H.R. 5728 also includes a provision I strongly supported during committee debate to ensure broadcasters cannot team up against pay-TV providers for leverage during retransmission consent negotiations. This is an important step toward rebalancing the playing field and ultimately protecting consumers from unacceptable blackouts and increased rates.

Finally, H.R. 5728 improves on language included in the bill adopted in July by delaying repeal of the cable set-top box 'integration ban' by one year and establishing a stakeholder working group tasked with developing a successor solution. Importantly, this provision does not negate a cable operator's obligation to promote the competitive availability of set-top boxes under Section 629 of the Communications Act. While I continue to believe repeal of the ban should be conditioned on an industry-wide adoption of a successor to the CableCARD, this is a compromise I support. With an eye to the future, we can fulfill a goal I set out to achieve nearly 20 years ago and that is to give consumers an alternative to having to rent a set-top box from their local cable company every month.

For all these reasons, I urge my colleagues to join me in supporting H.R. 5728.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. UPTON) that the House suspend the rules and pass the bill, H.R. 5728.

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

A motion to reconsider was laid on the table.

SECRET SCIENCE REFORM ACT OF 2014

GENERAL LEAVE

Mr. SCHWEIKERT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4012.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 756 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. 4012.

The Chair appoints the gentleman from Tennessee (Mr. DUNCAN) to preside over the Committee of the Whole.

□ 1310

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. 4012) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, with Mr. DUNCAN of Tennessee 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 Arizona (Mr. SCHWEIKERT) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), chairman of the Science, Space, and Technology Committee.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Arizona for yielding me this time.

H.R. 4012, the Secret Science Reform Act, is a short, commonsense bill. It requires the Environmental Protection Agency to base its regulations on public information. I thank the gentleman from Arizona (Mr. SCHWEIKERT), the chairman of the Environment Subcommittee, for introducing this bill.

Costly environmental regulations should only be based upon data that is available to independent scientists and the public. However, the EPA does not adhere to this practice. In fact, nearly every major air-quality regulation from this administration has been justified by data that it has kept secret. This means the Agency's claims about the benefits of its rules cannot be verified by independent scientists.

This includes the recent plan to regulate our entire electric system. This proposal will kill thousands of jobs and increase electricity costs, all for no discernible effect on global temperatures.

This also includes upcoming ozone regulations, which even the administration admits will be the most expensive in history. Unachievable standards will result in economic hardship, stalled new road projects, and burdened local governments.

Unfortunately, EPA clearly sees transparency and accountability as a threat. Speaking before the National Academy of Sciences, EPA Administrator Gina McCarthy said that her agency needed to keep the science ''from those not qualified to analyze it.'' But the public deserves better, and this administration promised more. In 2012, the President's science adviser testified:

Absolutely, the data on which regulatory decisions are based should be public.

The chair of EPA's own Science Advisory Board testified that EPA's advisers recommend ''that literature and data used by EPA be peer reviewed and made available to the public.''

Americans agree. A recent poll from the Institute for Energy Research found that 90 percent of Americans believe that studies and data used to make Federal Government decisions should in fact be made public.

Reforms to the EPA's regulatory process are consistent with the data access requirements of major scientific journals, the White House scientific integrity policy, and the recommendations of independent groups like the Administrative Conference of the U.S. and the Bipartisan Policy Center. Deans of major universities, former EPA scientists, the U.S. Chamber of Commerce, and dozens of experts and organizations all support this bill.

A letter from more than 80 scientists and academics stated that:

Complying with H.R. 4012 can be accomplished without imposing unnecessary burdens, discouraging research, or raising confidentiality concerns.

The signatories include professors, two former chairs of EPA science committees, medical doctors, statisticians, deans of major universities, and environmental scientists.

The Secret Science Reform Act prohibits the disclosure of confidential or proprietary information protected by the law. Instead, it stops EPA's use of unverifiable science.

□ 1315

For those who are concerned about the regulations already on the books, the act is not retroactive. It applies only to new future regulations issued by the Agency.

The act requires the EPA to base its decisions on information to which all scientists will have access. This will allow the EPA to focus its limited resources on quality science that all researchers can examine. This will promote sound science and confidence in the EPA decisionmaking process.

This bill ensures the transparency and accountability that the American people want and deserve.

I urge my colleagues to support the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, this bill does not permit me to mince words. This bill is an insidious attack on EPA's ability to use the best science to protect public health, and its consideration on the House floor today is the culmination of one of the most anti-science and anti-health campaigns I have witnessed in my 22 years as a Member of Congress.

The genesis of this legislation is the Republicans' longstanding obsession with two seminal scientific studies conducted by Harvard University and the American Cancer Society.

These studies link air pollution with increased illnesses and death; moreover, those results were confirmed by multiple independent researchers and organizations including the National Research Council and the Health Effects Institute.

The Republican majority has harassed EPA for more than 2 years in an attempt to get access to the raw data used in those studies, presumably in an attempt to cast doubt on the conclusion that air pollution is bad for the health of Americans and to prevent EPA from trying to keep the air we breath clean.

The EPA told my Republican colleagues that since the studies involved the personal health information of

hundreds of thousands of volunteers, the raw data was stringently protected from public disclosure; therefore, even if they were the legal custodian of this data, they could not lawfully hand over such sensitive information.

Instead, in compliance with the law, EPA provided the Science Committee with all of the ''de-identified'' data within its possession, which ran to hundreds of pages of data rolled in like a grocery cart. This was not enough for my colleagues, and so they have decided to pursue this pernicious piece of legislation.

Rather than explain the problems with this legislation myself, I will simply quote from a letter we received from the American Lung Association and the American Thoracic Society, two leading and trusted public health organizations. They state:

The legislation will compel the U.S. Environmental Protection Agency to either ignore the best science by prohibiting the Agency from considering peer-reviewed research that is based on confidential patient information or force EPA to publicly release confidential patient information, which would violate Federal law.

This is an untenable outcome that would completely undermine the ability of the EPA to perform its responsibilities under the Clean Air Act and myriad other Federal laws. The legislation will not improve EPA's actions; rather, it will stifle public health protections.

My colleagues on the other side of the aisle will wrongly claim that this legislation is consistent with the requirements of major scientific journals, the White House's policy to promote public access to federally-funded research, and recommendations from independent groups like the Administrative Conference of the United States. This is simply not true.

All of those entities recognize the balance between making data public and protecting confidentiality and personal privacy. They do not paint scientists or the EPA into a corner and tell them that the only way their research can be used or considered is if all of that data is available in a form—let me quote from the bill—''that is sufficient for independent analysis and substantial reproduction.''

That phrase is critical to understanding the implications of H.R. 4012. According to a letter from the American Cancer Society to EPA, they ''are not aware of any way to create a de-identified version of the Cancer Prevention Study II data set sufficient to protect confidentiality of the participants while at the same time allowing a true replica of the studies.''

Because legitimate researchers like the American Cancer Society must publish their peer-reviewed results in a de-identified form, if this bill becomes law, the EPA will not be able to rely on those important studies to protect public health and the environment.

I would like to quote Dr. Ellen Silbergeld from Johns Hopkins University, a witness at a hearing the Science Committee held on this bill. She states:

If the EPA is unable to access the peer-reviewed literature because raw data are not available as proposed in the ''Secret Science'' bill, then we move to the dysfunctional situation where the EPA will be unable to sustain its decisions because these will be based on inadequate or incomplete science.

This is not a position that I can support. Let me be clear: this bill is an attempt to constrain the EPA under the guise of promoting transparency.

A diverse set of voices from the scientific, public health, legal, and environmental communities agree with me and have criticized this legislation. I have received letters from more than 50 organizations expressing their concern with H.R. 4012, including the American Lung Association, the American Thoracic Society, the American Association for the Advancement of Science, the Union of Concerned Scientists, the Association of Public and Land-grant Universities, the Association of American Universities, the Natural Resources Defense Council, and the Environmental Defense Fund.

Whatever views my fellow Members may have about specific EPA rules and regulations, I would hope that they will see this bill for what it is, a malicious assault on EPA's ability to protect public health. Limiting or prohibiting what science EPA uses as part of its rulemaking would be a consequence of this bill. The American people deserve better.

I strongly urge my colleagues to oppose this legislation, and I reserve the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, at the end of my opening remarks, I will enter into the RECORD an exchange of letters between the chairmen of the Committee on Science, Space, and Technology and the Committee on Energy and Commerce.

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

I continue to be stunned at some of the hyperbolic language that seems to be moving around this piece of legislation.

Transparency, it is an incredibly powerful concept and a fairly simple one in this aspect: if you are going to make public policy, do it by public data and public data for the concept of refinement and creation of public policy.

Is there anyone in this body when we all ran for office that did not commit to transparency? Well, H.R. 4012 is part of that commitment. If you have faith in our higher learning institutions, if you have faith in the American people, this data belongs to them.

Partially, one side belief I have is, as the crowd has the opportunity to analyze and collect and look at data, whether they be from the right, the left, or just academic, we will end up with finer-crafted solutions.

How would any of us know if the EPA has set optimal rule sets? Well, one of the ways you discover this is by having lots of voices in the mix. This bill keeps that commitment, and I have no idea why my brothers and sisters on the left seem to be trying to shut down that commitment to transparency.

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

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, August 22, 2014.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SMITH: I write concerning H.R. 4012, the ''Secret Science Reform Act of 2014.'' As you are aware, the bill was referred to the Committee on Science, Space, and Technology, but the Committee on Energy and Commerce has a jurisdictional interest in the bill and has requested a sequential referral.

Given the implications of H.R. 4012 for agencies within its jurisdiction, the Committee on Energy and Commerce remains committed to working on scientific transparency. However, because of our mutual interest in having this important legislation considered by the House before the end of the 113th Congress, I will not insist on a sequential referral of H.R. 4012. I do so with the understanding that, by foregoing such a referral, the Committee on Energy and Commerce does not waive any jurisdictional claim on this or similar matters, and the Committee reserves the right to seek the appointment of conferees.

I would appreciate your response to this letter confirming this understanding, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 4012 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, August 27, 2014.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for agreeing to withdraw your request for a sequential referral of H.R. 4012, the Secret Science Reform Act of 2014.

I agree that forgoing further action on this bill does not in any way diminish or alter the jurisdiction of your Committee, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will insert copies of this exchange into the Congressional Record during consideration of H.R. 4012 on the House floor. I appreciate your cooperation regarding this legislation.

Sincerely,

LAMAR SMITH,
Chairman.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from California (Mr. WAXMAN), the ranking member of the Energy and Commerce Committee.

Mr. WAXMAN. Mr. Chairman, I am not a member of the Science Committee, so I wasn't part of the deliberations, but when a bill is presented as being about transparency and openness and relying on science, I ask myself:

''Well, of course, why would there be any partisan difference on something like that?''

Then you start looking at different things that make you wonder if that is what this is really about. This is a bill that came out of the Science Committee, and I looked at the list of the supporters. There is not a Democrat on the list. As I understand it, the vote was on a party-line basis. Would that mean that Democrats don't believe in these things? Or is something else going on?

I submit that Republicans don't have a lot of credibility when they talk about wanting more science because I have seen so many areas where Republicans have tried to ignore the science, deny the science.

The best example of this irony is that when Republicans are claiming they are for sound science, they have had so many anti-science proposals on the House floor. I think even the Flat Earth Society recognizes that there is some overwhelming consensus on some things like climate change or that man is causing climate change and that it is a serious threat to our planet. Republicans undercut their statement of support for science when they have voted repeatedly to deny that climate change exists.

Well, we have a Republican majority here. It is even a larger majority for the next year. They may be able to write our Nation's laws, but they can't rewrite the laws of nature.

The list of anti-science votes in this body that this body has cast is embarrassing. House Republicans voted to defund the U.S. contribution to the Intergovernmental Panel on Climate Change, the leading international body assessing the science of climate change.

