United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 115th CONGRESS, FIRST SESSION

Vol. 163 WASHINGTON, WEDNESDAY, MARCH 1, 2017 *No. 36*

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. ROTHFUS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 1, 2017.

I hereby appoint the Honorable KEITH J. ROTHFUS to act as Speaker pro tempore on this day.

PAUL D. RYAN,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 3, 2017, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 11:50 a.m.

HUMAN RIGHTS VIOLATIONS IN CUBA

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN) for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, appalling human rights violations take place in my native homeland of Cuba on a regular basis and have only gotten worse in the past few years. Just last week, the Castro regime sentenced a man to a year in prison. What was his crime? He did not watch Fidel Castro's funeral on the television. And just a few months ago, Danilo Maldonado, also known as El Sexto, was arrested for writing ''he's gone'' on a wall after Fidel Castro's death.

Mr. Speaker, the Cuban people lack the most basic of human rights, and they are punished for any sentiment that is not in accordance with the Castro regime. The former administration of this wonderful country failed the people of Cuba.

Since the change in the Cuba policy, reports show that the humanitarian crisis has only gotten worse on the island. The 2017 Freedom in the World report put out by Freedom House showed that arbitrary arrests were at the highest level in 7 years. The Cuban Commission for Human Rights and National Reconciliation documented a monthly average of 862 arbitrary detentions between January and November of last year.

Raul Castro tries to silence the Cuban people by subjecting human rights defenders, journalists, and peaceful protesters to arbitrary arrest and short-term detentions. Castro also tries to cut any relation between the opposition and outside groups.

Just last week, Mr. Speaker, Luis Almagro, the Secretary General of the Organization of American States, the OAS, was denied entry to Cuba. He was to receive the first Oswaldo Paya Liberty and Life Award. Paya was a human rights activist murdered by the Castro regime just 5 years ago. Almagro was to be presented with the award by Paya's daughter, but the Castro regime called this ''an unacceptable provocation''—receiving an award.

Similarly, the former Education Minister of Chile denied entry to Cuba and former Mexican President denied entry to Cuba simply because they planned to meet with true human rights activists and defenders on the island.

I challenge these U.S. congressional delegations that go to Cuba to march with the Ladies in White on any given Sunday. Here they are. Here are their faces. Will they be brave enough to do so, to march with these defenseless ladies, or do they just want a junket to glamorize Cuba?

Not to mention the many human rights abuses that go unreported, Mr. Speaker. Instead, the Cuban people risk their lives to record abuses, to report them to outside organizations.

The Ladies in White, Las Damas de Blanco, march every Sunday, peacefully protesting the unjust and barbaric imprisonment of dissidents.

Look at these images, Mr. Speaker, and the stories of the women on these posters. They are regularly beaten and arrested, yet they continue fighting for the freedom of their country. Protesters like Xiomara de las Mercedes Cruz Miranda, who has been in prison since last April; or Maria del Carmen Cala Aguilera, in prison since April of 2015; or Juana Castillo Acosta, who was beaten in her own home, and then sentenced to 5 years in house arrest.

There are so many women to highlight, so I will flip the posters.

Here are some other faces and other names: Yunet, Marieta, Jacqueline, Marta, and Aymara Nieto Munoz, right over here, just a handful of the many women who are in prison today in Castro's gulags.

Mr. Speaker, these are just a few of the many who are persecuted daily for opposing the Castro regime. That is their crime. They are simply tossed in jail in Castro's effort to silence the people. But the Cuban people remain strong in the face of the repressive Castro regime. They do not give up hope of seeing a free and democratic Cuba.

I see that same hope, Mr. Speaker, in the eyes of my constituents, Cuban Americans like me and my family, who were given the opportunity to create a life in a country—our country—that stands for everything that Castro is against: freedom of speech, assembly, petition, the rule of law, and democracy.

Mr. Speaker, we must stand with the people of Cuba. We must stand against a Castro regime that seeks to benefit only itself. We must give the Cuban people hope and commit to help them achieve freedom and democracy.

It is the duty of the new administration to review the previous administration's failed policy and start working for the people of Cuba and against the Castro regime.

WE MUST RESIST NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in this Chamber last night, as I listened to the President's address to the joint session, I could only think of one word: ''resist.''

Whether one voted for Donald Trump or not, we are all obligated to resist his incoherent and contradictory pledge to dismantle the protections of the Affordable Care Act with empty slogans.

Perhaps the most revealing moment of the Trump administration so far was his declaration Monday in his meeting with America's Governors that health care is complex. ''Who knew?'' he said.

Well, anybody who has done any work, any research, or had even had conversations with the people who rely on health care, who study health care, or deliver health care. This was not a secret that it is complex. Yet, for months, he has made reckless, misleading comments and has unleashed efforts to make the Affordable Care Act less effective and to destabilize insurance markets.

We should resist his cynical and cruel step of singling out people who have somehow been harmed by illegal immigrants as a special category. Why not an office dealing with the far greater number of Americans whose lives are turned upside down as a result of gun violence—which, by the way, is the method of choice for homegrown terrorists who, experts in his own government point out, are responsible for more terrorist acts and violence and death of Americans than people who are foreign-born.

We should resist empty promises to rebuild and renew America by failing to provide any meaningful detail. That squanders an opportunity for bipartisan cooperation and a badly-needed effort to revitalize America and put millions of Americans to work at jobs that can't be outsourced overseas and that will strengthen each community. It is important to resist an administration program long on divisive rhetoric, misinformation, and lost opportunities.

The least popular new President in our history, as near as we can tell, has mobilized millions of Americans to be involved, to resist. It is critical that Americans of good conscience, who care about the future of their country and want to change the trajectory and tone of politics, dive in now to protect programs they care about which are under assault, to reject shortsighted policies that will spend billions of dollars on things we don't need, like even more nuclear weapons. How many times do we have to be able to blow up the world in order to achieve deterrence?

We should resist spending less on critical parts of our defense. For example, the diplomacy and international aid saves human lives; it undercuts the calls to radicalism for people without hope. Making the job of our diplomats and our aid workers harder and more dangerous and less effective should be resisted at every turn.

We should resist draconian budget cuts and hiring freezes that undercut the opportunity to take care of our veterans, especially their health. Their health is a long overdue promise that Trump has occasionally talked about but is now actively undermining.

We should resist unparalleled potential budget assaults on things that make a difference to our communities, like arts, public broadcasting, programs for children, things that matter deeply.

Together, we can resist these destructive policies in Congress, in the budget, and in legislation, while we strengthen their support for similar programs at home. Everybody should resist by being involved in their community. There is something every one of us cares about at home and on the national stage. We should resist politics of division, hatred, and hopelessly flawed and failing priorities.

We should resist. It is within our power to dramatically change the political equation. Remember, Donald Trump lost the popular vote by almost 3 million votes, while Democrats picked up seats in the House and the Senate. The country is much more evenly divided, and they are not united in support of this administration.

By doing our job now, it makes it possible to build on the successes by making sure everyone has a chance to participate in the voting process. Fight efforts at voter suppression.

It is time for all of us to engage in that resistance that adds energy and hope across America. It must start now and will continue until we defeat hate, bigotry, shortsighted policy, and misallocated priorities.

America can halt and reverse the damage that has been set in motion. We should resist. We should resist now.

RARE DISEASE WEEK

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. LANCE) for 5 minutes.

Mr. LANCE. Mr. Speaker, this week we recognize the work of the tireless advocates fighting rare diseases.

I have the honor of serving as the Republican chair of the House of Representatives Rare Disease Caucus. I consider it one of the greatest responsibilities of my service to work for innovative treatment and new technologies and to build an atmosphere of appreciation and understanding in Congress for the hard work of all of the patient advocates. Their passion is often driven by the care of loved ones, and their personal stories are profiles in courage.

Hearing from thousands of advocates, many of whom are here in Washington this week, gives the members of the caucus renewed energy and purpose. Events held during Rare Disease Week here on Capitol Hill and at the NIH in Bethesda highlight what has been accomplished and what still needs to be done.

One of those champions joined us in the House Chamber just last evening. I was very proud that President Trump invited New Jersey resident Megan Crowley to his joint session address. Megan's story of combating a terrible rare disease is a testament to the American spirit. Megan is now a student at Notre Dame. I salute her, her parents, and her family for their courage.

Passage of the 21st Century Cures Act was a major accomplishment in the last Congress—indeed, in my opinion, it was the most important piece of legislation passed during the 114th Congress. We worked in a bicameral, bipartisan way. We worked with the White House and with the Department of Health and Human Services. It passed overwhelmingly in the House and in the Senate, and now it is the law of the land.

I am encouraged that the Trump administration will carefully implement its provisions to our healthcare system, improving the healthcare system and to help spur the next great medical innovations.

Congress will join and help direct that effort and proceed through the appropriations process to match progress and research funds.

□ 1015

Right now it takes 15 years for a new drug to move from the lab to the local pharmacy. The CURES Act modernizes clinical trials to expedite the development of new drugs and devices, removes regulatory uncertainty in the development of new medical apps, and breaks down barriers to facilitate increased research collaboration.

Patients with degenerative conditions, cancers, and rare diseases await the genius of these new solutions. We need to do everything we can to help find these cures.

I have met with many rare disease patients, advocates, and their loved ones. Their work is inspiring, and it gives our caucus a mission and a purpose.

Mr. Speaker, I urge my colleagues to join the Rare Disease Caucus and help us in this great cause. In this, the week that we recognize the work of the tireless advocates across the Nation, I salute all of them for what they are doing for the American Nation.

CONNECT THE DOTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. JEFFRIES) for 5 minutes.

Mr. JEFFRIES. Mr. Speaker, we have a reality show host masquerading as President of the United States of America who came to this Chamber yesterday in a Hollywood-style production and pretended to act Presidential.

But the question that we confront is one that Richard Nixon actually first raised, in November of 1973, when he said that the American people deserve to know whether or not the President is a crook. That was an observation that Richard Nixon made in the context of the Watergate scandal which began as a nickel-and-dime break-in at the Democratic National Committee headquarters in the summer of 1972, and, obviously, concluded with impeachment proceedings and the ultimate resignation of a President in disgrace.

Nixon made the observation that the American people deserve to know whether or not the President is a crook, and many people across the country are raising a similar question because 17 different intelligence agencies have concluded that the Russians, at the explicit direction of Vladimir Putin, interfered in our election for the purpose of helping Donald Trump. Yet, it is hard to get an independent investigation going in this place because my friends on the other side of the aisle continue to put party ahead of the country.

But that is just the beginning. We know that, as early as December of 2015, at least four different cronies of Donald Trump were in regular communication with Russian intelligence agents at the same time these individuals were hacking into the DNC, the DCCC, and the Clinton campaign, interfering with our democracy. These individuals were Michael Flynn, who came to become Trump's first national security adviser; Carter Page, who was his former foreign policy adviser; Paul Manafort, who was the chairman of the Trump campaign; and Roger Stone, a longtime affiliate.

If they were having these conversations at this time, we know they probably weren't talking about Russian vodka. What were they talking about? The American people deserve to know.

We also are aware that Michael Flynn had an illegal conversation, in December of 2016, with the Russian Ambassador where he discussed sanctions that were imposed on Russia because of their hacking. He then apparently lied about this conversation to the Vice President who then went out and misrepresented facts to the American people, and then Michael Flynn resigned in disgrace. But we still can't get an independent, nonpartisan investigation in this place.

But that is not all. We know that Donald Trump has not been bashful when going after our allies like Mexico or Australia or NATO or the European Union or, this past weekend, France. He is not bashful about being critical, but he can't say a negative word about Vladimir Putin, a brutal dictator. It appears that this President is more determined to make the Kremlin great again.

But that is not all. He refuses to release his taxes despite promising the American people that he was going to do so prior to November of last year. What exactly is he hiding in these tax documents? Yet, we still can't get an independent investigation.

We also know that the White House Chief of Staff engaged in potentially unlawful conversations with the FBI, perhaps trying to get them to obstruct justice in the public sphere in the midst of an ongoing investigation.

All we are saying is connect the dots. This should not be a Democratic issue or a Republican issue. The American people deserve to know whether or not the President is a crook.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

MONROE COUNTY ROADS PROJECT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Florida (Mr. CURBELO) for 5 minutes.

Mr. CURBELO of Florida. Mr. Speaker, I come to the floor today to congratulate and express my gratitude to Monroe County leaders who recently took steps to address the impact sea level rise is having on roads and infrastructure in my district.

Earlier this year, the Monroe County Board of County Commissioners took action that sets new standards for determining elevation of future county road improvement projects to account for future sea level rise. This is a problem my district is already facing. The 2015 King Tides led to flooding that lasted more than 3 weeks in several neighborhoods, causing damage to homes and businesses and leaving my constituents unable to move freely to and from their homes.

Mr. Speaker, few cities or counties around the United States are as advanced in sea level rise planning and implementation as Monroe County. I am grateful for their leadership, and I am committed to continuing to support their efforts any way I can here in Washington, from advocating for transportation infrastructure research grants that will help ensure we have the best engineering at our disposal to working with my fellow members of the Climate Solutions Caucus to discuss and build consensus for proposals that will mitigate the effects of rising sea levels.

It is critical we continue to work toward an infrastructure package that will give our communities the funds they need to bring our roadways like those in Monroe County into the 21st century.

NATIONAL DEBT

Mr. CURBELO of Florida. Mr. Speaker, I rise today to discuss one of the most serious issues facing the United States—the staggering national debt that will reach $20 trillion this month, or $62,715 per person living in our country. While the national debt grew over $9 trillion under President Obama, we now have a new opportunity here in this Congress to work together with the new administration to propose and debate solutions that will address our country's debt and get our fiscal house back in order.

Every day, families across my district sit around the dinner table and make tough decisions about how they will spend their money. Most stick to their budgets because they don't have a choice, and their government should be no different.

In 2015, I was proud to support a 2-year bipartisan budget agreement that implemented new caps on discretionary spending for both fiscal years 2016 and 2017. Too often, enormous sums are wasted due to unpredictable budget cycles and government shutdown threats. With the adoption of this 2-year budget, Congress was able to reduce wasteful spending by providing certainty to agencies as they plan for the future.

The budget also included reforms to entitlement programs, which is the largest percentage of national debt. It is important that we protect programs like Social Security, Medicare, and Medicaid—the invaluable safety net for those who need the help—while working to implement reforms to make these programs solvent for future generations.

Mr. Speaker, my constituents sent me back to Washington to continue to build consensus with my colleagues on both sides of the aisle to advance solutions that will rein in our national debt, and that is exactly what I plan to do. It is our duty, as elected officials, to leave our children and grandchildren with the same economic opportunities as previous generations, and that will continue to be one of my main priorities here in Congress.

SMALL BUSINESS HIGHLIGHT

Mr. CURBELO of Florida. Mr. Speaker, I have never had much of a sweet tooth, but it has recently been brought to my attention that my district is home to some thriving small businesses that are putting south Florida on the map for desserts.

Not far from my district office, Night Owl Cookie Company, recently named Forbes 30 Under 30, is delivering fresh-baked cookies to constituents across West Kendall. Since starting the business in 2015, when he would make and deliver cookies from his parents' kitchen, Andrew Gonzalez's success has flourished to three brick-and-mortar locations across Florida.

Further south is Knaus Berry Farm in the Redlands where families from all across south Florida will travel to pick up fresh produce and, of course, to wait in line for fresh, homemade cinnamon

rolls. Founded as a family farm in 1956, Knaus Berry has since become a Miami staple, with generation after generation making the trip to south Dade to pick up fresh produce and baked goods. The farm's success has spread, leading to partnerships with other south Florida small businesses that use their cinnamon rolls to create Knaus Berry Farm-inspired doughnuts and ice cream.

It is important that we celebrate these small businesses, Mr. Speaker, because they provide hope, opportunity, and jobs to so many Americans in my district and across the country. It is critical for us to continue advancing policies in this Congress that will continue allowing these small businesses the opportunity to provide hope and jobs for so many Americans.

A NEW AMERICAN CENTURY

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SCHIFF) for 5 minutes.

Mr. SCHIFF. Mr. Speaker, 100 years ago next month, on April 2, 1917, President Woodrow Wilson stood in this Chamber and asked Congress to declare war on Germany. While the proximate cause for America's entry into World War I was Germany's campaign of unrestricted submarine warfare, Wilson and his supporters were also motivated by the belief that they, and the force of American arms, could deliver Europe from its intractable squabbles and, in so doing, make the world safe for democracy.

It was not until the following spring that the American doughboys were committed to the Western Front in large numbers, but they provided not only the additional combat power needed to break the exhausted Germans within months, but also imbued a sense of moral purpose into what had been nearly 4 years of futile slaughter.

A generation later, millions of American GIs returned to help free Europe from Adolf Hitler, while millions more pushed Japan back from its imperial conquests in Asia. This time we stayed—the living to keep the peace and prevent one form of tyranny being replaced by another and the dead as silent witnesses to the cost of liberation.

The United States worked to create the United Nations and a host of other international organizations designed to bind together humanity and avoid another catastrophic world war. We extended aid and friendship to our former enemies through the Marshall Plan and rebuilt Western Europe into an alliance of democracies, a shining contrast to the Soviet Union's eastern satellites.

America's commitment to peace was matched by an equally resolute willingness to defend freedom. When the Soviet Union blockaded Berlin in 1948, in an attempt to force the Western allies out of their half of the city, American pilots flew missions around the clock for 11 months to keep the city supplied until the Soviets relented.

Walls, barbed wire, and stifling oppression characterized the Soviet bloc and Communist Asia. Against this, the United States marshaled its greatest weapons—individual liberty, democratic governance, and a market economy to discredit and defeat communism.

When the Cold War ended four decades after it had begun, it was the fall of the Berlin Wall that symbolized the triumph of freedom and seemingly heralded a new era of peace and prosperity.

Nearly three decades have passed since communism's collapse and the global harmony that many hoped for has been replaced by an international order more challenging to American leadership and American ideals than any we have seen in my lifetime.

□ 1030

Intolerance, ultra-nationalism, and crude populism are rising across the developed world and threaten to undo the work of decades. After a century of American leadership of the international community, there was a sense among many here at home and around the world that we have lost our will to lead, that we will no longer honor President Kennedy's commitment to ''pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and the success of liberty.''

The world sees President Trump's executive orders on immigration and asks: Where is the America that welcomed millions to its shores?

Well, I am happy to say that America is alive and well in communities across this great Nation, where people from every continent live together, eat each other's food, celebrate each other's holidays, and it also lives on in the hundreds of State Department officials who signed a Dissent Channel memorandum opposing that policy.

The world sees President Trump's threats to withdraw from Europe and Asia unless our allies ''pay up,'' and asks whether America will still defend its friends. That America, the one that stands shoulder-to-shoulder with NATO and South Korea, can be found in our troops stationed in the Baltics, Poland, and along the DMZ; and it can be found here in Congress, where there is broad support for our alliances and our allies.

The world sees President Trump threatening to drastically cut our foreign assistance budget, the literal difference between life and death for millions of the world's most vulnerable people, and asks: Where is America's legendary generosity?

That America, Mr. Speaker, is alive and well, too. Our USAID professionals, our Peace Corps volunteers, and the thousands of individual Americans working as medical missionaries or with NGOs are still making a difference around the globe every day.

The world sees President Trump's embrace of Vladimir Putin and his seeming disdain for key allies like Germany and Australia and wonders whether we will remain committed to democracy and the rule of law, or we will abandon principle in favor of expedience and flattery.

That America—the America that stood with Solidarity in Poland, with Nelson Mandela in South Africa, and with Aung San Suu Kyi in Burma—is still here, too. Millions of Americans, Democrats and Republicans, the old and young, still stand with those who seek freedom, and we will never allow this President to abandon our ideals.

And finally, Mr. Speaker, the world has seen the rise of Donald Trump and wonders whether Americans will still fight for their own democracy—are we still worthy heirs to Washington, Lincoln, and Roosevelt? The answer to that is on display every day across this country. From the millions who clogged our nation's streets on January 21st, to the calls pouring into Congress every day to demand a full investigation of the Russia scandal, the American people are engaged and ready to fight for our democracy here at home and for freedom around the world.

To those who doubt us, or wonder whether we remain true to our ideals, whether we will stand up for what we believe, and defend not only America but the beautiful idea it represents, let me borrow a phrase from John Paul Jones, the Revolutionary War hero. ''We have not yet begun to fight.''

HAPPY 150TH BIRTHDAY, NEBRASKA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Nebraska (Mr. SMITH) for 5 minutes.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to congratulate my home State of Nebraska on 150 years of Statehood.

On March 1, 1867, Nebraska became the 37th State admitted to the Union. Today, as we celebrate this milestone 150 years later, we honor the legacies of the pioneers who took great risks and overcame countless obstacles in pursuit of opportunity.

Our State's pioneer heritage has always inspired me. I am proud to be a fifth-generation resident of Scotts Bluff County, Nebraska. My family was part of the Homestead Movement, settling in western Nebraska and working as sugar beet laborers to build a bright future for generations to come.

The pioneer spirit is still alive and well today, which is one of the many reasons the ''Good Life'' is such a great place to live. Nebraskans' work ethic is second to none. From the producers who have made the Third District the top-producing agriculture district in the country, to the small businesses which employ nearly half of Nebraska's workforce, productivity is a hallmark of our State.

In addition to our pioneer spirit, Nebraskans are known for their kindness. I am proud of our State's reputation as ''Nebraska Nice'' and enjoy introducing my colleagues in Washington, D.C., to Nebraska visitors any chance I get.

From Huskers football to world-class research facilities, from Runza to

Dorothy Lynch, and from the Oregon Trail to the Homestead National Monument, there is an endless list of unique reasons for Nebraskans to be proud.

I am honored to represent some 65,000 square miles of the Cornhusker State in Congress, and I will continue working every day to uphold our legacy of opportunity.

In celebration of Nebraska's 150th birthday, it is only fitting to close in true Nebraska fashion: Go Big Red.

DR. JEKYLL AND MR. HYDE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, this morning, the President is being lauded for a speech that stayed on message and was optimistic. Those accolades would be deserved if his actions bore any resemblance to his words. But, instead, we were subjected to a barrage of third grade sound bites, falsehoods, and half-truths, just like always.

The President condemned the vandalism at the Jewish cemeteries. Yet, earlier the same day, he suggested that these anti-Semitic acts were a ''false flag'' operation possibly committed by Jews themselves; which is very similar, by the way, to what White supremacist talking points circulated by David Duke are all about.

The President also condemned the racist hate crime murders in Kansas of an Indian engineer.

But why did it take him nearly a week to break his silence? Didn't this act of domestic terrorism deserve a tweet?

He didn't commit to doing anything about it until he was nudged by a tweet by Hillary Clinton.

The President says he wants to fix health care, but all the House Republicans can agree on is to kick 30 million people off their insurance.

Yes, Mr. Trump, we already knew that health care was complicated. It is good to know that you finally understand it as well.

The President said he wanted to invest in women's health, but his own party is committed to defunding Planned Parenthood. Planned Parenthood offers health care to one in five women in this country.

The President said he supports democratic ideals, but he won't advocate them around the globe. He says he supports diplomacy, but his budget cuts the State Department by 37 percent.

The President says he wants to invest $1 trillion in infrastructure, but congressional Republicans have already implied they won't give him the money.

The President said he supports the rule of law, but he is violating the Constitution's Emoluments Clause every single day.

And worst of all, the President says he supports the troops. Then he blames the military for his own botched raid. This disgraceful abandonment of responsibility makes a mockery of the grief of Chief Petty Officer Owens' widow, who wept in front of all the American people watching the speech on TV last night.

His comments earlier in the day blaming the military are really indescribable. I agree that we must never forget Ryan Owens' sacrifice, and that is why we must understand the circumstances that led to his death and follow through with his parents' request for an independent investigation.

This speech demonstrates that the President can read from a teleprompter that he so derided during his campaign. Last night, he showed a calm and civilized face to the Nation. Was this a one-night stand or a changed man who recognizes the ominous responsibilities of being President of the United States?

We have seen the President's Mr. Hyde face in his tweets and his unhinged press conferences. I think the question before us now is: Will a single night of soothing platitudes be sufficient?

Dr. Jekyll and Mr. Hyde is something we read. What we do know is that Dr. Jekyll could not suppress his dark side. The question is: Can the President?

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

TEXAS DECLARATION OF INDEPENDENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker:

''Delegates of the People of Texas in General Convention at the town of Washington on the 2nd day of March, 1836.

''When a government has ceased to protect the lives, liberty, and property of the people, from whom its legitimate powers are derived, and for the advancement of those whose happiness it was instituted, and so far from being a guarantee for the enjoyment of those . . . inalienable rights, becomes an instrument in the hands of evil rulers for their oppression.

''When the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic, composed of sovereign states, to a consolidated central military despotism, in which every interest is disregarded but that of the army . . . both the internal enemies of civil liberty, the everready minions of power, and the usual instruments of tyrants.''

''When, in consequence of such acts of malfeasance, and abdication on the part of the government, anarchy prevails, and civil society is dissolved into its original elements. In such a crisis, the first law of nature, the right of self-preservation, the inherent and inalienable rights of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such government, and create another in its stead, calculated to rescue them from impending dangers, and to secure their future welfare and happiness.''

''The Mexican government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican government to which they had been habituated in the land of their birth, the United States of America.

''In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by General Antonio Lopez de Santa Anna, who having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.''

''It has suffered the military commandants, stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizens, and rendering the military superior to the civil power.''

''It denies us the right of worshipping the Almighty according to the dictates of our own conscience, by the support of a national religion, calculated to promote the temporal interest of its human functionaries, rather than the glory of the true and living God.

''It has demanded us to deliver up our arms, which are essential to our defence, the rightful property of freemen, and formidable only to tyrannical governments.

''These, and other grievances, were patiently borne by the people of Texas, untill they reached that point at which forbearance ceases to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal had been made in vain. . . .

''The necessity of self-preservation, therefore, now decrees our eternal political separation.

''We, therefore, the delegates with plenary powers of the people of Texas, in solemn convention assembled, appealing to a candid world for the necessities of our condition, do hereby resolve and declare, that our political connection with the Mexican nation has forever ended, and that the people of Texas do now constitute a free, Sovereign, and independent republic, and are fully invested with all the rights and attributes which properly belong to independent nations; and, conscious

of the rectitude of our intentions, we fearlessly and confidently commit the issue to the decision of the Supreme arbiter of the destinies of nations.''

181 years ago, the Republic of Texas was born. God bless Texas.

□ 1045

NITTANY THEATRE AT THE BARN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to celebrate a true treasure in central Pennsylvania, actually in Boalsburg, Pennsylvania, the Nittany Theatre at the Barn. This one-of-a-kind theater has a storied history which started in the late 1800s as the service barn on a working farm.

The Boal family settled the region for which the town Boalsburg is named. This town was on the main road for travelers from Philadelphia to Pittsburgh. The Boal Mansion estate, which dates to 1789, is a national registered landmark.

The fourth generation of the Boal family, Colonel Theodore Davis Boal, married a descendant of Christopher Columbus and brought the Columbus Chapel to the Boal Mansion from Spain in 1909. This included an admiral's desk said to belong to Columbus himself. By the 1930s, the estate's aging barn was retired from farm use, but it would eventually take on a whole new life.

Pierre Boal retired from the diplomatic service for the country following World War II. He wanted to make the family's estate into a regional museum to display the family's vast collection of treasures and artifacts. Mr. Boal hired Lillian Dickson-Major, an English stage and film actress and lover of history, to be the first curator of the new Boal Mansion Museum. She arrived in 1953 and immediately began preparing the estate for museum service. Lillian looked at the emptied barn and saw its potential as the site for a ''most unusual theatre.''

At the same time, theater professionals throughout the country and at nearby Penn State University wondered how theater would continue to survive in a world that was captivated by television and Technicolor motion pictures. Pierre and Lillian invited several Penn State professors and theater specialists to make their plans. To close the deal, Pierre Boal leased the old barn to the newly formed Centre County Theatre Association for the generous sum of zero dollars as a means to invite and encourage culture and theater in Centre County. Entrusted to oversee the construction of a state-of-the-art arena theater, the Centre County Theatre Association brought life to Lillian's vision of the barn as a ''most unusual theatre.''

After several years of preparations and construction, the theater opened at the barn in the summer of 1959 and was a tremendous success. Many audiences enjoyed the summer performances in the old barn for decades. After a long run, the community theater company let the old barn go dark, but it was only for a brief time before Nittany Theatre at the Barn took up the cause to breathe new life once again into the historic community treasure. State-of-the-art advancements were made at the barn, merging the latest technologies with good, old-fashioned summer stock theater.

The house is stocked with 99 seats, retaining all the charm and intimacy that made the barn legendary. In addition, to enhance audiences' experiences, brand-new, state-of-the-art LED lighting and Broadway quality sound systems were installed. Nittany Theatre also partners with Penn State's School of Theatre to allow Penn State's young actors to share the stage with local seasoned actors.

Mr. Speaker, this theater is full of history and full of life. For nearly 60 years, audiences in Happy Valley have enthusiastically embraced summer theater in Pennsylvania's oldest arena barn theater. I congratulate all those who have kept this community gem open for business throughout the years. As they say in the business, ''break a leg'' this summer.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 48 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear Lord, we give You thanks for giving us another day.

We use this moment to be reminded of Your presence and to tap the resources needed by the Members of this people's House to do their work as well as it can be done.

Send, O God, Your healing grace upon those torn nations and upon the Members of this assembly who struggle to see the shared hope for a better future in those with whom they disagree.

For many Americans, the holy season of Lent begins tomorrow, and foreheads are marked this day in recognition of our limits as men and women and as a reminder of Your power to forgive and heal the harms done through our failures.

All this day and through the week may our Representatives do their best to find solutions to pressing issues facing our Nation. Please hasten the day when justice and love shall dwell in the hearts of all peoples and rule the affairs of the nations of Earth.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. BILIRAKIS) come forward and lead the House in the Pledge of Allegiance.

Mr. BILIRAKIS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER RYAN: I would like to bring to your attention the attached resignation letter I have sent to Governor Steve Bullock of Montana.

I have enjoyed my tenure as Montana's sole Congressman, and I look forward to continuing my service to Montana and our nation as Secretary of the Interior.

If I can be of any assistance during this transition, please let me know. I would be glad to help however I can.

Sincerely,

RYAN ZINKE.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 1, 2017.

Gov. STEVE BULLOCK,
Office of the Governor, Helena, MT.

DEAR GOVERNOR BULLOCK: I would like to inform you that I am resigning from my position as the United States Congressman for Montana's At-Large District on March, 1, 2017, in order to assume the Secretary of the Interior position. Thank you for the support and partnership that you have provided my office during these last few years.

I have enjoyed my tenure as Montana's sole Congressman, and I look forward to continuing my service to Montana and our nation as Secretary of the Interior.

If I can be of any assistance during this transition, please let me know. I would be glad to help however I can.

Sincerely,

RYAN ZINKE.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the

House that, in light of the resignation of the gentleman from Montana (Mr. ZINKE), the whole number of the House is 430.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

NATIONAL EATING DISORDERS AWARENESS WEEK

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, as we observe National Eating Disorders Awareness Week, I urge our south Florida community to attend the Alliance for Eating Disorders Awareness Walk this Saturday, March 4, at Tradewinds Park. The walk will celebrate everybody's shape and also encourage screening for eating disorders.

Eating disorders impact millions of Americans and has a proportionate impact on teens and young adults. That is why, Mr. Speaker, I have led bipartisan legislation that urges the Federal Trade Commission to uphold its duty to protect the next generation by promoting fair and responsible advertisements, especially for products geared for children and teens.

I was so proud that last year we were able to enact into law the Anna Westin Act, which I introduced with my colleague TED DEUTCH, in order to allow an avenue for millions of young Americans impacted by eating disorders to seek the help that they need.

Let's celebrate and commemorate Eating Disorders Awareness Week, and I encourage everyone to help spread awareness and promote authentic healthy body images.

THE COST OF BORDER WALLS

(Mr. HIGGINS of New York asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS of New York. Mr. Speaker, the Massachusetts Institute of Technology Review reported that the cost of then-candidate Trump's wall along the southern border will be up to $40 billion for every 1,000 miles of wall. With the potential of a 2,000-mile wall along the border, American taxpayers can expect to pay up to $80 billion for a wall at the southern border—$80 billion for a wall we were told Mexico would pay for, and Mexico said they will not pay for that wall.

Last year, a leading Republican Governor also suggested that we should explore building a wall along the northern border. The northern border wall would be 5,000 miles. A northern border wall would cost about $400 billion using the MIT report estimates. Obviously, Canada, like Mexico, will not pay for a silly wall.

Mr. Speaker, $480 billion to wall in the United States. What is it with Republicans and walls? What are they afraid of? What we need is a new infrastructure bill not to build walls, but to build bridges and roads and to build infrastructure to put Americans back to work and to grow the American economy.

PRESIDENT DONALD TRUMP FULFILLS PROMISES

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

Mr. WILSON of South Carolina. Madam Speaker, last night President Donald Trump spoke to a joint session of Congress and to the American people in a powerful and positive address.

From day one, President Trump committed himself to fulfilling the promises he made to the American people, and last night he outlined his bold agenda. I was grateful to hear his plans to repeal regulations, reduce taxes, create jobs, repeal and replace ObamaCare, and promote veterans.

As the chairman of the House Armed Services Subcommittee on Readiness, I appreciated his determination to rebuild our military by providing them with the resources they need to promote peace through strength.

The President's speech received an overwhelmingly optimistic response, with nearly 60 percent of viewers having a positive reaction. Additionally, 70 percent of the viewers said the President's policies would move the country in the right direction.

I look forward to working with the President and Speaker PAUL RYAN to achieve the bold, positive vision for American families.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations to Interior Secretary RYAN ZINKE and his wife, Lola, a great team for America.

PRESERVING AFFORDABLE HEALTH CARE

(Ms. DELBENE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELBENE. Madam Speaker, too often we forget that the Affordable Care Act is about more than numbers. It is about real people. So for the next 6 weeks, I will be highlighting the voices of my constituents who have flooded my inbox with heart-wrenching stories about why the law must be preserved, constituents like Paul from Snohomish, whose son-in-law died of cancer before the Affordable Care Act.

His disease started small, but, growing up, his family couldn't afford insurance, and he delayed seeking care. By the time he got a job with health coverage, the disease had progressed too far, and he died at the age of 29. Paul wrote to me and said: ''The certificate of death says my son-in-law died from cancer, but I believe he died from a broken healthcare system.''

We can't go back to a time when getting sick meant going bankrupt. Across the country, Americans like Paul are telling Congress not to repeal the Affordable Care Act. We should heed their advice.

REDUCING PRICE OF PRESCRIPTION DRUGS

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

Mr. BILIRAKIS. Madam Speaker, as President Trump remarked in his joint address, we must work to bring down the high price of prescription drugs. Too often we have seen the price of lifesaving medication skyrocket due to bad actors taking advantage of monopolies in the market. We witnessed it in 2015 when Turing Pharmaceuticals hiked the price of Daraprim, a drug to treat HIV patients. We saw it again with Mylan Pharmaceuticals raising the cost of the EpiPen by 400 percent.

We cannot allow this to continue.

I am proud to join my colleague, Congressman KURT SCHRADER, to introduce the Lower Drug Costs Through Competition Act. Our bill is a bipartisan approach to tackle the issue of high drug costs head-on. Our legislation uses the free market to incentivize competition among drug makers, encouraging them to bring new generic drugs to market.

My constituents in Florida and folks nationwide need relief. Let's get this done.

IMMIGRANTS ALSO SAVE LIVES

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

Mr. POLIS. Madam Speaker, yesterday President Trump launched a rather ridiculous effort called the Victims of Immigration Crime Engagement Office, or VOICE. They are going to be focusing on talking about people who were victimized by people who are here illegally.

First of all, the statistics aren't with him. It turns out that people who are undocumented are among the least likely groups to commit illegal acts, and studies show that they are one-fifth to one-half less likely to commit a crime.

So I want to start an effort that is similar. I am going to start a task force called SAINT, Saved by American Immigrants National Taskforce, to talk about Americans whose lives were saved by people who are here undocumented—people like Dr. Alfredo Quinones-Hinojosa, who became a brain surgeon, saving countless lives; people like Antonio Diaz Chacon, who chased down a child abductor and saved a 6-

year-old girl from a horrific fate, even though he is undocumented; and another undocumented immigrant named Jesus Manuel Cordova, who rescued a 9-year-old boy in the Arizona desert.

These are the kinds of lifesaving efforts from our undocumented immigrants where they save American lives. I bet our efforts at SAINT talking about saving American lives will match, life for life, all of the things that President Trump tries to drum up through his VOICE effort.

Of course there are good and bad people. Of course there are good and bad hombres. Let's celebrate the good with the bad. I look forward to sharing their stories with my colleagues.

PRESIDENT HITS HOME RUN

(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. Madam Speaker, President Trump hit a home run in the State of the Union Address last night. As he said, the way to renew the American spirit is to put Americans first—their jobs, their safety, their education, and their health. He also focused on border security. The rule of law will stop drugs and protect American jobs and lives.

A recent poll found that, by a 2-to-1 ratio, voters feel that the President has kept his promises to the American people. Another poll revealed that 78 percent of Americans had a positive response to President Trump's State of the Union speech. No doubt Americans will rally behind him and support his efforts to put Americans first.

President Trump's words will be long remembered: ''My job is not to represent the world. My job is to represent the United States of America.''

ANTIOCH BAPTIST CHURCH

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

Mr. PITTENGER. Madam Speaker, I rise today in honor of Antioch Baptist Church in Robeson County, North Carolina.

This year, Antioch Baptist celebrates their 200th anniversary. What an incredible testimony of faithfully spreading God's Word and ministering to the community.

In 1817, the church was founded in the swamps of Robeson County as Burnt Island Baptist, with meetings under a brush arbor on the same spot where the church meets today.

In 1842, the church was renamed Antioch, after the city from which the Apostle Paul launched his three missionary journeys. The name was chosen to signify the church's commitment to missions.

More recently, Antioch Baptist took on the mission of providing a solid education alternative for the people of Robeson County by opening Antioch Christian Academy.

Later this year, I look forward to joining Pastor MARK MEADOWS and the congregation of Antioch Baptist Church to celebrate their 200th anniversary.

God bless them.

□ 1215

KEEPING HEALTHCARE PROMISE

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

Mr. COLLINS of Georgia. Madam Speaker, last night, in this Chamber, we heard President Trump call on the 115th Congress to repeal and replace ObamaCare with reforms that expand patient choice, increase their access to substantive health care, lower costs for our friends and neighbors, and, at the same time, provide better quality health care.

I am here today to say that my colleagues and I are doing just that. We have listened to the families who have lost income and access to their doctors. My own corner of northeast Georgia is full of individuals who work tirelessly to care for their families, and ObamaCare has made it harder for them to see their doctors.

The first promise that ObamaCare broke was that if people liked their insurance, they could keep it. As the insurance market continues its death spiral, we see insurance providers offering less coverage for more money.

Now, my colleagues and I have a choice to make: rescue our failing healthcare system by repealing ObamaCare and returning competition and innovation to the healthcare landscape, or go down in history as leaders who did not keep their promises; as leaders who allowed their neighbors to suffer under what may be the most misguided, destructive policy of our generation.

The choice is clear. The choice is urgent. The choice is simple: Republicans are leading in healthcare reform that will bring relief to Americans who have only experienced the broken promises of ObamaCare. We are offering affordable, flexible healthcare options that prioritize patients over bureaucrats, and we are doing it together.

IMMIGRANTS ARE THE CORNERSTONE

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

Mr. PANETTA. Madam Speaker, I rise today to express my continued disappointment with President Trump's anti-immigrant stance, especially based on his joint session remarks last night.

I admit I was very honored to attend my first joint session as a Member of Congress, but as a Member of Congress, as an American, and as a grandson of an Italian immigrant, I was disheartened that the President doubled down on his divisive and dangerous rhetoric against immigrants and continued to create fear by focusing on the worst in people.

Before I came to Congress, I was a prosecutor. I understand and believe that those who commit serious and violent felonies should be prosecuted and deported. But I also grew up on the central coast of California, and I realize and appreciate how much immigrants contribute to our community.

That is why I want to ask President Trump to come down from his gold tower, come out of the White House, and come to the green and fertile Salinas, San Juan, and Pajaro Valleys. He will see that immigrants are the reason why my district is called the salad bowl of the world. He will see that immigrants are the cornerstone, the foundation not only of that economy, not only of that community, but of our country.

NEBRASKA SESQUICENTENNIAL

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

Mr. BACON. Madam Speaker, I rise today to commemorate the 150th Statehood Day of the great State of Nebraska.

This day is a proud day for all Nebraskans. Today, we honor the long and rich history of our State and the contributions our citizens have made to our country and the world.

On March 1, 1867, Nebraska became the 37th State, and much has happened since then. In a century and half, Nebraska has grown to not only be the leader in agriculture, but also in technology and business.

From the Sandhills of western Nebraska to the many neighborhoods of Omaha, one can see each day the evidence of the extraordinary industriousness of my fellow Nebraskans. Across nearly 49,000 farms and ranches, our proud citizens are responsible for a multi-billion-dollar agriculture market producing food that fuels the world.

Nebraska is home to many great and wonderful things, but what I celebrate about Nebraska Statehood Day more than anything is the State's wonderful people.

In roughly 30 years in the Air Force, I had 16 assignments, taking my family all over the world. During these 16 assignments, I found that nowhere were the people nicer and more accommodating to military families than Nebraskans. We found out that there is no place like Nebraska, and we are happy to call Nebraska home. Nebraska truly is the good life.

REPLACE ACA EXCHANGES AND MEDICAID EXPANSION

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

Mr. MARSHALL. Madam Speaker, I rise today to support our President's plan to replace the Affordable Care Act, but I want to stop and salute my colleague, my neighbor to the north, General DON BACON, and the great State of Nebraska. As I tell people, I have never met a bad person from Nebraska yet. General BACON continues to represent his State in a great manner, and I appreciate his friendship.

Madam Speaker, I rise to support the President's plan to replace the ACA exchanges and Medicaid expansion. This is simply in a death spiral right now. It is not working in Kansas. It is not working in the country. We cannot afford to go in that direction.

I am committed to helping those with long-term health issues, as well as those that get insurance outside the workplace, to truly find quality, affordable health care. We are not going to turn our backs on anybody. We are going to ensure there is a quality transition time for all patients.

REPEAL OBAMACARE

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

Mr. JOHNSON of Louisiana. Madam Speaker, we are excited today about the renewal of the American spirit. One big step in that renewal is the repeal of ObamaCare.

The ACA is failing and the American people are suffering because of it. Premiums have skyrocketed and healthcare decisions are no longer being made by patients and doctors but by out-of-touch Washington bureaucrats often motivated by their own self-interests.

In my State of Louisiana alone, some insurance providers have projected rates to increase as much as 41 percent in 2017. There is nothing about that number that is affordable, and many are choosing to forego healthcare coverage altogether, rather than suffer under the weight of the new, increased costs.

Some would suggest that a higher cost should imply a higher quality of care, but even that is not true under our current system. In many areas across the United States, ObamaCare has removed nearly all competition in the marketplace and has left consumers with only one or two providers to choose from, further removing patient choice from the process.

Patient-centered care is critical to a productive healthcare system, and Republicans in Congress have been working tirelessly to create a plan that benefits all Americans. Quality, affordable health care is within our reach. Contrary to what many in the media would have you believe, we will not pull the rug out from under the American people. Our focus is protecting patients, and what we are offering is a real solution to the disaster that is ObamaCare.

KEEPING OUR PROMISES

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

Mr. ARRINGTON. Madam Speaker, we have a new era that has dawned on American politics. Our citizens are demanding that we don't conduct our business as usual.

These are times that call for bold leadership and bold action. Over the last couple of years, my observation is that we don't need new solutions. We have reforms for immigration, reforms for regulations, reforms for our Tax Code. What we need is courage: courage to act, courage to keep our promises, as our President said last night, and finish what we started.

ObamaCare is a disaster, to repeat what the President said. The facts are undisputable. This isn't a situation where we have a leaky roof in need of repair. We are on faulty foundation, and it is shifting under our feet. If we don't act swiftly and decisively, the house will collapse.

Leadership is about courage. Leadership is about keeping our promises. We all owe it to the American people to act accordingly.

READY FOR GROWTH AND INNOVATION

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

Mr. ALLEN. Madam Speaker, I rise today in support of the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act, or the SCRUB Act.

This legislation establishes a commission to review existing Federal regulations and report to Congress those that should be repealed to reduce unnecessary costs to the economy—kind of like a regulation report card.

Federal rules and regulations have sucked the life out of our small businesses for the last 8 years. Unlike some lawmakers, I have the unique experience of having operated a business under Obama-era rules and regulations. Let me tell you that it was very difficult. Our struggles were not an isolated event. Georgians and Americans across the country bore those same burdens.

We are ready for growth and innovation and an environment that encourages an economy like we have never seen before. The SCRUB Act is a solid step forward in restoring life to the American small-business community.

I urge my colleagues to support this legislation.

PROVIDING FOR CONSIDERATION OF H.R. 1004, REGULATORY INTEGRITY ACT OF 2017, AND PROVIDING FOR CONSIDERATION OF H.R. 1009, OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 156

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1004) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1009) to amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-4. That amendment in the nature of a substitute shall be considered as read. All points of order

against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), my friend, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

□ 1230

Mr. SESSIONS. Madam Speaker, I rise today in support of the rule. It is a fair rule that enables thoughts and ideas from both sides of the aisle to be considered on the House floor today. It enables us to proceed with the work that the American people have sent us here to accomplish. It is of great measure of the work that we are doing today. We had an extensive and long committee hearing at the Committee on Rules yesterday with witnesses from both sides of the aisle, Republicans and Democrats, who felt strongly about the issues and ideas that were before them and the ideas which will be presented on the floor of the House of Representatives today, the underpinning of which are entitled to give the American people a better shot at a better life not only from a business perspective, economic development, but also the creation of jobs in the United States of America.

Madam Speaker, I also rise in support of the underlying legislation contained in this rule. These bipartisan initiatives will enhance transparency, provide for a check on Federal agencies, and I believe help create a better process in the Federal Government for the people we serve, which are the people of this great Nation.

Congress enacted the Administrative Procedure Act in 1946 to ensure that the public had an opportunity to provide expertise, opinions, and other comments during the rulemaking process that takes place in the administration. It was designed to provide guarantees of due process in administrative procedures for self-governing American citizens who have to live under these rules that are promulgated by those unelected and not necessarily known by the American people.

The Administrative Procedure Act, known as the APA, as it is commonly referred to, was designed to require agencies to keep the public informed of the information and ideas, procedures, and rules, and to provide a means for public participation in the rulemaking process that would take place here in Washington, D.C.

