserve the balance of my time.

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentlewoman

from New York (Ms. TENNEY), an outstanding member of the Financial Services Committee.

Ms. TENNEY. Mr. Speaker, I thank Chairman HENSARLING for yielding, and a special thank you to my colleague from New York, LEE ZELDIN, for his support of S.J. Res. 57.

Mr. Speaker, it has been 5 years since the Consumer Financial Protection Board circumvented the formal rule-making process by unfairly denying consumers and small businesses the right to comment on guidance that will directly affect them.

By executing this wrongful end run around the proper rulemaking process, the CFPB created much uncertainty in the \$1.1 trillion auto lending market. In fact, in testimony before our committee, the former Director, Mr. Richard Cordray, admitted to me in testimony that he had to circumvent the rules to target auto lenders.

More than half of car buyers finance their purchases when acquiring an automobile. These consumers have the ability to obtain great auto rates through their dealer-assisted finance, otherwise known as indirect lending.

I have personally met many highly credible auto dealers in my district who are strongly committed to their communities and the consumers who they serve. In fact, one auto dealer that I met with specifically does not even take any form of picture ID when determining lending just to avoid any kind of scrutiny that would actually suggest that they were doing any kind of discrimination.

These auto dealers—and they are mostly small businesses—comply with fair lending policies and practices while meeting the needs of their consumers who desperately need to buy a car and often finance through their auto dealer.

However, this flawed, unstudied guidance, through the statistics we have heard from the other side, threatens to eliminate the flexibility these small businesses, these small auto dealers need to offer discounted interest rates to consumers who need to purchase a car on credit with a very limited budget, especially in my community.

Last Congress, multiple bipartisan letters and bills called for the CFPB to correct and reissue their guidance, which would bring clarity to the market, and study the impact this digression would have on lower income consumers. However, the CFPB refused to provide help on multiple occasions.

It is indeed ironic that the very agency which is supposed to protect consumers is, in fact, harming them with its flawed guidance rules. Congress created the Consumer Financial Protection Board to protect consumers, not hurt them.

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

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

Ms. TENNEY. Mr. Speaker, I just want to emphasize that these small

businesses should be protected by the Consumer Financial Protection Board, not targeted by them.

Mr. Speaker, I ask that my colleagues and everyone join us in supporting S.J. Res. 57 and finally rescind this flawed guidance by the CFPB.

Ms. MAXINE WATERS of California. Mr. Speaker, I am sitting here appalled at what I am hearing from the opposite side of the aisle, the fact that they would use the Congressional Review Act to attack guidance and then have the audacity to say in the resolution that they can never, ever again in perpetuity ever have anything like this again.

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

Mr. HENSARLING. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY), an outstanding member of the Ways and Means Committee and chair of the Congressional Auto Caucus.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the chairman for yielding and giving me some time.

Mr. Speaker, I just heard the phrase that “I am appalled” by what is taking place on the floor today. I will tell you, I join in those comments, and I really do believe that.

For a person whose family has been in the automobile business since 1953 and sold thousands and thousands of cars to people of any color, it doesn't matter the color of the person buying the car. Do we match them up with the transportation need that they were looking for, and were we able to arrange financing that was affordable to them? You cannot be in business for 65 years doing it the wrong way.

To impugn the integrity of the automobile people is absolutely beyond reproach. If you run out of facts, I guess the next thing you have to go to is discrimination. When we talk this way, it is so divisive, but that is the platform: Let's divide them, let's try to separate them—the color of the skin, the shape of their eye, their gender. Let's make sure that we can make every statement possible to show that there are bad people out there doing things to other folks and it is only by discrimination that these things get done.

I will tell you, I am greatly offended as a member of the automobile industry and as someone who has served thousands of people.

If you think the dealers are that bad, please go to your hometown and look at the Little League fence and find out whose name is out there. Look at your high school programs and see who it is that is funding all these things. Go to any charity and see who is on the list of who takes care of people.

To sit here today and have to listen to that somehow this is discriminatory just adds to the fact that when you are out of facts, when you don't know what you are talking about and what you have never done—not one of your people have ever been on the floor and—not this floor. I am talking about the

automobile floor. You know an awful lot about laptops, but you know nothing about blacktop. You get on that floor, you get on that lot, and you work with people to make sure they can have affordable transportation—affordable transportation.

