Any legitimate business involved in distributing or dispensing prescriptions welcomes appropriate oversight and regulation. Further, we know these businesses value a collaborative working relationship with agencies like the Drug Enforcement Administration.

Manufacturers, distributors, and pharmacies alike are on the front lines every day in the fight to end the prescription drug abuse epidemic. They are making efforts to educate prescribers and patients about the safe use and disposal of prescriptions and working to implement prescription drug monitoring programs that will reduce the illegal diversion of powerful opioid pain relievers.

Despite a strong commitment to being part of the solution, distributors and pharmacists are finding that the unnecessary adversarial regulatory environment created by the DEA is putting effective enforcement outcomes in jeopardy.

As a former district attorney and United States attorney, I have fond memories of working with DEA agents to put away drug dealers. To say that I have the highest regard for the DEA and the work they do does not even begin to convey my respect for the agency and its front-line employees.

I actually went with agents and busted down drug houses. They were watching my back. I trusted them then, and I trust them now. That is why I am so passionate about this subject and why I think it is necessary to pass H.R. 4709 today.

This bill will bring much-needed clarity to critical provisions of the Controlled Substances Act. In doing so, we will ensure that the DEA's authorities are not abused and threatened by future legal challenges; foster greater collaboration, communication, and transparency between the DEA and supply chain; create more opportunities to identify bad actors at the end of the supply chain; and, most importantly, be certain that prescriptions are accessible to patients in need.

We are all in this together. We cannot enforce our way out of this epidemic. Education, treatment, and enforcement are all critical to addressing the problem, but so is collaboration.

The clarity that H.R. 4709 brings will ensure that the current regulatory culture evolves into one that rewards cooperation and brings more successful diversion control efforts in the future.

I want to thank my friend, Congresswoman BLACKBURN, for working closely with my team and me to develop the bill. I want to thank our champions on the other side of the aisle, Dr. JUDY CHU and Representative PETER WELCH, for their leadership and efforts to bring us here today.

We could not have achieved this without the efforts of Chairman PITTS and Chairman UPTON and their staff on the Energy and Commerce Committee. I also must thank House Judiciary Committee Chairman GOODLATTE for his forthright suggestions that made this a more effective measure worthy of consideration by this House.

Mr. PITTS. Mr. Speaker, I urge all of my colleagues to support this bipartisan legislation, and 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 Pennsylvania (Mr. PITTS) that the House suspend the rules and pass the bill, H.R. 4709, 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.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Pate, one of his secretaries.

## 21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 4315.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 693 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4315.

The Chair appoints the gentleman from Illinois (Mr. RODNEY DAVIS) to preside over the Committee of the Whole.

□ 1457

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes, with Mr. RODNEY DAVIS of Illinois in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Oregon (Mr. DEFAZIO) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House legislation that would help update and improve the Endangered Species Act, a law that was passed initially 40 years ago, but has not been reauthorized since 1988.

H.R. 4315 melds together four commonsense and focused bills introduced earlier this year by myself and my colleagues, Mrs. LUMMIS of Wyoming, Mr. NEUGEBAUER of Texas, and Mr. HUIZENGA of Michigan. While respecting the original intent of the ESA to conserve species, this bill would help make the law more effective for both species and people.

□ 1500

Because of the more than 500 ESA-related lawsuits that have been filed against the government during this administration alone, it has become clear that costly litigation is not only driving ESA priorities but that litigation has become an impediment to species recovery.

I should also note that, regardless of what some groups are saying, this is not a comprehensive bill. It is four sections that aim to increase transparency; to enlist greater consultation by States, localities, and tribes; and to reduce taxpayer-financed attorneys' fees to help invest more funding in actual species recovery.

For example, section 2 of the bill requires data used by Federal agencies that decide which species should be added to the threatened or endangered list to be publicly available and accessible through the Internet. What a remarkable idea—transparency. The last significant update to the ESA was when the Internet was in its infancy stages. Posting data supporting key ESA decisions online will greatly enhance transparency and data quality. The American people should be able to access such data before Federal listing or delisting decisions are final.

It is troubling that hundreds of sweeping listing decisions by the Fish and Wildlife Service and the National Marine Fisheries Service cite unpublished studies, professional opinions, and other sources that are inaccessible to the public, yet this data would be used to regulate the very people who don't have access to this information. This secrecy goes against the grain of good science and transparency. Data transparency is not only good for the American public, in that it makes our government more accountable, but it is also good for species because it allows for an open conversation about improving species science.

As biologist Rob Roy Ramey testified at a Natural Resources Committee hearing:

> When the data are not publicly accessible, legitimate scientific inquiry and debate is effectively eliminated, and no independent third party can produce the results. This action puts the basis of some ESA decisions outside the realm of science, and species recovery is no better off. Withholding data does not further the goal of species recovery.

I couldn't agree more with that statement, especially when over 700 species could potentially be listed over

the next few years throughout the country. These potential listings are due to this administration's megalawsuit settlement with the Center for Biological Diversity and WildEarth Guardians, groups, I might add, Mr. Chairman, that have filed hundreds of lawsuits against the government at taxpayer expense.

One of these species could include the northern long-eared bat, and I have a map here to show. This listing could impact 39 States. As you can see, Mr. Chairman, it is nearly all of the Eastern States. Information on data when it comes to this species listing can only help and not hurt. The bill before us today fosters the release of this information.

Section 3 of the bill would enhance State, local, and tribal involvement in ESA decisions by requiring that, before any listing decision is made, the Federal Government must disclose its data to States affected by such actions. In addition, section 3 ensures that data from local, State, and tribal entities—those are the entities that are closest to the ground, Mr. Chairman—be factored into ESA listing decisions.

Section 4 would require the administration to track and make available online the costs, in time and in resources, to the taxpayers as a result of ESA-related litigation.

Finally, section 5 would seek to reduce taxpayer-financed attorneys' fees to help ensure Federal resources are focused more on species protection and recovery than on lucrative legal fees for serial litigants. Such fees now, Mr. Chairman, are awarded as high as $600 an hour. This provision in section 5 puts in place the same reasonable hourly caps on attorneys' fees used in another Federal law—the Equal Access to Justice Act—which deals with veterans, Social Security disability, and other such claims.

Mr. Chairman, H.R. 4315 starts with modest, sensible updates to the ESA by promoting transparency, greater State, local, and tribal involvement, and by bringing ESA litigation fees in line with another Federal law.

With that, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself such time as I may consume.

I rise today just before Congress goes on a 5-week recess for the entire month of August and the first week of September. During that time, we will celebrate Labor Day. There are a lot of reasons to celebrate Labor Day, but it has particular context to this debate today.

One hundred years ago this Labor Day, Martha died.

Now, perhaps not everybody here knows about or has heard about Martha. Martha was the last passenger pigeon. She died in the Cincinnati Zoo. None of us remember passenger pigeons, but they were in numbers so great—billions—that they would darken the sky for hours or days as they passed. Yet, within a very short period of time, they became extinct. I believe she is stuffed and on display at the Smithsonian. I think they have a special exhibit on this that I would recommend to people to remember the way things used to be.

We did then, 50 years later, pass the Endangered Species Act. So this is kind of symmetrical in that, 100 years ago, there was the last passenger pigeon, and 50 years later, we adopted a law to try and preserve species. I think the most eloquent words I have ever heard on endangered species were from Justice Douglas on the Mineral King decision. This doesn't do all of his decision justice, but here is just one sentence:

> When a species is gone, it is gone forever. Nature's genetic chain—billions of years in the making—is broken for all time. Conserve water. Conserve land. Conserve life.

Then he went on to speculate about what might be lost with any individual species, what potential it might have had. Could it cure cancer? If we lose these species, who knows?

So Congress 50 years ago—in a very different time and in a very bipartisan way—passed the Endangered Species Act.

Today, we have before us yet another missed opportunity. I am not going to look at the Endangered Species Act and say it is perfect. It isn't. I believe a 50-year-old law could use some revision. A lot has been learned. A lot of real science has changed in the interim, in particular, the individual listing of species, and particularly when they occupy the same space. It becomes very problematic, as opposed to taking more of an ecosystem-based approach. There are some who are modifying the whole idea of how we deal with critical habitat, but that is not before us today. It wasn't considered by the so-called ''working group'' of the committee or ''special group'' or whatever it was.

They concluded that the Endangered Species Act is a failure because it hasn't recovered enough species. They did leave out a little fact that 90 percent of the species that are listed are recovering at the rate specified in their Federal recovery plans. This doesn't happen instantaneously. There are years of degradation of environment, years of overharvesting or of overhunting. Those things don't get changed in a short period of time, but 90 percent are on target. They left that out probably because it didn't support their conclusion that the act just isn't working at all.

We have an estimate, actually, that without the Endangered Species Act passed by a more enlightened Congress—bipartisan—50 years ago, there would be 227 species that would have gone extinct since the law's passage. They include gray wolves—although, there are some trying to turn around that recovery effort, including some in this administration—green sea turtles, humpback whales, and, of course, the iconic bald eagle. Without the Endangered Species Act, they, in all probability, would all be extinct, a memory for our generation—gone.

As I said, it is not perfect, and I think there are changes we could make. It is truly a deliberative process in the committee, but that wouldn't be just a small group from one side of the aisle going around the country, holding so-called ''hearings'' or ''listening sessions.'' We could assure greater transparency in ways that weren't considered and won't be proposed here today. We could promote better the use of best science. We could improve cooperation and coordination with the States that are committed to species protection and recovery.

However, none of the legislation before us will do that. It will do nothing to improve species recovery. It will do nothing to improve the science underlying listing decisions. Instead, actually, contravening what the Republicans espouse to wish, these bills will, instead, increase the amount of red tape that is involved, create more reporting requirements, divert agency resources from recovery efforts, and most oddly—and, I think, perhaps, it is the oddest and most objectionable and nonsensical part of this legislation—it will deem that any data submitted by any Native American tribe, any city, county, or State, will be deemed to be the best available science.

Now, there are 16,000 counties in America. Let's say a couple of them come to a different conclusion. Suddenly, the agency is confronted with: we have the best available science from this county, and we have the best available science from this county, and we have the best available science from this county. Hmm. Wow. Haven't we created an unbelievable potential for litigation over any decisions that are made given that mandate? I think we have. Of course, that may be why they go on later in the bill to limit attorneys' fees—because they are anticipating that there will be a huge proliferation of litigation, and they want to mitigate the costs of the problem that they are going to create with this nonsensical ''this is the best available science.'' I think it is going to create a lot of tension, potentially, between States and counties—rural counties and urban counties—because they are all vying to submit the best available science.

Here we are, yet again, taking up time on the floor, and I guess we need to do that before we get to real things, like the suing of the President of the United States despite the fact that courts have definitively decided we can't do that. We have political tools, and it is a controversy, but that is not before us today—that is tomorrow—so we are trying to kill time to build up to that end just before we go off on recess. But I am going to raise another topic, and it is a bit sensitive.

