

nothing they did there that day would save him, that he had already been lost. But they came for one important reason. They don't want to see that happen to any other Federal prison security guards anywhere anytime. They strongly support this legislation.

I ask my colleagues to pass this legislation in Eric Williams' name and out of respect for the concern his parents have that officers who serve their country in our Federal prisons are kept safe.

I urge my colleagues to support this legislation.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, S. 238.

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

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3624, FRAUDULENT JOINDER PREVENTION ACT OF 2016

Mr. COLLINS of Georgia. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 618 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 618

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3624) to amend title 28, United States Code, to prevent fraudulent joinder. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such

amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

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

Mr. COLLINS of Georgia. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on House Resolution 618, currently under consideration.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, I am pleased to bring forward this rule on behalf of the Rules Committee.

It is a structured rule that provides 1 hour of general debate equally divided and controlled by the chair and ranking member of the Judiciary Committee for H.R. 3624, the Fraudulent Joinder Prevention Act of 2016.

In addition to consideration of H.R. 3624, the House will also debate and vote on two amendments on the House floor.

Yesterday the Rules Committee received testimony from the sponsor of the bill and a minority representative of the Judiciary Committee. Subcommittee hearings were held on this legislation, and it was marked up and reported by the Judiciary Committee. This bill went through regular order and enjoyed meaningful discussion at the subcommittee and full committee level.

H.R. 3624 is strongly supported by the National Federation of Independent Business and the Chamber of Commerce because of the significance of this issue to small businesses in northeast Georgia and across the Nation.

This legislation will protect innocent local parties, often small businessowners, from being dragged into expensive lawsuits. It achieves this goal in two specific ways.

First, the bill empowers judges to exercise greater discretion to free an innocent local party from a case where the judge finds there is no plausible case against that party.

It applies the same plausibility standard that the Supreme Court has

said should be used to dismiss pleadings for failing to state a valid legal claim, and we believe the same standard should apply to release innocent parties from lawsuits.

Second, the bill allows judges to look at evidence that the trial lawyers aren't acting in good faith in adding local defendants. This is a standard some lower courts already use to determine whether a trial lawyer really intends to pursue claims against the local defendant or is just using them as part of their forum shopping strategy.

It is important to emphasize that Congress has the authority to regulate the jurisdiction of the lower Federal courts. The present standard has been described as poorly defined and subject to inconsistent interpretation and application and the consequences significant and real.

H.R. 3624 is consistent with the views of our Founding Fathers and the principles of federalism enshrined in the Judiciary Act of 1789.

I would like to thank Chairman GOODLATTE, Congressman BUCK, and their staff for their work in bringing forth this important litigation reform.

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

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Georgia (Mr. COLLINS) for yielding me the customary 30 minutes.

I yield myself such time as I may consume.

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

Mr. MCGOVERN. Mr. Speaker, I rise in strong opposition to this rule and in strong opposition to the underlying legislation. In short, this is a lousy bill.

At the end of last year, Republicans and Democrats came together to pass four major pieces of legislation that were sent to President Obama's desk and enacted into law.

We passed a bipartisan budget agreement, a multiyear tax package, a highway bill, and legislation to reauthorize the Elementary and Secondary Education Act that had all been stalled for years.

That is how Congress is supposed to work, Mr. Speaker. Quite frankly, I thought at the end of last year that maybe these successes would be contagious and that it would become the norm to actually work together in a bipartisan way and to pass meaningful legislation that would actually become law.

But this Republican leadership, I am sad to say, has returned from the holiday break with more of the same tired ideas and partisan legislation that is going nowhere. We are wasting time with this legislation today, which is going nowhere. We are wasting taxpayer dollars spending our time dealing with legislation that is going nowhere.

Instead of considering legislation to create jobs, boost our economy, or lift struggling Americans out of poverty,

this Republican leadership is once again bringing to the floor a completely unnecessary bill that puts the interests of large corporations ahead of the rights of the American people to pursue justice through our court system.

It is not even the first time this week Republicans have played politics with our judicial system. Just yesterday Senate Majority Leader MITCH MCCONNELL and Republicans on the Senate Judiciary Committee confirmed that Senate Republicans will not hold hearings or any votes on any nominee by President Obama to fill the current vacancy on the U.S. Supreme Court, leaving a vacancy on our highest court for at least a year or more.

Mr. Speaker, for the life of me, I can't understand why my Republican friends have spent so much time during the last 7 years doing everything they can to try to obstruct this President's agenda and every idea that this President has had.

The contempt that Republicans have demonstrated for this President from day one, when the Senate majority leader made clear that they wanted to make President Obama a one-term President and that the Republicans were going to do everything they could to stop every piece of legislation that he proposed because they wanted him to have no success stories, I think illustrates why this place has become the Congress of dysfunction.