Rather than this person trying to arrange financing by himself or herself, we rely on a dealer, who has great, great heft within the financial community and to talk to lenders and say, “We have a great customer here who is looking to buy a car. We need you to work with us to get them in this transportation.” How in the world can you reduce this down to discrimination?

We are doing the same thing every day that you are doing. We are trying to make sure that we are making America great every day in every way. The best way to do that is to stop talking about discrimination and start talking about the Nation. We are coming together as a people in spite of what you say.

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Ms. MAXINE WATERS of California. Mr. Speaker, I yield myself such time as I may consume.

I would ask the gentleman from Pennsylvania (Mr. KELLY) to please not leave, because I want you to know that I am more offended as an African-American woman than you will ever be.

And this business about making America great again, it is your President that is dividing this country.

And don't talk to me about the fact that we don't understand. That is the attitude that has been given toward women time and time again.

The SPEAKER pro tempore. The gentlewoman will suspend.

The Chair wishes to remind all Members to address their remarks to the Chair.

Ms. MAXINE WATERS of California. I respect the Chair, but don't stop me in the middle when you didn't stop him in the middle. So I shall continue.

Don't you dare talk to me like that and think that somehow women don't understand what goes on on the floor of automobile dealers.

The SPEAKER pro tempore. The gentlewoman is reminded to direct her remarks to the Chair.

The gentlewoman will continue in order.

Ms. MAXINE WATERS of California. And I am saying that I will continue to do that. However, I don't appreciate that you did not interrupt him when he was making those outrageous remarks about him knowing more about discrimination than I know about discrimination. I resent that.

And I resent the remark about making America great again. He is down here making a speech for this dishonorable President of the United States of America.

Having said that, I reserve the balance of my time.

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

Ms. MAXINE WATERS of California. Mr. Speaker, there are times on the floor of this Congress that we hear some of the most outrageous comments in defense of some of the most outrageous practices.

This resolution is yet another harmful piece of legislation from the majority that should be rejected. Week after week, instead of working to benefit hardworking Americans and protect the public from abusive financial institutions, Republicans have advanced legislation to undermine and remove consumer and investor protections, threaten the stability of our economy and financial system, and benefit bad actors in the financial services industry. They are taking our system of financial regulation in precisely the wrong direction.

Today, as we have discussed, the majority is putting forth a Congressional Review Act resolution that would repeal important Consumer Financial Protection Bureau guidance to prevent discrimination by indirect auto lenders.

This resolution would set back efforts to prevent discriminatory auto lending, harm consumers, and make it harder for responsible businesses to follow the law. It is senseless and misguided.

□ 1615

The resolution would also set a dangerous precedent by repealing years-old regulatory guidance, which is not how the Congressional Review Act was intended to be used. Opening the door to inappropriate uses of the Congressional Review Act like this one threatens the important work of regulators, not just of the financial services industry, but of all industries.

So I call upon my colleagues across the aisle to work with the Democrats on policies that strengthen consumer protections, rather than the harmful rollbacks like the one before us today. I urge Members to oppose the resolution.

And I want my friends on the opposite side of the aisle to know that we don't easily get up and talk about discrimination against minorities and people of color. We don't like to have to do this. We wish that we had come to a time in the history of this country where it did not happen.

But I am appalled when the opposite side of the aisle stands up in strong defense of discrimination. If they were really interested in working with the Democrats they would say we have a better methodology of determining whether or not there is discrimination. We want to work with you. We want to do whatever is necessary to ensure that no one is discriminated against, yet I hear from Members like Mr. KELLY who come to the floor talking about we don't know what we are talking about, we don't understand it, we have never been on the floor of a dealership.

Oh, yes I have. My husband was in the car business. I know a lot about it.

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

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

It is rare, but I have found common ground with the ranking member; and the common ground is I have never heard such outrageous comments on the House floor as other Members of the other side of the aisle come and accuse us of defending discrimination?

Number one, almost half of her caucus supported S.J. Res. 57 to get rid of this in the last Congress.

And I hope every single car dealer in America is listening to my colleagues on the other side of the aisle who have come down here on the House floor to accuse them of racism. With what? The proof of a report that has a universe of two?

Again, it makes a mockery of the Equal Opportunity Credit Act.

