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4 MARKUP OF H.R. 348, THE RESPONSIBLY AND PROFESSIONALLY  
5 INVIGORATING DEVELOPMENT (RAPID) ACT OF 2015;  
6 H.R. 712, THE SUNSHINE FOR REGULATORY DECREES AND SETTLEMENTS  
7 ACT OF 2015;  
8 H.R. 1155, THE SEARCHING FOR AND CUTTING REGULATIONS THAT ARE  
9 UNNECESSARILY BURDENSOME (SCRUB) ACT OF 2015;  
10 H.R. 690, THE PROVIDING ACCOUNTABILITY THROUGH TRANSPARENCY  
11 ACT OF 2015; AND  
12 H.R. 889, THE FOREIGN CULTURAL EXCHANGE JURISDICTIONAL  
13 IMMUNITY CLARIFICATION ACT.  
14 Tuesday, March 24, 2015  
15 House of Representatives  
16 Committee on the Judiciary  
17 Washington, D.C.

18           The committee met, pursuant to call, at 10:20 a.m., in  
19 Room 2141, Rayburn Office Building, Hon. Bob Goodlatte  
20 [chairman of the committee] presiding.

21           Present: Representatives Goodlatte, Sensenbrenner,  
22 Smith, Chabot, Issa, Forbes, King, Franks, Gohmert, Jordan,  
23 Poe, Chaffetz, Marino, Gowdy, Labrador, Farenthold, Collins,  
24 DeSantis, Walters, Buck, Ratcliffe, Trott, Bishop, Conyers,  
25 Nadler, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu,  
26 Deutch, Bass, DelBene, Jeffries, Cicilline, and Peters.

27           Staff present: Shelley Husband, Majority Staff  
28 Director; Branden Ritchie, Deputy Majority Staff Director and  
29 Chief Counsel; Allison Halataei, Majority Parliamentarian and  
30 General Counsel; Daniel Flores, Chief Counsel; Zachary  
31 Somers, Counsel; Kelsey Williams, Clerk; Perry Apelbaum,  
32 Minority Staff Director; Danielle Brown, Minority  
33 Parliamentarian; Slade Bond, Minority Counsel; James Park,  
34 Minority Counsel; Susan Jensen, Minority Counsel; and Maggie  
35 Lopatin, Minority Clerk.

36

37 Chairman Goodlatte. Good morning. The Judiciary  
38 Committee will come to order, and without objection the chair  
39 is authorized to declare a recess of the committee at any  
40 time.

41 Pursuant to notice, I now call up H.R. 348 for purposes  
42 of markup, and move that the committee report the bill  
43 favorably to the House.

44 The clerk will report the bill.

45 Ms. Williams. H.R. 348 348, to provide for improved  
46 coordination of agency actions in the preparation and  
47 adoption of environmental documents for permitting  
48 determinations and for other purposes.

49 Chairman Goodlatte. Without objection, the bill is  
50 considered as read and open for amendment at any point.

51 [The information follows:]

52

53 Chairman Goodlatte. And I will begin by recognizing  
54 myself for an opening statement.

55 America's voters sent the 114th Congress to Washington  
56 to do one thing above all others: help turn around this  
57 Nation's struggling economy. From the outset of the term,  
58 the Judiciary Committee has responded to that mandate with  
59 urgently needed reforms of Washington's regulatory system,  
60 places new obstacles in the path of American jobs and  
61 economic growth.

62 Already the House has passed two critical Judiciary  
63 Committee regulatory reform bills, the Regulatory  
64 Accountability Act to force regulators to account for and  
65 control far better the excessive cost of new regulations, and  
66 the Small Business Regulatory Flexibility Improvements Act to  
67 force regulators finally to accommodate better the needs of  
68 small businesses when they issue new regulations.

69 At today's markup, the Judiciary Committee takes up four  
70 additional reforms. The first of these is the Responsibly  
71 and Professionally Invigorating Development Act of 2015, the  
72 RAPID Act. The RAPID Act contains common sense reforms to  
73 streamline permitting for federally funded and federally  
74 permitted construction projects. It gives lead agencies more

75 responsibility to conduct and conclude efficient interagency  
76 reviews of permit requests, and requires lawsuits that  
77 challenge permitting decisions to be filed within 6 months of  
78 the decisions. These are simple but powerful reforms that  
79 will allow good projects to move forward more quickly,  
80 delivering high quality jobs and improvements to Americans'  
81 daily lives.