Unfortunately, as is too often the case, Federal bureaucrats over years and previous administrations have exploited the broad language of the Administrative Procedure Act to focus the rulemaking process solely for special interest reasons. Sometimes it is groups, sometimes it is ideas, and sometimes it is against the voices of the average American who wishes to participate in this process. This clearly was not the APA's legislative intent and reflects yet another encroachment on Congress' Article I powers which are enshrined in the United States Constitution.

This shift away from the intent of the Administrative Procedure Act, known as the APA, has meant that most agency deliberations are carried out without a record or even a public review of those decisions that are made. Additionally, and possibly more troubling, agencies have undermined the purpose and the spirit of the notice-and-comment process by actively campaigning in support of their ideas using government resources and processes to that advantage.

The clearest example of this abuse can be found recently and numerously at the Environmental Protection Agency, known as the EPA. After issuing the waters of the United States notice of proposed rulemaking, the EPA undertook a public campaign utilizing social media platforms to solicit support for what was, at the time, a promulgated rule. Following this abuse, the GAO issued a report finding that the EPA violated propaganda and anti-lobbying provisions concerning the use of their fiscal year 2014 and 2015 appropriations.

The Regulatory Integrity Act of 2017 helps ensure transparency in the rulemaking process by prohibiting Federal agencies from anonymously issuing statements for propaganda purposes, in other words, an agency lobbying for itself, its ideas, as opposed to the public comment period, final rulemaking, and then issues and ideas being discussed with and by the people of the country. Specifically, H.R. 1004 requires agencies to make available online information about public communications on pending regulatory actions.

Further, H.R. 1004 requires that agencies ''expressly disclose that the Executive agency is the source of the information to the intended recipients.''

Why is this important?

This is important because too many times information is provided without the basis of the facts behind it. It is opinion, Mr. Speaker. When members of the public see information that is provided, a source should be behind that information.

Further, H.R. 1004 prohibits agencies from ''soliciting support for or promoting . . . pending agency regulatory action.'' A simple concept of transparency and, I believe, professionalism that both sides of the aisle should not only demand, but also welcome from any executive agency, regardless of who is in the White House. It is in the best interest of the American public, and transparency and honesty related to that should be above reproach. Unfortunately, this has also not been the instance, as there are abuses and overreach by Federal agencies and unelected bureaucrats.

Presidents of both parties have required a centralized review of regulations since the 1970s. This has largely been handled by the Office of Information and Regulatory Affairs, or OIRA, as it is commonly referred to. Every President since President Ronald Reagan has required a centralized review of regulations at OIRA so that an agency can do cost-benefit analysis of regulatory actions, which means there is a centralized process for the administration to look at what they do.

In 1993, President Bill Clinton put into place Executive Order 12866 to designate OIRA as the repository of expertise concerning regulatory issues. The executive order limited OIRA's review of regulations to only significant rules changes, those that have an annual effect on the economy of $100 million or more. This office is responsible for reviewing the regulatory actions at both the proposed and final rulemaking stages. Unfortunately, lately, agencies have blatantly ignored the principles of the executive order from President Clinton, Executive Order 12866, and other governing authorities, including those requiring State, local, and tribal consultation in the rulemaking process have been ignored.

According to a policy center at George Mason University, agencies usually satisfy 60 percent or less of the requirements called for in the regulatory analysis, meaning that certain times we have found the executive branch did not even follow the well-known processes that are there to protect the people who they are trying to

provide services to. Mr. Speaker, we believe that is partially why we are here today, to clarify and correct these problems.

For example, between 2000 and 2013, 98 percent of the Environmental Protection Agency's final rules contained no estimated compliance costs. That means that the agency chose not to follow the process that is prescribed by the executive order. Additionally, the EPA routinely justifies its regulatory activities by claiming benefits from matters unrelated to the underlying legislation. Mr. Speaker, you can well see why there is consternation not only among people in the United States, but uncertainty with business that is attempting to follow the well-understood rules and regulations and the processes that go therein only to find out that our government chooses not to follow the rules and regulations that they should be following.

H.R. 1009 codifies the requirement for OIRA to conduct a review of significant regulations to ensure the regulations are consistent with applicable law and the principles set forth in the executive order. It also establishes new transparency measures such as requiring increased disclosure when extending review time, explanations about regulations that are dropped from the unified agenda, and a redline of changes that agencies make to regulations while it is under review by OIRA.

OIRA review is important to provide a double check on agencies to ensure not only compliance with the law, but the well-understood proposals that are made by agencies and the processes that they expect to understand in that process. That is why the main tenets of the underlying legislation have been supported by Presidents in the past, Members of Congress in the past, and even the judiciary that should expect that processes and procedures are followed properly.

Mr. Speaker, I would like to take a note, if I can, and add into the RECORD a Statement of Administration Policy that came from one of our former colleagues, now the Director of the OMB, the Honorable Mick Mulvaney. Mr. Mulvaney, in his new duties as the Director of the OMB, provided his first Statement of Administration Policy. It is concerning exactly the act that we are speaking about. I would like to congratulate the young Director of the OMB for his ascension to not only an important role, but helping the United States Congress to clarify for the American people that which is in their best interest.

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

STATEMENT OF ADMINISTRATION POLICY

H.R. 998—SEARCHING FOR AND CUTTING REGULATIONS THAT ARE UNNECESSARILY BURDENSOME (SCRUB) ACT

(Rep. Smith, R–MO, and three cosponsors)

H.R. 1004—REGULATORY INTEGRITY ACT OF 2017

(Rep. Walberg, R–MI, and eight cosponsors)

H.R. 1009—OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

(Rep. Mitchell, R–MI, and four cosponsors)

The Administration is committed to reducing regulatory burden on all Americans. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, which provides for repeal of two regulations for every new one issued. This historic step accelerates the retrospective review process to make common-sense reforms to regulations across the Federal Government. Legislation is helpful where it amends agencies' regulatory processes to ensure they are transparent, and appropriately balance costs and benefits.

Each of these bills would address different aspects of the regulatory process. The SCRUB Act, H.R. 998, addresses the numerous outdated, duplicative, and otherwise unnecessary regulations that have accumulated throughout government. The Regulatory Integrity Act of 2017, H.R. 1004, would restrict the use of agency funds to advocate on behalf of regulations, and the OIRA Insight, Reform, and Accountability Act, H.R. 1009, would codify specific executive branch regulatory review procedures.

The Administration supports the SCRUB Act, the Regulatory Integrity Act, and the OIRA Insight, Reform, and Accountability Act. The Administration looks forward to working with the Congress on technical and other amendments to these bills.

The Administration appreciates the efforts of the Congress to rationalize the regulatory system and looks forward to continuing to work together to reform the regulatory process.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Mr. Speaker, today I rise in opposition to the rule and both underlying bills, H.R. 1009, the OIRA Insight, Reform, and Accountability Act; and H.R. 1004, the Regulatory Integrity Act.

These two bills that would be debated under this rule were both reported out of the House Committee on Oversight and Government Reform without a single Democratic vote. So these are not bipartisan bills. They were reported out of committee only by Republicans. The bills threaten transparency, undermine the independent authority of government agencies, and weaken the separation of powers between our three branches of government at a time in our history when we need it the most.

I sat in this Chamber last night as President Trump spoke about fixing healthcare and immigration systems, but we haven't seen those plans yet. Instead, all we have seen are these kinds of not-bipartisan bills that don't accomplish a lot.

Now, these two bills claim to offer accountability and integrity in the rulemaking process, but when you look past their title, you see what they really are is just another backdoor attack on American workers, an attack on our environment and protecting our public health.

First with regard to H.R. 1009, much has been said since the start of this Congress about the importance of our checks and balances in our system. We have a new President who isn't shy about blurring the lines of separation between the executive, legislative, and even the judicial branches of government. He publicly condemned a judge based on his ethnicity in a private case. He also attacked a judge who struck down his order on immigration. I find it troubling to be debating a bill that would make government agencies even more dependent on the judgment of the White House when many of us question the judgment of the gentleman currently occupying the Oval Office.

Under current law, independent agencies, like the Environmental Protection Agency, the Consumer Financial Protection Bureau, Federal Communications Commission, and many others don't need approval from the administration to move forward with a new rule or regulation. Misleadingly characterized as simplifying the existing executive order, what this bill would actually do is require all rules made by independent government agencies to be sent to the White House, centralizing the power of the White House and the power of the President.

□ 1245

This bill effectively mandates improper influence by the White House.

In addition, the bill repeals language that exempts rules considered to be lifesaving from having to undergo a full review process.

If those reasons weren't enough to dissuade my colleagues from voting in favor of this rule, let me briefly discuss the unlimited review window this bill would create to derail and delay important rules. Frankly, important provisions like this are the reasons why the American people, often rightfully, accuse the government of waste, fraud, and abuse.

By giving the Office of Information and Regulatory Affairs unlimited time to review rules, Congress would effectively allow the White House to bury rules in red tape and paperwork, the very red tape and paperwork and bureaucracy that the American people are frustrated with. This bill is a recipe to make government less efficient rather than more efficient. It would grind the rulemaking process to a halt by burying the very limited staff of the White House under a whole array of rules from independent agencies that, with no timeline, would simply sit in the White House either going nowhere or being studied by committee after committee after committee. Perhaps, after several years, they will see the light of day after even more bureaucrats have had the chance, at your taxpayer expense, to read those rules.

My colleagues on the other side of the aisle claim that this bill makes the

Office of Information and Regulatory Affairs somehow more accountable by Congress by authorizing the statute, but that is not the case. This bill, like many other bills we have seen in this Congress, frankly, is a solution in search of a problem.

I don't disagree that the rulemaking process should be simplified, but there is a collaborative, bipartisan way to do that. This bill does not represent that idea. If passed, H.R. 1009 would reduce the ability of independent government agencies to work effectively, create additional paperwork and bureaucracy, and transfer significant power and authority to the White House and the President.

Frankly, this bill is a serious threat on our checks and balances at a time we need it the most. I urge my colleagues on both sides of the aisle to take that into account when voting on the rule and the bill today.

The second bill under this rule is H.R. 1004, the so-called Regulatory Integrity Act. It is another example of Republican attacks on health and safety protections.

The Regulatory Integrity Act of 2017 requires executive agencies to provide extensive and, often, gratuitous information on their websites related to any pending regulatory action they are seeking to make. Again, it is difficult to find a Member of this body who doesn't believe that we want more transparency, more accountability, and more streamlining of regulations. Of course, those are priorities for the country. This bill does not do that.

I don't believe an outright attack on our rulemaking process meant to protect our health, meant to protect people from fraud and abuse, and giving yet more hoops for agency officials to jump through in doing the job that Congress has asked them to do, in no way is that the correct way to go about increasing transparency in government. This bill makes it more difficult for all of the agencies that we have set up, that we have directed, to do their job: to protect the American public.

The new reporting requirements that are included in this bill will distract agencies from their core missions of keeping Americans safe and, again, bury them under mounds and mounds of additional paperwork requirements. Many of these agencies have seen their budgets cut by the Republicans, and the reporting requirements will take up even more of their very limited capacity that they have under the budget constraints they operate at.

As many of us know, this bill was born out of a 2015 GAO study that determined that the Environmental Protection Agency had violated certain restrictions during the rulemaking process for waters of the U.S. To me, the fact that that determination was made by an independent government agency is proof that our oversight process works. If there is a bipartisan bill we can do to implement best practices, I think that we could have strong Democratic support for that. This bill does not do that.

Republicans are ignoring the fact that the GAO also concluded that ''the agency complied with the applicable requirements,'' and were so concerned with providing the public with opportunities to comment that the EPA and Army Corps of Engineers conducted over 400 meetings across the country. If this bill passes the House, the ability of agencies to do those kinds of outreach efforts and stakeholder involvement efforts would be limited. It would be limited by vast and unnecessary additional work, red tape, and bureaucratic reporting requirements that would be mandated under this bill with the same limited resources they have today. I think that it would be better use of their limited resources to do those kinds of field opportunities across the country, giving American stakeholders and people involved the opportunity to testify about how those rules affect them.

The most immediate and certain effect of this bill would be to virtually prohibit agencies from disclosing to the public any benefits that agency actions would have in protecting the American people. If an agency is no longer allowed to explain how the rulemaking process would benefit and protect the American people, the public, of course, would view this as some sort of burdensome regulation. Perhaps that is the goal of this bill from a propaganda perspective.

Finally, this bill will ban agencies from soliciting support for their regulations, seemingly forgetting that current law already does this. If there is need to clarify it again, we can certainly do so in a bipartisan way.

This unsettling trend of trying to, in fact, regulate regulations actually leads to additional bureaucracy and paperwork. It is a disservice to American workers and families, to our environment, and to many Americans who don't know if they can make their rent or have health insurance at the end of the month. It is a disservice to the thousands of military and civilian workers no longer able to seek employment in the Federal Government and a disservice to so many American children and adults.

The fact that we are even considering these bills illustrates that the priorities in Congress are not in line with the priorities of the people that we represent. I have not heard an outcry from my constituents on any of these issues. I hear about health care. I hear about immigration reform, improving our schools, making college more affordable, not that we need more administrative hurdles to the rulemaking process. I haven't heard it once from a single constituent at 51 townhalls I had last session.

The passage of this bill will put a significant administrative burden on government agencies that issue rules to protect Americans. It would limit the ability of the agencies that we set up under our authorizing statutes to do their job: to protect the health and safety of the American people.

I urge my colleagues to reject this rule and reject these bills.

I reserve the balance of my time.

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

I appreciate the gentleman's thoughtful observations on this rule and on the bills. I will acknowledge that yesterday at the Rules Committee there was a vigorous discussion—I thought, professional on both sides—where there was an idea about the intent of this bill and what it would, in essence, lay off on the administration, or any administration, in trying to make sure that they complied with the law.

I will tell you that our Appropriations chairman, as well as the Appropriations Committee, would be able to deal effectively with this if they believed they needed more money in order to accomplish these efforts. But I think that transparency is an important issue, and I think that our authorizing and appropriating committees will understand that, as they deal with agencies, a better dialogue, whether it be Republican or Democrat in office, needs to be able to deal with Congress, provide us information, provide the American people with information, and be forthright about the decisions that they are going to make.

I think that the new Director of the OMB, the Honorable Mick Mulvaney, responded in his advice back—meaning the statement of administrative policy that directly took on this issue—that he looked forward to not only working with Congress on their needs, but also complying with the spirit of the law. I believe, Mr. Speaker, that what we are doing today is providing information to a brand-new administration and saying to a brand-new administration that it is okay if you have your ideas about those issues that you would wish to take up, but you have to be forthright about what you are doing. You have to provide information not only to Congress, but the American people; and when you propose changes or rules, you have to be honest and forthright in doing that.

It may be a little bit more money, but this Congress will stand behind this. And I believe that the new Trump administration, at least through my conversations with our new President and the head of OMB, they intend for across the government, across a new administration to attempt to be forthright and direct about what they are doing and why we are doing it. Now, more than ever, whether you are a Republican or Democrat or not—you could be a person back home—you are entitled to try and clarify and ask information. That is what we are doing.

Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. NEWHOUSE), a member of the Rules Committee, who served his State honorably as their agriculture commissioner.

Mr. NEWHOUSE. Mr. Speaker, I would like to thank my good friend from Texas (Mr. SESSIONS), the chairman of the Committee on Rules, for yielding me this time.

I am certainly in favor of the Regulatory Integrity Act of 2017, which I think will provide necessary transparency in the regulatory process by requiring agencies to post all public comments issued during a proposed rulemaking, which sounds simple enough. I cosponsored this legislation because I strongly believe, and I firmly believe, the public comment process is critical to ensure Federal regulations are drafted to protect the American people and not to punish them.

Unfortunately, far too often, agencies either ignore or fail to incorporate the public's input and suggestions when proposing and finalizing these important rules. Many regulatory actions impose billions of dollars in compliance and other costs on industries, on consumers, on small businesses, on farmers, and on families while bureaucrats ignore the meaningful input, suggested improvements, and the real concerns being voiced by the very people that will be most affected by their actions.

Mr. Speaker, this measure requires more transparency and accountability of Federal agency communications about proposed and pending regulations. Agencies like the Environmental Protection Agency have continually violated Federal laws and appropriations restrictions that prohibit the use of Federal funds for lobbying, advocacy, and propaganda efforts.

I know many are aware of the EPA's unlawful social media campaign advocating for the waters of the United States rule, the WOTUS rule; however, an even more egregious example recently occurred in my own home State of Washington. The EPA-funded What's Upstream campaign used grant awards to fund a website, radio ads, and billboards depicting dead fish and polluted water, alleging that farmers and the agriculture industry were responsible. The website helped visitors email their State legislators to advocate for 100-foot stream buffer zones around farms and other agricultural operations, despite prohibitions against such advocacy.

As a lifelong farmer, I have got to tell you, Mr. Speaker, I was insulted by the blatant lies this campaign had spread about farmers; and as a Member of Congress, I am outraged that the EPA continues to award grant funding to the entities responsible for this, I think, despicable and deceitful antifarmer campaign. I believe Congress must ensure Federal agencies follow the law to prevent future libelous campaigns like What's Upstream from ever receiving another cent of taxpayer dollars.

H.R. 1004 prohibits lobbying in support of proposed rules and requires agencies to track the details of all public communications about pending regulatory actions, while establishing clear standards for prohibited activities. This will guarantee that both the public and Congress understand how Federal agencies communicate with the public about pending regulations, and these reasonable restrictions will support transparency and accountability across the Federal Government.

Mr. Speaker, agencies should consider comments from the public and incorporate reasonable changes so that proposed Federal regulations can be revised and refined using that valuable public feedback before they are finalized. However, too often, Federal bureaucrats simply go through the motions and end up ignoring the public's input while they happily flout Federal law and create campaigns designed to garner support for their preferred proposals. Federal agencies must not treat their proposed regulations as final. By doing so, they are ignoring the voice and the will of the American people.

I urge my colleagues to support this important rule and the underlying bill; then, together, we can return transparency, we can return accountability, and we can return public input to the Federal rulemaking process once and for all.

□ 1300

Mr. POLIS. I would like to inquire if the gentleman from Texas (Mr. SESSIONS) has any remaining speakers?

Mr. SESSIONS. Mr. Speaker, as a matter of fact, I do not have additional speakers. I would wish to not only close myself, but to present a little bit more information. I would allow the gentleman, if he were prepared to offer his close, I would do the same.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are all deeply concerned over the reports from our intelligence community regarding foreign interference in our most recent election. When we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation, H.R. 356, the Protecting Our Democracy Act, which would create an independent commission to investigate the foreign interference in our 2016 election.

This is not a partisan matter. Both Democrats and Republicans have called for this investigation and a full accounting for the American people. Frankly, the American people deserve to know what happened, and Congress has the responsibility to get to the bottom of it.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, when I was back in my district earlier this year, again, I didn't have a single constituent raise issues over regulatory reform. I did have people ask if we can have a full accounting of foreign interference with our more recent election, and, if we defeat the previous question, that will give us an opportunity to do that.

I urge my colleagues to vote ''no'' and defeat the previous question. I will also urge them to vote ''no'' on the rule, and ''no'' on the underlying bills.

Just so no one is here under any illusions, Republicans do currently control the House, and the Senate, and the White House. Frankly, they have the ability to set the agenda, and they could use that agenda to advance real reforms like infrastructure, or tax reform, or fixing our broken immigration system, repairing broken roads and bridges. Today, instead, we are debating something so obscure that I don't think the American people know what OIRA does or how to pronounce it; another bill that has to deal with whether regulations are seen and signed off on by the staffers in the White House; and two bills that don't do anything but undermine the separation of powers, undermine the authority of this institution, the United States Congress, and make it harder for public agencies to do the job that we have instructed them to do to keep the American people safe.

For these reasons, Mr. Speaker, I urge my colleagues to defeat the previous question so we can bring up H.R. 356, the Protecting Our Democracy Act, and oppose the underlying legislation.

I yield back the balance of my time.

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

Mr. Speaker, the debate today has been fair and above board. I want to congratulate and thank the gentleman from Colorado not only for his service on the Rules Committee, but his service today in annunciating not just his party's policies and ideas on this, but also his own, as he brings a vast business experience not only to Congress and to the Rules Committee, but to serve the people of his congressional district.

However, with that said, Mr. Speaker, I think that this will be overwhelming success on a bipartisan basis today, and the reason why is, because what we are doing is in the best interest of the American people.

We are doing this because the American people want and need an opportunity, as they petition their government, to know that they were heard, for their issues and ideas to be seen. And I would think now more than ever, especially if it were a prior administration, we would be accused of trying to jam down their throats something that we saw that was trying to put an undue burden on another administration. But, in fact, we are not.

And so the thoughts and ideas today should be—regardless of the administration, regardless whether you completely agree, or somewhat disagree,

we would want that government, that agency to be able to operate with the confidence of the American people. And that means that they are not there for their own purposes, or special interests, or for them to skew facts or information that might be provided to the American people, but, in fact, were opinions as opposed to something that was reasonably gained as a result of a scientific fact or information that was based on facts of the case.

Mr. Speaker, the regulatory state in this country has grown exponentially and, really, to unprecedented levels. Unelected bureaucrats have exceeded their authority, they are creating regulations, they are negatively impacting the marketplace, which causes a problem for me back home, and Members of Congress back home, as businesses talk about following rules and regulations rather than the marketplace, and trying to add employees and to turn the cash register.

Accordingly, the American Action Forum, when totaling all available regulatory costs reported by executive agencies, the Obama administration imposed more than $600 billion in regulatory costs from 2009 to 2014. That is $600 billion worth of regulatory costs imposed on the American people by unelected bureaucrats that have increasingly become unaccountable, not only to economic growth, but also to the American people, and I believe to Congress.

Other studies have produced the same conclusion and it is this: that runaway regulations have a disastrous effect on the United States economy, impacting not only job creation, but also the effective opportunity for the free enterprise system to exist.

Federal agencies should exist to serve the American people. And as such, they should heed and respect their views and comments, while staying within the parameters of laws passed by lawmakers or ensuring the rulemaking process is transparent and free of propaganda.

Mr. Speaker, we appreciate you allowing us time to debate this on behalf of the American people today. This rule and the underlying legislation will provide an important check on the regulatory state that we find exists today in the United States, and to return transparency, responsiveness, and, I believe, honest dignity to the American people that we serve, for this overreaching process. I urge my colleagues to support this rule and the underlying legislation.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 156 OFFERED BY MR. POLIS

At the end of the resolution, add the following new sections:

SEC 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 356) to establish the National Commission on Foreign Interference in the 2016 Election. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308–311), describes the vote on the previous question on the rule as ''a motion to direct or control the consideration of the subject before the House being made by the Member in charge.'' To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that ''the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition'' in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: ''The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition.''

The Republican majority may say ''the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever.'' But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: ''Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.''

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled ''Amending Special Rules'' states: ''a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.'' (Chapter 21, section 21.2) Section 21.3 continues: ''Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.''

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

SEARCHING FOR AND CUTTING REGULATIONS THAT ARE UNNECESSARILY BURDENSOME ACT

The SPEAKER pro tempore (Mr. NEWHOUSE). Pursuant to House Resolution 150 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 998.

Will the gentleman from Kentucky (Mr. ROGERS) kindly take the chair.

□ 1309

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 further consideration of the bill (H.R. 998) to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes, with Mr. ROGERS of Kentucky (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, February 28, 2017, amendment No. 7 printed in House Report 115–20 offered by the gentleman from Illinois (Mr. KRISHNAMOORTHI) had been disposed of.

AMENDMENT NO. 8 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 115–20.

Ms. BONAMICI. 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 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO CONSUMER PROTECTIONS FOR STUDENT LOAN BORROWERS.

The provisions of this Act do not apply to any rule or set of rules prescribed by the Secretary of Education with respect to providing consumer protections for student loan borrowers.

The Acting CHAIR. Pursuant to House Resolution 150, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chair, I rise today in support of the amendment to protect student loan borrowers from the dangerous provisions of the SCRUB Act.

More than 40 million Americans have student loan debt. Roughly one-quarter of these borrowers are behind on their payments either in delinquency or default. The Federal Government has a responsibility to protect these borrowers and American taxpayers from unscrupulous institutions that saddle students with exorbitant debt in exchange for an education of dubious value.

Hardworking students, like those who attended Corinthian Colleges or ITT Tech, could be harmed if Congress passes a law that potentially strips them of a clear process for having their debt forgiven after institutions fabricate job placement figures or close unexpectedly.

This bill could allow institutions like Corinthian Colleges to require pre-dispute arbitration clauses, and prohibit class-action lawsuits—making it much less likely that students will get the justice they deserve when a school misrepresents the quality of its programs.

Millions of borrowers who rely on popular income-driven repayment plans could be left without options for keeping their payments affordable.

Active-Duty servicemembers could lose access to deferment benefits.

Rules banning incentive pay could be undone, exposing student veterans and others to aggressive marketing.

This bill could weaken Federal protections for millions of student loan borrowers when, instead, Congress should be working together to make college more affordable.

I encourage my colleagues to vote ''yes'' on this amendment, and I reserve the balance of my time.

Mr. ROSS. Mr. Chair, I claim the time in opposition.

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

Mr. ROSS. Mr. Chairman, as we pointed out yesterday, the SCRUB Act requires the commission to identify regulations that should be repealed. The commission focuses on rules and regulations that are out of date, no longer useful, and otherwise unnecessary or obsolete.

As I stated yesterday, no regulations should be exempt from this bill. Not all consumer protection regulations are created equal. If the regulation is important, effective and still relevant, then let it stand. If the regulation is not effective, no longer valuable and unnecessary, then why keep it around?

This amendment is just another wrong-headed carve-out that will end up hurting student loan borrowers more than it could possibly help them.

And for those reasons, Mr. Chairman, I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Ms. BONAMICI. Mr. Chair, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), the ranking member of the Subcommittee on Higher Education and Workforce Development.

Mrs. DAVIS of California. Mr. Chairman, I rise to protect student loan borrowers. Protecting our young people should be a priority for every single Member of this Chamber. A major way that we are able to defend our students is through the safeguards that are at stake today.

These protections, like provisions which ensure students are able to find gainful employment or have recourse if a school misleads them, have been integral in the wake of unethical practices by certain schools. We have seen the damage that schools like ITT Tech and Ashford University have done in districts like mine. And as a military town, the students in San Diego are particularly vulnerable to bad actors in the for-profit education industry.

I can tell you, Mr. Chair, I have heard from students who can't get the degrees they need to provide a better life for their families; veterans who write to me imploring us to protect the men and women who would have spent their lives protecting us; students who write to me frustrated by this Chamber's insistence on deregulation for deregulation's sake; and many more who write letters saying, education is important to us. And we believe it should be important to you as well.

Let's prove them right, Mr. Chair. Let's show that education is important to us, and let's commit to keeping key provisions for students intact.

□ 1315

Mr. ROSS. Mr. Chairman, everybody wants to see gainful employment for our students, our college students especially.

Those institutions that have preyed on these students also are as a result of a regulatory environment that has allowed that to happen. That same regulatory environment would be under review, under oversight by the SCRUB Act. For those reasons particularly, we need to make sure that we do not have this amendment, but, more importantly, that we do allow for the underlying bill.

For those reasons, again, I urge opposition to this amendment by my colleague.

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

Ms. BONAMICI. Mr. Chair, I yield 1 minute to the gentleman from Colorado (Mr. POLIS), the ranking member of the Subcommittee on Early Childhood, Elementary, and Secondary Education.

Mr. POLIS. Mr. Chair, I rise in strong support of Congresswoman BONAMICI's amendment.

Today, our country owes over $1.3 trillion in student debt. In Colorado, the average student loan borrower owes $26,000.

Why would we want to risk abolishing consumer protections for our borrowers?

These are very personal numbers. The stories I hear, the burden of student loan debt affects people's ability to own a home or buy a car.

A recent report from the Consumer Financial Protection Bureau found that the number of student loan borrowers over the age of 60 has quadrupled. People haven't even paid off their loans as they enter retirement age.

Now, the Obama administration did take important steps to protect and support student loan borrowers. They made it easier for them to pay back their loans and ensured they were treated fairly by student loan services. Rolling back these protections would have far-reaching negative effects for our borrowers.

I strongly support Congresswoman BONAMICI's amendment, exempting Federal protections that support consumer protections for student loan borrowers from the SCRUB Act. The last thing we need to scrub away is protections for people to take out student loans.

I urge my colleagues to vote ''yes.''

Ms. BONAMICI. Mr. Chairman, the SCRUB Act is completely unnecessary. Agencies can already review and repeal regulations that are no longer needed. The only thing this bill does for people with student loan debt is give them less certainty that their investment will be worth it.

At a time when a college degree or credential is a critical tool for securing a family-wage job, it makes no sense to threaten to rescind rules that shield Americans from career programs that leave students with large debts and low wages.

I encourage all of my colleagues to adopt this amendment to safeguard consumer protections for student loan borrowers.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

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

Ms. BONAMICI. Mr. Chair, I demand a recorded vote.

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

AMENDMENT NO. 9 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 115–20.

Ms. BONAMICI. 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 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.

The provisions of this Act do not apply to any rule or set of rules relating to title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).

The Acting CHAIR. Pursuant to House Resolution 150, the gentlewoman from Oregon (Ms. BONAMICI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. BONAMICI. Mr. Chairman, I rise in support of the amendment to exempt rules related to title I of the Elementary and Secondary Education Act from the misguided provisions of the SCRUB Act.

Title I is the core feature of the Elementary and Secondary Education Act, a critical civil rights law that holds States accountable for helping all students succeed.

The SCRUB Act threatens rules for implementing title I, which, in turn, threatens students. For example, title I rules clarify important accountability requirements that we passed into law just last session with strong bipartisan support.

Clear rulemaking is necessary to give education leaders certainty so they can benefit from the law's new flexibility and innovate on behalf of students.

Title I rules also include important details about the use of assessments in schools. These rules were negotiated with broad consensus. Would the SCRUB Act repeal them and deny States clarification about reducing the burden of testing?

My colleagues across the aisle may argue that no rule should be exempt from the SCRUB Act and that somehow the unelected commission in the bill will identify only bad rules. I am not so sure. The commission in the bill could create any methodology for targeting rules and, without knowing the commission's method, it is disingenuous to say that essential rules, good rules, wouldn't be affected.

Additionally, rules are rarely black and white as the majority suggests. Title I accountability rules, for example, sometimes push States to report on how they are serving each subgroup of students. But where some local officials may complain, these rules make sure that low-income and minority families are being counted.

Will the commission hear the concerns of those families?

I ask my colleagues to protect vulnerable students across the country by supporting this amendment.

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

Mr. ROSS. Mr. Chair, I claim the time in opposition.

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

Mr. ROSS. Mr. Chair, this amendment would exclude from the commission's review regulations under title I, part A of the Elementary and Secondary Education Act, as amended.

ESEA provides financial assistance to local educational agencies and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging State academic standards.

No regulation should be exempt from the review process, especially those regulations that impact low-income students across the country. It is imperative that we have smart, targeted, cost-effective regulations that actually help the people that need the help.

Imposing ineffective regulations on schools and educational agencies cost taxpayers money—this must be given the opportunity for oversight, as is given under the SCRUB Act—and overburden our already exhausted educators, and can cause more harm rather than good.

Why not take a look at these regulations and just consider whether they are working? And, if they are, then let's leave them alone. But if not, then, let's change them there.

There is no reason why we should create, again, a special carve-out from the commission's consideration. For those reasons, Mr. Chairman, I urge my colleagues to oppose this amendment.

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

Ms. BONAMICI. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. POLIS), the ranking member of the Subcommittee on Early Childhood, Elementary, and Secondary Education.

Mr. POLIS. Mr. Chairman, I rise in strong support of Congresswoman BONAMICI's amendment, which I am also proud to cosponsor.

When ESEA, or the Elementary and Secondary Education Act, was first passed in 1965, it truly was a landmark and important piece of civil rights legislation. It is written with the intent that every student—no matter their race, their economic background, their ZIP Code—deserves a great education in our country.

Title I of ESEA gets at the heart of the civil rights spirit for providing additional funding for schools with significant populations of high-needs and at-risk students. Now, title I also provides important performance and equity parameters for States and districts and gives some direction about how States can comply with these requirements to support our most struggling schools.

Of course, the text of the law doesn't do everything, which is why we rely on the protections that have been put in place through rule.

The SCRUB Act would allow an unelected panel to carelessly do away with important civil rights protections and transparency, the opposite of the legislative intent in the ESEA.

The Department of Education regularly goes through an extensive process for finalizing regulations, and to do away with these protections on a whim by an unelected, all-powerful panel may somehow score political points, but it is at the expense of students across our country.

I strongly support Representative BONAMICI's amendment that would exempt title I from this harmful bill, and I urge its passage.

Mr. ROSS. Mr. Chairman, since 1965, when the ESEA was passed, we have gone from chalkboards to iPads. Things have changed. The regulatory environment has changed.

May I remind my colleagues that, under the SCRUB Act, the bipartisan review committee would make these recommendations for changes in the regulatory scheme to Congress, who would have the final say as to whether any regulations need to be changed.

Again, for those reasons, Mr. Chairman, I urge my colleagues to oppose this amendment.

I yield back the balance of my time.

Ms. BONAMICI. Mr. Chair, I yield 1 minute to the gentlewoman from California (Mrs. DAVIS), the ranking member of the Subcommittee on Higher Education and Workforce Development.

Mrs. DAVIS of California. Mr. Chairman, I rise to suppose the ESEA title I protection amendment.

We all know education, at its core, is a civil rights issue. We have a responsibility to ensure that every student has access to a world-class education, and this is especially true for children who come from families with limited means.

For our working class families, a quality education can be—and actually is—the ladder which raises an entire family's prospects. The protections that we are debating today ensure that these students and their schools are not shortchanged from the resources they need in order to be successful. These are resources that they are entitled to by law.

Last year's Every Student Succeeds Act was a very successful bipartisan compromise, so let's not gut the protections that are crucial for its effective implementation before it is even given a chance.

A student's ZIP Code should not determine the quality of his or her education. A family's income should not determine their child's career prospects, and a school's location should not determine its resources.

Let's come together to protect our most vulnerable students because, as we all know, today's investments in education will determine our future.

Ms. BONAMICI. Mr. Chair, may I inquire to the remaining time, please?

The Acting CHAIR. The gentlewoman from California has 1 minute remaining.

Ms. BONAMICI. Mr. Chair, title I of the Elementary and Secondary Education Act is a key Federal law for advancing equity in our Nation's classrooms. The rules implementing title I provide important details that make sure historically underserved students have access to an equal public education. These rules are too important to entrust to a mysterious commission.

I am very proud of the work I did in the State legislature repealing unnecessary education rules and statutes. We did it in a very collaborative, bipartisan manner through existing processes. That is what we should be doing, not going through this SCRUB Act.

I urge my colleagues to protect title I rules, stand up for educational equity, and support the amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The amendment was rejected.

AMENDMENT NO. 10 OFFERED BY MR. RASKIN

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 115–20.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO CLEAN AIR ACT.

The provisions of this Act do not apply to any rule or set of rules relating to the enforcement of the Clean Air Act (Public Law 88–206; 42 U.S.C. 7401 et seq.).

The Acting CHAIR. Pursuant to House Resolution 150, the gentleman from Maryland (Mr. RASKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RASKIN. Mr. Chairman, my amendment would protect all rules relating to the enforcement of the Clean Air Act, which are in danger now under H.R. 998, the SCRUB Act, which seeks to authorize a brand new $30 million Presidential commission of unelected and unaccountable bureaucrats to wipe out agency rules across the whole field of government.

Mr. Chairman, last night in this Chamber, the President of the United States came and articulated policy areas where he said his administration ''wants to work with Members of both parties.'' One of these was to promote clean air and clean water. I was happy to hear it because earlier in the day he signed an executive order to clear the way for weakening safe drinking water standards through redefinition of which small bodies of water are covered under the Clean Water Act.

Now, the amendment I propose provides a chance for all of us to start fresh in demonstrating our seriousness about this new bipartisan commitment to protect the water we drink and the air that we breathe.

The SCRUB Act proposes to create a commission to do what Federal agencies and commissions already do, which is to review and update their rules. That is why a lot of us are deeply skeptical about spending $30 million to create a new roving commission to hack away at rules protecting the public interest.

This commission would be made up of five members appointed directly by the President at his discretion and four members by the President from congressional nomination, too, from each party.

The advocates for this legislation say it is not about dismantling the rules that protect the water that our children drink or the air that our children and our grandparents breathe or the food that all of us eat. It is just about getting rid of unnecessary and obsolete and profligate regulations. And I take them at their word that that is what it is about.

□ 1330

So let's all agree that the new supercommission that you seek to establish under the SCRUB Act will not touch, in any way, the rules adopted under the Clean Air Act. If that is not the purpose of this legislation, to undermine the Clean Air Act regime, as its advocates repeatedly insist, then there should be no problem having us formalize this commitment on a bipartisan basis.

Right now, the SCRUB Act does not explicitly protect clean air—or clean water, for that matter—from the prospects of a roving bureaucratic attack. Thus, it exposes all of us to unnecessary harm, threatening to scrub away the rules that protect the air we breathe.

What will that mean for 17 million Americans with asthma, for the millions of people with lung cancer and other respiratory diseases, for more than 30,000 people struggling with cystic fibrosis? All of these people are potentially in danger simply because of an overblown ideological attack on regulations, which are just the rules that we adopt as a constitutional democracy to protect ourselves from harm.

In answer to objections about the bill, the majority says that Congress will still have its say; but if you read it carefully, you see that congressional authority has actually been placed in a straitjacket. The bill requires an up-or-down vote on the commission's recommendations as a complete omnibus package rather than voting on each proposal individually.

So if you agreed with loosening some regulations, for example, in the Title X Family Planning program, which has a lot of rules, but you don't want to eviscerate the regulatory infrastructure under the Clean Air Act or the Clean Water Act, you would have to vote on the entire package at once. This makes Congress into an embarrassing rubber stamp for a nine-person body effectively controlled by the executive branch.

Dear colleagues, let's not play games with the health and safety of our constituents. If this bill passes as is, rules that govern the very air we breathe would be subject to the SCRUB Act's unelected, unaccountable, and unbounded practitioners. My amendment closes a gaping and dangerous hole in the legislation. I ask my colleagues to think about public health and safety first, and not the magical thinking and scientifically ungrounded cost-benefit analysis promised by the SCRUB Act.

I reserve the balance of my time.

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

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

Mr. ROSS. Mr. Chairman, this bill, again, requires the commission to identify regulations which should be repealed. The commission focuses on rules and regulations that are, again, out-of-date, no longer necessary, no longer useful, or otherwise obsolete.

Regulations promulgated under the Clean Air Act need to be examined and updated just as much as any other regulations. Reviewing and revisiting regulations promulgated decades ago allows the opportunity to improve upon existing standards.

According to the Competitive Enterprise Institute, the Environmental Protection Agency regulations cost the public $353 billion a year. Given the high costs associated with EPA regulations, excluding these regulations from this review process just doesn't make any sense. $353 billion—more than one-third of a trillion dollars—needs review.

Importantly, this bill has several significant procedural hurdles to pass before any regulation would be repealed: the commission must determine the regulation is no longer necessary; the commission must recommend repealing the regulation; and, most significantly, Congress would need to vote to get rid of the regulation. No regulation would be repealed without a vote by Congress.

This is reinstating the authority that this body has, and for these foregoing reasons, Mr. Chairman, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I yield such time as he may consume to my colleague from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I support this amendment to exempt rules under the Clean Air Act from this bill.

According to a 2011 study by the Environmental Protection Agency, the central benefits of the Clean Air Act exceed costs by a factor of more than 30 to 1, and the high benefits exceed costs by 90 times. Cleaner air provides exceptional economic benefits because it results in the improved health and productivity of Americans and reduces medical expenses for air pollution-related health problems.

The Clean Air Act will prevent thousands of early deaths; and its air quality and health benefits, including the prevention of heart attacks and the reduction of pulmonary diseases like chronic bronchitis, will grow over time.

Representative RASKIN's amendment, which would exempt all rules that relate to the Clean Air Act, is based on common sense. Cleaner air benefits every man, woman, and child in the country. If the Environmental Protection Agency is prevented or delayed from promulgating new regulations relating to the Clean Water Act because of cost, the children of this country will pay a very heavy price.

I hope that all Members will understand the need for exempting rules that result in cleaner air for our children and support this amendment.

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

Mr. ROSS. Mr. Chairman, this bill, when passed, does nothing to remove any regulation. What it does is exactly what we were elected to do: provide transparency and oversight over existing regulations to determine whether they are necessary or not. For those reasons, Mr. Chairman, I would again urge opposition to this amendment.

I yield back the balance of my time.

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

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

Mr. RASKIN. 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 Maryland will be postponed.

AMENDMENT NO. 11 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 115–20.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO TRIBAL GOVERNMENTS.

The provisions of this Act do not apply to any rule or set of rules—

(1) relating to any obligation of the Federal Government with respect to a Tribal government; or

(2) supporting Tribal sovereignty and self-determination.

The Acting CHAIR. Pursuant to House Resolution 150, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, my amendment is very simple. It just says that the provisions of the SCRUB Act will not apply to any rule or set of rules relating to any obligation of the Federal Government with respect to tribal government or supporting tribal sovereignty and self-determination.

Mr. Chair, the United States has a unique legal and political relationship with Indian tribal governments, as outlined in the Constitution, treaties, statutes, executive orders, and judicial decisions. However, too often they have been overlooked when it comes to Federal policies that will have a direct impact on that relationship and that sovereignty.

My concern is that, without explicit language, H.R. 998 would simply continue this mistake, which has had devastating consequences for our Native American brothers and sisters. It has been a decades-long policy of the Federal Government to engage Native American tribes in a government-to-government relationship that respects their right to self-government and self-determination, and my amendment seeks to ensure that nothing in this bill will undermine those efforts.

My amendment would exempt rules that will have an impact on this government-to-government relationship from the bill's requirements. This will, of course, require agencies and this commission to examine the impact on this special relationship in each rule that they bring to the chopping block. It makes clear that protecting the sovereignty and promoting the economic, political, and social self-determination for the Native American community remains a pressing priority.

Now, just 2 days ago, Mr. Chairman, the House considered and passed a bill, H.R. 228, the Indian Employment, Training and Related Services Consolidation Act, to make permanent a program that allows tribes to combine up to 13 different Federal, employment, childcare, and job training funding sources.

Of course, the sponsor of this legislation, Representative DON YOUNG, a true champion for Native Americans, described it well. He said: ''This program is what tribal self-determination is all about. Tribes understand their members best and know how to use these tools for creating expanding job opportunities in their communities.''

The same thing with NAHASDA, which has a lot of innovations, and I have worked with Congressman STEVE PEARCE and Representative COLE and others. Once NAHASDA reauthorization becomes law, it, too, might fall short because of this particular bill. I fear that the SCRUB Act's reckless rush to repeal rules based primarily only on one consideration, cost to the economy, will adversely affect Native Americans.

How will members of this commission be experts on the sovereignty and government-to-government relationship with tribes? There is no appointee for Native American communities on this commission, on the needs of native communities, on efforts by Congress to promote self-determination. The bill requires zero such knowledge and participation.

Additionally, simply requiring agencies to blindly—blindly—cut regulations is just nonsensical by itself.

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

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

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

Mr. ROSS. Mr. Chairman, this amendment is the prime example of why we need the SCRUB Act. ''Federal Management of Programs that Serve Tribes'' was added to the Government Accountability Office biannual high-risk report released earlier this month. The GAO reported: ''For nearly a decade, we, along with inspectors general, special commissions, and others, have reported that federal agencies have ineffectively administered Indian education and health care programs and inefficiently fulfilled their responsibilities for managing the development of Indian energy resources.''

Look, the GAO found numerous challenges, including poor conditions at schools, inadequate healthcare oversight, and mismanagement of energy resources that limit the ability of tribes to create economic benefits and improve the well-being of their communities.

Clearly, the Federal Government is not getting this right, and we need to exercise our oversight. We need more attention to this issue, not less.

Exempting regulations relating to tribal governments is simply wrong. It keeps in place outdated and ineffective regulations that are burdening our tribal governments. For these reasons, Mr. Chairman, I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Ms. MOORE. Mr. Chairman, this is precisely why the Members should adopt my amendment: because this is an unelected commission, and the relationship between Native American tribes is a government-to-government relationship.

If the gentleman is correct that we need to review regulations and change them, then that is something that

needs to happen with Native Americans seated at the table. As my good friend LINDA SÁNCHEZ often points out, when you are not at the table, you are definitely on the menu.

History has shown that failure by the Federal Government to consider the impact on tribal communities and to include their voices in Federal decisions has often left undesirable and devastating policy. Such consideration is disrespectful of their sovereignty and disrespectful of our Constitution. Such consideration is a critical need for us to create and maintain a strong and productive Federal-tribal relationship. I urge my colleagues to support my amendment.

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

Mr. ROSS. Mr. Chairman, the regulations that we are talking about in the GAO report that are so ineffective, that have been a failure, are those regulations that have been imposed by unelectable bureaucrats in the bureaucracy that we are trying to reach back and gain not only oversight, but transparency as well. The SCRUB Act needs to be there for that particular purpose, and, for those reasons, this amendment should be opposed.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

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

Ms. MOORE. 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 gentlewoman from Wisconsin will be postponed.

□ 1345

AMENDMENT NO. 12 OFFERED BY MR. CUMMINGS

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 115–20.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 31, after line 24, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION RELATING TO PROTECTIONS FOR WHISTLEBLOWERS.

The provisions of this Act do not apply to any rule or set of rules relating to—

(1) protections for whistleblowers; or

(2) penalties for retaliation against whistleblowers.

The Acting CHAIR. Pursuant to House Resolution 150, the gentleman from Maryland (Mr. CUMMINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Chairman, my amendment would exempt from this bill any rule that protects whistleblowers or that imposes penalties on individuals who retaliate against whistleblowers. This bill would jeopardize all agency rulemakings—no matter how important—even rules that protect whistleblowers.

The Department of Energy issued a ruling in December that would authorize the department to impose civil penalties on Federal nuclear contractors who retaliate against whistleblowers who report information concerning nuclear safety. On January 31, 2017, DOE put a moratorium on that rule in response to President Trump's mandated freeze on rulemakings.

This is exactly the kind of rule that could become a casualty of this bill. We must ensure that agencies can issue rules that protect individuals who blow the whistle on waste, fraud, and abuse, as well as safety issues that can be a matter of life and death.

Mr. Chairman, I include in the RECORD a letter from the Project on Government Oversight supporting my amendment. That letter states: ''Whistleblowers are the first and best line of defense against significant problems on federal projects and must be protected from retribution for the act of reporting wrongdoing. Regulations to protect those whistleblowers should be exempt from the SCRUB Act 2017.''

