

Khanna	Moulton	Scott (VA)
Kihuen	Murphy (FL)	Scott, David
Kildee	Nadler	Serrano
Kilmer	Napolitano	Sewell (AL)
Kind	Neal	Shea-Porter
Krishnamoorthi	Nolan	Sherman
Kuster (NH)	Norcross	Sinema
Langevin	O'Halleran	Sires
Larsen (WA)	O'Rourke	Smith (WA)
Larson (CT)	Pallone	Soto
Lawrence	Panetta	Speier
Lawson (FL)	Pascrell	Suozi
Lee	Payne	Swalwell (CA)
Levin	Pelosi	Takano
Lewis (GA)	Perlmutter	Thompson (CA)
Lieu, Ted	Peters	Thompson (MS)
Lipinski	Peterson	Titus
Loebsock	Pingree	Tonko
Lofgren	Pocan	Torres
Lowenthal	Polis	Tsongas
Lowe	Price (NC)	Vargas
Lujan Grisham,	Raskin	Veasey
M.	Rice (NY)	Vela
Luján, Ben Ray	Richmond	Velázquez
Lynch	Rosen	Visclosky
Maloney,	Roybal-Allard	Walz
Carolyn B.	Ruiz	Wasserman
Maloney, Sean	Ruppersberger	Schultz
Matsui	Ryan (OH)	Waters, Maxine
McCollum	Sánchez	Watson Coleman
McEachin	Sarbanes	Welch
McGovern	Schakowsky	Wilson (FL)
McNerney	Schiff	Yarmuth
Meng	Schneider	
Moore	Schrader	

NOT VOTING—9

Curbelo (FL)	Marino	Rush
Duffy	Meeks	Slaughter
LaMalfa	Quigley	Young (AK)

□ 1343

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.

Stated against:

Mr. ELLISON. Mr. Speaker, during rollcall Vote No. 204 on H. Res. 233, the rule for H.R. 1431, I mistakenly recorded my vote as "yea" when I should have voted "nay."

HONEST AND OPEN NEW EPA SCIENCE TREATMENT ACT OF 2017

Mr. SMITH of Texas. Mr. Speaker, pursuant to House Resolution 229, I call up the bill (H.R. 1430) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 229, the bill is considered read.

The text of the bill is as follows:

H.R. 1430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Honest and Open New EPA Science Treatment Act of 2017" or the "HONEST Act".

SEC. 2. DATA TRANSPARENCY.

Section 6(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4363 note) is amended to read as follows:

"(b)(1) The Administrator shall not propose, finalize, or disseminate a covered action unless all scientific and technical information relied on to support such covered action is—

"(A) the best available science;

"(B) specifically identified; and

"(C) publicly available online in a manner that is sufficient for independent analysis and substantial reproduction of research results, except that any personally identifiable information, trade secrets, or commercial or financial information obtained from a person and privileged or confidential, shall be redacted prior to public availability.

"(2) The redacted information described in paragraph (1)(C) shall be disclosed to a person only after such person signs a written confidentiality agreement with the Administrator, subject to guidance to be developed by the Administrator.

"(3) Nothing in the subsection shall be construed as—

"(A) requiring the Administrator to disseminate scientific and technical information;

"(B) superseding any nondiscretionary statutory requirement; or

"(C) requiring the Administrator to repeal, reissue, or modify a regulation in effect on the date of enactment of the Honest and Open New EPA Science Treatment Act of 2017.

"(4) In this subsection—

"(A) the term 'covered action' means a risk, exposure, or hazard assessment, criteria document, standard, limitation, regulation, regulatory impact analysis, or guidance; and

"(B) the term 'scientific and technical information' includes—

"(i) materials, data, and associated protocols necessary to understand, assess, and extend conclusions;

"(ii) computer codes and models involved in the creation and analysis of such information;

"(iii) recorded factual materials; and

"(iv) detailed descriptions of how to access and use such information.

"(5) The Administrator shall carry out this subsection in a manner that does not exceed \$1,000,000 per fiscal year, to be derived from amounts otherwise authorized to be appropriated."

The SPEAKER pro tempore. Pursuant to House Resolution 229, the gentleman from Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 1430.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1430, the Honest and Open New EPA Science Treatment Act of 2017, or HONEST Act, requires the Environmental Protection Agency to base its regulations on science that is publicly available.

Why would anyone want to hide this information from the American people?

I thank former Science Committee member and former Environment Subcommittee Chairman DAVID SCHWEIKERT for his longtime commit-

ment to this issue, and for sponsoring the Secret Science Reform Act in the 113th Congress. In the last Congress, a similar bill passed the House with bipartisan support. Our goal is to help advance not just any science, but the best science.

The HONEST Act is a nonpartisan bill: a change in administration does not affect the public's right to know and see the science behind the EPA's regulations.

This legislation ensures that sound science is the basis for EPA decisions and regulatory actions. The days of "trust-me science" are over. In our modern Information Age, Federal regulations should be based only upon data that is available for every American to see, and that can be subjected to independent review. That is called the scientific method.

We can all agree that the government should rely on the best available science. Unfortunately, the government does not always hold to this standard. Looking at the EPA's past record, it is clear that the Agency has not followed an open and honest process. For example, many major air-quality regulations from the previous administration were justified by data that the EPA said they had not seen, even though they proposed the regulation.

This means that the EPA's claims about the cost and benefits of its regulations and the real risk they are meant to address cannot be independently verified by unbiased experts. If the EPA's mandates really are based on sound science, then the American people should be allowed to see the data. The EPA's past refusal to cooperate, leads to the question: What have they been hiding?

Americans have a right to be suspicious.

Mr. Speaker, we all care about the environment, but if policies are not based on legitimate science, regulations will result in economic hardship with little or no environmental benefits. In other words, the regulations would be all pain and no gain.

This bill strengthens the previous House-passed legislation of the last Congress, the Secret Science Reform Act. That bill also required the EPA to base its decisions on information fully available to scientists and the American people.

You may hear from opponents of this legislation that it costs too much money. That is based on a CBO estimate from 2 years ago that misinterprets the implementation requirements of the bill. CBO has not reissued that misinterpretation this year after consulting with the EPA.

All the HONEST Act requires is that the EPA use science that is publicly available, not make all science public itself. So the cost is negligible.

Some critics may claim that it puts personal data at risk. This is false. The HONEST Act specifically requires

redactions of personally identifiable information and confidential business information.

It is also misleading to assert that the bill tells scientists how to conduct science. The opposite is true. The bill reinforces the scientific method and its tenets of observing, hypothesizing, testing, gathering and sharing data, and analyzing and challenging the resulting theories. It allows independent researchers to evaluate the studies that the EPA uses to justify its regulations.

The HONEST Act promotes sound science and restores confidence in the EPA decisionmaking process.

Finally, the HONEST Act ensures that the EPA is not promoting a one-sided ideological agenda. The legislation provides for the type of open and accountable government that the American people want and deserve.

You are either for an open and honest government, or you are not. If you are, then support this legislation.

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

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 1430, the so-called HONEST Act. This is the third time the majority has tried to move this misguided legislation, which was formerly known as the Secret Science Reform Act.

Unfortunately, in this case, the third time is not the charm. The Secret Science bills that the Republicans tried to enact over the previous two Congresses were insidious bills designed, from the outset, to prevent the EPA from using the best available science to meet its obligations under the law. Those bills were constructed to hamstring the ability of the EPA to do just about anything to protect the American public.

As the American Lung Association said at the time: "The legislation will not improve EPA's actions; rather, it will stifle public health protections."

The HONEST Act, if anything, is even worse than those two previous bills. There are several reasons for this. Like the prior Secret Science bills, the HONEST Act requires the EPA to release the underlying data from any science that is relied upon when taking action. This would cause a host of cascading problems for the Agency, which is, of course, the real reason they are pushing this bill.

First, the EPA relies upon science drawn from many sources. Since EPA does not own or control the data for most of these scientific sources, the EPA would have no authority to order the public release of such data. This would preclude the EPA from using the vast majority of peer-reviewed science in existence today.

Second, under the HONEST Act, scientific studies relied upon by the EPA must be reproducible from the data that is publicly released. However, the EPA frequently investigates and relies

upon scientific studies that are inherently not reproducible.

For instance, the EPA might study natural or manmade environmental disasters, such as the Deepwater Horizon oil spill, to better understand the effects on the environment and to improve disaster response. Under this bill, the EPA couldn't use this type of information at all.

These problems with the legislation were apparently not enough for my Republican colleagues. They have worked hard to make the bill even worse this Congress. The newest addition to the bill would permit the EPA to redact from public disclosure confidential information, such as trade secrets and public health information. However, the bill then sets up an unrestricted process whereby anyone who signs a confidentiality agreement can access any restricted information in the EPA's possession.

This provision is a Pandora's box, which could have untold consequences for the EPA, industry, and the general public. First, the EPA will find it much more difficult to collect scientific data in the first instance if people think it will be disclosed at will. This will cripple the EPA's ability to conduct their own science, which is important since the rest of the HONEST Act essentially places all non-EPA science off limits.

This provision is also in direct conflict with any number of other Federal laws, like the Freedom of Information Act, and HIPAA. The bill provides no guidance to the Agency on how to navigate the minefield it creates, which will surely lead to a morass of lawsuits and legal bills for the EPA.

Finally, this provision places no restrictions on who can access restricted information. For instance, could a chemical manufacturer obtain access to the trade secrets of a competitor simply by signing a confidentiality agreement? Could insurance companies seek the health information of potential customers?

The potential for abuses with this provision are endless.

In a day and age when the most valuable commodity on the black market is personal information and trade secrets, it is unconscionable that we are providing an easily accessible source for criminals around the world.

