

Today, in Thomas County, in south Georgia, a \$3,500 deductible will cost a 25-year-old \$333 a month, and it will cost a 60-year-old \$900 a month. \$900 for a \$3,500 deductible, that is more like a mortgage payment where I come from. This is the solution that according to the President—the Democrats—that is affordable? Well, it is not affordable, and it is hurting people.

I am proud to cochair a task force of conservative Members who are working towards a patient-centered, free market alternative that respects the freedom of the American citizens.

#### HONORING THE LIFE OF KYLE LONG

(Mr. DESAULNIER asked and was given permission to address the House for 1 minute.)

Mr. DESAULNIER. Mr. Speaker, I rise today to honor the life of Kyle Ean Long who was born in Sacramento on June 14, 1987, and died on January 10, 2015, at the all too young age of 27.

The son of James and Tina Long was born and raised in Sacramento, California, attended local public schools, and was a graduate of Sacramento State University. I became familiar with Kyle when he came to work for me as an intern, quickly rising to a legislative aide in my previous position as a Member of the California State Senate.

Kyle's passion for public policy and his enthusiasm for bringing people together made him a highly effective legislative staffer. During his tenure in the State senate, Kyle successfully steered bills through the legislative process in California that helped to provide counseling services for rape victims, prohibited pesticides at school sites and child care facilities, and provided school supplies for homeless children.

In addition to being an important member of the California State family, Kyle was a beloved friend, family member, and a member of the broader Sacramento community. He died when he went to his local gym in the morning to start his daily exercise regimen, had a heart attack, and passed away at the all too early age of 27.

Mr. Speaker, I ask my colleagues to join me in honoring the extraordinary but all too brief life of Kyle Long.

#### FIRE IN EDGEWATER

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, a five-alarm fire ripped through 240 apartments in Edgewater, New Jersey. The fire completely destroyed the complex and displaced nearly 1,000 residents. You could see and smell the flames and ashes for miles around.

I rise today to extend my sympathies to the families and recognize and honor the brave men and women of the Edgewater Volunteer Fire Department

who responded to this devastating blaze, as well as over 500 first responders from 35 municipalities who came to Edgewater, rescued victims, and battled flames that blazed for 7 hours.

Under the leadership of Fire Chief Tom Jacobson, firefighters rescued people from three floors and miraculously managed to prevent any loss of life or severe injuries.

Thanks to the quick response by the American Red Cross and other aid organizations, the more than 1,000 displaced people were able to take refuge in the Edgewater Community Center.

On behalf of my constituents, Mr. Speaker, in Edgewater, I want to once again extend my gratitude to all the first responders who answer to the call every day and helped prevent further damage in this particular travesty.

#### SMALL BUSINESS REGULATORY FLEXIBILITY IMPROVEMENTS ACT OF 2015

##### GENERAL LEAVE

Mr. MARINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous materials on H.R. 527.

The SPEAKER pro tempore (Mr. AUSTIN SCOTT of Georgia). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 78 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. 527.

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

□ 0910

##### 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. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with Mr. WESTMORELAND 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.

General debate shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentleman from Pennsylvania (Mr. MARINO) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Ohio (Mr. CHABOT) and the gentle-

woman from New York (Ms. VELÁZQUEZ) each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. MARINO).

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

Good morning, Mr. CONYERS. It is good to see you.

Six long years into the Obama administration, and notwithstanding some fleeting, recent signs, jobs have yet to recover from the recession. Wages also have not recovered, and the rate of new business startups has not recovered as well.

Instead, permanent exits from the labor force are at historical levels. Real wages have fallen. Dependency on government assistance has increased. Our economy is failing to give enough hardworking Americans the confidence they need to start new small businesses and create new jobs.

At the root of our problem are, more than anything else, the endless drain to Washington of hard-earned income that working people and small businesses need to turn things around in their homes and communities and Washington's endless placement of regulatory roadblocks in the path of opportunity and growth.

That regulatory burden hits small businesses especially hard. Small businesses generate 63 percent of net new private sector jobs and employ nearly half of America's private sector workers; yet they have to pay significantly more to comply with Federal regulations than do larger employers.

Poll after poll has demonstrated that the level of Federal regulations coming from Washington is at the top of the list of obstacles faced by America's small businesses, our top job creators.

This is not fair, and it is exactly the wrong burden to place on small businesses as this Nation struggles to produce a true jobs and wages recovery. Congress can and should act to free small businesses of the burdens and waste associated with excessive Federal regulations so that more jobs will be available to Americans trying to make a better life for themselves and their families.

That is why prompt passage of the Small Business Regulatory Flexibility Improvements Act is so important. This legislation will, for the first time in nearly 20 years, overhaul the laws that govern how Federal regulators should consider—and minimize—the adverse impacts of new regulations on small businesses.

Primarily, the bill reinforces the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996. It only requires agencies to do what current law tries to achieve and what common sense dictates should be done.

□ 0915

However, current law is beset by loopholes, and those loopholes must be closed. That is what the Small Business Regulatory Flexibility Improvements Act, at long last, does.

For example, the bill mandates that all agencies, not just the current few, work with small business review panels early in the rulemaking process for major rules, before agencies become entrenched in their proposed paths, to help small businesses better and more effectively point out to agencies what is the best path. The bill also requires agencies to assess not just the direct effects of new regulation on small businesses but also indirect effects, which often can be substantial.

The bill also, for the first time, authorizes the Small Business Administration's Chief Counsel for Advocacy to be the one consistent authority on regulatory flexibility requirements the law imposes on all agencies. This will, at long last, curb the agencies' tendencies to interpret the law to suit their own individual whims and will force agencies to focus on the common needs of small business.

The minute this bill becomes law, what will start to happen?

Small businesses will have a real chance to be heard before agencies, effectively, make up their minds. Agencies will have better information upon which to tailor their regulations to reduce unnecessary burdens on small businesses. Agencies will have fewer opportunities to escape requirements to hear those businesses and gather that better information, and small businesses will be freer than they have been in decades to devote their re-

sources to what they do best—create the new jobs, products, and services that can drive the economy forward to true and lasting recovery.

The Small Business Regulatory Flexibility Improvements Act recognizes that economic growth ultimately depends on job creators, not regulators. It represents a critical means to convert the recognition into reality.

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

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, February 3, 2015.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 527, the Small Business Regulatory Flexibility Improvements Act of 2015.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,  
DOUGLAS W. ELMENDORF,  
Director.

CONGRESSIONAL BUDGET OFFICE COST  
ESTIMATE

H.R. 527, SMALL BUSINESS REGULATORY  
FLEXIBILITY IMPROVEMENTS ACT OF 2015

Summary: H.R. 527 would amend the Regulatory Flexibility Act (RFA) to expand the number of rules covered by the RFA and to require agencies to perform additional analysis of regulations that affect small businesses. The legislation also would provide new authorities to the Small Business Administration's (SBA's) Office of Advocacy to

intervene and provide support for agency rulemaking. Finally, H.R. 527 would require the Government Accountability Office (GAO) to report on the implementation of the legislation.

CBO estimates that implementing H.R. 527 would cost \$55 million over the 2015–2020 period, assuming appropriation of the necessary funds. Enacting the bill could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant. Enacting H.R. 527 would not affect revenues.

H.R. 527 contains no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

If any federal agencies increase their mandatory fees to offset the costs of implementing the additional analysis required by the bill, H.R. 527 would increase the cost of an existing mandate on private entities to pay those fees. CBO expects that if such mandatory fees are increased as a result of the bill, the additional cost of the mandate in any one year would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

Estimated Cost to the Federal Government: The estimated budgetary effect of H.R. 527 is shown in the following table. The costs of this legislation fall within budget functions 370 (commerce and housing credit), 800 (general government), and all budget functions that include funding for agencies that issue regulations affecting small businesses.

By fiscal year, in millions of dollars—							
	2015	2016	2017	2018	2019	2020	2015– 2020
CHANGES IN SPENDING SUBJECT TO APPROPRIATION							
Estimated Authorization Level .....	3	9	12	12	12	12	60
Estimated Outlays .....	2	7	10	12	12	12	55

Basis of Estimate: For this estimate, CBO assumes that the legislation will be enacted in fiscal year 2015, that the necessary amounts will be appropriated each year, and that spending will follow historical patterns for similar activities.

CBO is unaware of any comprehensive information on the current level of spending for regulatory activities governmentwide. However, according to the Congressional Research Service, federal agencies issue 3,000 to 4,000 final rules each year. Most rules, regardless of size, are promulgated by the Departments of Transportation, Homeland Security, and Commerce, and the Environmental Protection Agency (EPA). Most major rules (those with an estimated economic impact on the economy of more than \$100 million per year) are issued by the Departments of Health and Human Services and Agriculture, and EPA.

H.R. 527 would broaden the definition of a “rule” for rulemaking purposes to include agency guidance documents and policy statements. The bill also would expand the scope of the regulatory analysis for proposed and final rules to include an examination of indirect economic effects on small businesses and a more detailed analysis of the possible economic consequences of the rule for small businesses. The legislation defines indirect economic effects as any impact that is reasonably foreseeable. The legislation also would require agencies to prepare reports on

the cumulative economic impact on small businesses of new and existing regulations.

Implementing H.R. 527 would increase the amount of regulatory analysis that agencies would need to prepare, and it would expand the role of the SBA's Office of Advocacy and the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) in the rulemaking process. Finally, the legislation would require more federal agencies to use panels of experts to evaluate regulations and to prepare reports on the economic impact of proposed regulations on small business.

Information from OIRA, SBA, and some federal agencies indicates that the new requirements would increase the cost to issue a few hundred of the thousands of federal regulations issued annually. Based on that information, CBO estimates that administrative costs in some regulatory agencies, the SBA's Office of Advocacy, and OIRA would eventually increase by a total of about \$12 million annually, subject to the availability of appropriated funds. We expect that it would take about three years to reach that level of effort. The GAO report on the impact of the legislation of the Office of Advocacy would cost less than \$500,000 to complete, subject to the availability of appropriated funds.

Pay-As-You-Go considerations: The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement proce-

dures for legislation affecting direct spending or revenues. Enacting H.R. 527 could affect direct spending by agencies not funded through annual appropriations; therefore, pay-as-you-go procedures apply. CBO estimates, however, that any net increase in spending by those agencies would not be significant.

Intergovernmental and private-sector impact: H.R. 527 contains no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments.

If any federal agencies increase their mandatory fees to offset the costs of implementing the additional analysis required by the bill, H.R. 527 would increase the cost of an existing mandate on private entities to pay those fees. CBO expects that if such mandatory fees are increased as a result of the bill, the additional cost of the mandate in any one year would fall well below the annual threshold established in UMRA for private-sector mandates (\$154 million in 2015, adjusted annually for inflation).

Estimate prepared by: Federal Spending: Matthew Pickford and Susan Willie; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: Theresa A. Gullo, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON SMALL BUSINESS,  
Washington, DC, January 29, 2015.

Hon. BOB GOODLATTE,  
Chairman, Committee on the Judiciary, House  
of Representatives, Washington, DC.

DEAR CHAIRMAN GOODLATTE: I am writing to you concerning the bill H.R. 527, the Small Business Regulatory Flexibility Improvements Act of 2015. The legislation falls within Rule X (q) jurisdiction of the Committee on Small Business.

In the interest of permitting the Committee on the Judiciary to proceed expeditiously to floor consideration of this important bill, I am willing to waive the right of the Committee on Small Business to sequential referral. I do so with the understanding that by waiving consideration of the bill the Committee on Small Business does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X (q) jurisdiction. I request that you urge the Speaker to name members of this Committee to any conference committee which is named to consider the legislation.

Please place this letter into the committee report on H.R. 527 and into the Congressional Record during consideration of the measure on the House floor. Thank you for the cooperative spirit in which you have worked regarding this issue and others between our respective committees.

Sincerely,

STEVE CHABOT,  
Chairman.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, January 29, 2015.

Hon. STEVE CHABOT,  
Chairman, House Committee on Small Business,  
Washington, DC.

DEAR CHAIRMAN CHABOT, Thank you for your letter regarding H.R. 527, the "Small Business Regulatory Flexibility Improvements Act of 2015." As you noted, the Committee on Small Business was granted an additional referral of the bill.

I am most appreciative of your decision to discharge the Committee on Small Business from further consideration of H.R. 527 so that it could proceed expeditiously to the House floor. I acknowledge that although you waived formal consideration of the bill, the Committee on Small Business is in no way waiving its jurisdiction over the subject matter contained in those provisions of the bill that fall within your Rule X jurisdiction. I would support your effort to seek appointment of an appropriate number of conferees on any House-Senate conference involving this legislation.

I will include a copy of our letters in the Congressional Record during consideration of H.R. 527.

Sincerely,

BOB GOODLATTE,  
Chairman.

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

Mr. Chairman, H.R. 527, the Small Business Regulatory Flexibility Improvements Act, threatens to substantially undermine agencies' abilities to effectively regulate areas such as consumer health and product safety, environmental protections, workplace safety, and financial industry misconduct.