And for those to come to the House floor and say they are appalled by discrimination? Well, where were they when the Bureau of Consumer Financial Protection was accused of having a pervasive culture of retaliation and intimidation? They were found to engage in discrimination, but what did we hear from the other side of the aisle? We heard crickets. We heard crickets, Mr. Speaker.

Now, what is next? What are we going to hear from our friends on the other side of the aisle next? Are we going to hear that every pharmacist in America is a Fascist? Are we going to hear that every single doctor in America is engaged in spousal abuse? Where is the proof?

People are trying to sell cars and help them get into transportation.

And, oh, by the way, Mr. Speaker, almost every American now has one of these. Go to your smartphone and Google "auto finance." And guess what? At least on mine, it comes up State Farm, Lending Tree, Bank of America, Chase, RoadLoans. Nobody forces you to take the financing package of the dealer, even though often it is a better choice than other lenders.

It is so easy, Mr. Speaker, to come to the floor and say, My Lord, the charge is serious; therefore, you must be guilty until proven innocent.

This is an embarrassing day for the House, Mr. Speaker, absolutely embarrassing, and we ought to stand for the rule of law.

When my friends on the other side of the aisle so jealously guard the sanctity of Dodd-Frank, why haven't we heard their voice today? Why aren't they defending Dodd-Frank today? Because Dodd-Frank, itself, as coming down from Mount Sinai said, Thou shalt not regulate auto dealers.

And so now we are throwing Dodd-Frank overboard. We are calling auto dealers racists. It is, indeed, outrageous comments. And to come here to the House floor and so recklessly

make that accusation is an outrage, and it is why we need to ensure that S.J. Res. 57 is voted on affirmatively today.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 872, the previous question is ordered on the joint resolution.

The question is on the third reading of the joint resolution.

The joint resolution was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 234, nays 175, answered "present" 1, not voting 18, as follows:

[Roll No. 171]

YEAS—234

Abraham	Diaz-Balart	Kelly (PA)
Aderholt	Donovan	King (IA)
Allen	Duffy	King (NY)
Amash	Duncan (SC)	Kininger
Amodei	Duncan (TN)	Knight
Arrington	Dunn	Kustoff (TN)
Babin	Emmer	LaHood
Bacon	Estes (KS)	LaMalfa
Banks (IN)	Faso	Lamborn
Barletta	Ferguson	Lance
Barr	Fitzpatrick	Latta
Barton	Fleischmann	Lesko
Bergman	Flores	Lewis (MN)
Biggs	Fortenberry	LoBiondo
Bilirakis	Fox	Long
Bishop (MI)	Frelinghuysen	Loudermilk
Bishop (UT)	Gaetz	Love
Black	Gallagher	Lucas
Blackburn	Garrett	Luetkemeyer
Blum	Gianforte	MacArthur
Bost	Gibbs	Marchant
Brady (TX)	Gohmert	Marino
Brat	Gonzalez (TX)	Marshall
Brooks (AL)	Goodlatte	Massie
Brooks (IN)	Gosar	Mast
Buck	Gowdy	McCarthy
Bucshon	Granger	McCaul
Budd	Graves (GA)	McClintock
Burgess	Graves (LA)	McHenry
Byrne	Graves (MO)	McKinley
Calvert	Green, Gene	McMorris
Carter (GA)	Griffith	Rodgers
Carter (TX)	Grothman	McSally
Chabot	Guthrie	Meadows
Cheney	Handel	Mitchell
Coffman	Harper	Moolenaar
Cole	Harris	Mooney (WV)
Collins (GA)	Hartzler	Mullin
Collins (NY)	Hensarling	Murphy (FL)
Comer	Herrera Beutler	Newhouse
Comstock	Hice, Jody B.	Noem
Conaway	Higgins (LA)	Norman
Cook	Hill	Nunes
Cooper	Holding	Olson
Correa	Hollingsworth	Palazzo
Costa	Hudson	Palmer
Costello (PA)	Huizenga	Paulsen
Cramer	Hultgren	Pearce
Crawford	Hunter	Perry
Cuellar	Hurd	Peterson
Culberson	Issa	Poliquin
Curbelo (FL)	Jenkins (KS)	Posey
Curtis	Johnson (LA)	Ratcliffe
Davidson	Johnson (OH)	Reed
Davis, Rodney	Johnson, Sam	Reichert
Denham	Jordan	Rice (SC)
Dent	Joyce (OH)	Roby
DeSantis	Katko	Roe (TN)
DesJarlais	Kelly (MS)	Rogers (AL)