Finally, the HONEST Act also foists upon the EPA a massive unfunded mandate. While we have no CBO cost estimate for this bill, prior versions were estimated to cost the EPA \$250 million per year. However, the bill restricts the EPA to spending only \$1 million to implement its provisions. In essence, this hits the EPA with a \$249 million unfunded mandate every year.

If that were not bad enough, this bill comes in the face of massive proposed budget cuts to the EPA's science program by the Trump administration.

Mr. Speaker, Republicans claim that this bill is just implementing scientific's best practices. It is odd, then, that a host of scientific societies

and science stakeholder groups have expressed their opposition to this legislation. This includes the American Association for the Advancement of Science, the Association of Public and Land-grant Universities, the Association of American Universities; and the American Chemical Society.

If Republicans don't want to be labeled as flat-Earth science haters, I think they would want to listen to what scientists say instead of lecturing them about things they don't understand.

In reality, this bill isn't about science. It is about undermining public health and the environment. That is why a host of public health and environmental groups are actively opposing the bill. This includes, among others, the American Lung Association, the American Thoracic Society, the American Public Health Association, the Union of Concerned Scientists, and the Environmental Defense Fund.

Mr. Speaker, I include in the RECORD some of the letters I received in opposition.

MARCH 27, 2017.

DEAR REPRESENTATIVE: The undersigned health and medical organizations are writing to express our opposition to the EPA Science Advisory Board Reform Act of 2017 and the Honest and Open New EPA Science Treatment Act of 2017. Our organizations are dedicated to saving lives and improving public health.

Science is the bedrock of sound medical and public health decision-making. The best science undergirds everything our organizations do to improve health. Under the Clean Air Act, EPA has long implemented a transparent and open process for seeking advice from the medical and scientific community on standards and measures to meet those standards. Both of these bills would restrict the input of scientific experts in the review of complex issues and add undue industry influence into EPA's decision-making process.

As written, the EPA Science Advisory Board Reform Act would make unneeded and unproductive changes that would:

Restrict the ability of scientists to speak on issues that include their own expertise;

Block scientists who receive any EPA grants from serving on the EPA Scientific Advisory Board, despite their having the expertise and conducted relevant research that earned them these highly competitive grants;

Prevent the EPA Scientific Advisory Board from making policy recommendations, even though EPA administrators have regularly sought their advice in the past;

Add a notice and comment component to all parts of the EPA Scientific Advisory Board actions, a burdensome and unnecessary requirement since their reviews of major issues already include public notice and comment; and

Reallocate membership requirements to increase the influence of industry representatives on the scientific advisory panels.

In short, EPA Science Advisory Board Reform Act would limit the voice of scientists, restrict the ability of the Board to respond to important questions, and increase the influence of industry in shaping EPA policy. This is not in the best interest of the American public.

We also have concerns with the HONEST Act. This legislation would limit the kinds of scientific data EPA can use as it develops policy to protect the American public from

environmental exposures and permit violation of patient confidentiality. If enacted, the legislation would:

Allow the EPA administrator to release confidential patient information to third parties, including industry;

Bolster industry's flawed arguments to discredit research that documents the adverse health effects of environmental pollution; and

Impose new standards for the publication and distribution of scientific research that go beyond the robust, existing requirements of many scientific journals.

Science, developed by the respected men and women scientists at colleges and universities across the United States, has always been the foundation of the nation's environmental policy. EPA's science-based decision-making process has saved lives and led to dramatic improvements in the quality of the air we breathe, the water we drink and the earth we share. All Americans have benefited from the research-based scientific advice that scientists have provided to EPA.

Congress should adopt policy that fortifies our scientists, not bills that undermine the scientific integrity of EPA's decision-making or give polluters a disproportionate voice in EPA's policy-setting process.

We strongly urge you to oppose these bills. Sincerely,

KATIE HUFFLING, RN, CNM,
*Director, Alliance of
Nurses for Healthy
Environments.*

HAROLD P. WIMMER,
*National President
and CEO, American
Lung Association.*

GEORGES C. BENJAMIN, MD,
*Executive Director,
American Public
Health Association.*

STEPHEN C. CRANE, Ph.D.,
MPH,
*Executive Director,
American Thoracic
Society.*

CARY SENNETT, MD, Ph.D.,
FACP,
*President & CEO,
Asthma and Allergy
Foundation of Amer-
ica.*

PAUL BOGART,
*Executive Director,
Health Care Without
Harm.*

RICHARD ALLEN WILLIAMS,
MD,
*117th President, Na-
tional Medical Asso-
ciation.*

JEFF CARTER, JD,
*Executive Director,
Physicians for Social
Responsibility.*

AMERICAN ASSOCIATION FOR THE
ADVANCEMENT OF SCIENCE,
Washington, DC, March 28, 2017.

Hon. KEVIN MCCARTHY,
*House Majority Whip,
Washington, DC.*

DEAR REPRESENTATIVE MCCARTHY: As leading U.S. science, engineering, and academic institutions, we are writing to express our concerns regarding H.R. 1430, the Honest and Open New EPA Science Treatment (HONEST) Act of 2017. We encourage you and your colleagues to take additional time to evaluate the unintended consequences of this bill before considering it on the House floor. This bill is virtually identical to the Secret Science Reform Act of the 113th and 114th Congress, on which we expressed similar concerns that have remained unchanged.

Of course, regulations and agency actions should be informed by the best available science and a rigorous scientific process. Undermining the integrity of the scientific process, or the ability of federal agencies to utilize rigorous science in establishing policies, could have long-term negative consequences. It is with this in mind that we urge caution in setting laws that submerge science beneath politics.

The research community is concerned that some key terms in the bill could be interpreted or misinterpreted, especially terms such as "materials," "data," and "reproducible." Legislation removing concepts like reproducibility and independent analysis from the hands of scientists and into the hands of legislators could undermine the scientific process and reduce the benefits that science could bring to society.

With respect to reproducibility of research, it is often impossible to repeat an experiment down to the last detail. Some scientific research, especially in areas of public health, involve longitudinal studies that are so large and of great duration that they could not realistically be repeated. Rather, these studies are verified utilizing statistical modeling or independent data analysis. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are gathered in real time. It is unclear if data from studies like these would be permitted under this bill. As a result, we could foresee a situation where the EPA would be prevented from using the best available science and disseminating public information in a timely fashion.

In addition, H.R. 1430 would give the EPA administrator sole authority to disclose private information gathered in research studies, which might include confidential health and proprietary business information, to anyone who signs a confidentiality agreement with the EPA. It is unclear whether the EPA has this authority, and very clear this would deter individuals and businesses from participating in studies used by the EPA. This would again constrain the EPA from making a proposal based on the best available science.

We thank you for your consideration and stand ready to work with you to evaluate the unintended consequences of this bill before consideration on the House floor.

American Association for the Advancement of Science, American Association of Geographers, American Chemical Society, American Geosciences Institute, American Geophysical Union, American Institute of Biological Sciences, American Meteorological Society, American Society of Agronomy, American Sociological Association, Association of American Universities, Association of Public and Land-grant Universities.

Brown University, Consortium for Ocean Leadership, Crop Science Society of America, Duke University, Ecological Society of America, Harvard University, The National Postdoctoral Association, Soil Science Society of America, University of California System, University of Maine, University of Pennsylvania, University of Toledo.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, for the many reasons I have spoken about today, I strongly oppose this legislation, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would like to alleviate the ranking member's unfounded concerns and remind her that the National Academy of Sciences itself has explained that transparency in science is possible without any risk to confidentiality or privacy.

This is what the National Academy of Sciences said: "Nothing in the past suggests that increasing access to research data without damage to privacy and confidentiality rights is beyond scientific reach."

So I hope that will alleviate her concerns. Really, it comes down to whether you are for an open and honest government or not. That is what this bill is all about.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BABIN), who is the chairman of the Space Subcommittee of the Science, Space, and Technology Committee.

□ 1400

Mr. BABIN. Mr. Speaker, I rise in strong support of the HONEST Act. As a cosponsor of this legislation and a member of the Science, Space, and Technology Committee, I am very pleased to see this bill come to the House floor.

I represent the congressional district with the highest concentration of petrochemical, manufacturing, and refining facilities than any other district in the entire Nation. This means that thousands of my constituents have been or are currently employed by these industries. In fact, years ago, I spent some time as a worker in one of these very factories.

With this in mind, you can understand why pushing for reform, transparency, and accountability within the EPA would be very important to me because so many of my constituents' livelihoods are affected by costly and burdensome regulations from the EPA. My constituents want to make sure that the EPA's actions, particularly those based on secret science, do not cost them their jobs or their livelihood.

Time and again, the EPA has issued extensive regulations without ever showing the science to back up their claims to justify these regulations. It is like they have a little black box over there. They don't let anyone else look into it, and they just say: Trust us, we have got good science backing up our claims.

I say, if your science is so good, then don't hide it in your little black box. Show us your data.

The HONEST Act simply requires the EPA to open their little black box to public scrutiny. After we pass the HONEST Act, any regulations coming from the EPA must be based on data that is publicly available. What is so offensive about a little transparency?

Most companies and businesses would be happy to comply with the EPA when data shows that their regulations are backed up by clear evidence. But many times, if not most of the time, this is not the case. Instead the regulations are based on secret science that no one but the regulators themselves have access to.

When the Federal Government issues regulations based on secret science, this is yet another example of a Federal agency getting away with something the rest of America cannot do.

American workers are fed up with overzealous regulators pushing our jobs overseas.

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield an additional 2 minutes to the gentleman from Texas (Mr. BABIN).

Mr. BABIN. Mr. Speaker, this bill is about protecting American jobs and the American economy.

In math class, we were taught to show our work; and when we didn't, we got the problem counted wrong. This bill is about transparency, accountability, and holding the government to the same standard that everyone else is.