82 Prior iterations of the RAPID Act passed the House 3  
83 times during the 112th and 113th Congresses, each time with  
84 bipartisan support. The legislation fulfills the calls of  
85 leaders in Congress, the White House, and the President's  
86 Council on Jobs and Competitiveness, and the private sector to  
87 streamline the review of Federal permit applications. Like  
88 each bill in the Judiciary Committee's regulatory reform  
89 package, the RAPID Act contains well-thought-out balanced  
90 reforms that provide for more efficient and effective  
91 decision making.

92 I thank subcommittee chairman Marino for his continued  
93 leadership in offering the RAPID Act and his diligent work to  
94 review bills before us today through the hearing process in  
95 the Subcommittee on Regulatory Reform, Commercial and  
96 Antitrust Law. I urge my colleagues to support the RAPID

97 Act.

98 And at this time, as the ranking member has not yet  
99 arrived, I would turn to the ranking member of the Regulatory  
100 Reform, Commercial, and Antitrust Subcommittee, the gentleman  
101 from Georgia, Mr. Johnson, for his opening statement.

102 Mr. Johnson. Thank you, Mr. Chairman. H.R. 348, the  
103 so-called Responsibly and Professionally Invigorating  
104 Development Act of 2015, is a misguided attempt to sow  
105 widespread confusion and delay in the review and permitting  
106 process under the National Environmental Policy Act. For  
107 over 40 years, the approval process for projects under the  
108 National Environmental Policy Act, otherwise known as NEPA,  
109 has saved time, money, and protected the environment.

110 Among other things, NEPA requires agencies to prepare a  
111 detailed environmental review for proposals relating to  
112 "major Federal actions significantly affecting the quality of  
113 the human environment." NEPA's purpose is to provide a  
114 framework for wide-ranging input from all affected interests  
115 when a Federal agency conducts an environmental review of a  
116 proposed project.

117 H.R. 348, the so-called RAPID Act, upends this review  
118 process in three ways. First, H.R. 348 carves out a separate

119 environmental review process for construction projects.  
120 Currently, NEPA applies to a broad range of Federal projects,  
121 including hunting permits, land management plans, military  
122 base realignment and closure activities, and treaties. In  
123 contract, H.R. 348 only applies to a subset of these Federal  
124 projects, creating more regulatory complexity, not less.

125 Second, Section C of the RAPID Act allows any project  
126 sponsor to prepare an environmental document in lieu of such  
127 analysis by the lead agency. It is not difficult to imagine  
128 the shortcomings of allowing corporations which seek to  
129 maximize shareholder value to sit in the driver's seat on  
130 environmental policy. Amit Narang, a regulatory policy  
131 advocate for Public Citizen, underscored the ludicrous nature  
132 of Section C during the legislative hearing on H.R. 348,  
133 where he compared Section C of H.R. 348 to "asking big banks  
134 to determine the costs and benefits of new Wall Street reform  
135 rules, or big energy companies to determine the costs and  
136 benefits of new climate change or air pollution measures."  
137 The inherent conflict-of-interest built into this section  
138 reveals the bill's clear design to allow project sponsors to  
139 manipulate the NEPA permit approval process to the greatest  
140 extent possible.

141 Finally, under Section (i) of H.R. 348, if an agency  
142 fails to meet the unrealistic deadlines mandated by H.R. 348,  
143 the bill would automatically green light a Federal  
144 construction project regardless of whether the agency has  
145 thoroughly reviewed the project's risks. Even if I were to  
146 set aside these concerns, it is difficult for me to look past  
147 the complete lack of empirical data supporting the premise of  
148 the RAPID Act, which is that agency compliance with NEPA is  
149 the cause of delays in approving permits.

150 The non-partisan Congressional Research Service reported  
151 in 2012 that project approval delays based on environmental  
152 requirements are not caused by NEPA, but "are more often tied  
153 to local, State, and project-specific factors, primarily  
154 local State agency priorities, project funding levels, local  
155 opposition to a project, project complexity, or late changes  
156 in project scope." Similarly, Deanna Bair, who served as the  
157 general counsel for the White House Council on Environmental  
158 Quality, which oversees NEPA's implementation, for over 20  
159 years under both Republican and Democratic administrations  
160 testified in the 112th Congress that most delays in the  
161 environmental review process are not the result of NEPA, but  
162 due to other factors entirely unrelated to NEPA.

163 I urge my colleagues to oppose this misguided bill, and  
164 I yield back the balance of my time.

165 Chairman Goodlatte. The chair thanks the gentleman, and  
166 is now pleased to recognize the gentleman from Pennsylvania,  
167 the subcommittee chair and the sponsor of this bill, Mr.  
168 Marino, for his opening statement.

