Happy 107th birthday, Oma. We love you.

MOMENT OF SILENCE HONORING JON RICHARDS

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

Mr. JODY B. HICE of Georgia. Madam Speaker, I rise today with a heavy heart to celebrate the life of Jon Richards, a Georgia treasure, a brilliant political journalist, a selfless mentor. He passed away this past Sunday after a battle with cancer. Our prayers go out and we grieve for the family and friends of Jon during this difficult time.

Madam Speaker, Jon grew up in Cincinnati, Ohio, and later moved to Lawrenceville, Georgia, where he became active in various Gwinnett County civic, social, and political organizations. He was well respected on both sides of the political aisle, serving with endless passion as editor-in-chief of georgiapol.com. Most notably, however, was his devotion to mentoring high school and college students who were interested in politics, and he left a lasting impression.

Madam Speaker, Jon was known by the Gwinnett community as someone who lived life to its fullest and made the most of every day. His leadership was unmatched and cannot be overstated.

I am grateful to know that, through Christ, we will be able to meet again.

Madam Speaker, I would ask my colleagues to stand and join with me for a moment of silence to honor the life and legacy of Jon Richards, who will be sorely missed by many.

INVESTIGATING RUSSIA’S INFLUENCE ON OUR ELECTION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Madam Speaker, Russia’s efforts to influence our election constitutes a direct assault on our democracy. These alarming events must be thoroughly investigated. In particular, we must determine if any Americans collaborated in these attacks and are legally culpable.

Sadly, the House Intelligence Committee chairman is either unwilling or incapable of conducting a fair investigation. How can Mr. Nunes run this investigation if he is briefing the President before talking with members of his committee? How can he be secretly meeting with so-called sources at the White House?

Madam Speaker, the American people need to know that democracy is intact, and that requires a full, fair, and impartial investigation.

Since December, I have repeatedly called for the Department of Justice to appoint a special counsel. I have also cosponsored legislation to create a bipartisan commission to investigate.

The bottom line is this: Chairman Nunes has lost all credibility. He must recuse himself. We need a real investigation. Appoint a special counsel now.

RECOGNIZING NATIONAL FROZEN FOOD MONTH

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

Mr. NEWHOUSE. Madam Speaker, I rise to recognize March as National Frozen Food Month.

In my district, growers count on our food processors to ensure that their agricultural products make it from farms to kitchen tables.

Jobs in agriculture depend on the ability to transport our products to buyers across the country and around the world. In my district, there are over 6,000 jobs in the frozen food industry, ensuring that families across the U.S. can enjoy Washington’s agricultural products.

As a farmer and a former State director of agriculture, I understand how important frozen foods are to enable timely delivery and freshness, despite seasonal changes. Freezing reduces food waste and increases safety and affordability. Freezing also allows Americans to have access to a diverse array of food products they enjoy every day.

Join me in celebrating National Frozen Food Month and all those who work to ensure that the U.S. has the safest, most reliable, and most affordable food supply in the world.

ENDING GLOBAL HUNGER WITH RISE AGAINST HUNGER

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

Mr. McGOVERN. Madam Speaker, Rise Against Hunger, under the leadership of Rod Brooks, is a charitable organization committed to ending global hunger by 2030. They partner with other charities, faith-based organizations, and corporations to host meal-packing events across the country, where volunteers assemble nutritious meals that are sent to over 40 countries.

On Tuesday, I had the opportunity to participate in a Rise Against Hunger meal-packing event sponsored by The Kraft Heinz Company. I joined 100 volunteers to package 7,500 meals that will reach hungry families across the globe.

Last year alone, Rise Against Hunger engaged over 387,000 volunteers at over 3,000 events nationwide to assemble over 650,000 meals that reached nearly 1.1 million hungry people.

I applaud Kraft Heinz and its CEO, Bernardo Hees, for their commitment to packing 1 billion meals over the next 5 years. I appreciate all that Rise Against Hunger does to address chronic malnutrition and alleviate poverty worldwide.

Working together, we can end hunger now.

RUSSIA’S INTERFERENCE IN OUR DEMOCRATIC PROCESS

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

Mr. CARBAJAL. Madam Speaker, I rise today because the American people have the right to know the truth regarding Russia’s interference in our democratic process.

I am a member of the House Armed Services Committee, and the message I hear from our military leaders is consistent: Russia is a top threat to the United States and our interests.

Russia has not only used its military to destabilize regions around the world, but it has completely undermined and disrupted the democratic values of this country.

This is unacceptable. And yet my colleagues from the other side of the aisle refuse to do their job as an oversight body and establish a bipartisan, independent commission to investigate Russia’s egregious behavior.

We have a responsibility to be transparent with the American people. I strongly urge my Republican colleagues to not only immediately establish an independent investigation into Russia’s interference in our election, but I also call for the release of President Trump’s tax returns.

America’s security and values are on the line. Any treasonous and unlawful relations with Russia cannot be tolerated.

EPA SCIENCE ADVISORY BOARD REFORM ACT OF 2017

Mr. LUCAS. Madam Speaker, pursuant to House Resolution 233, I call up the bill (H.R. 1431) to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 233, the bill is considered read.

The text of the bill is as follows:

H.R. 1431
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 “EPA Science Advisory Board Reform Act of 2017”.

SEC. 2. SCIENCE ADVISORY BOARD.
(a) Independent Advice.—Section 8(a) of the Environmental Research, Development, and Demonstration Authorization Act of 1978...
which shall''.

independently'' after ''Advisory Board

(42 U.S.C. 4365(a)) is amended by inserting

nomination; and

the five-year period prior to the date of their

professional activities and public statements for

ten years prior to the date of their

activities for the three-year period prior to the

interests, including Environmental Protec-

tion Agency grants, contracts, cooperative

disclosing financial relationships and

nomination, nominees shall file a written re-

based in work relevant to that of the Board;

volve, a specific party, no Board member

which the Board has evidence that it may in-

that interest is fully disclosed to the Admin-

istrator and the public and appointment to

special Government employees;

view represented on and the functions to be

ence to evaluate scientific and technical in-

qualified by education, training, and experi-

Chairman.

times and places as may be designated by the

designated Chairman, and shall meet at such

Executive Branch.

agency shall make public the list of nominees, in-

Committee on Appropriations.

The Board shall be composed of at least

eighty percent of members shall be of univer-

board of eight, shall contain at least

members, and shall be appointed by the

less than two terms

on the Board shall expire within a single fiscal year. No member shall serve more than two terms

over a ten-year period.

thus amended—

tion Agency grants, contracts, cooperative

administer and the public and appointment to

such Act (42 U.S.C. 4365(c)) is amended—

TIVE PANELS.—Section 8(e)(1)(A) of such Act

(42 U.S.C. 4365(c)) is amended—

be constituted and operate in ac-

in paragraph (2), in subsection (b), in sub-

section (e) or requesting scientific advice

take or draft risk or hazard as-

after ''at the time any proposed'';

orminal''; and

hazard assessment,'' after ''to the Board such pro-

sessment,'' after ''at the time any proposed'';

tion to make decisions on behalf of the Board; and

Board shall promptly be made public by the

by adding at the end the following:

The Board shall conduct periodic re-

views to ensure that its advisory activities are addressing the most important scientific issues affecting the Environmental Protec-

tion Agency.

Board shall be fully and timely re-

mended by amending subsection (i) to read as follows:

subsections (i) and (j), and in paragraph (2)(A), in par-

section (k), or concerning the Board's views of an issue.