They voted to bar U.S. funding for the Global Climate Change Initiative which funds U.S. efforts to understand climate change. They voted to eliminate funding for EPA's greenhouse gas reporting rules so scientists would not be able to track emissions.

House-passed budgets have repeatedly slashed funding for our Nation's leading science-based agencies like NIH; the National Science Foundation; and ARPA–E, which invests in cutting-edge energy research. The Energy and Commerce Committee, despite requests that were repeatedly made to the chairman of the full committee and the chairman of the Energy Subcommittee, they wouldn't even allow a hearing where scientists could come in and talk about the issue of climate change.

Now, we have a bill where the Republicans are saying they want science, they want more transparency, they want more openness.

I looked into this, and this is a fight about something quite controversial that happened some years ago at EPA, when those who were against EPA action claimed that EPA shouldn't rely on the science unless all the information were put out, including confidential information that served as the basis for some of the scientific conclusions, but the scientific conclusions were not refuted. In fact, they were reaffirmed in other studies. They are not scientifically invalid.

If this bill passed, the conclusions based on the evidence which cannot be made public because it interferes with people's confidential information would not be available.

The CHAIR. The time of the gentleman has expired.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield an additional minute to the gentleman.

□ 1330

Mr. WAXMAN. So what we are seeing is something that sounds good from a party that has no credibility to say that they are for more science information. What they would do is limit what EPA would be able to use to determine, based on the science, what the regulations and their other pronouncements could be. They would keep information away from EPA and keep EPA from acting.

I want to urge my colleagues to oppose this bill, and I underscore that this is not pro-science policy. It seems to me it is anti-science and making it difficult for government to act to stop pollution, which can hurt people's health and destroy the atmosphere on our planet.

Mr. SCHWEIKERT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. HULTGREN).

Mr. HULTGREN. I thank my colleague.

Mr. Chairman, I rise today in support of H.R. 4012, and I thank the gentleman from Arizona and the chairman of the Science Committee for bringing this important legislation to the floor.

H.R. 4012 is a critical step in restoring the public trust necessary for EPA to accomplish its core mission. Transparency was a major campaign promise the current President made to the American people, and here is a way we can help the President finally follow through on one of his goals. This should be a strong bipartisan effort for anyone that believes their government has a duty to be accountable to the American public we serve.

H.R. 4012 follows a basic tenet that nearly all Americans agree on: public policy should be dictated by public science. Unfortunately, transparency, along with oversight by the American people's duly-elected representation, has been something EPA scoffs at. This must change.

The President continues to use his regulatory agencies to bypass the will of the legislature in a number of cases, and policy from EPA has been one of the worst offenders. Everyone here believes in clean air, clean water, and necessary regulations, but what we have now is a regulatory agency attempting to put in place legislation which this Congress previously rejected in prior sessions. This is not a government that is working for you.

Americans also believe in clear laws and a fair judicial system where both sides can state their case and an adequate resolution can be found. This is why this closed-door regulatory approach is so frightening.

When someone accuses you of a crime in a court of law, they must stand before that court and make that claim. Your deposition is given to both sides, and you cannot hide behind secret testimony which is only given to the prosecutor. This is what we have now happening at EPA.

EPA legislates through regulations, and the defendant has no chance to see where EPA's claims are coming from. It is time for the American people to see behind the curtain, and it is unjust to continue using claims from the Agency that cannot be contested only because they cannot be seen.

I would also like to correct unfounded claims made by opponents of this legislation. Nothing disallows EPA from using the most up-to-date scientific information to make public health decisions. It would certainly be my hope that the research institutions would make this available, but it would ultimately be their decision whether or not EPA could use their data. If I dedicated my life to studying these complex issues, I would want to make sure it could be used.

The other claim is that this bill will make public personal health care information, which would be against the law. This legislation makes clear that nothing in this bill requires the ''public dissemination of information, the disclosure of which is prohibited by law.'' The data sets must only be made available in a manner that is ''sufficient for independent analysis and substantial reproduction of research results.''

Numerous congressional hearings and testimony from experts have made it clear that this information can easily be made anonymous. This is how data sets are presented to the peer-review community and published for journals already.

This is the transparency the American people deserve. They should no longer be held guilty from data they can't see or black box economic analyses deemed proprietary. That is why I urge my colleagues to support this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. LOFGREN), the second most senior member of the full committee on the Democratic side.

Ms. LOFGREN. Mr. Chairman, I oppose this bill. I really believe that the so-called Secret Science Act is in fact a direct attack on American science.

I am a very strong supporter of transparency in government, as well as in science, and in Silicon Valley, where I am from, we believe more data in more hands benefits everybody, but I think this bill is not in fact an open data bill. It will be a data reduction bill.

It doesn't give the EPA greater authority to provide the raw data it uses.

It actually reduces the kinds of data that can be used by prohibiting the EPA from using any data that can't currently be publicly released.

That sounds reasonable except that in fact there is some data that you can't actually release under current law—medical records, confidential business data, trade secrets—all of which, if made publicly available, would run afoul of various provisions of law.

I believe that we could work together on a bipartisan basis to figure out how to fix the barriers to release of data while maintaining necessary confidentiality for some data. I think we should all agree on that.

I want to point out another way that the bill is a problem, and that is the additional cost that is going to be incurred per study. The estimate, according to CBO, is that there will be an additional $10,000 to $30,000 added per study. That means that if this bill were to become law, it would cost an additional $500 million to $1.5 billion a year to do science studies.

I would love to be disappointed, but I don't believe that the Republicans intend to add additional funding to the EPA to cover the cost of the science studies that this bill would create. In fact, this bill does not address that issue.

What this would do would be to actually cut the number of science studies that the EPA is able to do. I think that that is a result that would be very unfortunate for the country. What we need is more science, not less.

Mr. SCHWEIKERT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. WEBER).

Mr. WEBER of Texas. I thank the gentleman from Arizona.

Mr. Chairman, our constituents have a right to know whether EPA's regulations are based on sound science and do these regulations actually benefit the American public.

The Secret Science Reform Act, which I have cosponsored, is a simple and straightforward message to government bureaucrats that they cannot propose costly new regulations without the transparency that the American people deserve.

It makes you kind of wonder if the opponents of this legislation believe, like Mr. Gruber, that the American people are too stupid to understand the cost of the EPA overreaching regulations. Trust me when I say Americans are not stupid, and they deserve and demand the truth from the start.

When given a bad prognosis from their doctor, I wonder how many of the proponents of the bill would say they don't really care about the details or the data. That is interesting.

EPA's regulatory agenda should not be based on secret science and 30-year-old data in order to sell it to the American people. It is long past time that Congress increases the transparency of the EPA. This legislation will do exactly that by prohibiting the EPA from proposing or finalizing regulations based upon a science that is neither transparent nor available for review.

I want to thank Chairman SMITH and Congressman SCHWEIKERT for bringing this important legislation to the floor today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, before I yield to my next speaker, I would like to enter in the RECORD a series of letters from outside groups opposed to this legislation, including the American Lung Association, the American Association for the Advancement of Science, League of Conservation Voters, and many others.

In addition, I would also like to place a Statement of Administration Policy threatening a veto of this bill into the RECORD.

AMERICAN LUNG ASSOCIATION,
AMERICAN THORACIC SOCIETY,
November 17, 2014.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: We are writing to express our opposition to H.R. 4012 the Secret Science Reform Act of 2014. The American Lung Association is the oldest voluntary health organization in the United States. The Lung Association mission is to save lives by improving lung health and preventing lung disease. We achieve our mission through research, advocacy and education. The American Thoracic Society is a medical professional society dedicated to the prevention, detection, treatment and cure of pulmonary disease, critical care illness and sleep disordered breathing through research, education and advocacy.

Science is the bedrock of sound regulatory decision making. The best science underscores everything our organizations do to improve health. We strongly believe in a transparent and open regulatory process. A vital element of research is patient confidentiality. Physicians and researchers have earned by trust of their patients by steadfastly maintaining patient confidentiality. Patient confidentiality is a clear legal obligation and a sacred vow.

The legislation before the Congress will compel the U.S. Environmental Protection Agency to either ignore the best science by prohibiting the agency from considering peer-reviewed research that is based on confidential patient information or force EPA to publicly release confidential patient information, which would violate federal law. This is an untenable outcome that would completely undermine ability the U.S. Environmental Protection Agency to perform its responsibilities under the Clean Air Act and myriad other federal laws. The legislation will not improve EPA's actions, rather it will stifle public health protections.

We note that the kind of information disclosure envisioned in this legislation exceeds that required by peer reviewed journals. We believe much of the intent of this legislation is already achieved through the current peer review process required by all academic journals. The vast majority of peer reviewed journals require manuscript authors to register any trial using human subjects with clinicaltrials.gov. This public registry collects key information on the study population, research goals and methods that allow outside reviewers and scientists to either challenge or attempt to reproduce study results. Additionally, the peer review process and publication of results invites the broader scientific community to debate study findings. Trial registry and manuscript publications are only part of the process by which scientific endeavors operate in a transparent environment.

Private organizations, public charities, research universities, the National Institutes of Health, the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Department of Veterans Affairs, corporations and many other entities conduct medical research. Many of these organizations compile large longitudinal data sets that track patients of a period of time. These data serve as the basis of many studies that permit epidemiologists to track disease and risk factor information for large patient populations.

The published peer-reviewed information from such data often may inform regulatory decision making at the EPA and other federal agencies and inform future research. Not only do these data inform regulatory action, they help inform efforts to educate the public about the magnitude of a disease, risk factors and steps individuals can take to improve their health. In order for EPA to set the most appropriate standards it must be informed by the best information.

Understanding the impact of air pollution on human health and the magnitude of harm caused by pollution at specific levels helps the agency meet its obligations under the Clean Air Act. Absent these data, it is unclear upon what basis the agency could make sound decisions.

We urge the House of Representatives to reject H.R. 4012.

Sincerely,

HAROLD WIMMER,
National President & CEO, American Lung Association.
STEPHEN C. CRANE, PhD, MPH,
Executive Director, American Thoracic Society.

AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE,
Washington, DC, July 31, 2014.

Hon. KEVIN MCCARTHY,
House Majority Whip, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE MCCARTHY: As leading U.S. science, engineering, and academic institutions, we are writing to express our concerns regarding the Secret Science Reform Act of 2014 (H.R. 4012). As the new House Majority Leader we encourage you and your colleagues to take additional time to evaluate the unintended consequences of this bill before considering it on the House floor.

The research community is concerned about how some of the key terms in the bill could be interpreted or misinterpreted, especially terms such as ''materials,'' ''data,'' and ''reproducible.'' Would the Environmental Protection Agency (EPA) be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the agency address research that combines both public and private data?

With respect to reproducibility of research, some scientific research, especially in areas of public health, involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. Rather these studies are replicated, utilizing statistical modeling. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are being gathered in real time. We could foresee a situation whereby the EPA would be constrained from making a proposal or even disseminating public information in a timely fashion.

Finally, the legislation could impose additional uncompensated burdens of cost and effort on those recipients of federal research grants where the research results are expected to be ''relied on to support a covered action.'' The bill is not clear on whether it is the EPA's or the research institution's responsibility to cover the costs associated with sharing and archiving this information.

The America COMPETES Reauthorization Act of 2010 required that the Office of Science and Technology Policy (OSTP) work with federal agencies to establish access to data policies that relate ''to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications.'' Agencies are expected to finalize their data access policies by the end of the year, and given the complexities associated with access to research data as outlined above we suggest that the Congress wait to review the agency policies before imposing new statutory requirements via H.R. 4012.

American Anthropological Association; American Association for the Advancement of Science; American Geophysical Union; American Geosciences Institute; American Meteorological Society; American Physical Society (APS Physics); American Political Science Association; American Society for Microbiology (ASM); American Society of Agronomy; American Society of Civil Engineers; Association for the Sciences of Limnology and Oceanography; Association of American Geographers; Association of American Universities; Association of Public and Land-grant Universities (APLU); Bard Center for Environmental Policy; Biophysical Society; Brown University; Consortium for Ocean Leadership; Consortium of Social Science Associations; Cornell University; Crop Science Society of America.