169 Mr. Marino. Thank you, Chairman. First I would like to  
170 enter into the record a letter to members of the House  
171 Committee on Judiciary where over 115 businesses and  
172 organizations support this bill. And that letter is dated  
173 March 23, 2015.

174 Chairman Goodlatte. Without objection, it will be made  
175 a part of the record.

176 [The information follows:]

177

178 Mr. Marino. I move to strike the last word, sir.

179 Chairman Goodlatte. The gentleman is recognized.

180 Mr. Marino. The American historical record has always  
181 been "the worst the recession, the stronger the recovery."  
182 Regrettably, for all Americans I think we all can agree the  
183 recovery from the Great Recession has been anything but  
184 strong. In the last 10 previous recessions since the Great  
185 Depression, the economy recovered all jobs lost during the  
186 recession after an average of 25 months, after the prior  
187 jobs' peak, according to the Federal Reserve Bank of  
188 Minneapolis.

189 However, under the current Administration, it took until  
190 June 2014, 78 months after the prior jobs' peak, or 6 and a  
191 half years later, for even the *New York Times* to claim we  
192 have recovered all of the recession's job losses. Besides  
193 losing paychecks, millions of Americans have lost their  
194 dignity and satisfaction that comes from earning a living and  
195 supporting a family with a full-time job. No government  
196 benefit can compensate a person for that.

197 Americans are ready to work, and employers are eager to  
198 create jobs if government could just get out of the way. As  
199 we have heard from witnesses, the job opportunities are here

200 on U.S. soil. A study of proposed projects in just one  
201 sector of the economy, the energy sector, found that if a  
202 modest number of these projects were allowed to go forward  
203 and break ground, the direct and indirect economic benefits  
204 will be tremendous. As identified, 351 projects, if  
205 approved, could generate \$1.1 trillion -- that is with a "T,"  
206 trillion dollars -- and create 1.9 million jobs annually.

207 The U.S. Chamber of Commerce's study, "Project No  
208 Project," looked at the potential economic impact of  
209 permitting challenges faced by U.S. companies attempting to  
210 propose new energy projects. For example, Pen-Mar Ethanol  
211 attempted to construct an ethanol-producing plant in Conoy  
212 Township, Pennsylvania. Neighboring Hellam Township sent a  
213 letter to the Conoy Township board of supervisors objecting  
214 to the ethanol plant. Hellam Township's objections included  
215 environmental risk to the surrounding area and a "risk of  
216 causing the beautiful area surrounding the Susquehanna River  
217 to become an undesirable site." Is that what we mean when we  
218 talk about negative environmental impact, an obstructed  
219 scenic view? Certainly job creators cannot be effective in  
220 creating jobs under such an over-expansive, extreme regime.

221 After hearing about the numerous projects currently

222 awaiting approval, many of us might be asking ourselves, "is  
223 the workers are here and the jobs are here, then what is  
224 keeping American workers idle?" Well, I will tell you. It  
225 is our outdated, burdensome, convoluted Federal permitting  
226 process that has become a hotbed for the environmental  
227 extremists looking to hold up infrastructure building and  
228 growth that our country so desperately needs.

229 Today there is no limit to the objections various  
230 agencies can raise with environmental reviews not uncommonly  
231 taking up to a decade or more, holding jobs hostage in the  
232 process. Anti-growth, anti-permitting advocates meanwhile  
233 can lie in the weeds for another 6 years once a permit is  
234 finally granted before ambushing good faith project  
235 developers with dilatory job- and project-killing litigation.

236 Instead of empowering businesses to be the engine of our  
237 economy, we instead tie them up with thousands of pages of  
238 decisions, interminable administrative and litigation delays.  
239 This is incomprehensible to anyone that a specialist, a  
240 costly legal team, or a so-called advocacy group that seek to  
241 kill economic activity, jobs, and growth for hardworking  
242 Americans.

243 I introduced the RAPID Act to right the ship, to restore

244 balance, and impose sanity on our Federal permitting system.  
245 The key to reform is balance, and this reform has that. My  
246 RAPID Act strikes the right balance between conversation and  
247 development. Anyone with a trace of common sense knows that  
248 10 to 15 years to wait for a permit is just not acceptable.

249 I urge my colleagues to support the RAPID Act, and I  
250 yield back.

251 Chairman Goodlatte. The chair thanks the gentleman.  
252 Are there any amendments? For what purpose does the  
253 gentleman from New York seek recognition?