PROJECT ON
GOVERNMENT OVERSIGHT,
Washington, DC, February 28, 2017.

Hon. PAUL RYAN,
Speaker of the House, House of Representatives, Washington DC.

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

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of the Project On Government Oversight (POGO), I would like to voice my support for the whistleblower protection amendment to the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017 (SCRUB Act) introduced by Ranking Member ELIJAH CUMMINGS of the House Oversight and Government Reform Committee.

POGO is an independent nonprofit that has, for 35 years, investigated and exposed corruption and misconduct in order to achieve a more accountable federal government. As such, our organization is deeply committed to protecting whistleblowers within the federal government and its contractors. This amendment will explicitly protect any agency-promulgated regulations that protect whistleblowers or that lay out penalties for those who retaliate against whistleblowers from being targeted as ''unnecessarily burdensome'' under the SCRUB Act.

These regulations, like a Department of Energy (DOE) rule that would have allowed the Department to impose civil penalties against contractors who retaliate against whistleblowers, are already being disrupted by the current regulatory freeze. Whistleblowers are the first and best line of defense against significant problems on federal projects and must be protected from retribution for the act of reporting wrongdoing. Regulations to protect those whistleblowers should be exempt from the SCRUB Act of 2017.

We are happy to champion this amendment and hope it will receive the bipartisan support it deserves.

Sincerely,

DANIELLE BRIAN,
Executive Director.

Mr. CUMMINGS. Let me say that whistleblowers have played a very significant role in our committee, the Oversight and Government Reform Committee. As a matter of fact, many of the reforms that have come have come because people were bold enough to stand up and come forward and provide information that we would not have gotten. One of the things, Mr. Chairman, that we have said over and over again on a bipartisan basis is that we will protect whistleblowers.

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

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

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

Mr. ROSS. Mr. Chairman, let me begin by saying that my colleague from Maryland, the ranking member of the full committee, has been and continues to be probably one of the strongest advocates for whistleblower protections, and I thank him and laud him for that. But I must disagree with him in regard to this amendment.

No one regulation is the perfect and ideal regulation that will last into perpetuity. All regulations need to be reviewed, and that is what this rule does. The commission focuses on rules and regulations that are out of date, no longer useful, and are otherwise unnecessary or obsolete.

Regulations that were promulgated with the original intent of protecting whistleblowers need updating and consideration as much as any other regulation does. Reviewing and revisiting regulations promulgated decades ago creates the opportunity to improve upon existing standards.

Excluding whistleblower regulations from this exercise means that whistleblowers would lose out on the chance to streamline regulations and reduce burdens that might be harming whistleblowers. In fact, this process could actually help protect whistleblowers in its oversight and transparency.

Importantly, this bill has several significant procedural hurdles to pass before any regulation would be repealed. The commission must determine that the regulation is no longer necessary; the commission would then recommend repealing the regulation; and, again, most significantly, Congress would need to vote on the regulation in order to get rid of it.

Again, for these reasons, I urge my colleagues to oppose this amendment.

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

Mr. CUMMINGS. Mr. Chairman, may I inquire how much time I have remaining?

The Acting CHAIR. The gentleman from Maryland has 2½ minutes remaining.

Mr. CUMMINGS. Let me say this, Mr. Chairman, I have, as the ranking member of our committee, had many opportunities to sit and listen to whistleblowers who were shaking in their shoes. They were worried. But there was something that they wanted to do that was far more important to them than just that moment. They were trying to make sure that they did the right thing, and they brought it to the attention of people that they thought would listen to them and would do something about their concerns when they felt they had got to the point where, in many instances, they felt that they had nobody to go to.

This administration has been very interesting. If there is any time that we need to be protecting whistleblowers, it is right now because there are so many people in our government who feel that they are under threat. They see things changing, and many of them are in fear.

I appreciate what the gentleman said, but I don't care how you look at this. If somebody has the nerve to come up and say, I want my government to be better—some people have told me, I want to preserve my democracy. I want it to be a democracy for my children so they can have the democracy that I had when I was born—and they have the nerve to come up, then we have to do everything in our power. We have to send that message, and the message needs to come from here. It may not come from the White House, but it has got to come from here.

That is why this concerns me so much. Any message other than that says to those people that they have got to keep hiding, they have got to keep shaking in their boots, and they have got to keep silent when, deep in their souls, they want to make a difference.

We are better than that.

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

Mr. ROSS. Mr. Chairman, again, nothing in the SCRUB Act does anything to remove any of the protections that already exist for whistleblowers. This essentially makes it open for review, but, more importantly, as I agree with my colleague from Maryland, we need to protect the whistleblowers. And if it be the focus of Congress to do just that, then we must, irrespective of the SCRUB Act, focus on strengthening those laws that protect our whistleblowers to make our government run more transparently, more effectively, and more efficiently.

Again, I urge my colleagues to oppose this 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 Maryland (Mr. CUMMINGS).

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

Mr. CUMMINGS. 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 Maryland will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 115–20 on which further proceedings were postponed, in the following order:

Amendment No. 8 by Ms. BONAMICI of Oregon.

Amendment No. 10 by Mr. RASKIN of Maryland.

Amendment No. 11 by Ms. MOORE of Wisconsin.

Amendment No. 12 by Mr. CUMMINGS of Maryland.

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

AMENDMENT NO. 8 OFFERED BY MS. BONAMICI

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 191, noes 235, not voting 3, as follows:

[Roll No. 109]

AYES—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—235

Abraham
Aderholt
Allen
Amash
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton

Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—3

Amodei
Hudson
McNerney

□ 1419

Messrs. FERGUSON, PAULSEN, YOUNG of Iowa, MARSHALL, POE of Texas, BILIRAKIS, JENKINS of West Virginia, MULLIN, THOMPSON of Pennsylvania, RODNEY DAVIS of Illinois, and DUFFY changed their vote from ''aye'' to ''no.''

Messrs. PETERS, GALLEGO, and SUOZZI changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. RASKIN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Maryland (Mr. RASKIN) 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 189, noes 231, not voting 9, as follows:

[Roll No. 110]

AYES—189

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—231

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Taylor
Tenney
Thompson (PA)
Thornberry
Tipton
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—9

Collins (NY)
Cuellar
Hudson
McCaul
Pelosi
Rush
Stivers
Tiberi
Trott

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1427

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 11 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE) 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 197, noes 229, not voting 3, as follows:

[Roll No. 111]

AYES—197

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Cole
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Hurd
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lucas
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Mullin
Murphy (FL)
Nadler
Napolitano
Neal
Nolan

Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (AK)

NOES—229

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOT VOTING—3

Hudson
Pelosi
Scott, David

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. COLLINS of Georgia) (during the vote). There is 1 minute remaining.

□ 1432

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 12 OFFERED BY MR. CUMMINGS

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 194, noes 231, not voting 4, as follows:

[Roll No. 112]

AYES—194

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Fitzpatrick
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (IA)

NOES—231

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Zeldin

NOT VOTING—4

Hudson	Pelosi
Lowenthal	Scott, David

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1436

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. FLEISCHMANN). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. COLLINS of Georgia) having assumed the chair, Mr. FLEISCHMANN, 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. 998) to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes, and, pursuant to House Resolution 150, he reported the bill back to the House with sundry amendments 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 reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were 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 and adopted.

MOTION TO RECOMMIT

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

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

Mr. RASKIN. I am, indeed.

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

The Clerk read as follows:

Mr. Raskin moves to recommit the bill H.R. 998 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new title (and update the table of contents accordingly):

TITLE VI—EXEMPTIONS

SEC. 601. EXEMPTION FOR CERTAIN RULES OR SETS OF RULES.

The provisions of this Act do not apply to any rule or set of rules relating to—

(1) any law governing a potential conflict of interest of an employee or officer of the executive branch;

(2) any law governing the financial disclosures of an employee or officer of the executive branch; and

(3) bribery.

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

Mr. RASKIN. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to the committee. If adopted, the bill will immediately proceed to final passage, as amended.

The purpose of this amendment is simply to carve out from the provisions of the legislation any rules that we have adopted in order to prevent conflicts of interest and in order to promote financial transparency and disclosure by executive branch employees.

Mr. Speaker, since I became a Member of the House in January and joined the Judiciary Committee, we have been subjected to an onslaught of bills seeking to free corporate polluters, lead paint and asbestos manufacturers, and other abusers of the rights of consumers and citizens from having to face the people they injure in court and having to comply with the rules that have been worked out over the decades to protect our air, our water, our land, our people, our health, and our workplaces.

In most cases, we don't even get hearings on these bills. In the Judiciary Committee, I have not seen a victim of toxic torts or lead poisoning or medical malpractice testify, but their rights are being flattened every single day by the legislative bulldozer that is running amuck.

These bills are flying at us with lightning speed—no hearings, no real debate, no time to study the measures, no time to do the proper information gathering for our constituents.

Now the SCRUB Act would establish an unelected roving commission with unlimited subpoena power. It would be controlled by the President who gets to appoint a clean majority—five members at his own discretion; and four more, two Republicans and two Democrats. So when they say it is bipartisan, remember what that means: Seven spots for majority appointees and two spots for minority appointees. More importantly, this roving commission can be lobbied behind closed doors by the special interests that want to splice and dice the regulations that we have worked out over the decades to protect the public against harm.

In all of the rules that our democracy has put in place—not just old rules, not just obsolete rules, not just silly rules—all of them are going to be in the crosshairs of this roving commission—no exceptions, no firewalls, no protections for rules governing public health and safety—like the Clean Water Act or like the Clean Air Act. They just rejected the amendment to carve that out. There are no protections, significantly, and this is what the amendment is about, for rules guaranteeing transparency in government and integrity in government.

My motion to recommit, Mr. Speaker, would incorporate into the underlying legislation an amendment that I advanced in committee that goes to the heart of the crisis of confidence in Washington, in America today. I think every Member of this body can support it without betraying any of their principles or their party. On the contrary, I think it strengthens all of our principles and it strengthens our parties by building public confidence in the political system as a whole. It makes sure we can keep draining the swamp, as the President of the United States said in this Chamber last night.

My amendment states very simply that the Commission may not target for destruction any rules relating to any law governing a potential conflict of interest of an employee or officer of the executive branch, or any law governing the financial disclosures of executive branch employees, and bribery.

Right now, we know there is a dangerous crisis in popular confidence in the national government. This administration has brought to Washington a web of complicated conflicts of interest, real or potential, attendant to a global business empire that engages in business with foreign governments, foreign and domestic corporations, and a huge host of regulated entities.

Just a mile from where we sit today, for example, the Trump Hotel is renting out guest rooms, ballrooms, meeting rooms, and whole floors to foreign governments, embassies, and large corporations in flagrant violation of the Emoluments Clause, article 1, section 9, which requires the President to come ask us—Congress—for permission to receive payments from foreign governments.

□ 1445

They even have a director of diplomatic sales now. Furthermore, the standard lease that the Trump Hotel has with the General Services Administration forbids any elected official of the United States Government or the District of Columbia from deriving any profit or value from the lease. Clearly, there is a breach in this lease right now. The problem is that the President is not only the tenant, he is, for all intents and purposes, the landlord too because he controls the GSA and appoints its director. So President-landlord Donald Trump would have to go to court to sue tenant businessman Donald Trump for breaching the lease by collecting money under it as a public official. This just scratches the surface of a welter of ethical conflicts.

Mr. Speaker, this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage as amended.

Since I became a member of this House in January, my Freshman colleagues and I have been engaged in two activities. First, we've been sitting in hearings and trying to make sense of bills that fundamentally change the legal and regulatory structure of America—and we've done so without hearing from witnesses, without time to study measures, and without time to do the proper information gathering that I believe is necessary to serve our various constituencies. Second, we've come to the floor at the end of each day to cast votes on deregulation. This house has been in the business of loosening rules on everything. We've

made it easier to pollute, easier to harm consumers—all in the name of cutting regulatory costs. And so it's no surprise that a bill like this sailed through the Committee on Oversight and Government Reform to the floor.

This bill would establish an unelected commission with unlimited subpoena power and partisan majority to chop through the Federal Register with a chain saw. There are no exceptions, no firewalls, no protections for rules and regulations governing health and safety and there are no protections for rules guaranteeing transparency in government.

My motion to recommit would incorporate into the underlying legislation, an amendment I offered in committee. It's straightforward and unburdensome. In fact, when I offered it in committee one of my colleagues on the other side indicated that the priority of this bill is "major rules with massive costs."

If passed, this MTR would make certain that no provision of the SCRUB Act could be used to eliminate rules relating to laws that govern conflicts of interest of executive branch officers or employees. That's it—it reinforces existing law and clarifies provisions of this bill.

Surely, we can agree that rules designed to help maintain the public trust in those representing them in the Executive Branch are sacred enough to be explicitly protected. And if anyone should ask why it's so important, we don't have to look too far. This administration is a walking, talking billboard for the need to protect laws that protect the public trust.

I urge my colleagues to support this common sense measure.

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

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

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

Mr. ROSS. Mr. Speaker, it is interesting because creatively my friend from Maryland is trying to do unsuccessfully what they have done all along unsuccessfully, and that is just create a carve-out of regulations for review by the SCRUB Act.

Now, what regulation is so perfect it should never be reviewed again? None. And that is why the SCRUB Act is so important. You see, this bill went through regular order.

In the Oversight and Government Reform Committee, we went through a markup, and my friends across the aisle had an opportunity to make their amendments. We came to the floor. They had an opportunity to make their amendments. Two were accepted—made it a bipartisan bill.

But, more importantly, let's take the impact of this bill and what it does to our economy. The Small Business Administration says that annually each business must pay $20,000 a year in compliance costs because of our regulatory environment. The Competitive Enterprise Institute says that that is $15,000 per household.

Members, we were elected to be accountable to those who elected us; not to allow some unaccountable, unelectable bureaucracy to make rules and regulations that have filled up 178,000 pages of the Code of Federal Regulations.

Let us do what we were elected to do, and reach back and take that authority that we have given to these regulatory agencies. Let us pass this SCRUB Act so that we will have the opportunity to not only review, but eliminate those regulations that are no longer necessary, inefficient, and ineffective.

Members, I ask for you to oppose this motion and vote for the underlying SCRUB Act and let us regain the authority that the people have given us.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, the 5-minute vote on the motion to recommit will be followed by 5-minute votes on the passage of the bill, if ordered; ordering the previous question on House Resolution 156; and adoption of the resolution, if ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 190, noes 235, not voting 4, as follows:

[Roll No. 113]

AYES—190

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—235

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack

Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—4

Capuano
Hudson
Pelosi
Scott, David

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1500

Messrs. COFFMAN, DESJARLAIS, and Mrs. COMSTOCK changed their vote from ''aye'' to ''no.''

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. RASKIN. 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 240, noes 185, not voting 4, as follows:

[Roll No. 114]

AYES—240

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallagher
Garrett
Gibbs
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nunes
O'Halleran
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Rush
Russell
Rutherford
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—185

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Biggs
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gaetz
Gallego
Garamendi
Gohmert
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Massie
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Panetta
Pascrell
Payne
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—4

Hudson
Pelosi
Rogers (KY)
Scott, David

□ 1507

Ms. BLUNT ROCHESTER changed her vote from ''aye'' to ''no.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1004, REGULATORY INTEGRITY ACT OF 2017, AND PROVIDING FOR CONSIDERATION OF H.R. 1009, OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 156) providing for consideration of the bill (H.R. 1004) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes, and providing for consideration of the bill (H.R. 1009) to amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 189, not voting 7, as follows:

[Roll No. 115]

YEAS—233

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador

LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—189

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran
Pallone
Panetta
Pascrell
Payne
Pelosi
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—7

Duncan (TN)
Green, Al
Hudson
Marshall
O'Rourke
Perlmutter
Scott, David

□ 1513

So the previous question was ordered.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. SESSIONS was allowed to speak out of order.)

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 725, INNOCENT PARTY PROTECTION ACT; H.R. 720, LAWSUIT ABUSE REDUCTION ACT; AND H.R. 985, FAIRNESS IN CLASS ACTION LITIGATION ACT

Mr. SESSIONS. Mr. Speaker, this morning the Rules Committee issued announcements outlining the process for amendments for three measures likely to be on the floor next week.

An amendment deadline has been set for Monday, March 6, at 3 p.m. for H.R. 725, the Innocent Party Protection Act. And a deadline has been set for Tuesday, March 7, at 10 a.m. for H.R. 720, the Lawsuit Abuse Reduction Act; and H.R. 985, the Fairness in Class Action Litigation Act.

The text of these measures is available at the Rules Committee website, and feel free to contact me or my staff with any questions.

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

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

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 180, not voting 15, as follows:

[Roll No. 116]

AYES—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—180

Adams
Aguilar
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Halleran

Pallone	Ryan (OH)	Thompson (CA)
Panetta	Sánchez	Thompson (MS)
Payne	Sarbanes	Titus
Pelosi	Schakowsky	Tonko
Perlmutter	Schiff	Torres
Peters	Schneider	Tsongas
Peterson	Schrader	Vargas
Pingree	Scott (VA)	Veasey
Pocan	Serrano	Vela
Polis	Sewell (AL)	Velázquez
Price (NC)	Shea-Porter	Visclosky
Quigley	Sherman	Walz
Raskin	Sires	Wasserman Schultz
Rice (NY)	Slaughter	Waters, Maxine
Richmond	Smith (WA)	Watson Coleman
Rosen	Soto	Welch
Roybal-Allard	Speier	Wilson (FL)
Ruiz	Suozzi	Yarmuth
Ruppersberger	Swalwell (CA)	
Rush	Takano	

NOT VOTING—15

Bass	Gabbard	Lieu, Ted
Cleaver	Green, Al	Marshall
Correa	Gutiérrez	O'Rourke
Costa	Himes	Pascrell
Duncan (TN)	Hudson	Scott, David

□ 1520

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MARSHALL. Mr. Speaker, I was talking to constituents and reached a time when a very personal issue arose. Had I been present, I would have voted "yea" on rollcall No. 115 and "yea" on rollcall No. 116.

DISAPPROVING THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO ''CLARIFICATION OF EMPLOYER'S CONTINUING OBLIGATION TO MAKE AND MAINTAIN AN ACCURATE RECORD OF EACH RECORDABLE INJURY AND ILLNESS''

Mr. BYRNE. Mr. Speaker, pursuant to House Resolution 150, I call up the joint resolution (H.J. Res. 83) disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness'', and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 150, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness'' (published at 81 Fed. Reg. 91792 (December 19, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. BYRNE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.J. Res. 83.

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

There was no objection.

Mr. BYRNE. Mr. Speaker, I rise today in strong support of H.J. Res. 83, and I yield myself such time as I may consume.

Mr. Speaker, America's workers deserve responsible, commonsense, regulatory policies to ensure safe and healthy working conditions. Let me say that again. America's workers deserve responsible, commonsense regulatory policies to ensure safe and healthy working conditions.

They deserve a Federal Government that holds bad actors accountable, and a government that takes proactive steps to help employers improve safety protections and prevent injuries and illnesses before they occur. Just as importantly, they deserve to know that Federal agencies are following the law.

For years, Republicans have called on OSHA to reject a top-down approach to worker protections and, instead, collaborate with employers to identify gaps in safety and address the unique challenges facing workplaces.

Unfortunately, under the Obama administration, our concerns usually fell on deaf ears. In fact, one of the administration's parting gifts to workers and small businesses was a regulatory scheme that reflects not only a backwards, punitive approach to workplace safety, but one that is completely unlawful.

Here's why. Under the Occupational Safety and Health Act, employers have long been required to record injuries and illnesses and retain those records for 5 years. The law explicitly provides a 6-month window under which OSHA can issue citations to employers who fail to maintain proper records; 6 months. It is written in the law. This approach helps ensure workplace hazards are addressed in a timely manner.

However, in 2006, OSHA took action against Volks Constructors for recordkeeping errors that occurred well beyond what the law allows, well beyond 6 months. The errors were from nearly 5 years earlier. That is why a Federal appeals court unanimously rejected OSHA's overreach. The opinion for the Court stated: ''We do not believe Congress expressly established a statute of limitations only to implicitly encourage the Secretary to ignore it.'' Even President Obama's Supreme Court nominee, Judge Garland, agreed OSHA's action was ''not reasonable.''

What came next was an outright power grab. OSHA decided to take its unlawful action one step further. This time it would not only ignore the law, but rewrite it. The agency finalized the ''Volks'' rule, unilaterally extending the statute of limitations from 6 months to 5 years. OSHA undertook for itself the power that only this Congress has to write laws.

The agency created significant regulatory confusion for small businesses. Many would likely face unwarranted litigation because of unlawful regulatory policies. Of course, further judicial scrutiny also means hardworking taxpayers will foot the bill when OSHA is forced to defend its lawless power grab once again.

Simply put, OSHA had no authority to do this. We have a Constitution that grants Congress, not Federal agencies, the power to write the law. But that is not the only reason we are here today. We are also here because this rule does nothing to improve workplace safety.

Maintaining injury and illness records is vitally important and can help enhance worker protections. But that is not the goal of this rule. This rule only serves to punish employers. As we have said repeatedly, OSHA should, instead, collaborate with employers to help them understand their legal responsibilities and ensure safe measures are in place to prevent workplace hazards in the future.

Fortunately, Congress has the authority to reject this failed approach to workplace safety and block an abuse of executive power that began under the Obama administration.

I urge my colleagues to support this resolution, and I hope we can all work together to encourage a more proactive approach that prevents injuries and illnesses from happening in the first place.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 83, the Congressional Review Act resolution of disapproval that will undermine workplace safety and health. It does so by overturning a clarifying rule issued by OSHA on December 9, 2016, to ensure accurate occupational injury and illness reporting.

Now, first of all, it is strange that we are reversing a rule through the Congressional Review Act that creates no new compliance or reporting obligation, imposes no new costs. It simply gives OSHA the tools to enforce an employer's continuing obligation to record injuries and illnesses.

Spurred by the court of appeals decision, which blocked OSHA from citing continuing violations outside the 6-month statute of limitations, OSHA updated its recordkeeping rule. This new rule makes it clear that employers have a continuing obligation to record serious injuries and illnesses on an OSHA Log if they failed to comply with the requirement to record the injury at the time the injury or illness occurred.

Since the enactment of OSHA in 1970, accurate data on workplace injuries and illnesses has been recognized as an

important tool for protecting worker safety and health.

Since 1972, employers in higher hazard industries have been required to record the occurrence of each serious occupational injury or illness within 7 days on a ''Log of Work-Related Injuries and Illnesses.''

□ 1530

An annual summary of this law must be posted for 3 months starting in February of each year in a conspicuous place where employees' frequent records must be kept for 5 years.

While most employers faithfully comply with OSHA's rules, there are a number of well-documented incentives for employers to underreport workplace injuries. These incentives include lower workers' compensation rates, more favorable treatment in public contracting, and a lower chance of having a future OSHA inspection.

Underreporting means that workplace hazards are masked, making it less likely that employers or employees become aware of patterns that would indicate the need to take corrective actions to prevent future injuries. If injuries and illnesses are not on the log, OSHA may overlook hazards at a worksite during an inspection and consequently leaving workers exposed to correctable dangers.

Mr. Speaker, because of underfunding, OSHA only has sufficient resources to inspect a workplace once every 140 years on average. So the likelihood that they might show up in the next 6 months is obviously remote. To be effective, OSHA must have reliable injury and illness data to target its scarce resources towards work sites where employees are facing the greatest dangers. Understated injury rates may mean that OSHA will bypass work sites that need to be inspected.

Without reliable recordable injury rates, private contractors and public sector officials will not be able to make sufficiently informed decisions when assessing the safety records of prospective contractors and subcontractors.

Mr. Speaker, OSHA's practice for the last 40 years and the decisions of the bipartisan and independent OSHA Review Commission have upheld the principle that every day an employer fails to record an injury was a continuing violation for the purpose of calculating time limits under OSHA's statute of limitations. That is not totally open-ended but limited to the 5-year requirement that employers are required to maintain these injury records.

In spite of this 40-year precedent, a 2012 D.C. Court of Appeals decision known as Volks Constructors upended the 40-year precedent when it held that OSHA did not have the authority to issue a citation for an occurrence of a violation that extended beyond the 6-month statute of limitations as set forth in OSHA. The court noted that OSHA's previous regulation provided for no specific articulated continuing obligation to record injuries beyond 7 days.

There was a concurrent opinion in the Volks decision which made it clear that a regulation, which expressly provides for an employer's continuing obligation, would be lawful.

Now, when you talk about what the court decided and what Mr. Garland wrote, that was on the previous regulation, not on this one.

Informed by the guidance of the court, OSHA has issued a new rule which does make it clear that an employer's duty to maintain an accurate record of workplace injuries and illnesses is, in fact, an ongoing obligation.

So let's be clear, eliminating this rule means that employers who want to underreport injuries will face no sanctions if the injuries go back more than 6 months. Rolling back this rule essentially creates a vast safe harbor for noncompliance and creates the perverse incentive for underreporting.

The premise behind the resolution today is that it is unlawful. If that is the case, Congress should repeal the regulation. But no court has reviewed this new rule, only the predecessor. There has been no appeal of the new rule that has been lodged since the new rule was issued in December.

The proper course of action is to have the courts decide the legal question since arguably they are in the best position to interpret the laws and evaluate the precedents. This especially makes sense since one of the concurring opinions in the Volks case identified abundant legal precedent for tolling the statute of limitations when there are continuing violations in other laws that are nearly identical to the reporting requirements in OSHA. These include the Consumer Credit Reporting Act and the Sex Offender Registration and Notification Act.

On the other hand, if the purpose of passing this resolution is just to eliminate the possibility of OSHA's clarifying rule could ever be found lawful, then it is obvious that H.J. Res. 83 is an ideological attack without any regard for consequences to worker safety.

On the other hand, if there is a bona fide view that OSHA lacks the adequate legal basis for the rule, then the constructive solution would be to amend OSHA and provide for the clarifying statutory authority. We should not be repealing the rule because we know what happens when this deterrent is eliminated. After OSHA lost its authority to enforce the violations outside the 6-month window under the Volks decision, there was a 75 percent reduction in the number of citations issued for underreporting, and that is according to OSHA data.

So, Mr. Speaker, there has been no hearing held on this final rule or this resolution. There has been no assessment of the consequences of underreporting of injuries which will occur if this resolution is adopted, and there has been no evaluation of any alternative way to ensure accountability for employers who flout the law. There has just been a headlong rush to push this resolution to the floor just a few days after its filing.

So given the complete lack of deliberation regarding this new rule, this Congressional Review Act resolution is premature, at best, but it will definitely have regrettable consequences to the health and safety of the people that we are charged to protect.

Mr. Speaker, I urge a ''no'' vote.

I reserve the balance of my time.

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

Mr. Speaker, I would like to read very briefly a quote from the court's decision: ''We find this statute to be clear and the agency's interpretation unreasonable in any event''—in any event.

There is no way to rewrite this regulation to comply with the law that is clear. There is no way for the agency's interpretation to become reasonable. It is unreasonable according to the court in any event.

My friend from Virginia talked about the fact that OSHA just updated the regulation to impose a continuing obligation. OSHA does not have that authority. Only this Congress has that authority. No agency can unilaterally decide to change a statutory provision that the court has said is clear. He said this applies to only a few categories of employers. It applies to nearly every category of employers that has 10 employees or more. So you could have an employer with 50 employees, and they are subject to this regulation. This applies to virtually any employer.

OSHA has 6 months to enforce this law—6 months—from any violation. Now, why 6 months? Because it is important to investigate these things quickly and determine whether there has been a violation because things get lost and people leave their employment. Congress made the decision for 6 months because that was a period of time in which OSHA could perform its duties reasonably, and we could get justice the way it ought to be done.

We can amend OSHA, but we have not chosen to do so. Until this Congress chooses to change OSHA, the agency has to comply with the clear wording of the statute as it has been passed by this Congress. The agency does not have the right to do this. It would be a waste of taxpayer money and time to force an employer to go challenge this in court when we already know what the result is going to be. It is not up to the committee or to the Congress to go back and review an agency interpretation we know, as a matter of law, is wrong.

So this is a responsible act to take, and I would suggest to the agency and to my fellow Members of Congress that if we want to reconsider a statute of limitations we do it on this floor and not in that agency.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from

North Carolina (Ms. FOXX) who is the chairwoman of our committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Alabama for his able testimony in regard to this resolution.

I rise today in support of this resolution because it will reverse an unlawful power grab and restore responsible worker health and safety policies.

Article I of the Constitution is clear. It is the Members of this body—the legislative branch—who write the law. Why? Because we are closest to the people and, therefore, more responsive to the needs and demands of those we serve.

It is the responsibility of the executive branch to enforce the laws—not write them. Unfortunately, the previous administration failed to abide by this founding principle. President Obama boasted about his days teaching constitutional law, yet his administration tried time and time again to rewrite the law unilaterally through executive fiat.

The Volks rule is just one example of this unprecedented overreach. Under Occupational Safety and Health Act regulations, employers are required to record injuries and illnesses and retain those records for 5 years. This information has long been used by safety inspectors and employers to identify gaps in safety and enhance protections for workers.

To ensure hazards are addressed in a timely manner, the law explicitly provides a 6-month window under which an employer can be cited for failing to keep proper records—6 months. But never one to let the law stand in the way of its partisan agenda, the Obama administration decided to unfairly target a Louisiana construction company for recordkeeping errors from nearly 5 years earlier.

That's right, 5 years. Not even remotely close to what the law passed by Congress permits. The consequences of this unlawful power grab were predictable. Employers large and small faced significant regulatory confusion and legal uncertainty. Fortunately, a Federal appeals court unanimously struck down this power grab as my colleague from Alabama has cited. Even President Obama's nominee for the Supreme Court, Judge Merrick Garland, referred to OSHA's action as unreasonable.

How did the Obama administration respond to this judicial rebuke? It completely ignored the court's ruling. The agency doubled down on its abuse of power and tried to rewrite the law extending the threat of penalty from 6 months to 5 years.

Again, it is Congress that writes laws, not government agencies. That is precisely why we must support this resolution. By supporting H.J. Res. 83, we will provide more certainty for small businesses and uphold the rule of law. Just as importantly, we must demand a better approach to worker health and safety. To be clear, this rule does nothing—I repeat nothing—to improve the health and safety of America's workers.

Instead of shaming employers, OSHA should collaborate with employers and develop a proactive approach that will keep workers safe. That is exactly what Republicans have demanded for years, and we will continue to demand so in the years ahead no matter which party has the Presidency.

As my colleague from Alabama has said, this is exactly the appropriate way to block this unlawful rule, not only because the agency has no authority to do what it did, but because it is why we have the CRA.

Mr. Speaker, I urge my colleagues to block an unlawful rule by voting in favor of H.J. Res. 83. I wish to thank the chairman of the Workforce Protections Subcommittee, Representative BYRNE, for his leadership on this important issue.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, prior to yielding, I just want to make a comment that the court struck down the previous rule, not the rule which is the subject of this resolution. The previous rule did not have a specific citation about a continuing obligation. This rule does. The excerpts from the Garland concurring decision says:

None of this is to say, as the petitioner suggests in its opening brief, that a statute of limitations like OSHA's statute of limitations can never admit to a continuing violation for a failure to act. To the contrary, where a regulation or statute imposes a continuing obligation to act, a party can continue to violate it until that obligation is satisfied.

This regulation specifically cites the obligation as a continuing obligation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

□ 1545

Ms. JACKSON LEE. Let me thank the gentleman for his very astute argument and his leadership on the committee.

I am going to narrow my argument to, I think, very realistic questions about whether or not we are procedurally in the context of overruling the OSHA decision out of the Federal courts or whether or not this is really a question of do we want to protect the rights of American workers and protect them from the years of injuries that preceded the establishment of OSHA. I want to fall on the side of the American worker.

Let me be very clear what we are talking about today. The ruling that we are speaking about went against 40 years of precedence in reporting workplace safety violations. Since 1972, every administration has maintained that the 5-year retention period for recording work-related injuries, illnesses, or death is standard practice. This DOL rule was simply put in place to codify and create some consistency that will benefit both employers and employees.

Thank you, President Obama, who recognized that it is not the Member of Congress who may slip on a rug in their privileged manner of coming to this august body and voting, but it is, in fact, the workers who come every day and pick up your garbage, the sanitation workers, the same workers that Dr. King went to Memphis to stand up for and the individuals who, because of their work, are susceptible to injuries more often than not.

Individuals who work in construction, who help build our houses and hospitals and tall skyscrapers, what excuse can we give for not maintaining the standards of keeping and reporting those injuries for a period of 5 years and the retention of such? Or those who work, for example, in the area of railroads, railroad beds and railroad sites—hard labor. Or those who work at our ports—hard labor.

So I rise to oppose disapproving the rule submitted by the Department of Labor regarding OSHA, and I do so for the men and women who do the heavy lifting.

I include in the RECORD a letter from AFSCME, which represents municipal and county workers across America, establishing why we should vote ''no'' on this.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, February 28, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I'm writing to urge you to oppose H.J. Res. 83, which would abolish an Occupational Safety and Health Administration (OSHA) rule that clarifies an employer's responsibility to maintain accurate records of serious work-related injuries and illnesses.

The new OSHA rule creates NO new compliance or reporting obligations and imposes no new costs on employers.

The 1970 law creating OSHA explicitly directed the agency to ''prescribe regulations requiring employers to maintain accurate records of and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries . . . .'' Since the first recordkeeping regulations issued in 1972, OSHA has required employers to record workplace injuries on an ''OSHA log'' within seven days of the injury and to maintain the records of the log and annual summary of the log for five years. Every Republican and Democratic administration since 1972 has interpreted this employer obligation to make and maintain accurate records to be ongoing from the date of the injury or illness until the five-year retention period expires. OSHA issued this clarifying regulation in December 2016 in response to a court decision that dramatically limited OSHA's enforcement of injury recordkeeping regulation to a six-month period. OSHA's clarifying rule simply restores the standard to one employers have known and complied with for 45 years.

H.J. Res. 83 would strip OSHA of its enforcement authority and harm workplace safety.

Passage of this Congressional Review Act Resolution of Disapproval would enable employers who deliberately and recklessly break the law to avoid any penalties for systemically failing to report or underreporting

injuries over many years. They would be able to cover up or mask longstanding workplace hazards that need correcting. OSHA has limited resources and, on average, can inspect a workplace once every 140 years. OSHA relies upon reliable injury and illness data to prioritize its resources to those workplaces that present the greatest hazards to workers. H.J. Res. 83 would remove OSHA's enforcement ability to protect workers from the most dangerous and significant hazards.

Workplace injuries are real. Last year, a GAO report found workplace violence is a serious concern for the approximately 15 million health care workers in the United States, but the full extent of injuries that are the result of workplace violence is unknown because of underreporting. Accurate reporting would help OSHA, employers, workers and their representatives respond more effectively to this prevalent workplace hazard. H.J. Res. 83 would jeopardize the progress that could be made on workplace violence and other workplace injuries by blocking this basic reporting and recordkeeping rule or a similar rule in the future.

We oppose H.R. Res. 83 and urge you to stand with workers by rejecting this resolution.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

Ms. JACKSON LEE. H.J. Res. 83 is wrong. It is wrong because it goes against the hardworking people.

I also include in the RECORD, Mr. Speaker, a letter from the International Brotherhood of Teamsters disapproving of H.J. Res. 83.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, DC, February 27, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the International Brotherhood of Teamsters, I urge you to oppose H.J. Res. 83, disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness.'' Disapproving this rule would undermine safety in some of the nation's most dangerous industries, many of which employ Teamsters.

The rule does not impose new costs on employers and simply reaffirms OSHA's ability to enforce injury and illness recordkeeping. This rule became necessary when a 2012 court decision overturned policy that had been in place for 40 years by limiting enforcement of OSHA's injury recordkeeping regulations to a six month period. OSHA publishes the data that it collects from employers on worksite injury and illness which is then utilized by employers, unions, and workers to identify and fix workplace hazards. With limited resources, OSHA also utilizes the data to target its enforcement and compliance activities to the most dangerous workplaces thus making it essential that OSHA have accurate information. With under-reporting of injury and illness data already a major issue, it makes no sense to effectively strip OSHA of its ability to enforce reporting requirements as this ultimately impacts workplace safety. Congress should be working to improve work place safety not undermine it, and voting for H.J. Res 83 will ultimately harm working men and women.

I urge you to oppose H.J. Res. 83 to protect OSHA's ability to enforce accurate injury and illness reporting and to ensure workers have a safe and healthy workplace.

Sincerely,

JAMES P. HOFFA,
General President.

Ms. JACKSON LEE. Mr. Speaker, I stand with the workers.

Mr. Speaker, I rise in strong opposition to H.J. Res. 83, a resolution "Disapproving Department of Labor Rule Relating to Clarification of Employer's Continuing Obligation to Make And Maintain an Accurate Record of Each Recordable Injury And Illness."

I oppose this bill because it will harm workers who depend on the Occupation Health and Safety Administration to ensure that their workplaces are safe. H.J. Res. 83 will undermine workplace health and safety and make it impossible for OSHA to ensure that injury and illness records are complete and accurate.

Accurate records are needed to ensure OSHA focuses its limited resources on the nation's most dangerous workplaces, instead of wasting time in workplaces with low risk.

The Department of Labor rule at issue here does not create any new obligations.

OSHA has enforced injury recordkeeping requirements by reviewing the last five years of an employer's records throughout its entire history, under every administration.

In 2012, a court decision limited enforcement of OSHA's injury recordkeeping regulations to a six month period—a dramatic departure from the last OSHA's 40 year policy and practice.

The 2016 rule simply allows OSHA to continue this practice.

Mr. Speaker, complete and accurate information on work-related injuries and illnesses is important.

The Occupational Safety and Health Act of 1970 directs the Secretary of Labor to "prescribe regulations requiring employers to maintain accurate records of, and make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries."

Since the early 1970's, OSHA has required construction employers to keep these records.

The records are used by employers, workers, and unions at the workplace to identify hazardous conditions, and take corrective action to prevent future injuries and exposures.

Both positive and negative injury trends are tracked on a national scale, allowing limited prevention resources to be targeted effectively.

Most importantly, OSHA relies on the records to target its enforcement and compliance assistance activities to dangerous workplaces.

No employer, union, or individual could possibly want OSHA inspecting safe workplaces rather than hazardous ones, but without accurate information, this will happen.

Disapproval of the new rule puts construction workers lives in danger.

Without the new rule, it will be impossible for OSHA to effectively enforce recordkeeping requirements and assure that injury and illness records are complete and accurate.

Underreporting of injuries and illnesses is already a huge problem, and without enforcement, this will get much worse.

It will undermine safety and health and put workers in danger.

I strongly oppose H.J. Res. 83 and urge all Members to vote against this ill-conceived and unwise legislation.

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

Mr. Speaker, the gentleman from Virginia referred to continuing violations. There is no provision in this law for continuing violations.

Looking again at the court's decision. They said this: the statute of limitation provides that ''no citation may be issued . . . after the expiration of six months following the occurrence of any violation.''

They go on to say this: ''Like the Supreme Court, we think the word 'occurrence' clearly refers to a discrete antecedent event—something that 'happened' or 'came to pass' 'in the past.' ''

By any common definition, there was no occurrence; i.e., no discrete action, event, or incident, no coming about, and no process of happening within the requisite 6 months. You can't take that wording and slip into it a continuing violation requirement unless you change the statute. The agency can't change the statute.

The court, in its decision on the Volks rule, also looked at something very important, and that is: Why do we require this agency to do its work in a good period of time?

It says: ''Nothing in this statute suggests Congress sought to endow this bureaucracy with the power to hold a discrete record-making violation over employers for years, and then cite the employer long after the opportunity to actually improve the workplace has passed.''

In other words, we gave the agency 6 months to do its job, and it should do its job.

Now, other people have looked at this, people who are experts in workplace safety. I refer you, Mr. Speaker, to a letter that was written on October 27, 2015, by the American Society of Safety Engineers, which I include in the RECORD.

AMERICAN SOCIETY OF
SAFETY ENGINEERS,
Park Ridge, IL, October 27, 2015.

Re ASSE Comments on OSHA Notice of Proposed Rule Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness [Docket No: OSHA–2015–0006].

Hon. DAVID MICHAELS,
Assistant Secretary, Occupational Safety and Health Administration, OSHA Docket Office, U.S. Department of Labor, Washington, DC.

DEAR ASSISTANT SECRETARY MICHAELS: As you well know, the more than 37,000 member safety, health and environmental (SH&E) professionals of the American Society of Safety Engineers (ASSE) intimately know the details of collecting workplace injury and illness data, recording that data for employers, and the careful work needed to report that data to the Occupational Safety and Health Administration (OSHA). Perhaps more than any stakeholders, our members understand the value of this data in managing workplace safety and health risks as well as its appropriate use by OSHA in developing better means to focus the agency's resources on the most difficult risks facing American workers. Our members use injury and illness data to help them protect workers. They expect no less of an effective OSHA.

That being said, ASSE cannot support the requirement that employers have a duty to record an injury or illness continues for the full duration of the rccord-retention-and-access period—five years after the end of the

calendar year in which the injury or illness became recordable—that OSHA proposes in its July 29, 2015 Notice of Proposed Rulemaking (NPR) Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness [Docket No: OSHA–2015–0006]. ASSE respectfully opposes the adoption of a Final Rule as proposed in this rulemaking for the reasons that follow.

NATURE OF VIOLATIONS

ASSE members do not look at the issues raised in this rulemaking with the same viewpoint of the occupational safety and health bar that, no doubt, will provide substantive legal arguments against the case OSHA makes for addressing the Volks II decision through this rulemaking. Rather, our members' view is a practical one that comes from years of experience on the job as the professionals charged with meeting OSHA's recordkeeping requirements.

Our members know the inadvertent mistakes they themselves can make in recordkeeping and reporting. They also know what they typically find when they are hired by a company to help improve workplace safety and health. As they assess the workplace's risks and past safety performance to help them develop safety and health management plans, the reporting mistakes our members typically find are not very often the worst cases that, unfortunately, seem to be creating this rulemaking. The errors in reporting they see are, by far, minor, isolated, and, if continuing, it is only in the sense that a typo can be repeated day after day.

They also see mistakes that come from a widespread lack of understanding of OSHA's detailed reporting requirements. When seasoned safety and health professionals consistently use ASSE's educational conferences, our social media, and opportunities to meet with OSHA staff through the ASSE-OSHA Alliance to get the best and latest information about OSHA recordkeeping requirements, we know that, even for them, the task of meeting those requirements can be too often confusing. Given that the vast majority of employers report to OSHA without the help of a safety and health professional, it is not difficult to see that the significant increase in records retention that OSHA is attempting to require of employers here will not succeed in a significant impact on safety and health among American workers.

UNINTENDED CONSEQUENCES

No reporting error is excusable. But a company's errors to which OSHA is determined to have access to for a period that can be up to six years through this rulemaking will not very often correlate to the risks facing workers, especially the risks a safety and health professional is trying to address for the company in the present. The statements OSHA makes about the value of data collected through current injury and illness recordkeeping are merely conclusory and are counter to our members' experience.

Measured against our members' belief that the additional data will provide little help to them or OSHA, they are particularly concerned that this rulemaking can only succeed in driving more employers towards greater expectations that safety and health professionals will focus energy and resources on collecting and reporting the lagging indicators that OSHA requires, taking them away from risk assessment and management tasks and their efforts to move their employers towards performance measurements based on leading indicators that we know can better measure a company's safety and health performance.

Many of our members, especially those who work in or for mid-sized and small companies, face a difficult uphill climb in selling their employers risk management and moving from lagging to leading indicates. We know OSHA values these approaches also. But when OSHA uses its limited resources to focus on measures that do not reflect cutting-edge safety principles and push our members' efforts backwards, OSHA is making their job more difficult. Our members value OSHA but want an OSHA that works with them to advance the best ideas for advancing workplace safety and health. Requiring this data to be available for OSHA's use for nearly six years does not meet our members' hope for an effective OSHA.

DIRECT BURDEN

ASSE is also concerned that the OSHA's estimates of the direct burden this rulemaking will place on employers are inadequate. The economic analysis states that there will not be a new cost burden. This was based on a 2001 analysis that it takes 0.38 hour to record an injury or illness, with a total cost per case of $17.75. From an informal survey of involved ASSE members, a more realistic estimate is that an hour is needed for each case over the five-year period, taking into account the variety of tasks involved, including determining if there was medical treatment beyond first aid, verifying lost and restricted day counts, and adjusting for changes in the status of a case. An updated economic analysis is needed, which we urge OSHA to conduct before a Final Rule is proposed.

A MEASURE OF THE PROBLEM

Related to our members' concern over the rulemaking's direct burdens on employers is OSHA's failure to discuss in the NPR why OSHA faces such difficulty in obtaining adequate data from employers. No doubt, employers are responsible for meeting OSHA's reporting requirements. Our members suspect that OSHA's reporting rules and. deadlines are not effective and cost employers unnecessarily.

Before requiring more extensive reporting, it would be helpful both to OSHA and the safety and health community to know more about why employers do not report. How many employers blatantly disregard the requirements and how many are simply making errors? What do employers and their workers not understand about the requirements? What training or level of expertise would help fill the gaps in reporting that OSHA believes exist? We urge OSHA to examine these issues as an. extension of its economic analysis. With more knowledge, there may be better ways to address recordkeeping that can support better employer reporting.

CONCLUSION

As we say above, our members want a strong and effective OSHA, But their view of an effective OSHA is an OSHA that can embrace the best our members already understand about how to achieve safe and healthy workplaces. An OSHA injury and illness prevention plan standard that is truly risk-based would help make OSHA more effective. Greater reliance on control banding to achieve better protection limits, as we have recently suggested to OSHA, would. Establishing professional competencies to define ''competent person'' in OSHA standards would. Finding a better way to update consensus standards in OSHA's standards would. Rethinking OSHA's reporting requirements to help move employers towards leading indicators and more advanced ways to measure safety performance certainly would. The areas where OSHA and our members agree on making OSHA more effective are many. Adding lengthier reporting burdens that will do little to help OSHA, employers or occupational safety and health professionals better manage workplace safety and hcalth will not.

As always, ASSE is more than willing to discuss these concerns further. Thank you for listening to our members' views.

Sincerely,

MICHAEL BELCHER, CSP,
President.

Mr. BYRNE. What it says is that this regulation does nothing to enhance workplace safety. That is from the American Society of Safety Engineers.

Also opposing this regulation is the Coalition for Workplace Safety. I include in the RECORD a letter from them dated February 17 of this year.

COALITION FOR WORKPLACE SAFETY,
February 17, 2017.

Hon. PAUL RYAN
Speaker, House of Representatives, Washington, DC.
Hon. KEVIN MCCARTHY,
Majority Leader, House of Representatives, Washington, DC.
Hon. STEVE SCALISE,
Majority Whip, House of Representatives, Washington, DC.
Hon. VIRGINIA FOXX,
Chairwoman, Committee on Education & the Workforce, Washington, DC.
Hon. BRADLEY BYRNE,
Chairman, Subcommittee on Workforce Protections, Washington, DC.