Duke University; Ecological Society of America; Entomological Society of America; Harvard University; Indiana University; Massachusetts Institute of Technology; National Council for Science and the Environment; Society for Conservation Biology; Soil Science Society of America; Stanford University; Stony Brook University; The Ohio State University; The University of Texas at Austin; University of California System; University of California, Davis; University of California, Irvine; University of California, Riverside; University of California, Santa Barbara; University of Maryland; University of Michigan; University of Oregon; University of Pennsylvania.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, November 17, 2014.

Re Oppose H.R 1422, H.R. 4012, and H.R. 4795: An Attack on Scientific Integrity and Public Health

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: The League of Conservation Voters (LCV) works to turn environmental values into national priorities. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to vote NO on HR. 1422, H.R. 4012, and H.R. 4795.

H.R. 1422, the so-called EPA Science Advisory Board Reform Act would undermine the ability of the Science Advisory Board to provide independent scientific advice to the Environmental Protection Agency (EPA). This bill would allow industry participation on the Scientific Advisory Board, while preventing subject experts from being included. Additionally, new burdens imposed on the Board would needlessly delay necessary public health and environmental protections.

H.R. 4012, the so-called Secret Science Reform Act of 2014 would endanger public health by preventing the EPA from using the best available science. The bill contains favorable exemptions for industry and would severely restrict the health studies that the EPA is able to use by prohibiting the use of peer-reviewed studies with confidential health information. These types of studies are the basis for the best research on pollution's effects on people. This legislation cripples the EPA's ability to develop effective public health safeguards.

H.R. 4795, the so-called Promoting New Manufacturing Act is an attack on clean air protections. This bill would create unclear procedural requirements and loopholes that could allow newly permitted industrial facilities to be exempted from the most recent national air quality standards set by the EPA. This legislation effectively creates amnesty for new facilities while delaying the permitting process and threatening public health.

We urge you to REJECT H.R. 1422 H.R. 4012, and H.R. 4795, a collective attack on scientific integrity and public health. We will strongly consider including votes on these bills in the 2014 Scorecard. If you need more information, please call Tiernan Sittenfeld, Sara Chieffo or Alex Taurel in my office at (202) 785–8683.

Sincerely,

GENE KARPINSKI,
President.

BLUEGREEN ALLIANCE; CENTER FOR BIOLOGICAL DIVERSITY; CENTER FOR EFFECTIVE GOVERNMENT; CLEAN WATER ACTION; COMMUNICATIONS WORKERS OF AMERICA; DEFENDERS OF WILDLIFE; EARTHJUSTICE; ENVIRONMENT AMERICA; ENVIRONMENTAL DEFENSE FUND; INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW); LEAGUE OF CONSERVATION VOTERS; NATURAL RESOURCES DEFENSE COUNCIL; PUBLIC CITIZEN; SIERRA CLUB; SOUTHERN ENVIRONMENTAL LAW CENTER (SELC); SOUTHERN OREGON CLIMATE ACTION NOW; UTILITY WORKERS UNION OF AMERICA (UWUA); WE ACT FOR ENVIRONMENTAL JUSTICE.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters we strongly urge you to oppose the trio of anti-EPA bills hitting the floor this week: the ''Secret Science Reform Act of 2014'' (HR 4012), the ''EPA Science Advisory Board Reform Act of 2013'' (HR 1422), and the ''Promoting New Manufacturing Act'' (HR 4795). Collectively, these misleadingly named bills would radically diminish EPA's ability to protect public health. Under these bills, EPA would be required to ignore significant science; the Scientific Advisory Board would be required to ignore conflicts of interest; and enforcement officials would be required to ignore pollution emitted in violation of the law. These bills are broadly written and would have damaging impacts far in excess of what their sponsors will admit.

The ''Secret Science Reform Act,'' HR 4012, is based on a faulty premise. Its notion of ''secret science,'' based on claims about studies of fine soot pollution conducted almost two decades ago, is unfounded despite lengthy congressional inquiries. The bill would deny EPA the ability to rely upon peer-reviewed medical studies that involve commitments to patient confidentiality, when the agency carries out its statutory responsibilities to safeguard public health and the environment. Further, this bill would effectively amend numerous environmental statutes by forbidding EPA to use certain kinds of studies in setting health standards. It would also make it impossible for EPA to use many kinds of economic models it routinely relies on because those models are proprietary. This marks a radical departure from longstanding practices. Its end result would be to make it much more difficult to protect the public by forcing EPA to ignore key scientific studies.

HR 1422 would attack EPA's scientific process in a different way. This bill would significantly weaken the content and credibility of the Scientific Advisory Board (SAB) reviews—a textbook example of making a government program function poorly to the benefit of polluting industries and at the expense of public health and independent science. The bill will add unnecessary new burdens on the SAB, distorting its mission and altering its process with no benefit to EPA or the public. The worst provision would mandate allowing the participation of scientists with financial conflicts of interest, as long as those conflicts are disclosed. This is inconsistent with a set of nearly universally accepted scientific principles to eliminate or limit financial conflicts. The bill also significantly broadens the scope of the SAB and creates a comment process that will add needless delay to the Board's work. The result would be further stalling and undermining of important public health, safety, and environmental protections.

Lastly, HR 4795 is a substantive attack on our nation's right to clean air protections. It would grant amnesty from national clean air health standards, create red tape and cause unintended burdens to local businesses. The bill would exacerbate air pollution nationwide, causing harm to public health and making the jobs of state and local officials harder to perform. Newly permitted industrial facilities would be allowed to operate in violation of national health standards, while other local businesses and local communities would have to ''pick up the slack'' and be penalized for the new facility's amnesty and pollution. In so doing, the bill repeals a health safeguard in place for nearly 40 years under the Clean Air Act, making it more difficult for states to permit new facilities while also keeping their air clean.

This legislation will obstruct the implementation and enforcement of critical environmental statutes, undermine the EPA's ability to consider and use science, and jeopardize public health. For these reasons, we urge you to oppose these bills.

Sincerely,

BlueGreen Alliance; Center for Biological Diversity; Center for Effective Government; Clean Water Action; Communications Workers of America; Defenders of Wildlife; Earthjustice; Environment America; Environmental Defense Fund; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW); League of Conservation Voters; Natural Resources Defense Council; Public Citizen; Sierra Club; Southern Environmental Law Center (SELC); Southern Oregon Climate Action Now; Utility Workers Union of America (UWUA); WE ACT for Environmental Justice.

STATEMENT OF ADMINISTRATION POLICY

H.R. 4012—SECRET SCIENCE REFORM ACT OF 2014

(Rep. Schweikert, R–AZ, and 53 cosponsors, Nov. 17, 2014)

The Administration strongly supports regulatory transparency, but strongly opposes H.R. 4012. The bill would impose arbitrary, unnecessary, and expensive requirements that would seriously impede the Environmental Protection Agency's (EPA's) ability to use science to protect public health and the environment, as required under an array of environmental laws, while increasing uncertainty for businesses and States.

H.R. 4012 could be used to prevent EPA from finalizing regulations until legal challenges about the legitimate withholding of certain scientific and technical information are resolved. The bill also could prevent EPA from making crucial decisions, including those concerning the cleanup of contaminated sites, if the data supporting those decisions cannot, for legitimate reasons, be made publicly available. For example, some scientifically-important data is not made broadly available in order to protect the privacy of test subjects or Confidential Business Information, and H.R. 4012 could prevent EPA from taking actions based on protected data. In short, the bill would undermine EPA's ability to protect the health of Americans, would impose expensive new mandates on EPA, and could impose substantial litigation costs on the Federal government. It also could impede EPA's reliance on the best available science.

Instead of an overly broad bill that would tie EPA's hands, the Administration urges Congress to support the Administration's efforts to make scientific and technical information more accessible and regulations more transparent. A bill consistent with the principles expressed in the Administration's Executive Order 13563 ''Improving Regulation and Regulatory Review'' and the December 2010 Office of Science and Technology Policy (OSTP) Memorandum on Scientific Integrity, as well as implementation of the Administration's recent open data and public access initiatives (e.g., OSTP's February 2013 policy memorandum on Increasing Access to the Results of Federally Funded Scientific Research) would greatly benefit the American people. EPA also has embarked on several initiatives that enhance access to and transparency of data and science used to inform policy and regulatory decisions.

If the President were presented with H.R. 4012, his senior advisors would recommend that he veto the bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Mr. Chairman, the bill before us today is a wolf in sheep's clothing. It is a dangerous attack on the power of knowledge.

Supposedly, this bill prevents the Environmental Protection Agency from using secret science to issue regulations. Supposedly, by requiring the EPA to only consider publicly available data when drafting regulations, this bill will make the EPA more transparent.

Mr. Chairman, nothing could be further from the truth. Science has shown over and over that air pollution causes health problems, such as asthma. This is not a disputable fact.

Scientists have spent years comparing data on air pollution with data on health problems. Those results are very clear. They have been replicated, they have been peer-reviewed, and the EPA has issued regulations accordingly.

But the data in these studies cannot be made public without risking the violation of the privacy of Americans who voluntarily participated in them by releasing their personal health information. Rather than argue with the indisputable facts on air pollution—a losing bet—this bill attempts to discredit the science as ''secret,'' when in fact there is nothing secret about it.

The only secret here is the true intent of this bill, a dangerous attack on science itself. For this reason, I have cosponsored an amendment proposed by Mr. KENNEDY. The amendment clarifies that nothing in this bill will prevent the EPA from using sound peer-reviewed science to issue regulations. One cannot oppose that without opposing science itself.

Science has brought us to the Moon, it has brought us the electric lightbulb, and yes, it demonstrates a link between air pollution and asthma. The American people rely on us to make decisions based on facts, not to legislate away facts that are politically inconvenient.

Mr. SCHWEIKERT. Mr. Chairman, may I inquire on the time remaining?

The CHAIR. The gentleman from Arizona has 19½ minutes remaining, and the gentlewoman from Texas has 14 minutes remaining.

Mr. SCHWEIKERT. Thank you, Mr. Chairman.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the gentleman from Arizona for yielding.

It is interesting to listen to this debate. You hear one hyperbolic statement after the other from our friends on the other side. Two Members have used the claim that this is anti-science. One Member just said this is a wolf in sheep's clothing.

Mr. Chairman, it makes you wonder, doesn't it, why the defensiveness about transparency, why the defensiveness about the truth, why the defensiveness about more participation as it relates to science, and here is the answer: they have got to defend something, Mr. Chairman, and they have got to defend something that is indefensible.

What they have to defend is the orthodoxy that allowed the other side to create ObamaCare. The architect of ObamaCare, Jonathan Gruber, said this is a tortured way to make sure CBO scores it this way and so forth and so on, and they basically had to trick and manipulate and so forth.

The irony is that the very folks who are claiming to shroud themselves in the truth are actually doing the exact opposite.

Here is the point: I represent manufacturers. I represent all kinds of people who are in business and science, Mr. Chairman. What they want is to be able to participate in this process. They want to know that the regulations that are being foisted upon them from Washington, D.C., at least are based on good science and are not based on bumper stickers and other nonsense. They want to make sure that the decisionmaking is transparent and that it makes sense.

This is a great bill. We should all vote for it.

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Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT), the one scientist we have with a Ph.D. in physics in our body who is retiring and, as of next year, will become the CEO of AAAS.

Mr. HOLT. Mr. Chairman, I thank the gentlelady, my good friend from Texas, and I rise in opposition to this legislation.

The bill concerns me, not only about the interference with protection of public health, but also the harm it would do to science and the science process. In sum, H.R. 4012 would prohibit the EPA from using any scientific studies that are not publicly available and cannot be independently reproduced.

Now, while this sounds virtuous and laudable, it is, at best, a blatant misunderstanding of how scientists operate, of the peer review process, and a violation of health privacy laws and an affront to science.