254 Mr. Nadler. Mr. Chairman, I have an amendment at the  
255 desk.

256 Chairman Goodlatte. The clerk will report the  
257 amendment.

258 Ms. Williams. Amendment to H.R. 348, offered by Mr.  
259 Nadler, page 31 --

260 Chairman Goodlatte. Without objection, the amendment is  
261 considered as read.

262 [The amendment of Mr. Nadler follows:]

263

264 Chairman Goodlatte. And the gentleman is recognized for  
265 5 minutes on his amendment.

266 Mr. Nadler. Thank you, Mr. Chairman. Mr. Chairman, my  
267 amendment exempts from the bill any construction project or  
268 nuclear facility planned in an area designated as an  
269 earthquake fault zone. The RAPID Act would prevent  
270 meaningful input on complicated construction projects that  
271 have the potential to have disastrous impacts on individuals  
272 living near them.

273 The meltdown of the nuclear reactors at the Fukushima  
274 Daiichi Power Plant in Japan in the aftermath of a  
275 devastating earthquake and tsunami highlights the dangers of  
276 regulatory failure when it comes to ensuring the safe  
277 operation of nuclear reactors. In particular, the Fukushima  
278 disaster illustrates the failure in planning and construction  
279 projects in an area susceptible to earthquakes and tsunamis.  
280 It has been just 4 years since the Fukushima meltdown in  
281 Japan, yet a reporter who visited the site described it like  
282 this, "The site of the Fukushima nuclear disaster in Japan  
283 remains a post-apocalyptic landscape of abandoned towns  
284 frozen in time."

285 Now, consider the Indian Point Nuclear Power Plant,

286 which is only 24 miles from New York City, and according to  
287 the Nuclear Regulatory Commission could be at risk of reactor  
288 core damage from an earthquake, and the plant sits on an  
289 earthquake fault. An estimated 17 million people live within  
290 a 50-mile radius of the Indian Point Nuclear Power Plant. By  
291 imposing strict deadlines and limiting opportunities for  
292 agencies and the public to participate in the approval  
293 process, this bill could prevent the Nuclear Regulatory  
294 Commission from being able to protect the tens of millions  
295 who live in the greater New York Metropolitan Area and  
296 millions of other Americans who live near nuclear power  
297 plants from a catastrophe akin to what happened in Fukushima.

298 I want to point out that we have nuclear accidents right  
299 here in the United States. In 2014, just last year, night  
300 shift workers inhaled plutonium that was leaked from a  
301 nuclear waste burial site in Carlsbad, New Mexico.  
302 Radioactive materials reached the surface and were inhaled by  
303 several workers. These workers face the possibility of  
304 subatomic particles bombarding their internal organs for the  
305 rest of their lives.

306 Now, imagine the immense risk to human health that would  
307 result from a large-scale leak caused by an earthquake. It

308 could be catastrophic. We cannot afford to water down  
309 nuclear regulations or restrict the ability of the Nuclear  
310 Regulatory Commission to do its job of protecting human  
311 health.

312 My amendment would ensure that the inclusive and  
313 prudential construction approval process that currently  
314 exists under the National Environmental Policy Act will  
315 continue to apply to any construction project for a nuclear  
316 facility planned in an area designated as an earthquake fault  
317 zone. At least in these cases, we cannot afford to give  
318 short shrift to environmental and safety considerations as  
319 this bill would do.

320 I urge everyone to support this amendment because when  
321 it comes to constructing a nuclear facility in an earthquake  
322 fault zone, we really cannot be too careful. I yield back.

323 Chairman Goodlatte. The chair thanks the gentleman.  
324 For what purpose does the gentleman from Pennsylvania seek  
325 recognition?

326 Mr. Marino. Mr. Chairman, I oppose the amendment.

327 Chairman Goodlatte. The gentleman is recognized for 5  
328 minutes.

329 Mr. Marino. Mr. Chairman, I oppose the amendment

330 because it is unnecessary and could unnecessarily block  
331 needed construction projects from breaking ground. America's  
332 real unemployment rate is stuck at over 13 percent, and  
333 millions of Americans are looking for work. A March 2011  
334 Project No Project study identified 351 energy projects,  
335 including nuclear projects, that if approved could generate  
336 \$1.1 trillion for the economy and create 1.9 million jobs  
337 annually. I appreciate that my colleague is concerned about  
338 the safety of nuclear power, including earthquake fault  
339 zones. But the RAPID Act does not require agencies to  
340 approve or deny any particular project or permit application,  
341 and I want to repeat that.