Under the guise of protecting small businesses from allegedly burdensome regulatory requirements, this bill is just another attempt to prevent regulatory agencies from promulgating regulations that promote and protect the

health and safety of Americans, overwhelm regulatory agencies with unnecessary and costly analysis, and give well-financed businesses and antiregulatory organizations even more opportunities to thwart the rule-making process.

This explains why the administration has threatened to veto this legislation, stating that the bill would seriously undermine the ability of agencies to execute their statutory mandates and would impede the ability of agencies to provide the public with basic protections.

It also explains why many of the Nation's leading consumer, labor, and environmental organizations have expressed similar concerns about this "dangerous" measure, including the AFL-CIO, the American Lung Association, the Consumer Federation of America, the Consumers Union, the Natural Resources Defense Council, Public Citizen, the United Auto Workers, and the National Women's Law Center.

One of my principal concerns about this bill is that it could jeopardize America's health and safety. Our Federal agencies are charged with promulgating regulations that impact virtually every aspect of our lives, including the air we breathe, the water we drink, the food we eat, the cars we drive, and even the toys we give our children.

Small businesses, like all businesses, provide services and goods that also affect our lives. It makes no difference to a victim who breathes contaminated air or who drinks poisoned water whether the hazards were caused by a small or a large business. The far-reaching legislation before us today would undermine the ability of Federal agencies to quickly respond to emergent health and safety concerns.

Section 5 of the bill, for example, repeals the authority under the current law that allows an agency to waive or delay the initial analysis required under the Regulatory Flexibility Act in response to an emergency that makes timely compliance impracticable. So, if there is a widespread E. coli outbreak or an imminent environmental disaster that could be quickly addressed through regulation, this bill says: Don't worry. Don't rush. Let's have the Chief Counsel for Advocacy decide.

I reserve the balance of my time.

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

I hear constantly when we are on the floor with bills, which sometimes are bipartisan and sometimes are not, that the President says he is going to veto them. I hope that is not the case, because when it comes to saying that the President is going to veto and his actually doing it, they are two different things. I hope the President works with us on this.

Again, we extend our hand across the aisle here and to the other side of the Capitol to simply say to the regulators

that this bill does not want to regulate the regulators. It wants the regulators to use common sense and to get input from the American people—the middle class—and from the people who create jobs, the small businesses, to see what they have to say.

I worked in a factory before I went to college and law school, and I worked my way up to mid-level management. When we did things, I brought in everyone—the people who even worked the machinery. We talked about things, and we resolved many, many things, but we got input from everyone.

As far as letters from people who support the bill, I have a list of 159 names and businesses. This is dated February 3, 2015, from A to Z—from the Adhesive and Sealant Council to woodworking machinery associations. All of these 159 small businesses support this legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, today I rise in opposition to H.R. 527, the Small Business Regulatory Flexibility Improvements Act.

I oppose this legislation, which would paralyze agency rulemaking through unworkable, complex requirements while aggrandizing the powers of the Small Business Administration's Office of Advocacy with broad authority to act as the gatekeeper of our Nation's regulatory system.

H.R. 527 would allow for large, regulated industries to manipulate the regulatory system in their favor while delaying or blocking critical safeguards to safeguard our Nation's food supply, environment, and workforce.

That is why the American Sustainable Business Council, a coalition of partner organizations representing over 200,000 businesses and more than 325,000 business professionals, opposes this legislation. This coalition notes that H.R. 527 would erode "the operational capacity of regulatory agencies to do their jobs," allowing for "the largest firms to further dominate the marketplace." In other words, H.R. 527 is a thinly-veiled handout to large corporations.

Mr. Chairman, Americans support smart regulation across party lines but not deregulation. Over 70 percent of Americans support strong rules to ensure an open Internet. By a 2-1 margin, Americans across the political spectrum support rules to address climate change by limiting emissions from coal-fired plants. Sixty percent of Americans support the strict regulation of financial institutions, tougher enforcement, and remain deeply concerned about dangerous financial practices.

These are the same rules in the crosshairs of the radical deregulatory agenda of my Republican colleagues.

Dangerous policies like H.R. 527 echo the same laissez-faire rhetoric of deregulation that led to the Great Depression and the Great Recession. H.R.

527 is more of the same. Another hand-out for the largest corporate interests, that is what this is. It is another bill designed to deregulate industries instead of to promote actual governance in order to deceive Americans through fuzzy math and untried and unfounded rhetoric.

Mr. Chairman, we need real solutions to help real people. We need legislation that creates middle class security and opportunity, and we need sensible regulations that protect American families from financial ruin, that encourage competition, and that bring predatory financial practices to an end.

We need legislation that brings the United States in conformity with the rest of the world's employment policies by guaranteeing paid sick leave and parental leave—I should say the world's industrialized economies' employment practices. According to the Rutgers Center for Women and Work, paid family leave increases wages for women with children while saving the Federal Government funds that would otherwise be allocated to assistance programs.

We need legislation that increases our global competitiveness by creating an affordable higher education. Strong evidence from a Department of Education report roundly demonstrates that investing in our education system expands job opportunities, boosts America's competitiveness, and supports the kind of income mobility that is fundamental to a growing economy.

In other words, what we need is actual governance that helps middle class families, that grows the economy, and that promotes international competitiveness.

What we don't need is yet another de-regulatory bill that would increase complexity in our regulatory system while placing a finger on the scales in favor of corporations and against the public interest. I ask that my colleagues oppose H.R. 527.

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

I have been doing some research over these couple of days. This administration alone has implemented over 75,000 pages of new regulations. I just read some figures earlier on this morning that, if we get rid of this ridiculous regulation—and I am not saying all regulation; we do need oversight regulation—almost \$1 trillion a year will be added to the economy and almost 1 million people will be added to work on a yearly basis. This is just excellent stuff.

I want to give you an example from my district, Pennsylvania's 10th District. I live in a little village called Cogan Station outside of Williamsport, which is the home of Little League World Series Baseball. I live in the middle of five farms, and I have been there for 15 years.

Pursuant to the Navigable Waters Act, the Army Corps of Engineers and the EPA have said that, if it rains and if a puddle forms on the farm—in an at-

tempt for this administration to get more control over our lives—because of the Navigable Waters Act, the EPA and the Army Corps have control now over that farm and can shut it down.

□ 0930

Now, I have been there for 15 years in the middle of these five farms, and I have yet to see as much as a rowboat go through. So this is just an example of how ridiculous this legislation can get.

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

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

Mr. MARINO. Mr. Chair, I have the distinct honor to yield 2 minutes to the gentleman from Kansas (Mr. HUELSKAMP), my good friend, to speak on behalf of us.

Mr. HUELSKAMP. Mr. Chair, here in Washington, D.C., I believe we have too many people working on K Street looking out for Wall Street when we should be, instead, fighting for Main Street. It is our Main Street businesses, our small businesses, that are the heart and soul of our economy and without which there will be no economic recovery.

America has slogged through 6 years of a lackluster economy in part because our hardworking small business men and women are strangled by this administration's overregulation. During my 267 town hall meetings throughout my district in the last 4 years, the number one complaint is this: there is too much regulation on small business from faceless, nameless bureaucrats in Washington, D.C., who don't understand the needs of rural America.

It is time for some red tape relief. It is time for some regulatory certainty. It is time to free up Main Street so they can kick-start our economy and get America back to work. As an active member of the Committee on Small Business, I encourage my colleagues to join me and millions and millions of small business entrepreneurs all across America and pass this bill today.

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

I would like to continue our discussion on this side.

Another problem with this bill, my colleagues, is that it will waste millions of taxpayer dollars by forcing agencies to redirect their scarce resources to meet the bill's burdensome compliance requirements. Section 6 of the bill, for example, would require agencies to review not only all rules currently in effect, but, in addition, all guidance documents in effect as of the bill's date of enactment. Now, we are talking about thousands of pages of regulations in the Code of Federal Regulations and several hundred thousand guidance documents.

So, what is to be gained by that?

Thus, it is no wonder that the Congressional Budget Office estimated that it would cost \$45 million over a 5-year period to implement the new re-

quirements imposed under a substantively similar bill considered in the last Congress. Rather than burdening agencies responsible for protecting our health and safety, we should be exploring constructive ways to help small business comply with these regulations.

Finally, this bill will do little to help small businesses, while simultaneously giving corporate interests increased control over the rulemaking process. The bill's expansion in section 8 of judicial review to include challenges to the adequacy of regulatory flexibility analysis would open the door to endless litigation by well-funded antiregulatory business interests who could challenge agency compliance with the legislation's numerous vague, speculative, and cumbersome analytical and other requirements.

I think we get the drift here, where they are going and where they are coming from. I share my colleagues' belief that small business plays an important role in our economy, but this bill does nothing to alleviate the burden, the purported burden on small entities of complying with Federal regulations. In fact, it includes no provision that offers assistance to small entities, whether through subsidies, government-guaranteed loans, preferential tax treatment for small firms, or fully funded compliance assistance offices. Instead, the bill merely aggrandizes the power of the professional lobbying class in Washington, creating opportunities for a well-funded business interest to intervene in the process.

This is a very harmful bill that puts the health and safety of all Americans at risk, while adding nothing to the efficiency or cost-effectiveness of agency rulemaking. Therefore, I urge my colleagues to oppose this dangerous legislation.

I yield back the balance of my time.

Mr. MARINO. Mr. Chair, I yield myself such time as I may consume.

I understand the responsibility of having oversight over any business, but let me give you a couple of examples, again, from my district where a small community bank, who is the primary lender of small businesses, instead of hiring more tellers to expand the business and provide better service for their small business clients, had to hire three people just to review and keep up with regulatory reform that applies to large national and international banks who are lending hundreds of millions of dollars.

That is not the case with smalltown banks. They are lending money to the young man and woman who got a job, saved some money, want to buy a car, and have to go to the bank and say: Can you lend me \$10,000? The paperwork that the bank has to go through to do that is costing jobs and costing our economy.

I just got a call yesterday from one of my constituents. The Amish in my district were putting a roof on a small barn they had. OSHA stopped by and

shut it down and fined the Amish because they didn't have helmets on. They only had their straw hats. So he put them out of work for a couple of weeks. They had to pay a fine, and then they have to go buy helmets to put a small roof on a small barn.

I have a constituent from my district who has a little grocery store, and he just had a shipment of bread delivered. It just so happened that an inspector was there, and the bread was brought in through the dock door and set next to, inside the dock door. He was fined because the bread, which is wrapped and on racks, was sitting too close to the dock door.

These are the types of regulation to which we are referring that crush jobs and are killing this economy. One of the inspectors was asked: Why are you doing this?

The inspector simply said, and according to my constituent, arrogantly said: Because I can.

That is no way for an employee of the United States Government to be talking to someone who helps pay his wages.

So with that, Mr. Chair, this is a good piece of legislation. This is common sense, and this is very simple. Let's make the regulators do more with less. There are no agencies or departments in the Federal Government that can tell me that they are running as efficiently as they possibly can.

My good friend, the ranking member, said it is going to cost a great deal to have this rule, this legislation, implemented and the departments and agencies follow the rule. No. You know what the departments and agencies have to do? They have to do just exactly what small business operators throughout this country do: do more with less, and put in a good, hard day's work.

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

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

I rise today in support of this bill, H.R. 527, the Small Business Regulatory Flexibility Improvements Act of 2015.

I want to thank Chairman GOODLATTE as well as Chairman MARINO for the opportunity to work with them on this important piece of legislation.

Small businesses are critical to this country's success. They provide a means for millions of workers and their families to attain the American Dream. They employ one out of every two private sector workers and create two of every three new private sector jobs.

There are over 926,000 small businesses in my home State of Ohio. Small firms rarely have in-house legal departments or regulatory compliance experts on staff. Often, it is the small business owner, the individual running the business and meeting payroll, who also must keep up with regulations and the payment of taxes.

Small manufacturers, retailers, and construction firms want to comply

with the law. However, when they divert resources to costly regulatory compliance, they cannot hire workers or start new projects or make other job creation investments.

If there is a way to find less expensive means to achieving regulatory objectives of our agencies, small businesses could protect the environment and workers and still create the good middle class jobs that this country needs.

There is such a law, the Regulatory Flexibility Act, or RFA, which requires agencies to understand the costs to small businesses and find less costly alternatives while meeting the regulatory missions required by statute. However, despite admonitions by multiple Presidents, including the current one, agencies continue to ignore the RFA.

The bill before us today, H.R. 527, the Small Business Regulatory Flexibility Improvements Act of 2015, addresses a goal shared by virtually all Republicans and some Democrats and will ensure that agencies no longer ignore the law and craft more cost-effective regulations. The bill will force agencies to analyze both direct and reasonably foreseeable indirect effects of their rules, just as they are required to do when promulgating major regulations that affect the environment under the National Environmental Policy Act, or NEPA.

□ 0945

The bill provides for early input in the regulatory process so that agencies do not craft regulations that are so cost prohibitive that small businesses cannot comply, and seeks to ensure consistent application of the RFA by all agencies through regulations written by the Chief Counsel for Advocacy, a process first used to ensure that all agencies performed adequate environmental impact statements under NEPA.

Even with the additional procedures, nothing in H.R. 527 will prevent an agency from issuing a regulation. H.R. 527, to paraphrase President Ronald Reagan, simply requires that agencies know before they regulate. Common sense.