Now, I see the other side saying, oh, no, it is not a violation of health privacy laws because anything that violates the health privacy laws won't be used. Well, that is the point.

Mr. Chairman, I will enter into the RECORD a letter from the Federation of American Societies for Experimental Biology, dated November 4, which says, ''the proposed legislation is so broad that it could be used to prevent the implementation of nearly any regulation by the Environmental Protection Agency.''

These are not partisans who are talking about this. These are people who want the science used so that we have good regulations. They are not trying to interfere with EPA's work.

Consider epidemiology. This is the science that investigates the patterns in disease and health, like trying to understand the spread of diseases like Ebola, or in understanding why smoking causes cancer. Now, not surprisingly, collecting these epidemiological data requires getting information that is legally prohibited from disclosure under the health privacy legislation, data about illness and treatment and family history and so forth.

So when H.R. 4012 says EPA must use studies where the information is public, it is saying EPA may not use many, perhaps most, epidemiological studies because the researchers are prohibited legally from making their data publicly available. There is no question that H.R. 4012 strips EPA of

the ability to use the best available science.

The CHAIR. The time of the gentleman has expired.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. HOLT. Were it to become law, studies that might be used on regulations to keep drinking water safe or to prevent exposure to dangerous pesticides or other chemicals would be null and void.

Let's be honest. The not-so-hidden motivations behind this are to restrict the availability of academic independent science and to strengthen the hand of biased industry input. It is entitled the ''Secret Science Act,'' which is a direct aspersion on science and the peer review process. It suggests that scientists are conspirators in lab coats trying to pull one over and bring in unnecessary regulations.

Everyone wants transparency, reproducibility, accountability. The science community, the publications, the universities, the funding agencies are working on this all the time. They don't need this help, so to speak, from Congress.

Science is a system of progress toward knowing what is right. It is better than the private marketplace or industrial manipulation. Let's let science work.

FEDERATION OF AMERICAN SOCIETIES FOR EXPERIMENTAL BIOLOGY,
Bethesda, MD, November 4, 2014.

Hon. KEVIN MCCARTHY,
House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
House of Representatives, Washington, DC.

DEAR MAJORITY LEADER MCCARTHY AND MINORITY LEADER PELOSI: The Federation of American Societies for Experimental Biology (FASEB) would like to express its opposition to H.R. 4012, the Secret Science Reform Act of 2014. As a federation of 27 scientific and engineering societies, representing more than 120,000 biomedical researchers, we clearly understand and support the principle that federal regulations must be based on sound science. We are, however, concerned that the language of the proposed legislation is so broad that it could be used to prevent the implementation of nearly any regulation by the Environmental Protection Agency (EPA) and, by precedent, lead to similar restrictions on other agencies. We agree that federal agencies should base regulations on sound science. However, we are concerned that this legislation will not increase transparency, and is, in fact, duplicative of existing policies.

According to a March 9, 2009 Memorandum from the White House on the subject of Scientific Integrity, ''when scientific or technological information is considered in policy decisions, the information should be subject to well-established scientific processes.'' Additionally, under Section (d), unless information is prevented from being disclosed by statute or other regulation, ''an agency should make available to the public the scientific or technological findings or conclusions considered or relied on in policy decisions.'' In accordance with this Memorandum, the EPA has its own Scientific Integrity Policy. As the policy notes, the EPA is in compliance with the 2002 Office of Management and Budget (OMB) Information Quality Guidelines, the 2005 OMB Information Quality Bulletin for Peer Review, the EPA's Quality Policy for assuring the collection and use of sound scientific data, and the EPA's Information Quality Guidelines for establishing the transparency, integrity, and utility of information used and published by the agency. This extensive and comprehensive set of regulations more than ensures that the science upon which EPA bases regulations is of the highest technical merit, transparent, and reproducible.

Steps to enhance and put back transparency across all disciplines of science are already underway at several other federal agencies. For instance, the National Institutes of Health (NIH) is developing a training module for graduate students to enhance experimental design to increase the reproducibility and transparency of research findings. Funding agencies, including NIH and the National Science Foundation, require inclusion of data management plans as part of the grant application. These efforts enhance work already being done by the agencies to ensure the transparency, availability, and reproducibility of data produced by federally-funded research.

As working scientists, we are dedicated to the open circulation of our work, much of which is funded by federal agencies that require dissemination, including the EPA, NIH, the National Science Foundation and the Department of Energy. We are equally committed to seeing that our research results contribute to the good of the Nation, including the quality of its environment and the health of its people. Establishing unreasonably broad and burdensome requirements for the implementation of already well-supported regulations, as H.R. 4012 appears to do, could weaken the scientific foundations of government policy, contrary to the stated goals of the bill.

For these reasons, FASEB opposes the Secret Science Reform Act in its present form.

Sincerely,

JOSEPH R. HAYWOOD, PhD,
FASEB President.

Mr. SCHWEIKERT. Mr. Chairman, I yield 3 minutes to the gentleman from Kentucky (Mr. MASSIE), my buddy who actually went to MIT and knows something on the subject.

Mr. MASSIE. Mr. Chairman, I rise today in support of H.R. 4012, the Secret Science Reform Act.

Before I came to Washington, I spent 6 years studying science, math, and engineering at MIT. We were taught there and we learned very well that transparency and reproducibility are the basic tenets of science. In fact, one of my favorite things that I learned—and this comes from engineering, where you apply science—is, without facts, all you have is an opinion.

That is what the other side needs to learn today. They are hiding behind this false narrative, unfortunately, that the EPA will be unable to use certain data because they would have to release confidential or private information. This is patently untrue.

Look, the FDA, the CFPB, the Census Bureau, which one of those organizations does not collect data that has sensitive and private information in it? Yet they still use the data. They can still disclose the data, and it is transparent, and we can look at it.

This is a solvable problem. In fact, the National Academy of Sciences, in 2005, said nothing in the past suggests that increasing access to research data without damage to privacy and confidentiality rights is beyond scientific reach.

In fact, Mr. Chairman, I will introduce into the RECORD a memorandum from the President's own OMB to the executive heads of departments and agencies that encourages more transparency. This is a May 9, 2013, memorandum.

Clearly, we have the same goals with the administration, so I don't understand why the other side is against this. In fact, this memorandum from the President's own OMB says, ''Making information resources accessible, discoverable, and usable by the public can help fuel entrepreneurship, innovation, and scientific discovery—all of which improve Americans' lives and contribute significantly to job creation.''

But are they worried? Are they worried that you can't release data, that you will violate somebody's privacy or confidentiality?

No, they are not. In fact, the President's own OMB Director references the standards that we have. This is what science is about. It is about standards. It is about units of measure. It is about numbers. And we have standards for this. The NIST has standards for guidelines and definitions for releasing data while maintaining confidentiality, integrity, and availability. So they are clearly hiding behind a false narrative.

The EPA Administrator, Ms. McCarthy, said in a March 7, 2014, letter to Congress that the Agency's efforts ultimately resulted in the CDC reaching the conclusion that all of the research data could be provided without the need for de-identification.

So there is really a false narrative here. I don't know how the other side, who purports to be for science—and I am for science, with my background. I don't know how the other side can make these arguments with a straight face.

I would just say the American people would be better served with access to this data. I support the bill.

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 9, 2013.

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Subject: Open Data Policy—Managing Information as an Asset

From: Sylvia M. Burwell, Director; Steven VanRoekel, Federal Chief Information Officer; Todd Park, U.S. Chief Technology Officer; Dominic J. Mancini, Acting Administrator, Office of Information and Regulatory Affairs.

Information is a valuable national resource and a strategic asset to the Federal Government, its partners, and the public. In order to ensure that the Federal Government is taking full advantage of its information resources, executive departments and agencies (hereafter referred to as ''agencies'') must manage information as an asset throughout its life cycle to promote openness and interoperability, and properly safeguard systems

and information. Managing government information as an asset will increase operational efficiencies, reduce costs, improve services, support mission needs, safeguard personal information, and increase public access to valuable government information.

Making information resources accessible, discoverable, and usable by the public can help fuel entrepreneurship, innovation, and scientific discovery—all of which improve Americans' lives and contribute significantly to job creation. For example, decades ago, the Federal Government made both weather data and the Global Positioning System (GPS) freely available to anyone. Since then, American entrepreneurs and innovators have used these resources to create navigation systems, weather newscasts and warning systems, location-based applications, precision farming tools, and much more.

Pursuant to Executive Order of May 9, 2013, Making Open and Machine Readable the New Default for Government Information, this Memorandum establishes a framework to help institutionalize the principles of effective information management at each stage of the information's life cycle to promote interoperability and openness. Whether or not particular information can be made public, agencies can apply this framework to all information resources to promote efficiency and produce value.

Specifically, this Memorandum requires agencies to collect or create information in a way that supports downstream information processing and dissemination activities. This includes using machine-readable and open formats, data standards, and common core and extensible metadata for all new information creation and collection efforts. It also includes agencies ensuring information stewardship through the use of open licenses and review of information for privacy, confidentiality, security, or other restrictions to release. Additionally, it involves agencies building or modernizing information systems in a way that maximizes interoperability and information accessibility, maintains internal and external data asset inventories, enhances information safeguards, and clarifies information management responsibilities.

The Federal Government has already made significant progress in improving its management of information resources to increase interoperability and openness. The President's Memorandum on Transparency and Open Government instructed agencies to take specific actions to implement the principles of transparency, participation, and collaboration, and the Office of Management and Budget's (OMB) Open Government Directive required agencies to expand access to information by making it available online in open formats. OMB has also developed policies to help agencies incorporate sound information practices, including OMB Circular A–130 and OMB Memorandum M–06–02. In addition, the Federal Government launched Data.gov, an online platform designed to increase access to Federal data assets. The publication of thousands of data assets through Data.gov has enabled the development of numerous products and services that benefit the public.

To help build on these efforts, the President issued a Memorandum on May 23, 2012 entitled Building a 21st Century Digital Government that charged the Federal Chief Information Officer (CIO) with developing and implementing a comprehensive governmentwide strategy to deliver better digital services to the American people. The resulting Digital Government Strategy outlined an information-centric approach to transform how the Federal Government builds and delivers digital services, and required OMB to develop guidance to increase the interoperability and openness of government information.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon (Ms. BONAMICI), who is ranking member on the Environmental Subcommittee.

Ms. BONAMICI. Mr. Chairman, I rise in strong opposition to H.R. 4012, the Secret Science Reform Act of 2014, a short bill with a long list of problems.

Now, I applaud the sponsor of the bill, Mr. SCHWEIKERT, the chairman of the Environment Subcommittee, for his goal on transparency. Transparency is something our constituents care about and deserve. But transparency is something we should accomplish through collaboration with and input from the scientific community. This bill, unfortunately, passed out of the Science Committee on a party-line vote and is opposed, for good reason, by research institutions and scientists from across the country.

As the cornerstone of its regulatory process, the EPA relies on peer-reviewed science conducted by the brightest minds at our Nation's universities and other research organizations. The EPA already publicly discloses the studies that support regulatory action.

Large cohort studies like the American Cancer Society and Harvard Six Cities studies, which made an association between air pollution and mortality, are vital to the Agency as it pursues its mission of protecting public health. These studies that were peer reviewed have, since they were conducted, been subject to reanalysis with their findings confirmed.

This Secret Science Reform Act, which looks simple on its face, will actually encumber, if not eradicate, the EPA's ability to perform its most fundamental duty: protecting Americans from significant risks to human health and the environment. The EPA would only, under this bill, be able to rely on publicly available data and studies that are reproducible, making it virtually impossible to use many reports and other sources of scientific data.

I want to add that this act also perpetuates the incorrect notion that the science relied on by the EPA is somehow hidden. It is not. This misconception is based on conflating the meanings of ''secret'' and ''confidential.'' One thing should be made clear in this debate. None of the information used by the EPA is secret. Some information may be confidential if it includes, for example, the personal health information of millions of Americans who participated in a study about air quality.