We need to do better. We need to understand that, in Washington, D.C., our job is to try to get things done, not simply put roadblocks in the way.

Interfering with our judicial system to score political points sets a dangerous precedent, and the underlying bill that we are set to consider later today is just one more attempt to unbalance the scales of justice.

H.R. 3624, the so-called Fraudulent Joinder Prevention Act, works to create a wild west environment for big corporations by making it harder for ordinary citizens to hold them accountable for their actions. It is simply another Republican handout to big business.

H.R. 3624 is an attempt to create a solution to a problem that doesn't exist. The issue of determining if a local party has improperly joined a case is already dealt with in our judicial system. There is no real evidence that the current system is failing to address any fraudulent joinders.

This bill creates redtape and bureaucracy, something I am constantly hearing my Republican friends complain about, all to make our courts friendlier to big business.

H.R. 3624 looks to move judicial cases that are supposed to be handled in State courts up to the Federal system, where trials take longer and are more expensive.

This makes it significantly harder for an individual who has been injured by a corporation to take them to court and to be able to receive the compensa-

tion that they may be entitled to, that they deserve.

The costs are even higher for those seeking justice when you consider that this change would force many individuals to travel long distances.

This is unjust and unfair. Maybe it pleases a certain group of contributors, but it is certainly not in the interests of the average American citizen.

Clogging up our Federal court system with unnecessary cases that should be handled in State courts is simply not in the best interest of the American people. Congress should not be taking away the power of the courts to determine where a case should be heard.

Mr. Speaker, Americans would be outraged to learn that we are even considering a bill that would tilt the scales even more in the direction of big corporations.

This is the people's House. We are supposed to be on the side of the people, not on the side of big corporations.

So I urge my colleagues to reject this rule, to reject this underlying bill, and to get on the side of the American people. If we want to do something constructive, maybe what we ought to do is pass a bill that allows the American people to sue the Congress for malpractice because that is what this is about.

This really is malpractice, that we are wasting our time on a bill that essentially is a giveaway to big corporations and we are not doing the business that the people sent us here to do.

Mr. Speaker, I urge my colleagues to oppose this rule.

I reserve the balance of my time.

□ 1300

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

Mr. MCGOVERN. Mr. Speaker, I am going to urge that we defeat the previous question. If we do defeat the previous question, I am going to offer an amendment to the rule to bring up a resolution that would require the Republican majority to stop its partisan games and finally hold hearings on the President's budget proposal.

I don't know why this is so controversial. We ought to have a hearing, and we ought to talk about various ideas on how to deal with our budget. The President of the United States is entitled to have a hearing up here in the House of Representatives.

I urge my colleagues again not to follow suit of the Senate, which is, again, blocking any hearings on a new Supreme Court nominee.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Kentucky (Mr. YARMUTH) to discuss this proposal.

Mr. YARMUTH. Mr. Speaker, I thank my colleague for yielding time.

This is my eighth year in service on the House Budget Committee. For the last 7 years, every year, the Director of the Office of Management and Budget has come to the House Budget Committee and has presented the budget of the President of the United States—the President of the United States, who has been duly elected by the people of this country for two terms.

Now the House Budget Committee decides that it wants to break 40 years of tradition and not allow the administration to present the President's budget to not just the committee, but also to the country. This isn't just unprecedented, this is disrespectful to the members of the committee and the Members of this House. It is certainly disrespectful to our President and the office of the Presidency. And above all, it is disrespectful to the American people who expect their elected leaders to at least review the budget of the President they elected.

As I have said before, the American people have elected President Obama twice. They did it for a reason. One of the reasons was that we were facing one of the greatest financial crises in the history of this country. The record since President Obama has taken office is pretty good. During his time in office, he has overseen one of the most monumental recoveries in our Nation's history.

Consider some of the things that have happened over the past two terms of the Obama administration. Over the last 6 years, 14 million new jobs have been created; unemployment is now down to 5 percent; our budget deficit is at the smallest it has been in 8 years, down \$1 trillion from the year President Obama took office; corporate profits are up more than 165 percent; the Dow Jones average has doubled; the S&P 500 has more than doubled, up 140 percent; the NASDAQ has tripled, rising 222 percent; more than 16 million Americans now have health coverage who previously didn't; and new business formations are running at their highest rate in 17 years.

With that record of economic leadership, you would think that not just the American people, but certainly the House Budget Committee members would want to hear what this President has to say about his vision for the economy going forward and for the budget of this government. But no, once again, for the first time in 40 years, we don't have time or, apparently, the interest to listen to what the President has to say.

