CRISIS IN MADAYA, SYRIA

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

Mr. KINZINGER of Illinois. Mr. Speaker, I want to turn your attention to the crisis in Madaya, Syria.

Since July 2015, this town has been under siege by the evil regime of Bashar al-Assad. It has deprived the citizens; it has starved them; and in the last month, at least 31 have died. Those who try to flee face indiscriminate barrel bombs and targets by the Assad regime.

Bill Clinton once said that the greatest regret of his Presidency was inaction in Rwanda. Mr. Speaker, I fear that our greatest regret, both of this President and of this House, will be inaction in Syria. There are over 250,000 dead men, women, and children by the evil regime of Assad because they believed that to target women and children puts more collective pain than to target just fighters.

Mr. Speaker, if we are going to destroy ISIS—and we all want to destroy ISIS—you cannot destroy ISIS with the existence of Assad. Assad is the greatest recruiter to ISIS that has ever existed. Whether it is ISIS today or the next iteration tomorrow, Assad must go for the sake of a free Syria.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 12, 2016.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 12, 2016 at 11:31 a.m.:

That the Senate agreed to (relative to the death of Dale Bumpers, former United States Senator from the State of Arkansas) S. Res. 343

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ISIS AND THE EXTREMIST SHIITE CABAL

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

Mr. SHERMAN. Mr. Speaker, I just want to further the remarks of the gentleman from Illinois who just spoke.

There are those who think we can just go after ISIS. Keep in mind, the Shiite extremist alliance of Tehran, of Assad, of Hezbollah has killed far more Americans than ISIS has, starting with our marines in the 1980s, and including hundreds of our servicepeople in Iraq and Afghanistan. They have killed far more civilians than ISIS ever aspired to, over 200,000 in Syria alone.

Finally, as long as Assad is in power in Syria, the Sunni community will be rising up in rebellion. Assad doesn't fight ISIS; but he did, in effect, by his policies, create ISIS.

In addition, the extremist Shiites around Maliki in Baghdad did the same in Iraq by oppressing the Sunni community of Iraq and giving rise to this ISIS scourge. Let us remember, we have got to go after ISIS and the extremist Shiite cabal.

HOUR OF MEETING ON TOMORROW

Mr. NEWHOUSE. 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. Is there objection to the request of the gentleman from Washington?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 1644, SUPPORTING TRANSPARENT REGULATORY AND ENVIRONMENTAL ACTIONS IN MINING ACT; PROVIDING FOR CONSIDERATION OF S.J. RES. 22, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY; PROVIDING FOR CONSIDERATION OF H.R. 3662, IRAN TERROR FINANCE TRANSPARENCY ACT; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JANUARY 14, 2016, THROUGH JANUARY 22, 2016

Mr. NEWHOUSE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 583 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 583

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. 1644) to amend the Surface Mining Control and Reclamation Act of 1977 to ensure transparency in the development of environmental 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 Natural Resources. 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 the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in 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 committee amendment in the nature of a substitute. 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. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (S.J. Res. 22) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of ''waters of the United States'' under the Federal Water Pollution Control Act. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure; and (2) one motion to commit.

SEC. 3. Upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 3662) to enhance congressional oversight over the administration of sanctions against certain Iranian terrorism financiers, and for other purposes. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs; and (2) one motion to recommit.

SEC. 4. On any legislative day during the period from January 14, 2016, through January 22, 2016—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 5. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 4 of this resolution as though under clause 8(a) of rule I.

□ 1245

The SPEAKER pro tempore. The gentleman from Washington is recognized for 1 hour.

Mr. NEWHOUSE. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), 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. NEWHOUSE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. NEWHOUSE. Mr. Speaker, on Monday, the Rules Committee met and reported a rule, House Resolution 583, providing for consideration of three important pieces of legislation. Those are H.R. 1644, the STREAM Act; H.R. 3662, the Iran Terror Finance Transparency Act; and S.J. Res. 22, a joint resolution providing for congressional disapproval of the EPA and Army Corps of Engineers' rule relating to the definition of waters of the United States under the Clean Water Act.

The rule provides for consideration of H.R. 1644 under a structured rule, making four amendments in order, three from the Democrats and one from the Republicans, H.R. 3662 under a closed rule and S.J. Res 22 also under a closed rule.

Mr. Speaker, like many Americans, I have grave concerns about the administration's nuclear agreement with Iran. Since the agreement's adoption in July, Iran has shown no goodwill or intention of improving its relationship with the West. In many ways, the Iranian regime has increased its aggressive attitude toward the United States and our allies.

Against U.N. Security Council resolutions, the rogue nation has expanded its ballistic missile program, testing two missiles as recently as last fall. Just on December 26 an Iranian military ship fired a rocket near U.S. and French military vessels in the Persian Gulf. These incidents occurred just months before crippling international sanctions against the country are scheduled to be lifted.

Further, Iran continues to be a state sponsor of terrorism, a direct threat to our closest ally in the region, Israel, continues rampant human rights abuses, and continues the wrongful imprisonment of five American citizens.

President Obama and senior administration officials have claimed that the nuclear agreement and lifting of economic sanctions, which could return as much as $100 billion in frozen assets to Tehran, will help Iran down a more moderate path. However, reality appears to show the contrary is occurring.

Just weeks after the deal was signed, Supreme Leader Ayatollah Ali Khamenei stated that: We won't allow American political, economic, or cultural influence in Iran.

And just last week the Supreme Leader told a gathering of prayer leaders that: Americans have set their eyes covetously on elections, but the great and vigilant nation of Iran will act contrary to the enemies' will, whether it be in elections or on other issues, and, as before, will punch them in the mouth.

While President Obama may find something positive in Iran's actions and statements, I believe Congress owes it to the American people to view Iran with skepticism and concern.

H.R. 3662, the Iran Terror Finance Transparency Act, requires the President to certify that those individuals and entities receiving sanctions relief under the Iranian nuclear deal are not involved in Iran's support for terrorism, its human rights abuses, or its ballistic missile program.

By passing this legislation, Mr. Speaker, Congress can help ensure that the U.S. will continue to sanction and deter terrorism and illegal ballistic missile tests within the state of Iran.

In arguing for the nuclear deal's adoption, the President committed to Congress and to the American people that our ''sanctions on Iran for its support of terrorism, its human rights abuses, its ballistic missile program, will continue to be fully enforced.''

This legislation gives us the opportunity to hold the President to his word and conduct the necessary oversight to ensure that sanctions are enforced.

Additionally, this rule will provide for consideration of two other very critical measures that will help protect American businesses and families from the administration's regulatory overreach.

Mr. Speaker, this rule provides for consideration of H.R. 1644, legislation that was drafted in response to the Office of Surface Mining Reclamation and Enforcement's ongoing rulemaking process that seeks to govern the interaction between surface mining operations and streams. It is commonly referred to as the stream buffer zone rule.

In December 2008, the outgoing Bush administration published its final stream buffer zone rule. This rule was the product of over 5 years of deliberation, extensive scientific research, environmental analyses, public comment, and a concurrence from the Environmental Protection Agency.

Put simply, this rule was developed the right way, with transparency, unbiased research, scientific integrity, stakeholder engagement, and, most importantly, public involvement.

However, shortly after the final 2008 rule was released, several environmental groups filed a lawsuit against the OSM, ultimately leading to a settlement agreement between OSM and the environmental groups.

After numerous missed deadlines, the environmental organizations renewed the litigation, the administration agreed with the complaint. As a result, the court vacated the 2008 rule and OSM subsequently restarted the rulemaking process.

Since that time, the entire process has lacked transparency. Oversight conducted by the House Committee on Natural Resources, of which I am a member, revealed that the settlement agreement's expedited timeframe, coupled with an inexperienced contractor and gross mismanagement of the rulemaking process, resulted in major issues with the administration's rule.

Now, this may sound just a little familiar. It is the very same sue and settle practice that the House addressed just last week with the passage of H.R. 712, the Sunshine for Regulatory Decrees and Settlements Act.

The outcome is another example of why sue and settle leads to poor rulemakings and onerous regulations that significantly harm the people, businesses, and jobs they are supposed to be supporting.

Backroom deals between environmental groups and Federal agencies do not lead to sound regulations, but instead circumvent the rulemaking process to serve the interest of a select few, namely, special interests and environmental groups.