DEAR SPEAKER RYAN, MAJORITY LEADER MCCARTHY, MAJORITY WHIP SCALISE, CHAIRWOMAN FOXX, AND CHAIRMAN BYRNE: The undersigned groups strongly urge you to introduce and move a Congressional Review Act (CRA) joint resolution of disapproval to invalidate the Obama Administration's OSHA regulation overturning the decision in Volks regarding the statute of limitations for recordkeeping violations.

At its core, the Volks Rule is an extreme abuse of authority by a federal agency that will subject millions of American businesses to citations for paperwork violations, while doing nothing to improve worker health and safety. Finalized on December 19, 2016, the rule attempts to extend to five years the explicit six month statute of limitations on recordkeeping violations in the Occupational Safety and Health (OSH) Act of 1970. This regulation simultaneously represents one of the most egregious end runs around Congress' power to write the laws and a clear challenge to the judicial branch's authority to prevent an agency from exceeding its authority to interpret the law.

In 2012, citing the unambiguous language in the OSH Act, the U.S. Court of Appeals for the District of Columbia held that OSHA could not sustain citations against an employer for alleged recordkeeping violations that occurred more than six months before the issuance of the citation because, as the employer asserted, they were outside the six month statute of limitations set forth in the OSH Act. The court was unequivocal in its rebuke of OSHA. Judge Janice Rogers Brown expressed particular concern on the issue of the agency's overstepping its authority: ''we were rightly troubled by the notion of being asked by an agency to expand that agency's enforcement authority when Congress had evidently not seen fit to do so.'' Judge Merrick Garland, in his concurrence, plainly rejected OSHA's rationale for issuing the fines, ''the Secretary's contention—that the regulations that Volks was cited for violating support a 'continuing violation' theory—is not reasonable.'' The Volks decision has since been endorsed by the Fifth Circuit in the Delek decision, issued in December 2016, where the court found ''its reasoning persuasive.''

In response to the Court of Appeals ruling, OSHA promulgated this regulation specifically to negate the Volks case ruling and extend liability for paperwork violations beyond the six month window permitted under the Act. OSHA issued the final rule in the waning days of President Obama's Administration with an effective date of January 19, 2017. Although the regulation was issued in December, it was not submitted to Congress until January 4, meaning that the window for CRA consideration is for a regulation that has just been issued, and is therefore shorter than if it was being considered under the ''reset'' provisions of the CRA.

We urge you to help put a stop to OSHA's abuse of its authority and support swift passage of a joint resolution of disapproval for this burdensome, unlawful rule. Because the final rule directly contradicts both clear statutory language and two U.S. Courts of Appeals rulings, it must not be allowed to stand.

Thank you for your consideration of this request and for your continued efforts to rein in agency overreach and reduce the regulatory burden on America's job creators.

Sincerely,

Air Conditioning Contractors of America; American Bakers Association; American Coke and Coal Chemicals Institute; American Composites Manufacturers Association; American Farm Bureau Federation; American Feed Industry Association; American Foundry Society; American Fuel and Petrochemical Manufacturers; American Health Care Association; American Iron and Steel Institute; American Road and Transportation Builders Association; American Society of Concrete Contractors; American Subcontractors Association, Inc.; American Supply Association; American Trucking Associations.

Asphalt Roofing Manufacturers Association; Associated Builders and Contractors; Associated General Contractors; Associated Wire Rope Fabricators; Copper & Brass Fabricators Council, Inc.; Corn Refiners Association; Distribution Contractors Association; Flexible Packaging Association; Global Cold Chain Alliance; Independent Electrical Contractors; Industrial Minerals Association—North America; Institute of Makers of Explosives; International Dairy Foods Association; International Foodservice Distributors Association; International Franchise Association.

International Warehouse Logistics Association; IPC-Association Connecting Electronics Industries; Leading Builders of America; Mason Contractors Association of America; Mechanical Contractors Association of America; Mike Ray; Motor & Equipment Manufacturers Association; National Association for Surface Finishing; National Association of Home Builders; National Association of Manufacturers; National Association of Professional Employer Organizations; National Association of the Remodeling Industry; National Association of Wholesaler-Distributors; National Automobile Dealers Association; National Center for Assisted Living; National Chicken Council.

National Cotton Ginners' Association; National Demolition Association; National Electrical Contractors Association; National Federation of Independent Business; National Grain and Feed Association; National Lumber and Building Material Dealers Association; National Oilseed Processors Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National School Transportation Association; National Tooling and Machining Association; National Turkey Federation; National Utility Contractors Association; Non-Ferrous Founders' Society; North American Die Casting Association; North American Meat Institute.

Plastics Industry Association (PLASTICS); Power and Communication Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Retail Industry Leaders Association; Sheet Metal and Air Conditioning Contractors National Association; Shipbuilders Council of America; Southeastern Cotton Ginners Association, Inc.; Texas Cotton Ginners' Association; The Association of Union Constructors (TAUC); Thomas W. Lawrence, Jr.—Safety and Compliance Management; Tile Roofing Institute; Tree Care Industry Association; TRSA—The Linen, Uniform and Facility Services Association; U.S. Chamber of Commerce; U.S. Poultry & Egg Association.

Mr. BYRNE. To the point, there is nothing in this statute that allows for continuing violations, and there is nothing in this regulation that provides for workplace safety. This is a power grab by an agency in violation of its authorizing statute and by a clear decision of this circuit court of appeals.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume before I yield to the gentleman from Florida.

The law requires the keeping the records for 5 years. If there are bogus records, you ought to have an obligation to keep them correct. That has been the interpretation for 40 years, up until this decision.

We need the money to do their job. If they do their job, if we provide them with some funding, they can show up more than once every 140-some years.

We keep talking about a court decision that affected another resolution, not this one.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SOTO).

Mr. SOTO. Mr. Speaker, this is a simple issue: Do we want to make workplaces safer? Do we want to keep workers from getting hurt on the job? Of course, we do.

In order to protect workers, we need good data on where injuries are happening so we can work with employers to stop them.

Sometimes the other side says commonsense protections like this are too expensive or they kill jobs or they stifle innovation. None of those is even remotely true here.

The protections this resolution would take away cost nothing. Responsible employers are already keeping these records. That is why the coalition opposing this resolution includes workers rights advocates and a whole lot of other folks like public health practitioners. These are not political people. These are just people who work every day to help Americans lead safe, healthy lives.

This is not about President Obama or power grabs. It is about protecting the American worker.

The 6-month period is a setup which will lead to less enforcement. Rather than eliminating the rule, let's codify it and use the information we collect to continue to evolve our laws to protect workers.

I urge my colleagues to vote ''no.''

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

Mr. Speaker, I would remind the gentleman that the experts on this, the American Society of Safety Engineers, have said that this regulation does not enhance workplace safety. So if we are about workplace safety, this regulation isn't it. Let's talk about something that will help with workplace safety, not something that is a lawless power grab by a Federal agency.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), a hardworking member of the Committee on Education and the Workforce.

Mr. TAKANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to rolling back workplace safety protections for American workers. This use of the Congressional Review Act would endanger employees and throw away four decades of precedent for the sole purpose of protecting companies that repeatedly violate safety standards.

The Occupational Safety and Health Administration, commonly known as OSHA, is among the best tools we have to ensure that companies adhere to basic safety standards. Because the agency's budget is so small compared to its critical task, OSHA relies on accurate data to focus on the companies that pose the greatest danger to employees.

The previous administration sought to clarify and codify the responsibility companies have to maintain an honest record of their employees' injuries and illnesses. This resolution would undermine OSHA's ability to target serial offenders by removing companies' obligation to keep reliable data about safety issues in the workplace. If passed into law, the resolution would essentially grant amnesty to companies with years of workplace safety violations, while sending a clear message to employers that the Federal Government is no longer committed to worker safety.

Mr. Speaker, I have asked the question many times since the President took office, and I will ask it again today: How does this give power back to the people? How does undermining workplace safety regulations support middle class Americans? How does protecting companies that repeatedly violate safety standards improve the life of workers? The answer is that it doesn't.

I call on my colleagues to stand with working Americans who deserve a safe workplace and vote ''no'' on this resolution.

Mr. Speaker, I include in the RECORD a letter from the UAW opposing the repeal of this rule and also a letter from National Nurses United in opposition to H.J. Res. 83.

UAW,
February 28, 2017.

DEAR REPRESENTATIVES: On behalf of the more than one million active and retired members of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, we strongly urge you to oppose H.J. Res 83. This misguided resolution undermines workplace health and safety standards in the most dangerous industries. The proposed legislation will make it much harder for the Occupation Safety and Health Administration (OSHA) to ensure the safety and health of America's workers.

Since the early 1970s, OSHA has required employers to maintain a safety record for five years and make reports to the Department of Labor (DOL). These records are used by workers and employers to identify hazards, fix them, and most importantly, keep accidents from happening in the future. DOL utilizes these records to publish statistics on workplace injury and illness rates and OSHA relies on them to allocate scarce resources.

OSHA issued the recordkeeping rule to clarify an employer's responsibility to maintain a safe workplace. The rule does not impose any new costs or obligations on employers and only covers larger businesses with the most high risk occupations.

Accurate injury and illness records are critically important for workers and their families. Having the necessary tools to collect complete and accurate data on work-related injuries and illnesses is a key component in reducing, mitigating, and eliminating hazards and deaths in the workplace.

Historically, OSHA has assessed and enforced injury recordkeeping requirements under every administration. In turn, workers in America have enjoyed a much safer work environment. We must not take away or reduce OSHA's role in improving health and safety conditions for workers and we must ensure the accuracy of the reporting requirements. Tremendous gains have been made in workplace hazard reporting. We cannot go backwards.

The UAW members have a long and storied history of securing workplace protections for all of America's workers. This bill undermines those gains and more than 40 years of solid science and practice.

We urge you to resoundingly reject H.J. Res 83 and vote No when it comes to the floor.

Sincerely,

JOSH NASSAR,
Legislative Director.

NATIONAL NURSES UNITED,
February 27, 2017.

Re Letter in Opposition to H.J. Res. 83, Congressional Review Act Resolution to Block OSHA Injury and Illness Recordkeeping Clarification Rule.

Hon. VIRGINIA FOXX,
Chair, Committee on Education and the Workforce, House of Representatives, Washington, DC.
Hon. ROBERT SCOTT,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN FOXX AND RANKING MEMBER SCOTT: On behalf of over 150,000 members across the country and as the largest organization representing registered nurses in the United States, National Nurses United (NNU) urges you to oppose H.J. Res. 83, which would block the Occupational Safety and Health Administration's (OSHA) final rule clarifying employers' continuing obligations to record workplace injuries and illnesses. By revoking OSHA's authority to enforce recordkeeping requirements, this Congressional Review Act (CRA) resolution denudes the agency of the tools necessary to identify and target patterns of workplace hazards. These recordkeeping requirements are fundamental to OSHA's ability to protect workers from job-related health and safety hazards. But H.J. Res. 83 would leave OSHA with no functional mechanism to protect workers from longstanding workplace hazards—health and safety dangers on the job would go undisclosed and uncorrected. Congress must oppose this GRA resolution lest it place the health and safety of workers in serious jeopardy.

The published final rule, known as the ''Volks Rule,'' is a common-sense measure meant to align OSHA regulations with its 40-year-long practice of enforcing employer injury and illness recordkeeping requirements as continuing violations under of the Occupational Safety and Health Act of 1970 (OSH Act). Under the OSH Act, Congress authorized OSHA to promulgate rules requiring employers to maintain accurate records of workplace injuries and illnesses. Since 1972, under multiple Republican and Democratic Administrations, OSHA has required most employers to make and maintain records of workplace injuries and illnesses for five years from the date of the injury or illness. Each OSHA Administration has determined that the five-year record maintenance requirements were continuing obligations of employers and that OSHA citations could be issued if a violation were identified any time within that five-year period. But a 2012 decision by the D.C. Circuit Court of Appeals in Volks Constructors v. Secretary of Labor held that OSHA could not issue a recordkeeping citation beyond a six-month period despite the long-standing five-year recordkeeping requirements. There was a gap in OSHA regulations, and the Volks Rule would fix it, making agency recordkeeping rules consistent with its decades-long enforcement practices.

To fulfill its statutory duties to protect America's workforce from workplace safety and health hazards, OSHA depends on its ability to enforce injury and illness recordkeeping requirements. For OSHA to identify workplace hazards and to develop effective means to correct those hazards, complete and accurate information about what, where, when, and how injuries and illnesses occur in the workplace is vital. OSHA uses this information to develop injury prevention plans and to efficiently direct OSHA's scarce resources to worksites that pose the most serious hazards for workers. Reliable workplace injury data is also fundamental to the development and maintenance of effective occupational health and safety standards. Moreover, federal, state, and local officials also need reliable injury and illness data during procurement processes, ensuring that taxpayer dollars to contractors and subcontractors are going to fair and safe workplaces.

The elimination of OSHA's ability to enforce rules on workplace safety records allows—and even incentivizes—employers to obscure ongoing workplace hazards. It would be nearly impossible for OSHA to identify a recordkeeping violation and conduct a comprehensive investigation within six months of the injury or illness, instead of the full five-year recordkeeping period. Chronic underreporting—left unchecked if the Volks Rule was halted—erodes OSHA inspectors' ability to enforce the country's occupational health and safety laws and allows patterns of serious health and safety violations to persist. The CRA resolution would gravely weaken workplace health and safety protections, exposing workers to serious harm while on the job.

Because workers deserve the full and effective enforcement of the panoply of our worker protection laws, NNU urges you to oppose H.J. Res. 83.

Sincerely,

BONNIE CASTILLO, RN,
Director of Health and Safety.

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

Mr. Speaker, I appreciate the comments of the gentleman from California. He said that, if we pass this resolution, we will be granting amnesty to bad actors. We are not granting amnesty to bad actors. They will have no amnesty if OSHA does its job in a timely fashion. Five years is not timely under anybody's commonsense definition. They need to do their job within the 6 months that we have allowed for them to do it, and they have the tools to do their job within 6 months.

So there is no amnesty being granted here. We are expecting a Federal agency that has a lot of money and has a lot of power to simply do its job within 6 months, and they come forward and try to make a new statute of limitations because they don't do their job within 6 months.

I say to this body, I would say to people outside this body, it is time for OSHA to get its job done in the time allotted by the United States Congress and not come running out with some unilateral change in the statute which they have no power to do because, for some reason, they don't think they can do it.

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

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there are 2,000 inspectors at OSHA. There are 8 million work sites. We can't expect them to visit every 6 months when the funding only allows them to visit each workplace once every 140-some years. You would have to show up at each place every 6 months to catch these violations within that timeframe.

Mr. Speaker, for 40 years, the obligation to record these injuries has been considered a continuing obligation. If the purpose is to overrule the regulation because it is inconsistent with the statute, then we should fix the statute. But this resolution just gives relief to those who fail to record injuries and illnesses in violation of their legal obligation to do so.

As Americans discover the plan to repeal this OSHA rule through a resolution of disapproval, there are a lot of professional organizations, in addition to the ones that have already been introduced, that have been alarmed by this resolution.

The American Public Health Association has written:

Injury and illness records are invaluable for employers, workers and OSHA to monitor the cause and trends of illnesses and injuries. Such data is essential for determining appropriate interventions to prevent other workers from experiencing the same harm. . . . For decades, the public health community and government agencies have identified a widespread undercount of work-related injuries and illnesses. This includes investigations by the GAO, the Bureau of Labor Statistics and academic researchers. H.J. Res. 83

will have dire consequences for injury prevention and undermine 40 years of occupational injury surveillance in the United States.

The AFL–CIO has written:

In the absence of enforcement, there is no question that the underreporting of injuries, already a widespread problem, will get much worse, undermining safety and health and putting workers in danger.

□ 1600

A group of 66 professional workplace safety groups wrote:

The OSHA clarifying rule on maintaining accurate records imposes no new costs to business, but is critical to assuring that workplace fatalities and injuries are prevented.

Mr. Speaker, I include these letters in the RECORD.

AFL–CIO
LEGISLATIVE ALERT,
February 27, 2017.

DEAR REPRESENTATIVE: The AFL–CIO urges you to oppose H.J. Res 83, a Congressional Review Act Resolution of Disapproval that would repeal an Occupational Safety and Health Administration (OSHA) rule that clarifies an employer's responsibility to maintain accurate records of serious work-related injuries and illnesses. This resolution will make it impossible for OSHA to ensure that injury and illness records are complete and accurate and undermine workplace health and safety.

The rule, issued in December 2016, is in response to a court decision that limited enforcement of OSHA's injury recordkeeping regulations to a six month period—a dramatic departure from OSHA's 40 year policy and practice. The six month restriction makes it impossible for OSHA to enforce the Act's injury recordkeeping requirements, since OSHA does not have the resources to conduct regular inspections of even the most hazardous workplaces. Indeed, currently federal OSHA is only able to inspect workplaces on average, only once every 140 years. The new rule creates no new obligations on employers. It simply makes clear that employers have a responsibility to maintain accurate injury and illness records for 5 years and during this time can be held accountable for violations if records are not complete and accurate.

The collection of complete and accurate information on work-related injuries and illnesses is a cornerstone of the Occupational Safety and Health Act of 1970. The Act directs the Secretary of Labor to ''prescribe regulations requiring employers to maintain accurate records of, and make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries.'' Since the early 1970's, OSHA has required employers in the more hazardous industries to keep these records and make reports to the Department of Labor. These records form the basis of the Bureau of Labor Statistics' (BLS) work-related injury and illness statistics which are used to identify high-risk industries and occupations and emerging problems and to track progress. OSHA relies on the records to target its enforcement and compliance assistance activities to dangerous workplaces. And the records are used by employers, workers and unions at the workplace to identify hazardous conditions and take corrective action to prevent future injuries and exposures.

To ensure the accuracy of this critical information, throughout its entire history, under every administration, OSHA enforced injury recordkeeping requirements by reviewing the last five years of an employer's records. This comprehensive assessment allowed the agency to identify widespread underreporting by some employers, which was masking serious injuries and hazards. OSHA was able to take strong enforcement action which brought about changes in injury recordkeeping practices, but also led to significant safety and health improvements to address hazards and prevent future injuries.

Without the new rule, it will be impossible for OSHA to effectively enforce recordkeeping requirements and assure that injury and illness records are complete and accurate. In the absence of enforcement, there is no question that the underreporting of injuries, already a widespread problem, will get much worse, undermining safety and health and putting workers in danger.

The AFL–CIO asks you to stand up for the safety and health of American workers and to reject H.J. Res. 83.

Sincerely,

WILLIAM SAMUEL,
Director, Government Affairs Department.

AMERICAN PUBLIC
HEALTH ASSOCIATION,
Washington, DC, February 27, 2017.

Hon. VIRGINIA FOXX,
Chair, Committee on Education and the Workforce, Washington, DC.
Hon. ROBERT C. SCOTT,
Ranking Member, Committee on Education and the Workforce, Washington, DC.

DEAR CHAIRWOMAN FOXX AND RANKING MEMBER SCOTT: On behalf of the American Public Health Association, a diverse community of public health professionals who champion the health of all people and communities, I write to oppose H.J. Res. 83, a resolution that would use the Congressional Review Act to void an important Department of Labor policy which clarifies an employer's obligation to make and maintain accurate records of work-related injuries and illnesses. The Occupational Safety and Health Administration issued this regulation in December 2016 in response to an opinion issued by the U.S. Court of Appeals for the D.C. Circuit.

Public health professionals understand the critical importance of accurate information to help identify hazards in order to develop and implement better health and safety protections. One important source of that information is the records some employers are required to keep on work-related injuries and illnesses. These records are invaluable for employers, workers and OSHA to monitor the cause and trends of injuries and illnesses. Such data is essential for determining appropriate interventions to prevent other workers from experiencing the same harm.

The regulation clarified for employers their ongoing obligation to maintain an accurate and complete record of workplace injuries and illnesses. It reiterated a longstanding policy that an employer's duty to record an injury on an OSHA log does not expire. It explained to employers that keeping a record of an injury is an ongoing requirement even if an employer failed to record the injury or illness at the time it occurred. OSHA requires employers to keep and maintain accurate records of injuries until the five-year records retention period expires.

For decades, the public health community and government agencies have identified a widespread undercount of work-related injuries and illnesses. This includes investigations by the Government Accountability Office, the Bureau of Labor Statistics and academic researchers. H.J. Res. 83 will have dire consequences for injury prevention and undermine 40 years of occupational injury surveillance in the U.S.

We urge you to stand up for workers and workplace safety and oppose this resolution.

Sincerely,

GEORGES C. BENJAMIN, MD.,
Executive Director.

FEBRUARY 28, 2017.

Hon. PAUL RYAN,
Speaker of the House, Washington, DC.
Hon. NANCY PELOSI,
Minority Leader, Washington, DC.
Hon. VIRGINIA FOXX,
Chair, Committee on Education and the Workforce, Washington, DC.
Hon. ROBERT SCOTT,
Ranking Member, Committee on Education and the Workforce, Washington, DC.

DEAR SPEAKER RYAN, MINORITY LEADER PELOSI, CHAIRMAN FOXX, AND RANKING MEMBER SCOTT: We the undersigned organizations write in strong opposition to H.J. Res 83, a Congressional Review Act Resolution of Disapproval that would repeal an Occupational Safety and Health Administration (OSHA) rule that clarifies an employer's responsibility to maintain accurate records of serious work related injuries and illnesses. This resolution will undermine workplace health and safety in the most dangerous industries.

This OSHA clarifying rule does not impose any new costs nor any new obligations to covered employers, nor does it affect small businesses. It simply clarifies OSHA's authority to hold employers accountable for their longstanding obligation to maintain accurate injury records, a requirement that has been in effect since the Nixon Administration. Further, the rule only covers larger employers in the most dangerous industries.

For over 40 years, only larger employers in high hazard industries have been required to maintain records of serious work related injuries and illnesses. OSHA regulations, issued in the 1970's, require employers to maintain records for five years. Since then, the Department's longstanding position has been that an employer had an ongoing duty to assure that those records were accurate. The Department of Labor uses these records as the basis for published statistics on workplace injury and illness rates and OSHA uses them to allocate scarce agency resources for compliance assistance and enforcement. Employers use these records as a guide to identify and fix job dangers that injure and maim workers.

This rule is needed because in 2012, a court decision overturned 40 years of recordkeeping precedent and made it impossible for OSHA to enforce against recordkeeping violations in dangerous industries that are more than six months old. One of the three judges indicated that OSHA could enforce for continuing violations of its recordkeeping rule if the agency clarified its regulation. The rule that is the subject of H.J. Res 83 remedies the problem and clarifies that OSHA may enforce for continuing violations for the failure to record serious work related injuries and illnesses.

Accurate injury and illness records are vitally important to the protection of workers. They are the most important tool that employers and government use to identify and eliminate job hazards that kill over 4,800 workers a year and seriously injure almost 3 million more. OSHA can only inspect every workplace under its jurisdiction once every 140 years. If employers have no obligation to maintain accurate records during the five year retention period, worker health and safety will be seriously jeopardized.

We are organizations that strongly support ensuring safer workplaces and protecting workers from serious workplace hazards. We ask you to stand with American workers and

oppose H.J. Res 83. The OSHA clarifying rule on maintaining accurate records imposes no new costs to business, but is critical to assuring that workplace fatalities and injuries are prevented.

Sincerely,

9to5, National Association of Working Women; American Federation of Government Employees; American Federation of Labor—Congress of Industrial Organizations (AFL–CIO); American Federation of Teachers (AFT); Asbestos Disease Awareness Organization; Blue Green Alliance; Connecticut Council on Occupational Safety and Health; Communication Workers of America; Council of State and Territorial Epidemiologists; District 1199C Training & Upgrading Fund; Earthjustice; Economic Policy Institute Policy Center; Fair World Project; Family Values @ Work; Farmworker Justice.

Fe y Justicia Worker Center; Food & Water Watch; Futures Without Violence; Health Professional and Allied Employees AFT/AFL–CIO; Institute for Science and Human Values, Inc.; Interfaith Worker Justice; International Brotherhood of Teamsters; International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW; Jobs with Justice; Kentucky Equal Justice Center; Knox Area Workers' Memorial Day Committee of Knoxville, Tennessee; Labor & Employment Committee of the National Lawyers Guild; Labor Project for Working Families.

Legal Aid at Work; Los Angeles Alliance for a New Economy (LAANE); Massachusetts Law Reform Institute; NAACP; National Center for Law and Economic Justice; National Employment Lawyers Association; National Employment Law Project; National Guestworker Alliance; National LGBTQ Task Force Action Fund; National Organization for Women; National Partnership for Women and Families; Natural Resources Defense Council.

Nebraska Appleseed Center for Law in the Public Interest; New Labor; New Rules for Global Finance; Occupational Health Clinical Centers; Oxfam; Policy Matters Ohio; Progressive Congress Action Fund; Public Citizen; Resisting Injustice and Standing for Equality (RISE); Restaurant Opportunities Centers United; Rhode Island Center for Justice; Santa Clara County Wage Theft Coalition; Sargent Shriver National Center on Poverty Law.

SafeWork Washington; Service Employees International Union (SEIU); Southern Poverty Law Center (SPLC); Union of Concerned Scientists; United Food and Commercial Workers International Union (UFCW); UNITE HERE International Union; United Support and Memorial for Workplace Fatalities (USMWF); Washington State Labor Council, AFL–CIO; Western North Carolina Workers' Center; Workers' Center of Central New York; Workplace Fairness; Worksafe; WNYCOSH—Western New York Council on Occupational Safety and Health.

Mr. SCOTT of Virginia. Mr. Speaker, I ask for a ''no'' vote.

I yield back the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I include in the RECORD a letter dated February 28, 2017, from the Associated General Contractors of America; a letter dated February 28, 2017, from Associated Builders and Contractors; a letter dated February 27, 2017, from the National Association of Home Builders; and a letter dated February 28, 2017, from the United States Chamber of Commerce.

THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA,
Arlington, VA, February 28, 2017.

Re AGC Key Vote—Support Joint Resolution Disapproving of ''Volks Rule.''

Hon. PAUL RYAN,
House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: On behalf of the Associated General Contractors of America (AGC) and its 26,000 commercial construction company members, I strongly urge you to support the Congressional Review Act (CRA) joint resolution of disapproval to stop the Occupational Safety and Health Administration's (OSHA) expansion of the statute of limitations for recordkeeping violations in the ''Volks Rule.'' AGC will score this vote as a key vote for the education of its members on its congressional candidate scorecards.

This resolution repeals a rule that was issued by OSHA as a challenge to the judicial branch and congressional authority. Section 9 of the Occupational Safety and Health Act subsection (c) says ''No citation may be issued under this section after the expiration of six months following the occurrence of any violation.'' That seems pretty clear and the courts agreed. In 2012, the U.S. Court of Appeals for the District of Columbia Circuit held in AKM LLC dba Volks Constructors v. Secretary of Labor that section 8(c) of the OSH Act (the section that requires accurate recordkeeping) does not supersede 9(c) and therefore does not permit a continuing violation for paperwork errors and that the agency is overstepping its authority. Additionally, in 2016 the Fifth Circuit endorsed the Volks decision in Delek Ref. Ltd. v. Occupational Safety & Health Review Commission. When OSHA issued its rule, it deliberately and specifically designed the rule to counter the ruling in the Volks case. Because the final rule directly contradicts both clear statutory language and two U.S. Courts of Appeals rulings, it must not be allowed to stand.

The rule is designed to be punitive. It is a regulatory attempt to expand opportunities to cite companies for paperwork violations. It was issued in the waning days of the Obama Administration as an attempt to get around the existing statute of limitations for recordkeeping violations and expand that limitation to sixty-six months. It creates no new recordkeeping requirements. It does not change the data required under recordkeeping requirements. It does not exempt smaller companies from this regulation or these investigations. It does not create any new, safer work practices. The rule tells OSHA inspectors and company employees to fix typos from years ago rather than walking the jobsite, providing safety training or otherwise preventing tomorrow's accidents. We take worker safety very seriously and, unfortunately, OSHA's rule would require a colossal misallocation of resources. That is why we urge you to support the Congressional Review Act resolution.

Thank you for your consideration of this request.

Sincerely,

JEFFREY D. SHOAF,
Senior Executive Director,
Government Affairs.

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
Washington, DC, February 28, 2017.

House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 chapter members, I am writing to express our strong support for H.J. Res. 83, introduced by Rep. Bradley Byrne (R–Ala.), which would block implementation of the Occupational Safety and Health Administration's (OSHA) ''Volks'' final rule. Also known as Clarification of an Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness, the final rule extends the time period in which an employer may be cited by OSHA for recordkeeping violations from six months to up to five years. ABC urges you to vote ''yes'' on H.J. Res. 83 and will consider this a KEY VOTE for our 115th Congressional Scorecard.

Currently, the Occupational Safety and Health (OSH) Act clearly states the statute of limitations for recordkeeping violations is six months. The D.C. Circuit Court of Appeals also unanimously issued a decision holding OSHA could not issue a citation for a recordkeeping violation beyond the six-month statute of limitations, and it was later endorsed by the 5th Circuit Court of Appeals in the Delek case. The Obama administration's final rule not only contradicts the clear statutory language of the OSH Act, but also two federal appeals courts.

Nullifying the ''Volks'' rule does not remove an employer's obligation to record injuries or illnesses. OSHA still has the right to cite employers for a recordkeeping violation under the OSH Act. ABC members understand that safety and health practices are inherently good for business; however, this rulemaking does nothing to improve workplace safety and is simply a paperwork burden. OSHA's promulgation of this rulemaking is a clear overstepping of its authority and a contradiction of the OSH Act and U.S. Court of Appeals decisions.

We urge you to SUPPORT H.J. Res. 83 and we thank Rep. Byrne for introducing this important resolution and look forward to working with Congress to restore the rule of law.

Sincerely,

KRISTEN SWEARINGEN,
Vice President of Legislative & Political Affairs.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, February 27, 2017.

Hon. PAUL RYAN,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER RYAN: On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I write in strong support of H.J. Res 83. This important legislation will disapprove OSHA's Volks Rule, which is nothing more than a regulatory end run around Congress and the courts. If this rule is not disapproved, small businesses will be subject to recordkeeping paperwork violations that do nothing to improve worker safety. NAHB is designating support for passage of H.J. Res 83 as a KEY VOTE.

Finalized on December 19, 2016, the rule attempts to extend to five years the explicit six-month statute of limitations on recordkeeping paperwork violations in the Occupational Safety and Health (OSH) Act of 1970. Subsequent court rulings have affirmed applicability of the six-month statute of limitations; nonetheless, the Agency proceeded with its rulemaking. This regulation is an egregious end run around Congress' power to write the laws and a clear challenge to the judicial branch's authority to prevent an agency from exceeding its authority to interpret the law.

Given the vast overstep the Volks Rule represents, one might expect significant gains in worker health and safety as the result. Unfortunately, that is simply not the

case. The Volks regulation only changes the window during which OSHA can issue a citation for recordkeeping paperwork violations. Employers will have the exact same obligation to record injuries as they always had, and OSHA will have the exact same opportunity to issue a citation as the statute has always permitted. The regulation is about paperwork violations and does nothing to improve worker health and safety.

NAHB urges you to support H.J. Res 83, and designates a vote in support of H.J. Res 83 as a KEY VOTE.

Sincerely,

JAMES W. TOBIN III.

U.S. CHAMBER OF COMMERCE,
Washington, DC, February 28, 2017.

Re Key Vote Alert!

TO THE MEMBERS OF THE UNITED STATES CONGRESS: The U.S. Chamber of Commerce supports H.J. Res. 83, which would invalidate the regulation issued by the Occupational Safety and Health Administration (OSHA) entitled ''Clarification of an Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness,'' and will consider including votes related to it in our 2017 How They Voted scorecard.

The rule would have the effect of extending to five years the statute of limitations on recordkeeping violations that the Occupational Safety and Health Act sets at six months. It was OSHA's attempt to negate a 2012 decision from the D.C. Circuit Court of Appeals involving a construction company known as Volks Constructors. The decision blocked OSHA from sustaining citations for recordkeeping violations that occurred beyond the six month statute of limitations specified in the Occupational Safety and Health Act. The court's unanimous 3–0 ruling included Judge Merrick Garland.

The court unequivocally rebuked OSHA, expressing particular concern on the agency's overstepping its authority: ''We do not believe Congress expressly established a statute of limitations only to implicitly encourage the Secretary to ignore it . . . The Act clearly renders the citations untimely, and the Secretary's argument to the contrary relies on an interpretation that is neither natural nor consistent with our precedents.'' The Volks decision has since been endorsed by the Fifth Circuit in the Delek decision, issued in December 2016, where the court found ''its reasoning persuasive.''

OSHA's Volks Rule will improperly subject millions of American businesses to citations for paperwork violations, while doing nothing to improve worker health and safety. It simultaneously represents a usurpation of Congress' power to write the laws and a direct rejection of the judicial branch's authority to rein in an agency when it exceeds its authority.

The Chamber urges you to vote in favor of H.J. Res. 83, to invalidate OSHA's Volks regulation and restore the statute of limitations for citations enacted by Congress.

Sincerely,

JACK HOWARD.

Mr. BYRNE. All of those groups I just mentioned support the repeal of this regulation that would come about by virtue of the bill that is before us. Why? Because we have a right to expect in this country that these regulatory agencies that Congress sets up will do their job with the significant sums of taxpayer money that they are provided by this Congress, the money that comes from the people of America to do their job in a timely fashion. And this agency comes forth and tries to act like it doesn't have the money or the authority to investigate violations and enforce the law within 6 months of a violation. That is balderdash. The American people have a right to expect more from these agencies than that.

But more to the point, the reason we are here today is really simple. We are here today to overturn a rule that is blatantly unlawful. We are here to put a stop to a rule that does nothing—I repeat nothing—to improve workplace safety. We are here to put a check on the very top of executive overreach the Congressional Review Act sought to address.

By blocking this punitive and overreaching rule, we will affirm Congress' commitment to proactive health and safety policies that help prevent injuries and illnesses before they occur. If we wait until the illness or injury has occurred, we have waited too late. OSHA has waited too late. It is time for OSHA to work with these employers, work with these people in the workplace to make the workplace safe, not show up 5 years after the fact when they don't have the authority and say: now we are going to issue a violation.

Mr. Speaker, the approach that we have demanded of OSHA for years is to proactively work in the workplace to ensure that it is safe, and we will continue to do that under this new administration. I urge my colleagues to overturn OSHA's unlawful power grab.

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

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to the rule, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 1009.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 156 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. 1009.

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

□ 1605

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. 1009) to amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes, with Mr. JOYCE in the chair.

The Clerk read the title of the bill.

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

The gentleman from Utah (Mr. CHAFFETZ) and the gentlewoman from the Virgin Islands (Ms. PLASKETT) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

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

We are here to consider H.R. 1009. This is a bill sponsored by the gentleman from Michigan (Mr. MITCHELL). It is cosponsored on the Committee on Oversight and Government Reform by the gentleman from North Carolina (Mr. MEADOWS) and the gentleman from Alabama (Mr. PALMER). We are also pleased to have the gentleman from Texas (Mr. SESSIONS), chairman of the Committee on Rules, as well as the gentleman from Michigan (Mr. WALBERG) as cosponsors.

Mr. Chairman, I rise today in support of H.R. 1009, the OIRA Insight, Reform, and Accountability Act. OIRA stands for the Office of Information and Regulatory Affairs. It has many responsibilities. It is a little known agency, but very powerful and very important. Some of its most well-known responsibilities are governed by an executive order. Executive Order 12866 was issued by President Clinton in 1993. The order was maintained under President Bush and reaffirmed by President Obama in 2009.

The OIRA Insight, Reform, and Accountability Act puts into statute the basic structure that has existed for more than two decades. The legislation also includes some minor adjustments for increased transparency and accountability. For example, agencies are required to provide OIRA with a redline of any changes the agency chooses to make during the review process. This allows the public to better understand how centralized review can improve the quality of rulemaking.

The bill clarifies the process for extending the time for OIRA to review regulations. Currently, OIRA has 90 days to review a regulation, but at the

request of the issuing agency, OIRA can extend the review indefinitely without notice to the public. Under the Obama administration, many rules were under review for more than a year with no explanation whatsoever. H.R. 1009 requires OIRA and the regulating agency to agree upon the extension and provide a written explanation to the public, including an estimated date of completion.

The government works for the people. You would think if they are going to miss deadlines and be late and go beyond the current rules, the people who are involved in the rulemaking would at least offer a little bit of a written explanation. The bill also requires OIRA to update the explanation and estimated completion date every 30 days after that moving forward.

Another significant difference from the executive order is H.R. 1009 includes independent agencies in OIRA's review of significant regulations. Independent regulatory agencies already submit their regulations to OIRA for the unified agenda and the annual regulatory plans. Under the Paperwork Reduction Act, independent agencies submit information collection requests, which is another way to say government forms, to OIRA for approval. For decades, experts across the political spectrum, including the Administrative Conference of the United States and the American Bar Association, have called for the inclusion of independent agencies in the significant regulation review process. Again, a good group there, the Administrative Conference of the United States, as well as the American Bar Association also asking for these independent agencies.

There is significant bipartisan agreement on including the independent agencies. In fact, President Obama's Jobs Council recommended including independent agencies in OIRA's regulatory review. Sally Katzen, OIRA administrator under President Clinton, said: ''For all practical purposes, the way executive branch agencies and independent agencies conduct rulemaking is the same, so they both should be expected to gather and use information on the costs and benefits of new regulatory proposals.'' She went on to suggest: ''Congress could adapt that approach for OIRA review of the analysis underlying independent agency rulemakings.'' And she goes on.

That is exactly what the bill does, which brings me to the last major difference between this bill and the executive order. This bill requires OIRA to report on what it reviewed and the results of that review. The Oversight Committee conducted an extensive investigation into the Waters of the United States rulemaking, also known as WOTUS. During the course of the investigation, it was clear OIRA was not conducting the analysis I think we should all expect. OIRA even shortchanged the interagency review process in order to meet the self-imposed arbitrary deadline.

H.R. 1009 requires OIRA to issue a report on each significant regulation it reviews so the public can see exactly what legal requirements OIRA focused on and what OIRA found. H.R. 1009 asks OIRA to consider: Did the agency technically comply with the requirement? Did it make solid effort to improve the regulation through the process? Or was the agency just going through the motions? These are very legitimate, easy, simple questions that we think can be answered.

Agencies are supposed to consider the public's comments, but what if the final rule is drafted before the comments are even reviewed? Perhaps the law does not explicitly prohibit that, but is it really an effective regulatory practice? The question is more than just whether agencies have simply complied. It is whether the agency is doing everything it can to limit the burden and make its regulations effective and easy to understand.

By requiring OIRA to make the results of its review of rulemakings available to the public, this bill will encourage agency accountability and improve the public's understanding of the rulemaking process. The Committee on Oversight and Government Reform approved this bill, without amendment, on February 14 of this year.

I again want to thank the leadership of Congressman MITCHELL for doing all that he has done to bring us to this point where we are debating this on the floor of the House. I also want to thank Katy Rother for her tireless work on this bill. She has done an awful lot of work, working with both sides of the aisle. Hats off to her as well. Again, I urge the passage of this bill.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 27, 2017.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1009, the OIRA Insight, Reform, and Accountability Act.

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

Sincerely,

KEITH HALL.

Enclosure.

H.R. 1009—OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

As ordered reported by the House Committee on Oversight and Government Reform on February 14, 2017

SUMMARY

H.R. 1009 would codify many executive orders and practices of the federal government related to the process of issuing federal regulations. The legislation also would expand the role of the Office of Information and Regulatory Affairs (OIRA) in the regulatory process and authorize OIRA to review rules proposed by certain independent federal agencies.

CBO estimates that implementing the bill would increase administrative costs to OIRA and federal agencies by a total of $20 million over the 2018–2022 period; such spending would be subject to the availability of appropriated funds. CBO estimates that enacting the bill would increase direct spending by $3 million over the 2018–2027 period and would reduce revenues by $2 million over the same period. Because the bill would affect revenues and direct spending, pay-as-you-go procedures apply.

CBO also expects that enacting H.R. 1009 could delay the issuance of some rules. However, because of the large number and variety of federal rules issued each year, CBO cannot determine whether a delay in the effective date of some rules would have a cost or savings to the federal government.

CBO estimates that enacting H.R. 1009 would not increase net direct spending or on-budget deficits by more than $5 billion in one or more of the four consecutive 10–year periods beginning in 2028.

H.R. 1009 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary effect of H.R. 1009 is shown in the following table. The costs of this legislation fall within all budget functions that include agencies that issue or review regulations.

	By fiscal year, in millions of dollars—											
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2018–2022	2018–2027
INCREASES IN SPENDING SUBJECT TO APPROPRIATION												
Estimated Authorization Level	4	4	4	4	4	4	4	4	4	4	20	40
Estimated Outlays	4	4	4	4	4	4	4	4	4	4	20	40
INCREASES IN DIRECT SPENDING												
Estimated Budget Authority	*	*	*	*	*	*	*	*	*	*	2	3
Estimated Outlays	*	*	*	*	*	*	*	*	*	*	2	3
DECREASES IN REVENUES												
Estimated Revenues	*	*	*	*	*	*	*	*	*	*	−1	−2
NET INCREASE IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES												
Impact on Deficit	*	*	*	*	*	*	*	*	*	*	3	5

Note: *= between −$500,000 and $500,000.

BASIS OF ESTIMATE

For this estimate, CBO assumes that H.R. 1009 will be enacted near the end of fiscal year 2017 and that spending will follow historical patterns for these and similar activities.

CBO is not aware of any comprehensive information on current 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 are promulgated by the Departments of Transportation, Homeland Security, and Commerce, and the Environmental Protection Agency (EPA). Agencies that issue the most major rules (those with an estimated economic impact on the economy of more than $100 million per year) include the Department of Health and Human Services, the Department of Agriculture, and the EPA.

H.R. 1009 would codify certain regulatory policies and practices that are currently being implemented pursuant to several executive orders. Those instructions require agencies in the executive branch to analyze the impacts of regulations (including costs and benefits), to coordinate with OIRA during the rulemaking process, and to perform other activities and analyses related to considering the effects of proposed rules.

Spending Subject to Appropriation

On the basis of information from OIRA and several federal agencies on the cost of the rulemaking process, CBO estimates that more personnel would be needed to produce additional analyses and to perform other administrative tasks under H.R. 1009. CBO estimates that spending would increase by about $4 million annually and $20 million over the 2018–2022 period to hire and train sufficient staff. Such spending would be subject to the availability of appropriated funds.

Direct Spending

CBO estimates that some independent regulatory agencies would face an increased administrative workload under H.R. 1009 because, under current law, most independent regulatory agencies are not required to submit regulatory analyses to OIRA. Some of those agencies, primarily the Federal Deposit Insurance Corporation (FDIC) and Consumer Financial Protection Bureau (CFPB), can spend funds for such activities without further appropriation. CBO estimates that enacting H.R. 1009 would cost about $3 million over the 2018–2027 period for the FDIC and CFPB to prepare additional reports and analyses of proposed regulations for OIRA.

Revenues

H.R. 1009 would affect revenues by changing the cost of the operations of the Federal Reserve System, which remits its net earnings to the Treasury; those remittances are classified as revenues in the federal budget. The legislation would impose additional administrative expenses on the Federal Reserve to prepare reports and analyses for OIRA. Based on the cost of similar administrative work of the Federal Reserve, CBO estimates those additional administrative costs would reduce remittances by the Federal Reserve to the Treasury by $2 million over the 2018–2027 period.

PAY-AS-YOU-GO CONSIDERATIONS

The Statutory Pay-As-You-Go Act of 2010 establishes budget-reporting and enforcement procedures for legislation affecting direct spending or revenues. The net changes in outlays and revenues that are subject to these pay-as-you-go procedures are shown in the following table.

CBO ESTIMATE OF PAY-AS-YOU-GO EFFECTS FOR H.R. 1009, AS ORDERED REPORTED BY THE HOUSE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM ON FEBRUARY 14, 2017

	By fiscal year, in millions of dollars—												
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2017–2022	2017–2027
NET INCREASE IN THE DEFICIT													
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	3	5
Memorandum:													
Changes in Outlays	0	0	0	0	0	0	0	0	0	0	0	2	3
Changes in Revenues	0	0	0	0	0	0	0	0	0	0	0	−1	−2

INCREASE IN LONG-TERM NET DIRECT SPENDING AND DEFICITS

CBO estimates that enacting H.R. 1009 would not increase net direct spending or on-budget deficits by more than $5 billion in one or more of the four consecutive 10-year periods beginning in 2028.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

H.R. 1009 contains no intergovernmental or private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: Nathaniel Frentz, Matthew Pickford, and Stephen Rabent; Impact on State, Local, and Tribal Governments: Zachary Byrum; Impact on the Private Sector: Paige Piper/Bach.

Estimate approved by: H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, February 16, 2017.

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

DEAR MR. CHAIRMAN: On February 14, 2017, the Committee on Oversight and Government Reform ordered reported without amendment H.R. 1009, the ''OIRA Insight, Reform, and Accountability Act'' by a vote of 23 to 16. The bill was referred primarily to the Committee on Oversight and Government Reform, with an additional referral to the Committee on the Judiciary.

I ask that you allow the Committee on the Judiciary to be discharged from further consideration of the bill so that it may be scheduled by the Majority Leader. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Judiciary represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

JASON CHAFFETZ,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, February 23, 2017.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN CHAFFETZ: I write with respect to H.R. 1009, the ''OIRA Insight, Reform, and Accountability Act.'' As a result of your having consulted with us on provisions within H.R. 1009 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1009 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 998 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 1009.

Sincerely,

BOB GOODLATTE,
Chairman.

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

Mr. Chairman, I oppose this bill. My colleagues on the other side have portrayed this bill as simply a codification of an executive order President Clinton issued. That simply is not the case. This bill makes significant changes to the regulatory process. The bill would require independent agencies to submit rules to the Office of Information and Regulatory Affairs, OIRA, for review. Independent agencies do not currently have to get the approval of the White House for regulations they issue. Congress designed independent agencies to be just that, independent. This bill would change that.

In February of 2015, the Committee on Oversight and Government Reform Chairman JASON CHAFFETZ sent four letters to the chairman of the Federal Communications Commission alleging that the White House had ''an improper influence'' on the FCC's net neutrality plan and that the FCC ''failed to establish the appearance that this rulemaking is independent, fair, and transparent.''