I shouldn't say "we." This is the Republicans on the Budget Committee.

Budgets are the way we prioritize our values and our preferences for future action. I know why the Republicans don't want to hear the President's budget, because they don't want the American people to compare what the President would like to do with what their own budget will do. Now, we don't

know exactly what that Republican budget is going to look like this year, but we do know that the Republican budget is going to resemble the Paul Ryan budget of 2012 and 2011.

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

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

Mr. YARMUTH. That budget was so distasteful to the American people that his running mate in 2012, Mr. Romney, was forced to disavow it. We can make our own judgments, but we can't make our own judgments if we can't see and we don't let the American people see the administration discuss their priorities versus the Republican priorities.

This really is an insult, once again, to the American people that Republicans are too scared of the contrast that will be presented to even allow the President's budget, the constitutionally elected President of the United States, to have his budget discussed in front of the American people. It is shameful.

I urge my colleagues to reject the previous question.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

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

I include in the RECORD an editorial that appeared in the New York Times, entitled, "Republican Budget Tantrum." The editorial concludes with this paragraph saying:

"The President's budget request is a detailed and worthy entry in the contest of ideas. Its aim is to move the Nation forward. If Republicans had compelling ideas and a similar commitment to progress, they would engage with the proposals in the budget. But they don't. So they won't."

[From the New York Times, Feb. 9, 2016]

REPUBLICAN BUDGET TANTRUM
(By The Editorial Board)

By law, dating back to 1921, the president of the United States must submit an annual budget request to Congress. On Tuesday, President Obama submitted his eighth and final budget. And like all presidential budgets, it is a statement of values and priorities, a blueprint for turning ideas into policies, a map of where the president wants to lead the country.

This week, even before the president's budget was released, the Republican chairmen of the budget committees announced they would not even hold hearings with the White House budget director to discuss the proposal.

Their decision is more than a break with tradition. It is a new low in Republican efforts to show disdain for Mr. Obama, which disrespects the presidency and, in the process, suffocates debate and impairs governing.

Mr. Obama's budget proposes to spend \$4 trillion in the 2017 fiscal year (slightly more than for 2016). That total would cover recurring expenses, including Medicare and Social Security, as well as new initiatives to fight terrorism, poverty and climate change, while fostering health, education and environmental protection. If Republicans find those efforts objectionable—as their refusal to even discuss them indicates—they owe it to

their constituents and other Americans to say why.

Would they prefer to renege on Social Security benefits? Do they think \$11 billion to fight ISIS, as the budget proposes, is too much? Is \$4.3 billion to deter Russian aggression against NATO allies a bad idea? Does \$19 billion for cybersecurity to protect government records, critical infrastructure and user privacy seem frivolous? And is \$1.2 billion to help states pay for safe drinking water or \$292 million to send more preschoolers to Head Start really unaffordable?

Republicans have objected that the president's budget does not do enough to tackle the nation's borrowing. But according to the White House's estimate, the proposal would reduce deficits by \$2.9 trillion over the next 10 years. That would be sufficient to hold deficits below 3 percent of the economy, a level that is widely considered manageable and even desirable, because a wealthy and growing nation can afford to borrow for projects that would be financially burdensome if paid for all at once.

If Republicans have a plan to pay for the necessary work of government while eliminating deficits entirely, they should present it.

The problem is that Republicans do not have viable alternatives. The budget proposes a \$10-a-barrel tax on crude oil to help pay for \$320 billion in new spending over 10 years on clean-energy transportation projects. Congressional Republicans, unable to break free of their no-new-taxes-ever stance, have derided the oil tax. But what is their plan to pay for projects to modernize transportation and promote green technology in the absence of a new tax?

The budget would also raise \$272 billion over the next decade by closing tax loopholes that let high-income owners of limited-liability companies and other so-called pass-through businesses avoid investment taxes that apply to all other investors. Most of the money would be used to strengthen Medicare's finances. What is the Republican plan to strengthen Medicare?

The president's budget request is a detailed and worthy entry in the contest of ideas. Its aim is to move the nation forward. If Republicans had compelling ideas and a similar commitment to progress, they would engage with the proposals in the budget. But they don't. So they won't.

Mr. MCGOVERN. Mr. Speaker, I would just say that we are reading in the press that the chairman of the Budget Committee, the Republican chairman of the Budget Committee, is now punting on the Republican budget because apparently there is not enough red meat in there to satisfy the Tea Party—or the Freedom Caucus or whatever they call themselves this particular week—which is very, very disturbing. But I think it is important that the Republicans do their job, just like the President did his job. And while you are waiting to do your job, I think you should maybe have a hearing on the President's budget so that maybe some of these ideas, my friends might be able to react to and maybe even find some agreement.

Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Speaker, the refusal of my friends on the other side of the aisle to hold a hearing on the President's budget is an unprecedented show of disrespect. The lack of respect

I have seen for this President is abominable, it is disgraceful, and it does not represent the American character.

Chairman PRICE of the Budget Committee, Mr. Speaker, recently remarked he wanted to "save the President the embarrassment" of having his Budget Director come testify before the Congress.

Save him the embarrassment? He should be embarrassed.

This is the first time, Mr. Speaker, since 1975 that the Budget Committee has not given the basic courtesy of reviewing the President's budget, regardless of politics, regardless of whether we had a Democratic President or a Republican President, or regardless of whether we had a Democratic Congress or we had a Republican Congress—since 1975.

This crass display of partisanship diminishes the ability of Congress to do its job. It certainly doesn't help us in reaching across the aisle, or maybe I am missing something. Had the committee held a hearing on the President's budget, you would know that it creates opportunity for all, not just those at the top. It invests in growing the economy and ensuring the United States is competitive in the 21st century.

Look, we set the parameters in December, just a few months ago, and now what you want to do politically is tell us you can't live within those parameters. That is what you are telling the American people. We agreed to that. We voted on it.

Now the majority has punted—to use the term—its responsibility and postponed releasing a budget as it tries to cater to the extreme rightwing of its party.

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

Mr. MCGOVERN. I yield the gentleman from New Jersey an additional 1 minute.

Mr. PASCRELL. By the way, we were going to be marking up that budget this week; am I correct? I will stand corrected, Mr. Speaker, if I am wrong. We were supposed to be marking up that budget. Now, we have to ask: Why aren't we marking up that budget?

We call on you to use this extra time during this delay to do your job and hold a hearing on the President's budget. It is the right thing to do. It is the moral thing to do.

Gee, what does that mean? I asked you if you want to work in a bipartisan way. This would be a demonstration of how to do that.

The SPEAKER pro tempore. The Chair will remind Members to direct their remarks to the Chair.

Mr. COLLINS of Georgia. Mr. Speaker, I continue to reserve the balance of my time.

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

Mr. Speaker, let me close by saying again to my colleagues that they should defeat this rule, which is a restrictive rule. They should vote against

the previous question so we can actually bring forward the resolution that would allow for there to be a hearing on the President's budget proposal, and we should defeat the underlying bill.

We should defeat the underlying bill because it is a giveaway to big corporations and big special interests. It is a bill that seems like it was written in the Republican congressional campaign committee to make big contributors happy. It does nothing to protect the well-being and the interests of average Americans, of small businesses, and of people who do not have a lot of wealth.

For those reasons, we ought to reject the underlying bill, we ought to have a debate on the President's budget proposal, and we ought to have a debate on whatever the Republicans come up with on their budget proposal.

Speaker RYAN said that this would be the year of ideas, but it seems that any idea that isn't the idea of a small group of very, very rightwing Republicans is not welcome to be talked about, never mind deliberated on, in this Congress. We need to listen to all ideas, and that includes what the President has proposed.

By the way, this is a President who, notwithstanding all of the attempts by my Republican friends to try to frustrate all of his legislative efforts, has a record of accomplishment nonetheless, and one that I think we Democrats are very, very proud of.

But the fact of the matter is he is the President. He was elected not once, but he was elected twice. The American people elected him twice. He is our President for another year, whether my friends like it or not. He ought to be given the respect—and not just him, but the Presidency ought to be given the respect—to not play these kinds of political games when it comes to the budget.

I hope that the previous question will be defeated so that we can bring this amendment to the floor for a vote.

Again, I urge my colleagues, we have a lot to do. Let's stop bringing press releases to the floor for votes, and let's start doing business that will actually help the American people. This has become a place where trivial issues get debated passionately but important ones not at all. We need to change that. There is a reason why Congress is so low in the public opinion polls. What is happening today is an example of that.

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

Mr. COLLINS of Georgia. Mr. Speaker, I yield myself the remainder of my time.

It has been interesting. Again, I want to just remind everyone, Mr. Speaker, that this is a rule debate about a bill that is coming forward to discuss a fraudulent joinder, which is something that impacts our communities and impacts our legal system. Just as a reminder, I am going to ask that you vote for the rule and for the underlying bill, H.R. 3624, which will have plenty of debate forthcoming.

It has been an interesting thing in the last few minutes to discuss with my colleagues across the aisle and talk about real ideas and press releases. Well, it is interesting. It has always been the prerogative of Congress and committee chairmen to invite whom they want and how they run their committees, and that is continuing in that tradition.