The Chair recognizes the gentleman

March 30, 2017

H2565

CONGRESSIONAL RECORD — HOUSE

(42 U.S.C. 4365(a)) is amended by inserting

"independently'' after "Advisory Board which shall'.'

members of the Board shall be qualified by education, training, and experi-

tigate scientific and technical information on matters referred to the Board under this section. The Administrator shall ensure that

"(A) the scientific and technical points of view represented on and the functions to be performed by the Board are fairly balanced among

the members of the Board;"

"(B) at least ten percent of the membership of the Board are from State, local, or tribal governments;"

"(C) persons with substantial and relevant expertise are not excluded from the Board due to affiliation with or representation of entities that are a potential interest in the Board's advisory activities, so long as the interest is fully disclosed to the Admin-

istrator and the public and appointment to the Board comply with section 208 of title 18, United States Code;"

"(D) in the case of a Board advisory activity on a particular matter involving, or for which the Board has evidence that it may in-

volve, a specific party, no Board member having an interest in the specific party shall participate in that activity;"

"(E) Board members may not participate in advisory activities that directly or indirectly involve review or evaluation of their own work, unless fully disclosed to the public and the work has been externally peer-re-

viewed;"

"(F) Board members shall be designated as special Government employees;"

"(G) no registered lobbyist is appointed to the Board; and

"(H) a Board member shall have no current grants or contracts from the Environmental Protection Agency, the Department of Health and Human Services, or any State, local, or tribal government agency, unless the Board has evidence that the individual satisfies the requirements of the Federal Advisory Committee Act (5 U.S.C. App.)."

"(3) The Administrator shall—

"(A) solicit nominations for the Board by publishing a notification in the Federal Register;

"(B) solicit nominations from relevant Federal agencies, including the Departments of Agriculture, Defense, Energy, the Interior, and Health and Human Services;

"(C) solicit nominations from—

"(i) institutions of higher education (as defined in section 101(a) of the Higher Edu-

cation Act of 1965 (20 U.S.C. 1001(a))); and

"(ii) scientific and research institutions based in work relevant to that of the Board;

"(D) make public the list of nominees, including the identity of the entities that nominated each, and shall accept public comments on the nominees;

"(E) require that, upon their provisional nomination, nominees shall file a written re-

port disclosing financial relationships and interests, including Environmental Protec-

tion Agency grants, contracts, cooperative agreements, or other financial assistance, that are relevant to the Board's advisory ac-

tivities for the five-year period prior to the date of their nomination, and relevant pro-

fessional activities and public statements for the five-year period prior to the date of their nomination;

"(F) make such reports public, with the ex-

ception of specific dollar amounts, for each

member of the Board upon such member's se-

lection.

"(4) Disclosure of relevant professional ac-

tivities under paragraph (3)(E) shall include un-

timely or for profit testimony, and contract work as well as identifying the

party for which the work was done.

"(5) Except when prohibited by law, the Agency shall make all conflict of in-

terest waivers granted to members of the Board, member committees, or investigative panels public within ten days.

"(6) Any recusal agreement made by a mem-

ber of the Board, a member committee, or an investigatory panel is public.

"(7) The terms of the members of the Board shall be three years and shall be stag-

gered so that the terms of no more than one-

third of the total membership of the Board shall expire within a single fiscal year. No member shall serve more than two terms

over a ten-year period.

"(8) Nothing in this Act or the amendments

made by this Act shall be construed as sup-

planting the requirements of the Federal Ad-

visory Committee Act (5 U.S.C. App.).

"SEC. 4. RELATION TO THE ETHICS IN GOVERN-

MENT ACT OF 1978.

"Nothing in this Act or the amendments

made by this Act shall be construed as sup-

planting the requirements of the Ethics in


The SPEAKER pro tempore. The gentle-

woman from Texas (Ms. Biggs) for their hard work on this im-

portant piece of legislation. I also thank my good friend, Representative

No objection.

Mr. LUCAS. Madam Speaker. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their re-

marks and include extraneous material on the bill, H.R. 1431.

The SPEAKER pro tempore. Is there

objection to the request of the gentle-

man from Oklahoma?

There was no objection.

Mr. LUCAS. Madam Speaker, I yield

myself such time as I may consume.

I thank Chairman Smith and Environ-

mental Protection Agency Administrator

Biggs for their hard work on this im-

portant piece of legislation. I also thank my good friend, Representative

Mr. LUCAS. Madam Speaker, I yield

myself such time as I may consume.
PETTerson for, yet again, working—helping. I should say—to make this bill a bipartisan effort. I appreciate his willingness to sponsor this bill with me.

I had the opportunity to speak in favor of this legislation when it passed this House with bipartisan support in the 114th Congress. Now, I come to the floor yet again to urge my colleagues to vote in favor of this important reform. The SAB Reform Act was a good bill then and it is a good bill now. This is a policy that is built on the values we should uphold regardless of which side of the political aisle we are on or who happens to be the President.

H.R. 1431, the Science Advisory Board Reform Act, ensures the best experts are free to undertake a balanced and open review of regulatory science. The Board was established to provide scientific advice to the EPA and Congress, and to review the quality and relevance of science EPA uses for regulations. But in recent years, shortcomings with the process have arisen. Opportunities for public participation have been limited, potential conflicts of interest have gone unchecked, and the ability of the Board to speak independently has been curtailed.

If the administration undermines the Board's independence it prevents it from providing advice to Congress. The value of advice these experts can provide is wasted.

Despite the existing requirement that the EPA's advisory panels be fairly balanced in terms of point of view representatives, Science, Space, and Technology Committee has identified a number of past problems that have undermined the panel's credibility and work product. These include a number of advisory members who received money from the EPA. At the very least, this could create the appearance of a conflict of interest.

Some of the panelists have taken public and even political positions on issues they are advising about. For example, in the case of the EPA's Draup, an anti-fracking study published an anti-fracking article titled, "Regulate, Baby, Regulate." Now, this clearly is not an objective viewpoint, and should be publicly disclosed.

Public participation is limited during most board meetings. Interested parties have almost no ability to comment on the scope of the work, and meeting records are often incomplete and hard to obtain.

This bill is both pro-science, and professional. This bill is focused upon recommendations for reform outlined by the National Academy of Sciences, and the EPA Peer Review Handbook. This includes the fact that the Board's balanced, transparent, and independent, all of which will help prevent the SAB from being manipulated by any group.

H.R. 1431 makes sound science the driving force of the Board, no matter who is the chief executive officer of our government.

Perhaps most importantly, this bill seeks to increase public participation that benefits all stakeholders. Currently, valuable opportunities for diverse perspectives are limited. The Federal Government does not have a monopoly on the truth. Ask your constituents back home if they know that.

Unfortunately, I am not sure the important expertise that cannot afford to be ignored in a democracy. State, local, tribal, and private sectors have a long history of qualified scientific experts. Their contributions should be taken seriously.

Unfortunately, the history of the SAB shows that private sector representation is often lacking or simply nonexistent. Instead, in the past, EPA has picked the Board, ignoring the knowledge, experience, and contributions of those experts. This bill ensures that qualified expertise are not excluded simply due to their affiliation. This will add value and credibility to future Board reviews.

Mr. Peterson and I recognize the important role science should play in our policy debates. The SAB is designed to give the public confidence in science. It restores the independent Science Advisory Board as a defender of scientific integrity.

Madam Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

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

I rise in opposition to H.R. 1431, the EPA Science Advisory Board Reform Act of 2017. Like the bill we considered yesterday, the so-called HONEST Act, H.R. 1431 is designed to harm the Environmental Protection Agency's ability to use science to make informed decisions.

The bills before us today claims to reform the EPA's Science Advisory Board. And let's talk about what these reforms would mean.

First, the bill establishes a series of roadblocks to keep independent academic scientists from serving on the Board. It accomplishes this by turning the term "conflict of interest" on its head by excluding scientists who have done the most relevant research on the topic being considered by the Board. The bill also prohibits Science Advisory Board members from obtaining extramural research grants for 3 years after their service on the Board, which would be a major disincentive for scientists to serve.

At the same time that this bill makes it much more difficult for academic researchers to serve on the Science Advisory Board, the bill also makes it much easier for corporate interests to serve. This is accomplished by gutting actual financial conflict-of-interest restrictions against industry representatives. Under this legislation, those industry representatives would simply have to disclose their financial conflicts, and they could serve on panels directly related to their corporate interests.

Finally, H.R. 1431 imposes exhaustive and duplicative notice-and-comment requirements on the Science Advisory Board. I say these requirements are exhaustive because, in addition to being an open-ended process, the Board would also have to respond to writing to any and all significant comments. In fact, I find it hard to believe that an advisory process created by this bill could ever be completed.

Of course, that is the real purpose of this provision. It is designed to throw sand in the gears of the Science Advisory Board process, and prevent board members from ever rendering their expert advice.

These additions are totally unnecessary. The Science Advisory Board already has statutorily mandated notice-and-comment obligations, and the Federal Advisory Committee Act already applies to their activities.

If this bill passes, what would happen?

As an example, I will turn to a case study from the early 1990s. At that time, the EPA was forming a Scientific Advisory Panel to review evidence of harm from secondhand tobacco smoke. Thanks to internal tobacco industry documents that have gone public, I now know that Big Tobacco made a concerted effort to stack the Scientific Advisory Panel with tobacco industry hacks.

We take it for granted now that tobacco smoke is dangerous, but at that time, in the early nineties, Big Tobacco had succeeded in muddying the scientific waters around this issue by investing tens of millions of dollars in a coordinated attempt to defraud the American public.

If H.R. 1431 had been in effect back then, Big Tobacco likely would have succeeded in co-opting the Science Advisory Board.

What would the effects have been on public health to have had the EPA's science review body controlled by tobacco interests?

That is why a number of public health and environmental interest groups have come together in support of H.R. 1431. In a letter penned by the American Public Health Association, the American Public Health Association, and several other health groups, the effects of H.R. 1431 are summed up like this:

"In short, EPA's 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."

I couldn't agree more. I strongly urge Members to oppose this misguided bill.

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

Mr. LUCAS. Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH), the chairman of the Science, Space, and Technology Committee, a fellow who has worked very diligently on the committee for many years.

Mr. SMITH of Texas. Madam Speaker, I would like to thank the gentleman.
from Oklahoma, Mr. LUCAS, the vice chairman of the Science, Space, and Technology Committee for yielding to me, and I would also like to thank him for his leadership on H.R. 1431, the Environmental Protection Agency Science Advisory Board Reform Act of 2017.

This bill gives much needed transparency, fairness, and balance to the EPA’s Science Advisory Board. These reforms will strengthen the public’s trust in the science the EPA uses to support its regulations. It also allows more public participation in the EPA science review process, and it requires the SAB to be more responsive to the public and to congressional questions, inquiries, and oversight.

Last Congress, similar legislation passed the House with bipartisan support. I appreciate Mr. LUCAS and the ranking member of the Agriculture Committee, Representative PETERSON, for introducing this legislation.

Madam Speaker, I support this bill, and I recommend it to my colleagues.

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

Mr. BEYER. Madam Speaker, I rise today in strong opposition to H.R. 1431, the EPA Science Advisory Board Reform Act.

Madam Speaker, H.R. 1431 is a blatant attempt to cripple the important mission of the EPA by stacking the EPA Science Advisory Board with industry insiders.

When Congress established the Science Advisory Board in 1978 to review the scientific data that informs the EPA’s regulatory process, they did that with the requirement that the Board be balanced with representatives from industry and academia. The legislation we are considering today would skew that balance in favor of industry, with the intent of slowing down the EPA’s regulatory process.

With a significant respect for the vice chair from Oklahoma, it makes no sense to suggest that the representatives of regulated corporate interests, however expert, can be credibly described as “defenders of scientific integrity.”

I am particularly concerned about the double standard mandated by this bill. On the one hand, the bill makes it easier for representatives to serve on the Board by only requiring that they disclose their conflicts of interest. There is no recusal requirement for industry insiders, no matter how deep their financial ties may go or how much their industry is regulated by the EPA. On the other hand, the same scientists and researchers who received EPA research grants or contracts are automatically disqualified from service. Any scientists or researcher would be precluded from accepting an offer or contract for 3 years after their service.

So the scientists who spent their whole career becoming the world’s top experts on a given topic must choose between advising our public health or continuing their research. They can bring their knowledge to the EPA and give up that work or continue. Why oh why would we make it more difficult for the scientists and academic experts to participate in the Science Advisory Board while at the same time making it easier for industry experts to participate? Why would we want less science on the Science Advisory Board?

This bill in reality does nothing to advance science or protect public health. Instead, it creates senseless hurdles, burdensome red tape for the Science Advisory Board, and makes it more difficult to achieve its mission. We need to let scientists and researchers do their jobs by opposing this legislation.

Mr. LUCAS. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. HIGGINS), a member of the Environment Subcommittee of the Committee on Science, Space, and Technology.

0930

Mr. HIGGINS of Louisiana. Mr. Speaker, I rise today in support of H.R. 1431, the EPA Science Advisory Board Reform Act, of which I am an original cosponsor.

This bill intends not to deny science, but to deny manipulated science. This is a commonsense, good-government piece of legislation that will discourage ideologically based decisions by the Science Advisory Board and set it back on a path of making objective, science-based conclusions as originally intended by Congress and researchers.

Further, this bill would promote accountability within SAB, while also strengthening public participation, ensuring that there is a diverse makeup on its various boards and panels, reinforcing a strong system of peer-review requirements that is essential to reducing conflicts of interest, providing ample opportunity for dissenting views by panelists, and, most importantly, requiring conclusions and reasonings be made available to the public.

Mr. Speaker, this is a crucial piece of legislation. The rules and regulations coming out of the Environmental Protection Agency have real-world implications on families in my State of Louisiana and, indeed, across the Nation.

This bill in place allows for the EPA to set forth ideological, biased, and non-science-based rules and regulations. The standards set forth by this bill promote the use of good science and a strong and open system of transparency and peer review.

I urge my colleagues to vote “yes” on H.R. 1431.

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

Ms. TSONGAS. Mr. Speaker, since I last spoke, the vast majority of my constituents and millions of others around the country who support independent, unbiased, science-based decision-making at the EPA, which is essential to protecting public health, clean water, and combating climate change.

Instead of promoting sound science, this legislation would weaken the scientific expertise of the EPA’s Science Advisory Board, the independent body that reviews scientific and technical information used for EPA decision-making and provides scientific advice to the EPA Administrator.

If Congress really wants to promote sound science, I would urge consideration of the Scientific Integrity Act, legislation that I introduced along with Ranking Member ENRIQUE BENCHE JOHNSON of Texas and Representatives LOWENTHAL and TONKO. Our bill will protect scientific research at Federal agencies from political interference and special interests. This legislation currently has 93 cosponsors, and it deserves debate in this House.

The majority is trying to claim that the legislation before us today will do nothing to assuage the fears of my constituents and millions of others around the country who support independent, unbiased, science-based decisionmaking at the EPA, which is essential to protecting public health, clean water, and combating climate change.

Unfortunately, the legislation before us today will do nothing to assuage the fears of my constituents and millions of others around the country who support independent, unbiased, science-based decisionmaking at the EPA, which is essential to protecting public health, clean water, and combating climate change.

I urge my colleagues to vote “no” on H.R. 1431.

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

I include in the RECORD the following letter in support of the Chamber of Commerce of the United States, a letter of support from the American Chemistry Council, a letter...
of support from the National Cotton Council of America, another letter of support from the Chamber of Commerce of the United States, a letter of support from the Independent Petroleum Association of America, a letter of support from the CO2 Coalition, and a letter of support from the Cato Institute.


To the Members of the U.S. House of Representatives: The U.S. Chamber of Commerce supports the “Honest and Open New EPA Science Treatment (HONEST) Act of 2017” and the “EPA Science Advisory Board Reform Act of 2017.” These bills would improve the transparency and reliability of scientific and technical information that Federal agencies rely heavily upon to support new regulatory actions.

The HONEST Act is designed to ensure that the studies and data Federal agencies cite when they write new regulations, standards, guidance, assessments of risk—or take other regulatory actions—are clearly identified and available for public review. Additionally, information must be sufficiently transparent to allow study findings to be reproduced and validated. This is a critical safeguard to assure the public that the data Federal agencies rely on is scientifically sound, unbiased, and reliable.

The EPA Science Advisory Board Reform Act of 2017 would help ensure that the Science Advisory Board (SAB), which directly counsels the U.S. Environmental Protection Agency (EPA) on key scientific and technical issues, is unbiased and transparent in performing its duties. The bill would establish requirements that SAB members are qualified experts, that conflicts of interest and sources of bias are disclosed, and that views of members—including dissenting members—are available to the public, and that the public has the opportunity to participate in the advisory activities of the Board and view EPA’s responses. Because EPA relies on SAB reviews and studies to support new regulations, standards, guidance, assessments of risk, and other actions, the actions of the SAB must be transparent and accountable.

The HONEST Act and the EPA Science Advisory Board Reform Act of 2017 would improve the transparency and trustworthiness of scientific and technical reviews and information that agencies such as EPA rely on to justify regulatory actions that can significantly affect society. The American public must have confidence that the scientific and technical data driving regulatory action can be trusted. Accordingly, the Chamber supports these important bills.

Sincerely,

NEIL L. BRADLEY,
Senior Vice President & Chief Policy Officer, Government Affairs.

AMERICAN CHEMISTRY COUNCIL,

Hon. Frank Lucas,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

Dear Chairman Lucas: On behalf of the American Chemistry Council (ACC), we want to thank you for introducing H.R. 1431 “EPA Science Advisory Board Reform Act of 2017,” 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 peer review panels.

The Science Advisory Board Reform Act would improve the peer review process—a critical component of the scientific process utilized by EPA in their regulatory decisions that can have potential health or environmental impacts. The Act would make peer reviewers accountable for responding to public comments, and require those who might have conflicts of interest to engage in a wide range of perspectives of qualified scientific experts in EPA’s scientific peer review panels to increase transparency in peer review reports.

We commend you for your leadership and commitment to advance this important issue. We look forward to working with you and other cosponsors for quick passage of H.R. 1431.

Sincerely,

CAL DOOLEY,
President and CEO.

NATIONAL COTTON COUNCIL OF AMERICA,
Washington, DC, March 27, 2017.

Hon. Lamar Smith,
Chairman, Committee on Science, Space, and Technology, House of Representatives, Washington, DC.

Dear Chairman Smith: On behalf of the National Cotton Council, thank you and your committee for the work on the EPA Science Advisory Board Reform Act of 2017 and the H.R. 1430, “EPA Science Treatment Act of 2017—HONEST Act (H.R. 1430).” We support both of these critically important bills in an effort to return sound science and transparency to the regulatory process that affects our members and all of agriculture.

The National Cotton Council represents more than 25,000 cotton farmers, ginneries, cottonseed processors, and cottonseed manufacturers. A majority of the industry is concentrated in 17 cotton-producing states stretching from California to Virginia. U.S. cotton producers cultivate between 9 and 12 million acres of cotton with production averaging 12 to 18 million 480-lb bales annually. The downstream manufacturers of cotton apparel and home furnishings are located in virtually every state. Farms and businesses directly involved in the production, distribution, and consumption of cotton use more than 250,000 workers and produce direct business revenue of more than $21 billion. Annual cotton consumption is more than 5.5 billion at the farm gate, the point at which the producer markets the crop. Accounting for the ripple effect of cotton through the broader cotton supply chain, employment surpasses 260,000 workers with economic activity of almost $100 billion. In addition to the cotton fiber, cottonseed products are used for livestock feed, and cottonseed oil is used as an ingredient in food products as well as being a premium cooking oil.

As you know, cotton production, like agriculture, struggles with many factors in the production of fiber, food, and fuel, but the regulatory impact and burdens on our industry have greatly increased over the last several years. In addition, we have found ourselves unable to adequately defend and maintain many of our crop protection products. These technologies because we are often unable to access the data used by federal government agencies to place restrictions on these products and technologies. The American Cotton Council is opposed to two bills, H.R. 1430 and H.R. 1431—will greatly improve the transparency of regulatory review process. These two bills will substantially enhance the regulatory process that was intended to be a centerpiece of the regulatory process.

We look forward to working with you and your colleagues in Congress to get these bills enacted into law. If you have any questions or need any additional information from us, please have your staff contact Steve Hensley in our office.

Sincerely,

REICE LANOGEY,
Vice President—Washington Operations.

CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA,

Hon. Lamar Smith,
Chairman, Committee on Science, Space and Technology, House of Representatives, Washington, DC.

Hon. Eddie Bernice Johnson,
Ranking Member, Committee on Science, Space and Technology, House of Representatives, Washington, DC.

Dear Chairman Smith and Ranking Member Johnson: The U.S. Chamber of Commerce supports the “Honest and Open New EPA Science Treatment (HONEST) Act of 2017” and the “EPA Science Advisory Board Reform Act of 2017.” These bills would improve the transparency and reliability of scientific and technical information that Federal agencies rely heavily upon to support new regulatory actions.

The HONEST Act is designed to ensure that the studies and data Federal agencies cite when they write new regulations, standards, guidance, assessments of risk—or take other regulatory actions—are clearly identified and available for public review. Additionally, information must be sufficiently transparent to allow study findings to be reproduced and validated. This is a critical safeguard to assure the public that the data Federal agencies rely on is scientifically sound, unbiased, and reliable.

The EPA Science Advisory Board Reform Act of 2017 would help ensure that the Science Advisory Board (SAB), which directly counsels the U.S. Environmental Protection Agency (EPA) on key scientific and technical issues, is unbiased and transparent in performing its duties. The bill would establish requirements that SAB members are qualified experts, that conflicts of interest and sources of bias are disclosed, and that views of members—including dissenting members—are available to the public, and that the public has the opportunity to participate in the advisory activities of the Board and view EPA’s responses. Because EPA relies on SAB reviews and studies to support new regulations, standards, guidance, assessments of risk, and other actions, the actions of the SAB must be transparent and accountable.

The HONEST Act and the EPA Science Advisory Board Reform Act of 2017 would improve the transparency and trustworthiness of scientific and technical reviews and information that agencies such as EPA rely on to justify regulatory actions that can significantly affect society. The American public must have confidence that the scientific and technical data driving regulatory action can be trusted. Accordingly, the Chamber supports these important bills.

Sincerely,

NEIL L. BRADLEY,
Senior Vice President & Chief Policy Officer, Government Affairs.

H2568 CONGRESSIONAL RECORD — HOUSE March 30, 2017

30 MARCH 2017

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

DEAR CHAIRMAN SMITH: The American Exploration & Production Council (“AXPC”)
AXPC is a national trade association representing 33 of America’s largest and most active independent natural gas and crude oil exploration and production companies, each with considerable experience drilling, operating, and producing oil and natural gas on federal lands. These companies are truly independent in that their operations are limited by the U.S. Environmental Protection Agency (EPA) policy decisions and the application of its regulations directly from the oil and natural gas sector. Independent producers develop about 95 percent of America’s natural gas and natural gas wells, produce 54 percent of American oil, and produce 85 percent of American natural gas. Historically, independent producers have invested at least 95 percent of their cash flow back into American oil and natural gas development to find and produce more American energy. IPAA is dedicated to ensuring a strong American oil and natural gas industry, recognizing that an adequate and secure supply of energy is essential to the national economy.

The purpose and principles of the “Honest and Open New EPA Science Treatment Act of 2017” and the “EPA Science Advisory Board Reform Act of 2017.” We would, in fact, support such principles applied on a government-wide basis. The scientific method demands that the results of scientific studies be capable of replication. While up to individual scientists, journals and the larger scientific community as to how the replication requirement is satisfied, it comes to the science used to set public policy, there can be no doubt that the relevant methods and data must be publicly available for purposes of replication. In fact, we encourage the federal government obtaining independent science advice from outside advisors, it goes without saying that advisors should not be unduly influenced by members hoping to curry government favor or to advance personal agendas. Panels should be truly independent and unbiased. Clear and enforceable standards will help meet this goal.

Sincerely,

WILLIAM HAPPER,
President, CO2 Coalition.

CATO,

HON. LAMAR S. SMITH,
Chairman, Committee on Science, Space, and Technology, House of Representatives.

DEAR CONGRESSMAN SMITH: Recently, Committee staff sent me copies of two draft pieces of legislation, the “HONEST Act” and the “EPA Science Advisory Board Reform Act of 2017.” The Cato Institute interprets its tax-exempt status as precluding any specific support of adoption (or recommendation of rejection) for pending legislation. However, I can comment on substantive aspects of such legislation.

The HONEST Act would require that regulations promulgated by EPA be backed by reproducible and transparent science. In the area of climate change, this will surely provoke a timely inquiry as to whether the climate models that are used to calculate the Social Cost of Carbon, and the justification of subsequent regulations, are indeed “science.” I would argue that they are not. A climate model is merely a complicated mathematical statement of multiple hypotheses. These include a prediction of a general warming of surface temperatures, and a general warming of the troposphere. All subsequent changes in weather regimes—such as rainfall, winter snows, and Atlantic hurricanes derive from the warming and its distribution.

As such, a reasonable test of hypothesis would be to examine the performance of these models as carbon dioxide has accumulated in the atmosphere. During the period in which we have multiple, independent measures of bulk atmospheric global temperatures, which would be from 1979 to the present. As I noted in my February 29 testimony, there is a clear systematic failure of these models, with the central estimate of warming generally twice as large as what is being observed, both in the troposphere, and as much as seven times larger than what is being observed in the tropical upper troposphere.

This, and other recent refereed publications are finally beginning to detail the subjective fashion by which the equilibrium climate sensitivity has been arrived at. But it is clear that these models do not constitute science in the classical sense. It would be more appropriate to call the field “climate studies.”

Litigation deriving from the Honest Act is likely to uncover this problem, with the likelihood that EPA’s 2009 Endangerment Finding, which empowers subsequent regulation of carbon dioxide, should be vacated because of a lack of verifiable science associated with its determination. The other piece of legislation will open up the EPA Science Advisory Board(s) to more institutional diversity and less political selection.

I hope you find my comments useful, and stand available to answer any questions or provide any amplifications you may desire.

 Cordially,

PATRICK J. MICHAELS, Ph.D.,
Director, Center for the Study of Science.

Mr. LUCAS, Mr. Speaker, I would note to the body, part of the challenge that the committee has is like so many challenges we face as Members of Congress: How do you avoid the short-term perspective? How do you take the long view? How do you set into motion things that, while they might not, perhaps, give us the great advantage in the short-term sense that either side of the room would want, in the long-term, they are in the best interest of the body?

I would remind my colleagues, the Scientific Advisory Board is appointed by the EPA; the EPA is managed by the Director; the Director is appointed by the President of the United States. If you believe that the work product, if you believe that the mess we have been generated by this in recent years reflect your perspective, I understand that, but nothing is ever static.

We have recently had a change of administration. The other piece of legislation in the leadership of the EPA.

That will be reflected in all the appointments and the actions of the EPA. I implore my colleagues, we need to work in the perspective of what is in the long-term interest; and that long-term interest is providing scientific review at the SAB that our fellow citizens have confidence in and that will generate good rules and regulations where they have to be.

Following this course of action advocated in H.R. 131 will not make my most conservative constituents happy because they want to duplicate what they believe my most liberal constituents have advocated for years, but our goal here is not to empower one or the other side in these perspectives to force their will upon the country. Our responsibility with the SAB is to create a process where people can have confidence in the results and where, when appropriate, the end resulting regulations, the rules that come from it, will be in the best long-term interest of the Nation.

I know there are requirements here that, if you have taken money as a scientist to do a research project from the EPA, you have to cool off for 3 years. But what is wrong with allowing a little separation between the people who take money to do the studies and then become the judges of other studies in the knowledge that perhaps the people who have done the studies will judge their studies? What is wrong with that?

And the public disclosure about allowing people with knowledge and expertise to participate, too, if they have
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 ability 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 impose a conflict of interest requirement on the kinds of scientific data EPA can use as it develops policy to protect the American public from environmental exposures and permit violations of the air and water pollution standards. 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 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 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 the integrity of EPA’s science-based decision-making process and gives 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, PhD, MPh, Executive Director, American Thoracic Society. CARY S. BENNETT, MD, PhD, President & CEO, Asthma and Allergy Foundation of America. PAUL BOGART, Executive Director, Health Care Without Harm. RICHARD ALLEN WILLIAMS, MD, 117th President, National Medical Association. JEFF CARTER, JD, Executive Director, Physicians for Social Responsibility.

DEAR CHAIRMAN SMITH AND RANKING MEMBER JOHNSON: We are writing to express our strong opposition to the draft legislation, the “EPA Science Advisory Board Reform Act of 2017” (H.R. 1431). The bill, which would amend the Environmental Research, Development, and Demonstration Authorization Act of 1978, would hinder the ability of the Environmental Protection Agency’s Science Advisory Board (EPA SAB) to reach timely, independent, objective and credible conclusions that can form the basis of policy. While the bill is not identical to previous versions of this legislation, the bill would still weaken the already-limited interest considerations for industry scientists while imposing unprecedented and unnecessary limitations on government-funded scientists. The bill would impose an arbitrary and unwarranted limitation on current or future recipients of government funding who would severely limit the ability of EPA to get the best, most independent scientists on its premier advisory board—as well as any committees or panels of the board—without any evidence that no-strings government funding, such as research grants, constitutes a conflict of interest.

P.6, lines 1–21, amending Section 8(c) of the underlying act, establishes an arbitrary and unwarranted bar on non-industry scientists who are receiving grants or contracts from EPA, or who may do so in the future. This provision would bar participation by any academic or government scientist who is currently receiving, or would receive a contract from EPA, and bar any Board member from seeking any grant or contract from EPA for three years after the end of their term on the Board. The bill’s provisions are inconsistent with a set of nearly universally accepted scientific principles to eliminate or limit financial conflicts. Following these principles is the way agencies, the public, and Congress should ensure their scientific advice is credible and independent.

Moreover, EPA already grants exemptions as needed to allow scientists to participate if their expertise is required despite their potential conflicts.

P.3, lines 1–8, creating Section 8(b)(2)(C) in the underlying Act, establishes an arbitrary and unwarranted bar on non-industry scientists who are receiving grants or contracts from EPA, or who may do so in the future. This provision would bar participation by any academic or government scientist who is currently receiving, or would receive a contract from EPA, and bar any Board member from seeking any grant or contract from EPA for three years after the end of their term on the Board. The bill’s provisions are inconsistent with a set of nearly universally accepted scientific principles to eliminate or limit financial conflicts. Following these principles is the way agencies, the public, and Congress should ensure their scientific advice is credible and independent.

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would provide an expanded platform for the new industry-stacked panels envisioned by this bill to challenge proposed actions by EPA, including hazard and risk assessments. In addition, the bill would eliminate the requirement for the SAB to respond to public comments. The result would be to further stall and undermine important public health, safety and environmental measures.

We urge you to abandon plans to advance this bill and choose instead to be happy to discuss our concerns with you further.

Sincerely,

CLEAN WATER ACTION.

LEAGUE OF CONSERVATION VOTERS (LCV).

NATIONAL RESOURCES DEFENSE COUNCIL.

LEAGUE OF CONSERVATION VOTERS (LCV).

NATIONAL RESOURCES DEFENSE COUNCIL.

League of Conservation Voters (LCV) works to turn environmental values into national, state, and local priorities. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to vote NO on H.R. 1430 and H.R. 1431. These two bills are backdoor attempts to undermine the Environmental Protection Agency’s ability to use science in decision-making and obstruct the process for developing effective public health safeguards.

H.R. 1430, the “HONEST Act,” would jeopardize public health by making it extremely difficult for the EPA to use the best available science. The bill contains favorable exemptions for industry and would restrict the health studies that the EPA is able to use by requiring that they be shared with anyone willing to sign a vague confidentiality agreement. These provisions would severely limit the EPA’s ability to use data that includes studies with confidential health information. These types of studies are the basis for the best research on pollution’s effects on people, including records that are legally required to remain confidential. H.R. 1430 would cripple the EPA’s ability to develop effective public health safeguards by requiring them to disregard the results of these studies, resulting in less protective standards.

H.R. 1431, the “EPA Science Advisory Board Reform Act of 2017,” would undermine the ability of the Science Advisory Board to provide independent, objective, and credible scientific advice to the EPA. This bill would facilitate industry influence of the Scientific Advisory Board by weakening conflict-of-interest protections while unnecessarily and arbitrarily limiting the participation of subject experts. Additionally, new burdens imposed on the Board and provisions that allow industry to significantly prolong the Board’s scientific review process would delay key public health and environmental protections.

These two bills would significantly undermine the EPA’s ability to protect public health and the environment. LCV urges you to REJECT H.R. 1430 and H.R. 1431 and will consider including votes on these bills in the 2017 Scorecard. If you need more information, please call my office and ask to speak with a member of our Government Relations team.

Sincerely,

GENE KARPINSKI,
President.
H2572

CONGRESSIONAL RECORD — HOUSE

March 30, 2017

of my State are Native American, have a voice? Why should we allow people on these advisory committees who, once again, are selling products, selling data, making a living, making money, one step away from the very work they are doing on these advisory committees?

It is a 12-page bill. It is not that complicated. I will make the argument that it makes our air, our water, the things around us safer, better, healthier, and it makes the way we get there sounder and more ethical, and we remove conflicts that right now taint the very decisions that are coming out of these advisory boards.

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

Let me thank the other side for their vigorous defense of this bill.

I must say that I am a nurse by profession, and I appreciate the gains we have made for using scientific data to determine what is unhealthy for the people and, in turn, does damage to people and their health. We will not be in better shape when we sit idly by without saying that our Nation probably fly away. Only the people of this Nation will be the losers, with more healthcare costs when they don’t even want health care; more people not able to get out of dirty areas.

I live in the State of Texas where we have seen the infringement of all of the lack of these protections before they came about. Scientists are in science because they believe in the theories that put forth the procedures for us to follow for the safety and protection of human beings.

I regret that we are at a point this time in history where we are willing to throw all that away because of allowing the polluting companies to have more to say about policy. I regret that I have stood and against my colleagues that feel so strongly about getting rid of these protections, but I cannot sit idly by without saying that our Nation will not be in better shape when we take away all the protections for the people and their health.

Everybody wants clean air and clean food and protections from the damage that a bad environment brings, and all this is taking away those protections.

I ask everyone to vote “no” on this bill.

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

Mr. LUCAS. Mr. Speaker, I include in the RECORD the second set of letters which I referred to earlier.

NATIONAL ASSOCIATION OF HOME BUILDERS,

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

DEAR CHAIRMAN SMITH: On behalf of the 140,000 members of the National Association of Home Builders (NAHB), I am writing to express NAHB’s strong support for the Honest and Open New EPA Science Treatment Act of 2017 and the EPA Science Advisory Board Reform Act of 2017. These bills would ensure an open and honest scientific process by allowing the public access to the science that underpins regulations developed by Environmental Protection Agency (EPA) and ensuring that scientists advising the EPA on regulatory decisions are not the same scientists receiving EPA grants.

It is important for the EPA to use sound science in order to support their rulemakings. Far too often, the EPA relies on a science that lacks transparency and reliability to buttress their rulemakings. This is a consequence of the EPA conducting their scientific review of rulemakings behind closed doors. The EPA frequently ignores scientific integrity by limiting public participation, excluding state and private sector expertise, and pushing a specific agenda by appointing scientists who are biased. In some cases, scientists that have been appointed to review proposed regulations have received EPA grants which the EPA discharges as a conflict of interest.

The EPA should not be able to create costly regulations without being transparent, fair and open to public comment when considering the science behind a rulemaking. However, the EPA has sacrificed the integrity of the rulemaking process by using biased science and pushing a specific agenda. It is important to address these shortcomings so that future rules can be transparent and honest.

For these reasons, NAHB urges the House Committee on Science, Space and Technology to support the Honest and Open New EPA Science Treatment Act of 2017 and the EPA Science Advisory Board Reform Act of 2017, in order to bring transparency and integrity to the regulatory process.

Thank you for giving consideration to our views.

Sincerely,

JAMES W. TOBIN III,
Executive Vice President & Chief Lobbyist, Government Affairs and Communications Group.

SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL,

Hon. FRANK LUCAS,
Chairman, Committee on Agriculture, House of Representatives, Washington, DC.

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

DEAR CHAIRMAN SMITH AND REPRESENTATIVE LUCAS: On behalf of the Small Business & Entrepreneurship Council (SBE Council) and its more than 100,000 members nationwide, I am pleased to voice our strong support for the Honest and Open New EPA Science Advisory Board Reform Act of 2017.\footnote{H.R. 1246 (HONEST Science Act) and S. 718 (EPA Science Advisory Board Reform Act of 2017)}

This important legislation reforms the Environmental Protection Agency’s (EPA’s) Science Advisory Board (SAB) and its subpanels by strengthening public participation, improving the process for selecting expert advisors, expanding transparency requirements by board members, opening the board’s research to public review, and limiting non-scientific policy advice. The reforms proposed to the legislation are especially critical given the growing impact of EPA’s regulations on America’s small business sector, the controversial science used as the basis for these regulations, and the need to ensure that sound science is guiding EPA actions.

Balance, independence and transparency are essential to EPA’s scientific advisory process. The bill addresses key concerns with the SAB, such as placing limitations on its members who receive environmental research grants, applying conflict of interest standards, and ensuring balanced representation on the board’s membership. These changes will strengthen the SAB’s integrity and work, and by extension EPA’s regulatory process.

The SBE Council supports solutions that improve the regulatory system to ensure the voice of small businesses and entrepreneurs is heard and considered, that they operate under real-world transparency throughout the regulatory process. The “EPA Science Advisory Board Reform Act of 2017” is an important legislative initiative that brings transparency and objectivity to the SAB and EPA rulemakings.

Please let SBE Council know how we can further support your efforts to advance this important legislation into law. Thank you for your leadership, and support of America’s small business and entrepreneurial sector.

Sincerely,

KAREN KERRIGAN,
President & CEO.

NATIONAL STONE, SAND & GRAVEL ASSOCIATION,


Both acts go a long way towards addressing many of the current issues our industry and our regulatory system needs to encourage the House Committee on Science, Space, and Technology to mark up both pieces of legislation.

Our association represents 100,000 jobs across the United States. The regulatory burden on our workforce dramatically impacts our ability to provide cost-effective materials for America’s roads, runways, bridges and ports. Our members pride themselves on their commitment to environmental stewardship and are heavily involved in sustainability and reclamation in their communities.

Federal regulations must balance industry’s voice and environmental and health concerns. Unfortunately, we often see problems in the scientific underpinnings of regulations when agencies select studies that are neither public nor reproducible as the basis of new rules. This practice chips away at the credibility of any regulatory action and makes it difficult for our industry to respect the regulatory process. Our members have the right to comment on regulations and it is not reasonable to ask hard working men and women of any industry to trust that an agency has selected good science without if an agency is not being transparent.

Stakeholder input in the regulatory process is required under federal law and valuable for the justification and the implementation of rules.

The SBE Council stands ready to work with Congress to ensure that industry, states and the scientific community can work together openly and honestly to create regulations.

Sincerely,

MICHAEL W. JOHNSON,
President and CEO,
National Stone, Sand & Gravel Association.

PORTLAND CEMENT ASSOCIATION,

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

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


The Portland Cement Association (PCA) and the Portland Cement Association of Canada (CPCA) are the scientific and technical standard-setting bodies representing the North American cement industry. The cement industry is the nation’s largest consumer of energy, the largest single producer of carbon dioxide emissions, and the largest single consumer of Portland cement by volume.

The cement industry is a leader in the development of sustainable materials for America’s roads, runways, bridges and ports. The “EPA Science Advisory Board Reform Act of 2017” is an important legislative initiative that brings transparency and objectivity to the SAB and EPA rulemakings.

Please let us know how we can further support your efforts to advance this important legislation into law. Thank you for your leadership and support of America’s small business and entrepreneurial sector.

Sincerely,

KAREN KERRIGAN,
President & CEO.

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

DEAR CHAIRMAN SMITH AND RANKING MEMB
Association (PCA) supports the EPA Science Advisory Board (SAB) Reform Act of 2017 and the Honest and Open New EPA Science Treatment Act (HONEST Act) of 2017. PCA is the research, education, and market intelligence organization serving America’s cement manufacturers. PCA members represent 92 percent of U.S. cement production capacity and have facilities in all 50 states. The Association promotes safety, sustainability, and innovation in all aspects of construction, fosters continuous improvement in cement manufacturing and distribution, and generally promotes economic growth and sound infrastructure investment. PCA supports these bills because they would improve fairness and transparency in the regulatory process, while promoting use of the best available science. As you know, SAB reform is needed to update and strengthen the scientific foundation of EPA’s regulatory decisions. The SAB Reform Act would improve the Science Advisory Board by ensuring balance among its members and providing better public access to scientific information and data. SAB reform is an important step toward improving EPA’s regulatory process, public access to information, and transparency.

The HONEST Act would similarly improve transparency and access to information. Scientist agency studies and rulemakings need a fair chance to evaluate and validate the studies EPA relies on in the rulemaking process. The HONEST Act protects the scientific and confidentiality information often covered by confidentiality agreements, while allowing EPA to make critical information available for public comment and access. The HONEST Act follows the data access requirements of many scientific journals. This level of transparency and potential for peer review is critical to improving regulatory decisions.

PCA supports the Committee’s efforts to improve accountability, public access, and better science in the EPA rulemaking process. Please feel free to contact Rachel Derby, PCA’s Vice President of Government Affairs, for further information on this matter.

Sincerely,

A. TODD JOHNSTON,
Executive Vice President, Government Affairs.

AMERICAN FARM BUREAU FEDERATION,

HON. LAMAR SMITH,
Chair, House Committee on Science, Space, and Technology, Washington, DC.

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

DEAR CHAIRMAN SMITH AND RANKING MEMBER JOHNSON: Later this week, the House Science Committee will consider legislation to provide for Scientific Advisory Board (SAB) member qualifications and public participation. The American cement industry strongly supports this legislation and pledges our commitment to work with the committee in pressing for its swift consideration.

This legislation is a priority because it reforms the SAB process by strengthening public participation, improving the process of selecting expert advisors, and expanding the overall transparency of the SAB. While the SAB should be a critical part of the scientific foundation of the U.S. Environmental Protection Agency’s (EPA) regulatory process, EPA has historically used its authority to silence dissenting scientific experts. Rather than promote fairness, transparency, and independence to ensure unbiased scientific advice, EPA has repeatedly ignored its own Peer Review Handbook and silenced dissenting voices on expert panels.

This legislation seeks to reinforce the SAB process as a tool that can help policymakers with complex issues while preventing EPA from muzzling impartial scientific advice. This legislation is needed to update and strengthen the scientific foundation of EPA’s regulatory decisions. The SAB Reform Act would improve the Science Advisory Board by ensuring balance among its members and providing better public access to scientific information and data. SAB reform is an important step toward improving EPA’s regulatory process, public access to information, and transparency.

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Ranking Member, House Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH AND RANKING MEMBER JOHNSON: Later this week, the House Science Committee will consider legislation to provide for Scientific Advisory Board (SAB) member qualifications and public participation. The American cement industry strongly supports this legislation and pledges our commitment to work with the committee in pressing for its swift consideration.

This legislation is a priority because it reforms the SAB process by strengthening public participation, improving the process of selecting expert advisors, and expanding the overall transparency of the SAB. While the SAB should be a critical part of the scientific foundation of the U.S. Environmental Protection Agency’s (EPA) regulatory process, EPA has historically used its authority to silence dissenting scientific experts. Rather than promote fairness, transparency, and independence to ensure unbiased scientific advice, EPA has repeatedly ignored its own Peer Review Handbook and silenced dissenting voices on expert panels.

This legislation seeks to reinforce the SAB process as a tool that can help policymakers with complex issues while preventing EPA from muzzling impartial scientific advice. This legislation is needed to update and strengthen the scientific foundation of EPA’s regulatory decisions. The SAB Reform Act would improve the Science Advisory Board by ensuring balance among its members and providing better public access to scientific information and data. SAB reform is an important step toward improving EPA’s regulatory process, public access to information, and transparency.

The HONEST Act would similarly improve transparency and access to information. Scientist agency studies and rulemakings need a fair chance to evaluate and validate the studies EPA relies on in the rulemaking process. The HONEST Act protects the scientific and confidentiality information often covered by confidentiality agreements, while allowing EPA to make critical information available for public comment and access. The HONEST Act follows the data access requirements of many scientific journals. This level of transparency and potential for peer review is critical to improving regulatory decisions.

PCA supports the Committee’s efforts to improve accountability, public access, and better science in the EPA rulemaking process. Please feel free to contact Rachel Derby, PCA’s Vice President of Government Affairs, for further information on this matter.

Sincerely,

A. TODD JOHNSTON,
Executive Vice President, Government Affairs.
report the same back to the House forthwith, with the following amendments:

Page 5, line 4, strike "and".
Page 5, line 9, strike the period and insert "; and"
Page 5, after line 9, insert the following:

"(1) a Board member, during that member's term of service on the Board and for a period of three years after the end of that member's service on the Board, shall not be employed with any corporate or other entity which has interests before the Board.

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

Mr. FOSTER. 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.

This amendment is a commonsense and logical addition to this bill. It will help ensure that members of the EPA's Science Advisory Board act in the best interests of the American people and our environment.

I think that we can all agree that, no more than ever, we need integrity in government. And this amendment would prohibit any member of the EPA’s Science Advisory Board from being employed by any entity, corporate or otherwise, which has interests before the Board. This prohibition would be in place during the member's time on the Board and would extend for 3 years after they leave the Board.

My Republican colleagues have taken up this bill with the stated intent of protecting the scientific integrity of the EPA, and this amendment will go a long way to making sure that they keep their word.

The underlying bill also includes a similar prohibition on board members applying for a grant or contract from the EPA during their service or for 3 years after they leave the Board. If adopted, this amendment would remove any member of the EPA’s Science Advisory Board from being employed by any entity, corporate or otherwise, which has interests before the Board. This prohibition would be in place during the member's time on the Board and would extend for 3 years after they leave the Board.

However, the authors of this bill are apparently concerned that members of the Board would be tempted to favor environmental concerns in the hopes of getting an EPA grant. Therefore, it also stands to reason that they should worry equally about a board member tilting the scales in favor of a specific industry in return for future financial gain. The classic revolving door problem.

So what this motion to recommit does is something that I think we all should be able to agree is a good thing. We have seen too many people in the President’s Cabinet who appear to have connections too close to the big interests they regulate rather than the interests of the American people.

This amendment would ensure that no one can unduly personally profit from their time at the EPA, and that members of the Board are there to represent the interests of the American people and our environment rather than their own self interests.

Finally, I would like to close by bringing up a more general question of why we seem to be having variations on this repetitive theme of whether or not we can pollute our way out of the structural and economic challenges that our country faces today. Mr. Speaker, my colleagues and my party have been very successful at selling yourselves and your supporters on the idea that if we can just, once again, dump unlimited pollutants into our rivers and streams, into our groundwater, our bloodstreams and those of our children, then everything will be great again in America.

This week, we saw our President surrounded by earnest and hopeful young coal miners as he greeted environmental regulations and promised them that all their jobs were coming back. And then we have seen interviews on TV with desperate families in Appalachia using up their life savings to pay for training for coal-related jobs that they have been told will be coming back now that Donald Trump is President.

Then we have seen interviews with coal executives quietly pointing out that those jobs will not come back; that it was machines and fundamental economic forces that took those jobs in coal country.

The story is the same in oil country, where even as oil production has rebounded, the jobs and wages have not come back because of automation, the same way that machines took the jobs in rural America, manufacturing America, and increasingly middle class, white-collar America.

So until we realize that we are all in this together and that a fundamental restructuring of our economy is needed rather than a mindless retraction of the gains on environmental quality on the land that we will pass on to our children, then I am afraid that we are destined to repeat this infinite loop of marginally productive debate. I urge my colleagues to vote ‘yes’ on this motion to recommit.

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

Mr. LUCAS. Mr. Speaker, I look at this language—and I am a farmer by trade; I am not an attorney; I will confess that—but the phrase “or other entity” seems to be a very broad concept. How will that affect people who work for research foundations at institutions of higher education? How will that affect people who work for research foundations at institutions of higher education?

Mr. LUCAS. Mr. Speaker, I look at this language—and I am a farmer by trade; I am not an attorney; I will confess that—but the phrase “or other entity” seems to be a very broad concept. How will that affect people who work for research foundations at institutions of higher education? How will that affect people who work for research foundations at institutions of higher education?

Mr. LUCAS. Mr. Speaker, I look at this language—and I am a farmer by trade; I am not an attorney; I will confess that—but the phrase “or other entity” seems to be a very broad concept. How will that affect people who work for research foundations at institutions of higher education? How will that affect people who work for research foundations at institutions of higher education?

But I go one step further, and I offer this in the most sincerest of ways: if you look at the discussion today and if you look at the discussion that has gone on for some time on these issues, it is almost as though there are those with certain perspectives who are trying to force their will—their perspective of what is right and wrong scientifically or economically or socially—on the rest of the country, on the rest of us, and I am sorry that matter, on the rest of the world.

That is why I am the author of this bill. No one entity should have the power by manipulating the bureaucratic process or the rulemaking process to enforce its definitions of everything on the rest of us. We have both the right and the responsibility to judge this information and to make decisions about what is in our enlightened self-interest, as the old economist would say, or in the best interest of the country or of society as a whole.

That is why I want all of us—the great American people—to have access and some certainty about the people and the process that are driving everything in our world.

Reject the motion, pass the bill, create greater transparency, incorporate more input, and when it is necessary to have rules and regulations, generate good rules and regulations so that we all have a chance to prosper and to live to our potential in this country.

Don’t let the tyranny of the idealistic—whatever perspective they may have—drive us all into despair and destruction.

With that, I respectfully ask my colleagues to reject this motion and pass the underlying bill.

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

Mr. Speaker, on that I yield the balance of my time, Mr. Speaker.

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

There was no objection.

Mr. Speaker, on that I yield the balance of my time, Mr. Speaker.

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

The yeas and nays were ordered.

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

Mr. Speaker, I look at this language—and I am a farmer by trade; I am not an attorney; I will confess that—but the phrase “or other entity” seems to be a very broad concept. How will that affect people who work for research foundations at institutions of higher education? How will that affect people who work for research foundations at institutions of higher education?

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

The yeas and nays were ordered.

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

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

[Roll No. 207]

YEAS—189

Blumenauer
Blunt
Bost
Brownley (CA)
Capuano
Carbajal
Carson (IN)
Cartwright
Castor (FL)
Castor (TX)
Chu
Cicilline
Bass
Beatty
Berman
Bishop (GA)
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Braley
Braun (MD)
Brower
Bustos
Butlerfield
Cicilline

Adams
Appiah
Barragan
Bass
Bera
Berman
Bloom
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Blunt
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Cartwright
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Castor (TX)

YEAS—189

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Bost
Brownley (CA)
Capuano
Carbajal
Boyle
Braley
Braun (MD)
Brower
Bustos
Buchanan
Butlerfield
Cicilline

Adams
Appiah
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THE VOTE WAS TAKEN BY ELECTRONIC DEVICE, AND THERE WERE—YEAS 189, NAYS 233, NOT VOTING 7, AS FOLLOWS:

[ROLL NO. 207]
Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered. The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device and there were—a yeses, 229, noes, 193, not voting, 7, as follows: [Roll No. 208]

AYES—229

Abraham
Ayer
Aderholt
Allen
Amash
Amodei
Anderson
Arrington
Babin
Baker
Barnett
Barstow
Bartlett
Beigun
Bilirakis
Bishop (GA)
Bishop (NY)
Bipartisan
Black
Blackburn
Bost
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Bucche
Buchvald
Bouchard
Bragg
Braun
Brazziell
Breitler
Brewer
Brown (NY)
Brown (TN)
Broun
Brune
Buchanan
Burr
Bush
Budd
Burgess
Burns
Buster
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Carriker
Carson
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Carson (TX)
Cardwell
Carlo
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On rollcall No. 208 on final passage of H.R. 1431, the EPA Science Advisory Board Reform Act of 2017, I am not recorded. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained and missed rollcall vote Nos. 203, 204, 205, 206, 207, and 208. Had I been present, I would have voted “aye” on votes 205 and 207. I would have voted “nay” on votes 203, 204, 206, and 208.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come.

I yield to the gentleman from California (Mr. McCARTHY), my friend.

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

Mr. McCARTHY. I thank the gentleman for yielding.

Mr. Speaker, on rollcall No. 207 on motion to reconsider was laid on the table.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CALVERT. Mr. Speaker, on rollcall votes 207 and 208 I was unable to vote due to obligations in my congressional district. Had I been present, I would have voted “no” on rollcall 207, the Motion to Recommit, and “yes” on rollcall 208, related to H.R. 1431, the EPA Science Advisory Board Reform Act of 2017, which would ensure EPA administrators and the Science Advisory Board make public all reports and relevant scientific information at the same time they are received by members of the Science Advisory Board.

PERSONAL EXPLANATION

Mr. DUFFY. Mr. Speaker, on March 30, 2017, on rollcall No. 207 on motion to recommit with instructions, I am not recorded. Had I been present, I would have voted “nay.”