For 6 years, OSM has been rewriting this rule, and the ongoing process has now cost the taxpayers over $10 million, though this is only a small fraction of the cost it will have on businesses and hardworking American families.

The stream protection rule will drastically reduce our access to coal, which accounts for nearly half of our country's electricity, leading to higher electricity costs and significant job losses.

According to a study from the National Mining Association, the number of direct mining jobs that could be lost is between 40,000 and 77,000 and the total job losses is between 112,000 and 280,000, a fact that is underscored by the Nation's second largest oil company, Arch Coal, filing for bankruptcy, largely due to the increased cost of Federal regulations. That happened just this week, Mr. Speaker.

For these reasons, it is imperative that we pass H.R. 1644, legislation that delays the rule's implementation, increases scientific transparency for rulemakings affecting mining, directs a transparent third party to evaluate the existing stream buffer zone rule, and reduces duplicative regulation.

This rule also makes in order legislation dealing with an issue that I hear about very often in my congressional district. It strikes the controversial waters of the United States, or WOTUS rule.

S.J. Res. 22 is a resolution of disapproval of the President's WOTUS rule that was passed by the Senate in bipartisan fashion, and it is now time for the House to consider and pass this important measure.

This legislation was crafted in response to the WOTUS rule promulgated by the EPA and the Army Corps of Engineers, which redefines and vastly expands the scope of water subject to Federal jurisdiction under the Clean Water Act. By issuing this rule, these agencies have given themselves broad new power over water and land across the United States.

Like many of my constituents, I am very concerned with this massive Federal overreach. It goes far beyond the agencies' statutory authority and could impose significant costs not only on American farmers and small businesses, but on States and local governments. The rule is another Federal power grab that has more to do with controlling land use decisions than protecting access to clean water.

Mr. Speaker, S.J. Res. 22 utilizes the Congressional Review Act to block this harmful regulation, and it is time to send this critical measure to the President's desk. I urge my colleagues to support this commonsense legislation and the rule providing for its consideration.

Mr. Speaker, the rule we consider here today provides for the consideration of three bills that are critically important for the future of this country.

□ 1300

We must pass H.R. 1644 and S.J. Res. 22 to protect American families and businesses from the rampant executive overreach that will be the defining achievement of the Obama administration.

Furthermore, the United States must stand with our allies in the Middle East, as well as around the world, in the face of growing Iranian aggression, which threatens not only the stability of the region, but the strength of U.S. alliances and standing in the world.

I stand ready to work with my colleagues on both sides of the aisle to ensure that the Obama administration's shortsighted nuclear agreement does not unravel decades of work by the U.S. and our allies to impose meaningful sanctions on the country of Iran. These sanctions have restricted Iran's ability to spread its radical beliefs and inflict unknown damage on its neighbors in the region, and I urge my colleagues to support this rule, as well as the underlying legislation.

I reserve the balance of my time.

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

(Mr. MCGOVERN asked and was given permission to revise and extend his remarks.)

Mr. MCGOVERN. I thank the gentleman from Washington (Mr. NEWHOUSE) for yielding me the customary 30 minutes.

Mr. Speaker, I rise in very strong opposition to this rule and the underlying legislation. The rule provides for consideration of three pieces of legislation, and two of these bills are under a completely closed process. In fact, these are the 49th and 50th closed rules in this Congress.

Last year was the most closed session in the history of our country, and I think this year will probably beat last year. I don't think that is anything to be proud of.

This is supposed to be the greatest deliberative body in the world, but the problem is, we don't deliberate very much anymore. We don't pass legislation. Instead, we pass sound bites, and that is what we are doing here today.

This Chamber has become an echo chamber, if you will, for the Republican Congressional Campaign Committee and its priorities, and the people's business gets tossed to the side.

When Speaker RYAN took the gavel, he promised openness and a return to serious legislating. And my colleagues on the Rules Committee, we give them many opportunities to be more generous with granting more opportunities for Members of both sides to be able to offer amendments. And every time we do that, they vote ''no.'' And every time we bring up an open rule, they vote ''no.''

Here we are, with two more bills that will be debated under a completely closed process this week. Things have to change here, and I hope my colleagues in the leadership on the other side will reflect on what the purpose of all of us being here is supposed to be.

I would say it is about trying to find ways to come together and to pass things that will help improve the quality of life for all the people of this country, as well as to ensure our security in this dangerous world.

Mr. Speaker, let me say a few words about H.R. 3662, the Iran Terror Finance Transparency Act. My Republican friends would have us believe that this bill is a serious effort to increase congressional oversight of sanctions relief under the terms of the Joint Comprehensive Plan of Action, commonly known as the Iran deal.

I wish that were true, Mr. Speaker. Such a bill could bring together a substantial number of Members from both parties. I would be even more confident about such a bill if it were crafted with input from the administration about how Congress could be most helpful and effective in monitoring the Iran nuclear deal.

Regrettably, what is coming before the House is another ultra-partisan bill that would shut down the ability of the United States to carry out its own obligations under the Iran deal.

Rather than the world closely monitoring Iran's compliance, this bill would make the United States a target of condemnation for failing to fulfill its commitments. In fact, it would be the United States that is the nation in noncompliance with the Iran nuclear deal.

Now, many of my colleagues who are critics of the Iran nuclear deal have already signaled that they cannot support this bill. House Republicans made no attempt whatsoever to make this bill a bipartisan bill. They made no attempt to draft a bill that might actually be signed by the President and worth the American taxpayers' time. This is political theater at its worst, plain and simple.

This latest House Republican bill is even more dangerous because it plays politics with our national security.

No one here wants to see Iran freed from its commitment not to develop a nuclear weapon, but that is exactly what this bill would do if it ever became law. It would make sure that the United States could not fulfill its part of the bargain, thus killing the nuclear agreement, and Iran would once again be free to pursue building nuclear weapons. That is insane.

How can my Republican friends possibly think that this is a good idea?

I believe that there are Members of Congress in both parties who want to work together with the administration in a bipartisan manner to build on the progress that they have made to prevent Iran from obtaining a nuclear weapon.

I do believe there are Democrats and Republicans in Congress who genuinely want to strengthen the ability of the U.S. and the international community to respond effectively to Iran's recent testing of ballistic missiles, hold Iran accountable for their support of militant and terrorist organizations in the Middle East, and secure the freedom of Americans currently imprisoned in Iran.

I also believe that achieving these goals may not require legislation, but strong bipartisan actions that increase U.S. leverage with our international partners and with Iran.

But playing dangerous political games with our national security by bringing legislation like this to the floor, legislation that would undermine and perhaps even kill the nuclear deal with Iran, is not the answer.

Now, luckily for the American people, this bill is not going to go anywhere. Even if it were actually passed by both Chambers of Congress and made its way to the President's desk, it would be vetoed, and I strongly doubt that the Congress would be able to overturn a Presidential veto in support of such a clearly partisan bill.

Last week, Congress voted for the 62nd time to repeal the Affordable Care Act, and soon afterward, that bill was vetoed by the President. That is 62 times that Republicans wasted the American people's time and taxpayer dollars trying to take health care away from millions of families, all to make a political point.

Congress has already voted on the Iran deal. My colleagues who opposed the deal tried to kill it, and they failed. It is now official policy. Are House Republicans going to take us down the same path they did with the Affordable Care Act? Are we also going to vote on this bill 62 times, a bill that we know the President will veto, just so the Republicans can make a political point?

Let's stop wasting the American people's time on such bills. Let's put politics aside and actually work together to responsibly monitor implementation of the Iran deal and find ways to strengthen U.S. leverage in other areas of concern on Iran.

So I urge my colleagues to reject H.R. 3662 and reject this rule.

Mr. Speaker, today, the House is also taking up two Republican bills that would have devastating effects on the environment and our Nation's public health. The first piece of legislation, S.J. Res. 22, is the Republican majority's fifth attempt to get rid of the Clean Water Rule. Here we are, having the same discussion once again, wasting the American taxpayers' time and money.

The Clean Water Rule was created in response to the Supreme Court declaring that the Clean Water Act needed to be narrowed and more clearly defined. So the EPA and the Army Corps of Engineers did just that—they narrowed the scope and provided for much-needed clarification.

With the EPA and Army Corps of Engineers doing exactly what they were supposed to do, you would think that would be the end of it. The EPA's ability to protect our water from pollution has been narrowed and the industry received the clarification that they wanted.