According to a poll by the Institute for Energy Research, 90 percent of Americans believe that scientific data used to make government decisions should be available to the public, to the rest of us. That is nearly 100 percent. Not many issues in our current political environment enjoy that level of support. But when it does, Congress should very well listen.

The HONEST Act is a commonsense legislation that I am proud to support.

I include in the RECORD this letter of support from the American Chemistry Council.

AMERICAN CHEMISTRY COUNCIL,
Washington, DC, March 28, 2017.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and
Technology, House of Representatives,
Washington, DC.

DEAR CHAIRMAN SMITH: On behalf of the American Chemistry Council (ACC), we want to thank you for introducing H.R. 1430, the "Honest and Open New EPA Science Treatment Act of 2017" (or the HONEST Act) to help improve the science employed by the U.S. Environmental Protection Agency (EPA) in the Agency's regulatory decision making processes.

The proposed legislation would increase the transparency and public confidence in the EPA's scientific analyses.

Consistency and transparency are key to the regulatory certainty our industry needs to grow and create jobs. In some instances, EPA has fallen short of employing the highest-quality, best-available science in their regulatory decision making.

It is critical that the regulated community and the public have confidence that decisions reached by EPA are grounded in transparent and reproducible science, while ensuring the protection of confidential business information and competitive intelligence. By ensuring that the EPA utilizes high quality science and shares underlying data used to reach decisions, the HONEST Act can help foster a regulatory environment that will allow the U.S. business of chemistry to continue to develop safe, innovative products that Americans depend on in their everyday lives.

We commend you for your leadership and commitment to advance and improve EPA science. We look forward to working with you and other bill sponsors to pass this important piece of legislation.

Sincerely,

CAL DOOLEY.

Mr. BABIN. Mr. Speaker, I applaud the tireless work that Chairman LAMAR SMITH has done to bring this legislation forward so that we can

bring accountability and transparency to the EPA.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. MCCOLLUM).

Ms. MCCOLLUM. Mr. Speaker, I rise in opposition to H.R. 1430, which makes it harder for the Environmental Protection Agency to do its job.

This bill would bring the EPA's work to a halt, undermining protection of America's health and safety. This legislation interferes with the use of sound science and creates obstacles that stop the EPA from enforcing the law.

This bill is just one part of President Trump and congressional Republicans' attacks on science and our environment. Shortly after the inauguration, the Trump administration removed taxpayer-funded scientific data from public websites. Now, that is not open, that is not honest, and that is not fair to the taxpayers.

This month, President Trump proposed dramatic budget cuts that would make it impossible for the EPA to enforce clean air and clean water laws. Yesterday, President Trump rescinded the Clean Power Plan, paving the way for more air pollution.

We cannot go backwards. I urge my colleagues to reject this bill and other Republican efforts to weaken the environmental protections.

We must put public health and scientific integrity before polluters' profits.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BANKS), who is the vice chairman of the Science, Space, and Technology's Subcommittee on Environment.

Mr. BANKS of Indiana. Mr. Speaker, I thank Chairman SMITH for sponsoring this legislation, the HONEST Act.

I believe that this bill will take a very important step toward improving the quality of science at the EPA. This is incredibly important because this agency ensures that our air and water are clean, which is something that all Americans want and deserve.

However, in recent years, the EPA has not been as transparent and forthcoming with the scientific data that the agency has used as the basis for costly regulations. That is exactly where the HONEST Act comes in.

By requiring the agency to base its regulations on publicly available science, scientists and the American people will be able to examine the data and pursue their own scientific inquiry if they wish, improving the scientific integrity of the EPA.

Transparency throughout all levels of the Federal Government is an important tenet of American democracy. I strongly support all efforts to provide the American people with more information on how our government works. This is most important when regulations that impact American jobs and the economy are involved.

Critics of the HONEST Act claim that requiring scientific data to be public would compromise personal information. This is a false narrative. This legislation specifically protects that information by way of redactions. It is not the interest of Congress or the EPA to compromise anyone's personal data.

Passage of the HONEST Act comes at a critical time for the EPA. Executive orders issued by President Trump require that the agency review and potentially revise a number of regulations from the past administration that were only partly based on science and that were never made public to the American people. We want to avoid similar situations moving forward, regardless of the administration.

I urge my colleagues to vote for this legislation to promote a more honest and open EPA.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia (Mr. BEYER), the vice ranking member of the full committee and ranking member of the Science, Space, and Technology's Subcommittee on Oversight.

Mr. BEYER. Mr. Speaker, I have several objections to the legislation being considered today. As with the Secret Science Reform Act, the bill would seriously undercut the Environmental Protection Agency's ability to use science to inform their work.

The bill would prohibit the EPA from using any scientific findings when the EPA did not have total access to the underlying data. This would eliminate some of the best available science from being considered by the EPA.

Let me be very clear, there is nothing secret nor dishonest about relying on voluminous, peer-reviewed studies published in the most credible scientific journals in the world to make public health decisions.

Equally problematic, the bill would force the EPA to grant full access to any scientific data it does possess, including highly sensitive materials like trade secrets and personal health histories. Much has been made about the ability of the EPA to redact this information, but there is a piece of legislation that says: By simply signing a nondisclosure agreement at the discretion of the EPA administrator, you can have access to all of the nonredacted information.

We talk about the accountability of the EPA. What is the accountability of violating a simple nondisclosure agreement? It becomes so easy for these private health information trade secrets to be sold for a small fortune on the black market. It certainly doesn't make sense to provide such an easy avenue to potential bad actors.

I would also like to object to the title of the legislation and the implication that EPA employees and scientists are somehow not honest. Many of those folks live in Virginia, and, frankly, I am tired of Members of Congress bad-mouthing my constituents. These are

hardworking public servants who have dedicated their lives to clean air, clean water, and to our good health. And I want to reassure the many wonderful employees of the EPA that, in Congress, we do, in fact, appreciate your good work on behalf of the American people.

Lastly, much like the TrumpCare bill we almost considered last week, there is no CBO cost estimate. The chairman mentions that he has asked the CBO to use a different methodology. The last one they said was going to cost us hundreds of millions of dollars to implement. It is hard to imagine anything where the EPA has been required to fund or acquire data that is not going to be unreasonably expensive relative to anything before.

I urge my colleagues to vote “no.”

Mr. SMITH of Texas. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, I don't see how we can make it more clear to anybody who brings up the privacy arguments. If they go to lines 17 through 21 of page 2 of the bill, it states:

“ . . . any personally identifiable information, trade secrets, or commercial or financial information obtained from a person and privileged or confidential, shall be redacted prior to public availability.”

Any misconstruing of that is unfortunate, and it is not an accurate description of that provision.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LAHOOD), who is also the chairman of the Science, Space, and Technology's Subcommittee on Oversight.

Mr. LAHOOD. Mr. Speaker, I thank Chairman LAMAR SMITH for yielding time and for his leadership on this important issue.

Mr. Speaker, my district in central and west central Illinois is home to some of the most fertile farmland in the entire world. My district is the ninth largest congressional district in terms of corn and soybean production. With that said, farming families across the 19 counties I represent are faced every day with burdensome rules and regulations created by the EPA with little or no transparency into the data that influenced those regulations in the first place.

These rules and regulations have and continue to cause real-world consequences to the agriculture community. Moreover, these EPA directives have far greater reach outside the realm of just farmers.

Manufacturing and trade industries in my district have also seen a direct negative impact from these agency actions. They have continued to hurt the ability of these industries to create jobs and economic opportunities in central and west central Illinois.

As such, I am here today in support of the HONEST Act, which encourages a more open and transparent Federal Government. It requires data and studies used by Federal agencies in the rulemaking process to be made pub-

licly available to the American people and independent scientists. The goal is to promote more accountability for Washington, D.C., bureaucracies, such as the EPA.

The bottom line is costly Federal regulations should only be based upon data that is comprised of sound science and that can withstand scrutiny and review.

Simply put, the HONEST Act is a step in the right direction to restore trust in the EPA and in Federal bureaucracies.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. ESTY).

Ms. ESTY. Mr. Speaker, I rise today in strong opposition to the so-called HONEST Act. Whether in its incarnation last Congress as the Secret Science Act or in this year's incarnation as the HONEST Act, let us be clear, this Orwellian-named bill is clearly designed to suppress certain scientific research that has been the foundation for essential health and environmental regulations.

In addition to hindering scientific advancement, this bill risks violating people's privacy by exposing sensitive patient data, and it is harmful to public health.

The clear aim of the HONEST Act is to undermine EPA's efforts to take action in a variety of areas, such as climate and air pollution.

Let me also be clear, in my State of Connecticut, we rely on those regulations to deal with the asthma crisis we have based on power plants in other parts of the country blowing polluted air into my State.

The so-called HONEST Act accomplishes this objective by excluding legitimate, peer-reviewed research from the policy process. If this bill were to become law, EPA would have no choice but to lean increasingly on industry-funded studies instead.

At my recent townhall meeting in Waterbury, Connecticut, one American after another stood up and expressed their fear and outrage at the attempts made in this House and by the new administration to take science out of public policy.

My constituents want genuine scientific research guiding our efforts to protect our environment and safeguard public health. They don't want agenda-driven studies funded by fossil fuel companies determining the EPA's actions on climate policy.

□ 1415

While the majority attempted to alleviate some of our privacy concerns with this bill, the reality is that any person whom EPA Administrator Scott Pruitt deems worthy will have access to sensitive patient information.

Why is this a problem?

Because fewer people will be willing to participate in the studies that are necessary to understand air and water quality issues.

Who can blame them?

No one wants their medical records shared with strangers, or worse, made public.

The result is that the EPA will have to rely on incomplete science to issue lifesaving regulations.

Sadly, Mr. Speaker, this bill is yet another example of the political crusade against science that we are seeing coming from both Congress and the new administration.