Finally, another concern about this act is that it attempts to block access to good science, in part, because the Science Committee majority has not been able to obtain data it requested through a subpoena, data containing the personal health information of millions of Americans that was part of the Harvard Six and American Cancer studies. The EPA responded to that subpoena with all of the information in its possession that it was legally authorized to provide—boxes and boxes and stacks and stacks of data and information—and apparently that was not enough. Now the Secret Science Reform Act is going further, with chilling consequences for the EPA and for every American who deserves to enjoy clean air and clean water.

Let's bring back common sense. Using the personal health information of Americans as a bargaining chip is unacceptable. I strongly urge my colleagues on both sides of the aisle to oppose this legislation.

Let's go back to the drawing board, work collaboratively to make this a better bill, and let the EPA go back to protecting the public health of Americans.

Mr. SCHWEIKERT. Mr. Chairman, may I inquire into the time remaining?

The CHAIR. The gentleman from Arizona has 15 minutes remaining. The gentlewoman from Texas has 8 minutes remaining.

Mr. SCHWEIKERT. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. Mr. Chairman, today I rise in strong support of H.R. 4012, the Secret Science Reform Act of 2014.

This much-needed legislation will finally start to shed light for the American people on the underlying science that the EPA uses to justify their new rules and regulations. Not only would the EPA have to share the evidence they are using or the science they are using on the rules, but they would have to specify the need for the rule. But most importantly, the results of the EPA's analysis would have to provide enough information so that the public can independently reproduce the results so that we can check the EPA's work.

As I travel up and down my district visiting small, medium, and large manufacturing companies, I hear a common theme over and over again. At almost every stop these companies are telling me they are dealing with new or proposed rules coming out of the EPA. Whether it is a mom-and-pop brick manufacturing company, an international steel manufacturing company, or a coal-fired power plant, they are all dealing with new and very costly new EPA rules. If the EPA and environmentalists get their way, some of these companies will simply go out of business because the rules are unattainable and they apparently don't really move the needle toward improvements in public health.

I say ''apparently'' because we don't have all the facts and data that the EPA is using to justify these new rules, and we can't validate and verify what they are telling the public.

Thousands of direct jobs and tens of thousands of indirect jobs are at risk because of these proposed and pending rules. We owe it to these hardworking

men and women to share the science with the public so we can verify what the EPA is saying before they lose their jobs over unverified studies.

Mr. Chairman, I urge all of my colleagues to vote for this legislation.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. SCHWEIKERT. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota (Mr. CRAMER).

Mr. CRAMER. I thank Chairman SCHWEIKERT for yielding.

Mr. Chairman, my colleagues and the sponsor have done a good job of describing what the bill is and what it does and why it is necessary. I want to talk a little bit about what is at stake.

I think the first thing that we have to consider that is at stake is the unilateral disarmament of the American economy by virtue of destroying, really, our global competitiveness. It is an interesting time to talk about it.

Our President just came back from making a deal in China, a climate deal in China, where the Chinese are allowed to continue to pollute for 16 years, create more jobs of their own and take some of ours, while we put standards and requirements, emissions requirements on our industries that won't be able to keep up and put our jobs at risk.

In my home State of North Dakota, there are 4,000 megawatts of low-cost electricity—the jobs that producing that electricity creates and the competitiveness that that electricity provides for our economy—that is at stake, all based on EPA rules that are based on some 1970s, decades-old data and studies that are only available to the bureaucrats.

□ 1400

We have, for example, in western North Dakota a brick plant in Hebron, Hebron Brick, that is subject to the MACT rule, which is a rule based on studies that are tightly held, again, and only visible to the bureaucrats. We have countless acres of private farmland and ranch land in our State and in the States around us that have been owned privately for generations. It is up for grabs if this Waters of the U.S. rule continues to go forward, a rule that really took forceful inquiry by the Science, Space, and Technology Committee to find, to get, to reveal the secret maps that the EPA was creating as part of this massive land grab.

It really comes down to this, Mr. Chairman: we are at a time in our country when there is very, very low confidence by the public in our government. I am just saying let's restore America's confidence in America's government, and let's provide the one great safeguard to corruption that we can provide, and that is transparency.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

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

Have you ever had a moment at which you are approaching the microphone—and you have got to accept that we are all passionate about our views—and you have heard some things that, shall we say, start to get your blood pressure moving a bit, but let me see if I can do this without being hyperbolic and then walk through some of the realities of the information that is laid out in front of me right here.

First, I do want to respond to something that Ranking Member JOHNSON said. I want to first caveat that she has always been very kind to me, but we have the confirmation from the EPA, itself—and we will put the documents into the RECORD—that they are perfectly capable of blinding anything that is confidential, anything that is personal. I mean, we have the comments from Administrator McCarthy on March 7 walking us through that they can do this, and they didn't see it as a real problem.

Let me walk through something else that I am finding sort of absurd, and I am having a little trouble finding the best way to articulate this. We spent about an hour in our office sort of just searching the Internet on this subject. If you go back about a decade ago, a number of our friends on the left were demanding something almost identical to this. So what is different? It wouldn't happen to be a different philosophy, a different President, a different party in the White House, would it?

Let me back up and say: Why do I embrace this Secret Science bill, H.R. 4012?

I genuinely, in every fiber of my being, believe that we will get better policy, better design, more creative ideas because, whether you are on the left, the right, or are just an active addition, you do not know whether the EPA rule sets are optimal. You may believe they are, but we are doing it on faith. Peer review is wonderful except for the fact that the peer reviewers don't see the underlying data. The beauty of this piece of legislation is that neither you nor I right now knows, in the absolute collective analysis, whether the EPA is even going far enough or whether it is going too far or whether there is another approach that would be dramatically more efficient.

What happens when that researcher gets his hands on a linear data set and matches it up with something else that no one had thought of putting in there and, all of a sudden, discovers the noise in the data that there are opportunities to do it better, faster, more efficiently, to save lives, or to maybe even do it cheaper?

You will not know that until the cabal that right now has the franchise on the information, on the brokerage of the data, is broken up. What is so stunningly disheartening here is that much of this concept, if you go back and look at the speeches from the President in 2007 and 2008, and at memos from the President 18 months ago, from OMB, demanding this, saying this was the wave of the future if you embrace science—but not the science of an elite few. The fact of the matter is our Nation—our country—and our world is made up of really smart people who have the right and the ability to give us input to do this better.

I beg of my fellow Members here to stop being afraid of true transparency. Stop defending the incumbent class that thinks it has the only legitimate scientists who have the right to put forward what our future looks like.

I may be behind this microphone in a couple of years from now if this bill passes, saying: I never knew we weren't going far enough. You may be behind that microphone over there, saying: The crowd analysis of the data says there was a dramatically better way. But we need to pass this bill to have that opportunity.

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

THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, March 7, 2014.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter of February 14, 2014, regarding the United States Environmental Protection Agency's (EPA's) response to a subpoena duces tecum (subpoena) from the Committee on Science, Space, and Technology (Committee).

As you note in your letter, during and immediately after my November 14, 2013, appearance before your Committee, we agreed to additional dialogue regarding the EPA's response to the subpoena. I understand that our staffs have had several discussions since that date, and made significant progress toward a common understanding of this matter. I want to thank you and your staff for your willingness to engage in these discussions, as I believe they have been both productive and constructive.

Your subpoena sought data from the American Cancer Society and Harvard Six Cities cohorts, as well as analyses and re-analyses of that data. In particular, the subpoena sought data from studies that utilized data from the American Cancer Society and Harvard Six Cities cohorts. Once the EPA received the subpoena, we conducted a diligent search for data, as well as analyses and re-analyses of that data that were already in our possession, custody, or control that would be responsive to the subpoena. In addition, we considered what data, as well as analyses and re-analyses of that data, were not in our possession, custody, or control on the date we received the subpoena, but that may still be within the scope of the Committee's subpoena. For data, as well as analyses and re-analyses of that data, that were not in the EPA's possession, custody, or control but that could still be considered within the scope of the subpoena, the EPA sought to identify a legal authority for the agency to obtain that information so that it could be provided to the Committee. In this case, the Shelby Amendment (Public Law 105–277) provides the EPA with the authority to obtain certain research data that was not in the agency's possession, custody, or control on the date we received the subpoena, and the EPA utilized that authority to obtain that data.

The actions taken in response to the subpoena are detailed in an enclosure (Enclosure 1) to this letter, and included multiple

interactions with the third party owners of the research data in an effort to obtain that data. Once the agency successfully obtained the research data, we undertook a review of this data to determine whether the release of the data would raise privacy concerns. The agency sought the assistance of the Centers for Disease Control in this inquiry as well, in an effort to ensure the privacy of the subjects of the data was not compromised.

Through its efforts, the EPA located within its possession, custody, or control, or obtained through its authority, the data for five studies listed in the subpoena. Any other data, as well as analyses and re-analyses of that data, that may be within the scope of the subpoena, whether specifically listed in the subpoena or not, are not (and were not) in the possession, custody, or control of the EPA, nor are they within the authority to obtain data that the agency identified. However, the issuance of the subpoena does not provide the agency with any additional authority to obtain data, as well as analyses and re-analyses of that data, that we otherwise do not have the authority to obtain.

All responsive data, as well as analyses and re-analyses of that data, located or obtained during our efforts to respond to the subpoena have been provided to the Committee. The EPA provided that data to the Committee through letters sent prior to our receipt of the subpoena, and then our letters responding to the subpoena of August 19, 2013, September 16, 2013, and September 30, 2013. The EPA provided the Committee with the data for these five studies in exactly the same format the data were provided to us. Importantly, the agency was able to work through the various privacy concerns so that we would not need to de-identify any of the data. As of the EPA's letter of September 30, 2013, the agency has provided the Committee with all of the data covered by the subpoena that the agency has obtained or has the authority to obtain under the Shelby Amendment. Additionally, the EPA has not withheld any data in our possession that is responsive to the subpoena. Thus, the EPA has completed its response to the subpoena. The EPA acknowledges, however, that the data provided are not sufficient in themselves to replicate the analyses in the epidemiological studies, nor would they allow for the one to one mapping of each pollutant and ecological variable to each subject. For the reasons explained in our previous letters on this topic, these acknowledgements do not call into question the EPA's reliance on these studies for regulatory actions.

Your February 14, 2014, letter also requests the grant agreements related to the studies covered by the subpoena, and those documents are being provided with this letter. These EPA grant agreements span from 1998 to 2006 and contain a variety of data access provisions. Despite that variation, the EPA has reviewed each of the agreements and determined that each grant agreement contained data access provisions that are consistent with the EPA grant regulations at the time of the award. The EPA's current practice is to incorporate into our grant agreements a reference to the agency's regulations regarding access to research data funded by the grant.

Thank you again for the opportunity to explain the actions the EPA took in responding to your subpoena.

Sincerely,

GINA MCCARTHY.

Mr. LIPINSKI. Mr. Chair, I hope we can all agree that it is in the nation's best interest to allow EPA to use the best available science to protect our health and well-being. This means the science that EPA uses should be held to the same standards as any other science. I support transparency in scientific research, but it is important to recognize that the data from many of the studies that EPA depends on cannot be made publicly available without violating the privacy of individuals.

As a member of the Science Committee, I have supported increased public access to scientific data in science journals. However, there are exceptions to the types of data that can be shared publicly. EPA studies often rely on personal health records or proprietary computer models to characterize the harmful effects of pollutants. We must not mistake EPA's legally-mandated shielding of personally identifiable information as dubious ''secret science.''

These studies undergo a rigorous review process including peer review and sometimes replication. If the goal is more replication, Congress should provide funds to conduct additional studies, not throw out studies that depend on sensitive information. The Congressional Budget Office estimates that up to 50 percent of the studies that EPA uses rely on such sensitive materials. Through these studies, we gain a deeper understanding of our natural environment that is invaluable to informing public health policy. This bill would eliminate these insightful scientific studies from being used to protect our clean air and drinking water.