Unfortunately, my Republican friends are pushing new legislation to further weaken vital environmental protections.

The final bill before us, H.R. 1644, the STREAM Act, is a bill that is going nowhere and is the same bill that Republicans brought up last year, with the only difference being—and this is a major difference, I guess—but the only difference is that they changed the name. Otherwise, it is the same thing.

Mr. Speaker, the sole purpose of this Republican bill is to reverse the rule that the Department of the Interior released last year that regulates the destructive practice of mountaintop removal mining.

It has long been known that mountaintop removal mining heavily pollutes drinking water, destroys wildlife habitats, and puts local communities at greater risk of contracting life-threatening diseases.

Keeping the American people healthy and safe should always be our first priority in Congress. Yet, this bill is more focused on making it easier for big energy companies to continue the destructive and dangerous practice of mountaintop removal and gives no thought whatsoever to the risks it poses to the American families nearby.

Before the recent rule released by the Department of the Interior in July 2015, parts of the regulations for mountaintop mining were more than 30 years old. Updates were clearly long overdue, and the fact that House Republicans are now actively working against the safeguards established by the rule is astounding.

Are Republicans so beholden to big coal companies that they would put the health and safety of our country's families at risk? This bill clearly suggests that the answer is yes.

Mr. Speaker, we are only 2 weeks into the new year, and instead of House Republicans starting the year by working in a bipartisan way to bring serious legislation to the floor, we are, once again, debating political messaging bills that fail to address the most pressing issues we face in a constructive way.

There is so much we need to do, and I believe that there is so much that we can agree on and actually move forward that will get through both Chambers and go to the White House and be signed and become law and actually improve things for the people of this country. That is what we are supposed to be doing here.

Mr. Speaker, the American people deserve a lot better than this.

I reserve the balance of my time.

Mr. NEWHOUSE. I yield myself such time as I may consume.

Mr. Speaker, I have got several colleagues here that would like to weigh in on all three of these issues. But before I turn the floor over to them, I just wanted to make a comment about the fact that there are two closed rule bills in this.

All of these issues before us today have been thoroughly vetted. They have been through the committee process. They have had ample opportunity for people to weigh in.

In fact, one of the bills is in a structured rule. Actually, we are allowing four amendments. Three of those amendments are from the Democratic side. So I think that there is ample opportunity for all people to make their feelings known on this legislation in front of us.

I would suggest to you, Mr. Speaker, that transparency, public involvement, and anything that the administration, that this government does, is not a waste of time. In fact, it is our duty to make sure that the public has the ability to see what its government is doing, to make sure it is done in the light of day.

Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH), my good friend.

Mr. SMITH of Nebraska. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of this rule and, certainly, the underlying legislation.

Despite abundantly clear congressional intent to limit Federal jurisdiction under the Clean Water Act to only navigable waters, the waters of the United States rule will expand EPA's jurisdiction to nearly all areas with any hydrological connection to navigable waters.

This rule relied on—and I want to quote here General Peabody of the Army Corps of Engineers—''inappropriate assumptions with no connection to the data provided, misapplied data, analytical deficiencies, and logical inconsistencies.''

In fact, the Army Corps, the joint author of the rule, was so concerned about the EPA's methods, they wanted their name and logo removed from EPA documents.

Furthermore, it has now come to light that the EPA broke Federal law by engaging in a propaganda campaign to carry out this agenda behind their rule.

Congress has a responsibility to guard against these bureaucratic power grabs by executive agencies. This is why I introduced the companion bill to the underlying legislation immediately after the rule was finalized. The resolution has gained more than 70 cosponsors, with supporters from both sides of the aisle.

Thanks to the expedited procedures established under the Congressional Review Act, when we vote on this legislation tomorrow, the bill will proceed directly to the President's desk.

Tomorrow's vote will also mark the second time legislation has passed out of the House of Representatives to repeal the waters of the U.S. rule with bipartisan support.

My hope is the President will listen to the American people, listen to their concerns, local officials, small-business men and women, and begin pursuing policies which expand economic opportunity, and not stifle innovation with one regulation after another.

□ 1315

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

Mr. Speaker, I just want to respond to something the gentleman from Washington said when he basically made the statement that as long as committees take action, we don't need open rules. That is a whole new approach to the way this place is being run. I thought the Speaker of the House made it very clear he wanted more open rules. The previous Speaker of the House did, too. He didn't do that.

The bottom line is just because a committee took action on it, there are 435 Members of this House, and not everybody is on the same committee. We ought to be able to have a free-flowing debate, and people ought to be able to offer amendments. We ought to deliberate.

I am going to make a prediction that, if we did have an opportunity to truly be a deliberative body, you might get better legislation, and you might get legislation that gets lots of bipartisan support and actually gets signed into law and we get things done. Instead, we are stuck in this pattern where we really don't have regular order. We have order enforced with an iron fist where people are just locked out. It is not just Democrats that are locked out of the process; it is Republicans as well. When you close a rule down completely, it means nobody—nobody—has an opportunity to offer anything.

Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. SHERMAN), the ranking member of the Foreign Affairs Subcommittee on Asia and the Pacific.

Mr. SHERMAN. Mr. Speaker, I rise to address the portion of the rule that deals with the Iran terrorism bill.

I have voted for every Iran sanctions bill to come to this floor. I helped draft many of them, and I am ready to draft, work on, and vote for Iran sanctions bills in the future even if they are opposed by the administration. Keep in mind, nearly every Iran sanctions bill, which has passed this House floor, became law, and gave us at least some leverage over Iran, was opposed by the then-George W. Bush administration and by this administration.

We need a good process to draft good legislation that will do what President Obama promised we would do, and that is adopt new sanctions designed to change Iran's behavior with regard to its nonnuclear wrongdoing, its support for terrorism, its missile test in violation of U.N. Security Council resolutions, its human rights record, and its seizure of American hostages.

Unfortunately, this is a flawed bill which is the product of a flawed process. Look at the process: 100 cosponsors, all from one party, with no Democrat on the Foreign Affairs Committee invited to help draft the bill or even invited to cosponsor it.

Now this process is epitomized by a closed rule. The gentleman from Washington offers a new definition of an open rule. An open rule is a closed rule on a bill that has been considered by a committee. That is the new definition of ''open rule.'' I suggest we keep the old definition.

This is a closed rule that prevents people from offering amendments that might have had a better chance of passing on the floor than they would have in committee. A Member should be free to offer amendments both on the floor and in committee if they are a member of the committee; but this is a closed rule, and this process of a closed rule prevents amendments to fix flaws in the bill.

There are at least two. The first is that the bill deprives the President of the authority to delist some 489 entities. It locks them on to the SDN list, but it leaves out 269 other entities, creating two classes of wrongdoing companies and other entities that sponsor and facilitate terrorism for no apparent reason. An entity stays on the list until the President issues a certification, a certification that no President could ever certify. You have to certify that we know that from the beginning of time the entity has not had any dealing with any of dozens of different terrorist organizations. That is a certification designed to be impossible and designed to lock entities in.

I look forward to a bipartisan process. For example, I have a bill that has been cosponsored by the current and immediate prior chair of the Foreign Affairs Committee. There are other bills subject to a bipartisan process because we do need new sanctions on Iran to change its nonnuclear wrongdoing. Those sanctions are warranted because Iran has engaged in the missile test in violation of the U.N. Security Council resolution, because its support for terrorism is responsible for the deaths of tens of thousands of people in Syria and Yemen, and because it used to hold four but now holds five American hostages, not to mention its other human rights records. It is consistent with administration policy that we have sanctions on Iran's nonnuclear behavior.

The negotiations in Vienna, the negotiations on this deal, left out all of Iran's nonnuclear behavior, not because it was intended to give them carte blanche, not because we were accepting their support for terrorism, but because these were to be the subject of other sanctions and other efforts to force a change in Iran's behavior.

Finally, the question is, well, do sanctions work? That is the one thing the opponents and proponents of the deal agreed on. The proponents of the deal said that the sanctions have brought us a very good deal. The opponents of the deal said that more sanctions will get us a better deal. So in a House that was divided on almost every aspect of Iran policy, the one thing we agreed on was that sanctions have the capacity to change Iran's behavior.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Mr. MCGOVERN. Mr. Speaker, I yield the gentleman from California an additional 1 minute.

