INTRODUCTION OF THE 21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT

HON. DAN NEWHOUSE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 1, 2017

Mr. NEWHOUSE. Mr. Speaker, I rise today to introduce legislation to bring more transparency in federal decision-making to the Endangered Species Act of 1973 (ESA). Under existing law, federal agencies are not required to make publicly available the information and other data acquired from studies for proposed ESA listing determinations. These agencies are not required to submit a reference list of the studies used in the proposed regulation listing that is published in the Federal Register, nor are they required to provide complete citations to studies for any proposed ESA listings. The 21st Century Endangered Species Transparency Act simply requires the data collected and utilized by federal agencies for ESA listing decisions to be made publicly available on the Internet. This is a straightforward, transparent update that will bring this outdated law into the 2lst Century.

The ESA became law long before our modern day technological advances, which have provided instant access to information and data online. Providing the factual data behind listing decisions will further the cause of open, transparent, and accountable government. Independent analysis and verification of underlying data used for these decisions will only strengthen the fundamental purpose of the ESA, to keep our native plants and animals from the danger of extinction, while ensuring listing decisions are based on sound science. By making this simple change to the ESA, we can ensure federal agencies are relying solely upon the best available scientific and commercial data, and not on unpublished studies or opinions.

This legislation also includes important protections for matters of privacy. The bill requires the scientific and commercial data used for the basis of proposed listings to be made publicly available, so long as it protects state data privacy laws and importantly, the rights to privacy for individuals and property owners.

With today's advanced access to instant information at the tip of your fingers, all citizens have the right to the information federal agencies use to propose rules and regulations. This bill will further advance transparency in agency rulemakings and listing determinations, and is a simple, straightforward update to the existing law. I ask my colleagues to join me in supporting the 21st Century Endangered Species Transparency Act.

PROVIDING FOR CONSIDERATION OF H.R. 998, SEARCHING FOR AND CUTTING REGULATIONS THAT ARE UNNECESSARILY BURDENSOME ACT, AND PROVIDING FOR CONSIDERATION OF 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''

SPEECH OF

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 28, 2017

Ms. JACKSON LEE. Mr. Speaker, I rise in strong opposition to the rule for H.R. 998, the ''Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017,'' or ''SCRUB Act,'' and the underlying bill.

I oppose the rule and the underlying bill because it hampers the ability of federal agencies to act in times of imminent need to protect citizens.

The SCRUB Act seeks to establish a Retrospective Regulatory Review Commission to identify and recommend to Congress existing Federal regulations that can be repealed to reduce unnecessary regulatory costs to the U.S. economy.

As such, this bill purports to reduce bureaucracy by establishing a new ''regulatory review'' commission charged with identifying duplicative, redundant, or so-called ''obsolete'' regulations to repeal.

Specifically, H.R. 1155 would establish a commission with unlimited subpoena power consisting of unelected, appointed members to review existing agency rules and make recommendations to Congress for an up or down vote on rules to be eliminated.

The scope of this review would be virtually unlimited leaving no rule or regulation safe, and Congress would be prohibited from debating the individual repeal recommendations but would instead be forced to consider the commission's rule recommendations in a single package.

Under the legislation as currently drafted, agencies would be required to follow a ''cut-go'' process—prohibiting a new rule from being issued until an existing rule of equal or greater ''cost'' according to the commission is repealed—thereby undermining the ability of agencies to quickly respond to imminent threats to public health and safety.

Mr. Speaker, the SCRUB Act—and the creation of this $30 million regulatory commission—is problematic because it would operate with little meaningful oversight, transparency, or public accountability to ensure that its recommendations do not subvert the public interest and safety.

For instance, the SCRUB Act would prohibit any regulatory agency from issuing any new rule or informal statement, including non-legislative and procedural rules, even in the case of an emergency or imminent harm to public health, until the agency first offsets the costs of the new rule or guidance by eliminating an existing rule identified by the Commission.

This regulatory ''cut-go'' process would force agencies to prioritize between existing protections and responding to new threats to our health and safety.

Such a sweeping requirement would endanger the lives of Americans by creating unnecessary delays in the Federal rulemaking process and creating additional burdens and implementation problems that will only divert critical agency resources and diminish agencies' ability to protect and inform the public in times of imminent danger and need.

For instance, if an agency needed to respond to an imminent hazard to the public or environment, it would have to either rescind an existing rule that is identified by the Commission's arbitrary and cost-centric process or choose not to act.

That is why I offered an amendment that would have exempted from the SCRUB Act any rule relating to the prevention of cyber-attacks intended to interfere with elections for public office.

Regrettably, the Rules Committee did not make this salutary amendment in order, which is another reason I cannot support the legislation.

The Jackson Lee Amendment would protect American citizens by ensuring that our federal agencies are not unnecessarily burdened with regulatory mandates that would jeopardize the ability of federal agencies to ensure the integrity of our electoral processes, prevent cyber terrorism, and enhance the security and integrity of cybernetworks and systems.

Now is not the time to undermine or impede the ability of DHS, DOJ, and other federal agencies to combat growing threats and active acts of cyber terrorism.

For these reasons, I strongly oppose the rule for H.R. 998, and urge all Members to join me in voting against this irresponsible and unwise legislation.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 2, 2017 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 7

10 a.m.

Committee on the Judiciary

To hold hearings to examine the nominations of Rod J. Rosenstein, of Maryland, to be Deputy Attorney General,