This bill could also dangerously impact participation in future public health studies if privacy of study participants cannot be ensured. It is unclear how EPA would make data ''publicly available in a manner that is sufficient for independent analysis and substantial reproduction of research results,'' without divulging identities. With the large amount of personal information available on the internet and in public archives, it can be relatively easy to identify an individual based on limited information.

Our businesses, our environment, and our families depend on EPA to work with the best available science to protect the air we breathe and the water we drink. I cannot support a piece of legislation that impedes their ability to do so.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I submit the following letters.

AMERICAN STATISTICAL ASSOCIATION,
Alexandria, VA, September 5, 2014.

Hon. KEVIN MCCARTHY,
Majority Leader, House of Representatives, Washington, DC.

DEAR MAJORITY LEADER MCCARTHY, As president-elect of the American Statistical Association, with 19,000 members, I write regarding H.R. 4012, the ''Secret Science Reform Act.'' We generally applaud the idea that researchers and federal agencies strive to make data available to others—under strict pledges to maintain confidentiality of data provided by individuals and establishments where necessary—and to encourage reproducible research. Access to data and reproducibility of research are crucially important for science to advance.

While H.R. 4012's intent is to make data more widely available, we have several concerns and urge the bill to be revised significantly before further consideration. Our concerns include those voiced by others (especially the American Association for the Advancement of Science) that the bill's statements do not account for the complexities common to the scientific process on research that involves biological materials or physical specimens not easily accessible, combinations of public and private data, longitudinal data collected over many years that are difficult to reproduce, and data from one-time events that cannot be replicated. The bill as written could have far-reaching consequences that would ultimately hamper or undermine the scientific process generally and EPA's work specifically. We also agree with the point that it would be prudent to see the EPA's data access policy—in accordance with the America COMPETES Reauthorization Act of 2010—expected by year's end before further action on H.R. 4012.

Our nation should be striving for transparency in government and, as noted above, data accessibility, but these goals also must be balanced with the necessity to protect individuals' and businesses' privacy. The bill's language of ''publicly available'' except when ''prohibited by law'' acknowledges this balance, but that language is vague and may be insufficient to protect individuals and businesses. In particular, some data sets may not fall under ''prohibited by law,'' yet the data are still collected under a pledge to protect the identifiability and confidentiality of the reported values. For example, the government, as well as private and nonprofit sectors, routinely collects data—including private business information and private health information—under strict pledges to protect confidentiality. In some studies, this is backed up with penalties for violating those pledges. Such data should not be publicly available to every person who might ask for them. Rather, data subjects' confidentiality should be protected, for example by policies and procedures that provide data access to trusted users (i.e., approved users committed to appropriate protections of the confidentiality of study participants) while discouraging breaches of confidentiality and/or by data redaction techniques developed in the statistical and computer science communities. Under the current wording, a choice may have to be made between maintaining data confidentiality and issuing needed regulations.

To emphasize the challenges and importance of confidentiality protection, we note that simple but necessary de-identification methods—like stripping names and other personally identifiable information (PII)—often do not suffice to protect confidentiality. Statisticians and computer scientists have repeatedly shown it can be possible to link individuals to publicly available sources, even with PII removed. Thus, allowing unrestricted public access without appropriate controls could result in unintended disclosures. These could cause significant harm to the advancement of science and the federal government—especially the federal statistical system—as people may be less willing to provide their data if highly publicized breaches occur.

In short, any requirements for making data available should carefully consider the complexities, challenges, and potential ramifications. We hope you will address these concerns, which would require major modifications to the bill. We would be happy to be of any assistance.

Sincerely,

DAVID MORGANSTEIN,
President-Elect,
American Statistical Association.

NOVEMBER 17, 2014.

DEAR REPRESENTATIVE: The undersigned individuals and organizations working on public health and science-informed regulation strongly oppose HR 4012, the Secret Science Reform Act, and HR 1422, the EPA Science Advisory Board Reform Act, up for a House vote as early as November 18.

Both bills would severely undermine the ability of the Environmental Protection

Agency (EPA) to use the best available scientific evidence when making decisions regarding the protection of public health and safety and the environment.

HR 4012, the erroneously named Secret Science Reform Act, would tie the EPA's hands by restricting the information it can use to develop protective regulations. The EPA could only regulate based on publicly available scientific data. This restriction would block the agency's use of many different types of public health data, such as those for which public release would violate privacy protections, or data from corporations that are designated as confidential business information.

It also would restrict the use of scientific data that is not ''reproducible.'' This provision seems to adopt a very narrow view of scientific information solely based on laboratory experiments. As major scientific societies including the American Association for the Advancement of Science (AAAS) have noted, such a restriction would eliminate the use of most epidemiological and public health data, such as those regarding the public health impacts of air pollution, because these data are collected in long-term studies following individuals longitudinally.

Not only do privacy concerns arise, but such studies are not inherently reproduced in the way a laboratory experiment or a clinical trial may be. It would be unethical to deliberately expose adults or children to air pollution merely to determine whether the increased rates of asthma and heart attacks caused by such exposures can be duplicated, or to encourage teenagers to smoke to re-assess the toxic effects of tobacco.

HR 1422, the EPA Science Advisory Board Reform Act would greatly weaken the EPA's advisory process, ensuring that recommendations from its independent Science Advisory Board (SAB) will be dominated by corporate special interests. While the bill has been improved by several amendments offered by minority members of the House Science Committee, it still remains unacceptable.

This bill opens the door to increased corporate influence on the Board, both by encouraging the EPA to accept more SAB panelists with corporate ties, and disqualifying some of the nation's leading experts.

The bill's overly broad restriction that a member of the SAB cannot participate in a discussion that cites the member's own work is counterproductive, and goes far beyond the common-sense limits imposed by the National Academies. Of course, a scientist with expertise on topics the SAB addresses likely will have done peer-reviewed studies and other work on that topic. That makes the scientist's evaluation more valuable, not less.

Even worse, the bill requires the SAB to remain in an endless loop soliciting public comment about the ''state of the science'' touching on every major advisory activity it undertakes and responding to nearly every comment before moving forward, without being limited by any time constraints. At best, the SAB will be reduced to busy work. At worst, the SAB's assessments will address the concerns of corporations, not the desires of citizens for science-informed regulation that protects public health.

These bills together will greatly impede the ability of EPA, and potentially other agencies, to utilize the best available science, independently reviewed, to inform regulations crucial to public health and the environment.

We strongly urge you to vote No on HR 4012 and HR 1422.

Sincerely,

Center for Science and Democracy at the Union of Concerned Scientists; Annie Appleseed Project; Breast Cancer Action; Center for Medical Consumers; Institute for Ethics and Emerging Technologies; National Center for Health Research; National Physicians Alliance; Our Bodies, Ourselves; Physicians for Social Responsibility; Public Citizen; The TMJ Association; Woodymatters; Susan F. Wood, PhD, Associate Professor, Director, Jacobs Institute of Women's Health, The George Washington University, Milken Institute School of Public Health; John H. Powers, MD, Associate Clinical Professor of Medicine, The George Washington University School of Medicine.

UNION OF CONCERNED SCIENTISTS,
Cambridge, MA, November 17, 2014.

DEAR REPRESENTATIVE: I am writing in strong opposition to H.R. 4012, the Secret Science Reform Act of 2014, up for a vote in the House as early as Nov. 18. The legislation represents a solution in search of a problem, and would greatly impede the agency's mission to protect public health and the environment.

The EPA already makes the data, methodology, and peer-reviewed research it relies on in its rule-making processes as transparent as possible. Moreover, the additional restrictions imposed by this proposed bill would make it almost impossible to base public protections on the best available scientific information. In particular, if enacted, the language appears to indicate that the agency would be inhibited by the following challenges:

The EPA wouldn't be able to use most health studies. The agency would likely be prevented from using any study that uses personal health data. The confidentiality of such data is usually protected by institutional review boards (IRB); thus, the data could not be made publicly available as demanded. Since many EPA rules are health-based standards, this rule would severely restrict the ability of the agency to base rules on science.

The EPA wouldn't be able to draw from industry data sources. The agency would be prevented from using data provided by industry to the agency. Since information from industry sources is often not publicly available, a law requiring as such would prevent the agency from utilizing industry data, a source of information that often provides otherwise unknown data to inform EPA rulemaking.

The EPA wouldn't be able to use new and innovative science. New scientific methods and data may be restricted by intellectual property protections or industry trade secret exemptions. This proposed bill would limit EPA's ability to rely on the best available science including novel approaches that may not yet be publicly available.

Long-term and meta- analyses would be unavailable. Many of EPA's health-based standards rely on long-term exposure studies that assess the link between chronic diseases/mortality and pollutants; or on meta-analyses that include many different studies and locations to provide a more robust look at the science. In HR 4012, the provision that studies be conducted ''in a manner that is sufficient for independent analysis and substantial reproduction of research'' may prevent use of these vital studies by the EPA, as it is unclear whether such spatially and temporally comprehensive studies would be considered ''sufficient for substantial reproduction.''

I strongly urge you to oppose the Secret Science Reform Act of 2014. The proposed bill would inhibit the EPA's ability to carry out its science-based mission to protect human health and the environment

Sincerely,

ANDREW A. ROSENBERG, Ph.D.,
Director, Center for Science and Democracy, Union of Concerned Scientists.

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.

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 113–57. 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. 4012

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 ''Secret Science Reform Act of 2014''.

SEC. 2. DATA TRANSPARENCY.

Section 6(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4363 note) is amended to read as follows:

''(b)(1) The Administrator shall not propose, finalize, or disseminate a covered action unless all scientific and technical information relied on to support such covered action is—

''(A) specifically identified; and

''(B) publicly available in a manner that is sufficient for independent analysis and substantial reproduction of research results.

''(2) Nothing in the subsection shall be construed as requiring the public dissemination of information the disclosure of which is prohibited by law.

''(3) In this subsection—

''(A) the term 'covered action' means a risk, exposure, or hazard assessment, criteria document, standard, limitation, regulation, regulatory impact analysis, or guidance; and

''(B) the term 'scientific and technical information' includes—

''(i) materials, data, and associated protocols necessary to understand, assess, and extend conclusions;

''(ii) computer codes and models involved in the creation and analysis of such information;

''(iii) recorded factual materials; and

''(iv) detailed descriptions of how to access and use such information.''.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 113–626. Each such amendment may be offered only in the order printed in the report, 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. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 113–626.

Mr. GOSAR. 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 1, line 13, insert ''online'' after ''publicly available''.

The Acting CHAIR. Pursuant to House Resolution 756, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I rise today to offer a commonsense, one-word amendment to H.R. 4012, the Secret Science Reform Act.

My simple amendment adds the word ''online'' to the disclosure requirements found in this legislation.

The Congressional Budget Office has determined that my amendment would not score and would not affect direct spending or revenues. My amendment is supported by the chairman of the Science, Space, and Technology Committee, LAMAR SMITH. My amendment also has the support of the sponsor, Mr. SCHWEIKERT. I would like to thank both the chairman, Mr. SMITH, and Congressman SCHWEIKERT for their efforts on this legislation and for their support of my amendment.

As a result of my simple, good governance amendment, the EPA will be required to make all scientific and technical information relied upon for rulemaking available online before proposing or finalizing new regulations.

I strongly support H.R. 4012, and I am proud to cosponsor this commonsense bill offered by my good friend and fellow Arizonan, DAVID SCHWEIKERT. The underlying bill would require the Environmental Protection Agency to utilize actual science when formulating regulations, and it requires that the science be made available for peer review and reproduction.

A recent poll from the Institute for Energy Research found that approximately 90 percent of all Americans support making studies and data utilized by the Federal Government available to the general public. By the way, the general public is not stupid. The intent of the bill is transparency, and I believe the best way to accomplish that goal is to require this information to be posted online.