Mr. SHERMAN. So the President promised that we would not abandon our efforts with regard to Iran's terrorism and with regard to Iran's hostage taking, and that we would not abandon the four hostages they had then or the additional hostage that they have taken since the deal, and that we would not turn a blind eye to the fact that Iran is the single most important ally of the butcher Assad, who has killed over 200,000 of his own people, not to mention Iran's support for terrorism in Yemen.

Mr. Speaker, we should not fail to do so simply because we have a deal that was exclusively, strictly, and explicitly limited to dealing with Iran's nuclear program. That said, the bill before this House today is a flawed bill that cannot be corrected because of a flawed process. We need a bipartisan process that crafts a policy toward Iran's nonnuclear wrongdoing that unites, if not all of this House, a large majority of this House.

Mr. NEWHOUSE. Mr. Speaker, I would just like to make the point that it is customary, whether Republicans are in control or whether Democrats control, that the CRAs, the Congressional Review Acts, come to the floor under a closed rule. I might also say that, regarding the STREAM Act, all amendments that were germane were made in order. As it comes to the bill pertaining to Iran, that bill was marked up in committee last week. No amendments were offered, and the bill passed on voice vote.

Having made those points, Mr. Speaker, I yield 1½ minutes to the good gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Speaker, I thank the gentleman from Washington for yielding.

Mr. Speaker, I rise in support of this rule.

Tonight President Obama will deliver his final State of the Union, where I expect he will celebrate his supposed achievements over the last 7 years. Outside the beltway, and especially in western Pennsylvania, there is little to celebrate about the Obama Presidency. The war on coal has been a central feature of Washington's misguided efforts over the past several years, and it has caused the loss of over 40,000 jobs in the coal industry across the country and economic hardship in coal country.

Later today we will vote on the STREAM Act, which challenges OSM's so-called stream protection rule. I am a cosponsor of this legislation, and I look forward to its passage.

The stream protection rule is yet another block in the wall of regulation that President Obama has been building the last 7 years. It will lead to the loss of thousands of jobs, and it will reduce coal reserves by 41 percent. That amounts to a $20 billion loss to the economy.

Just yesterday we learned of the bankruptcy of yet another coal company. The job losses, firm closures, and disruptions to our communities are real, and they cannot be ignored any longer. This is an attack on cheap, plentiful, and reliable energy, and it will result in more control from Washington of the economy and the American people.

Mr. Speaker, I urge my fellow Members to support the passage of this rule and the associated bills.

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

Mr. Speaker, I again continue to be amazed that the gentleman from Washington defends this process. I don't know how anybody can defend this process, it is so flawed. The end result is, again, bringing bills to the floor that are going nowhere and that are sound bites. They are not serious legislation.

Mr. Speaker, I include in the RECORD the Statement of Administration Policy on all three bills in which the White House says they will veto these bills.

STATEMENT OF ADMINISTRATION POLICY

H.R. 1644—STREAM ACT

(Rep. Mooney, R–WV, and 34 cosponsors, Jan. 11, 2016)

The Administration strongly opposes H.R. 1644, which would delay for at least three years updated regulations, known as the Stream Protection Rule, to protect streams

from the effects of destructive surface coal mining practices. Such a needless delay of these important safeguards would impact the communities and economies that depend on clean water and a healthy environment.

The current stream protection requirements governing surface mining activities are more than 30 years old and do not incorporate significant advances in scientific knowledge and mining and reclamation techniques. An arbitrary three year restriction to block the updated modern, science-based regulations would significantly impair the ability of the Office of Surface Mining Reclamation and Enforcement (OSMRE) to accomplish the mission and responsibilities the Congress laid out in the Surface Mining Control and Reclamation Act of 1977, including preserving clean water, human health, and the environment.

H.R. 1644 would prevent the restoration of hundreds of streams, result in deterioration of water quality for thousands of stream miles, and create sustained regulatory uncertainty, as well as public health impacts for downstream communities. In addition, the bill would impose arbitrary requirements and unnecessary processes that would seriously impede OSMRE's ability to use the best available science to protect public health and the environment.

If the President were presented with H.R. 1644, his senior advisors would recommend that he veto the bill.

STATEMENT OF ADMINISTRATION POLICY

S.J. RES. 22—DISAPPROVING EPA/ARMY RULE ON WATERS OF THE UNITED STATES

(Sen. Ernst, R–IA, and 49 cosponsors, Nov. 3, 2015)

The Administration strongly opposes S.J. Res. 22, which would nullify a specified Environmental Protection Agency (EPA) and the Department of the Army (Army) final rule clarifying the jurisdictional boundaries of the Clean Water Act (CWA). The agencies' rulemaking, grounded in science and the law, is essential to ensure clean water for future generations, and is responsive to calls for rulemaking from the Congress, industry, and community stakeholders as well as decisions of the U.S. Supreme Court. The final rule has been through an extensive public engagement process.

Clean water is vital for the success of the Nation's businesses, agriculture, energy development, and the health of our communities. More than one in three Americans get their drinking water from rivers, lakes, and reservoirs that are at risk of pollution from upstream sources. The protection of wetlands is also vital for hunting and fishing. When Congress passed the CWA in 1972 to restore the Nation's waters, it recognized that to have healthy communities downstream, we need to protect the smaller streams and wetlands upstream.

Clarifying the scope of the CWA helps to protect clean water, safeguard public health, and strengthen the economy. Supreme Court decisions in 2001 and 2006 focused on specific jurisdictional determinations and rejected the analytical approach that the Army Corps of Engineers used for those determinations, but did not invalidate the underlying regulation. This has created ongoing questions and uncertainty about how the regulation is applied consistent with the Court's decisions. The final rule was developed to address this uncertainty and it should remain in place.

If enacted, S.J. Res. 22 would nullify years of work and deny businesses and communities the regulatory certainty needed to invest in projects that rely on clean water. EPA and Army have sought the views of and listened carefully to the public throughout the extensive public engagement process for this rule.

Simply put, S.J. Res. 22 is not an act of good governance. It would sow confusion and invite conflict at a time when our communities and businesses need clarity and certainty around clean water regulation.

If the President were presented with S.J. Res. 22, his senior advisors would recommend that he veto the bill.

STATEMENT OF ADMINISTRATION POLICY

H.R. 3662—IRAN TERROR FINANCE TRANSPARENCY ACT

(Rep. Russell, R–OK, and 62 cosponsors, Jan. 11, 2016)

The Administration strongly opposes H.R. 3662, the Iran Terror Finance Transparency Act, which would prevent the United States from implementing the Joint Comprehensive Plan of Action (JCPOA) by tying the Administration's ability to fulfill U.S. commitments under the deal to unrelated, non-nuclear issues.

H.R. 3662 includes provisions that connect the United States' JCPOA commitment to provide sanctions relief by delisting certain Iran-related individuals and entities, including banks, to non-nuclear issues outside of the scope of the JCPOA. In addition, certain provisions would effectively preclude delisting of individuals or entities on Implementation Day of the JCPOA—the day on which the International Atomic Energy Agency verifies that Iran has completed key nuclear-related steps that significantly dismantle and constrain its nuclear program—based on activity that may have taken place and ended long before Implementation Day and involving persons or activity that will no longer be sanctioned post-Implementation Day. By preventing the United States from fulfilling its JCPOA commitments, H.R. 3662 could result in the collapse of a comprehensive diplomatic arrangement that peacefully and verifiably prevents Iran from acquiring a nuclear weapon. Such a collapse would remove the unprecedented constraints on Iran's nuclear program that we achieved in the JCPOA, lead to the unraveling of the international sanctions regime against Iran, and deal a devastating blow to America's credibility as a leader of international diplomacy. This would have ripple effects, jeopardizing the hard work of sustaining a unified coalition to combat Iran's destabilizing activities in the region, calling into question the effectiveness of our sanctions regime and our ability to lead the world on nuclear nonproliferation.

The Administration has consistently made clear that the purpose of the nuclear negotiations, and ultimately the JCPOA, was to address one issue only—the international community's concerns over Iran's nuclear program and to verifiably prevent Iran from acquiring a nuclear weapon. The JCPOA is the mechanism through which the United States was able to garner international support for our sanctions and achieve a diplomatic resolution.