H.R. 527 will ensure that agencies adopt commonsense regulations that achieve their objectives while reducing unnecessary burdens on our best job creators, which are small businesses. About 70 percent of the jobs that are created in our economy nowadays are created by small businesses, after all. That is why the legislation has bipartisan support, and over 150 associations representing the full range of small businesses support passage of this legislation.

Mr. Chair, to fully understand how the bill will work, it is important the committee report filed by the gentleman from Virginia be read together with the committee report on the predecessor bill, H.R. 2542 filed in the 113th Congress by my predecessor as chairman of the Committee on Small Business, the gentleman from Missouri, Mr. GRAVES.

With that, I urge my colleagues to support this very good legislation, I believe, and I reserve the balance of my time.

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

Reducing the costs of regulations is a very important issue for small businesses, and it is an issue that is always on their minds. Complicated rules and duplicative requirements can create burdens for small firms across a wide range of industries. Unchecked regulations can reduce companies' profitability, causing them to reduce employment and, in the worst cases, even go out of business.

It is for these very reasons that President Barack Obama has taken strong actions. He has issued several broad-based executive orders on rule-making. Most importantly, he instructed agencies to conduct retrospective review of their regulations. These reviews have resulted in near-term cost savings to the U.S. economy of \$10 billion.

He has always required agencies to estimate the costs and benefits of regulations, consider less burdensome alternatives, and incorporate those that are affected by regulations into the rule-making process.

Taken together, these efforts are helping to rein in regulatory costs, while ensuring that agencies can carry out their mission. It is against this backdrop that we are considering the bill before us today.

Too often on the House floor legislation is painted as either being totally perfect or completely awful. With this bill, neither of these characterizations is appropriate. In fact, on many fronts, H.R. 527 contains several very positive provisions and will make a real difference for small businesses.

Many of these provisions were contained in legislation that passed out of the Small Business Committee when I was the chair. Together with current Chairman CHABOT, who was then the ranking member, we passed a regulatory reform bill unanimously out of our committee.

For instance, the bill makes the agency's reg flex analyses more detailed so that they cannot simply overlook their obligations to small businesses. It also gives "real teeth" to periodic regulatory look-backs, which require agencies to review outdated regulations that remain on the books. Agencies will also be required to evaluate the entire impact of their regulations, something that is long overdue. And it cannot go without mention that the bill brings the IRS under the purview of the RFA. This is a real improvement for small firms, who will undoubtedly benefit from greater scrutiny of complex and burdensome tax rules. These are all constructive changes that will bring real relief to small businesses.

With that said, Mr. Chairman, there are other items in this legislation that

leave you scratching your head. Adding so many new agencies to the panel process is a recipe for disaster. Such a dramatic change will require new bureaucratic processes, more staff, and more paperwork.

It must be ironic for my colleagues on the other side of the aisle that this bill attempts to reduce Federal regulation by dramatically expanding the role and scope of government.

It also applies reg flex to land management plans, something I have never heard small businesses complain about in my 17 years on the committee. Doing so will enable corporate interests to more readily challenge land use decisions, which could have adverse consequences for the environmental stewardship of public lands. The reality is that the RFA was just not intended to cover these types of actions, and it should not do so going forward.

Another head-scratcher is the creation of another office of size standard within the Small Business Administration. The SBA already has one and does not need two. There is simply no reason to create this bureaucratic duplication. I think both sides of the aisle would agree that, during a time of fiscal constraint, we do not need to be wasting money on a new office when it already exists in the very same agency.

Finally, it is important to note that the Office of Advocacy's footprint has traditionally been minimal, with a budget of \$9 million and 46 employees. According to CBO, its budget would have to potentially double to handle the new responsibilities of H.R. 527.

CBO also notes that the private sector could also face increased costs. Federal agencies will likely charge the private sector higher fees to carry out the new responsibilities under this bill.

Simply put, now is not the time to make costly statutory leaps when smaller steps are more appropriate.

It is important to remember that tinkering with our regulatory system will not turn the economy around and create jobs that we need in our communities. In order to make real inroads, we need to, instead, provide businesses with the capital they need to start up and grow through affordable lending and getting more customers through their doors. The best way to achieve that is by increasing the Federal minimum wage.

In the end, legislation such as this detracts us from the real task at hand: creating real jobs through substantive progrowth policies.

So in conclusion, there are some good and some not so good things in this bill. I want to acknowledge the effort by the bill's managers, but in the end, it is not something that I can support, given the imposition of too many questionable policies. However, I want to thank Chairman CHABOT for always being open to discussions, and I look forward to continuing our dialogue on this legislation.

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

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. KNIGHT), who is a new member of the Committee on Small Business.

Mr. KNIGHT. Mr. Chairman, I rise today in support of H.R. 527, to grant long-overdue relief from Federal regulations for small business owners.

This issue is especially important to me as a Representative from California. As of 2012, California had more small businesses and employees than any other State, according to the Small Business Association.

As I understand it, this act does not stop regulation. It just asks for some common sense. When we are looking at small business, all we want is for them to make money, morally and ethically, so that they can expand, so that they can hire, so that they can produce for our country. Well, this is a step in the right direction. Analyzing direct and indirect impacts is something that we should want from our government, federally and statewide.

Many Americans just want to work. The best way Congress can help is cutting some of the burdensome red tape and letting job creators do what they do best—and maybe letting us get out of the way.

Instead of making small businesses spend thousands of dollars and hundreds of hours trying to understand and comply with regulations that might not help, we should let them focus on getting Americans back to work.

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

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. HARDY), who is also a new member of the Committee on Small Business.

Mr. HARDY. Mr. Chairman, I rise to voice my support for this bipartisan effort to ensure that small businesses and their employees are not overburdened by regulations.

As a former business owner, I know how government intrusion and overregulation can increase costs, decrease efficiency, and ultimately harm hard-working individuals and their families. These taxpayers deserve a responsive government that is efficient, effective, and accountable to them.

As we fight for an environment more favorable to job creation, Federal agencies cannot be allowed to bypass their obligation to measure the direct and indirect economic effects regulations have on businesses. Ultimately, these businesses—the economic engines of our communities—should have the freedom to pursue safe, responsible opportunities unhampered by burdensome rulemaking and red tape.

As a result, communities and businesses, like those represented by the Nevada Manufacturers Association, will thrive. That is why, Mr. Chairman, I stand alongside my colleagues from both sides of the aisle to cosponsor this bill.

Ms. VELÁZQUEZ. I continue to reserve the balance of my time.

Mr. CHABOT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. CURBELO), who is also a new member of the Small Business Committee.

Mr. CURBELO of Florida. I thank the chairman for being a strong advocate for our Nation's emerging entrepreneurs. I look forward to serving under your leadership on the Small Business Committee.

Mr. Chairman, our local businesses employ our friends and neighbors, helping them pay their bills and provide a better life for themselves and their families.

When we talk about helping our local businesses, it is not just about the entrepreneurs. It is also about helping the workers that depend on them for their paychecks. It is not just about strengthening Main Street; it is also about keeping our neighbors strong and prosperous. We should never forget the vital role that our local businesses play in our communities.

The Small Business Regulatory Flexibility Improvements Act upholds this commitment. Current law requires an analysis to determine if a new rule could have "significant economic impact on a substantial number of small entities." Unfortunately, our government agencies have failed to comply with the law's spirit.

Among its provisions, the underlying legislation targets loopholes agencies use to avoid Regulatory Flexibility Act requirements. It also requires agencies to include assessments on the cumulative impacts a new rule may have on small businesses.

The CHAIR. The time of the gentleman has expired.

Mr. CHABOT. I yield the gentleman an additional 30 seconds.

Mr. CURBELO of Florida. I thank the gentleman.

Now is the time for us to focus on creating well-paying jobs for our communities. I urge my colleagues to vote for passage.

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

Since its enactment in 1980, the Regulatory Flexibility Act has reduced the burden of Federal rules on small businesses. It has evolved over time to include new tools, expanding its purview, and making a real difference for entrepreneurs across the country.

With this important role in mind, the legislation before us makes some essential changes, such as requiring more robust reviews of existing regulations and ensuring that new rules are more thoroughly examined. This improvement will give small firms a greater voice, while reducing the compliance costs they face in so many facets of their business; however, in other areas, the bill goes too far.

At a time of mountainous deficits and growing taxpayer anger at how tone-deaf Congress has become, H.R. 527 will dramatically expand the Federal bureaucracy at a cost of nearly \$60 million.



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It also turns the SBA's Office of Advocacy into another superregulator, giving it unprecedented authority to issue regulations and greatly increase its role into judicial proceedings.

Mr. Chairman, I don't want people to think that I do not appreciate the fine work that the Office of Advocacy does on behalf of small businesses, but what this bill does is setting them up for failure.

And with all these new powers, it does nothing to pay for it. Instead, it leaves taxpayers with just another bill.

While it is important to empower small businesses, this is not the best and most cost-effective way to do it. In fact, there is no clear estimate of how much savings small businesses will actually receive as a result of this legislation.

The truth is, there are better ways to accomplish these very objectives but without the extravagance of this legislation.

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

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

Mr. Chairman, too often, agencies craft one-size-fits-all regulations that do not account for the impact on small businesses. It is our job to remember that what affects small businesses also affects families that depend on those small businesses.

Agencies can still achieve their regulatory objectives while creating smarter, more narrowly-tailored regulations that are sensitive to small businesses.

Some claim that agencies are already doing what the RFA requires—outreach to small business and assessment of economic impacts. If that is the case, agencies should have no problem meeting the new requirements of this legislation. It simply ensures that agencies comply with the letter and spirit of the RFA, as President Obama stated in a memorandum to agencies on January 18, 2011.

Mr. Chair, I urge my colleagues to support the bill, and yield back the balance of my time.

Mrs. RADEWAGEN. Madam Chair, I rise today in support of H.R. 527, the Small Business Regulatory Flexibility Improvements Act.

Madam Chair, for too long, small businesses have had to conform to a "one size fits all" approach. The intent of the original law, which was passed in 1980, was to lessen the burden on small businesses when conforming to regulatory issues.

Since that time Federal Agencies have abused certain loopholes in the codes, to enforce often arbitrary costs to those businesses. These additional expenditures are far too often the difference between a small business thriving or going under.

I know that in the Territory of American Samoa, our local economy is absolutely dependent upon small businesses and their success. This legislation will enable those who own small businesses across the nation and the territories to have a greater degree of cer-

tainty when planning for the future of their business, by allowing for input into the regulatory process from the business owners themselves. This legislation will also require those rule making agencies to regularly review the regulations that are already on the books and what impact they are having small businesses.

Madam Chair, I want to thank Chairman CHABOT and the Small Business Committee staff for their hard work in bringing this bill to the floor, and I firmly voice my support for H.R. 527, the Small Business Regulatory Flexibility Improvements Act and urge my colleagues in the House to also support this important measure.

The Acting CHAIR (Ms. JENKINS of Kansas). 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 an amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-3. 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. 527

*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 "Small Business Regulatory Flexibility Improvements Act of 2015".*

#### **SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.**

*(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:*

*"(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule pertaining to the protection of the rights of and benefits for veterans or a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances."*

*(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:*

*"(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—*

*"(A) any direct economic effect on small entities of such rule; and*

*"(B) any indirect economic effect (including compliance costs and effects on revenue) on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule)."*

*(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—*

*(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting "Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any bene-*

*ficial significant economic impact on small entities."*

*(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking "minimize the significant economic impact" and inserting "minimize the adverse significant economic impact or maximize the beneficial significant economic impact".*

*(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting "and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)))," after "special districts,".*

*(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULEMAKING.—*

*(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—*

*(A) by striking "or" after "proposed rule,"; and*

*(B) by inserting "or publishes a revision or amendment to a land management plan," after "United States,".*

*(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—*

*(A) by striking "or" after "proposed rulemaking,"; and*

*(B) by inserting "or adopts a revision or amendment to a land management plan," after "section 603(a),".*

*(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:*

*"(10) LAND MANAGEMENT PLAN.—*

*"(A) IN GENERAL.—The term 'land management plan' means—*

*"(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and*

*"(ii) any plan developed by the Secretary of the Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).*

*"(B) REVISION.—The term 'revision' means any change to a land management plan which—*

*"(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or*

*"(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-6 of title 43, Code of Federal Regulations (or any successor regulation).*

*"(C) AMENDMENT.—The term 'amendment' means any change to a land management plan which—*

*"(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or*

*"(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C))."*

*(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—*

*(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting "or*

a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.”

(2) **COLLECTION OF INFORMATION.**—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

“(7) **COLLECTION OF INFORMATION.**—The term ‘collection of information’ has the meaning given such term in section 3502(3) of title 44.”

(3) **RECORDKEEPING REQUIREMENT.**—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

“(8) **RECORDKEEPING REQUIREMENT.**—The term ‘recordkeeping requirement’ has the meaning given such term in section 3502(13) of title 44.”

(g) **DEFINITION OF SMALL ORGANIZATION.**—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

“(4) **SMALL ORGANIZATION.**—

“(A) **IN GENERAL.**—The term ‘small organization’ means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

“(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

“(ii) in the case of any other enterprise, has a net worth that does not exceed \$7,000,000 and has not more than 500 employees.

