

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 Advo-

cates,

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.

Not surprisingly, it found that three-quarters of Americans feel the news media are biased in reporting, and only 10 percent said the Presidential election coverage has been “very accurate.”

Most Americans realize the liberal national media are trying to destroy Donald Trump and elect Hillary Clinton, but the media are paying a heavy price for their biased coverage—they are destroying their credibility in the process.

The danger of a biased media goes beyond two individuals and an election. It is a threat to democracy, itself, when the voters can't get the facts. The media should not tell Americans what to think. They are smart enough to decide for themselves.

As the study determined, you just can't believe what the liberal national media says.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MARINO (at the request of Mr. MCCARTHY) for today and July 12 on account of medical reasons.

Mr. POE of Texas (at the request of Mr. MCCARTHY) for today and the balance of the week on account of personal reasons.

Mr. HASTINGS (at the request of Ms. PELOSI) for today through July 15.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1777. An act to amend the Act of August 25, 1958, commonly known as “Former Presidents Act of 1958”, with respect to the monetary allowance payable to a former President, and for other purposes.

H.R. 4372. An act to designate the facility of the United States Postal Service located at 15 Rochester Street, Bergen, New York, as the Barry G. Miller Post Office.

H.R. 4960. An act to designate the facility of the United States Postal Service located at 525 N Broadway in Aurora, Illinois, as the “Kenneth M. Christy Post Office Building”.

#### BILL PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 8, 2016, she presented to the President of the United States, for his approval, the following bill:

H.R. 3766. To direct the President to establish guidelines for covered United States foreign assistance programs, and for other purposes.

#### ADJOURNMENT

Mr. SMITH of Texas. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 48 minutes p.m.), under its previous order, the

House adjourned until tomorrow, Tuesday, July 12, 2016, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

5982. A letter from the Assistant Secretary, Manpower and Reserve Affairs, Department of the Army, Department of Defense, transmitting a notice of mobilizations of Selected Reserve units from October 1, 2015 through June 30, 2016, pursuant to 10 U.S.C. 12304b(d); Public Law 112-81, Sec. 516(a)(1); (125 Stat. 1396); to the Committee on Armed Services.

5983. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-445, “Mandatory Driver Instruction Regulation Temporary Amendment Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5984. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-444, “Sale of Synthetic Drugs Temporary Amendment Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5985. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-443, “Fiscal Year 2016 Second Revised Budget Request Temporary Adjustment Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5986. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-447, “Carry's Way and Guethler's Court Designation Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

5987. A letter from the Chairman, Council of the District of Columbia, transmitting D.C. ACT 21-446, “Fieldstone Lane Designation Act of 2016”, pursuant to Public Law 93-198, Sec. 602(c)(1); (87 Stat. 814); to the Committee on Oversight and Government Reform.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HENSARLING: Committee on Financial Services. H.R. 5322. A bill to amend the Investment Company Act of 1940 to terminate an exemption for companies located in Puerto Rico, the Virgin Islands, and any other possession of the United States (Rept. 114-673). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 3178. A bill to simplify and streamline the information regarding institutions of higher education made publicly available by the Secretary of Education, and for other purposes; with an amendment (Rept. 114-674). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 3179. A bill to amend the loan counseling requirements under the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 114-675). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5529. A bill to amend the Higher Education Act of 1965 to authorize additional grant activities for Hispanic-serving institutions; with an amendment (Rept. 114-676). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5530. A bill to amend the Higher Education Act of 1965 to modify certain provisions relating to the capital financing of historically Black colleges and universities; with an amendment (Rept. 114-677). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. H.R. 5528. A bill to amend the Higher Education Act of 1965 to simplify the FAFSA, and for other purposes; with an amendment (Rept. 114-678). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 5636. A bill to increase the effectiveness of and accountability for maintaining the physical security of NIST facilities and the safety of the NIST workforce (Rept. 114-679). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 5638. A bill to provide for the establishment at the Department of Energy of a Solar Fuels Basic Research Initiative; with an amendment (Rept. 114-680). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on Science, Space, and Technology. H.R. 5640. A bill to provide for the establishment at the Department of Energy of an Electricity Storage Basic Research Initiative; with an amendment (Rept. 114-681). Referred to the Committee of the Whole House on the state of the Union.

Mr. BYRNE: Committee on Rules. House Resolution 819. Resolution 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 (Rept. 114-682). Referred to the House Calendar.

Mr. NEWHOUSE: Committee on Rules. House Resolution 820. Resolution 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 (Rept. 114-683). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LYNCH (for himself and Mr. MCKINLEY):

H.R. 5707. A bill to amend title 5, United States Code, to provide for certain index fund investments from the Postal Service Retiree Health Benefits Fund, and for other