As we address our concerns with Iran's nuclear program through implementation of the JCPOA, the Administration remains clear-eyed and shares the deep concerns of the Congress and the American people about Iran's support for terrorism. Powerful sanctions targeting Iran's support for terrorism, its ballistic missile activities, its human rights abuses, and its destabilizing activities in the region remain in effect. Anyone worldwide who transacts with or supports individuals or entities sanctioned in connection with Iran's support for terrorism or development of WMD and their means of delivery, including missiles—or who does the same with any Iranian individual or entity who remains on Treasury's Specially Designated Nationals and Blocked Persons List—puts themselves at risk of being sanctioned.

The President has made it clear that he will veto any legislation that prevents the successful implementation of the JCPOA. If the President were presented with H.R. 3662, he would veto the bill.

Mr. MCGOVERN. Mr. Speaker, I include in the RECORD a statement from the Win Without War coalition, 11 million activists across the country in opposition to H.R. 3662.

A STATEMENT FROM DREW PROCTOR, ADVOCACY DIRECTOR OF ''WIN WITHOUT WAR''

The Win Without War coalition, on behalf of our 11 million activists, urges your office to stand strong against all attempts to undermine the Joint Comprehensive Plan of Action in Congress.

In particular, we urge Representative McGovern to OPPOSE H.R. 3662, the Iran Terror Finance Transparency Act.

H.R. 3662, which would prohibit President Obama from delivering on sanctions relief, has the potential to damage the leadership and credibility of the United States at this critical moment just before the historic agreement is implemented. Furthermore, the timing of the House's vote—between President Obama's State of the Union speech and the deal's implementation date later this month—appears to be a deliberately partisan act designed to undermine the President and weaken his legacy. At a time when much of the Middle East is engulfed in war, the US has rightfully seized this opportunity to solve one of our most pressing national security threats without dropping a single bomb. We must not let political interests trump our national security goals. Huge progress has been made since the Iran deal was announced last July. Just yesterday, Iran reportedly took steps to remove the core of its plutonium reactor and fill it with concrete.

Sincerely,

DREW PROCTOR,
Advocacy Director,
Win Without War.

Mr. MCGOVERN. Mr. Speaker, I include in the RECORD a letter from 65 environmental organizations representing millions of members in opposition to H.J. Res. 22.

JANUARY 12, 2016.

REPRESENTATIVE: The undersigned organizations, and our millions of members and supporters, oppose the Dirty Water Resolution (S.J. Res. 22). The ''Resolution of Disapproval'' under the Congressional Review Act attacks the Clean Water Rule, the Obama administration's landmark initiative to restore safeguards against pollution and destruction for lakes, streams, wetlands and other water bodies.

The Clean Water Rule restores important safeguards that once existed for a variety of water bodies. Those safeguards were eroded after a pair of Supreme Court decisions and by policies the Bush administration adopted, which left many water bodies inadequately protected or lacking the pollution control requirements of the Clean Water Act. The rule restores prior protections for many critical wetlands, which curb flooding, filter pollution, and provide habitat for a wide variety of wildlife, including endangered species and wildfowl and fish prized by hunters and anglers.

The Dirty Water Resolution is an extreme action that seeks to kill the Clean Water Rule using the Congressional Review Act, which goes far beyond stopping a disapproved administrative action. The Congressional Review Act says that an agency may not adopt ''a new rule that is substantially the same'' as the disapproved rule, and the breadth of that requirement is very unclear.

In the context of the Clean Water Rule, it could be read to prohibit EPA and the Army Corps from issuing any rule that establishes protections for waters that the Clean Water Rule covers, like lakes, streams, and wetlands. The Dirty Water Resolution radically undermines the agencies' ability to clarify the jurisdiction of the Clean Water Act—despite urging from industry associations, conservation groups, members of Congress, state and local leaders, and Supreme Court justices for such a clarification.

By pursuing this anti-clean water resolution, pro-polluter members of the House of Representatives are seeking to kill a commonsense and modest rule containing scientifically-sound and legally-valid protections for the nation's waters, including critical drinlcing water supplies.

Restored clean water protections enjoy broad support. In polling for the American Sustainable Business Council, eighty percent of small business owners—including 91% of Democrats, 73% of Independents and 78% of Republicans—said they supported the then-proposed Clean Water Rule. A strong majority, 71%, also said that clean water protections are necessary to ensure economic growth; only six percent said they were bad for growth. Similarly, a bipartisan research team polled hunters and anglers nationwide and discovered that 83% surveyed thought that the Environmental Protection Agency should apply the rules and standards of the Clean Water Act to smaller, headwater streams and wetlands. Support for this policy was strong across the political spectrum, with 77% of Republicans, 79% of Independents and 97% of Democrats in favor.

We ask that you oppose the Dirty Water Resolution (S.J. Res. 22) because it will undermine protections for our drinking water supplies, flood buffers, and fish and wildlife habitat. This attack on clean water is not only a waste of the House's time but also an excessive and dangerous act that jeopardizes clean water for generations to come.

Sincerely,

Alliance for the Great Lakes, American Rivers, American Whitewater, Amigos Bravos, Arkansas Public Policy Panel, BlueGreen Alliance, Central Minnesota Chapter of Audubon, Clean Water Action, Conservation Minnesota, Earthjustice, Endangered Habitats League, Environment America, Environment California, Environment Colorado, Environment Connecticut, Environment Florida, Environment Georgia, Environment Illinois, Environment Iowa, Environment Maine, Environment Maryland, Environment Massachusetts.

Environment Michigan, Environment Minnesota, Environment Montana, Environment New Hampshire, Environment New Jersey, Environment New Mexico, Environment New York, Environment North Carolina, Environment Oregon, Environment Texas, Environment Virginia, Environment Washington, Freshwater Future, Friends of the Cloquet Valley State Park, Friends of the Mississippi River, Great Lakes Committee—the Izaak Walton League, GreenLatinos, Greenpeace, Gulf Restoration Network, Hoosier Environmental Council, Iowa Environmental Council, Kentucky Waterways Alliance.

League of Conservation Voters, Michigan Wildlife Conservancy, Midwest Environmental Advocates, Minnesota Center for Environmental Advocacy, Minnesota Conservation Federation, Minnesota Environmental Partnership, Missouri Coalition for the Environment, Natural Resources Defense Council, Nature Abounds, Ohio Wetlands Association, PennEnvironment, Prairie Rivers Network, Religious Coalition for the Great Lakes, River Network, Save the Dunes, Shaker Lakes Garden Club, Sierra Club, Southern Environmental Law Center, Surfrider Foundation, Tennessee Clean Water Network, Wisconsin Environment, Wisconsin Wildlife Federation.

Mr. MCGOVERN. Mr. Speaker, I include in the RECORD a letter from eight sportsmen and conservation organizations in strong opposition to S.J. Res. 22.

JANUARY 11, 2016.

Re Hunters and Anglers Strongly Oppose S.J. Res. 22 Invalidating the Final Clean Water Rule

DEAR REPRESENTATIVE: The undersigned sportsmen and conservation organizations strongly oppose Senate Joint Resolution 22, which the House of Representatives may vote on this week and would invalidate the final Clean Water Rule. This important rule clarifies Clean Water Act jurisdiction in a manner that is both legally and scientifically sound.

This joint resolution is an extraordinary and radical action to overturn a fundamental, once-in-a-generation final rule that is critical to the effective implementation of the 1972 Clean Water Act, and that was adopted following an exhaustive public rulemaking process. The resolution would overturn a rule that finally resolves longstanding confusion and debate, promotes clarity and efficiency for regulatory programs promoting river health, and preserves longstanding protections for farmers, ranchers, and foresters.

By using the Congressional Review Act, this joint resolution not only wipes out the final Clean Water Rule but also prohibits any substantially similar rule in the future. It locks in the current state of jurisdictional confusion and offers no constructive path forward for regulatory clarity or clean water. America's hunters and anglers cannot afford to have Congress undermine effective Clean Water Act safeguards, leaving communities and valuable fish and wildlife habitat at risk indefinitely.

This joint resolution dismisses the voices of the millions of Americans, including businesses that depend on clean water, who support the new rule and are eager to reap its benefits. The agencies engaged in a very transparent and thorough multi-year rulemaking process that included over 400 stakeholder meetings and an extended public comment period that produced over one million comments. Nearly 900,000 members of the public commented in support of the Clean Water Rule. A recent poll found that 83 percent of sportsmen and women think the Clean Water Act should apply to smaller streams and wetlands, as the new rule directs.