The bill we are considering would enshrine in law that very allegation my esteemed colleague Chairman

CHAFFETZ had concerns about, political interference by the White House with the FCC and other independent agencies. The Congressional Budget Office estimates that this bill would increase direct spending by $3 million and reduce revenues by $2 million. These direct spending and revenue effects are caused by the fact that the bill covers independent agencies. CBO has also estimated that the bill would cost Federal agencies an additional $20 million in administrative costs. Imagine. I am fighting to keep the budget down in this matter.

The bill does not include offsets for any additional spending. The bill also omits critical phrases from Executive Order 12866 that ensures that OIRA reviews do not contradict existing law. For example, the executive order requires agencies to provide the cost and benefits of alternatives to a proposed rule ''unless prohibited by law.'' The bill does not include this exception, and my colleagues on the other side have still not explained why it does not include this language.

□ 1615

It is unclear how the bill would impact laws that prohibit agencies from considering costs when setting public health standards.

The Coalition for Sensible Safeguards—an alliance over 150 labor, scientific, good government, health, and environmental groups—sent a letter to the House Members yesterday opposing this bill. That letter said in part:

''Particularly concerning, H.R. 1009 would in effect rewrite dozens of public interest laws containing congressional mandates that require agencies to prioritize public health and safety and the preservation of the environment, clean air, and clean water over concerns for industry profits. This consequence flows from another key difference between H.R. 1009 and the Executive Orders it purports codify: Whereas the Orders impose their requirements only to the extent consistent with applicable laws, H.R. 1009 recognizes no such limitations.''

Mr. Chairman, this bill would also give OIRA the ability to hold up rulemaking indefinitely.

Under Executive Order 12866, the administrator over OIRA has 90 days to review a rule, and that period can be extended one time for 30 days. This bill would allow OIRA to extend its review ''for any number of additional 30-day periods upon written request by the administrator or the head of the agency.''

The bill also gives the rulemaking agencies the ability to object to an extension of OIRA review period, but it is not realistic to think that an agency would refuse a request for an extension from the White House.

The Union of Concerned Scientists also sent a letter to House Members opposing this bill. That letter said:

> Of particular concern is the fact that H.R. 1009 aims to codify some of the most burdensome requirements of previous executive orders while gutting the much-needed flexibility that the orders provide to Federal agencies in charge of ensuring science-based protections for the public. Congress should increase protections for our constituents rather than preventing agencies from issuing science-based protections.

I urge my colleagues to oppose this bill.

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

Mr. CHAFFETZ. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. MITCHELL), the sponsor of the bill.

Mr. MITCHELL. Mr. Chairman, I thank the gentleman from Utah for yielding.

Last night, President Trump stood feet from here and spoke about the need and his commitment to regulatory reform.

I would like to echo those comments. One of the chief reasons the voters sent most of us here is because they know that Federal regulation is killing our economy and placing a heavy burden on families. I am proud to deliver on a promise I made during the campaign, and to have done so in the first 100 days. The OIRA Insight, Reform, and Accountability Act codifies the Office of Information and Regulatory Affairs, known as OIRA. OIRA serves as the regulatory gatekeeper, a safety valve, providing a process and review to hold back the floodgates of unnecessary burdensome and duplicative regulations.

OIRA is a bipartisan office within the executive branch that was originally created during the Reagan administration and further outlined by President Clinton in an executive order. President Clinton put it well when he said:

''The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable.''

I agree with President Clinton's words in 1993. This is about making sure government solves problems, rather than creates them. And create them, it has.

In recent years, the regulatory state has grown to impressive levels. Between 2006 and 2015, agencies published over 36,000 final rules, of which 555 were considered economically significant. That is, they anticipated an economic effect of $100 million or more.

Many of these regulations have been imposed without thorough cost-benefit analysis, placing huge burdens on families and businesses. What is worse, Americans have had little, if any, influence on regulations that impact their lives as unelected bureaucrats regularly have exceeded their authority while imposing regulations that negatively impact them. It is our responsibility as the people's representatives to protect them from this ever-expanding regulatory state.

This bill is simple and plain. The bill locks into place existing transparency requirements like the unified agenda and the annual regulatory plan.

The bill also requires OIRA to tell us more about what they are currently doing.

After OIRA conducts a review of significant regulations, H.R. 1009 requires OIRA to give us a readout. Imagine that, we want them to tell us what they are doing. How did the agency do? Is the regulation well drafted? Did the agency meet the requirements of the law? That is a novel approach. Did the agency pick the best way to regulate? OIRA is already required to conduct this review under Executive Order 12886.

The bill asks OIRA to tell us the results. I am surprised and disappointed that even on this bill we have seen significant opposition.

My minority counterparts have made complaints based on strained legal arguments, but they haven't offered an amendment to fix the alleged problem. Why? Because they don't like the basic concepts of the bill. These are not partisan concepts. We have heard their concerns in committee. We obviously disagree at this point. And as the chairman said, this is passed by committee without amendment. We look forward to support, and I ask my colleagues to support the bill.

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

We are opposed to the bill because we have received letters and concerns from a cross section of Americans, a cross section of organizations, who recognize that this is not really a codification of an executive order, but this is overreach on the part of the majority of Congress at this time. They feel that they are able to do it, and so they are going to ram this through.

H.R. 1009 would add another layer of bureaucracy to an already slow rulemaking process. The Consumer Federation of America says:

> The bill creates a regulatory working group to provide input to agencies about how to improve their regulatory process, including an evaluation of risk assessment techniques.

It appears like this is what we are going to be doing throughout Oversight and Government Reform, is creating new task forces and new groups to review rulemaking and review regulations at the cost of the taxpayer.

H.R. 1009 would jeopardize the independence of agencies like the Consumer Product Safety Commission, the Securities and Exchange Commission, the Commodities Futures Trading Commission, the Federal Communications Commission, as well as other independent agencies because it will give the Office of Information and Regulatory Affairs, OIRA, the ability to

review significant rules which are outside of their scope now. That is why these agencies are called independent, because Congress wanted them to be independent. We are now giving OIRA overreach into independent agencies.

The Consumer Federation of America goes on to say:

Authorizing OIRA to conduct its own analysis would not only add pressure from the executive branch and add time and expense to the already slow regulatory process, but would also give the special interests seeking to quash a safety measure yet another avenue to prevent a rule from being promulgated.

Significantly, independent agencies were created by Congress to prioritize public health and safety, ensure a fair financial marketplace, and consumer privacy. This bill would undermine the authorizing statutes and the missions of these independent agencies by allowing those agencies to be in some way touched by the White House.

Again, we have the Natural Resources Defense Council. Their letter to all of the Members said:

The bill would also revive legislative language that Congress repealed elsewhere because it made it impossible to protect the public.

Specifically, in H.R. 1009, OIRA was charged with ensuring that the regulation imposes the least burden on society. Congress removed such language when it updated TSCA because the phrase had made it impossible for chemical safety regulations to pass judicial muster, even when the chemical was asbestos, well known to be a potential carcinogen.

No one wants to impose unnecessary burdens on society, but the phrase ''least burdensome'' has been interpreted to put an agency in an impossible position of providing that there is no other conceivable way to accomplish its goal of having to cost out every theoretical option.

The reason we are opposed to this bill is because it makes it more difficult for independent agencies to remain independent and not be moved by the White House by political machinations that this Congress is now trying to impose on them.

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

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

Let me mention that the bill does not require any of these agencies to provide new analysis. And I haven't really heard an example or a reason why something would be prohibited in an agency from sharing existing cost-benefit analysis.

What could the agencies have that they should not share with OIRA?

It just seems reasonable that if they have this information, they should share it. Ultimately, we do work for the American people, and the American people should be able to see this information as it goes to OIRA.

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

Ms. PLASKETT. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. MAXINE WATERS).

Ms. MAXINE WATERS of California. Mr. Chairman, I thank Ms. PLASKETT for yielding to me.

H.R. 1009 would empower Trump's White House to block all of the independent financial agencies' proposed actions to protect our economy. And, worse, the bill empowers President Trump's advisers to influence monetary policy, including interest rates that affect America's mortgages, credit cards and IRAs.

Independent agencies, like the Consumer Financial Protection Bureau, would have to first receive the okay from Trump's administration, packed with Wall Street insiders, before they could protect the American public. For example, the administration could block the Consumer Financial Protection Bureau's recent proposal to stop payday lender debt traps. These agencies would be directed to write rules favorable to industry, subjecting individuals once again to predatory practices.

I am so deeply troubled that H.R. 1009 gives the Trump administration a say in the Federal Reserve's monetary policy decisions. The importance of Fed independence is well established and results in objective, nonpolitical policymaking, and a high degree of credibility with financial markets.

However, today's bill threatens the integrity of these decisions. Given that the Fed's actions can move stock markets by hundreds of points, we should absolutely reject the Trump White House and Republicans' desire to use the Fed for partisan gain.

An administration that believes bad polls are ''fake news,'' goes to great lengths to inflate the number of attendees at the inauguration, and misrepresents the Nation's debt level should not be allowed to meddle with the interest rate decisions or marketplace guardrails critical to our economy's health.

I urge Members to oppose this bill.

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

Ms. PLASKETT. Mr. Chairman, I yield 3 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank my good friend from the Virgin Islands (Ms. PLASKETT) for yielding to me.

I had to come down as I saw this attempt to use our jurisdiction to undermine our independent agencies. And I want to put an emphasis on independent agencies because they have always been treated differently.

□ 1630

Executive Order 12866 has long subjected agency rulemakings to some review by the Office of Information and Regulatory Affairs, but independent agencies have been treated differently. Congress deliberately created them as independent to exempt them from political review for their regulatory actions by the White House.

The agencies we are talking about are very often agencies that deal with our economy. They are almost always agencies whose subject matter is controversial, like the National Labor Relations Board, which deals with labor management matters, or the FTC, whose role is to prevent anticompetitive business practices, not to mention the Fed.

Now, the executive order provides OIRA with the ability to do cost-benefit analysis ''unless prohibited by law.'' Those words are our congressional words, ''unless prohibited by law.''

Now, that language is not in this executive order. Does it mean that it is erased so that, with respect to environment and public safety rules for example, ''prohibited by law'' no longer obtains and cost benefit can be done so that you can weigh the cost or the benefit of rules? The benefit would be clear, but the cost of rules that are so protective of the public that we have exempted them in the past—the silence is deafening.

Agencies also have always been able to indicate, because they have the only real knowledge, whether or not their rulemakings are significant. How could we give this exclusive authority now to OIRA? The politicization of independent agencies, making them subject to White House oversight, is very dangerous. It robs them of what is perhaps the most important part of their independence. This bill goes many steps too far.

Mr. CHAFFETZ. Mr. Chair, I would just point out that these independent agencies need oversight as much as any other agency; and, ultimately, what we are trying to do is provide more transparency, more information to the public. Whether or not they think they are independent or not, they still work for the American people, and the people that are footing the bills and that have to live under these regulations should have the right to see this information and have this information provided to them through the process.

We are never going to apologize for trying to increase the transparency and the process. That is what this bill does.

I reserve the balance of my time.

Ms. PLASKETT. Mr. Chair, we would say that this bill is not necessarily about transparency so much as it is about the executive branch, and specifically the White House, being able to reach into these independent agencies. There are already mechanisms in place for the transparency that my colleague is speaking about. What we are doing now is creating another level of oversight over the committees, over these independent agencies, so that this Congress can then have reach into them as well.

At this time, I yield 5 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. I thank the gentlewoman for yielding.

Mr. Chair, I rise in opposition to H.R. 1009, the OIRA Insight, Reform, and Accountability Act, yet another radical bill, part of a corporate agenda designed to eviscerate public protections under the Clean Water Act and other laws designed to ensure the safety of American families.

As the ranking member of the House Judiciary Subcommittee on Regulatory Reform, I have several serious concerns with this measure.

First, H.R. 1009 would eviscerate the independence of agencies that are critical to holding corporations accountable and protecting consumers, such as the Consumer Financial Protection Bureau, the Federal Trade Commission, and the Securities and Exchange Commission. Congress established these expert agencies with the express purpose of exercising independence from the policy whims of the White House.

Section 3423 of H.R. 1009, however, would task the White House Office of Information and Regulatory Affairs, OIRA, with a governmentwide review of significant regulatory actions, effectively placing this obscure entity as the gatekeeper of the rulemaking system.

Currently, OIRA only reviews a small portion of significant regulatory actions, allowing it to effectively allocate its finite resources to review the most pressing rules. But by substantially expanding OIRA's mandate to include every significant regulatory action, this legislation would simultaneously water down agency oversight while also subjecting independent agencies to the influence of the Trump administration, facilitating political interference in the rulemaking process.

One of the overriding goals of OIRA review is to ensure that the President's policies are reflected in agency rules. Greater Presidential control over rulemaking, particularly in this administration's hands, could have devastating consequences in terms of public health and safety. It would not only provide special interests with an additional tool for regulatory capture, but it would also allow the White House to substitute its own policy preferences for those of Congress.

As Senator RON JOHNSON, the Republican chair of the Senate committee with jurisdiction over administrative law, observed in a report last year: ''Limits on the President's power over independent agencies—like the Federal Communications Commission—demonstrate the importance of maintaining the agency's independence.''

Furthermore, because President Trump has made the outrageous and unprecedented choice not to divest his business holdings, I am also very concerned that H.R. 1009 would only serve to convert the regulatory system into his own personal investment account.

Robert Weissman, the president of Public Citizen, recently noted: ''The Nation's golfer-in-chief'' owns or brands businesses across the country that would be affected by protections promulgated under the Clean Water Act. Increasing the White House's role in the rulemaking system will only serve to undermine what little transparency exists into the President's regulatory conflicts of interest.

The Government Accountability Office has reported in multiple studies that OIRA has not addressed transparency concerns that GAO has raised, and for this reason I offered an amendment.

I was pleased to hear my friend from Utah talk about the transparency benefits, but I offered an amendment to H.R. 1009 that was designed to ferret out crony capitalism by requiring that OIRA reports whether a significant regulatory action would financially benefit the President or his senior advisers. That seems like a really sensible idea if you really want to get at the issue of transparency.

Very disappointingly, my Republican colleagues refused to make my amendment in order, really tacitly acknowledging their concerns with what this type of transparency might mean for the Trump administration.

Finally, while supporters of this proposal argue that it merely codifies executive orders that were issued under Democratic administrations, the reality is that H.R. 1009 was drafted without Democratic input, contains several poison pill provisions designed to ensure its partisan and unworkable nature, and would only have been vetoed by the Obama administration.

As the Obama administration noted in the context of a veto threat of another antiregulatory bill, agencies already adhere to the robust and well-understood procedural and analytical requirements of the Administrative Procedure Act, the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, the Paperwork Reduction Act, and the Congressional Review Act.

Passage of antiregulatory legislation to ''replace this established framework with layers of additional procedural requirements,'' the Obama administration cautioned, ''would undermine the ability of agencies to execute their statutory mandates.'' Because H.R. 1009 does this very thing, I urge my colleagues to oppose this legislation.

I thank the gentlewoman for yielding.

Ms. PLASKETT. Mr. Chair, I yield myself the balance of my time to close.

There are many organizations that oppose this bill, including consumer protection groups such as The Center for Popular Democracy's Fed Up Coalition. The Fed Up Coalition sent a letter to House Members today that said:

> The Fed Up Coalition exists to ensure that policymaking at the Federal Reserve reflects the concerns of working families and communities of color. By encroaching on the Fed's ability to pursue sound regulation and extending the hand of the executive branch in the Federal Reserve decisionmaking, H.R. 1009 undermines the Feds's ability to keep our financial system safe and protect working families and taxpayers that our coalition represents.

I strongly urge Members to vote ''no'' on H.R. 1009, and I yield back the balance of my time.

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

I just want to simply point out that the bill does extend OIRA to review independent agencies. I also would point out, as I did earlier, the Administrative Conference of the United States recommended OIRA review be extended to independent agencies back in 1988.

In fact, the American Bar Association recommended OIRA review be extended to independent agencies in 1990 and reaffirmed the need again in 2016. They said: ''We strongly urge you to bring the independent regulatory commissions within the requirements for cost-benefit analysis''—I am going to just inject my own words here in the middle.

Cost-benefit analysis, isn't that something reasonable that we should all look at? That is not asking an agency too much, especially if they already have the information.

They went on to say: ''OMB review, and retrospective review of rules currently reflected in Executive Order 12866. . . . ''

Those are not overly burdensome requests. In fact, in 2011, Sally Katzen, the OIRA Administrator under President Clinton, urged Congress to support extending OIRA review to independent agencies, when she wrote: ''Our concern is that independent agencies are not typically engaging in the analysis that has come to be expected as a form of governmental best practice for regulatory agencies.''

It seems like a reasonable expectation to employ best practices. And all that bill does is—again, it does not interfere with independent agencies' rulemaking process or their policy decision. It simply requires OIRA to review the regulations to ensure these agencies are complying with legal requirements just the same as any other agency.

That is a reasonable request. That is why we urge its passage.

I yield back the balance of my time.

The Acting CHAIR (Mr. TIPTON). All time for general debate has expired.

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

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115–4. 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. 1009

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 ''OIRA Insight, Reform, and Accountability Act''.

SEC. 2. OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) AMENDMENT.—Subchapter I of chapter 35 of title 44, United States Code, is amended by adding at the end the following new sections:

''§ 3522. Office of Information and Regulatory Affairs Regulatory Working Group; regulatory plan; Unified Agenda

''(a) REGULATORY WORKING GROUP.—

''(1) ESTABLISHMENT; MEMBERS.—The Administrator of the Office of Information and Regulatory Affairs shall convene a working group to be known as the Regulatory Working Group, whose members shall consist of the following:

''(A) The Administrator.

''(B) Representatives selected by the head of each agency that the Administrator determines to have significant domestic regulatory responsibility.

''(C) Other executive branch officials as designated by the Administrator.

''(2) CHAIR.—The Chair of the Regulatory Working Group shall be the Administrator, who shall periodically advise Congress on the activities of the Regulatory Working Group.

''(3) PURPOSE.—The Regulatory Working Group shall serve as a forum to assist agencies in identifying and analyzing important regulatory issues, including, at a minimum—

''(A) the development of innovative regulatory techniques;

''(B) the methods, efficacy, and utility of comparative risk assessment in regulatory decisionmaking; and

''(C) the development of streamlined regulatory approaches for small businesses and other entities.

''(4) MEETINGS.—The Regulatory Working Group shall meet not less than quarterly and may meet as a whole or in subgroups of members with an interest in particular issues or subject areas.

''(5) ANALYTICAL STUDIES.—To inform the discussion of the Regulatory Working Group, the Regulatory Working Group may request analytical studies and reports by the Office of Information and Regulatory Affairs, the Administrative Conference of the United States, or any other agency.

''(b) REGULATORY PLAN.—

''(1) IN GENERAL.—

''(A) DEADLINE FOR AND DESCRIPTION OF REGULATORY PLAN.—Not later than June 1 of each year, the head of each agency shall approve and submit to the Administrator a regulatory plan that includes each significant regulatory action that the agency reasonably expects to issue in proposed or final form in the following fiscal year or thereafter and the retrospective review described in paragraph (2). The regulatory plan shall also contain, at a minimum, the following:

''(i) A statement of the regulatory objectives and priorities of the agency.

''(ii) A summary of each planned significant regulatory action including, to the extent possible, alternatives to be considered and preliminary estimates of the anticipated costs and benefits of such action.

''(iii) A summary of the legal basis for each such action, including whether any aspect of the action is required by statute or court order.

''(iv) A statement of the need for each such action and, if applicable, how the action will reduce risk to public health, safety, or the environment, as well as how the magnitude of the risk addressed by the action relates to any other risk within the jurisdiction of the agency.

''(v) The schedule for each such action, including a statement of any applicable statutory or judicial deadline.

''(vi) The name, email address, and telephone number of a knowledgeable agency employee the public may contact for additional information about each such action.

''(B) CIRCULATION OF REGULATORY PLAN.—Not later than 10 days after receiving the regulatory plan under subparagraph (A), the Administrator shall circulate the regulatory plan to any other agency the Administrator determines may be affected by the plan.

''(C) AGENCY NOTIFICATION TO OIRA OF CONFLICTING SIGNIFICANT REGULATORY ACTIONS.—The head of an agency shall promptly notify the Administrator in writing if any planned significant regulatory action in the regulatory plan of another agency may conflict with the policy or action taken or planned by that agency. The Administrator shall forward any notification received under this subparagraph to the other agency involved.

''(D) NOTIFICATION OF CONFLICTING SIGNIFICANT REGULATORY ACTIONS.—The Administrator shall notify the head of an agency in writing if any planned significant regulatory action conflicts with any policy or action taken or planned by another agency.

''(E) REQUIREMENT TO PUBLISH IN UNIFIED AGENDA.—Each regulatory plan submitted by the head of an agency under subparagraph (A) shall be included in the October publication of the Unified Agenda described under subsection (c).

''(2) RETROSPECTIVE REVIEW.—

''(A) LIST OF OUTDATED REGULATIONS.—The head of each agency shall include in the regulatory plan submitted under paragraph (1)(A) a list of regulations that have been identified by the agency (including any comments submitted to the agency) as unjustified, unnecessary, duplicative of other regulations or laws, inappropriately burdensome, or otherwise recommended for removal.

''(B) DESCRIPTION OF RETROSPECTIVE REVIEW.—The head of each agency shall include in the regulatory plan submitted under paragraph (1)(A) a description of any program or other effort to review existing regulations to determine whether any such regulations should be modified or eliminated in order to increase the effectiveness in achieving the regulatory objectives of the agency or to reduce the burden of regulations. The agency shall include any statutory requirements that require the agency to promulgate or continue to impose regulations that the agency believes are unnecessary or outdated by reason of changed circumstances.

''(C) OIRA COORDINATED REVIEW.—The Administrator shall work with interested entities and agencies, including through the processes established under subsection (d), to review the list of regulations identified under subparagraph (A) and such entities may assist OIRA and the agencies with identifying regulations or groups of regulations that—

''(i) impose significant or unique burdens on governmental entities and that are no longer justified; or

''(ii) affect a particular group, industry, or sector of the economy.

''(c) UNIFIED AGENDA.—

''(1) SUBMISSION OF REGULATIONS UNDER DEVELOPMENT OR REVIEW.—Not later than April 1 and October 1 of each year, the head of each agency shall submit to the Administrator an agenda of each regulation under development or review in accordance with any guidance issued under this section. Each agenda shall include, to the extent practicable, the following:

''(A) For each regulation—

''(i) a regulation identifier number;

''(ii) a brief summary of the regulation;

''(iii) a citation to the legal authority to issue the regulation;

''(iv) any legal deadline for the issuance of the regulation;

''(v) the name and phone number for a knowledgeable agency employee; and

''(vi) the stage of review for issuing the regulation.

''(B) For each regulation expected to be promulgated within the following 18 months—

''(i) a determination of whether the regulation is expected to be a significant regulatory action or an economically significant regulatory action; and

''(ii) any available analysis or quantification of the expected costs or benefits.

''(C) For any regulation included in the immediately previous agenda, an explanation of why the regulation is no longer included.

''(2) PUBLICATION OF UNIFIED AGENDA REQUIRED.—Not later than April 15 and October 15 of each year, the Administrator shall compile and publish online each agenda received under paragraph (1) (to be known as the Unified Agenda).

''(3) GUIDANCE.—

''(A) IN GENERAL.—The Administrator shall issue guidance for agencies on the manner of submission under this subsection and on meeting the requirements of this subsection, including a standard definition for each stage of review and any other definition that would assist the public in understanding the different terms used by agencies to submit the agenda required under paragraph (1).

''(B) UPDATES.—The Administrator shall periodically review compliance with this section and issue guidance or recommendations to assist agencies in complying with this section.

''(d) COORDINATION WITH STATE, LOCAL, AND TRIBAL GOVERNMENTS AND THE PUBLIC.—

''(1) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—The Administrator shall meet not less than quarterly with representatives of State, local, and tribal governments to identify both existing and proposed regulations that may uniquely or significantly affect those government entities.

''(2) PUBLIC.—The Administrator shall periodically convene conferences with representatives of businesses, nongovernmental organizations, and the public to discuss regulatory issues of common concern.

''(e) BEST PRACTICES.—The Administrator shall, in consultation with the Regulatory Working Group and the entities described in subsection (d), periodically develop advice and guidance for agencies on best practices of the development of regulations.

''§ 3523. OIRA coordinated review of significant regulatory actions

''(a) OIRA REVIEW.—

''(1) IN GENERAL.—The Administrator shall conduct a Governmentwide coordinated review of significant regulatory actions to ensure that such regulations are consistent with applicable law and that a regulatory action by one agency does not conflict with a policy or action taken or planned by another agency.

''(2) PERIODIC AGENCY SUBMISSION OF PLANNED REGULATORY ACTIONS.—The head of each agency shall provide to the Administrator, at such time and in such a manner as determined by the Administrator, a list of each planned regulatory action with an identification of whether each such regulatory action is a significant regulatory action.

''(3) REVIEW OF SIGNIFICANT REGULATORY ACTION REQUIRED.—

''(A) IN GENERAL.—The Administrator shall make a determination of whether any planned regulatory action submitted under this section is a significant regulatory action and shall review each such significant regulatory action in accordance with this section.

''(B) NOT SUBJECT TO REVIEW.—Any planned regulatory action determined by the Administrator not to be a significant regulatory action is not subject to review under this section.

''(C) NOTIFICATION REQUIRED.—Not later than 10 days after a planned regulatory action has been determined to be a significant regulatory action, the Administrator shall notify the head of the relevant agency of such determination.

''(4) WAIVER OF REVIEW FOR SIGNIFICANT REGULATORY ACTION.—The Administrator—

''(A) may waive review of any planned regulatory action designated as a significant regulatory action; and

''(B) shall publish online a detailed written explanation of any such waiver.

''(b) AGENCY CONSULTATION WITH OIRA.—

''(1) IN GENERAL.—An agency may consult with OIRA at any time on any regulatory action.

''(2) REGULATION IDENTIFIER NUMBER.—The head of an agency shall make every effort to obtain a regulation identifier number for the regulatory action that is the subject of the consultation before consulting with OIRA.

''(3) CONSULTATION INFORMATION REQUIRED.—If the head of an agency is unable to obtain the regulation identifier number as described in paragraph (2), the head of the agency shall provide the regulation identifier number to OIRA as soon as the number is obtained with a list of any previous interactions with OIRA relating to the regulatory action that is the subject of the consultation.

''(c) AGENCY SUBMISSION OF SIGNIFICANT REGULATORY ACTION FOR REVIEW.—Before issuing a significant regulatory action, the head of an agency shall submit the significant regulatory action to the Administrator for review and shall include the following:

''(1) The text of the significant regulatory action.

''(2) A detailed description of the need for the significant regulatory action.

''(3) An explanation of how the significant regulatory action will meet the identified need.

''(4) An assessment of potential costs and benefits of the significant regulatory action.

''(5) An explanation of the manner in which the significant regulatory action is consistent with a statutory mandate and avoids undue interference with State, local, and tribal government functions.

''(6) For an economically significant regulatory action, if any of the following was developed during the decisionmaking process of the agency:

''(A) An assessment of and quantification of costs and benefits of the significant regulatory action.

''(B) An assessment of and quantification of costs and benefits of potentially effective and feasible alternatives, including any underlying analysis.

''(C) An explanation of why the planned significant regulatory action is preferable to any identified potential alternatives.

''(d) DEADLINES FOR REVIEW.—

''(1) REVIEW COORDINATION.—To the extent practicable, the head of each agency shall work with the Administrator to establish a mutually agreeable date on which to submit a significant regulatory action for review.

''(2) EXPEDITED REVIEW.—When an agency is obligated by law to issue a significant regulatory action before complying with the provisions of this section, the head of the agency shall notify the Administrator as soon as possible. To the extent practicable, OIRA and the agency shall comply with the provisions of this section.

''(3) 10-DAY REVIEW.—In the case of a significant regulatory action that is a notice of inquiry, advance notice of proposed rulemaking, or other preliminary regulatory action prior to a notice of proposed rulemaking, within 10 business days after the date of submission of the such action to the Administrator, OIRA shall complete the review.

''(4) 90-DAY REVIEW.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), for any other significant regulatory action not described in paragraph (3), within 90 days after the date of submission of the action, OIRA shall complete the review.

''(B) EXCEPTION 45-DAY REVIEW.—If OIRA has previously reviewed the significant regulatory action described in subparagraph (A) and, since that review, there has been no material change in the facts and circumstances upon which the significant regulatory action is based, OIRA shall complete the review within 45 days after submission of the action.

''(5) EXTENSION.—Any review described under this subsection may be extended for any number of additional 30-day periods upon written request by the Administrator or the head of the agency. Such request shall be granted unless the nonrequesting party denies the request in writing within 5 days after receipt of the request for extension.

''(6) RETURN.—If the Administrator determines OIRA is unable to complete a review within the time period described under this subsection, the Administrator may return the draft of the significant regulatory action to the agency with a written explanation of why OIRA was unable to complete the review and what additional information, resources, or time OIRA would need to complete the review.

''(7) WITHDRAWAL.—An agency may withdraw the regulatory action from OIRA review at any time prior to the completion of the review.

''(e) COMPLIANCE REVIEW.—The Administrator shall review any significant regulatory action submitted under subsection (c) to determine the extent to which the agency—

''(1) identified the problem that the significant regulatory action is designed to address (including, where applicable, the failures of private markets or public institutions that warrant new agency action);

''(2) assessed the significance of the problem the regulatory action is designed to address;

''(3) examined whether existing regulations or laws have created or contributed to the problem that the regulatory action is designed to correct and whether those regulations or laws should be modified to achieve the intended goal more effectively;

''(4) identified and assessed available alternatives to direct regulation, including providing economic incentives to encourage desired behaviors, such as user fees or marketable permits, or providing information upon which choices can be made by the public;

''(5) considered, to the extent reasonable, the degree and nature of the risks posed by various substances or activities within the jurisdiction of the agency;

''(6) designed the regulatory action to be the most cost-effective manner to achieve the regulatory objective;

''(7) considered incentives for innovation, consistency, predictability, flexibility, distributive impacts, equity, and the costs of enforcement and compliance by the Government, regulated entities, and the public;

''(8) assessed costs and benefits of the regulatory action and made a reasoned determination that the benefits justify the costs;

''(9) used the best reasonably obtainable scientific, technical, economic, and other information concerning the need for and consequences of the regulatory action;

''(10) identified and assessed alternative forms of regulation and, to the extent feasible, specified performance objectives rather than behavior or manner of compliance;

''(11) sought comments and suggestions from appropriate State, local, and tribal officials on any aspect of the regulatory action that might significantly or uniquely affect those governmental entities;

''(12) assessed the effects of the regulatory action on State, local, and tribal governments, including specifically the availability of resources to carry out the regulatory action, and minimized the burdens that uniquely or significantly affect such governmental entities, consistent with achieving regulatory objectives;

''(13) harmonized the regulatory action with the regulatory and other functions of State, local, and tribal governments;

''(14) avoided conflicts with or duplication of other existing regulations;

''(15) tailored the regulatory action to impose the least burden on society, including individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), consistent with obtaining the regulatory objectives, and taking into account, among other things and to the extent practicable, the costs of cumulative regulations;

''(16) drafted the regulatory action to be simple and easy to understand, and minimized the potential for uncertainty and litigation arising from such uncertainty;

''(17) met all applicable Executive order requirements;

''(18) met all applicable statutory requirements; and

''(19) complied with all applicable guidance.

''(f) QUALITY REVIEW.—For any significant regulatory action submitted under subsection (c), OIRA shall assess the extent to which the agency conducted a meaningful and complete analysis of each of the factors described in subsection (e), considering best practices, methods observed through reviewing other agencies, comments from stakeholders, and other resources that may improve the quality of the process.

''(g) INTERAGENCY CONSULTATION.—The Administrator shall identify each agency potentially affected, interested, or otherwise likely to provide valuable feedback on a significant regulatory action submitted under subsection (c) and facilitate a meaningful interagency consultation process. The Administrator shall—

''(1) provide each identified agency with a copy of the draft regulatory action;

''(2) allow each identified agency to review the draft regulatory action for a sufficient period of time, not less than 10 business days;

''(3) solicit written comments from such agency and provide those written comments to the submitting agency; and

''(4) as appropriate, facilitate conversations between agencies.

''(h) STAKEHOLDER CONSULTATION.—For all substantive communications between OIRA and individuals not employed by the executive branch regarding a regulatory action submitted to the Administrator for review under this section, the Administrator shall—

''(1) invite the issuing agency to any meeting between OIRA personnel and individuals not employed by the executive branch;

''(2) not later than 10 business days after receipt of any written communication submitted by any individual not employed by the executive branch, make such communications available to the public online; and

''(3) make available to the public online a log, which shall be updated daily, of the following information:

''(A) The status of each regulatory action.

''(B) A copy of any written communication submitted by any person not employed by the executive branch.

''(C) The dates and names of persons involved in any substantive oral communication and the subject matter discussed during such communication.

''(i) CONCLUSION OF REVIEW.—

''(1) PROVISION TO AGENCY.—Upon completion of the review, the Administrator shall provide the head of an agency with the results of the OIRA review in writing, including a list of every standard, Executive order, guidance document, and law reviewed for compliance and the results for each.

''(2) CHANGES DURING REVIEW PERIOD.—Within 24 hours after the conclusion of the OIRA review under this section, the head of the submitting agency shall provide the Administrator with a redline of any changes the agency made to the regulatory action during the review period. To the extent practicable, the agency shall identify any change made at the suggestion or recommendation of any other agency, member of the public, or other source. To the extent practicable, the agency should identify the source of any such change.

''§ 3524. Public disclosure of regulatory review

''(a) IN GENERAL.—On the earlier of 3 days after OIRA completes the review of any agency significant regulatory action under section 3523, the date on which such agency publishes the regulatory action in the Federal Register, or the date on which the agency announces a decision

not to publish the regulatory action, the Administrator shall make available to the public online—

''(1) all information submitted by an agency under section 3523;

''(2) the results of the review provided to the agency under section 3523;

''(3) the redline of any changes made by the agency during the course of the review provided under section 3523(i)(2); and

''(4) all documents exchanged between OIRA and the agency during the review.

''(b) PLAIN LANGUAGE REQUIREMENT.—All information provided to the public shall, to the extent practicable, be in plain, understandable language.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 35 of title 44, United States Code, is amended by inserting after the item relating to section 3521 the following new items:

''3522. Office of Information and Regulatory Affairs Regulatory Working Group; regulatory plan; Unified Agenda.

''3523. OIRA coordinated review of significant regulatory actions.

''3524. Public disclosure of regulatory review.''.

(c) DEFINITIONS.—Section 3502 of title 44, United States Code, is amended—

(1) in paragraph (13)(D), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

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

''(15) the term 'Administrator' means, unless otherwise indicated, the Administrator of the Office of Information and Regulatory Affairs;

''(16) the term 'economically significant regulatory action' means any regulatory action described under subparagraph (A) or (B) of paragraph (21);

''(17) the term 'OIRA' means the Office of Information and Regulatory Affairs;

''(18) the term 'regulation'—

''(A) means an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency; and

''(B) does not include such a statement if—

''(i) issued in accordance with the formal rulemaking provisions of sections 556 and 557 of title 5;

''(ii) the statement pertains to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of nondefense articles and services;

''(iii) the statement is limited to an agency organization, management, or personnel matters; or

''(iv) the statement is exempted as a regulation by the Administrator;

''(19) the term 'regulation identifier number' means a unique identification code for regulations, which is designed to assist tracking regulations through the course of development;

''(20) the term 'regulatory action' means any substantive action by an agency normally published in the Federal Register that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking;

''(21) the term 'significant regulatory action' means any regulatory action that is likely to result in a regulation that may—

''(A) have an annual effect on the economy of $100,000,000 or more;

''(B) adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

''(C) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

''(D) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients therein; or

''(E) raise novel legal or policy issues arising out of legal mandates;

''(22) the term 'small business' has the meaning given the term 'small-business concern' in section 3 of the Small Business Act (15 U.S.C. 632); and

''(23) the term 'State' means each of the several States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.''.

(d) DEADLINE FOR ISSUANCE OF GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Office of Information and Regulatory Affairs shall issue any guidance required by section 3522 of title 44, United States Code, as added by subsection (a).

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of House Report 115–21. 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. MITCHELL

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 115–21.

Mr. MITCHELL. 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 7, line 2, strike ''Administrator shall work with interested'' and insert the following: ''head of each agency shall submit the program descriptions required in subparagraph (B) to the Administrator. The Administrator shall work with other interested''.

Page 7, beginning on line 16, strike ''April 1 and October 1'' and insert ''March 15 and September 15''.

Page 8, beginning on line 17, strike ''analysis or quantification'' and insert ''clear summary''.

Page 15, beginning on line 16, strike ''written request by the Administrator or the head of the agency. Such request shall be granted unless the nonrequesting party denies the request in writing within 5 days after receipt of the request for extension.'' and insert the following: ''mutual agreement of the Administrator and the head of the agency. For each 30 day extension, the Administrator shall make publicly available online a written explanation, including the reasons for the extension and an estimate of the expected conclusion date.''.

Page 15, line 22, strike ''complete'' and insert ''conclude''.

Page 19, line 14, strike ''assess'' and insert ''review''.

Page 20, line 7, strike ''and provide those written comments to the submitting agency''.

Page 21, beginning on line 20, strike ''Within 24 hours after the conclusion of the OIRA review under this section, the head of the submitting agency shall provide the Administrator with'' and insert the following: ''As soon as practicable and before publication in the Federal Register of a significant regulatory action for which OIRA concluded review under this section, the head of the submitting agency shall make available to the Administrator''.

Page 22, beginning on line 6, strike ''On the earlier of 3 days after OIRA completes the review of any agency significant regulatory action under section 3523, the date on which such agency publishes the regulatory action in the Federal Register, or the date on which the agency announces'' and insert the following: ''On the earlier of the date on which an agency publishes a significant regulatory action reviewed under section 3523 in the Federal Register, the agency otherwise makes the significant regulatory action publicly available, or the agency announces''.

Page 22, line 20, insert ''senior level officials at'' after ''between''.

Page 24, line 20, insert after ''Administrator'' the following: ''and a written explanation of the exemption, including the date of the decision and the reasons for exempting the specific statement, is made publically available online''.

Page 25, strike lines 1 through 7 and insert the following:

''(20) the term 'regulatory action' means—

''(A) any substantive action by an agency normally published in the Federal Register that promulgates or is expected to lead to the promulgation of a final regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking; or

''(B) any agency statement of general applicability and future effect, other than a substantive action described in subparagraph (A), which sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue;''.

Page 26, insert after line 16 the following:

(e) EFFECTIVE DATE.—Section 3524 of title 44, as added by subsection (a), shall take effect 120 days after the date of the enactment of this Act.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to carry out the requirements of this Act and the amendments made by this Act. Such requirements shall be carried out using amounts otherwise authorized.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from Michigan (Mr. MITCHELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. MITCHELL. Mr. Chair, this amendment makes technical changes to H.R. 1009 to ensure consistency in dates and terms, require OIRA to review significant guidance, and prohibit authorization of additional funds. It allows OIRA 4 weeks to review the Unified Agenda submissions, requires a mutual agreement to extend the regulatory review beyond 90 days, and requires a written explanation of each 30 days of the extension.

That is critical. They must explain to us, to the people, any extension.

It clarifies the timing of the post-review disclosure to occur as soon as the agency makes the proposed final rule public, clarifies that disclosure of interagency communication is limited to exchanges with senior-level OIRA staff, requires a written explanation

for any exempt regulations, and expands OIRA to review the guidance document per a Bush-era executive order.

□ 1645

This amendment primarily makes technical changes to the bill that were developed in consultation with OIRA staff. We took their concerns and suggestions into account, and we incorporated most of those in this amendment. For example, this amendment clarifies the review extension process that has been the subject of some conversation here.

Our minority counterparts have claimed that OIRA has 90 days, plus a 30-day extension to review under current executive order. That is clearly not true under the executive order or in practice. Under the Obama administration, OIRA review, at times, exceeded 2 years without explanation. This limitless extension is permissible under the governing executive order, which allows an automatic 30-day extension at the request of OIRA and a limitless extension at the request of the agency.

We have heard that when OIRA needs that additional time, they simply call up an agency and ask for an extension. So this bill requires transparency in the review process, puts limits on that, and requires the disclosure of that.

OIRA has suggested the term is a mutual agreement between the agencies so that, in fact, we could put limits on the review and extension process.

Another important addition to this amendment is that we are extending OIRA's review to guidance documents. This is not a new practice. In 2007, President Bush issued Executive Order 13422, which extended OIRA's review to guidance documents.

While President Obama rescinded that executive order, OIRA Administrator Shelanski affirmed to the Oversight and Government Reform Committee in the past Congress that OIRA should continue the practice of reviewing significant guidance documents.

These guidance documents will only rise to the level of OIRA review if they meet the significant standard.

I urge my colleagues to support this amendment.

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

Ms. PLASKETT. Mr. Chair, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Ms. PLASKETT. Mr. Chair, this manager's amendment does not fix the flaws in the bill we are considering.

One of the major flaws in the bill is the authority it gives to the Office of Information and Regulatory Affairs to hold up rules indefinitely. This amendment attempts to address that concern by requiring that any extension be agreed to by both the White House and the agency issuing the rule.

It is just not realistic to believe that an agency whose top official is appointed by the President would tell the White House it cannot have an extension if the White House asks. This amendment also does nothing to address the concern that the bill could interfere with other laws.

The Natural Resources Defense Council sent a letter to House Members opposing H.R. 1009. That letter states:

''The bill would also revive legislative language that Congress repealed elsewhere because it made it impossible to protect the public. Specifically, in H.R. 1009, OIRA is charged with ensuring that a regulation imposes the least burden on society. Congress removed such language when it updated the Toxic Substances Control Act because the phase had made it impossible for chemical safety regulations to pass judicial muster, even when the chemical was asbestos, well known to be a potent carcinogen.''

This amendment also includes language that says that no funds shall be authorized to carry out the bill. This does not change the fact that the CBO estimates that the bill will result in $3 million in direct spending. That is money that Congress has not appropriated that independent agencies like the Federal Deposit Insurance Corporation and the Consumer Financial Protection Bureau would have to spend.

CBO also estimates that the bill would change the operations of the Federal Reserve, which would result in $2 million in reduced revenues.

CBO also estimates that agencies would have to spend $4 million in appropriated funds each year to comply with the requirements of this bill. Making agencies comply with additional requirements without giving them more money means that agencies will have to choose between which requirements they comply with and which they ignore.

I oppose this amendment.

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

Mr. MITCHELL. Mr. Chair, one brief comment, which is we are perfectly comfortable with the cost of $20 million, given the billions of dollars that the regulatory system currently costs businesses and taxpayers. We think it is a small investment to, in fact, have regulations make sense, not duplicate, not be overburdensome; and we suggest that it is a small cost given the overall cost to running the Federal Government to actually get regulation dialed back to some controllable level.

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

Ms. PLASKETT. Mr. Chairman, I am just so grateful that my colleague is interested in making investments, monetary investments, with taxpayers' dollars. I will be looking to him and his other cosponsors and supporters when we are looking for investing in working class Americans and working people and protecting health care and other benefits when we have the budget discussions.

I have no further statements at this time.

I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. BUCK

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 115–21.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 19, strike ''and''.

Page 2, line 22, strike ''entities.'' and insert ''entities; and''.

Page 2, after line 22, insert the follow new subparagraph:

''(D) the methods used to ensure agencies coordinate with State, local, and Tribal governments.''.

Page 4, after line 14, insert the following new clause (and redesignate subsequent clauses accordingly):

''(v) A summary of the agency's plan to coordinate with State, local, and Tribal governments throughout the regulatory process.''.

Page 8, line 16, strike ''and''.

Page 8, line 18, strike ''benefits.'' and insert ''benefits; and''.

Page 8, after line 18, insert the following new clause:

''(iii) efforts to coordinate with State, local, and Tribal governments.''.

Page 9, line 23, insert ''and policies'' after regulations.

Page 13, after line 14, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

''(6) An explanation of agency efforts to coordinate with State, local, and Tribal governments throughout the regulatory process.''.

Page 18, line 4, strike ''appropriate'' and insert ''impacted''.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from Colorado (Mr. BUCK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. BUCK. Mr. Chairman, this amendment empowers State, local, and tribal governments by ensuring they have a say in the regulatory process.

H.R. 1009 already codifies and improves upon the practices of the Office of Information and Regulatory Affairs. My amendment strengthens the language even further, requiring OIRA to hold Federal agencies accountable for coordinating and consulting with State, local, and tribal governments before issuing new regulations. In other words, we are giving governors, local officials, and tribal leaders a say in the regulations that affect them. These local officials know what their communities need much better than the bureaucrats in Washington.

Unfortunately, our Federal agencies have a habit of issuing regulations and policies without consulting local and State governments. For example, we just need to look at the EPA waters of the United States rule.

Historically, States have had significant authority over water management. Governors have worked with local and tribal leaders to set up their own laws and regulations to ensure that water is properly allocated, that water meets certain quality standards, and that water in their State is protected from misuse.

The EPA's WOTUS rule is excessive and burdensome because they disregarded the role of the States in crafting waterway regulations. The agency held no substantive consultation with State governments prior to issuing the rule, despite States' historical roles in regulating their water supplies, despite the State-level experts who could have helped the EPA craft a better regulation, despite President Clinton's Executive Order 13132 ensuring that Federal agencies consult with State, local, and tribal officials before issuing a rule.

Federal officials never gave State, local, and tribal officials the opportunity to explain how their States were currently handling the situation and how this rule could negatively impact their jurisdictions. Since the EPA bureaucrats barreled ahead without State, local, or tribal input, they proposed an overreaching rule.

This amendment would require the EPA and other Federal agencies to account for how proposed rules will affect impacted States, localities, and tribes.

The amendment under consideration simply requires Washington to listen to and learn from local governments because local governments are closer to the people. And the people of this Nation should have a say in the rules and regulations that are affecting their livelihoods.

In closing, this amendment is simple. It ensures that regulatory agencies talk with State, local, and tribal leaders throughout the regulatory process.

I urge my colleagues in the House to support this.

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

Ms. PLASKETT. Mr. Chairman, I claim the time in opposition, but I do not oppose this amendment.

The Acting CHAIR. Without objection, the gentlewoman from the Virgin Islands is recognized for 5 minutes.

There was no objection.

Ms. PLASKETT. Mr. Chair, this amendment would require agencies to report on their efforts to coordinate with State, local, and tribal governments throughout the regulatory process. I agree that it is important that State, local, and tribal governments are properly included in the regulatory process. The amendment, however, simply adds new requirements without addressing the flaws in the underlying bill.

The amendment fails to address the fact that this bill does not exclude independent agencies from its coverage. Congress designed independent agencies to be just that, independent.