342 The RAPID Act does not require agencies to approve or  
343 deny any particular project or permit applications. It  
344 simply ensures that the environmental review and permitting  
345 process is conducted by agencies in an efficient and  
346 transparent manner. It is consistent with the  
347 Administration's own guidance, the President Job Council's,  
348 recommendation and prior to bipartisan legislation. For  
349 these reasons, I oppose the amendment, and I yield back.

350 Chairman Goodlatte. For what purpose from Michigan seek  
351 recognition?

352 Mr. Conyers. Strike the last word.

353 Chairman Goodlatte. The gentleman is recognized.

354 Mr. Conyers. Thank you, Mr. Chairman. I would like to,  
355 of course, support the Nadler amendment because it exempts  
356 from the bill any construction project for nuclear  
357 facilities. I think it makes imminently good sense that we  
358 put this amendment into the measure that is before us today.

359 I also would like to, if I can, additionally make a  
360 comment about the passing of our Judiciary member, Mr. Bob  
361 Kastenmeier. I remember the trio of Kastenmeier, Bryan, and,  
362 let see, Edwards, Don Edwards. And so, Bob Kastenmeier, who  
363 served on this committee for 32 years, and was a leader on  
364 the committee obviously. What a person. He was dedicated.  
365 He loved the committee and the administration of justice.  
366 And he wrote many important reform laws, especially in the  
367 copyright area. And so, I wanted the record to show that we  
368 remember him fondly, and wish all the best to him and his  
369 family. I am proud to have served with him.

370 Mr. Chairman --

371 Chairman Goodlatte. Would the gentleman yield on that  
372 point?

373 Mr. Conyers. I would be happy to.

374 Chairman Goodlatte. I thank the gentleman for bringing  
375 up former Congressman Kastenmeier. I did not serve with him,  
376 but my predecessor and colleague, Congressman Caldwell  
377 Butler, was on the committee at the time that he was there.  
378 And I know that Representative Kastenmeier was a dedicate  
379 advocate for his State of Wisconsin having been first elected  
380 in 1958, and then subsequently reelected 15 times. He was  
381 also an influential member of this committee through his work  
382 on the Nixon impeachment proceedings and his efforts in  
383 revising the country's copyright laws. And I thank the  
384 gentleman for remembering Kastenmeier to all of us.

385 Mr. Conyers. Thank you. Thank you very much, Chairman.  
386 I wanted to add, too, in support the Nadler amendment, by  
387 imposing deadlines, the RAPID Act could prevent the Nuclear  
388 Regulatory Commission from being able to protect the tens of  
389 millions who live in the greater New York Metro Area, and  
390 other millions who live near nuclear power plants from a  
391 catastrophe akin to what happened at Fukushima.

392 The RAPID Act would prevent meaningful input on  
393 complicated construction projects, but have the potential to  
394 have a disastrous impact on individuals living near them. So  
395 I would join with those, and hope that we will get a majority

396 to pass this. And I yield now to the gentleman from New  
397 York.

398 Mr. Nadler. I thank the gentleman for yielding, and I  
399 thank the gentleman for supporting my amendment, and I  
400 certainly want to associate myself with the remarks about our  
401 former colleague Bob Kastenmeier.

402 I just want to make one comment on what the gentleman  
403 from Pennsylvania said. In supporting the bill, he brings up  
404 the unemployment and he brings up the economic activity, all  
405 of which is relevant to a point. What we are seeking to do  
406 here is to get balance. You have to have environmental  
407 review, you have to have safety, but you also have to have  
408 employments, and projects have to go forward. And the  
409 question is, what is the proper balance?

410 And one can say that the gentleman's bill is a decent  
411 balance. I disagree with that, but one could say that. But  
412 in certain circumstances where the risks to the environment  
413 are not environmental beauty or even contamination, but  
414 safety for millions of people where you are dealing with an  
415 earthquake zone and a nuclear power plant, you could say the  
416 balance should be struck somewhat differently. We should be  
417 more careful where the down side is not some environmental

418 contamination, which is bad enough, but is potentially  
419 thousands of people dying, one could draw a more tight  
420 balance than in other cases.

421 And, therefore, the general support for the bill is not  
422 sufficient for us to say why the balance is wrong here, why  
423 my amendment in this circumstance is too tightly drawn and  
424 not in general. So I think you could support the amendment  
425 even if you support the bill, though I do not support the  
426 bill. But certainly where you are dealing with thousands of  
427 lives potentially, you can maintain you should have stronger  
428 environmental review without the kind of deadlines for the  
429 safety that you have in other situations.