I think it is interesting that at the time it was announced, no hearing on the President's budget was needed; we had no reason to believe the President's budget would balance or show any real interest in doing the fiscal challenge.

If you want to talk about press releases, go look at what was handed out just a few weeks ago. In the President's budget, it had a great picture of a mountain on the front. It was great symbolism because it basically just symbolized that this is a budget of debt; it is a mountain of debt; it has no hope, no promise—never will—to balance our budget.

Do you want to talk about real ideas? It reminds me of when I was going back and I was raising my children when they were smaller, and I would say it is time to eat and they would say: Daddy, we want candy. Daddy, we want this.

I would say: You have to eat real food.

Real ideas mean that in this country we take them seriously.

□ 1315

It means a budget that can actually balance.

When you have military leaders, business leaders, and community leaders saying that the greatest threat to America right now is our debt and deficit situation, and, yet, the President, in his own press release—if you would, a large budget—says that we are never going to balance, that we don't hope to balance, I do not understand the disconnect from the kitchen table to the White House's kitchen table. Undoubtedly, there is a disconnect, because you put forth an idea that is not serious, and you are not putting forth an idea that balances. It is the compelling idea that makes us move forward.

The budget debate that Congress is having right now is one that the American people are demanding. It is about how we advance a budget that balances and that addresses fiscal challenges so we can have a strong national defense, a healthy economy, and healthy retirements and security for seniors and families. The President's "status quo" budget doesn't do that. In fact, it doesn't do anything with regard to what we have talked about.

Mr. Speaker, I was back in my district last week, as many of us were. One of the many things we are hearing in this election season is the reality that there is a disconnect between Main Street and inside this beltway. As long as there are ideas down a certain avenue called Pennsylvania that say we want to put a budget up that has no

hope of helping this country out of the situation it is in, then we are not dealing in reality, then we are not dealing in real ideas. We are simply dealing in the fantasy that, one day, it will all just be better.

Mr. Speaker, I remind our Democrat friends who are adamant about bringing the President's budget into the mix that they are welcome to offer it up when a vote comes; but the last time the President's budget hit the floor, it got all of two votes.

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

AN AMENDMENT TO H. RES. 618 OFFERED BY
MR. MCGOVERN

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

SEC. 2. Immediately upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 624) Directing the Committee on the Budget to hold a public hearing on the President's fiscal year 2017 budget request with the Director of the Office of Management and Budget as a witness. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble to adoption without intervening motion or demand for division of the question except one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Budget.

SEC. 3. Clause 1(c) of rule XIX shall not apply to the consideration of the resolution specified in section 2 of this resolution.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

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

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous

question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

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

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

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

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

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

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 237, nays 180, not voting 16, as follows:

[Roll No. 85]

YEAS—237

Abraham	Carter (GA)	Ellmers (NC)
Aderholt	Carter (TX)	Emmer (MN)
Allen	Chabot	Farenthold
Amash	Chaffetz	Fincher
Amodel	Clawson (FL)	Fitzpatrick
Babin	Coffman	Fleischmann
Barletta	Cole	Fleming
Barr	Collins (GA)	Flores
Barton	Collins (NY)	Forbes
Benishek	Comstock	Fortenberry
Bilirakis	Conaway	Fox
Bishop (MI)	Costello (PA)	Franks (AZ)
Bishop (UT)	Cramer	Frelinghuysen
Black	Crawford	Garrett
Blackburn	Crenshaw	Gibbs
Blum	Culberson	Gibson
Bost	Curbelo (FL)	Gohmert
Boustany	Davis, Rodney	Goodlatte
Brady (TX)	Denham	Gosar
Brat	Dent	Gowdy
Bridenstine	DeSantis	Granger
Brooks (AL)	DesJarlais	Graves (GA)
Brooks (IN)	Diaz-Balart	Graves (LA)
Buchanan	Dold	Graves (MO)
Bucshon	Donovan	Griffith
Burgess	Duffy	Grothman
Byrne	Duncan (SC)	Guinta
Calvert	Duncan (TN)	Guthrie