For far too long, the EPA has used secret studies and so-called ''peer reviews'' from biased sources to justify regulations that fit their job-killing agenda. Not only does this practice result in a lack of transparency, it also leads to hundreds of thousands of jobs being destroyed across the country by unreasonable and unnecessary regulations.

A requirement similar to my amendment was adopted by this body when the House passed H.R. 4315 this past July. A provision found in H.R. 4315 required that data used by Federal agencies for Endangered Species Act listing decisions be made publicly available and accessible through the Internet.

Finally, H.R. 4012 protects personal and confidential information and has a provision that makes clear such information will not be disclosed as a result of this act. My amendment would not conflict with such policy.

Again, all my simple, one-word amendment does is require that the scientific and technical information requirements in the underlying bill be posted online. I urge my colleagues to vote in favor of my commonsense amendment, and I urge the passage of the underlying bill.

I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in opposition to the amendment.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I appreciate Mr. GOSAR's amendment. At least it clarifies the underlying intent of this bill in that this information relied on by the EPA should be thrown up on the Web site.

The peer-reviewed science relied on by the EPA often involves personal health information and other confidential data that is legally protected from disclosure. No legitimate researcher would violate the law and leak confidential information—for example, to make a trade secret or information protected by HIPAA accessible to anyone who has an Internet connection.

This amendment only makes the underlying problems with the bill that much more obvious, and I urge my colleagues to oppose this amendment.

Mr. Chairman, I yield the remainder of my time to the gentleman from Illinois (Mr. FOSTER).

Mr. FOSTER. I would like to thank the ranking member for her leadership on this issue.

Mr. Chairman, we frequently hear my colleagues across the aisle say, ''I am not a scientist,'' in response to a stance they may be taking on a matter which has a strong technical or scientific aspect to it. Well, I am a scientist, and that is why I am standing today in strong opposition to the Secret Science Reform Act.

Even my colleagues in the House who are not scientists, when they have a question of law, they will consult a lawyer, but that doesn't seem to be the case where science is concerned. I think that it would be good if in this House we spent a little while listening to the scientists who are concerned with these issues.

Today, a letter was introduced into the RECORD from the American Association for the Advancement of Science, signed by 42 organizations representing scientific organizations and research universities. In the letter, they state that the research community is concerned about how some of the key terms in this bill could be interpreted or misinterpreted, especially terms such as ''materials,'' ''data,'' and ''reproducible.''

Would the Environmental Protection Agency, for example, be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the Agency address research that combines both public and necessarily private data?

These are all important questions which this legislation and, sadly, this debate have not addressed, so I stand alongside thousands of my colleagues in science in opposition to the Secret Science Reform Act and in support of what has been referred to in this debate as ''so-called peer review.'' Let us scientists set the scientific standards and not Washington politicians.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield back the balance of my time.

Mr. GOSAR. Mr. Chairman, I am a scientist and I am a dentist, so I understand both science and HIPAA.

Provision 2 of section 2 of H.R. 4012 protects personal and confidential information and has a provision that makes clear such information will not be disclosed as a result of this act. My amendment would not conflict with such policy.

□ 1415

So you are telling me that President Obama and members of the Democratic Party can yell and scream for the last couple of weeks about the need to make all information available for free at the same speed to everyone on the Internet, the net neutrality issue, but you all have a problem with making the science about which the APA justifies the regulations available online for peer review and reproduction?

Wow, we are really the party of secret science. Can we all say ''Jonathan Gruber''? And do videos count? This is an absurd objection from an administration that claims that they were going to be the most transparent administration in the history of this country.

I yield to my friend from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Mr. Chairman, I thank you for having two Members from Arizona up here.

I am prepared to accept the amendment as the sponsor of the bill.

Mr. GOSAR. I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. KENNEDY

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 113–626.

Mr. KENNEDY. 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:

At the end of the bill, add the following:

SEC. 3. ENSURING THE USE OF THE BEST SCIENCE.

Nothing in this Act shall prevent the Administrator of the Environmental Protection Agency from considering or relying upon any peer-reviewed scientific publication even if such publication is based on data that is prohibited from public disclosure.

The Acting CHAIR. Pursuant to House Resolution 756, the gentleman from Massachusetts (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I would like to echo the comments of my colleagues, particularly the gentleman from Arizona (Mr. SCHWEIKERT), about the importance of transparency. An open government with transparent rules and regulations is at the core of our democracy, but I also believe in the unassailable value of science.

When this country's greatest minds come together to tackle our greatest problems, we are a stronger Nation. Whether we are talking about advancements and achievements in cancer treatment or clean water, science makes us healthier, stronger, and richer.

Unfortunately, the bill we are considering today takes science off the table for the EPA, the very Agency entrusted with keeping our air clean, our water safe, and our homes clear from toxic substances. The bill before us leaves the EPA with unworkable standards, prohibiting it from using certain studies simply because they contain information that, by law, cannot be made public. My amendment would fix this oversight.

The Kennedy-McGovern-Clark amendment clarifies that the EPA can and should use the best scientific information available, so long as that data complies with the highest academic peer-review protocols.

The Congressional Budget Office estimates the EPA relies on roughly 50,000 scientific studies every year. As written, H.R. 4012 would drastically shrink this number. The bill before us could even prohibit the EPA from using other government-funded research, like NIH studies linking toxic substances to premature births or CDC research on mitigating the impact of natural disasters and human health.

Imagine if we took this approach across the whole of government. The results could be catastrophic. You don't just have to take my word for it. I have got here, Mr. Chair, a letter from the Conference of Boston Teaching Hospitals who write:

> Research conducted at our hospitals, while not originally undertaken for environmental protection purposes, is sometimes relied upon by the EPA and other Federal agencies to develop scientifically-based policies. Much of this research uses personal health data which is protected by both Federal law and our institutional review board guidelines.

Why would we want to lose research by the best and brightest minds in medicine that could protect the American people?

I am proud to say that the Conference supports my amendment, stating:

> By allowing the EPA to consider peer-reviewed scientific publications in its work, this amendment would ensure that the best available science is the foundation for the EPA's important work.

Mr. Chairman, I would now like to submit that letter for the RECORD.

CONFERENCE OF BOSTON TEACHING HOSPITALS,
Boston, MA, November 18, 2014.

Representative JOSEPH KENNEDY,
Longworth House Office Building,
Washington, DC.

DEAR REPRESENTATIVE KENNEDY: On behalf of the Conference of Boston Teaching Hospitals, I would like to thank you for your introduction of the amendment to H.R. 4012 and offer our full support for the amendment.

As currently drafted, H.R. 4012, The Secret Science Reform Act of 2014, would greatly impede the EPA's mission to protect public health and the environment by making it nearly impossible to develop policies founded on the best available scientific information.

Research conducted at our hospitals, while not originally undertaken for environmental protection purposes, is sometimes relied upon by the EPA and other federal agencies to develop scientifically based policies. Much of this research uses personal health data which is protected by both federal law and our institutional review board guidelines. Under the proposed law, this valuable research would not be able to be used when developing EPA policies. By allowing the EPA to consider peer-reviewed scientific publications in its work, this amendment would ensure that the best available science is the foundation of the EPA's important work.

Thank you again for your leadership on this important issue.

Sincerely,

JOHN ERWIN,
Executive Director.

Mr. KENNEDY. Furthermore, CBO, in its analysis of the bill, made some troubling conclusions. For each scientific study used, the EPA could incur additional costs of up to $30,000.

If the EPA continues to operate as it does today, this bill could cost taxpayers an additional $1.5 billion every year, so this bill ensures that the EPA would have to spend more money, use fewer studies, all without being able to use the best science available.

There are several protections in place already to ensure that the science that the EPA uses is the best science available and that it is credible.

First, any and all studies go through a significant peer-review process that includes an independent analysis.

Second, the Office of Science and Technology Policy is already working to ensure that all publicly-funded research is available online.

Third, public comment periods allow for anyone, an individual or organization, to submit evidence supporting or opposing a proposed regulation. However, this bill puts limits on the public comment period. It would prohibit the EPA from taking into consideration valuable studies that come to light along the way during that open comment period if they provide private information.

Mr. Chairman, this makes no sense. I urge the House to accept my amendment to clarify that the EPA may use the best science that is peer reviewed and published, while upholding the necessary protections for confidential information.

The Acting CHAIR. The time of the gentleman has expired.

Mr. KENNEDY. I yield myself an additional 20 seconds.

I would also like to thank my colleagues from Massachusetts, Congressman JIM MCGOVERN and Congresswoman KATHERINE CLARK, for supporting this amendment.

I reserve the balance of my time.

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

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

Mr. SCHWEIKERT. Mr. Chairman, as I approach the mike here, I want to make it clear that my friend on the other side, who is speaking for this amendment, has been very kind to me and my office, but the amendment ultimately doesn't do what we just heard.

Let's walk through the sentence. ''Any peer-reviewed.'' It doesn't say ''highest and best.''

Okay. Let's walk through the next portion of this. Peer review, if you actually look at the methodology and the mechanics, is the study plausible, credible? They don't get the underlying data set.

Do we all remember our Statistics 101 class? The multiple parts of an equation that the sample sets are where so many of the difficulties actually are; yet we are going to rely on peer review, for peer reviewers that never see the underlying data.

The fact of the matter is if any of you have Web access right now, there is Web site after Web site after Web site right now talking about the retraction of peer-reviewed articles.

You are willing to hand hundreds of billions of dollars of potential costs and regulations, you are willing to hand the health of Americans over and not be willing to trust transparency where there is an egalitarian nature, where my university, your university, a researcher here, a researcher maybe on the other side of the world, someone that just happens to be darn good at math, and has some other data sets out there and matches it, but they are excluded because they don't meet the definition of the official science, official reviewers, and even the official reviewers never see the underlying data.

This amendment does not say the finest and the best and the most highest standard of review. It says, ''any peer-reviewed.''

With that, Mr. Chairman, I request my brothers and sisters here in this building to vote ''no'' on this amendment.

I yield back the balance of my time.

Mr. KENNEDY. Mr. Chairman, I yield the balance of my time to my colleague from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank my colleague from Massachusetts for the time.

Mr. Chairman, there used to be a time when our Republican friends respected science. There used to be a

time when people like Vern Ehlers, a physicist from Michigan, was welcomed in the Republican Conference. Sadly, those times are long gone. If we can't agree on basic scientific principles, then there isn't much hope for us to agree on much else.

I will remind my colleagues, for the record, up is up, down is down, gravity exists, the Earth orbits the Sun, and climate change is real. It doesn't matter whether the data is private or public. What matters is whether the findings are peer reviewed and can withstand scientific scrutiny.

Scientists understand that the real litmus test for supporting a finding is independent confirmation, using a completely independent method.

I urge my colleagues on both sides of the aisle to support this commonsense amendment.

Mr. KENNEDY. I yield back the balance of my time.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 194, noes 230, not voting 10, as follows:

[Roll No. 526]

AYES—194

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

NOES—230

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

NOT VOTING—10

Campbell	Johnson (GA)	Negrete McLeod
Cassidy	Maloney, Carolyn	Smith (WA)
Duckworth	McCarthy (NY)	Velázquez
Hall		

□ 1451

Mr. MULVANEY, Mrs. LUMMIS, Mr. MULLIN, Mrs. HARTZLER, and Mrs. WAGNER changed their vote from ''aye'' to ''no.''

Mr. HORSFORD, Ms. SHEA-PORTER, Messrs. AL GREEN of Texas, HUFFMAN, and Ms. CLARKE of New York changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. 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. SIMPSON) having assumed the chair, Mr. POE of Texas, 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. 4012) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, and, pursuant to House Resolution 756, 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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have a motion to recommit at the desk.

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

Ms. EDDIE BERNICE JOHNSON of Texas. I am in its present form.

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

The Clerk read as follows:

Ms. Eddie Bernice Johnson of Texas moves to recommit the bill H.R. 4012 to the Committee on Science, Space, and Technology with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the proposed subsection (b) the following:

''(4) This subsection shall not apply to any covered action that is in response to an emergency with the potential to harm the health and safety of a community, including—

''(A) a disease outbreak such as Ebola or the pandemic flu;

''(B) a release of toxic chemicals into public drinking water supplies; and

''(C) a nuclear, biological, or terrorist attack.''.