The amendment fails to include an offset for the additional $20 million in administrative costs that this bill will likely cost Federal agencies.

The amendment also fails to insert a provision into the bill to ensure that OIRA reviews do not contradict existing laws. The amendment also fails to mandate a specific timeframe within which OIRA must complete its review.

The amendment simply does nothing to improve the numerous deficiencies in this bill.

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

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

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

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. YOUNG OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 115–21.

Mr. YOUNG of Iowa. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, after line 14, insert the following new clause (and redesignate the subsequent clauses accordingly):

''(v) A description of any action taken by the agency to ensure that each planned significant regulatory action is not duplicative or conflicting with any other existing or planned regulatory action.''.

Page 22, after line 21, insert the following new subsection (and redesignate the subsequent subsection accordingly):

''(b) AGENCY DISCLOSURE.—Each agency that submits a significant regulatory actions to OIRA under section 3522 or 3523 shall maintain on the website of the agency the following:

''(1) A list of each active regulatory action, including the status of the regulatory action or a link to each entry on the unified agenda.

''(2) The most recent regulatory plan of the agency.

''(3) A link to each record disclosed under subsection (a).''.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from Iowa (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. YOUNG of Iowa. Mr. Chair, my amendment seeks to strengthen the underlying bill in two ways. First, my amendment requires agencies to proactively consider whether their actions are duplicative or conflicting. As Iowans and all Americans know too well, the maze of the Federal bureaucracy can too often be confusing and contradicting.

This long overdue provision holds the agency proposing the regulation accountable to prevent the growing red tape strangling our economy and jobs engine.

The Federal regulatory environment over the past few decades has allowed agencies to operate unchecked, leading to overlapping and conflicting rules which come at a riveting cost to the economy, the taxpayer, and to jobs.

So by requiring agencies to proactively consider duplication as part of their regulatory plans, credibility rears itself. We don't need duplicity. We don't need to waste resources and time in the Federal Government.

Secondly, my amendment works to increase regulatory transparency by improving the public's access to information. By requiring each agency to maintain a list of every active regulatory action submitted to the Office of Information and Regulatory Affairs on its website, we can shine the light on agencies' rules and regulations, which, as we know, have the full effect of law. This would include a list of all active regulatory actions, the agency's most recent regulatory plan, and a link to all records submitted to the Office of Information and Regulatory Affairs for review.

In closing, many of our constituents may be unfamiliar with the Office of Information and Regulatory Affairs and its role and may not know where to find important information on regulatory actions. So simply creating a link on an agency website or websites to the records of OIRA, the Office of Information and Regulatory Affairs, making this available online is a simple change and low burden for a considerable benefit. It is all about transparency. It is all about the taxpayers' access to information.

I appreciate the leadership of the chairman and the author of this bill, and I urge my colleagues to support my amendment and the underlying bill.

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

Ms. PLASKETT. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Ms. PLASKETT. Mr. Chairman, I cannot support this amendment because it is duplicative of requirements already in place and will waste limited agency resources through additional burdensome requirements.

On January 18, 2011, President Obama issued Executive Order 13563 requiring each agency to implement plans for reviewing existing rules. Section 6 of that executive order requires each agency to ''periodically review its existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.''

□ 1700

There can be no real doubt that this executive order covers the review and elimination of duplicative and conflicting regulatory actions. Frankly, the elimination of regulations that are duplicative or conflicting is one of the most efficient actions an agency can take to make its regulatory program more effective and less burdensome.

Forcing agencies to spend time and resources to describe what they are already doing is wasteful and unduly burdensome. Agencies already keep the public apprised of their regulatory activities through the easily-accessible websites reginfo.gov and regulations.gov, both of which are managed by the Office of Information and Regulatory Affairs. Through these websites, the public can search for rules, comments, adjudications, and supporting documents. The public can also access each agency's unified agenda, which contains the regulatory agenda for each agency.

The public can also access a list of pending agency rules. Each of these rules has easily accessible links that can allow the public to obtain further information about the rule, including its status and Executive Order 12866 meetings about the rule.

This amendment does nothing to improve the deficiencies in H.R. 1009, and will force agencies to waste their time and limited resources on work that is already being done. I urge Members to oppose this amendment.

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

Mr. YOUNG of Iowa. Mr. Chairman, I appreciate the spirit of this debate with my colleague across the aisle. This adds extra bite to what may already be in place, oversight and accountability, and Congress has a role in this.

So while I appreciate the spirit of what my colleague said, and what has been done in the past, we want to give it extra teeth. Also, transparency and access to taxpayer information is so crucial. So I urge the adoption of this amendment.

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

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

The Acting CHAIR (Mr. MCCLINTOCK). The question is on the amendment offered by the gentleman from Iowa (Mr. YOUNG).

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

Ms. PLASKETT. 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 Iowa will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. MEADOWS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 115–21.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, line 8, insert after ''action.'' the following: ''OIRA shall maintain a log of each agency consultation with OIRA before submitting the significant regulatory action for review under this section, including the date of the consultation, the name of each agency official involved with the consultation, and a description of the purpose of the consultation.''.

Page 22, line 19, strike ''and''.

Page 22, line 21, strike the period and insert ''; and''.

Page 22, after line 21, insert the following new paragraph:

''(5) a list of each consultation described under section 3523(b).''.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from North Carolina (Mr. MEADOWS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

Mr. MEADOWS. Mr. Chairman, I appreciate the leadership of the chairman of the full committee on matters of transparency and accountability. I can tell you that there is no one who has a greater definitive desire to make sure that we hold our government accountable and certainly accountable to the American people.

So, it is with that goal in mind that I rise to ask my colleagues to support an amendment that we are offering that would actually just keep a log of any of the pre-review consultations with agencies that OIRA actually has and conducts, and to publish that list upon completion of review.

Dating back to some 2003, the Government Accountability Office had made the recommendation about increasing this transparency at the Office of Information and Regulatory Affairs. GAO actually made one recommendation targeted at what they call informal review, Mr. Chairman, that OIRA conducts before an agency actually formally submits a rule for review.

Indeed, the GAO recommended that the Director of the Office of Management and Budget should define a transparency requirement that would be applicable to agencies and OIRA, in Section 6 of Executive Order 12866, in such a way that would not include not only the formal review, but it would also include the informal review period when OIRA says that it has sometimes, considering some of the most important facts as it relates to new rules.

This recommendation remains unimplemented today, and I can tell you, Mr. Chairman, we have had a number of hearings where we have had this particular group in. I know my colleagues, the gentleman opposite from Virginia, and I believe that OIRA plays a critical role. And yet, at the same time, some of these meetings were going on without the knowledge, and even after the fact, when they went into effect, and we had really no understanding of some of the deliberation that went on.

So this is just a great transparency, commonsense amendment, and I would urge my colleagues to support it.

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

Ms. PLASKETT. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

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

Mr. Chairman, I oppose this amendment, and it is unfortunate because we believe that this amendment, on its own, is something that would draw bipartisan support. Unfortunately, this amendment is attached to H.R. 1009, because the amendment would make the role of OIRA in the rulemaking process more transparent.

The Government Accountability Office has consistently found that OIRA is not transparent about its involvement in shaping rules. The GAO testified to the Oversight and Government Reform Committee, in March of 2016, that it has made 25 recommendations to OMB to improve its process, but OMB has only implemented six of those recommendations.

This amendment would be a step in the right direction. And as usual, my colleague, the esteemed gentleman from North Carolina, always comes up with rational, well-reasoned amendments and ideas that can be supported across the aisle; and for that, you know, we believe and we are hopeful that Mr. MEADOWS will work with the committee on a bipartisan basis to pursue these types of productive transparency reforms.

It, unfortunately, does not fix the problems with the underlying bill and is rather packaged with a partisan bill the House is considering today. For this reason, I am in opposition to the amendment.

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

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

I thank the gentlewoman from the Virgin Islands, and, as a gifted orator, and certainly a gifted attorney, I appreciate her compliments. And although not all might agree with her assessment of the reasonable fashion of which I craft particular amendments, I do appreciate the fact that she recognizes it in this case.

She also knows that, in doing this, working in a bipartisan way, is something that, on this particular committee, Oversight and Government Reform, Mr. Chairman, we have had just a wonderful history of being able to work in a real way. And so she certainly has my commitment to continue to try to perfect the language in making sure that transparency is held paramount.

That being said, I don't intend to withdraw the amendment because there are two ways things get done here in Washington, D.C., slow and never. And if we just remember that, this particular day, hopefully we will put this in place.

But the esteemed gentlewoman from the Virgin Islands has my commitment to work with her in a bipartisan way to perfect any language in legislation

that may come up after this particular bill.

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

Ms. PLASKETT. Mr. Chairman, the fact that the esteemed gentleman of North Carolina is willing to work with me means that it has been a wonderful day for me, and I am just so glad because I understand, although I don't always agree with everything that he says, and I know that the gentleman from North Carolina's heart is in the right place; that he is working towards resolutions of issues; that he is principled in his beliefs.

Mr. Chairman, I yield 1 minute to the esteemed gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Chair, I just want to associate myself with the underlying intent of my friend from North Carolina. He is right. At our hearings, we did discover flaws in OIRA's process. And I think that his amendment is designed to try to address that and to inject some very needed transparency.

Unfortunately, because of the underlying bill, I am not going to oppose my friend's amendment, but I do share the concern of my friend, the Delegate from the Virgin Islands, and will be opposing the underlying bill.

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

Mr. MEADOWS. Mr. Chairman, I thank the two colleagues opposite for their gracious remarks and understand their reluctance to support it based on their concerns with the underlying bill. I, again, reaffirm my commitment to work in a bipartisan way to make sure that transparency is the key for the day.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. MEADOWS).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. CHAFFETZ

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 115–21.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 22, line 5, strike ''**Public disclosure**'' and insert ''**Disclosure**''.

Page 22, after line 24, insert the following new subsection:

''(c) RECORDKEEPING.—The Administrator shall ensure any record associated with a significant regulatory action submitted to OIRA under section 3522 or 3523 is easily accessible for a period of time consistent with approved records disposition schedules for the agency, in a manner that all records associated with a significant regulatory action can be promptly submitted to Congress upon request.''.

Page 23, after line 4, strike the item relating to section 3524 and insert the following new item:

''3524. Disclosure of regulatory review.''.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from Utah (Mr. CHAFFETZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. CHAFFETZ. Mr. Chairman, this amendment requires OIRA to maintain records on each significant regulatory action reviewed such that it is easily accessible and transferrable when responding to congressional requests.

Unfortunately, in the last Congress, Mr. Chairman, the committee asked for the Office of Information and Regulatory Affairs, OIRA—asked Administrator Shelanski for records relating to the review of the Waters of the United States, often known as WOTUS, and that rulemaking process. The administrator repeatedly failed to take the requests seriously, which led me, as the chairman of the Oversight and Government Reform Committee, to issue a subpoena in July of 2015.

Even upon issuance of a subpoena, OIRA resisted responding to the request, blowing past deadlines and being totally nonresponsive. We held multiple hearings. We conducted transcribed interviews. We had lengthy staff-to-staff conversations, but still OIRA did not seem to take the request seriously. I don't know how much money they wasted in time and effort to slow this process down and resist our being able to get the information that they said they had in order to make this decision.

It was not until the committee, myself, as the chairman, getting on the phone with the head of OMB, when I told him that I had every intention to hold Mr. Shelanski in contempt and issue a contempt report, that we actually received a full set of documents. This was well past a year since the initial request. You should not have to go through those gyrations whatsoever.

I will think the resistance was largely a political maneuvering—this is my own opinion—by the administration that did not want us to see how rushed, incomplete, and politically involved this regulatory review was. That is my own personal opinion.

But for those who are here and the future generations, it seems reasonable that they have to have their act in order if they are actually going to issue a rule. And if Congress asks for the underlying information, as Representatives of the people, that should be easily transferrable to Congress upon request.

That is what this amendment does. This is why it should pass, and that is what this amendment is intended to do.

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

Ms. PLASKETT. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentlewoman from the Virgin Islands is recognized for 5 minutes.

Ms. PLASKETT. Mr. Chairman, I do not oppose this amendment. However, like the manager's amendment, it does nothing to improve the bill. This amendment, in fact, really does not move the needle at all.

Agencies, including the Office of Management and Budget, are required to preserve records according to the records schedules under the Federal Records Act and regulations issued by the National Archives and Records Administration.

This amendment says that OIRA must do what it is already required to do. This amendment provides a platform to express frustration with OIRA's response to a subpoena issued by the chairman during the Obama administration, as demonstrated by his statements just a few moments ago.

I look forward to him expressing the same outrage if the current administration does not provide documents that the Members on this side of the aisle, the Democratic members of the committee, request.

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

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

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

The amendment was agreed to.

□ 1715

AMENDMENT NO. 6 OFFERED BY MR. CONNOLLY

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 115–21.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 26, after line 16, insert the following new subsection:

(e) EXEMPTION FOR INDEPENDENT REGULATORY AGENCIES.—The provisions of sections 3522, 3523, and 3524 of title 44, United States Code, as added by subsection (a), do not apply to an independent establishment as defined in section 104 of title 5, United States Code.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, first, I would like to note I do oppose the underlying bill. This bill would require independent agencies, for the first time, to submit their rules to OIRA for review.

The Congressional Budget Office estimates the bill would increase direct spending by $3 million and reduce revenues by $2 million. CBO also estimates that the bill would cost Federal agencies an additional $20 million in administrative costs for compliance.

The reason the bill costs money is because it does not simply codify an executive order as its proponents suggest. The bill would require independent agencies, for the first time, to submit

their rules to OIRA for review. Independent agencies such as the FCC, SEC, and CFPB do not currently have to get the approval of the White House for regulations they issue.

Congress designed independent agencies to be just that—independent. This bill would enshrine in law the ability for the White House to engage in political interference with those agencies.

The Consumer Federation of America sent a letter to House Members today opposing this bill. The letter said, inter alia:

H.R. 1009 will jeopardize independence of agencies like the Consumer Product Safety Commission, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the Federal Communications Commission, as well as other independent agencies because it will give the Office of Information and Regulatory Affairs the ability to review significant rules. Authorizing OIRA to conduct its own analysis would not only add pressure from the executive branch and add time and expense to that process, but would also give special interests seeking to quash a safety measure, for example, yet another avenue to prevent a rule from ever being promulgated.

Indeed, one suspects that is the intent of the bill.

A 2013 editorial in The New York Times warned of the dangers of subjecting independent agencies to OIRA review. The editorial foresaw what we are now dealing with 4 years later: ''Subjecting independent agencies to executive regulatory review would not improve the rule-making process, but it would ensure that ostensibly regulated industries are as unregulated and deregulated as possible.''

It also said: ''There is no question that making independent agencies less independent is a bad idea.''

My amendment would take care of that by repealing that portion of this bill. I urge all Members to support the amendment.

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

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

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

Mr. CHAFFETZ. Mr. Chairman, I do appreciate working with my colleagues on the Oversight and Government Reform Committee. We disagree on many things, but we have good debates, and I do appreciate the spirit in which Mr. CONNOLLY brings this amendment forward. I enjoy working with the gentlewoman from the Virgin Islands (Ms. PLASKETT), and certainly our ranking member, Mr. CUMMINGS.

I try to accept and work with the minority on all things, but certainly amendments that they would like to see move forward. Unfortunately, I am going to have to oppose this one. I am trying to maximize transparency.

I think what Mr. MITCHELL is bringing forward in this bill is the right policy in opening up this transparency.

I see this going in the wrong direction. It would remove existing requirements for agencies, such as the EPA or the Consumer Financial Protection Bureau, to give notice about upcoming regulations. It removes existing requirements, for instance, for the EPA to submit its rules to OIRA for review.

In a March 2015 hearing, in fact, it was Mr. CONNOLLY of Virginia who said: ''OIRA boasts an incredibly hardworking, and dedicated corps of career staff that is first-rate when it comes to conducting quantitative analysis that weighs complex economic costs against potential benefits.''

I happen to agree with Mr. CONNOLLY. I think there are good, hardworking, and dedicated people who are committed to this country, and they work hard. That is why I think this hardworking, dedicated corps of people who work as career staff should offer first-rate, as we call it, analysis for all regulations, not just some of them. Let's do it for all of them. I think that is fair.

We want to know that the regulations will be effective in achieving their goals. We have to always keep sight, Mr. Chairman, that all of us in the Federal Government work for the American people. They pay the bills and they have to live under these regulations. We should maximize that transparency, whether they are, quote, unquote, independent or part of the executive agency.

If you are affected by a rule, you are affected by a rule, and people who are affected by those have every right to see what helped create that. So I don't think there should be an exemption that is carved out under this bill, and that is why I stand in opposition to this amendment.

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

Mr. CONNOLLY. Mr. Chairman, may I inquire how much time is remaining?

The Acting CHAIR. The gentleman from Virginia has 2 minutes remaining.

Mr. CONNOLLY. Mr. Chairman, I thank my friend from Utah.

I also enjoy working with him in finding common ground; however, I find it amusing to have myself quoted on the floor by the distinguished chairman because, just a few minutes ago, he was talking about how difficult it was to get compliance from OIRA to provide documents requested on a bipartisan basis by the committee. Just a little bit before that, my friend from North Carolina and I agreed on some real problems in terms of the process OIRA uses in the process of its mission. So it is hardly like our committee found or I found that OIRA is without problem.

I believe the bottom line here, however, is independent means independent. We created these agencies for a reason and to be independent of White House political interference for a reason. I would submit, respectfully, now, more than ever, we want to preserve the independence of those organizations.

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

Mr. CHAFFETZ. Mr. Chairman, I urge a ''no'' vote on this particular amendment. I think it takes us in the wrong direction. We need to maximize transparency, and this will help us achieve that.

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

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

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

Mr. CONNOLLY. 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 Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 115–21 on which further proceedings were postponed, in the following order:

Amendment No. 3 by Mr. YOUNG of Iowa.

Amendment No. 6 by Mr. CONNOLLY of Virginia.

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

AMENDMENT NO. 3 OFFERED BY MR. YOUNG OF IOWA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 158, not voting 6, as follows:

[Roll No. 117]

AYES—265

Abraham	Brooks (AL)	Cramer
Aderholt	Brooks (IN)	Crawford
Aguilar	Brownley (CA)	Cuellar
Allen	Buchanan	Culberson
Amash	Buck	Curbelo (FL)
Amodei	Bucshon	Davidson
Arrington	Budd	Davis, Rodney
Babin	Burgess	Delaney
Bacon	Bustos	Denham
Banks (IN)	Byrne	Dent
Barletta	Calvert	DeSantis
Barr	Carter (GA)	DesJarlais
Barton	Carter (TX)	Diaz-Balart
Bera	Chabot	Donovan
Bergman	Chaffetz	Duffy
Beyer	Cheney	Duncan (SC)
Biggs	Coffman	Duncan (TN)
Bilirakis	Cohen	Dunn
Bishop (MI)	Cole	Emmer
Bishop (UT)	Collins (GA)	Farenthold
Black	Collins (NY)	Faso
Blackburn	Comer	Ferguson
Blum	Comstock	Fitzpatrick
Bost	Conaway	Fleischmann
Brady (TX)	Cook	Flores
Brat	Cooper	Fortenberry
Bridenstine	Costello (PA)	Foxx

Franks (AZ)
Frelinghuysen
Gabbard
Gaetz
Gallagher
Gallego
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Himes
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
Kihuen
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
Lamborn
Lance
Latta
Lewis (MN)
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
Matsui
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nunes
O'Halleran
Olson
Palazzo
Palmer
Paulsen
Pearce
Perlmutter
Perry
Peters
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Roybal-Allard
Royce (CA)
Ruiz
Russell
Rutherford
Sanford
Scalise
Schneider
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Taylor
Tenney
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—158

Adams
Barragán
Bass
Beatty
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Connolly
Conyers
Correa
Costa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Garamendi
Gonzalez (TX)
Green, Al
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Krishnamoorthi
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Rosen
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—6

Hudson
Hurd
LaMalfa
Nadler
Richmond
Walden

□ 1748

Mr. GONZALEZ of Texas and Ms. MOORE changed their vote from ''aye'' to ''no.''

Messrs. GROTHMAN, AMODEI, COHEN, DELANEY, THOMPSON of California, Ms. MATSUI, Messrs. KIND, MOULTON, BEYER, DUNCAN of South Carolina, and MARCHANT changed their vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6 OFFERED BY MR. CONNOLLY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) 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 188, noes 234, not voting 7, as follows:

[Roll No. 118]

AYES—188

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Halleran
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Reed
Reichert
Renacci

Rice (SC)	Sensenbrenner	Valadao
Roby	Sessions	Wagner
Roe (TN)	Shimkus	Walberg
Rogers (AL)	Shuster	Walden
Rogers (KY)	Simpson	Walker
Rohrabacher	Smith (MO)	Walorski
Rokita	Smith (NE)	Walters, Mimi
Rooney, Francis	Smith (NJ)	Weber (TX)
Rooney, Thomas J.	Smith (TX)	Webster (FL)
	Smucker	Wenstrup
Ros-Lehtinen	Stefanik	Westerman
Roskam	Stewart	Williams
Ross	Stivers	Wilson (SC)
Rothfus	Taylor	Wittman
Rouzer	Tenney	Womack
Royce (CA)	Thompson (PA)	Woodall
Russell	Thornberry	Yoder
Rutherford	Tiberi	Yoho
Sanford	Tipton	Young (AK)
Scalise	Trott	Young (IA)
Schweikert	Turner	Zeldin
Scott, Austin	Upton	

NOT VOTING—7

Doggett	Hurd	Ratcliffe
Gonzalez (TX)	Nadler	
Hudson	O'Rourke	

□ 1753

Ms. MAXINE WATERS of California changed her vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

The amendment was agreed to.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. ROS-LEHTINEN) having assumed the chair, Mr. MCCLINTOCK, 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. 1009) to amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes, and, pursuant to House Resolution 156, 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. CARTWRIGHT. Madam Speaker, I have a motion to recommit at the desk.

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

Mr. CARTWRIGHT. I am opposed to it in its current form.

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

The Clerk read as follows:

Mr. Cartwright moves to recommit the bill H.R. 1009 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

At the end of the bill, add the following new subsection:

(e) EXEMPTION FOR THE OFFICE OF GOVERNMENT ETHICS.—The provisions of sections 3522, 3523, and 3524 of title 44, United States Code, as added by subsection (a), do not apply to the Office of Government Ethics.

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

Mr. CARTWRIGHT. Madam Speaker, this is the final amendment to the bill which will not kill the bill or send it back to committee. If adopted, the bill will immediately proceed to final passage, as amended. This motion to recommit is to defend ethical conduct throughout our government.

In response to the Watergate scandal, Congress created the Office of Government Ethics to protect against unethical behavior in the executive branch. In 1988, President Ronald Reagan signed into law a bill to strengthen the Office of Government Ethics by removing it from the Office of Personnel Management and giving it greater independence from the White House.

□ 1800

Now Congress is attempting to undo this vision of a strong, independent Office of Government Ethics at a time when we need it more than ever. This bill would put the Office of Government Ethics right back under the control of the White House, and that is why this motion to recommit simply excludes OGE from this bill.

We appreciate the need for strong ethical guidelines most strongly when people act unethically. Every day we witness this White House struggle with honesty and credibility. We heard the promises last night, the ones we have been hearing all along.

When you promise to create family-sustaining jobs by revitalizing American infrastructure and then we find out he means to do it with tax breaks to huge corporations and none of the regular guarantees that the people actually doing the work will be treated right and paid fairly, that is when you have a credibility problem.

When you promote yourself as a man of the people but then we find out you have stuffed your Cabinet with out-of-touch billionaire friends, that is when you have a credibility problem.

When you promise to fix America's education system but then we see you appoint Betsy DeVos to head the Department of Education, someone with no education experience, someone who wants to gut public education, that is when you have a credibility problem.

When you address Congress and promise to repeal and replace the Affordable Care Act in a way that guarantees increased access, coverage of preexisting conditions, and that costs will go down but no one in America knows how you plan to pay for that, that is when you have a credibility problem.

We don't need a White House with a credibility problem. We need these promises the President has made to come true. We need a stronger economy full of family-sustaining jobs. We need Social Security, Medicaid, and Medicare to be protected. We need to have an executive branch we can trust. This is our future, and we need to be smart about it. I believe that smart people trust, but they verify.

The problem is we do seem to have a President whose relationship with the truth is, at best, a nodding acquaintance. This is why we need a strong Office of Government Ethics more than ever.

Ronald Reagan was right; it needs to be an office independent of control by the White House.

We need it to keep our leaders from enriching themselves in public office, to keep our leaders honest, to help us trust, but verify that our elected officials do what is best for the American people and not their own pocketbooks.

We need it to ensure that our President is acting in our best interest with nations around the world. We have already seen this President and his staff repeatedly lie and refuse to answer questions about their business and political ties with dealings in Russia. We have seen, at a minimum, improper and potentially far worse collusion over rigging an election, and we have seen the administration attempt to influence investigations into their dealings with Russia.

We need an Office of Government Ethics to be independent of the White House because this President has used diplomatic relations to promote his businesses abroad at the expense of the American taxpayer. He promised to drain the swamp and immediately started appointing his billionaire buddies to Cabinet positions and rush their hearings through before they could even complete the ethics process.

The SPEAKER pro tempore. The time of the gentleman from Pennsylvania has expired.

The Chair reminds Members to refrain from engaging in personalities toward the President.

Mr. MITCHELL. Madam Speaker, I rise in opposition to the motion to recommit by my colleague.

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

Mr. MITCHELL. Madam Speaker, I thank my colleagues on both sides of the aisle for the robust process by which we considered this bill.

The bill came to the floor through regular order in the Committee on Oversight and Government Reform. We had a full markup which allowed for Members on both sides of the aisle to offer amendments and insight. We had healthy debate on a number of amendments, and we just voted on some of them.

This bill codifies existing policy with changes only to include independent agencies and improve government transparency.

I oppose the motion to recommit. I urge my colleagues to oppose the motion and vote ''yes'' on final passage.

I yield back the balance of my time.

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

There was no objection.

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

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

RECORDED VOTE

Mr. CARTWRIGHT. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 1009, if ordered, and passage of H.J. Res. 83.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 193, noes 234, not voting 2, as follows:

[Roll No. 119]

AYES—193

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—2

Hudson
Nadler

□ 1811

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.

Mr. CONNOLLY. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 241, nays 184, not voting 4, as follows:

[Roll No. 120]

YEAS—241

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Gaetz

Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NAYS—184

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Correa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—4

Carson (IN)
Hudson
Nadler
Rutherford

□ 1818

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DISAPPROVING THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO ''CLARIFICATION OF EMPLOYER'S CONTINUING OBLIGATION TO MAKE AND MAINTAIN AN ACCURATE RECORD OF EACH RECORDABLE INJURY AND ILLNESS''

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 83) disapproving the rule submitted by the Department of Labor relating to ''Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness'', on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 191, not voting 7, as follows:

[Roll No. 121]

AYES—231

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOES—191

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Correa
Costa
Courtney
Crist
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Donovan
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
King (NY)
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Ros-Lehtinen
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth
Young (AK)

NOT VOTING—7

Blumenauer
Costello (PA)
Delaney
Gutiérrez
Hudson
Nadler
Pittenger

□ 1825

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOUR OF MEETING ON TOMORROW

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

APPOINTMENT OF MEMBERS TO CONGRESSIONAL-EXECUTIVE COMMISSION ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 6913 and the order of the House of January 3, 2017, of the following Members on the part of the House to the Congressional-Executive Commission on the People's Republic of China:

Mr. WALZ, Minnesota
Ms. KAPTUR, Ohio

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276d and the order of the House of January 3, 2017, of the following Members on the part of the House to the Canada-United States Interparliamentary Group:

Mr. HIGGINS, New York
Ms. SLAUGHTER, New York
Mr. MEEKS, New York
Mr. LARSEN, Washington
Mr. DEFAZIO, Oregon

COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

MARCH 1, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives, U.S. Capitol, Washington, DC.

DEAR SPEAKER RYAN: Pursuant to 44 U.S.C. 2702, I am pleased to reappoint Mr. John A. Lawrence of Washington, D.C. to the Advisory Committee on the Records of Congress.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,
Democratic Leader.

SALUTE TO MEALS ON WHEELS

(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, today commemorates the 15th anniversary of March for Meals. This month-long grassroots campaign seeks to raise awareness about senior hunger and isolation. It also celebrates the proven private-public partnership of government, local community organizations, businesses, and compassionate individuals coming together to ensure that America's seniors are not forgotten.

As chairman of the Agriculture Subcommittee on Nutrition, I know how important this program is to seniors across America. One in six seniors might not know where their next meal is coming from.

But on March 22, 1972, President Nixon signed into law a measure that establishes a national nutrition program for seniors 60 years and older.

For nearly 45 years, these critical programs—commonly referred to as Meals on Wheels—have delivered more than just nutritious meals to homebound seniors in virtually every community across the country.

Meals on Wheels programs have come together each March, since 2002, to celebrate this proven collaboration of local community organizations, businesses, all levels of government, and compassionate individuals to ensure their seniors are not forgotten.

Thank you to everyone who works to help our seniors live healthy lives.

□ 1830

ATTACK ON WOMEN'S HEALTH

(Mrs. WATSON COLEMAN asked and was given permission to address the House for 1 minute.)

Mrs. WATSON COLEMAN. Mr. Speaker, today begins Women's History Month, and I am proud to use this occasion to lift up our achievements, our perseverance and dedication to a more equal and balanced world. That is why it is so unfortunate that my colleagues on the other side of the aisle and President Trump's White House insist on harming women through their stubborn adherence to antiwomen policies.

One prime example is their assault on the Affordable Care Act. The facts are clear: ACA prohibits charging women more than men for insurance; ACA establishes preventive services to be provided at no extra cost to women, including annual well-women exams, breastfeeding support, supplies for new moms, birth control, and screening and counseling for domestic and intimate partner violence; 9.5 million previously uninsured women now have coverage through ACA; 55 million now have access to vital preventive care at no cost.

These are not alternative facts or fake news. If this is the Trump Republicans' gift to us in celebration of Women's History Month, I hope they keep the receipt.

CONGRATS EDINA GIRLS HOCKEY CHAMPS

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

Mr. PAULSEN. Mr. Speaker, I want to offer a big congratulations to the Edina Girls hockey team for winning its very first Minnesota high school State championship.

The Hornets dominated in the championship game just last weekend, winning 4–0. Senior forward Lolita Fidler led the way with an early goal in the first period, finishing with two goals. On the other end, senior goalie Anna Goldstein stood on her head throughout the tournament, allowing just one goal in three games.

The girls squad finished with an impressive 28–1–1 record under head coach Sami Reber, who is a former Edina hockey player herself, bringing the title to her alma mater.

Edina's run of excellence is a testament to their program's serious dedication on the ice, in the classroom, and in their community. On top of giving their all in their sport, these students also strive academically and contribute in positive ways at home and among their peers.

Mr. Speaker, we are so proud of these student athletes, and it is fun to see Edina bringing their very first State high school hockey championship home.

Go Hornets.

REACTION TO PRESIDENT TRUMP'S ADDRESS

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

Mr. PAYNE. Mr. Speaker, last night President Trump delivered a speech that was long on campaign themes but short on specifics. It seems the President is more interested in political theater than leadership, and it showed. He was very vague on every topic he discussed, from health care to trade, to tax reform.

The campaign is over, but it is clear President Trump hasn't moved on. Where is his interest in governing and in leading this Nation? I don't see it. Just the day before, in his speech, he discovered that health care is unbelievably complex.

Every day since the inauguration President Trump has shown that he is ill-prepared, ill-tempered, and ill-informed, and he does not understand what governing is about. His speech did not change that.

It is time for President Trump to stop talking about bringing this country together and actually make an effort to do so. He needs to engage Congress, including the Congressional Black Caucus. He needs to move from platitudes to plans, and he also needs to act on the priorities of the American people.

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

REDDING VA LEASE APPROVAL

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

Mr. LAMALFA. Mr. Speaker, my district is home to nearly 60,000 men and women who have served in our Nation's Armed Forces, and many more are still serving today. Yet for too long, veterans have had trouble receiving veterans medical care in our area, instead being forced to travel to Sacramento or farther from places like Redding, Chico, or Yreka.

So I am proud to announce that the Transportation Infrastructure Committee will authorize the VA to lease a new facility in Redding, California. This new lease will consolidate two buildings into one and will expand the regional VA square footage by over 50 percent in that consolidation, which will house an additional 17 mental health providers, a mammography division, and a second X-ray unit, significantly increasing the types of care available in Redding and in the north State.

Taxpayers will put up the money for the facility. Now it is time for the VA to ensure that this facility is properly staffed and these tax dollars are not wasted and instead respected, and, most importantly, that our veterans are respected with timely care.

THE UNSUSTAINABLE FUTURE OF STUDENT DEBT

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

Mr. CARBAJAL. Mr. Speaker, I rise on behalf of millions of students and graduates in this country that are struggling to finance their higher education and pay off student loans.

Yesterday I invited Izeah Garcia to the President's address. Izeah is an advocate for increasing accessibility and lowering the cost of a higher education. Izeah and I share a similar story: sons of hardworking immigrant parents, and the first in our families to attend a university, both at UC Santa Barbara, located in my district.

Like many students today struggling to afford the rising cost of tuition, we relied on student loans to put us through college. In the President's speech last night, we didn't hear one mention of the over $1.3 trillion student loan debt crisis.

I urge this administration and Congress to commit to addressing the unsustainable future of student debt by allowing students to refinance their debt at a lower interest rate and expanding access to Pell grants. We can ensure that every student is afforded the opportunity to pursue a higher education and to better their lives, their communities, and our country.

HONORING ANGELA LARA FLORES

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

Mr. VEASEY. Mr. Speaker, I rise today to honor the life of Angela Lara Flores, a dedicated servant to her community and her family.

Angela was born in Palacios, Texas, on August 2, 1926, to her parents Cesario Lara and Lydia Teran.

She was a devoted, longtime member of Casa de Dios Presbyterian Church and served as the treasurer of the church for 32 years.

Not only did Angela give her time and energy to the church, but she was also known for her community service. She volunteered faithfully at a local senior citizens center in Dallas and even worked full time for the senior citizens center in Palacios.

Despite her busy schedule, Angela had time for her favorite pastime, and that was putting puzzles together with her family.

My heartfelt sympathy goes out to her four children—Jesse J. Flores, Lucinda Flores, Diana Flores, and Steve Flores—5 siblings, 19 grandchildren, 43 great-grandchildren, 8 great-great-grandchildren, and numerous nieces and nephews.

I ask my colleagues to join me in remembering Angela's 90 years of life.

OPIOID CRISIS AND PHARMACEUTICAL COMPANIES

(Ms. MICHELLE LUJAN GRISHAM of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MICHELLE LUJAN GRISHAM of New Mexico. Mr. Speaker, we continue to see pharmaceutical companies put profits over people. Even though 33,000 people are dying every year due to the opioid crisis, Kaleo Pharma raised the price of a lifesaving opioid overdose medication from $690 in 2014 to $4,500 this year.

The pharmaceutical industry has not only misled consumers and their providers to create a system where there are more opioid prescriptions than adults in the United States, but they are now jacking up the price of lifesaving drugs and making money on this opioid crisis that they helped, in fact, create.

Meanwhile, the costs of the opioid epidemic fall on States, cities, communities, hospitals, counties, courts, and local communities who, quite frankly, do not have the resources to keep up.

This is why I introduced a bill which would impose a fee on the production of opioids and use the revenue for opioid prevention, treatment, and research programs across the country.

Pharmaceutical companies have to be part of solving the problem that they helped cause and to give back to the communities that opioids have ravaged.

THE IMPORTANCE OF COMMUNITY PHARMACIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentleman from Georgia (Mr. COLLINS) is recognized for 60 minutes as the designee of the majority leader.

Mr. COLLINS of Georgia. Mr. Speaker, it is good to be back. It is good to be back on the floor, as we have been now, for the last few weeks doing the people's business, and we will continue to move forward.

I appreciate the last speaker discussing pharmaceutical prices. I think it is another issue, but we are going to go straight to really what I believe is the bigger cause of problems in our communities, and that is the pharmacy benefit managers and their monopolistic, terrorist kind of ways that they are dealing with our community pharmacies and independent pharmacies and actually causing problems in health care.

GENERAL LEAVE

Mr. COLLINS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous material in the RECORD on this Special Order hour.

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

There was no objection.

Mr. COLLINS of Georgia. Mr. Speaker, as we get started now, we have a lot of speakers. This is something that has been on my heart for a while, and I know that it is something we have been getting more and more comments and questions about, especially when you are dealing with the pharmaceutical prices and the Pharma industry.

When they begin to look into it, they began to see that there was actually a bigger issue. It was not just big pharmacy and the problems that we do see in drug pricing. It was the end delivery that is going to the pharmacies and how the independent community pharmacists are being beaten down in a way that is really unseemly in our society. They are taking that healthcare line tonight.

I have a lot of speakers, and I have a lot of stuff that I am going to be talking about.

Just as an important reminder: A community pharmacist is an important niche in our healthcare system, serving as the primary healthcare provider for over 62 million people. Especially in our rural and suburban areas, this is a vital lifeline. Roughly 40 percent of the prescriptions nationwide and a higher percentage in rural Georgia—especially in northeast Georgia—are filled by our friends in the independent community pharmacy system.

Look, the problems that we have and we are going to be discussing even further tonight, we are going to delve into some issues that we want to see taken care of. We want to see this industry, especially in dealing with pharmacy benefit managers, put into proper perspective so that we can actually take care of our constituents.

A gentleman who has been a fighter and a leader with me on this from day one since I have been in Congress and dealing with this issue, especially with transparency, is the gentleman from Iowa (Mr. LOEBSACK). This is a fight that we are going to continue to keep fighting. I know he is as well, and we have a lot of friends tonight to help us out.

I yield to the gentleman from Iowa (Mr. LOEBSACK) as he continues to try

to tell the story that we have been trying to tell here for a long time.

Mr. LOEBSACK. Mr. Speaker, I really appreciate Representative COLLINS of Georgia's leadership on this issue. There is really no one in this body—maybe with the exception of Representative CARTER of Georgia—who can tell the story of community pharmacists the way Representative DOUG COLLINS does.

I thank Representative COLLINS of Georgia for putting this Special Order hour together. He has been such a strong leader on pharmacy issues. He has been a great partner on the legislation that we will be discussing this evening.

I am proud to say that this is a bipartisan issue, one of the few in this Congress at this point. It is one of the few in Washington, D.C., at this point. We have been able to find a consensus on this, at least with respect to one bill, and I think we are probably going to be able to do it with respect to others as well.

We know for a fact that pharmacists across the country serve as the first line of healthcare services for so many patients around this country.

□ 1845

People count on pharmacists' training and expertise to stay healthy and to stay informed and, most importantly, to stay out of urgent care centers and out of hospitals. That is why I am proud to stand here today with my colleagues to recognize the quality and the affordable and the personal care that pharmacists provide every day.

Within that group of pharmacists, we have got a subset of pharmacists, and that is the community pharmacists and their pharmacies. They are also a great source not only of the expertise they provide, but economic growth in rural communities like those in my district and across the State of Iowa.

As Mr. COLLINS mentioned, rural areas are very important in this as well. I am a member of the Small Business Caucus. I recognize how challenging it can be for some of these small pharmacists to compete with the bigger companies. I appreciate their hard work to serve our communities.

Like most small-business owners, community pharmacists, they have to face challenges to compete and negotiate on a day-to-day basis with large entities as far as their business transactions are concerned. I frequently visit community pharmacists and I see the great job they are doing.

One pressing challenge facing many of our community pharmacists in particular that will be discussed tonight is the ambiguity and the uncertainty surrounding the reimbursement of generic drugs. Generic prescription drugs account for the majority of drugs dispensed by pharmacists, making transparency in reimbursement absolutely critical to the financial health of these small pharmacies.

But we know that pharmacists are reimbursed for generic drugs through what is called maximum allowable cost, or MAC. And this is a price list that outlines the upper limit or the maximum amount that an insurance plan will pay for a generic drug. These lists are created by pharmacy benefit managers, as Mr. COLLINS mentions, PBMs. This is the drug middleman.

There are lot of problems, but one of the problems is that the methodology used to create these lists are not disclosed. There is no transparency.

Further, they are not updated on a regular basis either, resulting often in pharmacists being reimbursed below what it costs them to acquire the drugs themselves. It is a major problem, because when PBMs aren't keeping the cost of generic drugs consistent, those price differentials can be a serious financial burden for local pharmacies. And we know when they have a financial burden, that will affect their business, that will affect the economy in the area, and that is going to affect their patients as well. And we can't have that as we are moving forward, especially in this country, doing what we can to reform health care.

When we talk about reimbursement uncertainty for pharmacies, we are talking about uncertainty for those patients, as I just said.

So, look, when we deal with this issue, I think we have to be very transparent about it. We are going to be introducing later this week, on a bipartisan basis, this Prescription Drug Price Transparency Act. Specifically, what this act will do, it will increase transparency of generic drug payments in Medicare part D, in Medicare Advantage, the Federal Employees Health Benefits Program, and TRICARE pharmacy programs, by requiring that PBMs do three things; and Mr. COLLINS will flesh this out, and I think Mr. CARTER will as well.

First, provide pricing updates at least once every 7 days. Second, disclose the sources used to update maximum allowable cost—or MAC—prices. Third, notify pharmacies of any changes in individual drug prices before these prices can be used as a basis of reimbursement.

This is commonsense, bipartisan legislation. We are going to hear more about that in just a couple of minutes, but I am very thankful to be here to talk about these issues.

There is one more I want to talk about, if I might, Mr. COLLINS, and that is the importance of access to local pharmacies and Medicaid beneficiaries in particular. We know that Medicaid beneficiaries depend on their pharmacies as a provider of convenient, trusted care in their communities.

In addition to dispensing vital prescription drugs, pharmacies provide additional services to Medicaid enrollees, including immunizations, medication therapy management—a really big issue—and point-of-care testing like flu or strep tests. These are preventive and maintenance care services that help to fill in the gaps where provider shortages exist.

I know we are looking at reform and maybe replacing the Affordable Care Act, but we have to be very careful, too. We all recognize the importance of Medicaid, I think, going forward, and it is really important, certainly, for these pharmacies and these community pharmacists, and for their patients as well.

I thank the gentleman from Georgia. I really appreciate him including me in this process. This is bipartisan. It is important to so many communities, so many patients around America, and I am just happy to be here to say a few words.

Mr. COLLINS of Georgia. I appreciate the gentleman being here. I know there are others from across the aisle that are joining us in this fight, and we are looking forward to continuing.

Mr. Speaker, I am just going to highlight a few things as we go through, and we are going to move through some of our speakers.

Mr. Speaker, I want to highlight something that pharmacy benefit managers, PBMs, for those watching, may not know about, and they don't want you to know about it, and it is called spread pricing. Really, what happens there is PBMs have the maximum allowable cost, which is what Mr. LOEBSACK was just talking about, that determine the maximum amount a pharmacy will be reimbursed for certain generic drugs.

However, the PBMs' reimbursement price determinations are hidden. There is no transparency in the process. That is the bill that we are going to be putting out.

PBMs commonly manipulate the pricing by something called spread pricing. PBMs charge employers a higher price for drugs than necessary, and reimburse pharmacies at the MAC, or the maximum allowable cost, which is typically lower.

Spread pricing allows PBMs to skim money from the difference between the high rate they charge for a prescription and the low rate they reimburse pharmacies. Spread pricing is artificially raising the acquisition cost of pharmacy drugs by overcharging at the expense of retail pharmacies, consumers, and health plans. And that is probably one of the better things they do. This gets worse. We are going to continue to talk about it.

Tonight I look forward to hearing some more from my friend. I yield to the gentleman from Texas (Mr. BABIN). Welcome to the show.

Mr. BABIN. Mr. Speaker, I thank Congressman DOUG COLLINS for leading this very Special Order on a topic that is very near and dear to my heart, the invaluable role of community pharmacists in our society.

As a rural dentist who practiced for 35 years, I can relate to the plight of community pharmacists who must overcome all of the challenges involved in running a small business while serving their patients and serving their customers and doing their job as a medical professional.

Just like my small hometown of Woodville, Texas, where I practice, many of the areas in which community pharmacies are located are rural and have underserved, low-income and elderly populations. This can present unique challenges and, oftentimes, results in community pharmacists performing a lot of services, such as face-to-face counseling and planning services for patients' medication regimen at no charge, care that is uncompensated by Medicare and not typically reimbursed by private insurance companies as well.

What is even more challenging is the uphill battle that community pharmacists continually face in just getting adequate payment for the lifesaving medications that they dispense on a daily basis and still be able to earn a small profit.

Community pharmacists rely on pharmacy benefit managers, or PBMs, who negotiate directly with payors, including private insurance companies, as well as Medicare part D and other government plans, for reimbursement levels for medications. The problem is that the payment levels that make it up to the community pharmacists after the PBMs have ''skimmed off the top'' are well below the pharmacists' acquisition costs and fail to be delivered in a timely manner in many circumstances, in many instances.

Simply put, there is a dire need for more transparency throughout this process and for more accountability for PBMs. I proudly cosponsored legislation that would do just this last year. It was called the MAC Transparency Act, and I now proudly support this bill again in this 115th Congress. Now is the time to act on this bill.

As a dentist, it was my goal to treat each patient to the highest standard of care, a goal that I share with all of the community pharmacists that I know. Sadly, if there is no change in the conditions that community pharmacists are facing, many of these providers will have to close their doors. Many already have, and our patients suffer.

For the sake of many rural communities that I serve, I hope to see the MAC Transparency Act and other similar pieces of legislation move forward, as well as a greater spotlight put on the actions of the PBMs so that community pharmacists can get the relief that they so desperately need to continue practicing.

I thank Congressman COLLINS for his leadership on this issue.

Mr. COLLINS of Georgia. I think the gentleman is hitting on something and, Mr. Speaker, I think this is really something we need to discuss. We are not discussing simply a business model that was designed in a vacuum, that was designed to help.

Early on I stated this, and I state it every time we have this. PBMs, in their first iteration, as they first came about, were a good mechanism to provide pricing and between the pharmacies and the wholesalers.

The problem was when they became vertically integrated, when they started owning distribution chains, when they started owning their actual end-result pharmacies. When they started doing this, it became then that they are negotiating for themselves. And this is where the end-user—at the end of the day, the person who pays is the Federal Government, but also the customer, our constituents. This is what happens here, and we are losing community and independent pharmacists every day. This is just not right.

When three companies control 80 percent of the market and they use tactics like gag orders and other things, where they don't want their pharmacists to talk about it, where they send out letters saying that the pharmacist is not on their plan anymore when clearly the pharmacist is, but then refuse to send a retraction letter, this is just—I have said this, and I have had people call me after we have talked about this, Mr. Speaker, where they basically said it is amazing this is happening. And all I say is it is true, and it has never really been refuted.