Hanna	McClintock
Hardy	McHenry
Harper	McKinley
Harris	McMorris
Hartzler	Rodgers
Heck (NV)	McSally
Hensarling	Meadows
Hice, Jody B.	Meehan
Hill	Messer
Holding	Mica
Hudson	Miller (FL)
Huelskamp	Miller (MI)
Hultgren	Moolenaar
Hunter	Mooney (WV)
Hurd (TX)	Mullin
Hurt (VA)	Mulvaney
Issa	Neugebauer
Jenkins (KS)	Newhouse
Jenkins (WV)	Noem
Johnson (OH)	Nugent
Johnson, Sam	Nunes
Jolly	Olson
Jones	Palazzo
Jordan	Palmer
Joyce	Paulsen
Katko	Pearce
Kelly (MS)	Perry
Kelly (PA)	Pittenger
King (IA)	Pitts
King (NY)	Poe (TX)
Kinzinger (IL)	Poliquin
Kline	Pompeo
Knight	Posey
Labrador	Price, Tom
LaHood	Ratcliffe
LaMalfa	Reed
Lamborn	Reichert
Lance	Renacci
Latta	Ribble
LoBiondo	Rigell
Long	Roe (TN)
Loudermilk	Rogers (AL)
Love	Rogers (KY)
Lucas	Rohrabacher
Luetkemeyer	Rokita
Lummis	Ros-Lehtinen
MacArthur	Roskam
Marchant	Ross
Marino	Rothfus
Massie	Rouzer
McCarthy	Royce
McCaul	Russell

NAYS—180

Adams	Delaney
Aguilar	DeLauro
Ashford	DelBene
Bass	DeSaunier
Beatty	Deutch
Becerra	Dingell
Bera	Doggett
Beyer	Doyle, Michael
Bishop (GA)	F.
Bonamici	Duckworth
Boyle, Brendan	Edwards
F.	Ellison
Brady (PA)	Engel
Brown (FL)	Eshoo
Brownley (CA)	Esty
Bustos	Farr
Butterfield	Fattah
Capps	Foster
Capuano	Frankel (FL)
Cárdenas	Fudge
Carney	Gabbard
Carson (IN)	Gallego
Cartwright	Garamendi
Castor (FL)	Graham
Castro (TX)	Grayson
Chu, Judy	Green, Al
Ciilline	Grijalva
Clark (MA)	Gutiérrez
Clarke (NY)	Hahn
Clay	Heck (WA)
Cleaver	Higgins
Clyburn	Himes
Cohen	Hinojosa
Connolly	Honda
Conyers	Hoyer
Cooper	Huffman
Costa	Israel
Courtney	Jackson Lee
Crowley	Jeffries
Cuellar	Johnson (GA)
Cummings	Johnson, E. B.
Davis (CA)	Kaptur
Davis, Danny	Keating
DeFazio	Kennedy
DeGette	Kildee

Salmon	Sanford
Scalise	Schweikert
Scott, Austin	Scott, Austin
Sensenbrenner	Sessions
Shimkus	Shuster
Simpson	Smith (MO)
Smith (NE)	Smith (NJ)
Smith (TX)	Smith (TX)
Stefanik	Stewart
Stivers	Stutzman
Thornberry	Thompson (PA)
Tiberi	Tipton
Trott	Turner
Upton	Valadao
Wagner	Walberg
Walder	Walker
Walorski	Walorski
Walters, Mimi	Weber (TX)
Webster (FL)	Webster (FL)
Wenstrup	Westerman
Westmoreland	Whitfield
Williams	Wilson (SC)
Wittman	Wittman
Womack	Woodall
Yoder	Yoho
Young (AK)	Young (IA)
Young (IN)	Young (IN)
Zeldin	Zinke

Peters	Schakowsky
Peterson	Schiff
Pingree	Schrader
Pocan	Scott (VA)
Polis	Scott, David
Price (NC)	Serrano
Quigley	Sewell (AL)
Rangel	Sherman
Rice (NY)	Sinema
Richmond	Sires
Roybal-Allard	Slaughter
Ruiz	Swalwell (CA)
Ruppersberger	Takai
Rush	Takano
Ryan (OH)	Thompson (CA)
Sánchez, Linda	Thompson (MS)
T.	Titus
Sarbanes	Tonko

NOT VOTING—16

Blumenauer	Huizenga (MI)	Rooney (FL)
Buck	Kelly (IL)	Sanchez, Loretta
Cook	Murphy (PA)	Smith (WA)
Green, Gene	Napolitano	Speier
Hastings	Rice (SC)	
Herrera Beutler	Roby	

□ 1340

Messrs. CÁRDENAS, LYNCH, RUSH, and FARR changed their votes from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, February 24, 2016, I was absent during rollcall vote No. 85. Had I been present, I would have voted “no” on the Motion on Ordering the Previous Question on the Rule providing for consideration of H.R. 3624.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 180, not voting 15, as follows:

[Roll No. 86]