About 12 years ago, I had massive fires burning in my district—the Biscuit Fire—and the committee just happened to be holding a hearing on

wildfires. It devolved into the usual partisan ''you go to your corner, and I will go to mine. We need to do a forest supplemental. We need to do this.'' As sometimes I do, I expostulated a bit in the committee, and I went and used my entire 5 minutes to say how wrong I thought this was and that I thought fires were very bipartisan in their destruction and that we should cut it out.

A few Members—oddly enough, from very different perspectives—came to me afterwards. That would have been GEORGE MILLER. It is predictable that GEORGE would side with me, but also we had Scott McInnis, we had John Shadegg, and, ultimately, we had GREG WALDEN involved. We sat down, and we hammered out something that, ultimately, didn't pass through the House, but our framework was adopted by the Senate—HFRA. Then it came back to the House and was adopted. It was an attempt to expedite fuel reduction and prevent the intensity of future fires.

I look at that as a model of how we should deal with fires. We do need to do more fuel reduction work, and we do need to do more preparation and prepositioning, but we also have to fight the fires that are burning today.

□ 1515

Now there is the rarest of rare things in Washington, D.C., even rarer than the rarest endangered species, which would be a bill which is bipartisan. I guess a lot of people don't know what that means anymore.

It means it is supported by both Democrats and Republicans, bicameral, by both Democrats and Republicans in the House and in the Senate in substantial numbers, and is supported by the President of the United States.

Now, that is a pretty endangered thing. It has been around for quite a number of months. We have yet in the House. And it is a bill that is designed both to mitigate for future fires and to more efficiently fight fires.

The agencies that are tasked with fighting fires are about to run out of money. It happens every year. Who cares if they run out of money? Well, they have got to keep fighting the fires.

All right. Well, what do they do? They gut all their other programs—including the fuel reduction program, the forest health program, the timber program, the recreation program—things that are going to bring about more intense and more fires in the future and impact anybody who has a national forest or interior lands in their State or their area.

Now, this bill has yet to have a single hearing or any consideration, except for a mention in the Ryan budget which said he didn't support it. That is it. That is the total action by the House of Representatives on this issue. That is very sad. That is what we should be here on the floor today considering.

There are, as of this moment—I just checked it out because it is worse every day. We have, currently, nationally, 25 major fires: seven in Oregon—these are all uncontained or partially uncontained—six in California; four in Washington, including the largest in the State's history; three in Utah; two in Idaho; one in Colorado; and phenomenal lightning storms are predicted over the next 2 days, which means many, many, many more fires. Yet Congress is going to pass, I expect the House will pass, this ESA, so-called ESA bill today and leave town without dealing with the firefighting issue. I think it is very sad.

Now, some say, well, we have already done our job. We passed a bill, a couple of bills, a number of bills that could deal with forest health, future mitigation, fuel reduction. That is true. But even if they became law today, they wouldn't deal with today's problem that the agencies are going to run out of fire. And even if they became law today, it would take many years to get there.

I have got some pretty good estimates. We have somewhere around 75 million acres of land at high risk of wildfire in the West. And if we use the most conservative possible estimate, one that estimates there is a lot of commercial value there that reduces thinning cost, one that assumes that there is a lot of biomass available that is economic, you could get it down to, say, $300, $500 an acre. Well, that would be $20 billion to go out and do that work. We are about to spend the paltry budget for this year, $300 million for fuel reduction on fighting current fires. So we aren't exactly getting there.

It is a real issue, and that is what we should be dealing with here today.

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

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Texas (Mr. NEUGEBAUER), who is the author of one of the provisions within this bill.

Mr. NEUGEBAUER. Mr. Chairman, I rise today in strong support of H.R. 4315, the 21st Century Endangered Species Transparency Act.

I also want to thank Chairman HASTINGS for all of the work that he has done on this issue, and I also want to thank him for inviting me to be a part of the ESA Working Group and for including my bill, H.R. 4317, the State, Tribal, and Local Species Transparency and Recovery Act, in the final version of this bill.

In the 19th District, we have been facing a lot of these issues with the Endangered Species Act. We had the lesser prairie chicken. We had the Dunes Sage Lizard and some of the areas dealing with minnows. But one of the things that this bill does in the part of the bill that I introduced is something that is very simple and straightforward and very commonsense, and that is to say we need to make sure, before we make some of these decisions, that we have the facts.

Now, that is kind of a novel idea. When we have a lawsuit, everybody gets to present the facts. And so what we are saying, and when we begin to go down the road of listing, causing millions of dollars' worth of expense and, in some cases, encumbering millions of acres of private property, we need to deal with the facts.

Now, why are we bringing this bill up? Well, it has been pointed out that this bill is like over 40 years old and over 1,500 species have been listed, and only 2 percent of those have been recovered.

Now, imagine going to a doctor and you say: Doctor, what is your outcome ratio? He says: 2 percent of the time I have good outcomes. Or imagine buying a product where you say this product works 2 percent of the time. So, basically, the ESA, Endangered Species Act, does need reform, and my bill, this bill, begins to do that.

What does it do? It just says that when the Federal Government has collected data and they are making the decision, they have to make all of the findings, all of the data that they used to reach that decision available to the States and local governments and to the stakeholders.

That seems fair to me.

The other thing it says is that the local stakeholders and the local State governments and the local county governments have the right to present their facts.

Now, one of the things that is important about that is that, I know a lot more about Lubbock, Texas, than maybe somebody that lives in the State of Oregon or the State of New Jersey. So that local knowledge of the habitat, the conditions is an important part of the data.

So when you are dealing with the facts, then I think we are going to have better outcomes. And if that is the goal of the Endangered Species Act, then why are we trying to suppress the facts? I don't get it. So that is the reason that this is an important part of that.

I notice that the gentleman mentioned that he thinks that this bill somehow dictates what is the best science. Not true. What it says, though, is that all of the data that they collect they have to present to the other stakeholders. What it also says is that the data that the stakeholders and the county and local and State governments present, they have to consider that data.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 15 seconds.

Mr. NEUGEBAUER. Now, if somebody has got a study about what they think the conditions in Lubbock, Texas, are, we think the people on the ground in Lubbock, Texas, or in west Texas probably have better information and ought to be a part of that consideration.

I encourage my colleagues to support H.R. 4315.

Mr. DEFAZIO. Mr. Chairman, I yield myself 1 minute.

The gentleman made a point with which I would agree, which is they should consider and give due weight to local submissions and people in the area. But unfortunately, and perhaps the gentleman is unaware, this bill elevates that, and it does say all science submitted by States, tribes, and local governments is, by definition, the best scientific and commercial data. Then, if you refer back to the law, under basis for determinations on endangered species and a number of other things, the Secretary shall rely on the best scientific and commercial data.

Well, now, suddenly everybody who is submitting something has the best commercial and scientific data, and the Secretary is somehow supposed to sort out between 10 different counties, five States, 14 cities, and 18 Indian tribes who all have different disagreeing best available commercial data and science. You are creating a standard which, given the existing law which you didn't change, is going to be impossible to meet.

Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Mr. Chairman, first of all, I want to associate myself with my good friend from Oregon. I agree completely with everything he said, and I am going to agree with our subsequent speaker, Mr. MILLER, who played an essential role in getting the original Endangered Species Act passed. It has been wildly successful, Mr. Chairman, preventing species extinction.

More than 99 percent of listed species still exist today. Species recovered under the Endangered Species Act are also off the charts. The latest analysis found that 90 percent of listed species are recovering at the rate specified by their Federal recovery plan.

Successful species delistings are also increasing—delistings. Five years ago this month, the Fish and Wildlife Service finalized its rule to remove the bald eagle from the endangered species list. What a success story.

But for those who want to open up even more of our public lands to resource extraction, the law is a major inconvenience. So a working group, comprised entirely of Republican Members of the House of Representatives, was established by the House leadership to come up with legislative proposals to weaken the act. Today's bill is drawn directly from those recommendations.

It would deem whatever data that States, local governments, and Indian tribes submit to the Federal Government as the best available science.

It would undermine the ability of public citizens to contribute to the efficacy of the act, and it would compel the Fish and Wildlife Service to put online all data, regardless of merit, regardless of whether it contains proprietary or private information, and notwithstanding the fact that to do so will provide poachers and criminals with a road map to further endanger endangered species.

Mr. Chairman, the net effect of this bill before us today would be to force the Service, the Fish and Wildlife Service, to squander its limited conservation resources on meritless requirements to become tied up in legal challenges and to diminish its ability to protect endangered species.

I guess if this body can outlaw Federal agencies from using scientific findings related to climate change in their decisionmaking process, then it is no stretch of the imagination for this body to define what constitutes best available scientific and commercial data.

This bill states that data submitted by a State, tribal, or county government is automatically deemed as the best available scientific and commercial data. The quality of the data is immaterial. What matters is who is sending it.

Let me say that again a different way. The quality of the information that State, tribal, and local governments submit is irrelevant under this bill. The bill says it shall be deemed the best available scientific and commercial data. The Fish and Wildlife Service would be required to include this data, even if it is not the best, even if it were not developed by scientists, even if it were developed for purely commercial purposes, and even if it is contrary to fact. The Service would be forced to include it and it will, thus, alter its decisions on listings, recovery plans, and other policies related to the conservation of endangered species.

It is also unclear how the Service would resolve a situation where States, tribal, or county governments submit conflicting data.

This is no hypothetical situation. During hearings on the Endangered Species Act, one of the witnesses, a Mr. Tom Jankovsky, Commissioner of Garfield County, Colorado, was very critical of State officials for the information they were providing the Bureau of Land Management on sage grouse habitat.

The CHAIR. The time of the gentleman has expired.

Mr. DEFAZIO. I yield the gentleman an additional minute.

Mr. MORAN. Commissioner Jankovsky found the State maps inaccurate, overstating the area of sage grouse habitat. The map he commissioned for Garfield County showed 70 percent less habitat for sage grouse.

Whose map should the Federal Government accept as the best available science, the Colorado State map or Garfield County's? This bill gives equal weight to both.

Mr. Chairman, this is a bad bill, and no amendment can make it a good bill. It should be rejected.

Rather than addressing some of the compelling challenges that this Nation is confronting, we are wasting time on a bill that may pass the House but will go nowhere in the Senate and certainly will not become law. I urge its defeat.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Michigan (Mr. HUIZENGA), an author of another provision of this bill.

Mr. HUIZENGA of Michigan. Mr. Chairman, I rise in support of H.R. 4315, and I appreciate my colleague from urban northern Virginia for his insight on the Endangered Species Act. But those of us from more rural areas actually understand that the challenges that are presented in this law as it currently stands beg for reform.

This bill contains important reforms to the act, and it has been authored by Chairman HASTINGS, Congresswoman LUMMIS, Congressman NEUGEBAUER, and myself. Within that is a provision that I had authored, which is commonsense legislation that makes the Endangered Species Act consistent with current law.

□ 1545

It reforms the ESA litigation process while enhancing wildlife preservation, improving government efficiency, and protecting taxpayer dollars. And I know that is something that my colleagues on the other side have expressed, they are concerned with wasting precious dollars that have been appropriated to the EPA.

Well, for too long, litigating attorneys have taken advantage of the Endangered Species Act, raking in millions of taxpayer-funded money. In many ESA cases, lawyers' fees climb as high as $300, $400, or even $500 an hour, with hardworking American taxpayers left to foot the bill.