We should be confronting the economic and environmental realities of our changing climate. But just yesterday, President Trump issued an executive order that would have us pretend that climate change does not exist.

Only weeks earlier, the EPA Administrator himself said, without evidence, that he disagreed with the scientific consensus that human activity is the primary contributor to global climate change.

In my home State of Connecticut, we are downwind from these power plants that are burning dirty coal. We see elevated rates of asthma, higher rates of cardiopulmonary issues. If this bill is passed, many longitudinal, scientific studies like the ones that establish the link between air pollution and asthma, would be excluded from playing a role in the EPA's actions.

Mr. Speaker, let's allow the EPA to do its job. I urge my colleagues to oppose this misguided bill.

Mr. Speaker, I include in the RECORD two letters in opposition from the Union of Concerned Scientists and from the Environmental Defense Fund.

UNION OF CONCERNED SCIENTISTS,

March 9, 2017.

DEAR REPRESENTATIVE: The Union of Concerned Scientists, with 500,000 members and supporters throughout the country, strongly opposes H.R. 1430, the misleadingly named Honest and Open New EPA Science Treatment Act (HONEST Act) of 2017. The proposal shows that supporters of this legislation have a fundamental misunderstanding of the process by which science operates and is ultimately a solution in search of a problem.

This legislation would require that all raw data, models, code, and other materials from scientific studies be made available to the public before a federal agency could use it. But, the Environmental Protection Agency (EPA) already is exhaustingly transparent and the science it relies on to make decisions is made available to the public.

The true intention of this bill is not to increase transparency in agency use of science in policymaking, but rather to handcuff the EPA from ever using critical information necessary to follow through on statutorily required rulemaking for popular legislation like the Clean Air Act and the Clean Water Act. The additional restrictions imposed by this proposed bill would make it almost impossible to base public protections on the best available scientific information. In particular, if enacted, the language appears to indicate that the EPA would be inhibited by the following challenges:

The EPA wouldn't be able to use most health studies. It should be expected that any agency tasked with protecting public health should be able to use public health data. The confidentiality of such data is usually protected by institutional review boards

(IRB) to insure the privacy of the participants; thus, the data could not be made publicly available as demanded. Since many EPA rules are health-based standards, this rule would severely restrict the ability of the agency to base rules on science.

The EPA wouldn't be able to draw from industry data sources. The agency would be prevented from using data provided by industry to the agency. Since information from industry sources is often not publicly available, to protect proprietary data from their competitors, a law requiring as such would prevent the agency from utilizing industry data, a source of information that often provides otherwise unknown data to inform EPA rulemaking.

The EPA wouldn't be able to use new and innovative science. New scientific methods and data may be restricted by intellectual property protections or industry trade secret exemptions. This bill doesn't include protections for intellectual property, and it makes industry trade secrets available upon request to anyone who signs an agreement. If researchers and industry knew that sharing their science with the EPA meant that their intellectual property would be exposed to the world, they might opt out. This would limit EPA's ability to rely on the best available science including novel approaches that may not yet be publicly available.

Long-term and meta-analyses would be unavailable. Many of the public health and safety issues facing the nation cannot be measured within a small timeframe. The EPA needs long-term exposure studies that assess the link between chronic diseases/mortality and pollutants; or on meta-analyses that include many different studies and locations to provide a more robust look at the science. In H.R. 1430, the provision that studies be conducted "in a manner that is sufficient for independent analysis and substantial reproduction of research" may prevent use of these vital studies by the EPA, as it is unclear whether such spatially and temporally comprehensive studies would be considered "sufficient for substantial reproduction."

The CBO estimates exorbitant costs. The attempt to implement this law would also make the EPA process much more costly. For past iterations of this legislation, the CBO has estimated it may take up to \$250 million annually for the EPA simply to comply, and that doesn't even account for the lost benefits from delaying the protections themselves. Compounded with the cuts to EPA's budget that are being proposed, this would just further prevent the agency from being able to do its job.

H.R. 1430 makes a token attempt to address some of the criticisms about privacy concerns for personal medical information and trade secrets. But in practice, the challenge of identifying and redacting all protected and privileged information sets up a series of hurdles and complications that will deter agencies from using the best scientific analysis to inform their work.

Small, cosmetic tweaks do not change the fact that this bill is based on a flawed premise and that the authors of the legislation do not understand the scientific process. Furthermore, the burden imposed on the EPA to redact documents would ultimately place limits on the amount of actual scientific work the EPA can do. The EPA does not exist in a world of infinite resources.

When this bill was introduced in the 114th Congress as the "Secret Science Reform Act," it received a veto threat from the Obama administration, which noted that it would "interfere" with the EPA's ability to protect public health, safety, and the environment. The worry is that now, with an administration that has shown zero interest in

using science to enact safeguards, this legislation could cripple the agency.

I strongly urge you to oppose H.R. 1430, the so-called HONEST Act. The only honest thing about this legislation is that it truly opens the window into the real intentions of the supporters of the bill, and that is to stop the EPA from fulfilling its science-based mission to protect public health and the environment. H.R. 1430 is a wolf in sheep's clothing, purporting to increase public accessibility to data used in rulemaking, while actually crippling the EPA's ability to use the best available scientific and technical information to protect public health and the environment.

Agencies protecting our public health should be able to use public health data and attempts to undermine agencies shouldn't be cloaked in false transparency. This Trojan-horse transparency bill would inhibit the EPA's ability to carry out its science-based mission to protect human health and the environment. It does not deserve your support.

Sincerely,

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

EDF ACTION,
March 8, 2017.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and
Technology, Washington, DC.

Hon. EDDIE BERNICE JOHNSON,
Ranking Member, Committee on Science, Space,
and Technology, Washington, DC.

DEAR CHAIRMAN SMITH AND RANKING MEMBER JOHNSON: The Environmental Defense Action Fund strongly opposes the "Honest and Open New EPA Science Treatment (HONEST) Act of 2017" and the "EPA Science Advisory Board Reform Act of 2017".

Despite their benign-sounding titles, these bills would have devastating effects on public health and the Environmental Protection Agency's (EPA) ability to consider and use sound science.

The HONEST Act, a rebranded version of the "Secret Science Reform Act" from prior sessions of Congress, is framed as a measure to increase transparency by requiring that EPA only use studies that are publicly available online and replicable. Yet, as testimony before your Committee has made clear, these requirements would in many cases prevent the EPA from using the best available science for public health decision-making.

Many epidemiological studies—for example a study on the causes of breast cancer—rely on health data that are legally confidential. This legislation suggests that EPA will be given the authority to disclose confidential medical information on breast cancer patients to anyone willing to sign a confidentiality agreement. EPA would also be responsible for identifying and redacting any information that should not be made broadly publicly available in the first place. Not only is this not an appropriate role for EPA, it could severely restrict both the number of studies EPA can use and the willingness of participants to be part of vital health studies.

In addition, the Act's requirements for replicability mean that critical longitudinal studies that follow health outcomes of individuals or groups over years, even decades, could not be used because—

(1) they are inherently not replicable (e.g., a study that follows health outcomes of first responders following a single event such as the tragic 9/11 attack); or

(2) where they are replicable, it would take years to show that the results could be re-

produced (e.g., a study that examines the impacts on intelligence at childhood from environmental exposures that occurred in utero).

Furthermore, even if, say, a longitudinal study that follows a cohort of individuals over 20 years could in principle be reproduced, there are practical and ethical reasons why it couldn't or shouldn't be. The same goes for a long-term environmental monitoring study, or data collected from a one-time event like the Deepwater Horizon Spill.

The Congressional Budget Office (CBO) has found that previous iterations of this legislation would impede the number of studies the EPA can rely on—by their estimate, reducing the number of studies by half. Restricting EPA to just some of the existing scientific literature will prevent the agency from using the latest and most accurate science when developing regulations. Moreover, the tremendous resource burden of making data publicly available (CBO's central estimate was \$250 million a year) would create a strong incentive to reduce the amount of scientific data and analysis considered as part of decision-making. The net effect would be to undermine EPA's ability to rely on the best available science and unnecessarily put the public at greater environmental and health risk.

Similarly, the EPA Science Advisory Board Reform Act of 2017 undermines scientific integrity of the EPA. Contrary to longstanding practice, the bill allows individuals with financial conflicts of interest to serve on the EPA Science Advisory Board (SAB) so long as those conflicts are disclosed. This would permit an infusion of special corporate interest into what should remain an objective scientific review of EPA work products.

Incredibly, at the same time, the bill makes it more difficult for academic experts to participate on the SAB. The bill considers an expert's research on a topic covered by the Board to be a conflict of interest, when in fact the academic's expertise would make them more, not less, valuable. In addition, receipt of EPA research grants and contracts, standard for universities, would be construed to constitute a conflict of interest for a scientist or expert. And a SAB member would be precluded from accepting any such grant or contract for three years after serving on the board which may deter qualified experts from serving on the SAB.

The "Honest and Open New EPA Science Treatment (HONEST) Act of 2017" and the "EPA Science Advisory Board Reform Act of 2017" would block the use of sound science by EPA in developing public safeguards. For these reasons, EDF Action strongly opposes these bills.

Sincerely,

ELIZABETH B. THOMPSON,
President, Environmental Defense
Action Fund.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, it is hard to keep up with all the misstatements about this bill, but I am going to try. The immediate past speaker on the other side talked about the cost of the bill; and I am sure he didn't do it intentionally, but he was using a 2-year-out-of-date cost.

We have an email from the CBO as of this past Monday that says the CBO estimates this legislation would not affect direct spending or revenues, so there is no cost, despite what Members might hear otherwise.

Also, it is just hard for me to understand how any Member of Congress

could oppose open and honest government. All this bill does is to say that the data has to be transparent, the data has to be publicly available.

If they want more government control, more environmental regulations that can't be justified, that is one thing; but don't oppose the bill for the wrong reasons. The bill does nothing more than require open, transparent, and honest government.

Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR), who is a member of the Natural Resources Committee.

Mr. GOSAR. Mr. Speaker, I rise today in support of H.R. 1430, the HONEST Act, sponsored by the chairman of the Science, Space, and Technology Committee, Chairman LAMAR SMITH.

Let's all go back to the fifth grade, where we learned about the steps of the scientific method and do a quick review.

After we formulated our question and came up with our hypothesis, what did we do?

We tested that hypothesis by performing an experiment and collecting the data in a reproducible manner.

Data isn't reproducible if it isn't even made available. Now, Mr. Speaker, transparency and reproducibility are basic tenets of science that every elementary school student learns and values. Yet our very own Environmental Protection Agency has issued regulation after regulation using studies and data that are not available for public review, despite the very serious ramifications of that very data.

In 2012, President Obama's own chair of the Science Advisory Board testified "that literature and data used by the EPA be peer-reviewed and made available to the public."

This is common sense, Mr. Speaker: let's make public policy using public data and use public data for public policy.

Mr. Speaker, I thank the chairman for leading this initiative.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Mr. Speaker, I rise today in opposition to H.R. 1430, the Honest and Open New EPA Science Treatment Act.

I have serious concerns with this bill that the majority has offered. This bill pretends to improve scientific integrity and transparency while, in reality, they would stop the EPA from doing its critical job, its critical mission of protecting the American people.

Many credible organizations have opposed the HONEST Act, including the American Association for the Advancement of Science, Union of Concerned Scientists, American Institute of Biological Sciences, American Lung Association, American Public Health Association, the League of Conservation Voters, Natural Resources Defense Council, and the Environmental Defense Action Fund.

Two others that I include in the RECORD, the copies that I hold in my hand, in opposition, have been received from the Consortium for Ocean Leadership, and the other from the Environmental Data and Governance Initiative.

CONSORTIUM FOR
OCEAN LEADERSHIP,

Washington, DC, March 27, 2017.

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

DEAR SPEAKER RYAN: On behalf of the Consortium for Ocean Leadership, which represents our nation's leading ocean research and technology institutions (from academia, industry, and aquaria), I am writing to express concern regarding the Honest and Open New EPA Science Treatment (HONEST) Act of 2017 (H.R. 1430). Sound science must underpin the rulemaking process at all our nation's federal agencies, the Environmental Protection Agency included. I am concerned about the practical implications of this bill and what it means, not only for the rulemaking process, but for the health, security, and prosperity of our nation and its citizens. While I ardently support efforts to ensure the continued use of sound science, I urge you and your colleagues to consider unintended consequences of this bill before bringing it to the House floor.

While reproducibility is a fundamental assumption of science, that should not be conflated with the idea that all non-reproducible science is incorrect. There are many cases where reproducibility is simply not possible, but that does not negate the importance of the conclusions that have been reached. In 1994, the comet Shoemaker-Levy collided with our celestial neighbor Jupiter, providing a first-hand look at cosmic collisions and insight on both the comet and the planet. The devastating Deepwater Horizon disaster in the Gulf of Mexico has provided untold insights into everything ranging from ecosystem responses to oil to impacts on communities' physical and mental health. Because studies stemming from these one-time incidents are not reproducible, it does not mean that their methodology and results are flawed. Additionally, longitudinal studies, especially in the public health arena, are often too large and take so much time (e.g., a study following a cohort for multiple decades) that they could not realistically be reproduced but are instead replicated through statistical modeling. Under the current language of the HONEST Act, similar studies within EPA's purview would be excluded from the agency's use, potentially keeping the agency from making a proposal or disseminating information and limiting the amount of good science from which the EPA can make decisions.

The bill also requires scientific and technical information used to make federal regulations be posted online. While the language specifies that personally identifiable information used in these studies be redacted (unlike in the bill's predecessor, the Secret Science Reform Act), the HONEST Act goes on to state that personal information could be disclosed to anyone who signs a confidentiality agreement with the administrator. If federal regulations are made that impact a specific industry, the same industry could access the personal records of those who participated in the study. Knowing that their personal information could be made accessible to anyone would likely reduce the number of willing participants in such a study, again limiting the best science available to the agency.

Additionally, redacting information from documents is a costly and time-consuming

process that often requires the work of an entire office. The EPA's limited resources, rather than being spent fulfilling its mission "to protect human health and the environment" would instead be spent redacting, potentially hundreds of thousands of documents. Conversely, the bill does not define who would make this information publicly available online (and make appropriate redactions) if the EPA were relying on a published, peer-reviewed study performed by another entity, such as an academic research institution. This would potentially impose unexpected costs on the institution.

Rather than improving the quality of science used by the agency, this bill would instead limit the amount of "best available science" available for decision-making and would require significant time and manpower. Such an impact would threaten the health, not only of our nation, but of our country's citizens who rely on the EPA to protect their well-being. The unintended consequences from this bill are myriad, and the ocean science and technology community stands ready to help you evaluate them before considering this legislation on the House floor.

Respectfully,

JONATHAN W. WHITE,
RADM (Ret.), USN,
President and CEO,
Consortium for
Ocean Leadership.

ENVIRONMENTAL DATA
& GOVERNANCE INITIATIVE,

March 27, 2017.

DEAR REPRESENTATIVE: The Environmental Data & Governance Initiative (EDGI) has analyzed the potential effects of the Honest and Open New EPA Science Treatment Act of 2017 (H.R. 1430) and determined that the bill would obstruct the EPA's use of scientific studies in essential agency work. EDGI is an organization comprised of non-profit employees and academics that promotes open and accessible government data and information along with evidence-based policy making. As researchers invested in robust environmental data governance, EDGI members are concerned that this legislation would force the EPA to make determinations without certain categories of crucial evidence-based research it needs to make the best decisions for the health and welfare of the public and the environment.

H.R. 1430 is just the latest iteration of the proposed Secret Science Reform Acts of 2014 and 2015. These bills would have prevented the EPA from relying on a large number of validated and pivotal scientific studies in its decision-making processes. Similarly, in its words, H.R. 1430 would "prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible." Proponents claim that H.R. 1430 would improve transparency in scientific decision-making and public data accessibility, efforts that EDGI supports. However, as EDGI's analysis shows, H.R. 1430 instead places important validated science off limits to the EPA.

The data access requirements in H.R. 1430 would obstruct public protections critical to human safety and health. Any studies that utilize confidential medical records—including many human health studies—would be nearly impossible for the EPA to use because personally identifiable medical data cannot be released to the general public. For instance, the EPA would not be able to use epidemiological studies that are critical for linking exposure to toxics with certain types of diseases in the creation of standards that ensure our safe drinking water and healthy air.

Additionally, the proposed legislation would bar studies that cannot be reproduced from use by the EPA. Blocking the EPA from using studies that are hard to reproduce impedes the EPA's ability to protect the public from future health hazards. Some of the nation's best evidence of public health risks comes from long-term analyses, assessments of chronic effects of exposure to toxic substances, studies based on natural and human-caused catastrophes, and other studies that we cannot reproduce.

Specific examples of current protections and programs that would have been difficult, if not impossible, for the EPA to issue had H.R. 1430 been in place include:

Standards that protect children from lead-based paint hazards in their homes and schools. The EPA creates standards that protect children from the adverse neurological effects of exposure to lead in paint, dust, and soil. The agency bases these lead protections on long-term studies of children who have suffered lead exposure in the past. Because EPA regulations have effectively reduced lead exposure in children, reproducing these long-term epidemiological studies would be nearly impossible, as the cohort of study subjects no longer exists. Prohibiting the EPA from using historical reports like these would make continuing regulation of lead much harder.

Safeguards that protect people from exposure to radioactive contaminants in drinking water. The EPA's standards for the permissible quantity of certain radionuclides, such as uranium, found in drinking water are based on data from radiation exposure studies that use confidential patient information from a cohort of Hiroshima and Nagasaki atomic bomb survivors, which could not be used under this bill. Long-term epidemiological studies conducted on this cohort are also unreproducible, rendering these studies, and others like them, nearly impossible for the EPA to use under H.R. 1430's provisions.

Measures that improve safety at industrial facilities and protect and assist first responders and emergency authorities during accidents. The EPA improved its risk management regulations following several catastrophic events involving chemical plants, including an explosion at the West Fertilizer Company facility in Texas that killed 14 people, ten of them first responders. The studies that result from chemical explosions like these cannot be reproduced and would not be available for the EPA's use under H.R. 1430, preventing the agency from properly protecting first responders and the public from future chemical disasters.

Plans that ensure best practices in cleaning up major oil spills and other hazardous waste spills that affect wildlife health and habitats. After the Exxon Valdez oil tanker ran aground in Alaska's Prince William Sound on March 24, 1989, the EPA developed a restoration program to clean up the 11 million gallons of oil that had spilled into the Sound and affected over 1,000 miles of shoreline. This cleanup program would have been impossible without field studies of Prince William Sound and other historical oil spills. Given the large scale of these catastrophic spills, these studies cannot be reproduced and thus would be barred from use by the EPA by H.R. 1430.

The EPA would be hampered from implementing these vital protections and programs under H.R. 1430. While the bill contains a provision that pretends to skirt some of these legal obstacles by only divulging protected materials to people who sign confidentiality agreements, this provision is illusory because medical data, trade secrets, and other privacy-protected data cannot be released to the general public, regardless of whether they sign a confidentiality agree-

ment. The EPA cannot issue confidentiality agreements on behalf of third party researchers, so H.R. 1430 would inhibit the EPA's ability to use many important scientific studies despite this confidentiality agreement provision.

Further, H.R. 1430 limits the EPA to spending only \$1 million a year to comply with these new requirements, yet the CBO estimated that past versions of this legislation would have cost the EPA up to \$250 million annually to implement the data access provisions required in the bill. The added obligations specified in this legislation, coupled with a lack of adequate funding to implement the law, would prevent the EPA from fulfilling its hazard prevention and environmental safety protection responsibilities.

Agencies tasked with protecting human health must be able to rely on all available scientific data. Currently, the EPA goes to great lengths to ensure that all of the data it relies on is thoroughly reviewed and accessible. The EPA uses several processes to ensure quality and relevance of data, such as internal and external peer review and review by scientific advisory boards.

When the EPA is prohibited from utilizing the most optimal data, it puts the health and safety of citizens at risk. Protecting safe drinking water and healthy air depends on the EPA's ability to incorporate the best available evidence from all scientific fields of study into its risk assessments and regulation drafting processes. EDGI's analysis and research shows that the passage of H.R. 1430 would block the EPA from using the data it needs to fulfill its mission of protecting public health and the environment.

Sincerely,

SARAH LAMDAN,
Director of Legal Research, Environmental Data Governance Initiative; Associate Law Library Professor, CUNY School of Law.

ON BEHALF OF THE EDGI STEERING COMMITTEE:

Andrew Bergman, Ph.D. Candidate, Applied Physics, Harvard University; Phil Brown, Ph.D., Sociology, University Distinguished Professor of Sociology and Health Sciences, Northeastern University; Lindsey Dillon, Ph.D., Geography, Assistant Professor of Sociology, University of California, Santa Cruz; Gretchen Gehrke, Ph.D., Geochemistry, Data and Advocacy Steward, Public Lab; Rebecca Lave, Ph.D., Geography, Associate Professor of Geography, Indiana University.

Michelle Murphy, Ph.D., History of Science, Professor of History, Director of the Technoscience Research Unit, University of Toronto; Nicholas Shapiro, Ph.D., Medical Anthropology, Matter and Materials Fellow, Chemical Heritage Foundation, Open Air Fellow, Public Lab; Christopher Sellers, Ph.D., History; M.D., Professor of History, Stony Brook University; Sara Wylie, Ph.D., History, Anthropology, and Science Technology and Society Program, Assistant Professor of Health Science and Sociology, Northeastern University.

Mr. TONKO. The Union of Concerned Scientists has recently said that "the bill effectively prevents the EPA from using the weight of scientific evidence to protect public health and the environment."

They go on to say "this doesn't make sense."

I agree. This doesn't make any sense. Instead, I hope that, as a Congress, we can turn our attention to truly protecting scientific integrity. We must

protect the scientific process from political interference, which is why I recently introduced the Scientific Integrity Act, which will require our United States Federal agencies to adopt or strengthen policies to insulate government-directed research from the influence of political pressure and special interests.

Under the Scientific Integrity Act, Federal agencies that conduct or fund scientific research would be required to develop clear, written scientific integrity policies that can guarantee research is being done and published without undue influence, censorship, or distortion.

Scientific and technological information would be able to flow more easily while protecting privacy, confidentiality, and our national security. Twenty-four separate Federal agencies have developed scientific integrity policies to date. This legislation would also codify and strengthen these policies within a common framework.

Every Democrat on the Science, Space, and Technology Committee has supported the Scientific Integrity Act, and I invite all of my colleagues across the aisle to join us in working to truly protect scientific integrity.

I urge a "no" vote on the so-called HONEST Act.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have heard a couple of times today that the bill prevents the EPA from using the best available science.

I hope that Members who are listening to this debate, and others, will take the time to actually look at the language of the bill. Here is the exact language, page 2, line 13. The first requirement of the bill is that the EPA "use the best available science." I don't know what more we can do and how better we can spell it out.

The bill is only a little over three pages long. I really do recommend that the folks who oppose it read the bill itself and actually look at the language and the usual understanding and definition of the words, and I hope they will be satisfied.

We have also heard that the scientific community opposes the bill, but let me quote from a couple of Obama administration officials. Dr. John Holdren, the President's science adviser, said that: "Absolutely, the data on which regulatory decisions are based should be made available to the committee and should be made public."

The same was said by the chair of the EPA's Science Advisory Board. This is the EPA's Science Advisory Board. They testified before the committee that literature and data used by the EPA be made available to the public.

Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MARSHALL), who is the vice chairman of the Oversight Subcommittee.

Mr. MARSHALL. Mr. Speaker, I rise today as a member of the Committee on Science, Space, and Technology, to

voice my support of the HONEST Act. This legislation gives independent scientists a fair chance to validate the studies EPA uses to make regulations. As someone who has made a career in science, I know that determining anything less is unwise and unscientific.

Whether you are studying a new oncology drug or EPA regulations, transparency and the ability to reproduce and share these findings are some of the basic tenets of science. Costly regulations that impact American citizens and Kansas farmers should be based upon data that is available to independent scientists and the public.

Let's continue to be a voice for the people with sound, transparent, scientific regulatory policy.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Mr. Speaker, I thank the ranking member and my friend, the chairman of the committee.

We often agree on things in the Science, Space, and Technology Committee, but there are times when our disagreements are huge, and this is one of those times.

So, Mr. Speaker, I rise today to oppose H.R. 1430. We have seen this bill in the last Congress, when it was called the Secret Science Reform Act. It was a lousy bill then, and it is still a lousy bill today.

Let's start with the name of this bill, Mr. Speaker, the HONEST Act, but it really should be called the dishonest act. That is because this bill improperly describes what is going on at the EPA, which is looking to protect our environment from extreme weather events that we have in Colorado, throughout the country, and around the world.

The EPA is working to protect our clean air and our clean water, and has demonstrably improved our communities and the health of America since 1970.

I wish I could say these attacks today and tomorrow on the EPA and scientific research are isolated, but unfortunately they are not. Earlier today, the Science, Space, and Technology Committee held a hearing on climate science. I was astonished at what I heard from the majority Republican Party calling into question whether climate change is happening, and whether it is caused by humans. All this serves is to attack scientific research and jeopardize the progress we have made to combat climate change and protect our communities.

Just yesterday, President Trump issued an executive order to further roll back progress that we have made over the last 8 years. The executive order tries to dismantle the Clean Power Plan and many other important protections from the Obama administration which were worked on based on the best available science and through an open and deliberate process, gathering millions of comments along the

way. The fact is, investing in clean energy and reducing emissions is good for our national security, good for our environment, and good for jobs.

I believe we can do both—improve our energy independence and create good-paying jobs—at the same time. Colorado has been a leader in reducing harmful emissions, improving energy efficiency, and investing in clean energy, and we have realized substantial economic benefits for Colorado through innovation, research and development, and the creation of good-paying jobs.

Mr. Speaker, we need to do better. This House and the Science, Space, and Technology Committee need to take their heads out of the sand and stop ignoring what is going on across the country and across the world.

I urge all my colleagues to oppose this bill.

Mr. Speaker, I include in the RECORD a letter dated March 8, 2017, from the American Geophysical Union.

AMERICAN GEOPHYSICAL UNION,
March 8, 2017.

Hon. LAMAR SMITH,
Washington, DC.

Hon. EDDIE BERNICE JOHNSON,
Washington, DC.

DEAR CHAIRMAN SMITH AND RANKING MEMBER JOHNSON: On behalf of the American Geophysical Union (AGU) and its more than 60,000 members, I am writing to express concerns about the Honest and Open New EPA Science Treatment Act of 2017 (HONEST Act) and the EPA Science Advisory Board Reform Act of 2017. We encourage you and your colleagues to take additional time to evaluate the unintended consequences of these bills before the bills move forward.

Although we appreciate the HONEST Act's protections for confidential information, we remain concerned about several provisions in the bill. For example, requirements in the bill for the use of "best available science," "data," and "reproducible" do not have uniform applications across all disciplines.

With respect to reproducibility of research, some scientific research involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data is gathered in real time. We're concerned that in these situations the EPA could be constrained from using important or relevant research in making decisions.

The legislation could also impose costs on recipients of federal research grants where the research results are expected to be "relied on to support a covered action." The bill is not clear on whether it is the EPA's or the research institution's responsibility to cover the costs associated with sharing and archiving this information.

We are also troubled by the implications of the EPA Science Advisory Board Reform Act. As an organization that represents scientists from broad backgrounds and expertise, we appreciate the attempt to ensure a diverse panel of scientific knowledge and perspectives, and support the bill's goal of increasing accountability and transparency for scientific advisors. However, because the bill would exclude some scientists with substantial expertise in their fields from the Science Advisory Board (SAB), the SAB would suffer from the exclusion of valuable insight. The purpose of the SAB is to review the quality and robustness of scientific data that informs EPA's regulatory process. It is

imperative that the SAB comprise the most expert, independent scientists and technical advisors to best fulfill that mission.

AGU looks forward to working with you on these critical issues in the future.

With best wishes,

LEXI SHULTZ,
Director of Public Affairs,
American Geophysical Union.

Mr. SMITH of Texas. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I know the gentleman from Colorado attended the hearing we had this morning on the scientific method and climate change, but I am not sure he was listening, because not a single witness on either side denied the facts around climate change.

I also want to reassure him—he is worried about Colorado, and I understand that—that the Intergovernmental Panel on Climate Change found that there was low confidence in any connection between climate change and extreme weather events. So I hope there will not be any unusual extreme weather events in Colorado.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LAMALFA), a member of the Natural Resources Committee and the Agriculture Committee.

Mr. LAMALFA. Mr. Speaker, I thank Chairman SMITH for yielding time here today, as these issues affect my constituents in northern California as well. So being here to support H.R. 1430, the HONEST Act, really pleases me because we haven't had a lot of honesty the way the EPA has applied new interpretations of new rules to some of the folks in my district here, that farm and ranch and other activities that use their resources and their land in the way they see fit.

We need to ensure that the EPA rules and regulations are made using verifiable, publicly available data and science.

□ 1430

A fundamental tenet of our Nation is that citizens have the right to know how and why the government makes decisions and, just as importantly, have the ability to challenge those decisions. However, we have seen an increasing tendency of Federal agencies to refuse to disclose the data they have based decisions on, claiming it is too sensitive to share. Really, now.

For example, the Obama administration's waters of the U.S. rule, which would have inserted the Federal Government into local land use decisions across the Nation, directly conflicts with publicly available data prepared by the Army Corps of Engineers, yet the EPA refused to release data it claimed supported its conclusion.

Farmers, in some cases, cannot even use their land under the threat of litigation, fines, or even arrest. Even the Army Corps of Engineers disputes the EPA's refusal, noting, in 2015, that EPA provided no scientific basis for its jurisdictional power grab.

Under waters of the United States, we have heard interpretations that

people plowing their fields could be interpreted now as a regulatable land because that could be seen as a watershed because you now have furrows that are new watersheds.

This is the kind of thing that needs to be heard publicly in review of Congress and the people, not made in a back room of the EPA somewhere. That is not an honest way of doing business. That is why H.R. 1430 is an honest way to bring them back to the accountability we need to have so people can have their day and have a right to dispute nonscience-led decisions made by the EPA.

The Obama Administration did not even rely on peer-reviewed science or on publicly available Scientific Advisory Board determinations despite EPA claims that its effort was backed by science.

The tendency for Federal agencies to develop regulations based on secret data is even more insidious when we note that these are not even elected officials. They don't have to stand for election. These are career bureaucrats who cannot be removed or even sometimes met up with by the voters, by their constituents.

Mr. Speaker, when Americans face regulations imposed by unelected bureaucrats and based on secret science that cannot be verified or even viewed, how can they employ their First Amendment right to petition their government? The answer, colleagues, is simple. They can't.

Mr. Speaker, I urge support for this bill to protect every American's right to know how and why their government makes decisions, to protect their First Amendment rights, to protect their property, and their ability to thrive.

Mr. Speaker, I thank the gentleman for the time, and I thank you for bringing this effort and for your battle.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. BIGGS), who is the chairman of the Environment Subcommittee.

Mr. BIGGS. Mr. Speaker, I thank the gentleman from Texas, the chairman of the Science, Space, and Technology Committee, and especially for sponsoring this legislation, the HONEST Act.

As the chairman of the Environment Subcommittee on the Science Committee, I fully support this bill that will require EPA regulations be based on science that is publicly available. The HONEST Act pushes forward the basic principles of the scientific method, which is critically important in instances in which science and Federal Government policy intersect.

Regulations put forward by the EPA impact all Americans, including my constituents in the East Valley of the Greater Phoenix area, the four cities of Chandler, Gilbert, Queen Creek, and

Mesa. So it is imperative that the citizens of this country be able to see the data that underpin these rules. What is even more important is that the scientific community be able to scrutinize EPA data to ensure that the Agency is using the best available science, regardless of the administration.

Critics of the HONEST Act claim that scientific data underpinning EPA's regulations are already subject to the standards of peer review. While this may be true, peer review of scientific studies is not adequate because this process seldom involves a close scrutiny of the data used in these studies. Peer review rarely double-checks the analysis, and very rarely does it attempt to actually replicate the results of a study. Right now, we can only hope that the individuals conducting the science can be trusted with their results.

The EPA should promote the use of rigorous science, not questionable science. Those who say that peer review is adequate are misguided. The American people deserve better than that, and the HONEST Act ensures that their expectations are met.

Mr. Speaker, I urge my colleagues who are interested in an open and honest EPA to pass this legislation.

Again, I thank Chairman SMITH for bringing this legislation forward and giving me the opportunity to speak.

Mr. SMITH of Texas. Mr. Speaker, how much time remains on each side? And I would like to know if the other side, the minority, has any more speakers.

The SPEAKER pro tempore (Mr. LAMALFA). The gentleman from Texas has 8¾ minutes remaining, and the gentlewoman from Texas has 10½ minutes remaining.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. GRAVES).

Mr. GRAVES of Louisiana. Mr. Speaker, I have been standing here listening to this debate. Let's go back and think about this for just a minute.

Right now, in the United States, the cost of regulation in our Nation is approximately \$2 trillion; \$2 trillion is the cost that our Nation spends every year just complying with regulations. In fact, that distills down to the average household spending around \$15,000 just to comply with regulations.

Now, let me be clear. Regulations are important. We have got to have regulations to make sure we protect our environment, we protect the health and safety of our citizens. That is critical.

What this bill does is it simply provides for transparency so we can understand the basis of regulations. That is all this does: make sure that we can understand the science that regulations were based upon.

During a public comment process, we should have the ability to scrutinize

that science to understand the basis. Because, Mr. Speaker, if you begin hiding the basis for decisions, then you have government, in many cases, acting without providing for transparency, without being able to be held accountable. That is dangerous to have people making decisions based upon secret information.

That is dangerous for our economy, and it is going to further challenge the ability of Americans to keep their budgets balanced. It is already \$15,000 per household. How many thousands does it have to be before we need to say: Stop. This is unreasonable?

Mr. Speaker, you look right now at the trade deficit of this country; you look at the cost of goods and products in other nations. In many cases, we are losing the trade war because our regulatory environment here, our tax environment here, is simply not competitive.

What happens in a scenario where you release the science you provide for transparency, you allow for better solutions. You allow for more efficient regulations, for better ways to achieve those objectives to improve our environment and protect our environment, to improve and protect the safety and health of workers and American citizens.

This bill is in America's interest. It is in the public interest. To listen to people stand here and talk about hiding and shielding science and making up red herrings about privacy and other things, that is absolutely contrary to this country's interests. It is contrary to the public's interest.

This bill should be passed. I am shocked that there is opposition to it, and we should pass this with unanimous support.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), a former member of the Science Committee, who is still missed, a former chairman of the Environment Subcommittee, and the author of a very similar bill to this in a previous Congress.

Mr. SCHWEIKERT. Mr. Speaker, look, I miss the Science Committee, and I know I have been banned, and I have had a lot of coffee today. I was going to come up to the microphone and sort of do the blast away, but let me back away.

A number of things I have heard in this debate from the left and even a couple of the things from my side, okay, you are conflating all sorts of things that this bill doesn't do. This bill is three pages.

So can I ask a question? If I came to you right now and said, "Tell me that the EPA actually has the right rule sets for hydrocarbons, if it has the right rule set for PM10, it has the right rule sets for ozone," you would say, "Well, I have a peer-reviewed study that says this." I want to make the argument, in today's technology, why

shouldn't your university, why shouldn't the really smart person who has the computer system in their basement, why shouldn't the new statistical packages that are on these things be allowed to take the data the taxpayers have paid for and work it and model it and bounce it off other types of datasets and ask is the way we model and regulate rational?

This bill doesn't reduce regulations. In many ways, it allows us all to participate in the citizen science to understand whether we are doing it the right way.

Why is the left so scared of citizen scientists, of university scientists, of people who are just darned interested in the matching of different types of datasets?

You and I might find out we are doing things the wrong way. You and I might find out we are not doing enough. You and I may find out we are doing far too much. But stop being afraid of people having access to the information. If society is going to live under a regulatory environment, then society deserves access to the information that creates those regulations.

Public information for public policy, why is that so feared? Why is there so much trust in the bureaucracy instead of science and information?

I want to argue with you that, in today's world, when we are on the cusp, where sensors are going to be attached to this, taking thousands of readings in our communities, that that information is just as noble as something that is locked up in the cabinet where none of us can actually see the base datasets.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, since the time that President Nixon signed into law authorizing the EPA, it appears to me that there has been no evidence that they have done anything other than attempt to protect the lives of the American people. I don't believe that this legislation is going to do anything to further that.

It will give them a lot of unfunded mandates, far more than what they would ever be funded to carry out. I would ask everyone to respect the Agency and vote "no" on the bill.

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

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

Mr. Speaker, costly environmental regulations should only be based upon data that is available to independent scientists and the public and that can be verified.

H.R. 1430, the HONEST Act, gives independent scientists an opportunity to validate the studies the EPA uses to make new regulations. What this bill does not do is roll back the laws that protect the air we breathe and the water we drink. It simply requires the EPA to base regulations on science that is publicly available.

This is a nonpartisan bill. A change in administration does not change the

need or justification for it. This is the same bill, virtually, introduced in the last administration, and that is evidenced by my introduction of this good-government legislation with my Democratic colleague HENRY CUELLAR. That shows it is a good, bipartisan bill.

Mr. Speaker, I urge my colleagues to support this legislation and promote a more open and honest Federal Government. We should not be afraid of letting the American people see the data that the EPA or other agencies say justifies their regulations.

So let's vote for an open and honest government and support this legislation.

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

The SPEAKER pro tempore (Mr. GRAVES of Louisiana). All time for debate has expired.

Pursuant to House Resolution 229, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1445

MOTION TO RECOMMIT

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

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

Mr. MCEACHIN. I am opposed.

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

The Clerk read as follows:

Mr. McEachin moves to recommit the bill H.R. 1430 to the Committee on Science, Space, and Technology with instructions to report the same back to the House forthwith, with the following amendment:

At the end of the bill, add the following:

SEC. 3. EXCEPTION.

Notwithstanding the amendment made by section 2, the Administrator of the Environmental Protection Agency shall, in carrying out the activities described in that amendment, make use of the best available science, whether or not it is publicly available in any form, when responding to threats to public health, including black lung disease and asthma, caused by or exacerbated by exposure to pollution or toxic chemicals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia is recognized for 5 minutes in support of his motion.

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

Mr. Speaker, my amendment is simple. It ensures that the EPA continues to use the best available science to respond to threats to public health, including black lung and asthma, caused by or exacerbated by exposure to pollution or toxic chemicals.

This motion to recommit reverses harmful restrictions imposed by this bill that make it almost impossible to

base public protections on the best available scientific information, much of which is private or proprietary and cannot always be published.

In its current form, Mr. Speaker, this bill, the so-called Honest and Open New EPA Science Treatment Act, seriously impedes the EPA's ability to protect the American public from pollutants, toxins, and other dangerous threats to their well-being.

The true intention of this bill is not to increase transparency in policy-making but, rather, to bar scientists and civil servants from enforcing the intent of bedrock protections in the Clean Air Act, the Clean Water Act, and other important laws.

If this "secret science" bill passes in its current form, the EPA's work will grind to a halt and countless Americans will suffer or even die as a result. Hardworking miners, whose work and contributions have been overly politicized in the debate to keep access to science, are the greatest at risk. Generations of miners toil dutifully to support their families, all the while exposing themselves to toxicity and pollution that can leave them with lifelong debilitating diseases, such as black lung and asthma.

Families who will struggle from the costs to treat these expensive diseases and from loss of income due to days missed from work do not need more obstruction or political football. They need access to the best care available, which relies upon evidence-based science. They deserve far better than what the majority is offering.

Mr. Speaker, I came to Congress with a mission to uphold the values and principles of the great constituents living in Virginia's Fourth Congressional District. I believe that includes advocating for the health of all Americans. That means advocating for sound science and reasonable policies. It means rejecting dangerous, short-sighted, and an astonishingly hard-hearted piece of legislation that is currently before you.

Mr. Speaker, science is the bedrock of sound medical and public health decisionmaking. EPA's science-based decisionmaking process has saved lives and led to the dramatic improvements in the quality of the air we breathe, the water we drink, and the Earth we share.

All Americans have benefited from the research-based scientific advice that scientists have provided the EPA, and that is why I urge my colleagues to support my motion to recommit.

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

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

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

Mr. SCHWEIKERT. Mr. Speaker, I don't really know the gentleman from Virginia, but you can hear in the tone of his voice he is truly well-meaning and cares about his State and his population.

If you actually read this motion to recommit, things in here, such as best available science, are obvious. If you actually read the three pages of the legislation, that is the obvious part. For many of us—and being sort of the original previous generation author of the bill—that was our goal.

But does anyone see sort of the intellectual duplicity when, on one hand, you say proprietary science, and then—the best available science, but other science can't test, stress, analyze, bounce, conflate, model the proprietary science, because it is proprietary, with the best available and other datasets?

You can't have both. If you are going to try to make public policy in a world with functionally secret, proprietary science data that is sold—actually, let's be brutally honest here for a moment. This stuff is sold to the EPA.

One of the reasons some of the groups that have been listed off oppose this legislation is they make money selling the data, and then they make it so you can't actually look at the datasets underneath and test it.

How does that lead us to knowing that we are taking care of our brothers and sisters out there? How does that lead us to actually knowing we are doing it the best possible, most rational way and that our rules, our mechanics are correct?

On your motion to recommit, I am a severe asthmatic. I have had it since I was an infant. I am one of those people who wakes up every day and takes a hit of my inhaler to make sure my lungs are okay. In the back room, I have an emergency inhaler. I know what it is like to live with asthma.

I care tremendously about the science, but I also want there to be vigorous debate. I want there to be all sorts of research. I want there to be this sort of crowd-sourced world where science and data are competing with each other and being modeled together; and living in a world where we trust the bureaucracy, where we trust proprietary, secret information to make our rule sets.

I don't know how anyone, intellectually, can get to the point of thinking that is making our society healthier and that we are actually doing it in the most efficient manner possible.

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

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

There was no objection.

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

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

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

The yeas and nays were ordered.

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

RECESS

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

Accordingly (at 2 o'clock and 52 minutes p.m.), the House stood in recess.

□ 1620

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DUNCAN of Tennessee) at 4 o'clock and 20 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Adoption of the motion to recommit on H.R. 1430; and

Passage of H.R. 1430, if ordered.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

HONEST AND OPEN NEW EPA SCIENCE TREATMENT ACT OF 2017

The SPEAKER pro tempore. The unfinished business is the vote on the motion to recommit on the bill (H.R. 1430) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, offered by the gentleman from Virginia (Mr. MCEACHIN), on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

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

The vote was taken by electronic device, and there were—yeas 189, nays 232, not voting 8, as follows:

[Roll No. 205]

YEAS—189

Adams	Castro (TX)	Delaney
Aguilar	Chu, Judy	DeLauro
Barragán	Cicilline	DelBene
Bass	Clark (MA)	Demings
Beatty	Clarke (NY)	DeSaulnier
Bera	Clay	Deutch
Beyer	Cleaver	Dingell
Bishop (GA)	Clyburn	Doggett
Blumenauer	Cohen	Doyle, Michael
Blunt Rochester	Connolly	F.
Bonamici	Conyers	Ellison
Boyle, Brendan	Cooper	Engel
F.	Correa	Eshoo
Brady (PA)	Costa	Espallat
Brown (MD)	Courtney	Esty
Brownley (CA)	Crist	Evans
Bustos	Crowley	Foster
Butterfield	Cuellar	Frankel (FL)
Capuano	Cummings	Fudge
Carbajal	Davis (CA)	Gabbard
Cárdenas	Davis, Danny	Galleo
Cartwright	DeFazio	Garamendi
Castor (FL)	DeGette	Gonzalez (TX)

Gottheimer	Lowey	Ruppersberger
Green, Al	Lujan Grisham,	Ryan (OH)
Green, Gene	M.	Sánchez
Grijalva	Luján, Ben Ray	Sarbanes
Gutiérrez	Lynch	Schakowsky
Hanabusa	Maloney,	Schiff
Hastings	Carolyn B.	Schneider
Heck	Maloney, Sean	Schrader
Higgins (NY)	Matsui	Scott (VA)
Himes	McCollum	Scott, David
Hoyer	McEachin	Serrano
Huffman	McGovern	Sewell (AL)
Jackson Lee	McNerney	Shea-Porter
Jayapal	Meeks	Sherman
Jeffries	Meng	Sinema
Johnson (GA)	Moulton	Sires
Johnson, E. B.	Murphy (FL)	Smith (WA)
Jones	Nadler	Soto
Kaptur	Napolitano	Speier
Keating	Neal	Suozi
Kelly (IL)	Nolan	Swalwell (CA)
Kennedy	Norcross	Takano
Khanna	O'Halleran	Thompson (CA)
Kihuen	O'Rourke	Thompson (MS)
Kildee	Pallone	Titus
Kilmer	Panetta	Tonko
Kind	Pascrell	Torres
Krishnamoorthi	Pelosi	Tsongas
Kuster (NH)	Perlmutter	Vargas
Langevin	Peters	Veasey
Larsen (WA)	Peterson	Vela
Larson (CT)	Pingree	Velázquez
Lawrence	Pocan	Visclosky
Lawson (FL)	Polis	Walz
Lee	Price (NC)	Wasserman
Levin	Quigley	Schultz
Lewis (GA)	Raskin	Waters, Maxine
Lieu, Ted	Rice (NY)	Watson Coleman
Lipinski	Richmond	Welch
Loeb sack	Rosen	Wilson (FL)
Lofgren	Roybal-Allard	Yarmuth
Lowenthal	Ruiz	

NAYS—232

Abraham	DeSantis	Joyce (OH)
Aderholt	DesJarlais	Katko
Allen	Diaz-Balart	Kelly (MS)
Amash	Donovan	Kelly (PA)
Amodei	Duncan (SC)	King (IA)
Arrington	Duncan (TN)	King (NY)
Babin	Dunn	Kinzinger
Bacon	Emmer	Knight
Banks (IN)	Farenthold	Kustoff (TN)
Barletta	Faso	Labrador
Barr	Ferguson	LaHood
Barton	Fitzpatrick	LaMalfa
Bergman	Fleischmann	Lamborn
Biggs	Flores	Lance
Bilirakis	Fortenberry	Latta
Bishop (MI)	Fox	Lewis (MN)
Bishop (UT)	Franks (AZ)	LoBiondo
Black	Frelinghuysen	Long
Blackburn	Gaetz	Loudermill
Blum	Gallagher	Love
Bost	Garrett	Lucas
Brady (TX)	Gibbs	Luetkemeyer
Brat	Gohmert	MacArthur
Bridenstine	Goodlatte	Marchant
Brooks (AL)	Gosar	Marshall
Brooks (IN)	Gowdy	Massie
Buchanan	Granger	Mast
Buck	Graves (GA)	McCarthy
Bucshon	Graves (LA)	McCaul
Budd	Graves (MO)	McClintock
Burgess	Griffith	McHenry
Byrne	Grothman	McKinley
Calvert	Guthrie	McMorris
Carter (GA)	Harper	Rodgers
Carter (TX)	Harris	McSally
Chabot	Hartzler	Meadows
Chaffetz	Hensarling	Meehan
Cheney	Herrera Beutler	Messer
Coffman	Hice, Jody B.	Mitchell
Cole	Higgins (LA)	Moolenaar
Collins (GA)	Hill	Mooney (WV)
Collins (NY)	Holding	Mullin
Comer	Hollingsworth	Murphy (PA)
Comstock	Hudson	Newhouse
Conaway	Huizenga	Noem
Cook	Hultgren	Nunes
Costello (PA)	Hunter	Olson
Cramer	Hurd	Palazzo
Crawford	Issa	Palmer
Culberson	Jenkins (KS)	Paulsen
Curbelo (FL)	Jenkins (WV)	Pearce
Davidson	Johnson (LA)	Perry
Davis, Rodney	Johnson (OH)	Pittenger
Denham	Johnson, Sam	Poe (TX)
Dent	Jordan	Poliquin