AYES—238

Abraham	Clawson (FL)	Forbes
Aderholt	Coffman	Fortenberry
Allen	Cole	Fox
Amash	Collins (GA)	Franks (AZ)
Amodel	Collins (NY)	Frelinghuysen
Babin	Comstock	Garrett
Barletta	Conaway	Gibbs
Barr	Costello (PA)	Gibson
Barton	Cramer	Gohmert
Benishek	Crawford	Goodlatte
Bilirakis	Crenshaw	Gosar
Bishop (MI)	Culberson	Gowdy
Bishop (UT)	Curbelo (FL)	Granger
Black	Davis, Rodney	Graves (GA)
Blackburn	Denham	Graves (LA)
Blum	Dent	Graves (MO)
Bost	DeSantis	Griffith
Boustany	DesJarlais	Grothman
Brady (TX)	Diaz-Balart	Guinta
Brat	Dold	Guthrie
Bridenstine	Donovan	Hanna
Brooks (AL)	Duffy	Hardy
Brooks (IN)	Duncan (SC)	Harper
Buchanan	Duncan (TN)	Harris
Bucshon	Ellmers (NC)	Hartzler
Burgess	Emmer (MN)	Heck (NV)
Byrne	Farenthold	Hensarling
Calvert	Fincher	Hice, Jody B.
Carter (GA)	Fitzpatrick	Hill
Carter (TX)	Fleischmann	Holding
Chabot	Fleming	Hudson
Chaffetz	Flores	Huelskamp

Hultgren	Messer	Scalise
Hunter	Mica	Schweikert
Hurd (TX)	Miller (FL)	Scott, Austin
Hurt (VA)	Miller (MI)	Sensenbrenner
Issa	Moolenaar	Sessions
Jenkins (KS)	Mooney (WV)	Shimkus
Jenkins (WV)	Mullin	Shuster
Johnson (OH)	Mulvaney	Simpson
Johnson, Sam	Murphy (PA)	Smith (MO)
Jolly	Neugebauer	Smith (NE)
Jones	Newhouse	Smith (NJ)
Jordan	Noem	Stefanik
Joyce	Nugent	Stewart
Katko	Nunes	Stivers
Kelly (MS)	Olson	Stutzman
Kelly (PA)	Palazzo	Thompson (PA)
King (IA)	Palmer	Thornberry
King (NY)	Paulsen	Tiberi
Kinzinger (IL)	Pearce	Tipton
Kline	Perry	Trott
Knight	Pittenger	Turner
Labrador	Pitts	Upton
LaHood	Poe (TX)	Valadao
LaMalfa	Poliquin	Wagner
Lamborn	Pompeo	Walberg
Lance	Posey	Walden
Latta	Price, Tom	Walker
LoBiondo	Ratcliffe	Walorski
Long	Reed	Walters, Mimi
Loudermilk	Reichert	Weber (TX)
Love	Renacci	Webster (FL)
Lucas	Ribble	Wenstrup
Luetkemeyer	Rice (SC)	Westerman
Lummis	Rigell	Westmoreland
MacArthur	Roe (TN)	Whitfield
Marchant	Rogers (AL)	Williams
Marino	Rogers (KY)	Wilson (SC)
Massie	Rohrabacher	Wittman
McCarthy	Rokita	Womack
McCaul	Ros-Lehtinen	Woodall
McClintock	Roskam	Yoder
McHenry	Ross	Yoho
McKinley	Rothfus	Young (AK)
McMorris	Rouzer	Young (IA)
Rodgers	Royce	Young (IN)
McSally	Russell	Zeldin
Meadows	Salmon	Zinke
Meehan	Sanford	

NOES—180

Adams	DeSaulnier	Lawrence
Aguilar	Deutch	Lee
Ashford	Dingell	Levin
Bass	Doggett	Lewis
Beatty	Doyle, Michael	Lieu, Ted
Becerra	F.	Lipinski
Bera	Duckworth	Loebsack
Beyer	Edwards	Lofgren
Bishop (GA)	Ellison	Lowenthal
Blumenauer	Engel	Lowe
Bonamici	Eshoo	Lujan Grisham
Boyle, Brendan	Esty	(NM)
F.	Farr	Lujan, Ben Ray
Brady (PA)	Fattah	(NM)
Brown (FL)	Foster	Lynch
Brownley (CA)	Frankel (FL)	Maloney,
Bustos	Fudge	Carolyn
Butterfield	Gabbard	Maloney, Sean
Capps	Gallego	Matsui
Capuano	Garamendi	McCollum
Cárdenas	Graham	McDermott
Carney	Grayson	McGovern
Carson (IN)	Green, Al	McNerney
Cartwright	Grijalva	Meeks
Castor (FL)	Gutiérrez	Meng
Castro (TX)	Hahn	Moore
Chu, Judy	Heck (WA)	Moulton
Cicilline	Higgins	Murphy (FL)
Clark (MA)	Himes	Nadler
Clarke (NY)	Hinojosa	Neal
Clay	Honda	Nolan
Cleaver	Hoyer	Norcross
Clyburn	Huffman	O'Rourke
Cohen	Israel	Pallone
Connolly	Jackson Lee	Pascarell
Conyers	Jeffries	Payne
Cooper	Johnson (GA)	Pelosi
Costa	Johnson, E. B.	Perlmutter
Courtney	Kaptur	Peters
Crowley	Keating	Peterson
Cuellar	Kennedy	Pingree
Cummings	Kildee	Pocan
Davis (CA)	Kilmer	Polis
Davis, Danny	Kind	Price (NC)
DeFazio	Kirkpatrick	Quigley
DeGette	Kuster	Rangel
Delaney	Langevin	Rice (NY)
DeLauro	Larsen (WA)	Richmond
DeBene	Larson (CT)	Roybal-Allard