In fact, I have a 2013 quote here from David Hayes, the Deputy Secretary of the Interior, who was so concerned about this waste of resources, that he said this: ''My major concern is timing, resources needs, the fact this has been fish-in-the-barrel litigation for folks who, because there is a deadline and we miss these deadlines and so, we've been spending a huge amount of, in my mind, relatively unproductive time fending off lawsuits in this arena.''

And I couldn't have said it better.

But even worse, these rates can be awarded in cases where the Federal Government has settled with these groups that may not have even prevailed in the court system. This does absolutely nothing to benefit the species or the people and is not productive. My section of the bill seeks to remedy this unconscionable problem.

Currently, the Equal Access to Justice Act limits the hourly rate for prevailing attorney fees to $125 per hour for veterans, small businesses, and the Federal benefit recipients. So it is time that we apply the same cap to the ESA citizen suits as well.

So in times of tight fiscal budgets and escalating national debt, taxpayer dollars should be prioritized for the protection and recovery of species, not

lining the pockets of highly priced lawyers.

With that, Mr. Chair, I urge my colleagues to vote in favor of H.R. 4315 and for the commonsense updates that are so desperately needed.

Mr. DEFAZIO. Mr. Chair, I yield myself 1 minute.

Well, tomorrow I fully expect the Republicans to prevail on the floor of the House to authorize litigation against the President of the United States for nonjusticiable controversy, all per all the previous precedents of the court.

I would note they spent $525 an hour on attorneys to defend the indefensible Defense of Marriage Act, which was ultimately found unconstitutional. And I expect they will spend well over $500 an hour for a nonjusticiable political stunt suing the President.

But beyond that, during this Congress, the requests, subpoenas, et cetera, by the committee to the Department of the Interior for purported conspiracies, which have yielded nothing, cost $2.5 million. The total award to attorneys was $1.7 million. So if we reined in the subpoenas a little bit, you could save more money than by limiting the attorneys and people's access to justice.

With that, I yield such time as he may consume to the gentleman from California (Mr. MILLER).

Mr. GEORGE MILLER of California. Mr. Chair, I thank the gentleman for yielding the time, and I thank him for his defense of the Endangered Species Act. And I thank him for how he administers his position as the ranking member of the Resources Committee.

This is an old argument. We have been around here time and again. Time and again, people who don't like the Endangered Species Act have tried to put their thumb on one side of the scale of justice whenever these arguments come forward. They have tried to empower junk science and give it the status of thoughtful, proven science to get in.

But now they are suggesting that the science would be based upon the party that submits it. If the right parties—if a local entity submits it, then it will be judged as the best science. Whether or not it is science at all won't matter. It will simply be deemed that by the Congress of the United States, and the Department will have to follow that.

That just, obviously, takes you right back to the courtroom, where they now inspire litigation. When the citizens want to sue, then the citizens will have to go back to the courtroom because they have deemed junk science as real science. And then they will try to limit the amount that the citizens can be compensated in terms of their lawyers.

And yet, as the gentleman from Oregon just pointed out, they are going to spend millions of dollars suing the President of the United States, and they are not going to pay for any of it. They are going to charge it to the deficit. They will charge it to the deficit. So how is this justice coming out of the House of Representatives?

The fact of the matter is, the Endangered Species Act has been effective. It has worked. It saves species. It has returned species off of the list. And the American people truly support it in great numbers. They truly support it in great numbers because they recognize that this is about one generation taking care of what we inherited and passing it on to another generation. People are most often pleased with the public spaces that have been preserved to protect it, to protect the various species.

Has every decision been exactly right? Of course not. And that is why people go to court on both sides of the law.

Nobody is suggesting that you limit it equally. This is a question of the science being used and who gets a leg up in that argument in the courts, which leads to more litigation. So the idea is that you are trying to get away from litigation.

But the fact of the matter is, the fact of the matter is that this is an act that has caused us to pause and wait and think about what we are doing, and what the impact of that is, whether that is development, whether that is forced practices, whether that is public infrastructure. Whatever it is, what is the impact beyond that project? And is that adverse and is it detrimental to these species? Is it detrimental to the health of the neighborhoods, to the health of the communities? And very often, the Endangered Species Act has resulted in better projects being designed, very often better projects being designed because of those considerations, more sustainable projects being designed because of those considerations.

But the fact of the matter is, many people just hate the Endangered Species Act. So we come here Congress after Congress with these meat-ax approaches.

I spent one of the longest negotiations on a bipartisan basis trying to arrive at a conclusion on a section of the Endangered Species Act. In the eleventh hour, my Republican partner, the chairman of the committee, walked out the door. I don't know why that happened. It wasn't communicated, but that was that. That morning, we were supposed to have a press conference to announce the agreement, but it never happened. With the hours and hours that were spent, I thought we had reached a good agreement between those areas.

But the idea of frustration builds up, and you can just swing away at the Endangered Species Act. Yes, it is very popular, and it can be very controversial.

I am more concerned about what local agencies do in the name of endangered species sometimes when they ask for mitigation that I find is very unfair, that I have complained about, that I have written the agencies about.

I think very often, it is not so much the Federal protection of endangered species. Very often, it is people who then want to use it at another level of government to extract from developers, from land use, for the purposes of mitigation that I think is hard to justify.

And I would just hope that, once again, this Congress would use its good judgment, it would support the American people, it would support the Endangered Species Act, and it would, in fact, reject this legislation.

This is really bad legislation, and you can't pretend that you care about science and at the same time say you get to deem the best science based upon the party of submission.

I have fought with agencies to get the science that people have worked on, that universities have worked on, introduced into the discussion. I have never suggested that they would have to accept it as the best science. I thought it would broaden the discussion. I thought it would bring another consideration to those debates.

So this is a bill that should be rejected, and the gentleman from Oregon is quite right. I would have been so much happier spending our time here on the floor today dealing with the issue of wildfires, and not just those wildfires that are burning in California today, but by all projections, we are already ahead of the worst wildfire seasons this year already, and we expect it to get much worse with the persistence of this drought. And as the chairman and ranking member know, in those three States, we are way out ahead here on wildfires, and I wish at some point, we would make a decision that we could deal with these in an institutional fashion so that the firefighting assets would know what is available to them. We wouldn't scramble around. We wouldn't put other agencies in jeopardy by stealing money from their accounts. But we would deal with this in an adult fashion. We would set aside money for the purposes and replenishment of that money to fight wildfires because the alternative cannot be not to try to control this wildfire and stop the damage that they do both to the natural environment and to the private environment and the local economies that are so severely impacted by the aftermath of those fires.

But we are not going to do that. We are just going to stand up here and take another meat-ax approach to the Endangered Species Act, which is going to be unsuccessful, in the time we could have been talking about wildfires, in the time we could have prepared for the remainder of this wildfire season, giving notice to State agencies, to local agencies, to our Federal agencies on what they can do to prepare and the assets that they can have in place for those wildfires. We have missed that opportunity today in the name of this continued attack on the Endangered Species Act, which the American people have rejected over and over. And fortunately, this Congress has rejected over and over.

Mr. DEFAZIO. I would inquire of the time remaining on both sides.

The Acting CHAIR. The gentleman from Oregon has 3½ minutes remaining. The gentleman from Washington has 18¾ minutes remaining.

Mr. DEFAZIO. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 3 minutes to the gentlewoman from Wyoming (Mrs. LUMMIS), another person who is the author of another section of this bill.

Mrs. LUMMIS. Mr. Chairman, I thank the chairman of the House Natural Resources Committee for working with us on this working draft.

I also support the Endangered Species Act, and I rise in enthusiastic support of the Endangered Species Act and enthusiastic support of this bill because this bill embodies much of the ethos that the American people have embodied during the years the Endangered Species Act has been in effect.

This act was passed in 1974 with goals that were admirable and goals that the people of this country have embedded in their DNA to achieve. To conserve species, to have habitat for species so we can have rich, diverse populations of flora and fauna.

This bill will help those goals because we will know what science is being used to base these decisions upon. Right now, science that is undisclosed is being used. Right now, we have tribal governments, county governments, and State governments, through these incredibly impressive wildlife agencies, who have had this ethos embedded in them since they were little kids, trying to administer these laws, trying to save these species.

We want their knowledge shared with the U.S. Fish and Wildlife Service. We want to know what science is being used to make these decisions so it can be vetted by third parties, so people who have specialized scientific knowledge about a habitat area or a subspecies can share that knowledge with agencies so that we are not making decisions with litigants behind closed doors with no public input by the people whose dream is to have an Endangered Species Act that works, that works for the people on the land, the people who love these species, who love the habitat, who care for it every day, the people who want the Endangered Species Act administered in a way that is transparent and fair and will recover species.

I am of the opinion that an act that has less than a 2 percent recovery rate or a delisting rate is not a success. I think we can have better models to succeed to delist species or, better yet, not list species in the first place.

These small steps that are embedded in this bill—transparency of science, involving tribal, State, and local governments and their base of knowledge about what they see on the ground, is critical to having an Endangered Species Act that works, that takes advantage of the American people who care about conserving habitat and saving species.

Mr. Chairman, this is a commonsense, rational approach to recovery that has the kind of transparency that we were promised by this administration. Let's help them achieve it.

Mr. DEFAZIO. I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1½ minutes to the gentleman from Oklahoma (Mr. LANKFORD), a member of the working group.

Mr. LANKFORD. Mr. Chairman, if I were to ask most Americans, why do we have the Endangered Species Act?, just about all of them would say, so we can protect endangered species and increase those population numbers. But then you ask the question of each specific species, what is the goal? And very rarely now will you hear the goal being to increase population. You will hear things like protection of habitat, expansion of the species and such, but you are not going to hear population numbers.

□ 1545

What effect does that have? Well, come to Oklahoma some time. In western Oklahoma, we deal with a beautiful little ground chicken called the lesser prairie chicken. The lesser prairie chicken in the past month and a half has been listed as a threatened species now.

So what is the result of that? Well, the first question we ask is: What is the number that we need to have to recover? I don't know. We are just going to try to recover habitat.

What that means is they are now trying to block in 8,000 to 9,000 acres at a time of grassland and say no one can do development on these 8,000 to 9,000-acre blocks of land—that is no building, that is no construction, that is no energy, and that is no wind power, blocking it off and leaving it natural, up to 70 percent of that area. Suddenly, private lands have suddenly become the ownership of public lands.

The simple question is: How many lesser prairie chickens do we need to have before these restrictions go away? We don't know.

The latest survey that just came out showed a 20 percent increase from last year to this year. Is that enough? No. Fish and Wildlife Service is not required to take in that specific study. If it came from a State and from the people that lived there and know it best, shouldn't we take that advice?

For some strange reason—I am not opposed to scientists from New York—but if scientists from New York can pop in on Oklahoma and can say, I am going to give you the best science, and when we ask for the data behind it, they can say, no, it is secret and proprietary, and we can't do a thing about it, that doesn't make common sense.

Mr. Chairman, this bill fixes that. I encourage the House to pass it and support commonsense legislation.