Rohrabacher	Simpson	Walberg
Rooney, Francis	Smith (MO)	Walden
Rooney, Thomas	Smith (NE)	Walker
J.	Smith (NJ)	Walorski
Roskam	Smith (TX)	Walters, Mimi
Ross	Smucker	Weber (TX)
Rothfus	Stefanik	Webster (FL)
Rouzer	Stewart	Wenstrup
Royce (CA)	Stivers	Westerman
Russell	Taylor	Williams
Rutherford	Tenney	Wilson (SC)
Sanford	Thompson (PA)	Wittman
Schrader	Thornberry	Womack
Schweikert	Tipton	Woodall
Scott, Austin	Trott	Yoder
Scott, David	Turner	Yoho
Sensenbrenner	Upton	Young (AK)
Sessions	Valadao	Young (IA)
Shimkus	Vela	Zeldin
Shuster	Wagner	

NAYS—175

Aguilar	Garamendi	O'Halleran
Barragán	Gomez	O'Rourke
Bass	Gottheimer	Pallone
Beatty	Green, Al	Panetta
Bera	Grijalva	Pascarella
Beyer	Hanabusa	Payne
Bishop (GA)	Hastings	Pelosi
Blumenauer	Heck	Perlmutter
Blunt Rochester	Higgins (NY)	Peters
Bonamici	Himes	Pingree
Boyle, Brendan	Hoyer	Pocan
F.	Huffman	Polis
Brady (PA)	Jackson Lee	Price (NC)
Brown (MD)	Jayapal	Quigley
Brownley (CA)	Jeffries	Raskin
Bustos	Johnson (GA)	Rice (NY)
Butterfield	Kaptur	Richmond
Capuano	Keating	Ros-Lehtinen
Carbajal	Kelly (IL)	Rosen
Cárdenas	Kennedy	Roybal-Allard
Cartwright	Khanna	Ruiz
Castor (FL)	Kihuen	Ruppersberger
Castro (TX)	Kildee	Rush
Chu, Judy	Kilmer	Ryan (OH)
Cicilline	Kind	Sánchez
Clark (MA)	Krishnamoorthi	Sarbanes
Clarke (NY)	Lamb	Schakowsky
Clay	Langevin	Schiff
Cleaver	Larsen (WA)	Schneider
Clyburn	Larson (CT)	Scott (VA)
Cohen	Lawrence	Serrano
Connolly	Lawson (FL)	Sewell (AL)
Courtney	Lee	Shea-Porter
Crist	Levin	Sherman
Crowley	Lewis (GA)	Sinema
Davis (CA)	Lieu, Ted	Sires
Davis, Danny	Loebsock	Smith (WA)
DeFazio	Lofgren	Soto
DeGette	Lowenthal	Speier
Delaney	Lowe	Suozi
DeLauro	Lujan Grisham,	Swalwell (CA)
DelBene	M.	Takano
Demings	Luján, Ben Ray	Thompson (CA)
DeSaulnier	Lynch	Thompson (MS)
Deutch	Maloney,	Titus
Dingell	Carolyn B.	Tonko
Doggett	Maloney, Sean	Torres
Doyle, Michael	Matsui	Tsongas
F.	McEachin	Vargas
Ellison	McGovern	Veasey
Engel	McNerney	Velázquez
Eshoo	Meeks	Visclosky
Espallat	Meng	Walz
Esty (CT)	Moore	Wasserman
Evans	Moulton	Schultz
Foster	Nadler	Waters, Maxine
Frankel (FL)	Napolitano	Watson Coleman
Fudge	Neal	Welch
Gabbard	Nolan	Wilson (FL)
Galleo	Norcross	Yarmuth

ANSWERED "PRESENT"—1

Buchanan

NOT VOTING—18

Adams	Jones	Pittenger
Carson (IN)	Kuster (NH)	Poe (TX)
Cummings	Labrador	Renacci
Gutiérrez	Lipinski	Rogers (KY)
Jenkins (WV)	McCollum	Rokita
Johnson, E. B.	Messer	Scalise

□ 1648

Mses. BASS, MICHELLE, LUJAN GRISHAM of New Mexico, SÁNCHEZ, Mr. HIGGINS of New York, Mrs.