The Clean Water Rule clearly restores longstanding protections for millions of wetlands and headwater streams that contribute to the drinking water of 1 in 3 Americans, protect communities from flooding, and provide essential fish and wildlife habitat that supports a robust outdoor recreation economy. The sport fishing industry alone accounts for 828,000 jobs, nearly $50 billion annually in retail sales, and an economic impact of about $115 billion every year that relies on access to clean water. The Clean Water Rule will translate directly to an improved bottom line for America's outdoor industry.

Opponents claiming the rule goes too far and protects water too much have filed a barrage of nearly identical legal challenges in numerous district and appellate courts across the country. On October 9, 2015, the 6th Circuit Court of Appeals temporarily stayed the Clean Water Rule nationwide. The Clean Water Rule and those who oppose it will have their day in court.

Meanwhile, we want Congress to know that despite these legal challenges, conservationists across the nation are steadfast in our support for the Clean Water Rule. After nearly 15 years of Clean Water Act confusion, further delay is unacceptable to the millions of hunters and anglers eager to have their local waters fully protected again. We are confident that, when the dust settles in the courts, the Clean Water Rule will withstand challenges saying it protects our water too much.

The Clean Water Act has always been about restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. It is bedrock support for America's more than 40 million hunters and anglers and for the 117 million Americans whose drinking water depends on healthy headwater streams.

We thank all of the members of Congress who stand with America's sportsmen and women to block attempts to derail the rule, and ask you to reject S.J. Res. 22 and any other legislative action against the rule that may follow this year.

Sincerely,

American Fisheries Society, American Fly Fishing Trade Association, Backcountry Hunters and Anglers, International Federation of Fly Fishers, Izaak Walton League of America, National Wildlife Federation, Theodore Roosevelt Conservation Partnership, Trout Unlimited.

Mr. MCGOVERN. Mr. Speaker, I include in the RECORD a letter from nine public interest, environmental, and labor organizations strongly opposing H.R. 1644.

JANUARY 11, 2016.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters we strongly urge you to oppose the stream pollution bill, H.R. 1644, a bill expected on the House floor the week of January 11, 2016. This bill would put costly and unnecessary bureaucratic hurdles in the already overburdened regulatory process with the sole intent of ensuring that coal companies can continue to destroy streams with coal wastes.

The present rules protecting such streams date to 1983. After the Department of Interior took several years to develop the proposed Stream Protection Rule, this bill requires a new study, this time by the National Academy of Sciences, on the effectiveness of the current decades-old surface mining regulation. The bill carves out two years for the completion of that study and then bars DOI from updating the rule for an additional year after that. In the meantime, communities will continue to shoulder the burden of water pollution and mining abuses. The intent of these new delays is clear: let the mining companies continue unimpeded with sacrificing the streams and health of the communities that surround their mines.

Another section of the bill adds new procedural hurdles before DOI can act under the surface mining law. Today, the Secretary and the heads of all rulemaking agencies regularly make available all the information relied upon concurrently with the proposed or final rule. Doing so enables stakeholders to weigh in during the public comment period on the basis for the proposal. This bill requires DOI to publish all scientific data used in a proposed rule 90 days before publication. It is unclear what the intent of this redundant provision is other than to congest the regulatory system with even more process and delay. If the Agency fails to meet this new paperwork burden, the goal of the authors is met—the protections must be delayed even further.

Unfortunately, these types of delay tactics are becoming increasingly common across

the regulatory spectrum as polluters attempt to dodge their responsibilities. Thus, H.R. 1644 continues a dangerous trend of undermining public health and environmental protections under the guise of transparency. We urge you to vote against this legislation, both to protect mining communities and to our reject attempts to delay and frustrate improved regulatory protections.

Sincerely,

Center for Biological Diversity, Center for Effective Government, Center for Science and Democracy at the Union of Concerned Scientists, Economic Policy Institute, Institute for Agriculture and Trade Policy, Natural Resources Defense Council, Public Citizen, United Auto Workers, United States Public Interest Research Group.

Mr. MCGOVERN. Mr. Speaker, I include in the RECORD a letter from the Union of Concerned Scientists in strong opposition to H.R. 1644.

UNION OF CONCERNED SCIENTISTS,
September 9, 2015.

DEAR REPRESENTATIVE: The Union of Concerned Scientists, with 450,000 members and supporters throughout the country, strongly opposes The Amendment in the Nature of a Substitute to H.R. 1644, the STREAM ACT. H.R. 1644, as amended, would require the public disclosure of any and all information used to promulgate rules, and even policy guidance, relating to the Surface Mining and Control Act.

As we highlighted in *Science*, this proposal is just another example of what's becoming an old and tired song: an attempt to cloak an effort to block common-sense regulation in the guise of transparency. Furthermore, as we noted in a letter sent to the U.S. House of Representatives earlier this year opposing H.R. 1030, the Secret Science Reform Act, this type of proposal represents a solution in search of a problem and greatly impedes the agency's responsibility to protect public health and the environment.

The amended version improves the original bill by exempting certain types of data from public disclosure. However, the language is so vague, it will make it very difficult for scientists doing federally-funded research to know whether or not the data they have spent years collecting may be prematurely disclosed before they can publish their own studies. At the very least, this discourages scientists from doing any crucial research that may be required to be publicly disclosed.

Worse, by linking agency rulemaking to public disclosure, this bill risks the timely implementation of regulations and guidance documents that protect the public health and safety and our environment. Agency rules will be delayed if any piece of underlying data used to inform rules or guidance documents is not publicly disclosed 90 days before the proposed rule or guidance is published. This is flawed because the data is not owned by the Department of Interior and the release of the data is under the researcher's control. For each day the data is delayed, the comment period is extended by a day. If the delay lasts longer than six months, the rule must be withdrawn.

These restrictions apply even to emergency rules, unless a delay ''will pose an imminent and severe threat to human life.'' Notably missing here however is the environment. For example, if a stream is polluted at a level that doesn't pose an immediate risk but may pose a long-term risk, under this proposal, the environmental pollution could not be stopped until it might be too late.

This proposal offers special interests a new way to game the system, by challenging the comprehensiveness of any data that the Department of Interior submits to fulfill the bill's requirements. Who decides when the data includes ''all the data?'' How much data, for example, must be released to justify an economic assessment, or an environmental analysis or a guidance document?

Unanswered, too, is the question whether a regulation or guidance document based on exempt information is considered valid for purposes of this bill. Could the use of exempt information itself be grounds for a challenge?

This bill would also expend taxpayer dollars by requiring the Department of Interior to spend $2 million on a study to evaluate the ''effectiveness'' of 1983 regulation to protect perennial and intermittent streams through the use of stream buffer zones. But the goal of the study is not to actually help the Department of Interior become a better custodian of our environment.

The real goal is to impose a sweeping moratorium on all regulations related to stream buffer zones for the time it takes the National Academy of Sciences to complete the ''comprehensive study'' plus another year for review. Since the bill anticipates funding for the NAS in both 2016 and 2017, Interior regulations would be blocked for at least three years. If the study is never funded though, the rules would be indefinitely delayed.

We recommend that you oppose Representative Mooney's amendment to H.R. 1644, as well as the underlying bill. The proposal would inhibit the Department of Interior's ability to carry out its science and evidence-based responsibility to protect human health and the environment. We strongly urge you not to report this proposal out of committee.

Sincerely,

ANDREW A. ROSENBERG, PH.D.,
Director, Center for Science and Democracy, Union of Concerned Scientists.

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

Mr. NEWHOUSE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the great State of Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Mr. Speaker, for 20 years, Republican and Democratic administrations, alike, have effectively regulated navigable waters—which is the official term—under the Clean Water Act to protect both our environment and private property, but the Obama administration is trying to change all of that. The Obama Administration's new definition will give the EPA authority over every pond or seasonal stream, drainage ditch, or puddle in the United States—every single one. Every piece of land where water falls from the heavens, the EPA is claiming control over.

What does that mean if you want to put a deck on your house or move your driveway or build a shed or something similar? It means you are going to have to apply to the Federal Government for a permit.

What do those permits look like? They take upwards of 788 days to obtain, and they cost upwards of $270,000 to get per permit, per puddle, per ditch, or per stream that you want to amend.