430 I thank the gentleman. I yield back.

431 Mr. Conyers. Well, if I could get one additional  
432 minute.

433 Chairman Goodlatte. Without objection, the gentleman is  
434 recognized for an additional minute.

435 Mr. Conyers. Thank you. I appreciate the fact that a  
436 case has been made by the gentleman from New York for  
437 supporting this amendment whether you are for or against the  
438 bill. And so, I urge its passage and yield back the balance  
439 of my time.

440 Chairman Goodlatte. For what purpose does the gentleman  
441 from Ohio seek recognition?

442 Mr. Chabot. Yield my time to the gentleman from  
443 Pennsylvania.

444 Chairman Goodlatte. The gentleman from Ohio is  
445 recognized for 5 minutes.

446 Mr. Marino. Thank you. In my legislation, in our  
447 legislation, someone has up to 4 and a half years to  
448 determine whether a permit should be issued or not, up to 4  
449 and a half years. Do you realize we won World War II in 4  
450 and a half years? And I read constantly -- constantly --  
451 that it is taking 8, 10, 15 years for a permitting process  
452 simply because paperwork is lying on someone's desk, or at  
453 the last moment a frivolous lawsuit is filed.

454 So let us be reasonable about this, and there is no one  
455 who understands the issues concerning nuclear power plants  
456 because I clerked for a Federal judge, an internship, during  
457 the Three Mile Island crisis. So I understand that very  
458 clearly. But we need to get Washington moving, and 4 and a  
459 half years is a reasonable time to make a decision as to  
460 whether to allow a permit to go through it or deny it. And  
461 with that, I yield back.

462 Chairman Goodlatte. The question occurs on the  
463 amendment -- for what purpose does the gentleman from Georgia  
464 seek recognition?

465 Mr. Johnson. Move to strike the last word.

466 Chairman Goodlatte. The gentleman is recognized for 5  
467 minutes.

468 Mr. Johnson. Yes, Mr. Chairman, under Section C of H.R.  
469 348, it is clear to me that if the Nuclear Regulatory  
470 Commission decided that it wanted to cede its environmental  
471 process to a power company that was in the process of wanting  
472 to construct a nuclear power plant, then this legislation  
473 would allow the Nuclear Regulatory Commission to entrust the  
474 power company with that authority. And if that is the case,  
475 then it means that if a pro-Nuclear Regulatory Commission was  
476 in place, let us say that the Republicans gained control of  
477 the executive branch and installed a pro-deregulatory Nuclear  
478 Regulatory agency in place, that pro-nuclear agency could  
479 then cede its authority to issue an environmental impact  
480 statement to the power company seeking to build a power  
481 plant. And that would potentially wreak havoc on the  
482 Nation's safety.

483 And so, that is why with that giant hole in this

484 legislation, it makes it friendly to power companies with  
485 respect to this specific area that we are discussing under  
486 this amendment. That is why I support this amendment. It is  
487 a good common sense amendment that protects people from the  
488 excesses of the nuclear power industry in a worst case  
489 scenario. And with that, I will yield back.

490 Chairman Goodlatte. The question occurs on the --

491 Ms. Lofgren. Mr. Chairman?

492 Chairman Goodlatte. For what purpose does the  
493 gentlewoman from California seek recognition?

494 Ms. Lofgren. To strike the last word.

495 Chairman Goodlatte. The gentlewoman is recognized for 5  
496 minutes.

497 Ms. Lofgren. And I do support the gentleman from New  
498 York's amendment, and I would like to yield him the remainder  
499 of my time.

500 Mr. Nadler. I thank the gentlelady for yielding. I  
501 just want to comment that, you know, we heard that these long  
502 delays, but the non-partisan Congressional Research Service,  
503 the CRS, issued a report back in 2012 pointing out that the  
504 primary source of approval in delays for construction  
505 projects "are more often tied to local, State, and project

506 specific factors, primarily local/State agency priorities,  
507 project funding levels, local opposition to a project,  
508 project complexity, or late changes in project scope." They  
509 further note that "project delays based on environmental  
510 requirements stem not from NEPA, but from laws other than  
511 NEPA." So you are not really addressing the delays by this  
512 bill, but you are putting potentially fatal road blocks in  
513 the way of proper safety consideration.

514 I would like unanimous consent to enter into the record  
515 this 2012 CRS report on the "Role of the Environmental Review  
516 Process in Federally Funded Projects."