Mr. Speaker, I yield to the gentleman from Tennessee (Mr. DUNCAN) and welcome him here to the floor to talk more about this important issue for our communities.

Mr. DUNCAN of Tennessee. Mr. Speaker, I thank the gentleman from Georgia for yielding, and I want to say that, in a short time in the Congress, he has become one of our greatest Members, and I appreciate him leading this effort tonight.

It is sad, it is unfortunate that, with any big government program, a small number of individuals or companies find ways to manipulate the system and become wealthy. That is why 6 or 7 of the 10 wealthiest counties in the U.S. are suburban counties to Washington, D.C., and that is wrong.

I have read for years about the revolving door at the Pentagon, about the defense contractors hiring all the retired admirals and generals. The same thing has happened with the Food and Drug Administration, that the big drug giants have hired all the former top people at the FDA, and we have a drug price crisis in this country today. There are many parts of it, but we want to talk tonight about one that most don't know about and you almost have to be a pharmacist to really understand what is going on.

But I rise tonight, Mr. Speaker, to join my colleagues in exposing, as I say, an almost unknown culprit in our Nation's drug price crisis, pharmacy benefits managers, also known as PBMs.

PBMs are essentially middlemen between pharmacies and drug manufacturers, but the legal relationships among PBMs, pharmacies, and drug and insurance companies have become increasingly entangled and complex.

For instance, one of the largest pharmacy chains also operates its own PBM, and one of the largest medical insurance companies also operates its own PBM.

PBMs are supposed to be helping keep down the costs of drugs by negotiating discounts and helping pharmacies with managing drug plans, as they often claim to do. Despite these PBM promises, though, I have heard from several pharmacy owners in my district who say that many PBMs are, in reality, ripping them off by drastically raising drug costs.

PBMs have tricks of the trade that include retroactively charging pharmacies more for drugs that they have already sold and processed. I am also told that PBMs also take too long to update the market value of the drugs on their covered drug lists. But these tricks are just two. PBMs use many more.

According to one expert and pharmacy owner in my district, he has seen three primary causes for recent increases in prescription drugs: one, FDA involvement, including requiring ''modern clinical trials'' of old drugs that have worked for decades; two, drug manufacturers needlessly hiking the price of generic drugs; and three, PBMs charging ridiculous prices for drugs and pocketing the profits.

According to my constituents, PBMs are the main culprit of the three. This pharmacist recently met with me and shared an eye-opening example. One of his senior customers came in with a prescription for a fairly common drug. The prescription had a real or actual cost of $23.40, but the pharmacist found that the PBM was charging a copay of $250, over 10 times the actual cost of the drug. The pharmacist chose to just absorb the PBM's ridiculous copay, and only charged his customer the actual cost of the drug.

Another pharmacist in my district emailed me, describing how PBM practices are accelerating seniors into the Medicare part D coverage gap, or doughnut hole. He said: ''All of these PBMs have these types of unfair compensations . . . This is not fair, and it hurts our seniors.''

Even more pharmacists in my district have also reached out to me, saying that they only get pennies on the dollar for the drugs they sell. PBM actions are forcing pharmacies to deny patients access to critical medications, or to give drugs away for free.

The Daily Times in Blount County, in my district, recently ran a story on PBMs called ''Sworn to Secrecy.''

□ 1900

The article cites a pharmacist in Pennsylvania, Eric Pusey, who says that his patients' copays for drugs are often higher than out-of-pocket costs. Why? Because of PBM clawbacks. Mr. Pusey says that if he explains clawbacks to his customers, some get fired up and don't even believe what we are telling them is accurate.

Another pharmacist in Houston says: We look at it as theft—another way for the PBMs to steal. Most people don't

understand. If their copay is high, then they care.

Susan Hayes, a pharmacist in Illinois, says that these PBM clawbacks are like crack cocaine, the PBMs just can't get enough.

Some PBMs are facing lawsuits with accusations such as defrauding patients, racketeering, breach of contract, and violating insurance laws. Since 1987, when the first of the three largest PBMs incorporated, drug prices have increased 1,100 percent, Mr. Speaker, and per capita expenditures have jumped by 756 percent.

The three largest PBMs make up about 80 percent of the drug market, which includes about 180 million patients. These PBMs often conduct business through mail order practices. They sometimes will automatically fill prescriptions month after month even if the patient no longer needs the medication, resulting in terrible waste. Patients include veterans and Medicare beneficiaries—endangering them, wasting their benefits and taxpayer dollars, and driving up the cost of drugs.

As we heard President Trump say in his address last night, we need to look into the artificially high drug prices right away. A good place to start is PBMs. Mr. Speaker, PBMs must be more transparent in their operations so that they can be held to their promises and to the law.

I will just close by saying that PBMs must no longer be able to get away with conducting their business with such unethical methods that they are using now. In short, PBMs must be held accountable for their roles in the Nation's drug price crisis. I join in supporting our community pharmacists.

Mr. COLLINS of Georgia. The gentleman couldn't have laid it out any better. That is exactly what we are talking about. If every Member of our body would go home and just go to their community pharmacy, they would hear this all over the country. This is not new.

I have been on this floor now for almost 2½ years talking about this, and I have not had PBMs come to me and say: Well, no, that's not really true.

Because they do it. So I thank the gentleman for being a part and lending your voice in your community.

We are also very blessed in this body to have someone who doesn't have to come to it like I did in having to deal with it from a family perspective or from my community. We have someone who has actually done this for a living. He is my friend from southeast Georgia. He is a pharmacist. He has made this his life.

I saw he was up at his alma mater the other day, and, President Cathy Cox, I would have to say he is a Young Harris man.

Mr. Speaker, I yield to the gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. First of all, Mr. Speaker, I want to thank Representative COLLINS for holding this tonight, for organizing this, also for his advocacy, and for what he has done to bring about attention to this very important subject. This, of course, is something that is very dear to my heart. As the only pharmacist currently serving in Congress, I take this very seriously. I take that responsibility very seriously.

But it is more than that because, you see, in my professional life, for over 30 years, I had the honor of practicing pharmacy. I have built up relationships over that time, relationships with families and with patients. When I see what is happening in pharmacy now, it is an affront. It is an affront to me, and it should be an affront to all Americans. My heart is in this, truly in this.

In over 30 years of practice, I have built up relationships with patients and with families. I have served grandparents, I have served parents, I have served children, and total families. You can only imagine the hurt that it brings whenever I see these people suffering because of what has been mentioned here tonight.

Right now, in our country, prescription drug prices are something that is in the forefront, in the news. There is a problem, a real big problem, and that problem—yes, the pharmaceutical manufacturers have a concern here, and they have responsibility. But there is a bigger problem. It is what I refer to as the man behind the curtain. I wrote an op-ed about this and talked about the man behind the curtain. That is the PBMs, the pharmacy benefit managers. I am going to call them out tonight.

Before I do that, I want to just say something about community pharmacists because they play such an important and vital role in our communities. They directly interface and build relationships with neighbors and friends. I have been there, I have done that, and I understand how important it is. Representative COLLINS has spoken about it, and Representative LOEBSACK, a friend of pharmacy, has spoken so many times. He has spoken about it as well. Representative BABIN and Representative DUNCAN understand how important the community pharmacies are and how important they are to the healthcare system.

But beneficiaries are facing increased costs for prescription drugs without much of a basis or notification on why these costs are skyrocketing. So, very quickly, I want to talk about why these costs are skyrocketing. Yes, as I said earlier, some of the pharmaceutical manufacturers need to be held accountable. They do.

I say that, but I also say that I am a big fan of the pharmaceutical manufacturers. You see, in my over 30 years of practicing pharmacy, I have seen nothing short of miracles. I can remember when I started practicing in 1980. I can remember that people would come in to get an antibiotic and that we would have to dispense 40 capsules and have them take four a day for 10 days. Now I can give them one capsule, and they can take it and be done with it. People were going into the hospital back then to be treated for infections. Now we can treat then. The advances that we have seen are phenomenal.

We talk about the price of some of these drugs, for instance, the drug that is used for hepatitis C. Yes, it is too expensive, and that price has come down significantly. It is only as good as it is affordable. If it is not accessible, if it is not affordable, then it is no good. But stop for just one minute, and think about it. We cured a deadly disease through research and development. The pharmaceutical manufacturers put some of their profits back into research and development, which I applaud.

We cured a deadly disease, hepatitis C, that was killing people. Again, that price needs to come down so that it is more accessible to people. But, again, we cured it. So I am going to cut the pharmaceutical manufacturers a little bit of leeway there.

I think it is interesting that the President, in his first month in office, called the pharmaceutical manufacturers to the White House. He told them: You got to do something about these escalating drug prices.

He also talked about those people who are on the other side of R&D, who are on the other side of research and development. He put a notice out, and he said: You better beware because we're going to be watching you.

The next day, the stocks of two of the major pharmacy benefit managers went down. They went down significantly, almost 2 percent, because they knew what was coming, and they know what is coming now.

First of all, let's talk about the profits of the PBMs. A quick history, PBMs came about kind of in the mid 1960s, and all they were was a processor. Their goal and their charge was just to keep up and to process insurance claims as insurance came about and became more and more popular to pay for medications. That is all they did.

But over time, they have evolved into more than that. If you look at what has happened over the past decade, the profits of the three major PBMs—and Representative COLLINS alluded to this earlier—you have got three companies who control almost 80 percent of the market. That is not good. That is not competition, and that is what we have to have in health care in order to decrease healthcare costs. It is competition. When you have three companies that account for almost 80 percent of the market, that is never good.

But if you look at those three companies and you look at their profits over the last decade, you will see that they have increased some 600 percent—billions of dollars. Now, you can make the argument, well, the pharmaceutical manufacturers, their profits have increased, too. Yes, they have; and, yes, they should be accountable for that. However, at least they are bringing value to the system by investing into research and development.

PBMs bring no value to the healthcare system at all. They put no money into research and development. All they do is skim it off the top. As medications go up in price, they make more. Representative COLLINS alluded to spread pricing. That is exactly what he is talking about, and that is exactly how they are making their money. The more expensive a drug, the more money the PBM is going to make. That's all there is to it.

I served on the Oversight and Government Reform Committee for the past session in the 114th Congress. We had a problem with Mylan Pharmaceuticals and a drug that they had, EpiPen. It went up to $600. Unbelievable. Here was a drug that is a lifesaving drug that people have to have for anaphylactic shock. We in Congress actually passed legislation that required that drug to be on hand in gyms and in schools in case there was a problem. Yet, they went up to $600.

It was really interesting because, during the time that we were asking questions of the CEO, she mentioned, well, when it leaves us, it is this price right here—I am just going to use round figures—it is $150. By the time it gets to the pharmacist and by the time it is dispensed to the patient, it is $600.

I asked her: What is that difference there? Where is that coming from?

I don't know.

I don't know either.

Now, there is the beginning and the end. The beginning is the pharmaceutical manufacturer. She doesn't know. The end is me, the dispensing pharmacist, and I don't know.

That is what I'm referring to when I talk about the man behind the curtain. That is where the PBMs come in.

Now, they will tell you: Well, we are taking that money, and we are giving it back to the companies, to the insurance.

Well, if they are, and they're not keeping any of it, then why are their profits going up so much? Why have their profits gone up over 600 percent? It's because they're keeping it. They're keeping it, and they're adding no value whatsoever to the system.

Now, they will argue the fact, they will say: Well, we are keeping drug prices down.

Oh, yeah? Well, how is that working out for you? It ain't working out very well at all because drug prices are going up.

I mentioned the competition, the fact that we have got three companies that control over 80 percent of the market. That decreases choices.

We are talking about community pharmacies, and I know that is what Representative COLLINS is really wanting to focus on here tonight, and it is so very important because we have to have community pharmacies. They are vital to the healthcare system. In many areas, the most accessible healthcare professional is the pharmacist, particularly in rural areas. As they go, and as they are eliminated, we are losing a vital part of the healthcare system.

But PBMs are shutting out a lot of these community pharmacies. I alluded earlier to the fact that I have served grandparents, parents, and grandchildren. I've built up those relationships. One of the toughest things that I have ever faced is for a family member to come in to me literally in tears and say: I have got to change pharmacies.

I say: Why?

Because my insurance company, because my PBM says that I have to get it from them through mail order.

Well, why would you have to get it through them through mail order?

Because they own the pharmacy.

Representative COLLINS alluded earlier about vertical integration, and that is what we see. The PBM owns the pharmacy that they are requiring the patient to go to. Well, guess what? That means they are padding their pocket even more. That is the kind of thing that we should be protected from.

I will give you a quick story, a true story. Back when I was still practicing pharmacy and owned my pharmacy, my wife had insurance through her employer. She had a different insurance plan than I had. She got her insurance, and she got a prescription filled at my pharmacy—at my pharmacy. Now, this is the pharmacy benefit manager who owns the pharmacy. That night when I got home, I got a phone call from the insurance company saying: Well, your wife got a prescription filled here at this pharmacy, but if she gets it filled at our pharmacy, we can give her a lower copay. We can give her a discount.

Now, supposedly there is a firewall in between the PBM and the pharmacy. Well, guess what? There wasn't that firewall there that night, not when I got that phone call.

□ 1915

Can you imagine? What is that doing? That is taking patients away from the community pharmacist. That is unfair business practices. So, that is what we talk about. Ultimately, who suffers?

I don't want to give the impression I am just here to try to make sure that community pharmacies stay profitable and make sure that they stay in business, although it is important. If they don't stay in business, who is going to suffer? It is going to be the patient. It is going to be the healthcare system.

Folks, the only thing that is going to bring down costs in our healthcare system is more competition and free market principles. That is what we are trying to do now in Congress, through the repeal and the replacement of the Affordable Care Act.

We understand that we have got to get free market principles back into the healthcare system. We have got to get competition in order to drive healthcare costs down. We understand that. This is a big problem, a big problem.

Very quickly, I want to talk about three bills that are being proposed. First of all, I want to talk about Representative COLLINS' MAC Transparency bill.

Transparency, that means give us an opportunity to see exactly what is going on. If you mention transparency to a PBM, they go berserk: My gosh, no, we can't have that. We can't have transparency.

But Representative COLLINS' bill, the MAC Transparency bill, which I am proud to be an original cosponsor of, brings about greater transparency in generic pricing—drug pricing, in general, but particularly generic.

Many of the recipients don't understand the cost structure. They don't understand how that works, where the original fees are originating from, which are often a direct result of the fees that are leveraged by the PBMs, the prescription drug plan sponsors.

Congressman COLLINS' bill addresses this issue, and it addresses more. Under his legislation, a process would be established to help mediate disputes in drug pricing. It would establish new criteria for PBMs to adhere to when managing the costs of prescription drug coverage.

This MAC Transparency bill is a step forward not only for the industry, but for the beneficiary, and that is what is so very, very important. It is no surprise that costs are going up. No surprise at all. With the lack of transparency, that is what is going to happen.

We have got to have greater transparency in the drug pricing system. And, yes, that includes pharmacy. Yes, that includes the pharmacy; yes, it includes the pharmaceutical manufacturer; but mostly, it has got to be with the PBMs.

If we have a CEO of a medication—a pharmaceutical company like Mylan which we had come up and testify before us here in Congress, and I ask her about that gap there and where that money is going, if she doesn't know and I don't know, there is a problem. That means we need more transparency. And that is exactly what happened.

Now I want to talk about another problem that is called DIR fees, direct and indirect remuneration. Let me tell you, this will be the death of community pharmacies.

DIR fees are what they refer to as clawback fees. What happens is, when you go into a pharmacy, you get a prescription filled, the pharmacy's computer calls the insurance company's computer, the PBM's computer, and it tells us how much to charge the patient in a copay and tells us how much we are going to get paid. However, with these DIR fees, months later, after we have already been promised how much we are going to be paid, pharmacists are getting bills from these PBMs that are saying: Well, we didn't make quite as much that quarter as we should have, so we are going to have to claw back this much.

I met with pharmacists from the New York State pharmacy association and they were telling me, literally, horror stories about getting bills for $85,000, $110,000 in clawback fees. Folks, that is not a sustainable business model. When you are trying to run a business, a community pharmacy, and you get a bill months later in the hundreds of thousands of dollars, that is not sustainable. You can't stay in business that way.

We have got to do something about DIR fees. Thankfully, Representative MORGAN GRIFFITH from Virginia has a bill addressing this. I am supporting him on that bill.

In fact, in a recent survey, nearly 70 percent of community pharmacists indicated that they don't receive any information about when those fees will be collected or how large they will be. Again, ultimately, who ends up being penalized? Who ends up being penalized is the patient. The patient ends up being penalized.

Understand, this is not a partisan issue. These PBMs don't care whether you are Republican or Democrat. They care about one thing, and that is profit. That is all.

Now, let's talk about one other. Let's talk about a bill that Representative BRETT GUTHRIE from Kentucky has, H.R. 592, Pharmacies and Medically Underserved Areas Enhancement Act. Under this bill, many of the individuals who seek consultation, especially seniors, can continue to receive that quality input and expertise.

This bill is known as the pharmacy provider status. Simply, what this will do is make sure that the pharmacists who give consultations are being reimbursed for that. That is vitally important.

Pharmacies are the front line in health care. There are so many diseases. The pharmacists who are graduating today are so clinically superior to when I graduated. Their expertise is beyond anything that I ever imagined it would be. We need to make sure that we are utilizing that. That is going to be a key in helping us control healthcare costs: utilizing all these allied health fields and making sure we are using them to their fullest potential. This bill will help us do that.

So there are just three bills that are being introduced right now with community pharmacists that impact pharmacy but, more importantly, that impact health care and that are going to help us have a great healthcare system and to continue to have a great healthcare system.

There are a couple other things that I wanted to mention. I am going to hold off on those because, again, I want to make sure that everybody understands the point that I am trying to make, and that is just how important, how vital the community pharmacies are and just how bad the PBMs are and how they are ripping off the public. They are ripping off the public. Look at their balance sheets. Look at the profits. Again, they want to argue, and they want to say: We are holding down drug prices.

Again, how is that working for you? It is not working. It is not working because they are pocketing the profits. If they were truly doing what they said they set out to do, we wouldn't see escalating drug prices like we are seeing.

Yes, there are some bad actors out there, as there are in every profession. Yes, we had Turing Pharmaceuticals and Martin Shkreli, the ''pharma bro.'' This guy was a crook, no question about it. We had Valeant Pharmaceuticals and what they did with Isuprel and Nitropress.

Just recently, Marathon Pharmaceuticals bought a drug that was available over in Europe. They brought it over here and got it approved in America. It is a very important drug for muscular dystrophy. Now they want to increase the price to an enormous amount that won't be affordable for patients.

Those are bad actors. As my daddy used to say, you are going to have that, and we understand that. We have Valeant and Turing and Marathon. We are calling them out, too. They need to be called out.

But we also need to focus on what one of the biggest problems is in escalating prescription drug prices, and that is the PBMs. They bring no value whatsoever to the system. They put no profit back into research and development.

Communities' pharmacists play an important role in our healthcare system. I am proud to support our community pharmacists. I am proud to have been able to practice in a profession for over 30 years that I know brings a great deal of value to patients and to their families.

Again, I want to thank Representative COLLINS, and I want to commend him for his hard work.

Representative AUSTIN SCOTT is here, also. He has been a champion of this as well. They understand. They get it. I appreciate their efforts on that, and I appreciate everyone who has been here tonight. I thank Representative COLLINS for hosting us here tonight. I appreciate his support.

Mr. COLLINS of Georgia. Before the gentleman goes, you told the story about getting a call from your own pharmacist. You and I were here together, I think, sometime 6 months ago. We were doing this and talking about this issue of mail order. We were talking about this.

I had a Member who was watching us on the floor talk about the pharmacy and the PBM problem and got a call from the PBM because they had gotten a prescription for their child. Yes, the day before they are getting a call in their office from the PBM saying: If you just switch from your local pharmacist, we will do it better. That is why we are sitting here.

An interesting thing you brought up on DIR fees. What we have right here sort of describes what you were talking about. I am putting it here so people can see it.

There is an interesting part of this DIR fee issue. It forces Medicare part D beneficiaries to pay inflated prices at the point of sale that are higher in actual cost than the drugs. The cost of the drug will be recouped in DIR fees, which is retroactively assessed later.

Many beneficiaries are moving past their part D benefit faster and hitting the doughnut hole sooner, forcing them to pay out-of-pocket costs. This is particularly true with lifesaving or specialty drugs. These are things that we are seeing.

Patients forced to pay out of pocket might be forced to cut back or abandon treatment. According to the Community Oncology Alliance, pharmacists lose $58,000 per practice, on average, to DIR fees each year. This makes it difficult for independent community pharmacists to keep up.

When patients pass through the doughnut hole into catastrophic coverage, guess who picks it up? CMS takes on the cost-sharing burden. This is why this matter is in Congress. These costs have increased from $10 billion in 2010 to $33 billion in 2015. This is just dealing with this issue.

We have got to have greater transparency on this. This is why Morgan Griffith's bill is good and we are going to continue to fight about this.

Again, I have yet to have a PBM tell me I am wrong here. I know from your experience you are seeing it as well.

I yield to the gentleman from Georgia (Mr. AUSTIN SCOTT), our other friend from south Georgia who has been outspoken on this. He comes to the floor to talk about his experiences with this as well.

Mr. AUSTIN SCOTT of Georgia. Mr. COLLINS, I had several parents in my office today. I thought I would talk about a couple of the meetings that I had.

I had a father there talking about his son Gabe. He had a T-shirt on with ''H4G,'' which stands for ''Hope for Gabe.'' I listened to him talk about his son and the life-threatening disease that his son has and the threat that his son is under because of a U.S. pharmaceutical manufacturer named Marathon. I would like to read part of an email that I have from him:

> Hope you are well. I just wanted to let you know that my son Gabe takes a drug called Deflazacort. He has since he was 5 years old. He is now 11. We currently pay $116 for a 3-month supply of 15-milligram dose for Deflazacort. We were getting this drug from Europe, as it was not available here in the United States, and have had no problem with access to date.

Now, many of you heard about this story. The FDA approved the same drug for sale in the United States. What did the drug manufacturer do with the price of it? Well, Marathon took the price from $116 a quarter to approximately $87,000 a year.

Now, this is what is happening. For drugs that are available everywhere

else in the world, it is not that they are being developed with extensive research and expensive research in our country. People are simply buying the right to sell the drug in the United States. As soon as approved and available in the U.S. marketplace, it is no longer legal for people to import that drug from Europe. Marathon priced the drug at $89,000 per year.

Reading again from his email, in bold letters:

It is the same drug we are getting today from Europe for $450 per year, the exact same drug. We need your help here. The Duchenne community needs your help, and specifically Gabe needs your help.

□ 1930

As I sit here and look at the American flag, you know, there is no other country in the world that allows their citizens to be treated like this. None. I am embarrassed that this Congress hasn't done anything about this abuse to the American citizens from the pharmaceutical and the PBM industry.

I know our President, and I am glad that we have a President with the courage and the boldness that our President has, had the executives to the White House. I would suggest that a good meeting also would be to have the parents—have the father of Gabe, have the mother of Gabe come to the White House. Sit down in the same room with the TVs on with the executives from those companies that are cheating these people. Let's let the executives explain on TV in front of the parents, in front of the child who needs that lifesaving drug why it costs $450 in another country but should cost $87,000 in America.

Another group of parents that was in my office today was there representing juvenile diabetes. I had a heart-wrenching discussion with a mother in my office in Warner Robins about her daughter, insulin-dependent. She has got to have it or she dies. This mother had a job, actually, in another country and talked about what she paid in another country to receive that same drug, insulin, for her child. It cost a fraction of what it cost in America.

I think it would be great for our President to have that mother and that daughter or the mother who was in my office today talking about her daughter come and sit down at the White House, and maybe the president of Eli Lilly could come and sit down. Maybe we could put the TV on, the cameras on so everybody in America could see the CEO explain why insulin, which has been around for decades, costs as much in this country as it does when it doesn't cost anywhere near that in any other country.

Something has got to give. Something has got to give. The American families have given enough. I am hopeful that we will move sooner rather than later. American families can't take it anymore. A drug that costs $450, that can be imported from Europe, shouldn't cost $87,000 in America.

On top of the issues with what is happening with the manufacturers, we have got the issue with the PBMs.

Why shouldn't you know what the PBMs are getting in a kickback?

Everywhere else you go, you get a price sticker. You know what the rebates are when you go to your local car dealer. They are readily advertised.

Why shouldn't you know as the American citizen?

My friend Mr. COLLINS and I have been working on it for years. We worked on it back in the State legislature. In fact, we passed a bill back in, I think, 1987, the first transparency act that we passed in the State legislature in Georgia. I hope that governors and members of the State legislatures will go back and address this issue as well. The transparency issues can be done at the State level. That bill came to the Georgia House floor, and it passed 150–0. Not a single Democrat, not a single Republican voted against that bill. Every single member who was there that day voted for the bill.

Mr. Speaker, we know something has got to be done. I just hope that we take action sooner rather than later.

I would just like to make one last request. Mr. President, I hope you will invite these parents and their children to the White House. I hope you will invite the CEOs of these companies to come and sit down at the same table, and I hope you will even invite the press to come and publicize the meeting.

I thank Mr. COLLINS so much for standing up for the American citizens. I am honored to be a friend of his, and I thank him for allowing me to be in the fight.

Mr. COLLINS of Georgia. Representative SCOTT brings out this issue with passion. That is exactly what we need as we go forward in this discussion.

This is exactly what the PBMs don't want to have. They don't want to have transparency. They don't want to talk about it. We have been talking about it now for years on this floor. It just continues to get worse.

In fact, the Prescription Drug Price Transparency Act that we are getting ready to introduce—and Mr. SCOTT and others are part of it—just the other day they were trying to undercut this bill.

I recently saw an interview with Mark Merritt. He is the CEO of PCMA, the trade group for PBMs. The article misrepresented PBMs' role in the marketplace. Now, that is a shocker, really. Distorting the facts to protect PBMs' ability to continue profiting at the expense of beneficiaries and taxpayers.

So tonight let's have a little fact check. Let's look at the claims by Mr. Merritt versus the truth.

First, Mr. Merritt claimed that PBMs play an important role in negotiating price discounts in order to pass those savings along to customers. In fact, what he said was:

We have an interest in lower price or bigger discounts . . . and we're going to negotiate the most aggressive discounts we can.

Well, it is true that PBMs do effectively negotiate huge discounts. However, the patients never see this discount or rebates reflected in their prices or out-of-pocket costs. These rebates and discounts merely pad PBMs' profit margins. They do not increase patients' well-being. This lack of transparency allows PBMs to receive massive rebates and refuse to pass those savings along to consumers or customers.

In fact, what is interesting, there is proof that transparency in MAC pricing saves more money than the PBMs are willing to admit.

You want an example?

Let's look to Texas. Texas has one of the oldest MAC-style laws. Texas passed MAC transparency legislation similar to the Prescription Drug Price Transparency Act in June of 2013.

Now, here we go, Mark, explain this one.

Since Texas passed their law, their Medicaid fee-for-service prescription drug expenditures for the top 100 drugs fell from $219.54 per prescription to $91.32. Yep, you are doing a good job negotiating for your bottom line.

What else does he say?

Number two, Merritt tries to distort the purposes of the Prescription Drug Transparency Act by drawing concern to transparency in the drug marketplace. Let's see what he says. He says:

The kind of transparency to be concerned about is where competing drug companies and competing drugstores can see the detailed arrangements that we have with all of their competitors.

Well, seeing as how they own part of the competitors, not really a lot of things going on there.

Our legislation simply would not allow competing drug companies to see detailed arrangements that PBMs have with competitors.

Mark, quit lying.

This statement is a misrepresentation of what the Prescription Drug Transparency Act does. Competing pharmacies would not be able to see the arrangements their opponents have with PBMs because they would not be publicly disclosed. Transparency measures and contractual agreements include confidentiality clauses preventing public disclosure.

May I remind Mark that he has gag orders in some States where the pharmacists can't even talk about these issues.

By the way, they send letters to pharmacists saying: Oh, don't go talk to your elected officials, because if you do, we will cut your contract off.

Wow, that is concern, Mark.

Furthermore, the disclosure of sources of drug pricing determinations remains confidential and is only disclosed to pharmacies and their contracting entities. PBMs distort transparency to mean only public transparency in an attempt to protect the profitability that comes with keeping their corrupt business practices in the dark. I wish he would have stopped there. He didn't.

Let's go on to the third. Mark Merritt says:

We want to make sure that wholesalers who sell to the drugstore aren't trying to sell the most expensive thing and pass the cost onto consumers.

All right. Here we go again. This is getting familiar. It has little to do with wholesalers. PBMs design the formularies—yes, we understand this, Mark—that dictate what drugs are covered by insurers. Because there is no transparency, PBMs are able to receive drugs at discounted prices but refuse to tell employers. PBMs are then able to still charge employers the full amount for the drug, even though they are receiving it cheaper. PBMs often receive large rebates to incentivize them to include expensive brand name drugs in their formularies, even though cheaper generics are available.

Mr. Speaker, listen. They receive large rebates to incentivize them to include the expensive brand name drugs on their formularies. I had an issue just like that with my own mother just recently. She needed medication. She had been on it for 8 months. They had to reauthorize it after the first of the year.

I asked: Well, is there another issue she could have?

They said: Well, this is the only one on the formulary.

PBMs don't control pricing; PBMs don't control what drugs come to market. Another falsehood. PBMs substitute expensive drugs and overcharge Medicare part D, TRICARE, and FEHB programs. This means they are lining their pockets with money from the taxpayers.

Fourth thing:

If drugstores like those terms, they can sign a contract; and if they don't, they can join with some other plan or PBM.

Oh, I love this. This is classic, Mr. Speaker. PBMs hold a disproportionate share of the marketplace. We have already talked about three of the largest PBMs own 80 percent of the market—80 percent. Because PBMs have a stranglehold on the market, community pharmacists cannot stay in business without being forced to contract with them. It forces community pharmacists to sign take-it-or-leave-it contracts with anticompetitive and unfair provisions, and from transmitting it without written consent. These are just crazy.

I had—one of my pharmacists who was on their plan actually had a letter sent to their customers who said: You are no longer on the plan.

He called the PBM. The PBM said: No, you are still on the plan.

He said: Then why did you send a letter out?

PBM said: Oops, must have been a mistake.

He said: Well, why don't you send a letter out telling them that they are wrong?

PBM said: Oh, we don't do that. That is on you.

Yeah, because all you want to do is keep the money, follow the money. Mark, it is easy. I understand running a trade association is tough, but at least be honest about it.

The last thing. Community pharmacists typically get paid more by plans because there is not as much competition. Well, five for five. Community pharmacists in northeast Georgia and across the United States are under constant threat of going out of business because of PBMs. PBMs exploit the market, prey upon community pharmacists, using spread pricing and retroactive DIR fees. PBMs also use a disproportionate share of the market to steer patients to pharmacies they own themselves.

The Prescription Drug Price Transparency Act is vitally important to improving fairness and transparency in the healthcare system. Community pharmacists must be kept in business and patients should have the choice to receive care from their local pharmacists. Community pharmacists might be afraid to stand up to PBMs. Community pharmacists many times are basically scared into submission.

I have stood on the floor of this House many times. My pharmacists can't speak, but I can, and I will remind the PBMs one more time: You can't audit me. You can go audit for profit, which you do every day. You can go hit them, but you can't hit me.

I will continue to be a voice for community pharmacists. These Members are being a voice for community pharmacists. Our numbers are rising every day. The President himself has actually begun to look at those middlemen and those pricing.

Tonight ends another night of telling the truth when the truth needs to be told. Mr. Speaker, we end another time of standing up for the American people and the community pharmacists.

I yield back the balance of my time.

CONGRESSIONAL PROGRESSIVE CAUCUS: REACTIONS TO THE PRESIDENT'S ADDRESS TO CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the gentlewoman from Washington (Ms. JAYAPAL) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Ms. JAYAPAL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the subject of my Special Order.

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

There was no objection.

Ms. JAYAPAL. Mr. Speaker, today I stand here for this Special Order on behalf of our Congressional Progressive Caucus, and we have decided that we would like to use this Special Order hour to address our reactions to the President's address to the Union last night.

Before I offer my part of those remarks, Mr. Speaker, I yield to the gentleman from Maryland (Mr. RASKIN), my friend and colleague.

Mr. RASKIN. Mr. Speaker, I thank Congresswoman JAYAPAL. She has been a sensational leader within the Democratic Caucus and within the Congressional Progressive Caucus, especially on the issues of immigration and the rights of refugees. It is such an honor to be able to serve with her. I appreciate being able to spend some moments just reflecting on what took place in our Chamber last night with the President's speech.

We should start by giving credit where credit is due. This speech was not ''American Carnage II.'' It was a vast improvement, I would say, over all of the violent and apocalyptic imagery and rhetoric that we saw in the inaugural address. So hats off to the President's new speech writer, whoever that may be.

However, having said that, I think it is simply old wine in a new bottle. The same basic extremist Steve Bannon infrastructure governed that address despite the fact that the manners had improved considerably.

□ 1945

When I thought about President Trump's speech in this Chamber last night, I thought about George Orwell. Not because of 1984, although I admit that my well-thumbed copy of this great dystopian novel is sitting on my desk right now and the words ''war is peace'' and ''ignorance is strength'' have been running through my mind over the last several weeks. No, I thought of Orwell not because of 1984, but because of a great essay he once wrote called ''Notes on Nationalism.''

In this essay, George Orwell contrasted patriotism and nationalism—two concepts that often get conflated. But at least, in his view, they represented two very different things. Patriotism, he argued, was a positive emotion, a passionate belief in one's own community—its people, its institutions, its values, its history, its culture.

An American patriot today, I would argue, believes in our magnificent constitutional democracy—our Constitution; our Bill of Rights; our judiciary and our judges; our States and our communities; our poets like Emily Dickinson and Walt Whitman and Langston Hughes and Merrill Leffler; our philosophers like John Dewey and Ralph Waldo Emerson; our extraordinary dynamic culture which invites and absorbs new waves of people from all over the world, our artists, our musicians like Bruce Springsteen, the Neville Brothers, and Dar Williams. All of these people and things are what we love about America, and they evoke the positive emotion of patriotism.

Patriotism is all about uplifting people; drawing on what is best in our history; finding what is best in our culture; invoking our Founders, Madison,

Jefferson, Franklin, and Tom Paine; invoking the people who founded the country once again through the Civil War and the reconstruction amendments, Abraham Lincoln and Frederick Douglass; the people who transformed America in the women's suffrage movement, like Susan B. Anthony; the people who remade America once again in the civil rights movement, like Martin Luther King, Bob Moses, and the Student Nonviolent Coordinating Committee; the people who blew the doors off of discrimination and oppression against other groups, like the LGBT community, like Harvey Milk.

All of these people stand for a progressive dynamic and inclusive concept of America, and patriots want to draw on this culture in history in order to continue to make great progress for our people today. A patriot wants to improve the health of our people, the education of our people, the critical thinking skills of our people, the well-being of America.

Now, nationalism is different. If you look at it historically as Orwell did, nationalism has been not about building people up and improving their lives, it has been about militarizing society and getting everyone to sync their individuality, their creative personality into a large corporatist and authoritarian state, one that is destined to exploit people's goodwill by mobilizing them for groupthink and endless hostility in war, the kind that Orwell dramatized so frightfully in 1984 and in ''Animal Farm.''

Well, I am sorry to say that I didn't see a lot of patriotism in Orwell's terms in the speech last night. Ninety percent of our kids go to public schools, but 90 percent of this President's energy and administration's energy seems to go into maligning and defunding public education and diverting public money away from public schools into private education. That is the Betsy DeVos agenda.

Or take health care. The Affordable Care Act represents a magnificent national investment in health care of our own people. More than 22 million of our fellow citizens, previously uninsured, got health care because of the ACA. Thirty million if you include the expansion of Medicaid that took place under the ACA.

If you decide to go to a town hall, yours or someone else's, you will meet people who will tell you that their lives were saved because of the Affordable Care Act—victims of breast cancer and colon cancer and heart attacks and strokes and on and on. These things are just in the nature of life. We are all subject to medical misfortune. If you learn you have cancer or if you have a heart attack, that is a misfortune. It happens to people every day. But if you have cancer or leukemia or you have a heart attack and you can't get health coverage because you lost your job or because you are too poor, that is not just a misfortune, that is an injustice because we can do something about that. Because that has to do with how we have organized our own affairs as a society.

But what did we hear from the President last night about the health care and well-being of our people? Repeal and replace the Affordable Care Act. They voted more than 50 times to repeal the Affordable Care Act and never once to replace it. They have got no plan. The President did not offer a plan.

The President restated the values of the Affordable Care Act itself. And understand, the Affordable Care Act was the compromise because the logical thing to have done, as President Obama said, if we were starting from scratch, would be to adopt a single payor plan. But because we were along a certain path, he felt we couldn't do that.

So he took the plan that was adopted at The Heritage Foundation, the conservative think tank, the one that was put in in Massachusetts by Governor Romney—RomneyCare. That is the Affordable Care Act. But they couldn't tolerate that because they cared more about scoring political points against the President than they did about actually making health care available to as many Americans as possible.

So the President showed up empty-handed again. No plan whatsoever. If there were a plan, we would be debating it. If they had something to offer, we would be talking about it. But they don't have it. They just want to repeal and consign everybody back to medical oblivion. Millions of people going back to not having it. Making everybody else's insurance premiums skyrocket and just turning our backs on the families that now depend on the Affordable Care Act.

Now, I will say the President mentioned in passing something that he made a big deal of during the campaign, and I was happy he did. He went back to saying that we needed to give the government the authority to negotiate with the large drug companies, the prescription drug companies, for lower prices.

And I was happy to hear my colleagues from the other side of the aisle in talking about the pharmacist just now, also talking about the extraordinary power of the pharmaceutical companies and their predatory practices.

Well, what the President has said makes perfect sense on this point, which is there was some special interest legislation that came out several years ago saying that the government could not negotiate for lower prices with the drug companies when it comes to Medicare. We do it with Medicaid, we do it with VA drug benefits, but we can't do it for Medicare drug benefits because some lobbyist was able to get somebody to stick that into the bill, and the GOP majority stands by it now.

And so I appeal to the President, if you are serious about it, I will work day and night to get every Democratic vote I can to side with you in giving the government the authority to negotiate for lower drug prices. That is a common ground agenda. Let's do that.

But as to the general picture of health care in the country, the President gave us nothing last night. We also got no jobs plan. We got no plan to confront the shameful inequality in our society.

When the President and his Cabinet entered the Chamber last night, the net worth of this room went up by $9.6 billion. This is the richest Cabinet in American history. These 17 people in the Cabinet have more wealth than 43 million American households combined. That is one-third of American households. When you look at the Trump Cabinet, you can see the net worth of one-third of American families together.

And the President, who campaigned like a crusading populist, like William Jennings Bryan, for working people, creates a Cabinet of billionaires and CEOs, people who profited like mad from NAFTA and all the trade deals that the President now denounces. He closed his campaign by railing against Goldman Sachs. But Goldman Sachs may as well be the nickname of this Cabinet. From Secretary Tillerson to Steve Bannon and many others, Goldman Sachs is all over this administration.

And last night, we also got more immigrant bashing. And I know my friend and colleague, Congresswoman JAYAPAL, will discuss this.

How patriotic is immigrant bashing? I would say not very. Tom Paine said America would be a haven of refuge for people fleeing political and religious repression all over the world. Madison said it would be a sanctuary for religious and political refugees. America would come to be symbolized by the Statue of Liberty. ''Give us your poor, your tired, your huddled masses yearning to breathe free,'' that is the spirit of America.

We are a nation of immigrants. Other than Native Americans, we were here before everybody else got here. And the slaves were brought here against their will. But everybody else, we are immigrants or we are the descendants of immigrants. So if you attack immigrants, you are really attacking the dynamic and inclusive culture of America, a community of communities.

And then there is the big proposal we got to slash $56 billion in domestic spending and put it into a great big, new military buildup. And here we see the fingerprints, of course, of Steve Bannon. We could destroy the National Endowment for the Arts, the National Endowment for the Humanities, the Environmental Protection Agency, the National Institutes of Health, the State Department, the Peace Corps, the National Oceanic and Atmospheric Administration, the Securities and Exchange Commission, the Federal Election Commission, the CFPB, and on

and on, and still not come close to the $56 billion that they want to rip out of the domestic priorities of the American people and simply give to the Pentagon. And for what? Why? No one has told us why. What is all of that money going to buy? Who is going to get rich off of all of that money?

Ladies and gentlemen, when you add it all up, this program seems like it partakes of the ultra-nationalist politics that Orwell perceived in authoritarian regimes, not the kind of patriotism that reflects the best in our own Democratic political culture.

The great thing is that Americans are deep patriots. We love our communities. We love our institutions. We love our values. We love our Constitution. We love our Bill of Rights. And we are not going to fall for a right-wing, ultra-nationalist agenda that takes us away from everything that we love.

□ 2000

Ms. JAYAPAL. Mr. Speaker, I thank my distinguished colleague from Maryland for your tremendous work already in these 7 weeks and schooling us all on the Constitution and making sure that we continue to recognize the tremendous responsibility that we have here in this body to protect that Constitution and everything that it stands for.

Last night's State of the Union Address deserves a response for lots of reasons and, unfortunately, none of them are good.

Last night, we heard from this President a toned-down version of his campaign speeches. The speech was well delivered. He stuck to his script. It may be the first major address that he has conducted where he did stick to the script. He had a lot of diligence in that. And he even started with some very necessary recognition of the anti-Semitic acts that have been taking place across the country, and he denounced those acts.

He denounced the killing of an Indian American in Kansas. I, too, am Indian American, and I know that that killing hit home hard for many of us across the country who wonder if we, too, are going to be the targets of hate. The President did say that he denounces hate, that there is no place in this Nation for hate, and that, in fact, we need to do a lot of work to make sure that we preserve this place, this country as a country that is safe for everybody.

Unfortunately, it took a while to get there, and his words belie the rhetoric that he has put out there in the past. In fact, I think that this President has not spoken out against the kind of hate and, in fact, has sometimes said things that encourage his followers to act in ways that simply do not meet the rhetoric that he had yesterday.

The first place that that was so obvious to me was in the space of immigration. Now, I have been an advocate on immigration for many, many years. I have worked across the aisle with friends and colleagues in the U.S. Senate, in the U.S. House of Representatives. At that time, I was an advocate. But together, we understood the tremendous contributions of immigrants to this country, and we understood that unless you were Native American, that, willing or unwilling, everybody in this country has been an immigrant or a descendant of immigrants.

And so to come into the Chamber and yet again hear the fear-mongering and the characterization of immigrants, undocumented immigrants, as this enormous swath of people who simply all they do is commit crimes is simply a travesty and a disservice to the millions of people across this country who work every day to pick our vegetables, clean our homes, serve us in so many different capacities, as well as to all of those who have come through the legal immigration system, but with many challenges.

You know, it took me 18 years to get my citizenship. I went through visa after visa after visa. I understand the barriers. But for this President to continue to focus on a stereotype of undocumented immigrants as criminals is simply disingenuous, unfair, and, frankly, un-American.

DREAMers and refugees and immigrants and others who have helped build this country were the guests of many of us Democrats in the Chamber. We each brought incredible men and women to join us for the State of the Union; people who we feel demonstrate the resilience and the strength and the courage of immigrants across this country.

I was proud to be joined by an amazing woman, a good friend named Aneelah Afzali, who is the executive director of the American Muslim Empowerment Network, an initiative of the Muslim Association of Puget Sound. Aneelah is a Harvard-trained lawyer. She is an incredible snowboarder. She is a 12th Man Fan. She loves the Seahawks, and she is a strong advocate for a community that has been, frankly, terrorized since the passing of the President's Muslim ban. Now, of course, courts have said that that ban is unconstitutional.

The President seems to be accepting that it is unconstitutional, but we also know that he has reshaped that ban to continue to target people simply for the country from which they come, simply for the region that they come from.

The reason we invited all of those guests to be here in the Chamber with us is because we wanted to send a message to this President and to our country that we are strong as a country because of our diversity, that we are better for the perspectives and the values that people bring, and regardless of what religion you are, we all, as the President said yesterday, do bleed the same blood, and we all believe in the promise of the United States of America.

We wanted the President to understand and our colleagues in this body to understand, when we pass laws, when we approve of executive orders, to target people simply based on religion or place of origin, that we are doing a tremendous disservice to this country and we might be violating constitutional laws in some of these cases, but that America deserves better in terms of how we position what immigrants have done for this country.

Now, the President last night kept talking about these heinous crimes that immigrants commit. In fact, he had some people here in the Chamber, his guests, who were tragically affected by the murder of individuals in their families who were killed because of a single, undocumented immigrant. A heinous crime committed by an undocumented immigrant is simply not representative of the millions of law-abiding immigrants across our country.

This is a continuation of what the President did during the campaign: fear-mongering and otherizing people. The reality is that, just like Dylann Roof's horrific murders in South Carolina cannot be representative of all Caucasian Americans, there is no way that one undocumented immigrant or even a couple of undocumented immigrants can be representative of 11 million who have served this country, helped build our economy, helped drive our industries, and who contribute so much to our country every single day.

The President also seemed to paint this picture of immigrants as driving up crime, that when you have undocumented immigrants, then you have higher crime. In fact, the statistics show that immigrants commit crimes at far lower rates than native-born Americans and that our sanctuary cities, the cities around the country that have policies that are friendly to immigrant communities, including undocumented immigrants, that those actually are safer as cities than comparable cities that are not sanctuary cities.

That was a report that came out, and it is an important one for people to understand. Why? Because, when you have trust and when you understand that the fix that we need is for a system that is broken, an immigration system that has been broken for a very long time, the way to address these issues is not to criminalize and otherize and fearmonger about people who are trying to help our country, but to actually get to work on a real fix for our immigration system.

I was initially pleased that the President talked about fixing a broken immigration system, but then he said we are going to look at a merit-based system. Now, I would not have been able to come to this country under a merit-based system because I came here by myself when I was 16 years old. My parents sent me over here. They had very little money in their bank account. They used their $5,000 to send me by myself because they felt like this was the place I was going to get the best education.

And if you look at a merit-based system, what you do is you exclude the millions of people who have actually come to the United States seeking refuge from famine, from devastation, from drought, from persecution. You exclude all of those people. You also exclude all of the families who are trying to reunite with their loved ones when they come here and they bring their spouse or they bring their parent or their child. That whole system of family-based immigration that the United States has built so much of our country around, that, too, would be excluded.