Mr. DEFAZIO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Chairman, I would like to thank my colleague for giving me time to speak on this important legislation. The Endangered Species Act is a fundamental environmental law, one that was enacted because we, as a society, decided that we have a responsibility to our generation and to future generations to protect species that are threatened with extinction, as we did with the American bald eagle, our Nation's symbol.

Unfortunately, its implementation has had a profound impact on many human activities in many areas of the country, including my own district in the San Joaquin Valley of California. This year, people that I represent will be standing in food lines due in part to the way the ESA is being implemented in the San Joaquin Valley as it relates to water.

Let me be clear, I support targeted reform of the Endangered Species Act and the use of best science. However, the reform must strengthen the policy goals of the ESA. We need to be improving its performance, not reducing its protections.

Unfortunately, as I have said too many times on the floor of this House, this bill, unfortunately, is going nowhere. It is going nowhere because the process to develop it was not transparent and was not bipartisan. It is going nowhere because this is another example of a single-Chamber bill to score political points that has no Democratic support.

If we are going to create law that benefits the American people, bipartisanship is no longer an option. It is a requirement. I will vote for this bill in spite of the flawed process on how it was developed and my serious reservations regarding the definition of best science.

I will vote for it because it is past time to roll up our sleeves and get to work on crafting serious proposals to reform the Endangered Species Act that ensures greater transparency, provides for more stakeholder input into the process, ensures that best science is used regarding species management, and creates a better balance between species protection and human impacts.

Mr. Chairman, I will vote for this bill because, for me, hope springs eternal that we can come together and become legislators that work together between the House and the Senate in a bipartisan fashion.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from California (Mr. MCCLINTOCK), a member of the Natural Resources Committee.

Mr. MCCLINTOCK. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the Endangered Species Act serves a great cause, to prevent the extinction of any species because of human activity, but as Eric Hoffer warned:

Every great cause begins as a movement, becomes a business, and eventually degenerates into a racket.

Unfortunately, in the last 4 years, the ESA has become the basis for an explosion of lawsuits seeking to force hundreds of new species listings. Many of these suits are funded at taxpayers' expense, which in turn require Federal, State, and local agencies to spend even more taxpayer money to respond.

In northern California last month, this kind of litigation resulted in designating 2 million acres of the Sierra as critical habitat for three amphibians, despite overwhelming evidence that human activity is not to blame. The cause of the decline is nonnative predators and a virus affecting all amphibian species in the region.

The Natural Resources Committee has heard hours of testimony of how these decisions are based on highly questionable data from advocacy groups that include major mathematical errors, rank speculation, and selective suppression of data in order to arrive at predetermined conclusions.

This measure before us begins to address these abuses. It requires that supporting data be readily available to the general public, thus assuring greater scrutiny, and it requires that the government use the best available science and data from all sources.

It addresses the litigation crisis by requiring that legal costs be tracked and publicly reported, and it conforms those costs to the Equal Access to Justice Act that prevents extravagant claims for legal fees.

Louis Brandeis said that sunlight is the best of disinfectants. This bill places the data for implementing the ESA back into the sunlight where it can be fully scrutinized, and it places a modicum of restraint on the legal fees sought by out-of-control litigants.

Mr. DEFAZIO. Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from Michigan (Mr. BENISHEK), another member of the Natural Resources Committee.

Mr. BENISHEK. Mr. Chairman, I rise today in support of H.R. 4315, the Endangered Species Transparency Act.

Mr. Chairman, as a doctor and lifelong resident of northern Michigan, I have been supportive of conservation my entire life. Like many on the floor today, I understand there is more work to be done in the arena of conservation and recovery of species. However, the Endangered Species Act, as written, isn't working.

When the Endangered Species Act, or the ESA, was signed into law 40 years ago, it was meant to save species, not lawyers. Today, more money is being spent on frivolous lawsuits than recovering or conserving species that actually need saving. These lawsuits result in listings or proposed listings for very questionable species. As a result, the taxpayers, the environment, and the economy all lose.

In my district, the northern long-eared bat is currently a candidate for listing. As this decision is being considered, local and State officials, as well as businesses in northern Michigan, must be able to know how the decision will be made and what information is being used to make it.

I believe that local residents and officials know what is better for northern Michigan than bureaucrats or high-paid attorneys in Washington. That is why I am here today to support commonsense reforms to the Endangered Species Act. The bill goes a long way towards improving the Endangered Species Act by requiring good government through transparency and capping attorneys' fees.

If you truly support the environment, then you realize funds should be spent on conservation and recovery, not $500-an-hour attorneys.

Mr. Chairman, I believe this legislation is a win-win for the taxpayer and for conservation of truly endangered species, and I urge my colleagues to support this bill.

Mr. DEFAZIO. Mr. Chairman, I would reserve the balance of my time, since I only have 1 minute remaining, until that side has no further speakers.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Arizona (Mr. GOSAR), another member of the Natural Resources Committee.

Mr. GOSAR. Mr. Chairman, I rise today to speak in strong support of H.R. 4315, a commonsense package comprised of four bills that seek to update and improve the Endangered Species Act.

These bills make commonsense changes that increase transparency, save taxpayer money, ensure local involvement in species conservation and the designation process, limit the hourly rate attorneys can charge the taxpayers for Endangered Species Act lawsuits, and require the Federal Government to make available to Congress and the public any data it uses to determine which species to list as endangered. All of these are common sense.

Mr. Chairman, for far too long, the Federal Government has been making listing decisions based on secret and pseudoscience, including studies that do not allow for peer review of the underlying data.

Even more troubling is the fact that attorneys have been making millions of dollars based on frivolous lawsuits associated with the Endangered Species Act, and the Federal Government doesn't even know how much money has been paid out.

It is time to update the Endangered Species Act that involves America, is accountable to America, and is a win-win for everybody concerned.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from California (Mr. LAMALFA), another member of the House Natural Resources Committee.

Mr. LAMALFA. Mr. Chairman, this bill brings a portion of the Endangered Species Act back in to the 21st century and much-needed transparency.

Under this bill, the public will have access to data used to determine which species are listed as endangered. Backroom decisions made by regulators at the behest of nongovernment organizations with secret data is the sort of policymaking you might find in the Soviet Union or communist China, not in the United States.

Astoundingly, you will hear arguments that this data should remain secret. This is the data used to decide whether Americans can build a home on their own property, farm their own land, or simply going hiking in their national forest.

The bill includes also much county data used in ESA decisions, which is key. It is important that all economic information is available so locals get a fair shake. Had this bill been in place, my district would have had more input in an ESA listing that will hurt the economy across the Sierra Nevadas.

This measure also tracks and caps attorney fees paid in ESA lawsuits. Of the 75 Federal agencies surveyed, just 10 even tracked their payouts to lawsuit factories like the NRDC and the Center for Biological Diversity.

Mr. Chairman, I happen to think Americans deserve to know how their government makes their decisions. Let's pass H.R. 4315 to bring transparency and fairness back to the ESA process.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE), a former member of the House Natural Resources Committee.

Mr. PEARCE. I thank the gentleman for yielding and appreciate his leadership on this issue.

Mr. Chairman, I rise in support of H.R. 4315. New Mexico used to have 123 mills that processed timber. Today, that number is zero because of an endangered species called the spotted owl.

Now, 20 years after declaring the spotted owl to be endangered because of logging, last year, the U.S. Fish and Wildlife Service came out and said: oops, we made a mistake, it is not the logging at all.

We killed 123 mills in New Mexico. Eighty-five percent of the Nation's timber industry is gone because of a mistake. That sounds like the junk science that our opponents are arguing that we should be avoiding.

Mr. Chairman, last year, a lizard was going to be named as threatened or endangered in my district, and an ad hoc committee of scientists came together. They looked at the science that the Fish and Wildlife Service was going to use to list, they proved all of it to be false, and the listing did not occur—but only because of peer review.

That is what this bill is trying to do, to establish a process where others can

get to see what is going on inside those hidden dark doors of the Fish and Wildlife Service.

This year in New Mexico, the lesser prairie chicken was listed as threatened which, again, put people out of jobs. Ben Tuggle, the Fish and Wildlife Service director in New Mexico said they felt pressured by the lawsuits—not by the science, but by the lawsuits. This is what it looks like dealing with the Endangered Species Act in the West today.

It kills jobs, takes away the future, and takes away tax base—all for junk science that is currently being used by the department. This bill simply says let's get some transparency and let's get peer review. I urge the Members to vote for this bill.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from Arkansas (Mr. CRAWFORD), in whose district we had a field hearing on the impact of the Endangered Species Act.

Mr. CRAWFORD. I thank the chairman. I am glad to be here today in support of H.R. 4315 and to emphasize the point that this is not just a Western thing. We certainly hear a lot about Oregon's northern spotted owl, about California's delta smelt, and we have heard about—the lesser prairie chicken has been cited, but I doubt many of you have heard about the rabbitsfoot mussel.

I have a map here that indicates the range of the rabbitsfoot mussel, and I can assure you the folks in Arkansas, Mississippi, Oklahoma, Louisiana, and Missouri have become very well familiar with the rabbitsfoot mussel.

□ 1600

What the critical habitat designation proposal could do, and certainly in States like Arkansas where 70 percent of Arkansas' rivers and streams would be impacted, it would have a direct and costly impact on farmers and ranchers and municipalities who rely on those waterways for drinking water, private landowners and local governments who are trying to build and improve roads and bridges, and small and large businesses across the State of Arkansas that use water in manufacturing the products that help keep Americans employed.

The 21st Century Endangered Species Transparency Act will go a long way to bringing some common sense and sanity back to the protection of vulnerable species, and that is what we should be about.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. COLLINS) who is also experiencing the effects of this act.

Mr. COLLINS of Georgia. Mr. Chairman, I do appreciate the chairman of the Natural Resources Committee yielding me this time.

You know, it is amazing when you even mention dealing with reforming the Endangered Species Act how people all of a sudden think—and it is just a matter of putting some controls or limiting it—that you are antispecies, you are terrible on the environment. Really what we are talking about here is just basically like all of the things in life that are updated from time to time, this is something that needs to be updated. I have been pleased to work in this working group, together with the chairman and others, to bring about some sensible reforms.

The reason we do this, farmers, ranchers, folks back home, my Farm Bureau, have been hit by lawsuits. And I appreciate what the gentleman just said. It is lawsuits, not science, that seems to be pressuring some of this along. In fact, in 2011, the WildEarth Guardians and Center for Biological Diversity entered into an agreement with Fish and Wildlife that added 1,000 species. Now, the only problem with that is that no one in the ag community and others who were affected were allowed to participate. Now, I have another bill called Sue and Settle that would have taken care of that when we passed it out of this House.

It was said earlier that, when you take the ESA, you don't take a meat cleaver approach. Well, I think the problem is not a meat cleaver approach here. It is the fact that many don't want to take an approach at all. They want to just leave it alone. They don't even want to take up having reasonable caps on attorneys' fees. Instead of putting money into lawyers' pockets at a cap of just $125 an hour, they would rather go on—which, by the way, in that same 2011 case, the attorneys' fees went over $300,000 in this situation.

You see, the problem here is not wanting to deal with ESA. The problem is wanting to continue an ideological bent that says leave it alone even at the expense of jobs, even at the expense of saying that maybe we messed up, even at the expense of saying maybe we can find a different point of view, maybe we can have valid science, or maybe just addressing it.

For those of us in northeast Georgia, we want good, clean water, clean air, and protection of our wildlife. But also, we understand that taxpayer dollars spent on this needs to happen. We need to do this reform.

By the way, Mr. Chairman, I still have no takers on my bat.

Mr. HASTINGS of Washington. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Utah (Mr. STEWART), a former member of the Natural Resources Committee.

Mr. STEWART. Mr. Chairman, H.R. 4315 is simply a no-brainer. Its primary purpose is to require that ESA be available to the public. This is nothing but a commonsense reform in the application of a law that is subject to extensive bureaucratic manipulation. Some opponents wrongly assume that the American people don't need to see this data, but how can anyone argue against transparency in our Federal Government?

Let me quickly list an example in my district. We have the Utah prairie dog, a species that was listed under the ESA in 1973. U.S. Fish and Wildlife says there needs to be at least 1,500 prairie dogs before they can be considered for delisting as recovered, but the Federal Government only counts those dogs living on Federal lands, about 442 of them. In 2013, there were almost 5,000 of these prairie dogs living on private land that went uncovered.

Earlier this year, I introduced H.R. 4256, the Endangered Species Improvement Recovery Act, something which would help in this effort as well. H.R. 4315 is a commonsense approach, and I urge my colleagues to support it.

Mr. HASTINGS of Washington. Mr. Chairman, I am very pleased to yield 1 minute to the gentleman from California (Mr. VALADAO), a very active Member on this issue.

Mr. VALADAO. Mr. Chairman, this bill brings a lot of common sense to Washington. In my district currently today, they have basically shut down agriculture because of this tiny fish there. We have seen food products coming in from other countries, and we see people standing in a food line.

What has caused all of this? Under the Endangered Species Act, a species was added to the Endangered Species Act list.

And do we know if that listing actually helped that fish, if turning off the pump has actually helped save that fish? We know it has put people out of work. We know it has changed where we are getting our food from. And for all we know, it hasn't even saved that little fish. That is something that needs to be looked at. What this bill does, it brings some transparency to this.

When we pass these rules and regulations on these industries that affect these people at home and put them in the food line, are we actually basing it on real science? Are we basing it on the fact that we are actually going to save this species?

This is a tragedy. What we see going on in my hometown right now, in my district is a tragedy. We have an opportunity to actually make a difference today with some common sense. Make sure that we know that the science is honest and transparent before we pass these laws.

Mr. HASTINGS of Washington. Mr. Chairman, I advise the gentleman from Oregon that I am prepared to close, so if he wants to use his time, then I will close.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I yield myself the balance of my time.

I will close where I ended my opening remarks, 25 major fires burning in the West: seven in Oregon, six in California, four in Washington, two in Utah, two in Idaho, and one in Colorado. And by this time next week, probably twice as many, but next week Congress will be out of session.

The agencies will run out of money. They can't stop fighting the fires. So

what they will do is they will pull back money that would prevent future intense wildfires from prevention programs. They will pull back money from recreation programs. They will pull back money from a host of things that Americans care about and want to have funded just to fight these fires. It is an endless cycle. We need to deal with it.

We could have dealt with it here today instead of spending multiple hours on a bill which is going nowhere, which is poorly drafted to the point where anybody, any city, county, tribe, State who writes on the back of a napkin can submit that to the agency and it must be considered the best available science and commercial data. And under the law, the Secretary has to use that to make a decision.

How the heck is that going to work? You are saying you are worried about attorney's fees; you are creating a universe for new litigation with this misguided approach.

So I wish we would return to a bipartisan addressing of the forest fire issue because I know there is bipartisan concern on it. There is a bill pending in the House—54 Republicans, 54 Democrats. We should take that bill up today, tomorrow, or Thursday before we leave town and fund our firefighting efforts.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me make a couple of points on issues that have been raised. First of all, H.R. 4315 is not a comprehensive reform to the Endangered Species Act. It is very targeted.

I might mention that several Members on the other side talked about species going extinct. I just want to say, Mr. Chairman, that during testimony in the House Natural Resources Committee, nobody testified that they are in favor of species going extinct.

Several Members said this bill weakens the Endangered Species Act. Mr. Chairman, how does transparency weaken a bill? I do not see how that works.

Finally, there seems to be a lot of discussion about allowing local entities and tribes to use their data in the listing of species. Several Members on the other side said the act deems that should happen. It does not at all. In fact, let me read it. It says:

> The best scientific and commercial data available includes all such data submitted by State, tribal, or county government.

Now, we will have more debate on this because there are two amendments that address this section, but I just wanted to mention that this is a targeted look at the Endangered Species Act. It is not a comprehensive reform, but it certainly will, I think, get more people involved, especially because of this megasettlement, the impact that this will have on the rest of the country.

Mr. Chairman, I urge adoption of H.R. 4315.

I yield back the balance of my time.

Mr. HOLT. Mr. Chair on December 28, 1973 the Endangered Species Act was signed into law, meaning we are currently commemorating the 40th anniversary of one of our nation's strongest and most successful environmental laws: the Endangered Species Act.

Passed with overwhelming bipartisan support and signed by President Richard Nixon, the Act was the first comprehensive law to address the global extinction crisis.

The Endangered Species Act took a zero-tolerance approach to achieving its goals: no new extinctions, no exceptions.

As a result, 99 percent of listed species have been saved from extinction and are on the path to recovery.

Some iconic American species, such as the bald eagle, the American alligator, and the Pacific gray whale, have recovered from the brink of extinction and are now thriving in their natural habitats.

Beyond the preservation of individual species, the Endangered Species Act helps to keep the strong interdependent web of life.

Today, conservation efforts under the Endangered Species Act are a model for preserving biodiversity around the world.

Unfortunately, here in the House today we are proceeding with reforms that would undoubtedly weaken provisions of the Act with the belief that doing so will somehow yield greater benefits for the species it was designed to protect.

As a member of the House Natural Resources Committee, I've been committed to protecting our nation's strongest and most successful environmental laws.

Let us reject the bill before us and in doing so commerate the 40th Anniversary of the Endangered Species Act.

Ms. LEE of California. Mr. Chair, I rise to today in strong opposition to H.R. 4315—the "21st Century Endangered Species Transparency Act."

Mr. Chair, there is nothing reasonable about this bill.

This bill is an assault on citizen enforcement and the rule of law.

If enacted, the bill would place an unreasonable cap on the recovery of attorneys' fees in suits brought under the Endangered Species Act (ESA).

By limiting fee recoveries, this bill would make it difficult for many citizens to obtain effective legal representation—and undermine the enforcement of the law.

The Endangered Species Act is one of our country's most important tools for protecting endangered fish and wildlife populations.

The fact of the matter is, the bill before us, would increase the likelihood of future extinctions.

Mr. Chair, we are here to protect not only our wildlife, but also the very foundation of our justice system—equal access to adequate representation.

I urge a no vote.

Mr. THOMPSON of Pennsylvania. Mr. Chair, I rise today in support of this legislation.

H.R. 4315 is an important first step in reforming the Endangered Species Act, and undertaking long overdue.

This legislation is about three things: increasing government ransparency, requiring better state and local data and input, and limiting excessive payments for lawyers who sue the Federal government under ESA.

First, the bill requires the Federal Government to publish on the internet and make publicly available the data that was used to make the determination that a species should be considered for listing under the ESA.

Secondly, the legislaion would require the Federal Government to include and consider data provided by state, local and tribal governments. The purpose of this is to ensure that the best "on the ground" input is taken into account when making such listing.

Finally, H.R. 4315 would limit attorneys' fees when individuals or organizations sue the government under the ESA and prevail.

In my home state of Pennsylvania, we are currently seeing firsthand why these changes need to be legislated. The U.S. Fish & Wildlife Service recently proposed the Northern Long-Eared bat for listing under ESA—despite significant scientific debate over its population levels.

While the species is unquestionably being impacted by White Nose Syndrome, considerably more research still is needed before sweeping federal regulations go into effect.

This species has an enormous geographical footprint and is found in 38 states. Listing this bat species would have an enormous impact, including harming a large number of economic sectors that pose no threat to this population.

During the open public comment period, the Fish &

Wildlife Service received a significant number of public comments discussing this lack of adequate data, and since then, the Service has acknowledged that the economic activities most affected by the proposed listing have had little impact on population numbers or the decline of the species.

As a result, the agency has now decided to extend the comment period to further review these disparities.

H.R. 4315 is a package of commonsense reforms that will improve local control and increase government transparency and accountability.

I strongly urge my colleagues to support this legislation.

The Acting CHAIR (Mr. POE of Texas). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–55. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Endangered Species Transparency and Reasonableness Act".*

***SEC. 2. REQUIREMENT TO PUBLISH ON THE INTERNET THE BASIS FOR LISTINGS.***

*Section 4(b) of the Endangered Species Act (16 U.S.C. 1533(b)) is amended by adding at the end the following:*

*''(9) The Secretary shall make publicly available on the Internet the best scientific and commercial data available that are the basis for each regulation, including each proposed regulation, promulgated under subsection (a)(1), except that, at the request of a Governor or legislature of a State, the Secretary shall not make available under this paragraph information regarding which the State has determined public disclosure is prohibited by a law of that State relating to the protection of personal information.''.*

***SEC. 3. DECISIONAL TRANSPARENCY AND USE OF STATE, TRIBAL, AND LOCAL INFORMATION.***

*(a) REQUIRING DECISIONAL TRANSPARENCY WITH AFFECTED STATES.—Section 6(a) of the Endangered Species Act of 1973 (16 U.S.C. 1535(a)) is amended—*

*(1) by inserting ''(1)'' before the first sentence; and*

*(2) by striking ''Such cooperation shall include'' and inserting the following:*

*''(2) Such cooperation shall include—*

*''(A) before making a determination under section 4(a), providing to States affected by such determination all data that is the basis of the determination; and*

*''(B)''.*

*(b) ENSURING USE OF STATE, TRIBAL, AND LOCAL INFORMATION.—*

*(1) IN GENERAL.—Section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532) is amended—*

*(A) by redesignating paragraphs (2) through (21) as paragraphs (3) through (22), respectively; and*

*(B) by inserting after paragraph (1) the following:*

*''(2) The term 'best scientific and commercial data available' includes all such data submitted by a State, tribal, or county government.''.*

*(2) CONFORMING AMENDMENT.—Section 7(n) of such Act (16 U.S.C. 1536(n)) is amended by striking ''section 3(13)'' and inserting ''section 3(14)''.*

***SEC. 4. DISCLOSURE OF EXPENDITURES UNDER ENDANGERED SPECIES ACT OF 1973.***

*(a) REQUIREMENT TO DISCLOSE.—Section 13 of the Endangered Species Act of 1973 (87 Stat. 902; relating to conforming amendments which have executed) is amended to read as follows:*