Ruiz	Sinema	Veasey
Ruppersberger	Sires	Vela
Rush	Slaughter	Velázquez
Ryan (OH)	Swalwell (CA)	Viscosky
Sánchez, Linda	Takai	Walz
T.	Takano	Wasserman
Sarbanes	Thompson (CA)	Schultz
Schakowsky	Thompson (MS)	Waters, Maxine
Schiff	Titus	Watson Coleman
Schrader	Tonko	Welch
Scott (VA)	Torres	Wilson (FL)
Scott, David	Tsongas	Yarmuth
Serrano	Van Hollen	
Sherman	Vargas	

NOT VOTING—15

Buck	Huizenga (MI)	Sanchez, Loretta
Cook	Kelly (IL)	Sewell (AL)
Green, Gene	Napolitano	Smith (TX)
Hastings	Roby	Smith (WA)
Herrera Beutler	Rooney (FL)	Speier

□ 1347

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. NAPOLITANO. Mr. Speaker, on Wednesday, February 24, 2016, I was absent during rollcall vote No. 86. Had I been present, I would have voted "no" on H. Res. 618—Rule providing for consideration of H.R. 3624—Fraudulent Joinder Prevention Act of 2015.

Ms. SEWELL of Alabama. Mr. Speaker, during rollcall vote No. 86 on February 24, 2016, I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. I was unable to vote on Wednesday, February 24, 2016, due to important events being held today in our district in Houston and Harris County, Texas. If I had been able to vote, I would have voted as follows: On the motion on ordering the previous question on the rule for consideration of H.R. 3624, the Fraudulent Joinder Prevention Act of 2015, I would have voted "no." On passage of H. Res. 618, the rule providing for consideration of H.R. 3624, I would have voted "no."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 571

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H. Res. 571.

The SPEAKER pro tempore (Mr. STEWART). Is there objection to the request of the gentleman from Ohio?

There was no objection.

MODIFYING AND CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO CUBA AND CONTINUING TO AUTHORIZE THE REGULATION OF THE ANCHORAGE AND MOVEMENT OF VESSELS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 114-102)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 1 of title II of Public Law 65-24, ch. 30, June 15, 1917, as amended (50 U.S.C. 191), sections 201, 202, and 301 of the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3, United States Code, I hereby report that I have issued a Proclamation to modify and continue the national emergency declared in Proclamations 6867 and 7757.

The Proclamation recognizes that certain descriptions of the national emergency set forth in Proclamations 6867 and 7757 no longer reflect the international relations of the United States related to Cuba. Further, the Proclamation recognizes the reestablishment of diplomatic relations between the United States and Cuba, and that the United States continues to pursue the progressive normalization of relations while aspiring toward a peaceful, prosperous, and democratic Cuba.

The Proclamation clarifies the national emergency related to Cuba and specifically provides the following statements related to U.S. national security and foreign policy:

- It is U.S. policy that a mass migration from Cuba would endanger the security of the United States by posing a disturbance or threatened disturbance of the international relations of the United States.

- The unauthorized entry of vessels subject to the jurisdiction of the United States into Cuban territorial waters is in violation of U.S. law and contrary to U.S. policy.

- The unauthorized entry of U.S.-registered vessels into Cuban territorial waters is detrimental to U.S. foreign policy, and counter to the purpose of Executive Order 12807, which is to ensure, among other things, safe, orderly, and legal migration.

- The possibility of large-scale unauthorized entries of U.S.-registered vessels would disturb the international relations of the United States by facilitating a possible mass migration of Cuban nationals.

I have directed the Secretary of Homeland Security (the "Secretary") to make and issue such rules and regulations as the Secretary may find appropriate to regulate the anchorage and movement of vessels, and authorize and approve the Secretary's issuance of such rules and regulations, as authorized by the Act of June 15, 1917.

I am enclosing a copy of the Proclamation I have issued.

BARACK OBAMA,
THE WHITE HOUSE, February 24, 2016.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings