

JULY 5, 2016.

Re Opposition to H.R. 4768, the so-called "Separation of Powers Restoration Act of 2016"

DEAR REPRESENTATIVE: On behalf of our millions of members, activists, and supporters nationwide we, the undersigned organizations, urge you to oppose H.R. 4768, the so-called "Separation of Powers Restoration Act of 2016". The bill is flawed and harmful and should not become law. Deference to reasonable agency interpretations of statutes pursuant to *Chevron U.S.A., Inc., v. NRDC*, 467 U.S. 837 (1984), is a longstanding and well-understood framework for judicial review that acknowledges the appropriate powers of the three constitutional branches in enacting, administering, and interpreting statutes. The bill is an attempt to abandon this framework and upend more than 30 years of well-established administrative law.

H.R. 4768 is motivated by a desire to transfer to judges statutory implementation power that Congress has previously delegated to the executive branch. Congress has the power to enact clear, prescriptive laws that establish criteria and boundaries around agency implementation of statutes. If Congress perceives the executive branch to be implementing statutes in a manner inconsistent with their enactment, the appropriate response is to enact clearer and more prescriptive statutes, not to upend three decades of established, overarching case law as H.R. 4768 seeks to do.

At root, H.R. 4768 seems motivated by the dissatisfaction of the political party that currently controls Congress with the statutory implementation decisions made by the current Administration, which is controlled by a different political party. These sorts of partisan disagreements are not an adequate reason to overturn more than 30 years of established case law governing federal administrative law.

Accordingly, we urge you to vote no on H.R. 4768.

Thank you for your consideration.

Sincerely,

AFL-CIO,

American Association for Justice,
Americans for Financial Reform,

The American Federation of State County & Municipal Employees (AFSCME),

Center for Responsible Lending,

Consumer Federation of America, Daily Kos,

Earthjustice,

Economic Policy Institute,

Free Press Action Fund,

Institute for Agriculture & Trade Policy (IATP),

National Association of Consumer Advocates,

National Consumer Law Center,

National Employment Law Project,

National Hispanic Media Coalition,

Natural Resources Defense Council,

Public Citizen,

U.S. PIRG,

Union of Concerned Scientists,

United Steelworkers (USW),

Voices for Progress.

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

Mr. RATCLIFFE. Mr. Chairman, I again urge opposition to the amendment.

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

Mr. JOHNSON of Georgia. 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 Georgia will be postponed.

Mr. RATCLIFFE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THOMPSON of Pennsylvania) having assumed the chair, Mr. MOOLENAAR, 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. 4768) to amend title 5, United States Code, with respect to the judicial review of agency interpretations of statutory and regulatory provisions, had come to no resolution thereon.

HONORING VOLUNTEER FIREFIGHTERS

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise in recognition of the selfless service of volunteer firefighters across Pennsylvania's Fifth Congressional District, our Commonwealth, and the United States of America.

Yesterday, as a 35-year veteran of my own community volunteer fire department, I joined with volunteer firefighters and actually one paid fire company from across the Fifth Congressional District in discussing their service and the challenges that they are facing. I was proud to be joined by more than 20 departments tasked with serving in communities and places such as Erie, Jefferson, Elk, McKean, Venango, Potter, and Clarion Counties.

As a volunteer firefighter myself, I was very interested to hear about their concerns regarding funding, adequate training, and one of the biggest problems facing volunteer fire companies: declining enrollment and manpower. I look forward to working with each of these companies in the future to help address many of these issues.

It is hard to overstate the importance of the volunteer men and women who put their lives on the line in order to protect their neighbors and their communities. I have the highest degree of respect for their service, and I look forward to continued cooperation in the future.

RECESS

The SPEAKER pro tempore (Mr. MOOLENAAR). Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 10 minutes p.m.), the House stood in recess.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of Georgia) at 9 o'clock and 45 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4992, UNITED STATES FINANCIAL SYSTEM PROTECTION ACT OF 2016; PROVIDING FOR CONSIDERATION OF H.R. 5119, NO 2H2O FROM IRAN ACT; AND PROVIDING FOR CONSIDERATION OF H.R. 5631, IRAN ACCOUNTABILITY ACT OF 2016

Mr. STIVERS, from the Committee on Rules, submitted a privileged report (Rept. No. 114-682) on the resolution (H. Res. 819) providing for consideration of the bill (H.R. 4992) to codify regulations relating to transfers of funds involving Iran, and for other purposes; providing for consideration of the bill (H.R. 5119) to prohibit the obligation or expenditure of funds available to any Federal department or agency for any fiscal year to purchase or issue a license for the purchase of heavy water produced in Iran; and providing for consideration of the bill (H.R. 5631) to hold Iran accountable for its state sponsorship of terrorism and other threatening activities and for its human rights abuses, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5538, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2017; PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JULY 15, 2016, THROUGH SEPTEMBER 5, 2016; AND FOR OTHER PURPOSES

Mr. STIVERS, from the Committee on Rules, submitted a privileged report (Rept. No. 114-683) on the resolution (H. Res. 820) providing for consideration of the bill (H.R. 5538) making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2017, and for other purposes; providing for proceedings during the period from July 15, 2016, through September 5, 2016; and for other purposes, which was referred to the House Calendar and ordered to be printed.

FEW AMERICANS BELIEVE THE MEDIA

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, a recent study on the media was conducted by the Newseum Institute and USA Today.