Unfortunately, this President is still not at a place where he has said and embraced the idea of comprehensive immigration reform, an immigration reform that has been, until this point, traditionally bipartisan—68 bipartisan votes in the U.S. Senate in 2013 for a comprehensive immigration bill that would have brought $1.5 trillion into our economy over the next 10 years by legalizing and providing a pathway to citizenship for undocumented immigrants but, perhaps equally importantly, would have provided the dignity and respect to undocumented immigrants in a very different way than what the President spoke about last night.

My colleague Mr. RASKIN talked a little bit about health care and the Affordable Care Act, and during his speech, the President, unfortunately, again renewed the theme that the Affordable Care Act has been a disaster. He talked about his ideas for health care, and he said some things that maybe all of us could agree with.

He said that we deserve health care that lowers costs for people. Yes, I would like that. He said that we deserve health care that increases quality of care—absolutely.

But unfortunately, neither the President nor Republicans in this Chamber have offered us a replacement plan. So to repeal the Affordable Care Act which has provided so much benefit to people—more than 20 million Americans gained health care through the Affordable Care Act. But if Republicans succeed in repealing it, 30 million people will lose it.

The 150 million Americans with preexisting conditions will see their protections stripped away, leaving them vulnerable to a lack of coverage. You cannot protect the most expensive and the most valuable provisions of the Affordable Care Act if you do not continue to keep the pool large enough, full of healthy people, so that those provisions actually become affordable. And you need to ensure that the pool is large enough through the individual mandate.

So we have not seen a plan that improves health care, and it is important that we recognize we have improvements to make. There are too many Americans across the country that still, today, don't have access to health care in the way that we would like them to. But the solution for that is a Medicare-for-all plan, a public plan that allows us to take profits out of the business of health care. It should not be a business. It should be about making people better. It should be about making people well and not about making corporations rich. That, I think, is a very important piece.

The President said that he would support a plan that would actually provide us with the ability to negotiate for prescription drugs for Medicare. That would bring down the cost for those prescription drugs. I am all in for that plan, and that is why I hope the President supports the bill that was introduced.

Senator CANTWELL introduced a bill yesterday that would allow the United States to import more affordable drugs from Canada while also allowing Medicaid to negotiate drug prices directly, and that would lower the costs for our seniors and for others who rely on those lifelong medications.

I am so proud to have sponsored that same bill in the House. That is the solution that we need to move to is lowering the costs of prescription drugs, lowering the cost of health care, increasing the quality of the care that we provide.

Let's talk about the environment for a minute because the President mentioned yesterday that he cares about clean water and clean air, but at the same time, the President has proposed in reports that have been published in the news that he intends to cut the Environmental Protection Agency by 25 percent, the budget of the Environmental Protection Agency.

Scott Pruitt, our new Secretary of the EPA, has talked about putting in place plans to repeal progress on climate change. The President also signed a rule to essentially roll back progress on the Clean Water Act, and we are talking about cutting agencies and staff of the EPA across the country.

The reality is that we need to be thinking about how we preserve our planet for the next generation. I have got a 20-year-old son and he says to me: Mom, this is one of the most important things you can do is preserve the planet for me and for my kids. That is what we need to do is look at the science of climate change, look at the ways in which we can strengthen our ability to protect the environment, instead of what this President has said he will do, which is to repeal so many of the rules that the Obama administration put in place to make sure that we check the notion that corporations should be able to mine our land, literally and figuratively, for profit while destroying it for the future.

Budget and taxes, this was a really interesting one. One of the most common refrains of President Trump's campaign was that he was going to drain the swamp, and last night he talked about that. He said he promised he would do it, and he is now draining the swamp. He has put a ban on lobbyists.

Unfortunately, what he didn't talk about is that, even with the ban on lobbyists, it is as if he is draining that swamp and then pumping it into another spot, which happens to be his Cabinet, that is filled with people who represent Goldman Sachs ties, the CEO of ExxonMobil, plenty of other elites who—we don't begrudge people to make some money, but these are people who have made profit off of a vast majority of Americans losing their income.

□ 2015

These are people, frankly, who lobbied the United States Government so that those corporations could do better and so that they, as CEOs, could do better while caring not at all for the broad interests of people across this country.

Based on these picks, it is clear that the President's priority is for the wealthiest in our country and not, as he promised over and over again, for the working people in our country.

Now, I would love to be proven wrong on this. But unfortunately, all of the tax plans, all of the proposals that we have seen so far, or, at least, the blueprints that we have seen so far would not do as he said last night. Last night, he said he wants to provide a huge tax cut or tax relief for middle class families. We would love to see that. Unfortunately, the plan looks, in fact, like it is going to provide relief to the top tier of income earners in this country and not to the middle class.

He has talked about a $54 billion cut in domestic spending, and I wanted to have people understand exactly what $54 billion amounts to because most of us don't really know. We can't really imagine that because we don't have $54 billion lying around.

If we added up the entire budget for the Environmental Protection Agency, the entire budget of the National Oceanic and Atmospheric Administration, the entire budget for the National Park Service—and I should give you these numbers because they are interesting: $8 billion for the EPA, $5.85 billion for the National Oceanic and Atmospheric Administration, $3.1 billion for the National Park Service, $2.9 billion for the Department of Energy efficiency and renewable energy program, $1.6 billion for the Fish and Wildlife Service, and $1.2 billion for the U.S. Geological Service—you still don't get to that $54 billion. There are a whole bunch of others that are in that list. You still don't get to $54 billion, even if you remove all of those agencies.

So the work that we have to do is really to have people understand that if we are going to cut nondefense discretionary spending by the amount that he is talking about increasing our defense budget by, our military spending by, then you are going to have to cut into the very programs that help middle class families to continue their lives and have dignity, respect, pull themselves up and know that they are

going to have food on the table and a roof over their head and be able to send their kids to college and be able to retire in security. All of these programs help people to do that, to have opportunity in this country, which is why America is such a great country because we provide that kind of opportunity. But if we decimate our nondefense discretionary spending by cutting it by $54 billion, then we are taking away that opportunity from millions and millions of families. This is not how we build up our communities.

Our budget is a demonstration of our values as a country. We have to understand that this is a time of tremendous insecurity for Americans across our country. Wealth inequality is at the highest level that it has been in a very long time, and people do not see the opportunity for themselves.

They elected this President, in part, because of the promises that he made; and so if he is going to follow through, that would mean protecting those social safety net programs. It would mean investing in the environment for the future. It would mean expanding Social Security and Medicare. It would mean saying that the answer to health care is actually a Medicare-for-all program, a way to make sure that every American does not have to be one healthcare crisis away from bankruptcy.

The President also talked about education last night, and he said it is the civil rights issue of our time. I couldn't agree with him more, but I do not understand how you go from that place to then saying that the answer to that is school choice.

Ninety percent of the kids in this country go through the public education system. That is what my son went through. We need to make sure that we preserve the ability for people in this country to send their kids to good public schools.

We should be investing in our public schools, investing in our teachers, making sure that we provide the tools and the resources to teachers so that in our public schools—the place where our kids are going to spend the most amount of their days—that they are getting the kind of education that allows them to earn a future, contribute back to the country, be trained for all the jobs that we need to fill right here in the United States of America.

We should be investing in preapprenticeship programs. We should be investing in debt-free college for all of our young people because it is ridiculous that a young person has to choose between being $45,000 in debt or not going to college, not seeking a higher education.

Higher education is what gave me everything that I have today. It was my parents' belief in me and my future and the $5,000 that they had in the bank that they used to send me here so that I could get a college degree. I was 16 years old, and now I have the tremendous honor of standing in this Chamber, the U.S. House of Representatives, in the greatest country in the world, going from being an immigrant to being a United States Representative.

I want every American—no matter what color you are, no matter whether you are rural or urban, no matter whether you have money or don't have money—I want you to have a great public education that you can go to. That is choice. That is real choice.

Choice is not privatizing our public education system, and then saying, hey, 10 percent of the people get to go to that, and then everybody else is going to go to schools that don't give them that opportunity.

Real choice is about having an investment in our public education system as the doorway, the gateway to a future of opportunity.

Mr. Speaker, the most important thing I think is that last night's address was a softer tone. It was a disciplined speech, and there were some good statements.

Unfortunately, the rhetoric of last night doesn't match the actions. It doesn't match the executive actions of the last 7 weeks that have thrown this country into chaos on immigration. It doesn't match the fact that we still don't have a replacement plan that will make things better for health care, not increase payments, not give giveaways to insurance companies, not decrease subsidies so that health care can be affordable.

His speech last night did not reflect specifics around how he is going to accomplish some of the good things that he said he was going to do. And it continued to put fear into people's hearts and minds about who our neighbors are, about the immigrants across this country who have done so much to build and contribute.

He is the President of the United States. He has a remarkable microphone. He talked about unity last night. But unity means being a President for everybody, and it means not creating stories that somehow draw pictures of an immigrant community that is full of crime, inner cities that are full of crime. That is not the inner cities that I know. If he is talking about inner cities in Chicago and other places, we should be talking about how to fix crime, but not calling everybody who lives there criminals.

We have got to understand that our country deserves a body in this Chamber, in this United States Congress that really preserves the opportunity, the dreams, and the ability for everybody in our country to know that they have got a fair shot. That is what America has been for so long for so many people across the world.

When he talks about improving the vetting of refugees to this country, let me tell you, I know a lot about this issue. There are 20 steps you have to go through if you want to be vetted into this country as a refugee. All of our multiple intelligence agencies, multiple agencies in other countries, the United Nations and others are involved in that vetting process. Our own intelligence agencies vet people.

Out of the seven countries that he put on the list for the Muslim ban, the 9/11 hijackers didn't come from any of those countries. They came from another country that is not on that list: Saudi Arabia.

So if we are really going to think about how we improve our security in this country, we should be thinking about economic security that gives people the opportunity that they need in this country, the ability to fill our jobs with well-trained folks from this country, and then we continue to allow immigrants to come in as we need them. But don't allow them to come in because we are not training enough people and we are not investing in people right here in this country and then criticize those immigrants for taking these jobs.

Let's raise our wages. Let's invest in apprenticeships. That is good in rural areas, and that is good in urban areas. Let's invest in our community and technical colleges. Let's provide opportunity for people who are ready to take that opportunity.

Let's be compassionate. It is Ash Wednesday today. I am not an observing Catholic, but I think today—because I went to a Jesuit university—and I think today of what we were taught in that university about compassion.

I think it is time for us to recognize that true greatness for our country doesn't come from fear mongering. It doesn't come from otherizing. You can tap into that. You can mobilize people around that. You can enrage people around that.

Ultimately, true greatness and the greatness of this country has always come from our ability to have a vision of opportunity for everybody and to actually work to perfect this Union, to actually work to make democracy real, to actually work to engage people in a vision that says we are all better off when we are all better off. That means that my boat rising lifts your boat rising. It is not about fighting over the spoils that are too small for us anyway. It is not about whose pie we are eating.

It is about having more pie for everybody and ultimately opportunity, education, jobs, higher wages, health care, paid family leave, the ability for people to live with dignity and respect, racial justice, all of the fights that this country has been having for a very long time. Some we have won, and some we have won a little bit on, and some we have won a lot on. We still have a ways to go.

What I hope we do, as we think about the state of the Union of this country, is understand that our state of the Union is strong when our communities are strong. Our state of the Union is strong when we invest in our future.

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

The SPEAKER pro tempore (Mr. SMUCKER). Members are reminded to refrain from engaging in personalities toward the President.

HAPPY BIRTHDAY NEBRASKA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2017, the Chair recognizes the gentleman from Nebraska (Mr. FORTENBERRY) for 30 minutes.

Mr. FORTENBERRY. Mr. Speaker, for 150 years now, Nebraska has held a special place in the history of America. We Nebraskans rightly pride ourselves on the values of hard work, on the values of community life, on the proper value of the good stewardship of our precious resources. The mystique of the Great Plains, the nobility of the family farm, and the vibrancy of our people create the conditions for the good life.

Our story is one of strength, it is one of dignity, and I am proud to celebrate our 150th anniversary.

□ 2030

Mr. Speaker, a number of years ago, a gift of land donation enabled the expansion of the Homestead National Monument, which is near Beatrice, Nebraska. Run by the National Park Service, their personnel were kind enough to invite me to the dedication ceremony; and during that event, a young woman who was from a seventh-generation farm family—in high school at that time, as I recall—got up to speak. She gave a beautiful talk about our Nebraska values, our connectedness to the land, the deeper meaning of living on the plains, and the ideal of maintaining the continuity of family life.

Her remarks, Mr. Speaker, moved me so much that I literally tossed my own speech aside and spoke off the cuff, and I said something like this: Perhaps it was on a day just like this where that settler family came over the hill there, and they looked at the great expansion of the plains before them.

Perhaps that day they felt the warm, spring sun on their cheeks, and they heard the chirp of the western meadowlark in the air, and they watched as the beautiful bluestem prairie grass swayed in the wind. Perhaps it was then that they made their decision: We stay right here. Nebraska will be our home.

Mr. Speaker, when I finished that, I was very proud of myself, so I sat down. And then the next speaker came up, another political figure, and he had this to say: Well, my family came here because they were horse thieves. We all shared a little laugh, but really, Mr. Speaker, Nebraska's colorful history and droll wit were simultaneously captured in that moment.

Nebraska's official motto is ''Equality before the law,'' but our unofficial motto is ''Nebraska nice.'' It is true. Nebraskans are generally nice. But beneath that friendly veneer is an unmistakable, unvarnished realism.

Nebraskans have a unique ability to look at a situation and size it up accurately, if often humorously. ''Git r done'' is an often-used phrase that I think can be safely attributable to us.

Now, sometimes, Mr. Speaker, Nebraska has been pejoratively described in the popular imagination of our country, first as the ''Great American Desert'' because it was thought that nothing would grow there. Today, we have the largest amount of acreage under irrigation in the country, including the fact that we are the largest grower of popcorn in America. We are a leader in livestock production and multiple types of commodity production, as well as specialty crops.

We were sometimes castigated as ''flyover country.'' I hear that around here sometimes, that is, until you come to Nebraska and realize that it is a wonderful place to live and to work and to raise a family relatively free from crime, except even horse thieves, congestion, as well as pollution.

Nebraska has, routinely, the highest graduation rate in the country and the lowest unemployment rate in the country.

And, though, in true Nebraska fashion, self-effacing Cornhuskers would cringe at the term, we have had our fair share of celebrities as well, including Father Ed Flanagan, who founded Boys Town, now known as Boys Town and Girls Town; Civil Rights pioneers, Chief Standing Bear being one of the most prominent; Malcolm X; authors Mari Sandoz and Willa Cather; professional athletes Bob Gibson and Gale Sayers; and entertainers, Henry Fonda, Marlon Brando, Montgomery Clift, Johnny Carson, and Dick Cavett.

Moreover, Mr. Speaker, our singular, unicameral legislature is a model for bipartisanship and frugality. And I would be remiss if I didn't say our run-it-up-the-gut offense with a few option twists, it may not have been flashy, but it helped the University of Nebraska's football team win five national championships.

I am proud to serve in the United States congressional seat once held by Williams Jennings Bryan, who along with Senator George Norris perhaps are the most famous, though controversial in some ways, politicians in our State's history.

As we celebrate the 150th anniversary of Nebraska's admission to the United States of America—by the way, the first State admitted after the Civil War—I recall Representative Bryan's words from over 100 years ago. It is a quote that actually is outside of our football stadium, known as Memorial Stadium, on Tom and Nancy Osborne Field. It says this: ''Destiny is no matter of chance. It is a matter of choice. It is not a thing to be waited for, it is a thing to be achieved.''

And perhaps, Mr. Speaker, we can add to that quote today: And that the choice to be good makes the destiny arrive well.

Happy birthday, Nebraska.

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

ADJOURNMENT

Mr. FORTENBERRY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 37 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, March 2, 2017, at 9 a.m.

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. DEFAZIO (for himself and Mr. MASSIE):

H.R. 1265. A bill to amend title 49, United States Code, to make modifications to the passenger facility charge program administered by the Federal Aviation Administration, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BLUMENAUER (for himself and Mr. BUCHANAN):

H.R. 1266. A bill to authorize the Secretary of Transportation to make grants to assist units of local government in developing and implementing plans, known as Vision Zero plans, to eliminate transportation-related fatalities and serious injuries, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SMITH of Missouri (for himself, Mr. KIND, Mr. KELLY of Pennsylvania, Mr. BLUMENAUER, Mr. MEEHAN, Mr. PASCRELL, Mr. BISHOP of Michigan, Ms. SEWELL of Alabama, Mr. SESSIONS, Ms. DELBENE, Mr. FITZPATRICK, and Ms. SINEMA):

H.R. 1267. A bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care; to the Committee on Ways and Means.

By Mr. SMITH of Nebraska (for himself, Mr. KIND, Mr. SCHRADER, Mr. YOHO, Mr. ABRAHAM, Ms. JENKINS of Kansas, Ms. BROWNLEY of California, Ms. DELBENE, Mr. GARAMENDI, Mr. HARPER, Mr. LOEBSACK, Mr. MCGOVERN, Mr. ROGERS of Alabama, Mr. RODNEY DAVIS of Illinois, and Mrs. DAVIS of California):

H.R. 1268. A bill to amend the Internal Revenue Code of 1986 to provide for an exclusion for assistance provided to participants in certain veterinary student loan repayment or forgiveness programs; to the Committee on Ways and Means.

By Mr. LAMALFA (for himself and Mr. GARAMENDI):

H.R. 1269. A bill to direct the Secretary of the Interior to take actions to support non-Federal investments in water infrastructure

improvements in the Sacramento Valley, and for other purposes; to the Committee on Natural Resources.

By Mr. NADLER (for himself and Ms. HERRERA BEUTLER):

H.R. 1270. A bill to promote and protect from discrimination living organ donors; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, House Administration, Education and the Workforce, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of Ohio (for himself and Ms. MATSUI):

H.R. 1271. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUSH:

H.R. 1272. A bill to provide for the expeditious disclosure of records related to civil rights cold cases, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. NEWHOUSE (for himself, Mr. GOSAR, Mr. PEARCE, Mr. HARPER, Mr. CRAMER, Mr. MARSHALL, Mr. CHAFFETZ, and Mr. TIPTON):

H.R. 1273. A bill to amend the Endangered Species Act of 1973 to require publication of the basis for determinations that species are endangered species or threatened species, and for other purposes; to the Committee on Natural Resources.

By Mr. NEWHOUSE (for himself, Mr. TIPTON, Mr. ABRAHAM, Mr. GOSAR, Mr. PEARCE, Mr. HARPER, Mr. YOHO, Mr. JONES, Mr. MARSHALL, and Mr. CRAMER):

H.R. 1274. A bill to amend the Endangered Species Act of 1973 to require making available to States affected by determinations that species are endangered species or threatened species all data that is the basis of such determinations, and for other purposes; to the Committee on Natural Resources.

By Mr. SESSIONS:

H.R. 1275. A bill to eliminate the individual and employer health coverage mandates under the Patient Protection and Affordable Care Act, to expand beyond that Act the choices in obtaining and financing affordable health insurance coverage, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ADAMS (for herself, Mr. MCGOVERN, Ms. FUDGE, Ms. DELAURO, Mr. EVANS, Ms. PLASKETT, Ms. DELBENE, Ms. NORTON, Ms. KAPTUR, Ms. LEE, Mr. LARSEN of Washington, Ms. VELÁZQUEZ, Mr. HASTINGS, Mr. CICILLINE, Ms. MOORE, Mr. CONYERS, Ms. SHEA-PORTER, Mr. DEUTCH, Mr. GRIJALVA, Mr. MEEKS, Mr. NORCROSS, Ms. JACKSON LEE, Mr. BUTTERFIELD, Mrs. WATSON COLEMAN, Mr. RUSH, Mr. RICHMOND, Mr. COHEN, Ms. CLARKE of New York, Mr. LEWIS of Georgia, Ms. JAYAPAL, and Mr. LANGEVIN):

H.R. 1276. A bill to amend the Food and Nutrition Act of 2008 to require that supplemental nutrition assistance program benefits be calculated with reference to the cost of the low-cost food plan as determined by the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture.

By Mrs. BLACKBURN:

H.R. 1277. A bill to permit indefinite extensions for certain previously extended Medicaid managed care waivers; to the Committee on Energy and Commerce.

By Mr. ESPAILLAT (for himself, Mr. SCHNEIDER, Mrs. WATSON COLEMAN, Ms. NORTON, Mr. COHEN, Mr. RASKIN, Mr. DEUTCH, Mr. BLUMENAUER, Mr. CICILLINE, Mr. GUTIÉRREZ, Ms. VELÁZQUEZ, Mr. CÁRDENAS, and Mr. SWALWELL of California):

H.R. 1278. A bill to amend title 18, United States Code, to require firearm assembly kits to be considered to be firearms; to the Committee on the Judiciary.

By Ms. ESTY (for herself, Mr. KING of New York, Ms. MCCOLLUM, and Mr. COSTELLO of Pennsylvania):

H.R. 1279. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to establish within the Department of Veterans Affairs a center of excellence in the prevention, diagnosis, mitigation, treatment, and rehabilitation of health conditions relating to exposure to burn pits; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY:

H.R. 1280. A bill to amend the Internal Revenue Code of 1986 to increase the maximum contribution limit for health savings accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 1281. A bill to extend the authorization of the Highlands Conservation Act; to the Committee on Natural Resources.

By Mr. GARRETT (for himself and Mr. MCCAUL):

H.R. 1282. A bill to amend the Homeland Security of 2002 to establish Acquistion Review Boards in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security.

By Mr. HULTGREN (for himself, Mr. DAVID SCOTT of Georgia, and Mr. MESSER):

H.R. 1283. A bill to amend the Higher Education Act of 1965 to require the disclosure of the annual percentage rates applicable to Federal student loans; to the Committee on Education and the Workforce.

By Ms. JENKINS of Kansas (for herself and Mr. THOMPSON of California):

H.R. 1284. A bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KILMER:

H.R. 1285. A bill to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, and for other purposes; to the Committee on Natural Resources.

By Mr. KIND:

H.R. 1286. A bill to require the Secretary of Education to use the excess revenue generated from the William D. Ford Federal Direct Loan Program to carry out the Federal Pell Grant Program; to the Committee on Education and the Workforce.

By Mr. KRISHNAMOORTHI (for himself, Mr. BLUMENAUER, Mr. GRIJALVA, Mrs. WATSON COLEMAN, Mr. SWALWELL of California, Mr. ESPAILLAT, Ms. LEE, Mr. RASKIN, Mr. NADLER, Mr. MCNERNEY, Mr. VARGAS, Ms. FRANKEL of Florida, Mr. VEASEY, Ms. KAPTUR, Mr. DESAULNIER, Mr. QUIGLEY, Ms. JAYAPAL, Ms. DELAURO, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. CORREA, Mr. PERLMUTTER, Mrs. DINGELL, Mr. CASTRO of Texas, Mr. SERRANO, Mr. KEATING, Mr. CAPUANO, Mr. HIGGINS of New York, Mr. TONKO, Mr. PRICE of North Carolina, Mr. CICILLINE, Mr. PETERSON, Mr. VELA, Mr. HASTINGS, Mr. CUMMINGS, Ms. CLARK of Massachusetts, Mr. O'HALLERAN, Ms. PLASKETT, Mr. LAWSON of Florida, Mr. PETERS, Mr. GONZALEZ of Texas, Mr. BROWN of Maryland, Mr. DANNY K. DAVIS of Illinois, Mrs. TORRES, Mr. PANETTA, Ms. BONAMICI, Mr. THOMPSON of California, Ms. MATSUI, Mr. NOLAN, Mr. EVANS, Mr. SUOZZI, Ms. BROWNLEY of California, Ms. VELÁZQUEZ, Mr. CLAY, Mr. NEAL, Mr. LYNCH, Ms. JUDY CHU of California, Mr. GARAMENDI, Ms. HANABUSA, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LEWIS of Georgia, Mr. CARSON of Indiana, Mr. MCGOVERN, Mr. BRENDAN F. BOYLE of Pennsylvania, Mr. MCEACHIN, Mr. CÁRDENAS, Mr. ENGEL, Mr. WELCH, Ms. BARRAGÁN, and Mrs. BUSTOS):

H.R. 1287. A bill to require that any Executive order be published on the White House website not less than 72 hours before the Executive order is signed; to the Committee on Oversight and Government Reform.

By Ms. KUSTER of New Hampshire (for herself, Mr. GARAMENDI, Ms. CLARK of Massachusetts, Mr. GRIJALVA, and Mr. SEAN PATRICK MALONEY of New York):

H.R. 1288. A bill to direct the Secretary of Education to carry out a grant program for early childhood STEM activities; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Mr. BISHOP of Georgia, Ms. CLARKE of New York, Ms. TSONGAS, Mr. CARSON of Indiana, Mr. LEWIS of Georgia, Ms. BORDALLO, Miss RICE of New York, Ms. NORTON, Mrs. DINGELL, and Mr. SOTO):

H.R. 1289. A bill to establish the Social Work Reinvestment Commission to provide independent counsel to Congress and the Secretary of Health and Human Services on policy issues related to recruitment, retention, research, and reinvestment in the profession of social work, and for other purposes; to the Committee on Education and the Workforce.

By Ms. LEE (for herself, Mr. DEFAZIO, Mr. SERRANO, Ms. MCCOLLUM, and Mr. GRIJALVA):

H.R. 1290. A bill to amend title XVIII of the Social Security Act to improve access to mental health services under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Ms. ADAMS, Ms. BASS, Mrs. BEATTY, Mr. BEYER, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BONAMICI, Ms. BORDALLO, Mr. BRADY of Pennsylvania, Mr. BROWN of Maryland, Ms. BROWNLEY of California, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mr. CARTWRIGHT, Ms. JUDY CHU of California, Mr. CICILLINE, Ms. CLARK of Massachusetts, Ms. CLARKE of New

York, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. COHEN, Mr. CONNOLLY, Mr. CONYERS, Mr. COURTNEY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DANNY K. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELANEY, Ms. DELAURO, Mr. DESAULNIER, Mr. DEUTCH, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Ms. FRANKEL of Florida, Ms. FUDGE, Mr. GALLEGO, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIÉRREZ, Ms. HANABUSA, Mr. HASTINGS, Mr. HUFFMAN, Ms. JACKSON LEE, Mr. JEFFRIES, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. KAPTUR, Ms. KELLY of Illinois, Mr. KILDEE, Mr. KILMER, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. TED LIEU of California, Mr. LIPINSKI, Ms. LOFGREN, Mr. LOWENTHAL, Mrs. LOWEY, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Mr. LYNCH, Mrs. CAROLYN B. MALONEY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MCNERNEY, Mr. MEEKS, Ms. MOORE, Mr. NADLER, Mrs. NAPOLITANO, Mr. NOLAN, Mr. O'ROURKE, Mr. PALLONE, Mr. PASCRELL, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERS, Ms. PLASKETT, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Mr. RASKIN, Mr. RICHMOND, Mr. RUPPERSBERGER, Mr. RUSH, Mr. RYAN of Ohio, Mr. SABLAN, Ms. SÁNCHEZ, Mr. SARBANES, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. SERRANO, Ms. SEWELL of Alabama, Ms. SLAUGHTER, Ms. SPEIER, Mr. TAKANO, Mr. THOMPSON of Mississippi, Mr. TONKO, Ms. TSONGAS, Mr. VARGAS, Mr. VEASEY, Ms. VELÁZQUEZ, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Ms. MAXINE WATERS of California, Mrs. WATSON COLEMAN, Mr. WELCH, Ms. WILSON of Florida, Mr. YARMUTH, Mr. QUIGLEY, and Mr. LARSEN of Washington):

H.R. 1291. A bill to provide for the admission of the State of Washington, D.C. into the Union; to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSEY (for himself, Mr. THOMAS J. ROONEY of Florida, Mr. DEUTCH, Mr. JOHNSON of Georgia, and Mr. TROTT):

H.R. 1292. A bill to amend the Terrorism Risk Insurance Act of 2002 to allow for the use of certain assets of foreign persons and entities to satisfy certain judgments against terrorist parties, and for other purposes; to the Committee on the Judiciary.

By Mr. ROSS:

H.R. 1293. A bill to amend title 5, United States Code, to require that the Office of Personnel Management submit an annual report to Congress relating to the use of official time by Federal employees; to the Committee on Oversight and Government Reform.

By Mr. RUTHERFORD (for himself and Mr. MCCAUL):

H.R. 1294. A bill to amend the Homeland Security Act of 2002 to provide for congressional notification regarding major acquisition program breaches, and for other purposes; to the Committee on Homeland Security.

By Mr. SIRES (for himself and Mr. YOUNG of Iowa):

H.R. 1295. A bill to amend the Peace Corps Act to allow former volunteers and officers and employees to use the seal, emblem, or name of Peace Corps on death announcements and grave stones; to the Committee on Foreign Affairs.

By Mr. TIBERI (for himself, Mr. NEAL, Mr. RENACCI, Mr. LARSON of Connecticut, Mr. PAULSEN, Mr. KIND, and Mrs. BEATTY):

H.R. 1296. A bill to amend the Internal Revenue Code of 1986 to provide appropriate rules for the application of the deduction for income attributable to domestic production activities with respect to certain contract manufacturing or production arrangements; to the Committee on Ways and Means.

By Mrs. WATSON COLEMAN:

H.R. 1297. A bill to amend the Homeland Security Act of 2002 to make technical corrections to the requirement that the Secretary of Homeland Security submit quadrennial homeland security reviews, and for other purposes; to the Committee on Homeland Security.

By Mr. WENSTRUP (for himself and Mr. DANNY K. DAVIS of Illinois):

H.R. 1298. A bill to amend title XVIII of the Social Security Act to cover screening computed tomography colonography as a colorectal cancer screening test under the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Minnesota:

H.J. Res. 84. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Department of Transportation relating to ''Metropolitan Planning Organization Coordination and Planning Area Reform''; to the Committee on Transportation and Infrastructure.

By Mr. GALLAGHER (for himself and Mr. JOHNSON of Louisiana):

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution of the United States limiting the number of terms Senators and Representatives may serve; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself, Mr. SMITH of Nebraska, and Mr. BACON):

H. Con. Res. 32. Concurrent resolution congratulating the State of Nebraska on the 150th anniversary of the admission of that State into the United States; to the Committee on Oversight and Government Reform.

By Mr. CICILLINE (for himself, Ms. SCHAKOWSKY, Ms. MATSUI, Mr. CARTWRIGHT, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. WASSERMAN SCHULTZ, Ms. LOFGREN, Mr. POCAN, Mr. GRIJALVA, Ms. SHEA-PORTER, Mr. LANGEVIN, Ms. ROYBAL-ALLARD, Ms. MICHELLE LUJAN GRISHAM of New Mexico, Ms. BONAMICI, Ms. PINGREE, Ms. KAPTUR, Mr. CONNOLLY, Mr. MCNERNEY, Mrs. CAROLYN B. MALONEY of New York, Ms. FUDGE, Mr. COHEN, Mr. GARAMENDI, Mr. DEUTCH, Ms. TITUS, and Ms. SLAUGHTER):

H. Res. 160. A resolution amending the Rules of the House of Representatives to establish a Permanent Select Committee on Aging; to the Committee on Rules.

By Ms. FUDGE (for herself and Mr. TIBERI):

H. Res. 161. A resolution recognizing the 100th anniversary of the Academy of Nutrition and Dietetics, the world's largest organization of food and nutrition professionals; to the Committee on Energy and Commerce.

By Mr. HUFFMAN (for himself, Ms. SPEIER, Mr. FITZPATRICK, Mrs. BEATTY, Ms. BROWNLEY of California, Ms. CLARK of Massachusetts, Ms. CLARKE of New York, Mr. COHEN, Mr. CONYERS, Mr. DELANEY, Mr. DESAULNIER, Mrs. DINGELL, Mr. DONOVAN, Mr. ELLISON, Mr. ESPAILLAT, Mr. EVANS, Mr. GRIJALVA, Mr. GUTHRIE, Mr. HIMES, Ms. JACKSON LEE, Ms. JAYAPAL, Mr. JENKINS of West Virginia, Ms. JENKINS of Kansas, Mr. JONES, Ms. KAPTUR, Mr. KNIGHT, Ms. KUSTER of New Hampshire, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mrs. LAWRENCE, Ms. LEE, Mr. TED LIEU of California, Mr. LOWENTHAL, Ms. MENG, Ms. MOORE, Ms. NORTON, Mr. PALLONE, Mr. PANETTA, Mr. PETERS, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. RYAN of Ohio, Ms. SHEA-PORTER, Ms. SLAUGHTER, Mr. SMITH of Nebraska, Mr. SWALWELL of California, Mr. TAKANO, Ms. TITUS, Mr. THOMPSON of California, Mrs. TORRES, Mr. VARGAS, Ms. VELÁZQUEZ, Mr. WALZ, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, and Mr. FARENTHOLD):

H. Res. 162. A resolution expressing support for designation of March 21, 2017, as ''National Rosie the Riveter Day''; to the Committee on Education and the Workforce.

By Mr. PAYNE:

H. Res. 163. A resolution supporting the designation of March 2017, as National Colorectal Cancer Awareness Month; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DeFAZIO:

H.R. 1265.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1, Clause 3, and Clause 18 of the Constitution.

By Mr. BLUMENAUER:

H.R. 1266.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. SMITH of Missouri:

H.R. 1267.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. SMITH of Nebraska:

H.R. 1268.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8: The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises . . .

By Mr. LAMALFA:

H.R. 1269.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution grants Congress the authority to regulate commerce between the states and has previously been recognized as authorizing the Bureau of Reclamation, which this bill addresses.

By Mr. NADLER:

H.R. 1270.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Article 1 Section 8 of the U.S. Constitution

By Mr. JOHNSON of Ohio:
H.R. 1271.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution
By Mr. RUSH:
H.R. 1272.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1: ''The Congress shall have power to . . . provide for the . . . general welfare of the United States . . .''; and
Article I, Section 8, Clause 18: ''To make all laws which shall be necessary and proper for carrying into execution the foregoing powers . . .''
By Mr. NEWHOUSE:
H.R. 1273.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution
By Mr. NEWHOUSE:
H.R. 1274.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the United States Constitution
By Mr. SESSIONS:
H.R. 1275.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1:
The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;
By Ms. ADAMS:
H.R. 1276.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3, ''To regulate Commerce with Foreign Nationals, and among the several States, and with the Indian Tribes.''
Article I, Section 8, Clause 1, ''The Congress shall have the Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.''
By Mrs. BLACKBURN:
H.R. 1277.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3
By Mr. ESPAILLAT:
H.R. 1278.
Congress has the power to enact this legislation pursuant to the following:
clause 3 of section 8 of article I of the Constitution
By Ms. ESTY:
H.R. 1279.
Congress has the power to enact this legislation pursuant to the following:
clause 18 of section 8 of article 1 of the Constitution.
By Mr. FORTENBERRY:
H.R. 1280.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 of the United States Constitution.
By Mr. FRELINGHUYSEN:
H.R. 1281.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8 of the United States Constitution
By Mr. GARRETT:
H.R. 1282.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.
By Mr. HULTGREN:
H.R. 1283.
Congress has the power to enact this legislation pursuant to the following:
Section 8, Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.
Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.
By Ms. JENKINS of Kansas:
H.R. 1284.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8:
The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.
Article I, Section 9:
No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law.
By Mr. KILMER:
H.R. 1285.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 (relating to providing for the general welfare of the United States);
Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress); and
Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).
By Mr. KIND:
H.R. 1286.
Congress has the power to enact this legislation pursuant to the following:
Article I Section 8, Clause 3.
By Mr. KRISHNAMOORTHI:
H.R. 1287.
Congress has the power to enact this legislation pursuant to the following:
The authority to offer this bill derives from Article 1, Section 8, Clause 18, of the US Constitution.
By Ms. KUSTER of New Hampshire:
H.R. 1288.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)
By Ms. LEE:
H.R. 1289.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
By Ms. LEE:
H.R. 1290.
Congress has the power to enact this legislation pursuant to the following:
This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.
By Ms. NORTON:
H.R. 1291.
Congress has the power to enact this legislation pursuant to the following:
clause 1 of section 3 of article IV of the Constitution.
By Mr. POSEY:
H.R. 1292.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 3 of the Constitution of the United States: To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;
Article I, Section 8, Clause 9 of the Constitution of the United States: To constitute tribunals inferior to the Supreme Court;
Article I, Section 8, Clause 10 of the Constitution of the United States: To define and punish Piracies and Felonies committed on the high Seas, and Offenses against the Law of Nations;
Article I, Section 8, Clause 18 of the Constitution of the United States: To make all Laws which shall be necessary and proper for carrying into Execution the forgoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof;
Amendment V No person shall be . . . deprived of life, liberty, or property, without due process of law.
By Mr. ROSS:
H.R. 1293.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 18
By Mr. RUTHERFORD:
H.R. 1294.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof.
By Mr. SIRES:
H.R. 1295.
Congress has the power to enact this legislation pursuant to the following:
Pursuant to clause 3(d) of rules XIII of the Rules of the House of Representatives, the Committee finds the authority for this legislation in article I, section 8 of the Constitution.
By Mr. TIBERI:
H.R. 1296.
Congress has the power to enact this legislation pursuant to the following:
Clause 1 of Section 8 of Article I
By Mrs. WATSON COLEMAN:
H.R. 1297.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1
Article I, Section 8, Clause 18
By Mr. WENSTRUP:
H.R. 1298.
Congress has the power to enact this legislation pursuant to the following:
Article I, Section 8, Clause 1
By Mr. LEWIS of Minnesota:
H.J. Res. 84.
Congress has the power to enact this legislation pursuant to the following:
Article 1, Section 8, Clause 3 of the Constitution of the United States—To regulate

commerce with foreign nations, and among the several States, and with Indian Tribes

By Mr. GALLAGHER:

H.J. Res. 85.

Congress has the power to enact this legislation pursuant to the following:

Article V: ''The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 25: Mr. FARENTHOLD.
H.R. 36: Mrs. ROBY.
H.R. 37: Mrs. ROBY.
H.R. 40: Mr. THOMPSON of Mississippi, Ms. MOORE, and Ms. SEWELL of Alabama.
H.R. 82: Mr. BARLETTA.
H.R. 113: Mr. SARBANES.
H.R. 147: Mrs. ROBY.
H.R. 173: Mr. SCHNEIDER, Mr. GIBBS, Ms. ROSEN, Mr. NOLAN, Mr. YARMUTH, and Ms. FUDGE.
H.R. 179: Mr. WITTMAN and Mr. POLIS.
H.R. 233: Mr. KENNEDY and Mr. LOWENTHAL.
H.R. 257: Mr. MAST.
H.R. 303: Mr. WITTMAN, Mr. KIND, Mr. EMMER, Mr. SMITH of Missouri, Ms. SINEMA, Mr. HECK, Ms. KAPTUR, Mr. SCHRADER, Mr. HIGGINS of New York, Mr. DAVID SCOTT of Georgia, Mr. LATTA, Mr. RUIZ, and Mr. COMER.
H.R. 305: Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. PASCRELL, Mr. TONKO, Ms. CLARKE of New York, and Ms. LOFGREN.
H.R. 355: Mr. KING of New York and Mr. MARINO.
H.R. 367: Mr. TIBERI, Mr. GOWDY, Mr. WILSON of South Carolina, Mr. FLORES, and Mr. RICE of South Carolina.
H.R. 371: Mr. NOLAN, Mr. RYAN of Ohio, Mr. LARSEN of Washington, Mr. HASTINGS, Mr. COSTA, and Mr. KILDEE.
H.R. 389: Mr. BEYER, Mr. HECK, and Ms. HERRERA BEUTLER.
H.R. 448: Ms. TITUS, Mr. GALLEGO, Ms. MOORE, Ms. BROWNLEY of California, and Mr. TAKANO.
H.R. 453: Mr. LUETKEMEYER.
H.R. 459: Mr. RICHMOND.
H.R. 477: Mr. BRADY of Texas.
H.R. 480: Mr. MARCHANT.
H.R. 490: Mr. DAVIDSON.
H.R. 547: Mr. YARMUTH.
H.R. 559: Mr. HILL.
H.R. 564: Mr. BABIN, Mr. GRAVES of Missouri, Mr. WITTMAN, and Mr. PITTENGER.
H.R. 638: Mr. ROYCE of California and Mr. AGUILAR.
H.R. 660: Mr. VALADAO and Mr. JODY B. HICE of Georgia.
H.R. 664: Ms. SLAUGHTER, Ms. JACKSON LEE, Mr. DONOVAN, and Mr. FASO.
H.R. 669: Mr. LOWENTHAL.
H.R. 685: Mr. BRENDAN F. BOYLE of Pennsylvania.
H.R. 696: Mrs. LOWEY, Mr. CRIST, Mr. CASTRO of Texas, Mr. MAST, Ms. ROSEN, Mr. SERRANO, and Mr. MEEKS.
H.R. 721: Ms. BONAMICI, Mr. AMODEI, Mr. VELA, Mr. FLORES, Mrs. NOEM, Mr. VALADAO, Mr. DESAULNIER, Ms. DELAURO, Mr. SIRES, and Mr. PETERS.
H.R. 747: Mr. CARBAJAL, Ms. SÁNCHEZ, Mr. HOLDING, Mr. GENE GREEN of Texas, Mr. GIBBS, Mr. HUIZENGA, Mr. WITTMAN, and Mr. ISSA.
H.R. 754: Ms. MICHELLE LUJAN GRISHAM of New Mexico.
H.R. 757: Ms. TITUS, Mr. SMITH of Washington, Mr. HOYER, and Mr. RUSH.
H.R. 785: Mrs. NOEM.
H.R. 787: Ms. SHEA-PORTER.
H.R. 816: Mr. TAKANO.
H.R. 817: Ms. KAPTUR and Ms. DEGETTE.
H.R. 820: Mr. YOUNG of Iowa, Mr. ENGEL, Mr. DAVID SCOTT of Georgia, Mr. GRAVES of Missouri, Mr. KIND, and Mr. QUIGLEY.
H.R. 821: Ms. SPEIER, Mr. LOWENTHAL, and Ms. BARRAGÁN.
H.R. 823: Ms. BARRAGÁN and Mr. RUIZ.
H.R. 825: Mr. BEN RAY LUJÁN of New Mexico and Mr. JODY B. HICE of Georgia.
H.R. 830: Mr. HECK.
H.R. 842: Mr. SWALWELL of California.
H.R. 849: Mrs. BLACKBURN and Mr. HUDSON.
H.R. 867: Mr. YARMUTH.
H.R. 870: Mr. WEBSTER of Florida.
H.R. 886: Ms. SHEA-PORTER.
H.R. 896: Mr. GRAVES of Missouri.
H.R. 898: Mrs. CAROLYN B. MALONEY of New York and Mr. HIMES.
H.R. 902: Mr. AMODEI and Mr. MCGOVERN.
H.R. 914: Ms. NORTON.
H.R. 941: Mrs. HARTZLER.
H.R. 947: Ms. FRANKEL of Florida.
H.R. 948: Mr. BUTTERFIELD.
H.R. 959: Mr. BLUMENAUER and Mr. LOEBSACK.
H.R. 960: Mr. PERLMUTTER.
H.R. 997: Mr. ADERHOLT, Mr. GRAVES of Missouri, and Mr. BISHOP of Utah.
H.R. 1002: Mr. FITZPATRICK.
H.R. 1006: Mr. RUSH.
H.R. 1010: Mr. BROOKS of Alabama.
H.R. 1015: Ms. ESTY.
H.R. 1017: Mr. FORTENBERRY.
H.R. 1026: Mr. COLLINS of New York.
H.R. 1031: Mr. BABIN.
H.R. 1038: Mr. BYRNE.
H.R. 1083: Ms. BROWNLEY of California.
H.R. 1091: Mrs. BROOKS of Indiana.
H.R. 1097: Mr. CARSON of Indiana.
H.R. 1098: Mr. BUCHANAN.
H.R. 1102: Mr. KILMER.
H.R. 1104: Ms. SHEA-PORTER.
H.R. 1105: Mr. FARENTHOLD.
H.R. 1148: Mr. HARRIS, Ms. MCCOLLUM, Mr. CLAY, and Ms. MCSALLY.
H.R. 1155: Mr. PRICE of North Carolina and Mr. FORTENBERRY.
H.R. 1158: Mr. ABRAHAM, Mr. RYAN of Ohio, Ms. STEFANIK, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. KELLY of Mississippi, Mr. LOEBSACK, and Mrs. BEATTY.
H.R. 1179: Mr. OLSON, Mr. RENACCI, Mr. BANKS of Indiana, Mrs. WALORSKI, and Mr. CRAMER.
H.R. 1188: Mr. FITZPATRICK and Mr. CALVERT.
H.R. 1200: Mr. WITTMAN.
H.R. 1203: Mr. YOHO.
H.R. 1204: Mr. GOSAR and Mr. FLORES.
H.R. 1223: Mr. LANCE, Mr. FRELINGHUYSEN, and Mr. SOTO.
H.R. 1227: Mr. POLIS.
H.R. 1242: Mr. PRICE of North Carolina and Mr. MCGOVERN.
H.J. Res. 48: Mr. KILMER.
H.J. Res. 71: Mr. FRANKS of Arizona, Mr. BABIN, Mr. ROKITA, Mr. FLEISCHMANN, Mr. HIGGINS of Louisiana, and Mr. GIBBS.
H.J. Res. 74: Mr. TONKO, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. LOEBSACK, and Ms. BARRAGÁN.
H.J. Res. 83: Mr. ARRINGTON and Mr. YOHO.
H. Con. Res. 10: Mr. REED.
H. Con. Res. 13: Mrs. BROOKS of Indiana, Mr. COFFMAN, Mr. DENT, Mr. BROOKS of Alabama, Mr. YARMUTH, Ms. GRANGER, and Mr. YOUNG of Iowa.
H. Con. Res. 26: Mr. FLORES.
H. Res. 28: Ms. ADAMS, Ms. HANABUSA, Mr. COURTNEY, Ms. ROSEN, Mr. SCHRADER, Mr. CARBAJAL, Mr. WITTMAN, Mr. KHANNA, Mr. BERA, Mr. LARSEN of Washington, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARINO, Mr. MEEKS, Mr. RUIZ, Mr. AL GREEN of Texas, Mr. KEATING, and Mr. CUELLAR.
H. Res. 31: Mr. CARBAJAL, Mr. KHANNA, Mr. MCGOVERN, Mr. COSTA, and Mr. CUELLAR.
H. Res. 111: Ms. ROYBAL-ALLARD, Mrs. DINGELL, and Mr. GOTTHEIMER.
H. Res. 132: Ms. SCHAKOWSKY, Mr. SOTO, Ms. VELÁZQUEZ, and Mr. PETERSON.
H. Res. 145: Ms. GRANGER.
H. Res. 154: Mr. RUSH, Mr. MOULTON, and Mr. YARMUTH.
H. Res. 157: Mrs. DINGELL.