“(B) **LOCAL LABOR ORGANIZATIONS.**—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

“(C) **AGENCY DEFINITIONS.**—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.”

### SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “, and” at the end and inserting “;”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and”;

and

(2) in subsection (c), to read as follows:

“(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.”

### SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) **INITIAL REGULATORY FLEXIBILITY ANALYSIS.**—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available;

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities; and

“(8) describing any impairment of the ability of small entities to have access to credit.”

(b) **FINAL REGULATORY FLEXIBILITY ANALYSIS.**—

(1) **IN GENERAL.**—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”;

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting “detailed” before “description”;

(C) in the second paragraph (6), by striking the period and inserting “; and”;

(D) by redesignating the second paragraph (6) as paragraph (7); and

(E) by adding at the end the following:

“(8) a detailed description of any disproportionate economic impact on small entities or a specific class of small entities.”

(2) **INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.**—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”.

(3) **PUBLICATION OF ANALYSIS ON WEBSITE.**—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency’s website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.”

(c) **CROSS-REFERENCES TO OTHER ANALYSES.**—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.”

(d) **CERTIFICATIONS.**—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting “detailed” before “statement” the first place it appears; and

(2) by inserting “and legal” after “factual”.

(e) **QUANTIFICATION REQUIREMENTS.**—Section 607 of title 5, United States Code, is amended to read as follows:

#### “§607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”

### SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) **IN GENERAL.**—Section 608 is amended to read as follows:

#### “§608. Additional powers of Chief Counsel for Advocacy

“(a)(1) Not later than 270 days after the date of the enactment of this section, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

“(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

“(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

“(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.”

(b) **CONFORMING AMENDMENTS.**—

(1) Section 611(a)(1) of such title is amended by striking “608(b).”

(2) Section 611(a)(2) of such title is amended by striking “608(b).”

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking “(3)(A) A small entity” and inserting the following:

“(3) A small entity”.

### SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

“(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

“(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

“(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

“(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

“(A) relates to the internal revenue laws of the United States; or

“(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

“(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

“(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule



and the compliance of the agency with section 603; and

“(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

“(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule’s impact on the cost that small entities pay for energy, an assessment of the proposed rule’s impact on start-up costs for small entities, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

“(3) Such report shall become part of the rule-making record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

“(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

“(1) an annual effect on the economy of \$100,000,000 or more;

“(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

“(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(4) a significant economic impact on a substantial number of small entities.

“(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.

“(g) A small entity or a representative of a small entity may submit a request that the agency provide a copy of the report prepared under subsection (d) and all materials and information provided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b). The agency receiving such request shall provide the report, materials and information to the requesting small entity or representative of a small entity not later than 10 business days after receiving such request, except that the agency shall not disclose any information that is prohibited from disclosure to the public pursuant to section 552(b) of this title.”.

#### SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

##### “§610. Periodic review of rules

“(a) Not later than 180 days after the enactment of this section, each agency shall publish in the Federal Register and place on its website

a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency’s website.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of this section within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of this section within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

“(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses (including small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such terms are defined in the Small Business Act)) for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

“(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

“(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

“(1) The continued need for the rule.

“(2) The nature of complaints received by the agency from small entities concerning the rule.

“(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

“(4) The complexity of the rule.

“(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it

to be infeasible, State, territorial, and local rules.

“(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

“(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(f) Each year, each agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. The agency shall include in the publication a solicitation of public comments on any further inclusions or exclusions of rules from the list, and shall respond to such comments. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

#### SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking “final agency action” and inserting “such rule”.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting “(or which would have such jurisdiction if publication of the final rule constituted final agency action)” after “provision of law.”.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking “final agency action” and inserting “publication of the final rule”; and

(2) by inserting “, in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,” after “except that”.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period “or agency compliance with section 601, 603, 604, 605(b), 609, or 610”.

#### SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (7) the following new paragraph:

“(8) all final rules under section 608(a) of title 5.”.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.”.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting “chapter 5, and chapter 7,” after “this chapter.”.

**SEC. 10. ESTABLISHMENT AND APPROVAL OF SMALL BUSINESS CONCERN SIZE STANDARDS BY CHIEF COUNSEL FOR ADVOCACY.**

(a) IN GENERAL.—Subparagraph (A) of section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)(A)) is amended to read as follows:

“(A) IN GENERAL.—In addition to the criteria specified in paragraph (1)—

“(i) the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for purposes of this Act or the Small Business Investment Act of 1958; and

“(ii) the Chief Counsel for Advocacy may specify such definitions or standards for purposes of any other Act.”.

(b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of section 3(a)(2)(C) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(iii)) is amended to read as follows:

“(iii) except in the case of a size standard prescribed by the Administrator, is approved by the Chief Counsel for Advocacy.”.

(c) INDUSTRY VARIATION.—Paragraph (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(3)) is amended—

(1) by inserting “or Chief Counsel for Advocacy, as appropriate” before “shall ensure”; and

(2) by inserting “or Chief Counsel for Advocacy” before the period at the end.

(d) JUDICIAL REVIEW OF SIZE STANDARDS APPROVED BY CHIEF COUNSEL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following new paragraph:

“(9) JUDICIAL REVIEW OF STANDARDS APPROVED BY CHIEF COUNSEL.—In the case of an action for judicial review of a rule which includes a definition or standard approved by the Chief Counsel for Advocacy under this subsection, the party seeking such review shall be entitled to join the Chief Counsel as a party in such action.”.

**SEC. 11. CLERICAL AMENDMENTS.**

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(1) the term” and inserting the following:

“(1) AGENCY.—The term”;

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(3) the term” and inserting the following:

“(3) SMALL BUSINESS.—The term”;

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(5) the term” and inserting the following:

“(5) SMALL GOVERNMENTAL JURISDICTION.—The term”;

(4) in paragraph (6)—

(A) by striking “; and” and inserting a period; and

(B) by striking “(6) the term” and inserting the following:

“(6) SMALL ENTITY.—The term”.

(b) INCORPORATIONS BY REFERENCE AND CERTIFICATIONS.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

**“§ 605. Incorporations by reference and certifications”.**

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended as follows:

(1) By striking the item relating to section 605 and inserting the following new item:

“605. Incorporations by reference and certifications.”.

(2) By striking the item relating to section 607 and inserting the following new item:

“607. Quantification requirements.”.

(3) By striking the item relating to section 608 and inserting the following:

“608. Additional powers of Chief Counsel for Advocacy.”.

(d) OTHER CLERICAL AMENDMENTS TO CHAPTER 6.—Chapter 6 of title 5, United States Code, is amended in section 603(d)—

(1) by striking paragraph (2);

(2) by striking “(1) For a covered agency,” and inserting “For a covered agency,”;

(3) by striking “(A) any” and inserting “(1) any”;

(4) by striking “(B) any” and inserting “(2) any”; and

(5) by striking “(C) advice” and inserting “(3) advice”.

**SEC. 12. AGENCY PREPARATION OF GUIDES.**

Section 212(a)(5) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

“(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.”.

**SEC. 13. COMPTROLLER GENERAL REPORT.**

Not later than 90 days after the date of enactment of this Act, the Comptroller General of the United States shall complete and publish a study that examines whether the Chief Counsel for Advocacy of the Small Business Administration has the capacity and resources to carry out the duties of the Chief Counsel under this Act and the amendments made by this Act.

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 114–14. 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. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 114–14.

Mr. PETERS. Madam Chair, 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 11, strike “a rule” and all that follows through “a rule” on line 13 and insert the following: “—

“(A) a rule pertaining to the protection of the rights of and benefits for veterans or part 232 of title 32 of the Code of Federal Regulations (as in effect on July 1, 2014) or any successor provisions thereto; or

“(B) a rule”.

Page 11, insert after line 14 (and redesignate succeeding subparagraphs accordingly) the following:

(C) in the first paragraph (6), by striking “; and” at the end;

Page 13, line 21, insert after “Section 608” the following: “of title 5, United States Code,”.

The Acting CHAIR. Pursuant to House Resolution 78, the gentleman from California (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. PETERS. Madam Chair, my amendment is very straightforward and has a singular goal of making sure that we are not making our Active Duty servicemembers more vulnerable to predatory lending.

Members of our Armed Services make sacrifices every day to protect our country from harm and to defend our freedoms, and it is our responsibility here in Congress to ensure that these men and women are protected from scams and predatory lenders that seek to exploit their service.

Sadly, it has become clear that the nature of military service makes our men and women in uniform the ideal targets for predatory loans that carry exorbitant interest rates.

San Diego, part of which I represent, is home to the largest concentration of military forces in the world. More than 100,000 Active Duty servicemembers call the region home. Predatory lending is an acute problem in my district and in the region and continues to hurt too many families.

Despite passage of the Military Lending Act of 2007 to eliminate this type of predatory lending, which too often leaves servicemembers and their families with crippling amounts of debt, there are a number of loopholes that these bad-acting lenders have continued to exploit.

These reprehensible predators are trapping servicemembers and their families in a cycle of debt that can be extremely difficult to overcome, and it is our responsibility, and we are able to act.

A bipartisan and bicameral effort has been made to call on the Department of Defense to issue rules that close the loopholes and ensure our Active Duty personnel do not fall victim to predatory practices that leave them financially strapped.

This amendment would keep regulations on predatory lenders so that we are maintaining a watchful eye on those companies that are exploiting those who have sacrificed so much for our safety, even as we move to reform and streamline the regulatory processes on businesses that are playing by the rules.

I want to thank Chairman GOODLATTE of the Judiciary Committee and Chairman CHABOT of the Small Business Committee for working with me over the past few days on this amendment, and for their commitment to working on a bipartisan basis to protect our servicemembers.

I hope my colleagues will join me in supporting this amendment.

Madam Chair, I yield back the balance of my time.

Mr. CHABOT. Madam Chairman, I claim the time in opposition, but I will

speak in favor of the gentleman's amendment.

The Acting CHAIR. The gentleman from Ohio is a recognized for 5 minutes.

Mr. CHABOT. Madam Chair, I yield myself such time as I may consume.

I want to thank the gentleman for offering this amendment, and I think this is a good example of the way bipartisanship should work. The gentleman offered, I think, a very constructive amendment. We committed that our staffs and the Members would work together on the gentleman's amendment, and most of us have agreed with the amendment and do support it now, so we thank him for his leadership on this amendment.

We strongly support our servicemembers and veterans. Our Nation owes them an enormous debt and the utmost respect.

In the last Congress an amendment was added to this legislation to allow rules that protect the rights and benefits of veterans to bypass the RFA process. That amendment is carried forward in today's legislation.

The legislation, however, does not yet place on the same plane rules written to protect Active Duty servicemembers from predatory lending. This amendment reconciles that difference, and so we again commend the gentleman for offering it.

In addition, the amendment makes a very small number of technical corrections to the text of the bill. In each of these ways, the amendment improves the bill. I would urge my colleagues to support the amendment.

Madam Chair, I yield whatever time he may consume to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Madam Chair, I just simply want to say that I support this legislation. I tell my children on a weekly basis—they can recite it verbatim—that if it were not for our veterans, if it were not for our military personnel and our servicemembers that are working now, my children wouldn't have what they have today. So I want to reinforce that.

Mr. CHABOT. Madam Chair, I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 2 will not be offered.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 114-14.

Mr. CONYERS. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Beginning on page 13, line 18, strike section 5 (and redesignate provisions accordingly).

The Acting CHAIR. Pursuant to House Resolution 78, the gentleman

from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Madam Chair, I yield myself such time as I may consume.

Madam Chairman, my amendment would preserve the ability of agencies to quickly respond to emergencies that threaten America's health and safety by striking one of the most pernicious elements of this legislation.

Section 5 of H.R. 527 contains one of the bill's most problematic provisions. As drafted, it could undermine the ability of agencies to quickly respond to emergent health and safety risks.

So this section repeals the authority under current law that allows an agency to waive or delay the initial analysis required under the Regulatory Flexibility Act "in response to an emergency that makes compliance or timely compliance impracticable."

Rather than leave this critical exception under current law in place, section 5 replaces it with a provision empowering the Chief Counsel for Advocacy to issue regulations about how agencies, in general, should comply with the act, without any provision allowing agencies to respond to emergencies through expedited rulemakings.

Thus, if there is a looming national pandemic or environmental disaster that could be avoided or mitigated through regulation, the bill prevents agencies from responding to such emergencies without first having to go through the arduous and time-consuming task of review and analysis.

For example, last year, OSHA issued guidance to assist hospitals in preparing to provide inpatient care for Ebola patients.

H.R. 527, however, would have significantly delayed this process. This is because the legislation broadly applies to both rules and interim guidance, requiring agencies to undertake a burdensome analysis and review process prior to issuing even interim guidance.

And because H.R. 527 eliminates the emergency exception, there would have been no way for OSHA to quickly act in the face of a possible Ebola outbreak.

This amendment would simply preserve the critical emergency exception under current law so that agencies can quickly respond to emergencies without being hampered or second-guessed by others.

I urge my colleagues to support this commonsense amendment, and I reserve the balance of my time.

Mr. MARINO. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR (Mr. TIPTON). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chairman, one of the key failings of existing law is that it allows different agencies to interpret differently the terms of the Regulatory Flexibility Act and Small Business Regulatory Enforcement Fairness Act.