517 Chairman Goodlatte. Without objection.

518 [The information follows:]

519

520 Mr. Nadler. Thank you. And I simply, again, most of  
521 the delays come not from what we are talking about, not from  
522 what would be dealt with by this bill, but this bill would,  
523 especially without my amendment, put roadblocks in the way of  
524 proper safety regulation. So I urge the enactment of the  
525 amendment, and I thank the gentlelady for yielding. And I  
526 yield back.

527 Ms. Lofgren. And I yield back.

528 Chairman Goodlatte. The question occurs on the  
529 amendment --

530 Mr. King. Mr. Chairman?

531 Chairman Goodlatte. For what purpose does the gentleman  
532 from Iowa seek recognition?

533 Mr. King. Thank you, Mr. Chairman. I move to strike  
534 the last word.

535 Chairman Goodlatte. The gentleman is recognized for 5  
536 minutes.

537 Mr. King. And yield to the gentleman from Pennsylvania,  
538 Mr. Marino.

539 Mr. Marino. Thank you, Mr. King. Thank you, Chairman.  
540 I want to make two things perfectly clear, that Federal  
541 agency will be the lead agency on this, and my research shows

542 me the Federal agencies are the ones that have been dragging  
543 their feet on this. However, that is why a Federal agency is  
544 appointed the lead agency to keep the States and the locals  
545 in line to follow a schedule. And we are finding that that  
546 is not done properly at any level. And number two, the  
547 agency can deny the petition and statewide deny the petition.  
548 And I yield back.

549 Mr. Nadler. Would the gentleman yield?

550 Mr. King. And I yield back.

551 Mr. Marino. It is his time.

552 Mr. King. I have yielded back, Mr. Chairman.

553 Mr. Nadler. Sheila?

554 Ms. Jackson Lee. Mr. Chairman, strike the last word.

555 Chairman Goodlatte. The gentlewoman from Texas is  
556 recognized for 5 minutes.

557 Ms. Jackson Lee. I support the gentleman's amendment,  
558 and I would like to yield to the gentleman.

559 Mr. Nadler. Thank you. I thank the gentlelady for  
560 yielding. I would like to simply point out with respect to  
561 what the gentleman from Pennsylvania just said, that it is  
562 very often the Federal agency that is the lead agency that  
563 wants the project. It is the Federal agency, like the

564 Federal Highway Administration, or the Federal Rail, or  
565 whatever, that is the lead agency. They are pushing the  
566 project. The EPA has a separate duty, regulatory duty, to  
567 make sure that the project meets the requirements of law.

568 What this bill does is to say that the lead agency,  
569 which wants the project, it is not a dispassionate judge as  
570 the Environmental Agency is supposed to be. But the lead  
571 agency that wants the project, if they slow down the bill and  
572 do not finish the process in a year, the project is  
573 automatically approved. So if you are the Federal bureaucrat  
574 who is pushing the project, all you have to do to thwart  
575 environmental or other review by agencies that you do not  
576 control, the regulatory agencies that are there to protect  
577 the public health and safety while you are there to promote  
578 projects like this, all you have to do thwart proper review  
579 under this bill is to slow down.

580 You control the speed. The EPA does not. So all you  
581 have to do is slow it down and the project is automatically  
582 deemed approved. Now, that is bad enough for normal  
583 projects. Under my amendment, at least when you are building  
584 a nuclear reactor which is potentially dangerous in an  
585 earthquake fault zone, you do not want the Nuclear Regulatory

586 Agency or the project sponsor to be able to stop the review  
587 simply by slowing it down. That does not make sense, and  
588 that is why my amendment would at least, in a situation of  
589 real potential danger to people, I did not even say nuclear  
590 reactors. Nuclear reactors in earthquake zones.

591 You really ought to stop, look, and listen, and that is  
592 the point of this amendment. And I thank the gentlelady for  
593 yielding, and I yield back to her.

594 Chairman Goodlatte. The question occurs on the  
595 amendment offered by the gentleman from New York.

596 All those in favor, respond by saying aye.

597 Those opposed, no.

598 In the opinion of the chair, the noes have it.

599 Mr. Nadler. Roll call vote.

600 Chairman Goodlatte. A recorded vote is requested, and  
601 the clerk will call the roll.

602 Ms. Williams. Mr. Goodlatte?

603 Chairman Goodlatte. No.

604 Ms. Williams. Mr. Goodlatte votes no.

605 Mr. Sensenbrenner?

606 Mr. Sensenbrenner. No.

607 Ms. Williams. Mr. Sensenbrenner votes no.

608 Mr. Smith?

609 Mr. Smith. No.

610 Ms. Williams. Mr. Smith votes no.

611 Mr. Chabot?

612 Mr. Chabot. No.

613 Ms. Williams. Mr. Chabot votes no.

614 Mr. Issa?

615 [No response.]