So I hope you are either really rich and have a ton of time on your hands or you don't want to ever change anything because this is almost impossible.

I would call this new change a solution in search of a problem, but it is a solution that is going to create a problem. There is no evidence that this is going to give us stronger environmental protections, that we are going to have cleaner water, or that we are even going to have a benefit. What is really going to happen is the EPA is going to be kingmaker; and you and I, as Americans, are going to be forced to grovel at their feet, begging for permits on our own land.

This really impacts those of us in the West tremendously. Every American should sit up and pay attention because this impacts everybody, including cities and counties.

I hope you don't need a new hospital in your area or you don't need a grocery store or perhaps your city needs to expand or grow or change, because this effectively says that one agency, headed by very political and liberal—at this point, very liberal—ideologues will get to make that decision, and they are not going to give us the benefit. That is the scary thing here.

So I look forward to joining with Republicans and commonsense Democrats, because believe it or not, just like in years past, Republicans and Democrats are both opposed to this, to put this block in place and to move forward.

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

Mr. Speaker, I would just simply say that there is a difference between Democrats and Republicans when it comes to the environment, protecting the health and well-being of the people of this country, especially from industry. I think we, on the Democratic side, have consistently been on the side of protecting people, and my friends on the other side have been consistently on the side of industry, no matter what it means to people.

We see what is going on in Flint, Michigan, right now and the terrible water crisis that is happening there and the Republican Governor who is part of what appears to be a coverup at the expense of those citizens. It really is quite astonishing.

□ 1330

Again, this bill is going nowhere. It is going to be vetoed by the White House. So we can go through this charade.

I would just conclude right now, at least this portion of my speech here, by saying that, as I said in the beginning, if, in fact, my friends on the other side of the aisle want to get serious about legislating, there are areas of agreement on these environmental issues, and certainly on this issue regarding Iran, where Democrats and Republicans can come together. But for whatever reason, I think my Republican friends have no interest in serious legislating. I think that is regrettable because what we are doing here is wasting taxpayer money and wasting the people's time here in this Congress. We could be doing other things that could actually be moving this country forward.

I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas (Mr. HILL).

Mr. HILL. Mr. Speaker, I thank my friend from Washington (Mr. NEWHOUSE) for yielding.

In my capacity as a member of the House Committee on Financial Services' Task Force to Investigate Terrorism Financing and as a businessperson with over three decades of experience in both international affairs and banking, I have carefully considered the testimony of leading foreign policy experts cautioning against America blindly putting its faith in a country that has never done anything to make them worthy of that trust.

The nuclear agreement has only emboldened the Iranian regime. And why wouldn't it? When one sees the recent results of President Clinton's agreement with North Korea and this administration's lack of resolve and realism, why not?

I remind this body, Secretary Kerry, and the President of the warning issued to the House of Commons by Winston Churchill: ''An appeaser is one who feeds a crocodile hoping it will eat him last.''

The Iranians have kidnapped another American, taken deliveries of missile technology from Russia, conducted missile tests in violation of U.N. Security Council resolutions, and ramped up the actions and rhetoric against our Arab allies. All of this is disturbing. This is all before Iran has even received a dime of up to $100 billion in expected sanctions relief.

When he announced the nuclear agreement, the President said: ''American sanctions on Iran for its support of terrorism, its human rights abuses, its ballistic missile program, will continue to be fully enforced.''

The bill discussed in this rule, H.R. 3662, guarantees that. This bill removes the politicization of the listed entities in the nuclear agreement and forces this President to live up to his own rhetoric.

I am proud to support this critical piece of legislation. I call on all Members to support the rule and final passage of the bill and help guarantee the safety of the American people and our allies around the world from one of our most credible threats to our national security.

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

I would just say to the gentleman that, if this were a serious effort to do something in response to Iran's behavior, this would be a bipartisan effort, but it isn't. It is clear what this is. This is a way to basically try to embarrass the President, I guess. That seems to be the motivation behind almost everything that is brought to this House floor.

Mr. Speaker, as I said before, we ought to be doing serious business here, and we are not. One of the things that we have been trying to do on our side is to bring to the floor legislation and amendments to deal with the terrible situation with regard to gun violence in our country. We are rebuffed at every moment. We can't bring anything to this floor with regard to guns, I guess because the Republican Congressional Campaign Committee doesn't want to tick off the National Rifle Association.

Be that as it may, I want to urge my colleagues to defeat the previous question. If we do, I will offer an amendment to the rule to bring up bipartisan legislation—this is actually Democrats and Republicans who support this—that would close a glaring loophole in our gun laws allowing suspected terrorists to legally buy firearms. This bill would bar the sale of firearms and explosives to those on the FBI's terrorist watch list.

Mr. Speaker, amidst gun violence in communities across our country and global acts of terrorism, it is time for Congress to act and keep guns out of the hands of suspected terrorists.

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

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

There was no objection.

Mr. MCGOVERN. Mr. Speaker, for the life of me, I can't understand why somehow it is okay to bar suspected terrorists from flying on airplanes, but somehow it is this terrible infringement on their rights to say that they can't go out and buy a firearm. It makes absolutely no sense. I don't think the American people—whether you are Democrat or Republican or Independent—can figure out why people are so resistant to that here in this Congress.

Here is a novel idea. bring it to the floor. Allow us to have an up-or-down vote, not just a procedural vote, but a real up-or-down vote on this, and I am willing to bet that it will probably pass with a bipartisan vote.

I reserve the balance of my time.

Mr. NEWHOUSE. Mr. Speaker, if it embarrasses the President to be held accountable for the very words that come out of his mouth, I guess there is not much we can do about that.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAMALFA).

Mr. LAMALFA. Mr. Speaker, I thank my colleague from Washington for yielding me the time.

I guess if we want to advance policy around here, the rhetoric coming from across the aisle about it being a waste of time to legislate and put these ideas out in front of the American people and hold the President accountable for the runaway efforts by his administration and his agencies, then we are just not hearing an honest effort on the other side.

We have half-baked regulations that will damage sectors of our economy in this 262 pages of revised rules that are coming down from the Department of the Interior. Since 1983, the stream buffer zone rule has been a rule that has struck a pretty good balance between protecting water resources and mining. Adding 262 new pages effectively bans all mining within 100 feet of anything that they might define as a stream, which is going to have very detrimental effects on energy and our ability to conduct business in this Nation.

The new rule would lead to the loss of thousands of jobs, damage our Nation's ability to produce critical minerals, construction materials, and domestic energy, something that we have had an advantage on up until recently.

While Interior claims to have spent 6 years studying this rule, it managed to completely ignore the views of the States impacted by the rule. I think we need to have more local input and support to H.R. 1644 and hold the administration accountable for what it does.

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

Mr. NEWHOUSE. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. CARTER), my good friend.

Mr. CARTER of Georgia. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I rise today in support of this rule and passage of S.J. Res. 22, which provides congressional disapproval on EPA's extreme overreach with their waters of the U.S. rule.

Last June, the EPA published its final orders of the U.S. rule that would virtually give them authority over any place water flows or accumulates. This would include driveways, ditches, manmade ponds, and even our watered lawns.

Currently, private and public entities spend an average of $271,000 and wait an average of 788 days to obtain permits from the EPA for projects currently under its jurisdiction. Expanding EPA's authority in this unprecedented way would be extremely devastating to landowners, especially farmers, and make devastating statistics even worse.

With this bill, Congress would nullify this ridiculous rule and continue to provide Americans with personal control over their property. Property is not an asset that can be taken control of on the whim of a government agency. Property rights are an essential natural right of every American, and this fact has been embedded in our country's DNA since its beginning.

I urge my colleagues to support this rule and S.J. Res. 22 so we can prevent this terrible law from infringing on the natural rights of all Americans.

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

I have heard a couple of speakers now talk on this, and I think some of the confusion might be cleared up if they actually read the rule.

The gentlewoman from Washington who spoke earlier talked about that this would regulate puddles. Well, the

clean water rule does not regulate puddles. In fact, numerous comments were submitted to EPA asking the Agency specifically to exclude puddles. I have got good news for you: the final rules does just that, and the clean water rule does not regulate most ditches either. We might as well get those facts on the table.

I would urge my colleagues on the other side that maybe they ought to read the rule before they come up with a bill like the one they came up with.

Mr. Speaker, I don't know what else to say, other than the fact that this process stinks. Again, two closed rules and a structured rule on the third bill.