BEATTY, Mr. BISHOP of Georgia, and Ms. HANABUSA changed their vote from "yea" to "nay."

Messrs. GONZALEZ of Texas and FORTENBERRY changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Mr. CROWLEY. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas, the tradition of the House Chaplain dates to the earliest days of the House of Representatives, beginning in 1789;

Whereas, the role of House Chaplain has been filled by 60 individuals of various religious denominations, serving Members of Congress of all faiths;

Whereas, Father Patrick Conroy has served honorably as House Chaplain since May 25, 2011, when he was appointed by then-Speaker John A. Boehner in consultation with Democratic Leader Nancy Pelosi;

Whereas, Father Conroy had been reappointed and elected by the House of Representatives on three separate occasions, most recently January 3, 2017;

Whereas, on April 16, 2018, the Nation's first Jesuit—and only the second Catholic—Chaplain of the U.S. House of Representatives submitted his resignation before the full House;

Whereas, the Chaplain had only eight months remaining in his term of service to the House;

Whereas, this resignation was requested by the office of Paul D. Ryan, Speaker of the House of Representatives;

Whereas, the Speaker's office said "... the decision (to remove the Chaplain) was his (Speaker Ryan's);"

Whereas, on May 3, 2018, Father Conroy submitted a letter retracting and rescinding his resignation, which was accepted by Speaker Ryan;

Whereas, despite the Speaker's statement accepting this retraction letter, a number of Members of Congress remain concerned about what motivated the original request for Father Conroy to resign and the lack of adequate notification or explanation given to Members;

Whereas, the rights of Members of the House of Representatives were undermined when the leader of one party made a unilateral decision to ask for the resignation of the Chaplain;

Whereas, this resignation and the circumstances behind it has compromised the integrity and the dignity of the House of Representatives by politicizing the office of the House Chaplain;

Resolved, that there is hereby established a select committee to investigate the circumstances around the resignation of the House Chaplain;

the circumstances around the resignation of the House Chaplain;

The select committee shall be comprised of six members, of which three shall be appointed by the chair of the Committee on Ethics and three by the ranking member of the Committee on Ethics;

The select committee shall investigate the motivations and actions that led to the resignation of the Chaplain, including the decisions to remove the Chaplain and the process by which Members of Congress were notified of the resignation;

The select committee shall provide a report to the House by July 13, 2018.

The SPEAKER pro tempore. The Chair will now recognize the gentleman from New York to offer the resolution just noticed.

Does the gentleman offer the resolution?

Mr. CROWLEY. Mr. Speaker, I do.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 878

Whereas, the tradition of the House Chaplain dates to the earliest days of the House of Representatives, beginning in 1789;

Whereas, the role of House Chaplain has been filled by 60 individuals of various religious denominations, serving Members of Congress of all faiths;

Whereas, Father Patrick Conroy has served honorably as House Chaplain since May 25, 2011, when he was appointed by then-Speaker John A. Boehner in consultation with Democratic Leader Nancy Pelosi;

Whereas, Father Conroy had been reappointed and elected by the House of Representatives on three separate occasions, most recently January 3, 2017;

Whereas, on April 16, 2018, the nation's first Jesuit—and only the second Catholic—Chaplain of the U.S. House of Representatives submitted his resignation before the full House;

Whereas, the Chaplain had only eight months remaining in his term of service to the House;

Whereas, this resignation was requested by the office of Paul D. Ryan, Speaker of the House of Representatives;

Whereas, the Speaker's office said "... the decision (to remove the Chaplain) was his (Speaker Ryan's);"

Whereas, on May 3, 2018, Father Conroy submitted a letter retracting and rescinding his resignation, which was accepted by Speaker Ryan;

Whereas, despite the Speaker's statement accepting this retraction letter, a number of Members of Congress remain concerned about what motivated the original request for Father Conroy to resign and the lack of adequate notification or explanation given to Members;

Whereas, the rights of Members of the House of Representatives were undermined when the leader of one party made a unilateral decision to ask for the resignation of the Chaplain;

Whereas, this resignation and the circumstances behind it has compromised the integrity and the dignity of the House of Representatives by politicizing the office of the House Chaplain;

Resolved, that there is hereby established a select committee to investigate the circumstances around the resignation of the House Chaplain;

The select committee shall be comprised of six members, of which three shall be appointed by the chair of the Committee on