This allows agencies to find loopholes at their pleasure and evade the requirements of the law.

The bill remedies this defect by granting the Small Business Administration's Office of Chief Counsel for Advocacy authority to write regulations to govern all agencies' compliance with the RFA and SBREFA.

The bill also grants the Office of Chief Counsel authority to intervene—the key word there, "intervene"—in agency adjudications and offer comments in agency notice-and-comment proceedings. These reforms will, at last, assure consistent compliance with the RFA and the SBREFA across the entire Federal Government.

The amendment would defeat the purpose and restore to the agencies their ability to find loopholes to suit their whims. America's small business creators deserve better than that.

I urge my colleagues to oppose this amendment.

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

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

So if there is a looming environmental disaster or a national pandemic like Ebola that could be mitigated through regulation, this bill says: "Don't worry, don't rush. Let's have the Office of Advocacy decide."

And what is this Office of Advocacy?

Well, it is an office that is woefully ill-equipped to fulfill its current responsibilities. So I urge support for the amendment.

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

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

The amendment was rejected.

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AMENDMENT NO. 4 OFFERED BY MR. SCHRADER

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 114-14.

Mr. SCHRADER. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

#### SEC. 14. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—In the case of any rule that the Director of the Office of Management and Budget determines would result in net job creation, the amendments made by this Act shall not take effect, and the provisions of law amended, as in effect on the day prior to the effective date of this Act, shall remain in effect.

The Acting CHAIR. Pursuant to House Resolution 78, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. SCHRADER. Mr. Chair, on many fronts, H.R. 527 does a very good job strengthening requirements that agencies review regulations that are already on the books, with stronger analyses about how these regulations impact small businesses. Ensuring that agencies are operated in an efficient manner has never been so important. This means that efforts must be made to limit programs that tend to duplicate one another.

Now, unfortunately, section 10 of this legislation creates a duplicative program, using resources twice at the SBA. It further grows the convoluted aspects of the Federal Government's regulatory processes.

To approve a size standard has been the province of the SBA administrative office. It requires expertise and analytical resources, which the Office of Advocacy will now have to acquire. This will duplicate similar resources maintained by the SBA's office of size standards. It seems very redundant to create another office to do the same thing that a current office already does. The Chief Counsel for Advocacy for President Reagan testified in 2011 before the Small Business Committee that Advocacy should not take on the new responsibilities outlined in this very legislation.

My amendment is simple. It would strike this duplicative section and keep all the regulatory flexibility reforms that are in the bill. Eliminating this provision from the bill will not have any effect on the size standard process or on small businesses. It will be business as usual. What it does do is saves taxpayers from footing the bill for two identical size standard offices.

For these reasons, I urge Members to vote "yes" on this amendment, which is a vote to reduce waste and unnecessary duplication at the SBA. Reducing government complexity should be a bipartisan effort.

I yield back the balance of my time.

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

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

Mr. CHABOT. Mr. Chair, this amendment proposes to strike section 10 from the bill, which gives the Small Business Administration's Chief Counsel for Advocacy authority to approve small business size standards for the purposes of any act other than the Small Business Act and the Small Business Investment Act of 1958. That includes, of course, authority to approve size standards for the purposes of the RFA.

This makes sense, since the Chief Counsel for Advocacy, not the Small Business administrator, is charged with overseeing agency compliance with the RFA; and the Chief Counsel exercises that authority independently from the SBA administrator.

The theory of the amendment is that, under section 10, a new size standards office, duplicative of the SBA administrator's own size standards office, will be created. But that is just not the case.

The SBA administrator will retain the authority to set size standards under the Small Business Act and the Small Business Investment Act of 1958. But alternative size standards for the purposes of RFA compliance are a different matter, and under existing law, agencies must consult with the Chief Counsel for Advocacy with regard to those alternative size standards.

To authorize the Chief Counsel for Advocacy to actually approve size standards about which it already must be consulted is simply to formalize an existing reality, not to create a duplicative function or a duplicative office. Stated differently, it is erroneous to think that the Office of Advocacy will have to establish a new office of size standards to do what the Office of Advocacy already essentially does. Therefore, I would urge my colleagues to oppose the amendment.

And just in summary, I would reiterate that 70 percent of the jobs that are created in this economy today are created by small businesses. They are overregulated. The RFA was basically set up to avoid the impact on small businesses by all these regulations that are being imposed upon them.

For small businesses, it is much more expensive for them to comply than it is for larger corporations who have lots of staff. They have attorneys. They have accountants and everything else. If you are a small business owner, it can be the death of that business. And it is not just that business that goes down the drain, but those jobs do, too. That affects families all over this country all the time.

The purpose of this legislation is to improve the Regulatory Flexibility Act, and that is why virtually all Republicans and many Democrats also have endorsed and supported this legislation in the past and do this time.

There is something like 160 different companies and agencies around the country that are supportive, and I just wanted to name a few of those:

The American Dental Association; the Farm Bureau; the Trucking Association; Associated Builders and Contractors; the credit unions; the National Association of Manufacturers; the Realtors; the National Federation of Independent Business, NFIB, which is the principal organization that advocates on behalf of small businesses in this country; the National Restaurant Association; the Retail Federation; the independent drivers; the Chamber; and on and on. Obviously, I don't have time to read them all.

This is good legislation. I would urge my colleagues to support it.

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

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

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

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

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

AMENDMENT NO. 5 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 114-14.

Mr. JOHNSON of Georgia. Mr. Chair, 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 26, beginning on line 9, strike section 10, and redesignate succeeding sections accordingly.

The Acting CHAIR. Pursuant to House Resolution 78, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chair, I rise in support of my amendment, which would exempt from H.R. 527 all rules that the Office of Management and Budget determines would result in net job creation.

Under President Obama, our country has rebounded from the Great Recession, creating 11 million new jobs over 5 years, and unemployment is falling at the fastest rate in three decades. Consumer and business spending have catalyzed the fastest gross domestic product growth since 2003. My amendment would ensure that this meteoric growth and progress continues.

Contrary to my Republican colleagues' assertion that regulations kill jobs, a wealth of unimpeachable, bipartisan evidence has repeatedly and effectively debunked this claim. Studies by both the San Francisco and New York Federal Reserve found that there is zero correlation between job growth and regulations and that there is no evidence showing that increased regulations and taxes have any effect on the unemployment rate.

And the evidence that regulations harm the economy? The only evidence relied on for the absurd figures repeated by the proponents of this bill derive from a study roundly disproven by the nonpartisan Congressional Research Service, which found that the study's cost figures were cherry-picked, inaccurate, based on evidence from decades ago, and without contemporary value.

I have also heard my Republican colleagues repeatedly claim that regulations have a \$15,000 regulatory burden on every American family. Consequently, The Washington Post awarded this claim, "Two Pinocchios," on January 14, arguing that this absurd figure has "serious methodological problems—even the report admits it is 'not scientific' and 'back of the envelope'—and we fear these caveats are being forgotten as it is repeated in Capitol Hill news conferences and then in

news reports,” and sometimes even on this floor.

Mr. Chair, the economy and job growth are growing at its fastest pace in years on the back of sound economic policy and sensible regulations. Despite this growth, it is clear that many continue to struggle to live comfortably on their income, pay their bills on time, or set aside for retirement. Americans work harder than ever, thanks to corporations maximizing profits through a “streamlined workforce.” Meanwhile, the world’s top 1 percent will soon control half of the world’s wealth as the compensation of corporate executives balloons ever-higher.

The same corporations that are continuing to show record profit margins are also pushing deregulation and fewer taxes because they have a “myopic obsession with short-term profits at the expense of long-term value creation,” according to Henry Blodget, the CEO of Business Insider.

It is also clear that, despite its incredible workplace productivity, wages have stagnated. We do need to fix that, but unfortunately, deregulation does not do so.

Last Congress, Republicans blocked Democratic legislation that would increase the Federal minimum wage by less than \$3, lifting countless full-time workers out of poverty, while saving the Federal Government trillions in annual safety net costs.

Fortunately, for Americans, minimum wage increases have gone into effect in 20 States this month alone, bringing the minimum wage in 29 States above the Federal minimum wage, but yet this Congress refuses to take up legislation to increase the Federal minimum wage. Perhaps my Republican colleagues will heed the calls of workers across the country for a living wage. This bill does not do that.

I ask that my colleagues support my amendment, which does protect jobs.

I yield back the balance of my time.  
Mr. MARINO. Mr. Chair, I rise in opposition to the amendment.

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

Mr. MARINO. Mr. Chair, I share and welcome the gentleman’s concerns about the impacts of regulations on jobs, but the right way to address that concern is to join me in supporting this bill.

At the heart of the bill are reforms to make sure agencies better identify the potential jobs impact of new rules; that includes not only identifying and minimizing the adverse jobs impact, but maximizing positive job benefits. It is right there in subsection 2(c) on page 3 of the bill.

If the gentleman wants to maximize job creation, the way to do it is to make sure the provisions designed to maximize job benefits apply to all rules, including those that OMB believes will result in net job creation.

Why stop at just helping to create a net increase in jobs, which could mean

as little as just one net job? Why not make sure agencies always work with small businesses under the bill’s provisions to help create the most new jobs possible and prevent the destruction of the most jobs possible? Isn’t that what makes sense as the Nation tries to recover from the jobs depression?

Further, why create a carve-out from the bill that gives the executive branch an incentive to manipulate its jobs impact analyses to avoid the requirements of the bill rather than comply with them?

I would also like to bring to the Chair’s attention, this administration highly overinflates—or underinflates, whatever side you are looking at—the unemployment rate.

□ 1030

In the unemployment rate, they are not taking into account the almost 1 million people that are not looking for work, and that is normally taken into consideration. They are also taking into account as a person being employed as this example: a person who mows his neighbor’s lawn for 20 bucks because he doesn’t have a job. That is considered, according to this administration, a job.

Multiple reports clearly prove that the cost of Federal regulation to the U.S. economy, manufacturing, and small business, and Ten Thousand Commandments, these are reports from just last year, and they give the accurate account of the unemployment rate.

My good colleague on the other side of the aisle refers to a report from 2010. We should be referring to the latest reports as I hold them in my hand.

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

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

The amendment was rejected.

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE

The Acting CHAIR (Mr. BYRNE). It is now in order to consider amendment No. 6 printed in part A of House Report 114-14.

Ms. JACKSON LEE. 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:

Add, at the end of the bill, the following:

**SEC. 14. EFFECTIVE DATE.**

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of this Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) EXCEPTION.—In the case of a rule proposed, issued, or made by the Food and Drug Administration relating to consumer safety, including any rule made under the FDA Food Safety Modernization Act, the amendments made by this Act shall not take effect, and the provisions of law amended, as in effect on the day prior to the effective date of this Act, shall remain in effect.

The Acting CHAIR. Pursuant to House Resolution 78, the gentlewoman

from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, let me thank the chairman; thank the mover of this legislation; my ranking member, Mr. JOHNSON; and my ranking member of the full committee, Mr. CONYERS, for their leadership and for bringing us together around a universal concept.

We all are promoting jobs, Mr. Chairman. Not one of us on this floor wants to in any way undermine jobs. We want people to work, and we want small businesses to have the opportunity to thrive.

What I am talking about is the reality of protecting the American people when it comes to unique issues of health care. I am not going to cite the name of this individual, but what I am going to do is to read just a paragraph from Al Kamen, K-a-m-e-n, “In the Loop”:

“As a matter of fact, I think this is one where I think I can illustrate the point,” he recalled telling her. “I don’t have any problem with Starbucks if they choose to opt out of this policy as long as they post a sign that says, ‘We don’t require our employees to wash their hands after leaving the restroom.’ The market will take care of this. It is one example.”

Now, I have a different perspective, and so my amendment under this legislation asks to make an exception for rules that are dealing with consumer safety, saving lives.

My amendment makes an exception for rules from the Food and Drug Administration, commonly known as the FDA. This bill, H.R. 527, seeks to reform the Regulatory Flexibility Act of 1980 and 1996 which attempted to require agencies to account better for the impact of proposed regulations on small businesses, other small entities, and to tailor final regulations to minimize adverse impacts on these entities like the Food and Drug Administration.

Yes, small business can be a single franchise of a McDonald’s or Burger King or Starbucks, many of them doing quite well. It could be a number of them under one businessowner. But, in fact, they do deal with the public.

This bill continues to expand the reach and scope of the Regulatory Flexibility Act and would only add to already unnecessary and lengthy regulatory delays, increased meddling by regulated industries, and encourage gratuitous court challenges.

The Small Business Regulatory Flexibility Act adds a host of new analytical requirements for agency policy actions, including rulemakings and guidance documents, that might affect a large number of small businesses, even if that is indirect.

Because the bill defines indirect effects broadly, it would mandate costly and wasteful new analyses that could be applied to virtually any action and agency attempt to make a better life

for Americans, no matter how tenuous the connection to business interests.

Again, can we imagine not being able to regulate or interfere with some small business that says you do not have to wash your hands in a restaurant? It is shocking to me.

Mr. Chairman, when I wrote this amendment, I had in mind one of the new issues that we have been facing, and that is the story of CRE, which is a disease that is being found on endoscopes, that has been found in a particular hospital in the far West.

This disease, this rare bacteria, was likely spread through specialized endoscopes that have been cleaned according to manufacturer's directions but still had some form of deadly germs. Are we suggesting that it is not an emergency to regulate or to keep or to be able to suggest that there needs to be a better cleaning process?

This is just the latest example of a life-threatening disease which is calling out for action from the government, and the CDC and the FDA should not have their hands tied.

In fact, the Houston Chronicle reported last week that these problems of dirty endoscopes have been tied to superbug infections in cities like Chicago and Pittsburgh in recent years. Although the bacteria weren't exactly the same, the situation raises new questions about the design, this infection, and regulation of the devices.

Mr. Chairman, let me tell you that our economy is doing fine, not for every single American, but it has a marked improvement. Jobs are increasing, and unemployment is under 5 percent.

I would only say that this legislation needs an addition from this amendment, and I hope my colleagues will accept the Jackson Lee amendment. It is a commonsense amendment that speaks to the health and care of the American public.

Mr. Chairman, I ask for support of the Jackson Lee amendment.

Mr. Chair, thank you for this opportunity to briefly explain my amendment. My amendment makes an exception for rules from the Food and Drug Administration, commonly known as the FDA.

This bill, H.R. 527, seek to reform the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996, which attempted to require agencies to account better for the impacts of proposed regulations on small businesses and other small entities and to tailor final regulations to minimize adverse impacts on these entities like the Food and Drug Administration.

In reality, the Small Business Regulatory Flexibility Act expands the reach and scope of the Regulatory Flexibility Act and would only add to already unnecessary and lengthy regulatory delays, increase meddling by regulated industries, and encourage gratuitous court challenges.

The Small Business Regulatory Flexibility Act adds a host of new analytical requirements for agency policy actions—including rulemakings and guidance documents—that might affect a large number of small businesses, even if that effect is “indirect.”

And because the bill defines “indirect effects” broadly, it would mandate costly and wasteful new analyses that could be applied to virtually any action an agency attempts to undertake, no matter how tenuous the connection to small business interests.

And according to the American Sustainable Business Council, this bill would open the door for regulated industries to manipulate the regulatory process in their favor.

This undue influence would paralyze the regulatory process, creating uncertainty in the marketplace and stifling competition and innovation from small- and medium-sized entities.

When I wrote this amendment I had in mind the rare bacteria like that known as carbapenem-resistant Enterobacteriaceae, commonly known as CRE. This rare bacteria is being transmitted to patients even though the tools had been cleaned according to manufacturers' directions but still harbored the potentially deadly germs.

This is just the latest example of a life-threatening disease which is calling out for action from the government—and the CDC and the FDA should not have their hands tied.

The Houston Chronicle reported in a story last week:

The Seattle outbreak appears to be among the worst so far in the U.S., where problems with dirty endoscopes have been tied to superbug infections in Chicago and Pittsburgh in recent years. Although the bacteria weren't exactly the same, the situation raises new questions about the design, disinfection and REGULATION of the devices, critics charge.

The bill reforms the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996, which attempted to require agencies to account better for the impacts of proposed regulations on small businesses and other small entities and to tailor final regulations to minimize adverse impacts on these entities like the Food and Drug Administration.

Mr. Chair, the economy is doing fine now, not for every single American but it has seen a marked improvement from 2008. A bill like H.R. 527 only serves to gum-up the wheels of government and business collaboration by creating new and confusing rules.

When added to the existing gauntlet of procedural and analytical requirements that agencies must already navigate in order implement laws, SBRFIA's new requirements would serve only to further “ossify” rulemaking and make it nearly impossible for agencies to fulfill their congressionally mandated mission of protecting the public and responding to emerging health and environmental dangers.

The Small Business Regulatory Flexibility Improvements Act also ties the hands of agencies like the FDA by forcing them to delay actions until new analyses are completed. Under current law, an agency can continue to promulgate a regulation before it has finished the regulatory flexibility analysis, if the agency head believes its mission or the law calls for more immediate action.

The SBRFIA would eliminate these commonsense procedures. Imagine if emergency regulations to protect miners had to be delayed until the agency could finish this onerous and highly speculative analysis—lives could be lost and people could be needlessly injured. Or the FDA needed to issue a rule impacting the safety of dairy products. Lives are at stake.

Let me be quick to add that I specifically I oppose H.R. 527 because: (1) it is based on a faulty study; (2) taken as a whole, it will severely undermine Federal agency rulemaking, thereby threatening public health and safety; (3) it fails to address shortcomings in current law; (4) it offers no real assistance to small businesses in complying with regulations; and (5) it imposes additional duties on agencies while failing to provide any additional resources to agencies.

I urge an aye vote for the Jackson Lee amendment exempting FDA rules and add common sense to this legislation.

[From the Houston Chronicle, Jan. 22, 2015]

SEATTLE (AP)—A multidrug-resistant superbug has sickened dozens of people at a Seattle hospital, spread from patient-to-patient through contaminated equipment.

The Seattle Times reports (<http://is.gd/m4JVhK>) investigators found the rare bacteria known as CRE—carbapenem-resistant Enterobacteriaceae—was likely spread through specialized endoscopes that had been cleaned according to manufacturers' directions but still had some of the deadly germs.

Virginia Mason Medical Center officials say they've changed their cleaning protocol for the devices, even though federal officials found no problem with their infection-control practices.

Doctors say 11 of the at least 35 patients infected at the hospital died, but it's not clear what role, if any, the infection played in their deaths.

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

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

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

Mr. MARINO. Mr. Chairman, this amendment proposes to carve out an exception to the bill for Food and Drug Administration rules related to consumer safety. I am all for consumer safety. All of us support the protection of consumer safety, but it is my fervent hope that all of us also support small business jobs and want to protect them.

That, of course, was the point of the Regulatory Flexibility Act in the first place, to continue to allow agencies like the FDA to protect consumers but, at the same time, to start accounting for and avoiding—where possible—adverse impacts on small businesses.

If agencies had faithfully done what they were supposed to do under the Regulatory Flexibility Act, then we wouldn't be here today, but they haven't; instead, they have routinely tried to evade that law. That has to stop.

Small businesses create jobs, and jobs are the key to economic recovery. To help small businesses to create jobs, we need to reduce—not increase—the regulatory burden on small businesses.

The FDA is a major regulatory agency, and it is not exempt from the RFA as it currently stands. Now is not the time to start walking back the RFA's requirements. This amendment simply is not consistent with the spirit of small business—the Regulatory Flexibility Improvements Act—or the needs of today's small business job creators.



Adams	Davis (CA)	Jackson Lee	Cole	Katko	Royce
Aguilar	Davis, Danny	Jeffries	Collins (NY)	Kelly (PA)	Russell
Ashford	DeFazio	Johnson (GA)	Comstock	King (IA)	Ryan (WI)
Bass	DeGette	Johnson, E. B.	Conaway	King (NY)	Salmon
Beatty	Delaney	Kaptur	Cook	Kinzinger (IL)	Sanford
Beccerra	DeLauro	Keating	Costello (PA)	Kline	Scalise
Bera	DelBene	Kelly (IL)	Cramer	Knight	Schock
Beyer	DeSaulnier	Kennedy	Crawford	Labrador	Schweikert
Bishop (GA)	Deutch	Kildee	Crenshaw	LaMalfa	Scott, Austin
Blumenauer	Dingell	Kilmer	Culberson	Lamborn	Sensenbrenner
Bonamici	Doggett	Kind	Curbelo (FL)	Lance	Sessions
Boyle (PA)	Doyle (PA)	Kirkpatrick	Davis, Rodney	Latta	Shimkus
Brady (PA)	Edwards	Kuster	Denham	LoBiondo	Shuster
Brown (FL)	Ellison	Langevin	Dent	Long	Simpson
Brownley (CA)	Eshoo	Larsen (WA)	DeSantis	Love	Smith (MO)
Bustos	Esty	Larson (CT)	DesJarlais	Lucas	Smith (NE)
Butterfield	Farr	Lawrence	Diaz-Balart	Luetkemeyer	Smith (NJ)
Capps	Fattah	Levin	Dold	Lummis	Smith (TX)
Capuano	Foster	Lewis	Duffy	MacArthur	Stefanik
Cárdenas	Frankel (FL)	Lieu (CA)	Duncan (SC)	Marchant	Stewart
Carney	Fudge	Lipinski	Duncan (TN)	Marino	Stivers
Carson (IN)	Gabbard	Loebback	Ellmers	Massie	Stutzman
Cartwright	Gallego	Lowenthal	Farenthold	McCarthy	Thompson (PA)
Castor (FL)	Garamendi	Lowe	Fincher	McCaul	Thornberry
Castro (TX)	Gibson	Lujan Grisham	Fitzpatrick	McClintock	Tiberi
Cicilline	Graham	(NM)	Fleischmann	McHenry	Tipton
Clark (MA)	Grayson	Luján, Ben Ray	Fleming	McKinley	Trott
Clarke (NY)	Green, Al	(NM)	Flores	McMorris	Turner
Clay	Green, Gene	Lynch	Forbes	Rodgers	Upton
Cleaver	Grijalva	Maloney,	Fortenberry	McSally	Valadao
Clyburn	Hahn	Carolyn	Foxx	Meadows	Wagner
Cohen	Hastings	Maloney, Sean	Franks (AZ)	Messer	Walberg
Connolly	Heck (WA)	Matsui	Frelinghuysen	Mica	Walden
Conyers	Higgins	McCollum	Garrett	Miller (FL)	Walker
Cooper	Himes	McDermott	Gibbs	Miller (MI)	Walorski
Costa	Hinojosa	McGovern	Gohmert	Moolenaar	Walters, Mimi
Courtney	Honda	McNerney	Goodlatte	Mooney (WV)	Weber (TX)
Crowley	Hoyer	Meeks	Gosar	Mullin	Webster (FL)
Cuellar	Huffman	Meng	Gowdy	Mulvaney	Weststrup
Cummings	Israel	Moore	Granger	Murphy (PA)	Westerman

Westmoreland	Womack	Young (IN)
Whitfield	Woodall	Zeldin
Williams	Yoder	Zinke
Wilson (SC)	Yoho	
Wittman	Young (IA)	

## NOT VOTING—15

Aderholt	Engel	Meehan
Chu (CA)	Gutiérrez	Nunnelee
Collins (GA)	Lee	Pelosi
Duckworth	Lofgren	Roe (TN)
Emmer	Loudermilk	Young (AK)

□ 1111

Messrs. BOST, HANNA, DUNCAN of South Carolina, and ROKITA changed their vote from “aye” to “no.”

Ms. SEWELL of Alabama changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. LOUDERMILK. Mr. Chair, on rollcall No. 65 I was unavoidably detained. Had I been present, I would have voted “no.”

Mr. MEEHAN. Mr. Chair, on rollcall No. 65 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 6 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 172, noes 248, not voting 13, as follows:

[Roll No. 66]

AYES—172

Adams	Courtney	Higgins
Aguiar	Crowley	Himes
Bass	Cummings	Hinojosa
Beatty	Davis (CA)	Honda
Becerra	Davis, Danny	Hoyer
Bera	DeGette	Huffman
Beyer	DeLauro	Israel
Bishop (GA)	DelBene	Jackson Lee
Blumenauer	DeSaulnier	Jeffries
Bonamici	Deutch	Johnson (GA)
Boyle (PA)	Dingell	Johnson, E. B.
Brady (PA)	Doggett	Kaptur
Brown (FL)	Doyle (PA)	Keating
Brownley (CA)	Edwards	Kelly (IL)
Bustos	Ellison	Kennedy
Butterfield	Eshoo	Kildee
Capps	Esty	Kilmer
Capuano	Farr	Kind
Cárdenas	Fattah	Kirkpatrick
Carney	Foster	Kuster
Carson (IN)	Frankel (FL)	Langevin
Cartwright	Fudge	Larsen (WA)
Castor (FL)	Gabbard	Larson (CT)
Castro (TX)	Gallego	Lawrence
Cicilline	Garamendi	Levin
Clark (MA)	Graham	Lewis
Clarke (NY)	Grayson	Lieu (CA)
Clay	Green, Al	Lipinski
Cleaver	Green, Gene	Loeb sack
Clyburn	Grijalva	Lowenthal
Cohen	Hahn	Lowe y
Connolly	Hastings	Lujan Grisham
Conyers	Heck (WA)	(NM)

Luján, Ben Ray	Perlmutter	Slaughter
(NM)	Pingree	Smith (WA)
Lynch	Pocan	Speier
Maloney,	Polis	Swalwell (CA)
Carolyn	Price (NC)	Takai
Maloney, Sean	Quigley	Takano
Matsui	Rangel	Thompson (CA)
McCollum	Rice (NY)	Thompson (MS)
McDermott	Richmond	Titus
McGovern	Roybal-Allard	Tonko
McNerney	Ruiz	Torres
Meeks	Ruppersberger	Tsongas
Meng	Rush	Van Hollen
Moore	Ryan (OH)	Vargas
Moulton	Sánchez, Linda	Veasey
Murphy (FL)	T.	Vela
Nadler	Sanchez, Loretta	Velázquez
Napolitano	Sarbanes	Visclosky
Neal	Schakowsky	Walz
Nolan	Schiff	Wasserman
Norcross	Scott (VA)	Schultz
O'Rourke	Scott, David	Waters, Maxine
Pallone	Serrano	Watson Coleman
Pascarell	Sewell (AL)	Welch
Payne	Sherman	Wilson (FL)
Pelosi	Sires	Yarmuth

## NOES—248

Abraham	Franks (AZ)	McKinley
Allen	Frelinghuysen	McMorris
Amash	Garrett	Rodgers
Amodei	Gibbs	McSally
Ashford	Gibson	Meadows
Babin	Gohmert	Meehan
Barletta	Goodlatte	Messer
Barr	Gosar	Mica
Barton	Gowdy	Miller (FL)
Benishek	Granger	Miller (MI)
Billirakis	Graves (GA)	Moolenaar
Bishop (MI)	Graves (LA)	Mooney (WV)
Bishop (UT)	Graves (MO)	Mullin
Black	Griffith	Mulvaney
Blackburn	Grothman	Murphy (PA)
Blum	Guinta	Neugebauer
Bost	Guthrie	Newhouse
Boustany	Hanna	Noem
Brady (TX)	Hardy	Nugent
Brat	Harper	Nunes
Bridenstine	Harris	Olson
Brooks (AL)	Hartzler	Palazzo
Brooks (IN)	Heck (NV)	Palmer
Buchanan	Hensarling	Paulsen
Buck	Herrera Beutler	Pearce
Bucshon	Hice (GA)	Perry
Burgess	Hill	Peterson
Byrne	Holding	Pittenger
Calvert	Hudson	Pitts
Carter (GA)	Huelskamp	Poe (TX)
Carter (TX)	Huizenga (MI)	Poliquin
Chabot	Hultgren	Pompeo
Chaffetz	Hunter	Posey
Clawson (FL)	Hurd (TX)	Price (GA)
Coffman	Hurt (VA)	Ratcliffe
Cole	Issa	Reed
Collins (NY)	Jenkins (KS)	Reichert
Comstock	Jenkins (WV)	Renacci
Conaway	Johnson (OH)	Ribble
Cook	Johnson, Sam	Rice (SC)
Cooper	Jolly	Rigell
Costa	Jones	Roby
Costello (PA)	Jordan	Rogers (AL)
Cramer	Joyce	Rogers (KY)
Crawford	Katko	Rohrabacher
Crenshaw	Kelly (PA)	Rokita
Cuellar	King (IA)	Rooney (FL)
Culberson	King (NY)	Ros-Lehtinen
Curbelo (FL)	Kinzinger (IL)	Roskam
Davis, Rodney	Kline	Ross
DeFazio	Knight	Rothfus
Dentham	Labrador	Rouzer
Dent	LaMalfa	Royce
DeSantis	Lamborn	Russell
DesJarlais	Lance	Ryan (WI)
Diaz-Balart	Latta	Salmon
Dold	LoBiondo	Sanford
Duffy	Long	Scalise
Duncan (SC)	Loudermilk	Schock
Duncan (TN)	Love	Schrader
Ellmers	Lucas	Schweikert
Emmer	Luetkemeyer	Scott, Austin
Farenthold	Lummis	Sensenbrenner
Fincher	MacArthur	Sessions
Fitzpatrick	Marchant	Shimkus
Fleischmann	Marino	Shuster
Fleming	Massie	Simpson
Flores	McCarthy	Sinema
Forbes	McCauley	Smith (MO)
Fortenberry	McClintock	Smith (NE)
Fox	McHenry	Smith (NJ)

## NOT VOTING—13

Aderholt	Engel	Peters
Chu (CA)	Gutiérrez	Roe (TN)
Collins (GA)	Lee	Young (AK)
Delaney	Lofgren	
Duckworth	Nunnelee	

□ 1116

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. DELANEY. Mr. Chair, I was unable to cast my vote on rollcall No. 66 today due to congressional business. Had I been present to vote, I would have voted ‘aye’.

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. WOMACK) having assumed the chair, Mr. BYRNE, 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. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, and, pursuant to House Resolution 78, 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

Mr. DEUTCH. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. DEUTCH. I am opposed to the bill.

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

The Clerk read as follows:

Mr. Deutch moves to recommit the bill H.R. 527 to the Committee on the Judiciary

with instructions to report the same to the House forthwith with the following amendment:

Add, at the end of the bill, the following:

**SEC. 14. PREVENTING THE SPREAD OF NUCLEAR WEAPONS.**

This Act and the amendments made by this Act do not apply in the case of any rule that stops the proliferation, spread, or development of nuclear weapons, including to North Korea and Iran.

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

Mr. DEUTCH. Mr. Speaker, this is the final amendment to the bill. It won't kill the bill, and it won't send it back to committee. If adopted, the bill will proceed to final passage, as amended.

Mr. Speaker, H.R. 527, the Small Business Regulatory Flexibility Improvements Act, would mire the rule-making process in an endless agency analytical and procedural review. This bill would require agencies to engage in speculative analysis on the "indirect economic effect" of a proposed rule.

Critical rules that protect the health and safety of our communities, that protect the environment in which we live, and that respond to disasters or pandemics would be stuck in this bill's imposed layers of bureaucratic review, and there would be no relief under this bill for rules that are needed to address an ongoing emergency. Indeed, in the event of an emergency, agencies would be required to conduct a lengthy and time-consuming analysis even of a rule that would protect citizens from harm.

Now a note to my friends on the other side of the aisle. Putting the words "small business" in the title of a bill does not magically make it a bill good for small business or good for our national security. Facts are stubborn things, and the fact is that this bill is dangerous to American national security. However, my amendment can change this.

Mr. Speaker, this amendment would ensure the safety and security of the American people. It would ensure that they would not be hindered by additional bureaucratic procedures by ensuring that this act would not apply to any rule that stops the proliferation, spread, or development of nuclear weapons.

The United States has long worked to prevent the proliferation of nuclear weapons worldwide. We have worked to help nations achieve nuclear power without the domestic capabilities to produce weapons-grade uranium. We have worked with the international community to enact United Nations Security Council resolutions to prohibit rogue regimes from procuring materials that could be used for the development of nuclear weapons. This includes a robust sanctions regime aimed at Iran.

Our own Commerce Department has developed detailed procurement regulations to prevent dual use materials from falling into the wrong hands. We have enacted punishing sanctions

through the Treasury Department on those who aid in the procurement of materials used for nuclear weapons programs.

Now, let me be absolutely clear about the most important national security threat facing the United States and our allies: a nuclear-armed Iran. All of us here are watching the negotiations closely, and we hope for a diplomatic and negotiated end to the Iranian nuclear weapons program. That is everyone's priority.

However, we must prepare for the possibility that Iran rejects diplomacy. If Iran walks away from the talks, Congress and the President have been clear that we will want to immediately and urgently impose new sanctions. We will need new, fast-moving, antiproliferation actions, and we will have to put immediate pressure on this rejectionist regime.

This bill, in its current form, prevents that. Our national security and that of our allies depends on our agencies acting fast and efficiently. In no uncertain terms, the majority's bill puts our national security at risk.

The proliferation of nuclear weapons will not be stopped by adding new layers of bureaucracy. Iran's sponsorship of terrorist groups is no secret. It openly ships missiles and rockets to Hezbollah and Hamas—designated terrorist organizations that launch attacks on civilians—in direct violation of international law. Now Iran and North Korea are working together, sparking vital proliferation worries. The Ayatollah has declared the two nations share common enemies, and we already know that Iran and North Korea have cooperated on ballistic missiles.

So I would ask my colleagues to imagine a scenario in which Iran walks away from the talks and takes its nuclear program deeper underground, where Iran's activities are sealed and where an arms race is sparked in the region. When it comes to nuclear proliferation and the safety of the United States and international security, the U.S. must have a responsibility to act quickly. Congress cannot—and Congress should not—make it more difficult for our government to act to keep our people safe.

Mr. Speaker, the safety of Americans is too important to tie up in Washington politics. Just this week, Russia announced that it would no longer comply with the Nunn-Lugar Cooperative Threat Reduction Program, which was specifically designed to ensure the security of existing nuclear stockpiles.

Do we really want, I ask my colleagues, to risk the safety and security of the United States and that of our allies around the world by hindering our ability to halt the dangerous and destabilizing spread of nuclear weapons because an agency must justify the costs or waste resources and time in conducting a costly analysis of alternative ways to eliminate or streamline new regulations? Do we want to hold

up regulations, I ask my colleagues, that will help to keep us safe?

All this amendment does is simply protect the American people from the threat of nuclear proliferation. On this, we should be able to come together. I urge my colleagues to support this motion.

I yield back the balance of my time.

Mr. MARINO. Mr. Speaker, I rise in opposition to the motion.

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

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

This motion to recommit presents the perfect opportunity for my colleagues on the other side of the aisle to turn the page. Six long years into the Obama administration, our constituents feel trapped in a job depression. This bill offers one of the best chances we have to really start to turn things around for our constituents.

The bill contains clear, commonsense reforms that will take Washington's regulatory boot off the neck of small businesses in all of our districts so they can create the new jobs our constituents need. The bill contains numerous Democrat-sponsored amendments, making it a truly bipartisan product.

The bill, with bipartisan support, has already passed the House three times in the past two Congresses only to die an obstructionist death at the hands of the former Senate majority leader, who, by the way, the voters threw out of the majority last November. We now have a chance to pass the bill again at the very start of this Congress and to send it over to a Senate that will actually consider it. We should all seize this opportunity.

But what would this motion to recommit do?

It would, once again, inflict on the American people the ways of obstruction. It would block the bill from passage. It would prevent the bill from promptly reaching the Senate and helping to create new jobs for our constituents.

Let's all make this a vote to end the obstruction. With this vote, help this Congress turn the page the voters sent us here to turn. Vote against this motion to recommit. Vote for this bill.

Mr. Speaker, 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 yeas appeared to have it.

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill, if ordered.

The vote was taken by electronic device, and there were—ayes 182, noes 240, not voting 11, as follows:

[Roll No. 67]

AYES—182

Adams	Garamendi	O'Rourke
Aguilar	Graham	Pallone
Ashford	Grayson	Pascrell
Bass	Green, Al	Payne
Beatty	Green, Gene	Pelosi
Becerra	Grijalva	Perlmutter
Bera	Hahn	Peters
Beyer	Hastings	Peterson
Bishop (GA)	Heck (WA)	Pingree
Blumenauer	Higgins	Pocan
Bonamici	Himes	Polis
Boyle (PA)	Hinojosa	Price (NC)
Brady (PA)	Honda	Quigley
Brown (FL)	Hoyer	Rangel
Brownley (CA)	Huffman	Rice (NY)
Bustos	Israel	Richmond
Butterfield	Jackson Lee	Roybal-Allard
Capps	Jeffries	Ruiz
Capuano	Johnson (GA)	Ruppersberger
Cárdenas	Johnson, E. B.	Rush
Carney	Jones	Ryan (OH)
Carson (IN)	Kaptur	Sánchez, Linda
Cartwright	Keating	T.
Castor (FL)	Kelly (IL)	Sanchez, Loretta
Castro (TX)	Kennedy	Sarbanes
Ciциlline	Kildee	Schakowsky
Clark (MA)	Kilmer	Schiff
Clarke (NY)	Kind	Schrader
Clay	Kirkpatrick	Scott (VA)
Cleaver	Kuster	Scott, David
Clyburn	Langevin	Serrano
Cohen	Larsen (WA)	Sewell (AL)
Connolly	Larson (CT)	Sherman
Conyers	Lawrence	Sinema
Cooper	Levin	Sires
Costa	Lewis	Slaughter
Courtney	Lieu (CA)	Smith (WA)
Crowley	Lipinski	Speier
Cuellar	Loeb sack	Swalwell (CA)
Cummings	Lowenthal	Takai
Davis (CA)	Lowe y	Takano
Davis, Danny	Lujan Grisham	Thompson (CA)
DeFazio	(NM)	Thompson (MS)
DeGette	Lujan, Ben Ray	Titus
Delaney	(NM)	Tonko
DeLauro	Lynch	Torres
DelBene	Maloney,	Tsongas
DeSaulnier	Carolyn	Van Hollen
Deutch	Maloney, Sean	Vargas
Dingell	Matsui	Veasey
Doggett	McCollum	Velázquez
Doyle (PA)	McGovern	Visclosky
Edwards	McNerney	Walz
Ellison	Meeks	Wasserman
Eshoo	Meng	Schultz
Esty	Moore	Waters, Maxine
Farr	Moulton	Watson Coleman
Fattah	Murphy (FL)	Welch
Foster	Nadler	Wilson (FL)
Frankel (FL)	Napolitano	Yarmuth
Fudge	Neal	
Gabbard	Nolan	
Gallego	Norcross	

NOES—240

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

Grothman	McClintock	Russell
Guinta	McHenry	Ryan (WI)
Guthrie	McKinley	Salmon
Hanna	McMorris	Sanford
Hardy	Rodgers	Scalise
Harper	McSally	Schock
Harris	Meadows	Schweikert
Hartzler	Meehan	Scott, Austin
Heck (NV)	Messer	Sensenbrenner
Hensarling	Mica	Sessions
Herrera Beutler	Miller (FL)	Shimkus
Hice (GA)	Miller (MI)	Shuster
Hill	Moolenaar	Simpson
Holding	Mooney (WV)	Smith (MO)
Hudson	Mullin	Smith (NE)
Huelskamp	Mulvaney	Smith (NJ)
Huizenga (MI)	Murphy (PA)	Smith (TX)
Hultgren	Neugebauer	Stefanik
Hunter	Newhouse	Stewart
Hurd (TX)	Noem	Stivers
Hurt (VA)	Nugent	Stutzman
Issa	Nunes	Thompson (PA)
Jenkins (KS)	Olson	Thornberry
Jenkins (WV)	Palazzo	Tiberi
Johnson (OH)	Palmer	Tipton
Johnson, Sam	Paulsen	Trott
Jolly	Pearce	Turner
Jordan	Perry	Upton
Joyce	Pittenger	Valadao
Katko	Pitts	Wagner
Kelly (PA)	Poe (TX)	Walberg
King (IA)	Poliquin	Walden
King (NY)	Pompeo	Walker
Kinzinger (IL)	Price (GA)	Walorski
Kline	Ratcliffe	Walters, Mimi
Knight	Reed	Weber (TX)
Labrador	Reichert	Webster (FL)
LaMalfa	Renacci	Wenstrup
Lamborn	Ribble	Westerman
Lance	Rice (SC)	Westmoreland
Latta	Rigell	Whitfield
LoBiondo	Roby	Williams
Long	Rogers (AL)	Wilson (SC)
Loudermilk	Rogers (KY)	Wittman
Love	Rohrabacher	Womack
Lucas	Rokita	Woodall
Luetkemeyer	Rooney (FL)	Yoder
Lummis	Ros-Lehtinen	Yoho
Long	Roskam	Young (IA)
Roby	Ross	Young (IN)
Rogers (AL)	Rothfus	Zeldin
Rogers (KY)	Rouzer	Zinke
Rohrabacher	Royce	

NOT VOTING—11

Chu (CA)	Gutiérrez	Nunnelee
Collins (GA)	Lee	Roe (TN)
Duckworth	Lofgren	Young (AK)
Engel	McDermott	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1135

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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

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

RECORDED VOTE

Mr. CONYERS. 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 260, noes 163, not voting 10, as follows:

[Roll No. 68]

AYES—260

Abraham	Amash	Barletta
Aderholt	Amodei	Barr
Aguilar	Ashford	Barton
Allen	Babin	Benishkek

Bera	Hardy	Peters
Bilirakis	Harper	Peterson
Bishop (GA)	Harris	Pittenger
Bishop (MI)	Hartzler	Pitts
Bishop (UT)	Heck (NV)	Poe (TX)
Black	Hensarling	Poliquin
Blackburn	Herrera Beutler	Pompeo
Blum	Hice (GA)	Posey
Bost	Hill	Price (GA)
Boustany	Holding	Ratcliffe
Brady (TX)	Hudson	Reed
Brat	Huelskamp	Reichert
Bridenstine	Huizenga (MI)	Renacci
Brooks (AL)	Hultgren	Ribble
Brooks (IN)	Hunter	Rice (SC)
Buchanan	Hurd (TX)	Rigell
Buck	Hurt (VA)	Roby
Bucshon	Issa	Rogers (AL)
Burgess	Jenkins (KS)	Rogers (KY)
Byrne	Jenkins (WV)	Rohrabacher
Calvert	Johnson (OH)	Rokita
Carter (GA)	Johnson, Sam	Rooney (FL)
Carter (TX)	Jolly	Ros-Lehtinen
Chabot	Jones	Roskam
Chaffetz	Jordan	Ross
Clawson (FL)	Joyce	Rothfus
Coffman	Katko	Rouzer
Cole	Kelly (PA)	Royce
Collins (NY)	Kind	Russell
Comstock	King (IA)	Ryan (WI)
Conaway	King (NY)	Salmon
Cook	Kinzinger (IL)	Sanford
Cooper	Kirkpatrick	Scalise
Costa	Kline	Schock
Costello (PA)	Knight	Schrader
Cramer	Labrador	Schweikert
Crawford	LaMalfa	Scott, Austin
Crenshaw	Lamborn	Sensenbrenner
Cuellar	Lance	Sessions
Culberson	Latta	Shimkus
Curbelo (FL)	LoBiondo	Shuster
Davis, Rodney	Long	Simpson
DeFazio	Loudermilk	Sinema
Delaney	Love	Smith (MO)
Denham	Lucas	Smith (NE)
Dent	Luetkemeyer	Smith (NJ)
DeSantis	Lummis	Smith (TX)
DesJarlais	MacArthur	Stefanik
Diaz-Balart	Marchant	Stewart
Dold	Marino	Stivers
Duffy	Massie	Stutzman
Duncan (SC)	McCarthy	Thompson (PA)
Duncan (TN)	McCaul	Thornberry
Ellmers	McClintock	Tiberi
Emmer	McHenry	Tipton
Farenthold	McKinley	Trott
Fincher	McMorris	Turner
Fitzpatrick	Rodgers	Upton
Fleischmann	McSally	Valadao
Fleming	Meadows	Wagner
Flores	Meehan	Walberg
Forbes	Messer	Walden
Fortenberry	Mica	Walker
Fox	Miller (FL)	Walorski
Franks (AZ)	Miller (MI)	Walters, Mimi
Frelinghuysen	Moolenaar	Walz
Garrett	Mooney (WV)	Weber (TX)
Gibbs	Mullin	Webster (FL)
Gibson	Mulvaney	Wenstrup
Gohmert	Murphy (FL)	Westerman
Goodlatte	Murphy (PA)	Westmoreland
Gosar	Neugebauer	Whitfield
Gowdy	Newhouse	Williams
Graham	Noem	Wilson (SC)
Granger	Nugent	Wittman
Graves (GA)	Nunes	Womack
Graves (LA)	Olson	Woodall
Graves (MO)	Palazzo	Yoder
Griffith	Palmer	Yoho
Grothman	Paulsen	Young (IA)
Guinta	Pearce	Young (IN)
Guthrie	Perlmutter	Zeldin
Hanna	Perry	Zinke

NOES—163

Adams	Capuano	Connolly
Bass	Cárdenas	Conyers
Beatty	Carney	Courtney
Becerra	Carson (IN)	Crowley
Beyer	Cartwright	Cummings
Blumenauer	Castor (FL)	Davis (CA)
Bonamici	Castro (TX)	Davis, Danny
Boyle (PA)	Ciциlline	DeGette
Brady (PA)	Clark (MA)	DeLauro
Brown (FL)	Clarke (NY)	DeBene
Brownley (CA)	Clay	DeSaulnier
Bustos	Cleaver	Deutch
Butterfield	Clyburn	Dingell
Capps	Cohen	Doggett

Doyle (PA)	Levin	Roybal-Allard
Edwards	Lewis	Ruiz
Ellison	Lieu (CA)	Ruppersberger
Eshoo	Lipinski	Rush
Esty	Loeb	Ryan (OH)
Farr	Lowenthal	Sánchez, Linda
Fattah	Lowey	T.
Foster	Lujan Grisham	Sanchez, Loretta
Frankel (FL)	(NM)	Sarbanes
Fudge	Lujan, Ben Ray	Schakowsky
Gabbard	(NM)	Schiff
Galego	Lynch	Scott (VA)
Garamendi	Maloney,	Scott, David
Grayson	Carolyn	Serrano
Green, Al	Maloney, Sean	Sewell (AL)
Green, Gene	Matsui	Sherman
Grijalva	McCollum	Sires
Hahn	McDermott	Slaughter
Hastings	McGovern	Smith (WA)
Heck (WA)	McNerney	Speier
Higgins	Meeks	Swalwell (CA)
Himes	Meng	Takai
Hinojosa	Moore	Takano
Honda	Moulton	Thompson (CA)
Hoyer	Nadler	Thompson (MS)
Huffman	Napolitano	Titus
Israel	Neal	Tonko
Jackson Lee	Nolan	Torres
Jeffries	Norcross	Tsongas
Johnson (GA)	O'Rourke	Van Hollen
Johnson, E. B.	Pallone	Vargas
Kaptur	Pascarella	Veasey
Keating	Payne	Vela
Kelly (IL)	Pelosi	Velázquez
Kennedy	Pingree	Visclosky
Kildee	Pocan	Wasserman
Kilmer	Polis	Schultz
Kuster	Price (NC)	Waters, Maxine
Langevin	Quigley	Watson Coleman
Larsen (WA)	Rangel	Welch
Larson (CT)	Rice (NY)	Wilson (FL)
Lawrence	Richmond	Yarmuth

## NOT VOTING—10

Chu (CA)	Gutiérrez	Roe (TN)
Collins (GA)	Lee	Young (AK)
Duckworth	Lofgren	
Engel	Nunnelee	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1143

Mrs. DINGELL changed her vote from "aye" to "no."

Mr. GROTHMAN changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. ROE of Tennessee. Mr. Speaker, I was unable to vote today because of a serious illness in my family. Had I been present, I would have voted: Rollcall No. 65—no; rollcall No. 66—no; rollcall No. 67—no; rollcall No. 68—aye.

## MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 12. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for a ceremony to present the Congressional Gold Medal to Jack Nicklaus.

□ 1145

## PERSONAL EXPLANATION

Ms. JACKSON LEE. Mr. Speaker, because I was detained on congressional

business yesterday, I inadvertently missed a vote on rollcall No. 62, the amendment offered by Mr. CONNOLLY. Had I been present, I would have voted "aye" on that.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader, the gentleman from California (Mr. MCCARTHY), the schedule for the week to come, and I yield to my friend, Mr. MCCARTHY.

Mr. MCCARTHY. I thank the gentleman for yielding.

Mr. Speaker, on Monday, no votes are expected in the House.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected around noon.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business tomorrow.

In addition, the House will consider S. 1, the Senate Keystone bill. After 6 years of waiting, this bipartisan bill, which will create more than 40,000 jobs, will finally be placed on the President's desk. I do sincerely hope he considers his longstanding veto threat and sides with the American people by signing this important jobs bill.

Mr. Speaker, the House will also consider two critical tax packages next week that will provide much-needed certainty for Americans and small businesses.

H.R. 644, the Fighting Hunger Incentive Act, sponsored by Representative TOM REED, will make charitable giving tax provisions permanent. This will also include provisions authored by Representatives ERIK PAULSEN, AARON SCHOCK, and MIKE KELLY.

Together, this package will make a real difference in the lives of Americans by encouraging donations of property for conservation and enhancing deductions for food contributions for those in need.

Finally, Mr. Speaker, the House will consider H.R. 636, America's Small Business Tax Relief Act, sponsored by Representative PAT TIBERI, with additional provisions authored by Representative DAVE REICHERT.

This bill is essential to creating stability for our Nation's best job creators, small businesses, by making increased expensing permanent.

Mr. HOYER. Mr. Speaker, I thank the gentleman for the information he has given us. I have some questions on that information, but before getting to the bills that we are going to consider next week, I note the absence of the Homeland Security bill.

That continues to, unfortunately, be mired in controversy, Mr. Speaker. It is a bill that I would remind our Members, Mr. Speaker—and I know the majority leader knows this—has been agreed to, essentially.

There really is no controversy with respect to the funding of the Homeland Security Department. There are no amendments being offered to change the numbers or anything of that nature.

There is, however, the holding hostage, Mr. Speaker, of this bill for the purposes of overturning the President's actions which, in our view, he was forced to take because of the inaction of this body after over a year of even considering the comprehensive immigration reform bill that the Senate passed by over 60 votes, with almost two-thirds of the Senate, Republicans and Democrats, voting for that bill.

Mr. Speaker, I am very concerned and the American people are concerned that a bill which is so critically important for the defense of our borders, for the security of our country, and the security of our people is languishing, notwithstanding the fact that we have agreement on the underlying bill. There is no disagreement in my view.

The Homeland Security bill, Mr. Speaker, in my opinion, would pass with over 400 votes if it were brought to this floor, but for the fact that it is being held hostage to force the President to do something that the Senate clearly has indicated they are not going to approve.

Mr. Speaker, I would urge the majority leader to bring to the floor a clean bill. By clean, I mean the Republican-reported bill—not our bill, but a compromise bill—a Republican-reported bill in December, conferenced—conference may overstate it because it was the four leaders, Republicans and Democrats meeting—and they brought out of that meeting to this floor a Homeland Security bill that could pass overwhelmingly.

Every day that we delay puts us closer to the February 27 deadline that was set in December for the funding of this bill, taken out of the omnibus appropriation bill that we passed, put on a short-term leash, putting our homeland security at risk.

Mr. Speaker and Mr. Majority Leader, I would ask you: Is there any plan at some point in time to say we are not going to snatch defeat from the jaws of compromise?

The leader knows. The leader is very astute. He understands this body very well and knows full well that the underlying bill has consensus.

If there is anything that is frustrating the American people, it is that when we have something that we agree upon, we turn it into something that we can't agree on.

I yield to my friend, Mr. Speaker, for the purpose of telling me what his view is as to when we are going to be able to pass an appropriation bill to ensure