***''SEC. 13. DISCLOSURE OF EXPENDITURES.***

*''(a) REQUIREMENT.—The Secretary of the Interior, in consultation with the Secretary of Commerce, shall—*

*''(1) not later than 90 days after the end of each fiscal year, submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an annual report detailing Federal Government expenditures for covered suits during the preceding fiscal year (including the information described in subsection (b)); and*

*''(2) make publicly available through the Internet a searchable database of the information described in subsection (b).*

*''(b) INCLUDED INFORMATION.—The report shall include—*

*''(1) the case name and number of each covered suit, and a hyperlink to the record or decision for each covered suit (if available);*

*''(2) a description of the claims in each covered suit;*

*''(3) the name of each covered agency whose actions gave rise to a claim in a covered suit;*

*''(4) funds expended by each covered agency (disaggregated by agency account) to receive and respond to notices referred to in section 11(g)(2) or to prepare for litigation of, litigate, negotiate a settlement agreement or consent decree in, or provide material, technical, or other assistance in relation to, a covered suit;*

*''(5) the number of full-time equivalent employees that participated in the activities described in paragraph (4); and*

*''(6) attorneys fees and other expenses (disaggregated by agency account) awarded in covered suits, including any consent decrees or settlement agreements (regardless of whether a decree or settlement agreement is sealed or otherwise subject to nondisclosure provisions), including the bases for such awards.*

*''(c) REQUIREMENT TO PROVIDE INFORMATION.—The head of each covered agency shall provide to the Secretary in a timely manner all information requested by the Secretary to comply with the requirements of this section.*

*''(d) LIMITATION ON DISCLOSURE.—Notwithstanding any other provision of this section, this section shall not affect any restriction in a consent decree or settlement agreement on the disclosure of information that is not described in subsection (b).*

*''(e) DEFINITIONS.—*

*''(1) COVERED AGENCY.—The term 'covered agency' means any agency of the Department of the Interior, the Forest Service, the National Marine Fisheries Service, the Bonneville Power Administration, the Western Area Power Administration, the Southwestern Power Administration, or the Southeastern Power Administration.*

*''(2) COVERED SUIT.—The term 'covered suit' means any civil action containing a claim against the Federal Government, in which the claim arises under this Act and is based on the action of a covered agency.''.*

*(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by striking the item relating to such section and inserting the following:*

*''Sec. 13. Disclosure of expenditures.''.*

*(c) PRIOR AMENDMENTS NOT AFFECTED.—This section shall not be construed to affect the amendments made by section 13 of such Act, as in effect before the enactment of this Act.*

***SEC. 5. AWARD OF LITIGATION COSTS TO PREVAILING PARTIES IN ACCORDANCE WITH EXISTING LAW.***

*Section 11(g)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1540(g)(4)) is amended by striking ''to any'' and all that follows through the end of the sentence and inserting ''to any prevailing party in accordance with section 2412 of title 28, United States Code.''.*

The Acting CHAIR. No amendment to the amendment in the nature of a substitute shall be in order except those printed in House Report 113–563. Each such amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered 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.

AMENDMENT NO. 1 OFFERED BY MR. HASTINGS OF WASHINGTON

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–563.

Mr. HASTINGS of Washington. Mr. Chairman, I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 1, line 13, insert '', State agency,'' after ''Governor''.

Page 1, strike line 16 and all that follows through the first period on line 17 and insert ''determined public disclosure is prohibited by a law or regulation of that State, including any law or regulation requiring the protection of personal information; and except that within 30 days after the date of the enactment of this paragraph, the Secretary shall execute an agreement with the Secretary of Defense that prevents the disclosure of classified information pertaining to Department of Defense personnel, facilities, lands, or waters.''.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this manager's amendment which would clarify two important items relating to section 2 and public disclosure of the Federal Government's ESA data.

First, the amendment would provide an important but technical clarification that the intent of the bill is for any Federal public disclosure of ESA data on the Internet under the bill to be completely consistent with data privacy laws of States, including those that protect personal identifiable information from disclosure.

A significant amount of the ''best available scientific and commercial data'' currently used by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for ESA listing decisions is derived from States which have diverse laws protecting the privacy of their citizens and sensitive species data.

While some make completely baseless suggestions that more data disclosure on the Internet could lead to poaching of species, this amendment would allow States an added layer of confidence that the information they choose to share with the Federal Government does not compromise their own data privacy laws.

Second, the amendment clarifies that the bill would not require disclosure of classified Department of Defense information related to lands, personnel, installations, or waters within their jurisdiction.

The Endangered Species Act has a significant impact on U.S. military activities. According to the Fish and Wildlife Service Web site, more than 300 ESA-listed species are located on the more than 25 million acres spread across hundreds of Department of Defense installations across the Nation. While greater data transparency related to U.S. Fish and Wildlife Service or National Marine Fisheries Service listing decisions is important, branches of the American military should not have to disclose information that would in any way compromise national security.

So my amendment would make clear that the Fish and Wildlife Service's or the National Marine Fisheries Service's disclosure of best available scientific and commercial data on the Internet can be accomplished while safeguarding classified or sensitive Defense Department information.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIR. Without objection, the gentleman from Oregon is recognized for 5 minutes.

There was no objection.

Mr. DEFAZIO. This is similar to an amendment offered by the chairman in committee which carved out an exemption for private individuals. This would carve out another amendment for the Department of Defense.

Unfortunately, crafting legislation so it doesn't have unintended impacts is often a difficult, deliberative process. In this case, the overly broad language in this section would still require commercial data from timber and oil and gas companies. That is not covered by the exemptions in the bill. And also, it could require data containing business activity locations, operation plans, information regarding species found on their lands, and they would be published on the Internet, which would be an invitation to trespass in the case of private timber companies having to publish that sort of invitation.

So I don't think the exemption goes far enough. I think the entire provision should be stricken. But again, I will not bother to oppose this amendment, but I will oppose the underlying bill.

With that, I yield back the balance of my time.

□ 1615

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

I thank the gentleman from Oregon for his support of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113–563.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 1, strike ''The term'' and insert ''(A) Except as provided in subparagraph (B), the term''.

Page 3, at line 3 strike the closing quotation marks and the second period, and after line 3 insert the following:

''(B) Such term does not include any data, study, or survey that has been published solely in an internal Department of the Interior publication.''.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, as I said earlier, and it was mentioned by a number of Democrats on this side, we don't think the Endangered Species Act is perfect and we could work on a bipartisan basis on modernization-type reforms to bring it into the 21st century, compliant with current science. However, that is not before us today. But I am hopeful that this amendment, because of a very unsettling precedent by the Obama administration, will get bipartisan support.

Now, the Republicans may, in this case, agree with the objectives of an agency of government which has gone rogue in this case, which is Fish and Wildlife. They have been trying for years to remove the gray wolf from the Endangered Species Act. Unfortunately, science isn't on their side. Wolves have not recovered throughout much of their range. Oregon and Washington have a few packs; California, Colorado, Utah, and New York have none. However, they have cooked up a little bit of science to justify their determination to delist.

Now, in the case of Oregon, OR–7, his mate, and pups, might be pretty safe. They are down in the corner of the State. California won't be hunting wolves because of their own Endangered Species Act. But his relatives up in the northeast corner of Oregon, should they cross the border into Idaho, they will be immediately assassinated. That is the result of what Fish and Wildlife and Congress combined have done.

They cooked up the science. Unfortunately, science has to be peer-reviewed and published in journals. No journal would publish it. Not even some of the captive industry journals or the livestock association journal. Nobody would publish it. They said this is junk.

So what did they do? Well, they came up with a zombie journal. They revived an internal journal called North American Fauna, which was an internal Fish and Wildlife little newsletter, and it hasn't been printed previously since 1991.

Now, again, I imagine most Republicans are saying: So what, if this helps us get rid of the wolf—which many on that side of the aisle would like to do—so be it, that is good.

Well, just think what is going to happen when Fish and Wildlife and this administration, or another administration, wants to make a decision contrary to what you care about? What if they want to cook up a phony science on the sage-grouse, the lesser prairie chicken, or on some of these other species that have been talked about today? They drag out the North American fauna label and they say: Hey, it has been published, and that is what we based our decision on.

This is a very disturbing trend by an administration—inexplicable that this administration would go down this particular path. And again, even if you may agree with delisting the wolf and greatly reducing the populations, which are nowhere near what they should be for a full recovery, threatening again a future, more comprehensive, listing—again, a bit shortsighted if you support that, but you may.

But just think if you let this stand. If you let these people these Federal bureaucrats, these hacks, get away with this. They cooked something up. I mean, really? You can't even get the sheep journal to publish this because they really hate the wolves, or the cattleman's journal, they really hate the wolves. No, they wouldn't publish it. They had to come up with a phony internal journal, because it was so bad that they knew they would be subject to ridicule and violating essentially their own morals and ethics by doing that.

I would hope that the Republicans can support this amendment, because even though they may agree with the ends here, they surely should disagree with the process.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield as much time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, as I was listening to the gentleman, I was wondering if he was talking about the amendment that he had actually offered, because actually he is making the case that I stood up to make today.

Let me tell you what this amendment would do. It would exclude scientific information published solely in the internal Interior Department publications from the definition of ''best available science,'' which would allow the Department of Interior to avoid transparency requirements in section 2 of the bill, which requires that the data used by the Federal agencies for the Endangered Species Act listing decisions to be made publicly available and accessible through the Internet.

So what the gentleman was saying is they cooked the books, they cooked the information, and he doesn't want that to be made available. So here we are making important decisions about the potential taking of people's land, spending millions of dollars in mitigation for what may be false science.

This gentleman's amendment defeats the whole purpose of transparency, the intention of this bill.

What we are trying to do is we are going to say: Let's take the facts, let's take the best available science that the Fish and Wildlife and some of these agencies say that they have, let's compare it with what is the best available science from the stakeholders and come up with the truth.

But the gentleman's amendment, which I urge Members to defeat, defeats the whole purpose of that transparency. The American people deserve that. Their tax money is being used

against them in the fact that the tax money is going out and being used to determine what is the best available science. Now if we have got the best available science—in fact, as the gentleman referred to it as ''cooking the science,'' then the American people ought to have an opportunity to dispute that and it not be hidden from them in some agency memo.

With that, I encourage Members to defeat the amendment.

Mr. DEFAZIO. Mr. Chairman, well, I didn't understand that.

Look, a Federal agency revived a journal that had been extinct for 23 years. It is an internal document. They took phony science and published it in that, and then they based a delisting decision on it. If they based a listing decision on it, you guys would be going berserk over there.

What I am precluding is future Federal agencies, no matter where they come down on a listing decision, from using phony science which is only self-published. This is like whack nuts who write books about crazy things and they publish it themselves and say: Look, it was a book. Yeah, it is a book. You paid to publish it.

In this case, they used taxpayer money to publish a phony study to justify a decision they had already made, which you might happen to agree with.

But what happens when they use that same tactic to do that with a decision you disagree with, to actually list something?

This has nothing to do with transparency. It doesn't need to be transparent because they couldn't use it. It is phony science. They would not be allowed to use phony science by self-publishing it. That is simply what the amendment does, and I can't believe you guys are going to oppose it.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, when I listen to my good friend from Oregon's arguments, in many respects, maybe indirectly, he is making precisely the argument that we are making with this bill. That is, whatever data is being used to list or delist should be made available to the public so they can ascertain if that data is correct.

Now, the gentleman talked about data that was made up. Okay, that is his interpretation. If it is made up, shouldn't we know that? Shouldn't we know that that is what the data is being used to make these decisions rather than just accepting it?

Mr. Chairman, that is precisely what this bill is all about, to have transparency on this scientific data. That is really all we are asking about.

The argument got shifted to other things, like we are destroying the Endangered Species Act and so forth. Nothing could be further from the truth.

His amendment, however, does something that I think violates the principle we are trying to do. He wants to exclude certain stuff from us being transparent with it, or for the people having transparency to that data.

So, Mr. Chairman, I urge also rejection of the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113–563.

Mr. HOLT. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 3, strike ''(a) REQUIRING DECISIONAL TRANSPARENCY WITH AFFECTED STATES.—''.

Beginning at page 2, strike line 16 and all that follows through page 3, line 7.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from New Jersey (Mr. HOLT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. HOLT. Mr. Chairman, I yield myself such time as I may consume.

The bill before us today has many problems, but one of the most egregious and obvious is in section 3, where the bill declares that any and all data submitted by States, tribes, or local governments shall be considered the ''best scientific data available.''

I am offering here an amendment with my friend from California (Mr. HUFFMAN), which would strike that provision and would force Federal agencies to accept as the best available science actual science.

The language in question says:

The term ''best scientific and commercial data available'' includes all such data submitted by a State, tribal, or county government.

The Endangered Species Act is one of our Nation's strongest and most successful environmental laws. One reason for that success is that the law has been based on scientific evaluation using peer-reviewed science by trained scientists, not the whims and ideological wishes of legislators.

The Endangered Species Act is not a shouting match or a fight for power and influence among interested parties; it is a look at the need to protect endangered species as determined by the best science. This language that the best scientific and commercial data available includes all such data submitted is as preposterous as it is impractical. Where is the quality control?

Now, what happens if a locality submits something that is not, in fact, true, or not, in fact, established within the scientific community? Or how about if a State or a tribe submits one thing and another State or tribe submits conflicting views? Are they both the best available evidence? What about where a county thinks its data is better than the State's data? These are all situations that not only might occur, but are likely to occur.

A witness at the committee hearing on this bill—in fact, a witness that was invited by the Republicans—testified to this very point, saying that all does not equal best, highlighting the fact that this bill creates more problems than it solves.

Agency decisionmakers must evaluate data from all sources to ensure that they are making determinations based on the best information available, and we should encourage them to do so.

Let's not have another case of congressional malpractice where Members of Congress play scientists and try to present political restrictions on the science.

The peer review process is the best tool available, and that is how we draw out the best science. Maybe scientists occasionally make mistakes, no doubt about it, and new findings can call for a revision of the science. But surely we don't think that Members of Congress are better at determining what is scientifically factual than the biological and environmental scientists.

I reserve the balance of my time.

□ 1630

Mr. HASTINGS of Washington. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. NEUGEBAUER).

Mr. NEUGEBAUER. Mr. Chairman, basically, what the gentleman's amendment would do is strike the language in the section of this bill that requires the Fish and Wildlife Service to consider all data submitted by State, tribal, or county governments as best scientific and commercial data available.

Let me dispel one of the myths. It says that all of this data has to be considered best scientific and commercial data. That is not necessarily true. The Fish and Wildlife Service still has discrimination over what data that it considers. What it does say is that it must consider the data that is submitted.

The other thing that you hear my friends on the other side of the aisle say is that I guess all of the best data and all of the smartest people in the country must be in Washington, D.C., but we have Mr. DEFAZIO, the gentleman from Oregon, stand up and say:

no, sometimes they cook the books. So I wondered if that memo that the gentleman was talking about was the best commercial and available science for the wolf. Obviously, he was saying it was not.

What we are really saying about all of this is it is just about transparency. It is about recognizing that the people in the States and the local governments may actually have better information on the ground about a lot of these issues than somebody sitting in Washington, looking at some model or some report that someone has drawn up.

I will talk about my State of Texas, for example. The Texas Parks and Wildlife service has developed over 8,000 wildlife management plans covering over 30 million acres. I would probably tell you that those people have some of the best available and commercial science on a lot of the issues facing Texas probably a little bit more than maybe somebody sitting in Washington, D.C., or some other State.

So one of the things that I am a little perplexed about is my colleagues keep fighting the transparency. This President said he was going to have one of the most transparent administrations in history, but that has been far from the truth.

I would encourage my colleagues to defeat this amendment. It defeats the whole purpose of the bill and the intention of letting the American people know the facts.

If you go to a trial, you don't get to use only your facts. You have to hear everybody's facts. Since this is a trial that determines whether these species are in fact endangered or not endangered anymore, we should be able to deal with the facts, but we can't deal with one set of facts. We have to deal with all of the facts.

So if you want to hear all of the facts, defeat this amendment.

Mr. HOLT. Mr. Chairman, I ask the Chair the time remaining on each side.

The Acting CHAIR. The gentleman from New Jersey has 1½ minutes remaining, and the gentleman from Washington has 2½ minutes remaining.

Mr. HOLT. Mr. Chairman, I yield 45 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I am bemused by this.

It is simple. It says:

> The term ''best scientific and commercial data available'' includes all such data submitted by a State, tribal, or county government.

That means all the data. That means if all the counties, States, and tribes don't agree, you have conflicting best available data. That is what we are saying. We want them to take all data into account, but you can't deem that theirs is the best.

In the case of nitrification in the Columbia River, Oregon and Washington disagree. They have competing science, but now, they would have to weigh it equally. I have heard tribes say to save salmon and delist them, you have to take all the dams out of the river. That becomes the best available science, if submitted by a tribe?

What are you guys thinking? We want them to listen to everybody. Everybody can submit something, but we don't then deem it to be the best available data. That is nuts.

Mr. HASTINGS of Washington. Mr. Chairman, I am prepared to close, so I reserve the balance of my time.

Mr. HOLT. Mr. Chairman, my colleague from Oregon said it well: All does not equal best.

The other side evidently is embarrassed by the language in the bill. There are many problems with this bill, but this particular section has some language that they should be embarrassed about, and so they are saying what they wish the language said or what they want it to say.

The best scientific data includes all such data. It does not say we will consider all data. It says all equals best. That cannot be true. That should be removed from the bill. That is what this amendment does.

Decisions on whether or not a particular study or data set have scientific merit with respect to an individual species listing should be made in the context of peer-reviewed science, not because one State wants one thing and one county wants another thing.

It should be based on the best scientific data. That is what this amendment would ensure.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

First of all, Mr. Chairman, I am not embarrassed by this piece of legislation. Let me walk through this and explain why this language says what it says because I think our friends on the other side of the aisle are leaving out a very important word when they are debating this issue.

The language in question is the term ''best scientific and commerce data available includes all such data submitted,'' and so forth.

They are arguing as if the word ''such'' was taken out, where it would read ''scientific and commercial data available includes all data.'' We didn't say ''all data.'' We said ''all such data.''

What does that mean? How does that relate? All such data that relates to scientific and commercial data coming from the local communities—what is wrong with that argument?

By the way, the agency still has discretion to use that data, but it should be part of it because lacking having this language in the bill means that the only data is what my friend from Oregon criticized when we were discussing the wolves.

Mr. Chairman, I think this language is pretty straightforward. It says ''all such data that relates to it, as developed by local communities and tribes.'' That should be part of the transparency.

So I urge my colleagues to reject this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. HOLT).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. HOLT. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New Jersey will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. DUFFY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113–563.

Mr. DUFFY. Mr. Chairman, I have an amendment at the desk

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Page 4, line 22, strike ''and''.
>
> Page 5, at line 4 strike the period and insert ''; and'', and after line 4 insert the following:
>
> ''(7) any Federal funding used by a person or a governmental or non-governmental entity in bringing a claim in a covered suit.

The Acting CHAIR. Pursuant to House Resolution 693, the gentleman from Wisconsin (Mr. DUFFY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. DUFFY. Mr. Chairman, I want to thank Chairman HASTINGS for all of his work on this legislation.

I am from Wisconsin. I have the central to northern part of the State. In my part of the State—and for the State as a whole—we value our natural resources. We value our wildlife. We have people who love to hunt, fish, bike, ski, and hike. It is part of our culture and our community.

We have many organizations that work hard to promote conservation. We have hunting groups, sportsmen groups, conservation organizations, State and local DNR organizations. Many of them have come together to protect the gray wolf population in Wisconsin, so much so that it has become healthy, and the gray wolf has been taken off and delisted from the Endangered Species Act.

However, not all organizations come at this with a pure heart. We have some whose main purpose and priority is filing lawsuits and suing the government under the Endangered Species Act. It is these sue-and-settle tactics that don't advance the cause of preserving our environment, and they aren't good for the American taxpayer.

What is more, many of these lawsuits are funded by way of Federal tax dollars to support the litigation, so in essence, we are spending tens of millions of dollars of hardworking Americans' tax dollars to sue ourselves.

So I think it is important that we have transparency in government. If an

organization is suing the Federal Government under the Endangered Species Act and they are using Federal money, let's disclose it. Let's all see it.

We might come together and say that is a good use of our Federal tax dollars, or we might say that is outrageous that we should be funding suits against ourselves.

This is a commonsense amendment. I would ask my colleagues to support it.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. DUFFY. I yield to the gentleman.

Mr. HASTINGS of Washington. I thank the gentleman for yielding and for bringing this issue to the floor. I think it adds very much to what we are trying to do with this underlying legislation, which is adding transparency to our efforts.

I support the gentleman's amendment.

Mr. DUFFY. Mr. Chairman, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. DEFAZIO. I just wonder if the gentleman can name one piece of litigation which was sponsored by Federal tax dollars, and I yield to the gentleman.

Mr. DUFFY. Mr. Chairman, that is the purpose of my legislation. We don't know.

Mr. DEFAZIO. Reclaiming my time, the gentleman can't name one lawsuit, one organization using Federal tax dollars. I guess that is probably because he is familiar with OMB Circular A–87 that says neither a State, local government, or an Indian tribal government can use money provided by the Federal Government for legal expenses for prosecution of claims against the Federal Government.

Well, okay, that leaves a big hole. What about nonprofits? They get Federal money. That would be OMB Circular A–122, ''Cost Principles for Nonprofit Organizations,'' which says, ''Costs of legal, accounting, and consultant services, and related costs, incurred in connection with defense against Federal Government claims or appeals, antitrust suits, or the prosecution of claims or appeals against the Federal Government, are unallowable.''

So we are now going to have the agency chase a Chimera—that is, something that has never happened and can't happen under law. They have got to go out and spend a bunch of money trying to unearth it.

If the gentleman could just name one instance, then that might change the argument, but he can't.

With that, I reserve the balance of my time.

Mr. DUFFY. Mr. Chairman, I would just note that money is fungible. To the point that this is going to cost a lot of money, I would disagree.

All we are asking for is that if you receive Federal money and you are suing the Federal Government, that you disclose it. You don't have to go on a witch-hunt. You don't have to go find it.

If you receive these dollars and you are suing the Federal Government, tell us. If the gentleman is correct, there won't be any disclosure, but if what I suspect is true, there will be a lot of disclosure, and the American people will see how their tax money is being used to sue themselves.

Mr. Chairman, I would note in closing that good government is a government that has transparency, and we should know how our tax dollars are being used. This is not overburdensome. This is a simple request that if you use hard-earned taxpayer money to sue the Federal Government under the Endangered Species Act, the Federal taxpayers know how their money is being spent.

This makes sense. It doesn't cost any money. It is not a hardship, so let's stand together. Let's work together, and let's make sure we have full knowledge in how this money is being used.

I yield back the balance of my time.

Mr. DEFAZIO. Mr. Chairman, unfortunately, the gentleman misstated what his amendment does. It doesn't say that individuals filing litigation under the Endangered Species Act must disclose whether or not they receive any Federal funds and are using any Federal funds in this case. It doesn't say that.

It says that Fish and Wildlife Service must determine. How is the Fish and Wildlife Service going to determine whether or not someone used Federal funds?

As he said, money is fungible. He is saying they may be violating the circular that prohibits nonprofit organizations from doing this. They may be violating the circular.

These are, of course, criminal offenses, that prohibit State, local, and Indian tribal governments from using Federal money for such litigation. He is saying that may be go going on, so then Fish and Wildlife should just discover it themselves.

How is that going to work? It sends Fish and Wildlife on a mission that it is not equipped to handle. They can't say: pretty please, tell us.

If someone is violating the law, they are probably not going to volunteer it to Fish and Wildlife.

□ 1645

If you wanted to do this, you would have to write an amendment that amends the Rules of Civil Procedure or whatever—I am not a lawyer—that would require that these litigants disclose at the time of filing their litigation. Saying Fish and Wildlife should find out after it has been filed is absolutely absurd.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Wisconsin (Mr. DUFFY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 113–563 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. DEFAZIO of Oregon.

Amendment No. 3 by Mr. HOLT of New Jersey.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MR. DEFAZIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 227, not voting 17, as follows:

[Roll No. 460]

AYES—188

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)

Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Welch
Wilson (FL)
Yarmuth

NOES—227

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—17

Brady (TX)
Cassidy
Clay
Cleaver
Conyers
DesJarlais
Diaz-Balart
Garcia
Graves (GA)
Graves (MO)
Hanabusa
Israel
Nunnelee
Pelosi
Pompeo
Ros-Lehtinen
Waxman

□ 1712

Messrs. WALDEN, MULLIN, COTTON, DUNCAN of South Carolina, DUNCAN of Tennessee, WESTMORELAND, and MATHESON changed their vote from ''aye'' to ''no.''

Ms. CLARKE of New York changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WAXMAN. Mr. Speaker, on rollcall No. 460, had I been present, I would have voted "yes."

AMENDMENT NO. 3 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the request for a recorded vote on amendment No. 3 printed in House Report 113–563 offered by the gentleman from New Jersey (Mr. HOLT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 215, not voting 13, as follows:

[Roll No. 461]

AYES—204

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Grimm
Gutiérrez
Hahn
Hall
Hanna
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Whitfield
Wilson (FL)
Yarmuth

NOES—215

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Griffin (AR)
Griffith (VA)
Guthrie
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Pearce
Perry
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Southerland
Stewart
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—13

| | | |
|---|---|---|
| Brady (TX) | Diaz-Balart | Pompeo |
| Cassidy | Granger | Ros-Lehtinen |
| Clay | Graves (MO) | Stivers |
| Cleaver | Hanabusa | |
| DesJarlais | Nunnelee | |

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 2 minutes remaining.

□ 1717

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WOMACK). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POE of Texas) having assumed the chair, Mr. WOMACK, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes, and, pursuant to House Resolution 693, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mrs. KIRKPATRICK. Mr. Speaker, I have a motion at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. KIRKPATRICK. I am opposed to it in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Kirkpatrick moves to recommit the bill H.R. 4315 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

**SEC. ___. CONSULTATION WITH INDIAN TRIBES.**

(a) REQUIREMENT.—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) is amended by adding at the end the following:

**"SEC. 17. FULFILLMENT OF FEDERAL TRUST RESPONSIBILITY WITH RESPECT TO INDIAN TRIBES.**

"In carrying out this Act, the Secretary shall consult with affected Indian tribes to ensure that the Federal trust responsibility with respect to Indian tribes is fulfilled.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of such Act is amended by adding at the end the following:

"Sec. 17. Fulfillment of Federal trust responsibility with respect to Indian tribes.".

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

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

Mrs. KIRKPATRICK. Yes, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentlewoman from Arizona is recognized for 5 minutes.

Mrs. KIRKPATRICK. Mr. Speaker, this is the final amendment to the bill. It will not kill the bill, nor send it back to committee. If it is adopted, the bill will immediately proceed to final passage.

Mr. Speaker, I am honored to represent a district that has more Native American tribes that own tribal land than any other district in the country. I have 12 tribes in my district, including the Navajo nation, where the people speak a beautiful language called Diné. So I am going to start my speech tonight in Diné.

(English translation of the statement made in Diné is as follows:)

Hello, my esteemed elders, my relatives, and my Navajo friends. It's your Congresswoman speaking, ANN KIRKPATRICK, and I work for you.

YA'ATEEH SHI' NANTAI SHI'KE SHI'DINE' ADO. AHE'HEE. NI'HI' CONGRESSWOMAN ANIH, ANN KIRKPATRICK. ADO NI'HA NASHNISH.

Mr. Speaker, I grew up on tribal land, on the White Mountain Apache where my father ran the general store, and my mother was a schoolteacher. My father spoke Apache. My first words were in Apache. And it is important that we know that the language of our Native American tribes addresses their spirituality, their culture, and their land.

What I want to talk about tonight is tribal sovereignty, because all of our tribes have their own culture, their own history, and their own language, but what they share is a deep respect for tribal sovereignty. What that means is that they are entitled, they have a right to government-to-government negotiations.

So what I want my colleagues to do tonight is do not turn your backs on our Native American people. Do not turn your backs and shut the door to our tribes. I urge you to push for the inclusion and the respect of tribal sovereignty in this legislation and that there be abundant government-to-government negotiations. Our tribes deserve that. They have that right. Let's stand with our Native Americans and make sure that we do everything possible to strengthen those government-to-government relationships, conversations, negotiations, tribal sovereignty.

I will close my remarks tonight as I began, in Diné.

(English translation of the statement made in Diné is as follows:)

Okay. Let's move forward. Thank you.

HAGONEE, AHE'HEE!

The SPEAKER pro tempore. The gentlewoman from Arizona will provide the Clerk a translation of her remarks.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, of course this body should recognize the treaties that we have made with our Native American neighbors. And I say that with the privilege of representing a central Washington district that has two Indian tribes and reservations within my district. So that goes without saying.

However, we have had on this floor I don't know how many motions to recommit. And sometimes I wonder exactly what these motions to recommit are trying to do, other than maybe just make a political point. And I have to say, Mr. Speaker, that is probably so true with this motion to recommit.

Now why do I say that? I say that because this motion to recommit implies that tribal members should be part of the discussion. Well, of course they should. But apparently my friend from Arizona did not read the bill because section 3 in the bill says very specifically that consultation should be made with locals, including tribes.

And to add insult to injury, Mr. Speaker, the last amendment that was offered, offered by my friend from New Jersey (Mr. HOLT), would take out the section that says tribal respect ought to be in the underlying bill, and the gentlewoman from Arizona voted for it. Now she comes down to the floor and says we ought to insert into the bill something for tribal authorities that we already had in the bill.

I have no idea, Mr. Speaker, where these motions to recommit are going, but I will say this. This bill deals with transparency in the Federal Government to the citizens of the United States. That ought to be number one on our minds, and that is what this bill does.

I urge my colleagues to vote against the motion to recommit and for the underlying bill.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

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

RECORDED VOTE

Mrs. KIRKPATRICK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered; the motion to suspend the rules and pass H.R. 4809; and agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 225, not voting 10, as follows:

[Roll No. 462]

AYES—197

Barber
Barrow (GA)
Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—225

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—10

Brady (TX)
Cassidy
Clay
Cleaver
DesJarlais
Graves (MO)
Hanabusa
Nunnelee
Pompeo
Rogers (KY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1734

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. DEFAZIO. 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 233, noes 190, not voting 9, as follows:

[Roll No. 463]

AYES—233

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Boustany
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Chabot
Chaffetz
Clawson (FL)
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Costa
Cotton
Cramer
Crawford
Crenshaw
Cuellar
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Enyart
Farenthold
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Green, Gene
Griffin (AR)
Griffith (VA)
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Horsford
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lankford
Latham
Latta
Long
Lucas
Luetkemeyer
Lummis
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Palazzo
Paulsen
Pearce
Perry
Peters (MI)
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOES—190

Barber
Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Buchanan
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)

Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garcia
Gibson
Grayson
Green, Al
Grijalva
Grimm
Gutiérrez
Hahn
Hanna
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rahall
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—9

Brady (TX)
Cassidy
Clay
Cleaver
DesJarlais
Graves (MO)
Hanabusa
Nunnelee
Pompeo

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1741

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. HORSFORD. Mr. Speaker, during roll-call vote No. 463 on H.R. 4315, I mistakenly recorded my vote as "yes" when I should have voted "no."

## REAUTHORIZATION OF THE DEFENSE PRODUCTION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4809) to reauthorize the Defense Production Act, to improve the Defense Production Act Committee, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. CAMPBELL) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 32, not voting 14, as follows:

[Roll No. 464]

YEAS—386

Aderholt
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Bustos
Butterfield
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Carter
Cartwright
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clyburn
Coble
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Granger
Graves (GA)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Gutiérrez
Hahn
Hall
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Herrera Beutler
Higgins
Himes
Hinojosa
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huffman
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
Lipinski
LoBiondo
Loebsack
Lofgren
Long
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matheson
Matsui
McAllister
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Meng
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Mullin
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Richmond
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waters
Waxman
Weber (TX)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—32

Amash
Bentivolio
Broun (GA)
Burgess
Duncan (SC)
Duncan (TN)
Garrett
Gohmert
Gowdy
Grayson
Harris
Huelskamp
Jones
Jordan
Labrador
Lummis
Massie
McClintock
Mulvaney
Perry
Poe (TX)
Polis
Posey
Ribble
Rohrabacher
Sanford
Schweikert
Sensenbrenner
Stockman
Stutzman
Tipton
Webster (FL)

NOT VOTING—14

Amodei
Brady (TX)
Cassidy
Clay
Cleaver
Coffman
DesJarlais
Graves (MO)
Hanabusa
Lowenthal
Nunnelee
Pompeo
Rice (SC)
Yoho

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PITTENGER) (during the vote). There are 2 minutes remaining.

□ 1748

Messrs. POE of Texas and STUTZMAN changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## THE JOURNAL

The SPEAKER pro tempore (Mr. PITTENGER). The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.