We have a controversial bill on Iran that is one of the most partisan pieces of legislation on foreign policy that has been brought to this floor by my Republican friends. It is really frustrating because I think there is a lot of common ground on holding Iran accountable where Democrats and Republicans could come together and actually craft something that had, if not unanimous support, almost unanimous support. I think that would be a powerful signal to send not only to Iran, but to the rest of the world. But instead of going down that road, my Republican friends decided to squander that opportunity and come up with a political sound bite.

The same goes for the two environmental bills that are being brought before this House. They are going nowhere, but they are nice sound bites, and they may please a particular special interest, but this is not serious legislating.

I am going to say to my colleagues again, I know you are going on your retreat this week, and maybe there ought to be a side meeting that some of my friends have about what it is that they think we ought to be doing here in this Chamber and what it is that they think that their job ought to be. I would suggest that it has to be about more than just political sound bites and messaging bills.

There is a lot that we need to get done. That requires us working together. I won't get everything I want and you may not get everything you want, but we need to figure out a way to make this place work because it is not working. There is a reason why the approval rating of Congress is like in the negative numbers. It is because people see consistently nothing but political sound bites and messaging bills come to the floor and get voted on and we debate them passionately, but they go nowhere. I think people would like us all better, Democrats and Republicans, if we actually accomplished something.

I hope you go on your retreat and you kind of reflect on that, and maybe you will come back the week after with a new outlook. Maybe all of these promises from the Speaker of the House and the previous Speaker of the House about a more open process about regular order will be more than words when you come back.

I would finally say again that I urge my colleagues to vote ''no'' on the previous question so we can bring up this commonsense bipartisan bill to basically prevent those who are on the terrorist watch list from being sold guns.

Again, I, for the life of me, don't understand why it is so controversial, but in this House of Representatives it is.

Vote ''no'' on the previous question. Vote ''no'' on this closed rule, and reject this closed process.

I yield back the balance of my time.

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

I appreciate the good gentleman's wishes for a good retreat for the Republicans this coming next few days, and I look forward to finding opportunities to work together with his side of the aisle on many important things facing our Nation.

I just would remind them, too, that there have been plenty of opportunities for all Members of this body to have input on these pieces of legislation before us through committee, here on the floor, in Rules. I think following regular order is proving exactly what we wanted it to do to give people that opportunity. I am very happy that we have been able to do that.

Mr. Speaker, this is a good, straightforward rule that we are considering today allowing for consideration of three very important pieces of legislation that I think will protect our national security interests abroad and hold the administration accountable for sanctions lifted under the Iran nuclear agreement. It will ensure that mining communities and hardworking families are not crushed by another crippling Federal regulation, and it will help protect our rural western communities by providing much-needed relief from the burdensome waters of the United States rule.

□ 1345

Although we may have different viewpoints and differences of opinion, I believe this rule and the underlying bills are strong measures that are important to our country's future.

I urge my colleagues to support House Resolution 583 as well as the underlying bills.

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

AN AMENDMENT TO H. RES. 583 OFFERED BY MR. MCGOVERN

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

SEC. 6. 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. 1076) to increase public safety by permitting the Attorney General to deny the transfer of a firearm or the issuance of firearms or explosives licenses to a known or suspected dangerous terrorist. 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 the Judiciary. 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. 7. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 1076.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of adoption.

The vote was taken by electronic device, and there were—yeas 233, nays 173, not voting 27, as follows:

[Roll No. 36]

YEAS—233

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

NAYS—173

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

NOT VOTING—27

Barletta
Bost
Bridenstine
Cárdenas
Comstock
Culberson
Delaney
Duncan (SC)
Eshoo
Grayson
Hinojosa
Hurt (VA)
Kaptur
Kennedy
Kind
Messer
Palazzo
Rush
Ryan (OH)
Schrader
Smith (WA)
Stutzman
Thompson (MS)
Weber (TX)
Westmoreland
Williams
Wilson (FL)

□ 1406

Mr. MACARTHUR changed his vote from ''nay'' to ''yea.''

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mrs. COMSTOCK. Mr. Speaker, on rollcall No. 36, had I been present, I would have voted "yes."

Mr. HURT of Virginia. Mr. Speaker, I was not present for roll call vote No. 36 on Ordering the Previous Question on H. Res. 583—The combined rule providing for consideration of H.R. 1644, H.R. 3662, and S.J. Res. 22. Had I been present, I would have voted "yea."

Stated against:

Ms. ESHOO. Mr. Speaker, I was not present during rollcall vote number 36 on January 12, 2016. I would like to reflect that on rollcall vote number 36, I would have voted "no."

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. MCGOVERN. 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 239, noes 183, not voting 11, as follows:

[Roll No. 37]

AYES—239

Abraham
Aderholt
Allen
Amash
Amodei
Babin
Barr
Barton
Benishek
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Cole
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Dold
Donovan
Duffy
Duncan (TN)
Ellmers (NC)
Emmer (MN)
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis

MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Salmon
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Whitfield
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Young (IN)
Zeldin
Zinke

NOES—183

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

NOT VOTING—11

Barletta
Conyers
Delaney
Duncan (SC)
Kennedy
Kind
Meadows
Palazzo
Smith (WA)
Westmoreland
Williams

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1429

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.

SUPPORTING TRANSPARENT REGULATORY AND ENVIRONMENTAL ACTIONS IN MINING ACT

GENERAL LEAVE

Mr. LAMBORN. 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 material on the bill, H.R. 1644.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 583 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. 1644.

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

□ 1431

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. 1644) to amend the Surface Mining Control and Reclamation Act of 1977 to ensure transparency in the development of environmental regulations, and for other purposes, with Mr. PAULSEN 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 Colorado (Mr. LAMBORN) and the gentleman from California (Mr. LOWENTHAL) each will control 30 minutes.

The Chair recognizes the gentleman from Colorado.

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

I rise today in strong support of H.R. 1644, the Supporting Transparent Regulatory and Environmental Actions in Mining Act, or the STREAM Act for short.

The STREAM Act has three goals. First, it establishes a requirement for scientific transparency and integrity in any rulemaking conducted by the Office of Surface Mining—we will be calling that OSM during our debate—under the authority of the Surface Mining Control and Reclamation Act of 1977. Some people call it SMCRA.

In the past, the Office of Surface Mining, or OSM, has sought to promulgate rules based on internal studies that are not made public. The first section of H.R. 1644, the STREAM Act, ensures transparency by requiring OSM to publish all scientific products it relies on in the rulemaking process.

For federally funded scientific products, the STREAM Act requires OSM to also publish raw data. If a scientific product is withheld from the public for more than 6 months, then the rule, environmental analysis, or economic assessment it supports will be withdrawn.

The second goal is to require an independent third-party assessment of the existing 1983 rule—which we are operating under right now—to determine if any deficiencies exist. The purpose of the independent study is to mitigate the polarization of this issue.

As such, the STREAM Act requires the Secretary of the Interior, in consultation with the Interstate Mining Compact Commission, to contract with the National Academy of Sciences to conduct a study of the 1983 stream buffer zone rule.

Mr. Chairman, this study will examine the effectiveness of the existing 1983 rule by the National Academy of Sciences and make recommendations for improving the rule, if necessary.

The Secretary is prohibited from issuing any regulations addressing stream buffer zones or stream protection until 1 year after the completion of the study and is required to take into consideration the findings or recommendations of the study.

This element of the STREAM Act is important because it ensures that the 24 States with primacy over surface mining will have input on the study. Unfortunately, beginning in 2011, OSM completely shut the States out of the rulemaking process, even though OSM had signed memoranda of understanding with 10 cooperating agency States in 2010 and one other State signing on as a commentator.

According to OSM, ''States permit and regulate 97 percent of the Nation's coal production. States and tribes also abate well over 90 percent of the abandoned mine lands problems.'' That is in the words of OSM.

The expertise for understanding the stream protection rule and other regulations promulgated under the Surface Mining Control and Reclamation Act lies with the States, not with OSM. Yet, the States were completely cut out of the rulemaking process.

The third goal, finally, of H.R. 1644 is to inhibit OSM's regulatory overreach by curtailing regulatory action that would duplicate, enforce, or determine compliance with laws that are outside of OSM's jurisdiction.

An express concern related to the ongoing stream buffer zone rule rewrite is