Mr. SCHWEIKERT. Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. The gentleman from Arizona reserves a point of order.

The gentlewoman from Texas is recognized for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, let me begin by saying that this is the final amendment to the bill, which will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage as amended.

I have already spoken at some length about the problems with the underlying bill. The bill would prevent the Environmental Protection Agency from using the best science in its mission to protect public health.

However, this motion to recommit highlights a specific and very troubling aspect of this bill. As written, the bill would prevent EPA from proposing, finalizing, or disseminating risk, exposure, or hazard assessments or guidance based on nonpublic information.

I and my Democratic colleagues are concerned about how this language would impede the EPA's ability to respond to emergencies and disasters.

I will give you an example. In my hometown of Dallas, we had a well-publicized case of a man named Thomas Duncan tragically dying after being infected with the Ebola virus. This gentleman was originally sent home from the Texas Health Presbyterian Hospital when his symptoms were not initially identified as Ebola.

After Ebola was identified, great efforts were made to disinfect areas the gentleman had contact with while he was infected with Ebola.

I have a picture displayed here.

Here in my hand is EPA's list of disinfectants for use against Ebola virus. The EPA disseminates this critically important information on its Web site.

□ 1500

However, under this bill, the EPA could be prevented from disseminating this type of information because EPA-registered disinfectants are frequently supported by legally protected information or confidential business information.

In my hometown, not my district, two nurses who work at the Texas Health Presbyterian Hospital contracted Ebola. As a former nurse who worked in Dallas, I think it would be appalling to put our frontline health care workers, as well as the general public, at risk of the deadly Ebola virus or any other infectious disease all so we can take a political shot at EPA.

As another example of how this bill could affect emergency response, EPA could be prevented from providing guidance during toxic chemical spills like the one that occurred earlier this year in West Virginia. If that guidance to local emergency responders were based on confidential business information, which is oftentimes the case when dealing with registered chemicals, then the EPA would be prohibited from disseminating vital information to the local authorities. What is remarkable is that the Natural Resources Defense Council warned the committee of this exact issue in a letter back in February, but the majority chose to ignore those warnings. That is plain irresponsible.

My amendment would fix this problem by exempting any response to an emergency that could harm the health and safety of a community. The amendment won't fix all of the problems with this bill, but it will prevent one of the more morally objectionable outcomes of this legislation.

I urge adoption of this amendment, and I yield back the balance of my time.

Mr. SCHWEIKERT. Mr. Speaker, I wish to withdraw my reservation, and I rise in opposition to the motion.

The SPEAKER pro tempore. The reservation is withdrawn.

The gentleman from Arizona is recognized for 5 minutes.

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

On this particular occasion, on this motion to recommit, this MTR, it does win a point on creativity. But if we actually just heard part of it, you are telling me that the EPA, when they respond to a spill, they are showing up embracing secret information on how they are responding. It is absurd.

Maybe even the motion may be well-meaning, but when you start using definitions of ''emergency,'' ''community,'' ''including'' with a long dash, we all know where that leads, and it leads both to chaos, inefficiency, and actually doesn't make a lot of drafting sense. So let's actually move on to what we are really here about: the underlying bill.

I have been shocked at sort of the crazy hyperbole that we have heard today about the secret science bill. This bill is actually very simple. All it does is provide transparency substantially as President Obama campaigned on.

Walk through the mechanics. We were having a little debate in our office whether I should hold these up. This here is a stack of letters, memos, demands from folks on the left. It just happened to be there was a Republican President, and even some of these when they were in the majority here, demanding disclosure of the underlying data from the EPA. There is even part of here where the former then-chairman was demanding the data and saying if he didn't get it he was going after contempt.

So what has changed? Seriously, what has changed here with the left on transparency? Is it just the fact that we now have a Democrat in the White House?

So let's actually walk through what we have all campaigned on in here. Is there a Member here that, when you got in front of your constituents, did not promise more transparency in government? That is what this is about. If you are going to create rule sets that affect every American's life, their health, their economic future, don't they have the right to see the underlying data?

And think of the arrogance that is going on right here. If you believe that the EPA is the sole keeper of all great knowledge, that their cabal is the only one qualified to be creative, to understand is there a better way, a more efficient way, a healthier way, then vote against the bill. But if you believe in the American people, if you believe in our institution, if you believe there is amazing knowledge all over this country and all over this world, this is the transparency that makes us healthier, that makes us more efficient, that makes decisionmaking coming out of the EPA much more rational. This is what we all campaigned on. This is what we promised. Let's go vote for it.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 230, not voting 8, as follows:

[Roll No. 527]

AYES—196

Adams	Carson (IN)	Davis, Danny
Barber	Cartwright	DeFazio
Barrow (GA)	Castor (FL)	DeGette
Bass	Castro (TX)	Delaney
Beatty	Chu	DeLauro
Becerra	Cicilline	DelBene
Bera (CA)	Clark (MA)	Deutch
Bishop (GA)	Clarke (NY)	Dingell
Bishop (NY)	Clay	Doggett
Blumenauer	Cleaver	Doyle
Bonamici	Clyburn	Edwards
Brady (PA)	Cohen	Ellison
Braley (IA)	Connolly	Engel
Brown (FL)	Conyers	Enyart
Brownley (CA)	Cooper	Eshoo
Bustos	Costa	Esty
Butterfield	Courtney	Farr
Capps	Crowley	Fattah
Capuano	Cuellar	Foster
Cárdenas	Cummings	Frankel (FL)
Carney	Davis (CA)	Fudge

Gabbard
Gallego
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
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
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
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
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wasserman Schultz
Waters
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—230

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
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
DesJarlais
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)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
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
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
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
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
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—8

Campbell
Cassidy
Duckworth
Hall
McCarthy (NY)
Negrete McLeod
Smith (WA)
Walz

□ 1513

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. POE of Texas). 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

Ms. EDDIE BERNICE JOHNSON of Texas. 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 237, noes 190, not voting 7, as follows:

[Roll No. 528]

AYES—237

Aderholt
Amash
Amodei
Bachmann
Bachus
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
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
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
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
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
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Perry
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
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
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)

NOES—190

Adams
Barber
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)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gibson
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hanabusa
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
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Meng
Michaud
Miller, George
Moore
Moran
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Pocan
Polis
Price (NC)
Quigley
Rangel
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky

Schiff	Slaughter	Veasey
Schneider	Speier	Vela
Schrader	Swalwell (CA)	Velázquez
Schwartz	Takano	Visclosky
Scott (VA)	Thompson (CA)	Walz
Scott, David	Thompson (MS)	Wasserman Schultz
Serrano	Tierney	
Sewell (AL)	Titus	Waters
Shea-Porter	Tonko	Waxman
Sherman	Tsongas	Welch
Sinema	Van Hollen	Wilson (FL)
Sires	Vargas	Yarmuth

NOT VOTING—7

Campbell	Hall	Smith (WA)
Cassidy	McCarthy (NY)	
Duckworth	Negrete McLeod	

□ 1521

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:

Ms. PINGREE of Maine. Mr. Speaker, I voted "yes" on H.R. 4012, the Secret Science Reform Act of 2014. I would like to express that I intended to vote "no" on H.R. 4012.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on additional motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record votes on postponed questions will be taken later.

ATOMIC ENERGY COOPERATION AGREEMENT AMENDMENT

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5681) to provide for the approval of the Amendment to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5681

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

SECTION 1. APPROVAL OF THE AMENDMENT TO THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR COOPERATION ON THE USES OF ATOMIC ENERGY FOR MUTUAL DEFENSE PURPOSES.

(a) IN GENERAL.—Notwithstanding the provisions for congressional consideration of a proposed agreement for cooperation in subsection d. of section 123 of the Atomic Energy Act of 1954 (42 U.S.C. 2153), the amendments to the Agreement Between the Government of the United States of America and the Government of the United Kingdom of Great Britain and Northern Ireland for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, done at Washington, July 22, 2014, and transmitted to Congress on July 24, 2014, including all portions thereof (hereinafter in this section referred to as the ''Amendment''), may be brought into effect on or after the date of the enactment of this Act as if all the requirements in such section 123 for consideration of the Amendment had been satisfied, subject to subsection (b) of this section.

(b) APPLICABILITY OF ATOMIC ENERGY ACT OF 1954 AND OTHER PROVISIONS OF LAW.—Upon coming into effect, the Amendment shall be subject to the provisions of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.) and any other applicable United States law as if the Amendment had come into effect in accordance with the requirements of section 123 of the Atomic Energy Act of 1954.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on the bill.

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

There was no objection.

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

I will share with the Members here that I rise in strong support of this legislation to extend for another 10 years the United States-United Kingdom Mutual Defense Agreement. This agreement has governed our nuclear cooperation with the United Kingdom for 50 years.

As always, I appreciate the cooperation of our ranking member, Mr. ENGEL of New York, for bringing this legislation to the floor. By acting today, we will ensure that this vital cooperation with Great Britain continues uninterrupted.

Mr. Speaker, the United States has no closer ally than the United Kingdom. We all know that. Our societies are founded on a shared belief in freedom and universal human rights. As a result, our close consultation on major foreign policy issues has long been routine; and coordinated action, frankly, is the norm between us and the U.K. We share an unprecedented defense relationship. The advantage of that is it has helped us secure our shared interests and values since the World Wars of the last century. We have fought side by side in conflicts from World War I to Afghanistan. Today, we have joined forces, along with other partners, to battle ISIL. Our intelligence cooperation is unique.

We are both founding members of NATO. We have shouldered a disproportionate share of the burden in NATO. We do that because we understand that the world remains a very dangerous place, but also because we know if we do not do so and we do not lead, no one else will.

Our cooperation on defense includes a unique partnership on nuclear security. This Mutual Defense Agreement is the framework through which this partnership takes place. It enables the exchange of nuclear materials, technology, and information that has been renewed many times. Actually, this goes back to 1958. The bill that we will renew here will take it for another decade to ensure that our full cooperation on defense can continue uninterrupted.

So I urge my colleagues to support the bill to demonstrate our unwavering commitment to the United Kingdom: a friend, a partner and enduring ally.

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

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

I rise in strong support of H.R. 5681. This legislation approves an amendment, as the chairman said, to the United States-United Kingdom Mutual Defense Agreement.

I want to begin by thanking Chairman ED ROYCE for his bipartisan leadership on this legislation, which I am proud to cosponsor.

□ 1530

Since 1958, the U.S.-U.K. Mutual Defense Agreement has underpinned cooperation between our two countries on defense-related nuclear technology. The U.K. is the only country with which we share this sensitive nuclear technology. It reflects the special relationship that binds our countries together.

Every 10 years, this agreement has been extended to stay up to date with new technologies and build new areas of cooperation. Now, normally, these extensions go into effect automatically 60 legislative days after the updated agreement is submitted to Congress. However, this agreement will lapse on December 31, before we reach that 60-day mark. If that were to happen, the revised agreement would have to be resubmitted in the next Congress, the 60-day clock would reset, and, most importantly, there would be no legal authority to continue defense-related nuclear work with the U.K. for some period of time.

What would that mean?

First, the regular scheduled transfer of nuclear material between the U.S. and the U.K. would grind to a halt.

Secondly, ongoing work on submarine propulsion would be interrupted, which would affect the deployment of our ally's nuclear deterrent.

Thirdly, exchange of sensitive information that benefits both of our nations would be delayed, including information related to threats from other countries.

Mr. Speaker, we cannot allow this agreement to lapse. Passing this bill will protect these critically important defense programs with one of our closest allies.

I urge my colleagues to support this important bill. I just want to reiterate the importance of passing this bipartisan, noncontroversial legislation to ensure that there is no lapse in the U.S.-U.K. Mutual Defense Agreement.