616 Ms. Williams. Mr. Forbes?

617 Mr. Forbes. No.

618 Ms. Williams. Mr. Forbes votes no.

619 Mr. King?

620 Mr. King. No.

621 Mr. Williams. Mr. King votes no.

622 Mr. Franks?

623 Mr. Franks. No.

624 Ms. Williams. Mr. Franks votes no.

625 Mr. Gohmert?

626 [No response.]

627 Ms. Williams. Mr. Jordan?

628 Mr. Jordan. No.

629 Ms. Williams. Mr. Jordan votes no.

630 Mr. Poe?

631 Mr. Poe. No.

632 Ms. Williams. Mr. Poe votes no.

633 Mr. Chaffetz?

634 [No response.]

635 Ms. Williams. Mr. Marino?

636 Mr. Marino. No.

637 Ms. Williams. Mr. Marino votes no.

638 Mr. Gowdy?

639 [No response.]

640 Ms. Williams. Mr. Labrador?

641 [No response.]

642 Ms. Williams. Mr. Farenthold?

643 Mr. Farenthold. No.

644 Ms. Williams. Mr. Farenthold votes no.

645 Mr. Collins?

646 Mr. Collins. No.

647 Ms. Williams. Mr. Collins votes no.

648 Mr. DeSantis?

649 Mr. DeSantis. No.

650 Ms. Williams. Mr. DeSantis votes no.

651 Ms. Walters?

652 Ms. Walters. No.

653 Ms. Williams. Ms. Walters votes no.

654 Mr. Buck?

655 Mr. Buck. No.

656 Ms. Williams. Mr. Buck votes no.

657 Mr. Ratcliffe?

658 [No response.]

659 Ms. Williams. Mr. Trott?

660 Mr. Trott. No.

661 Ms. Williams. Mr. Trott votes no.

662 Mr. Bishop?

663 Mr. Bishop. No.

664 Ms. Williams. Mr. Bishop votes no.

665 Mr. Conyers?

666 Mr. Conyers. Aye.

667 Ms. Williams. Mr. Conyers votes aye.

668 Mr. Nadler?

669 Mr. Nadler. Aye.

670 Ms. Williams. Mr. Nadler votes aye.

671 Ms. Lofgren?

672 Ms. Lofgren. Aye.

673 Ms. Williams. Ms. Lofgren votes aye.

674 Ms. Jackson Lee?  
675 [No response.]  
676 Ms. Williams. Mr. Cohen?  
677 [No response.]  
678 Ms. Williams. Mr. Johnson?  
679 Mr. Johnson. Aye.  
680 Ms. Williams. Mr. Johnson votes aye.  
681 Mr. Pierluisi?  
682 [No response.]  
683 Ms. Williams. Ms. Chu?  
684 Ms. Chu. Aye.  
685 Ms. Williams. Ms. Chu votes aye.  
686 Mr. Deutch?  
687 [No response.]  
688 Ms. Williams. Mr. Gutierrez?  
689 [No response.]  
690 Ms. Williams. Ms. Bass?  
691 Ms. Bass. Aye.  
692 Ms. Williams. Ms. Bass votes aye.  
693 Mr. Richmond?  
694 [No response.]  
695 Ms. Williams. Ms. DelBene?

696 Ms. DelBene. Aye.

697 Ms. Williams. Ms. DelBene votes aye.

698 Mr. Jeffries?

699 [No response.]

700 Ms. Williams. Mr. Cicilline?

701 Mr. Cicilline. Aye.

702 Ms. Williams. Mr. Cicilline votes aye.

703 Mr. Peters?

704 Mr. Peters. Aye.

705 Ms. Williams. Mr. Peters votes aye.

706 Chairman Goodlatte. The gentleman from South Carolina?

707 Mr. Gowdy. No.

708 Ms. Williams. Mr. Gowdy votes no.

709 Chairman Goodlatte. Has every member voted --

710 Ms. Jackson Lee. Mr. Chairman?

711 Chairman Goodlatte. The gentlewoman from Texas?

712 Ms. Jackson Lee. How am I recorded?

713 Ms. Williams. Not recorded.

714 Ms. Jackson Lee. I vote aye.

715 Ms. Williams. Ms. Jackson Lee votes aye.

716 Chairman Goodlatte. The clerk will report.

717 Ms. Williams. Mr. Chairman, 10 members voted aye, 18

718 members voted no.

719 Chairman Goodlatte. And the amendment is not agreed to.

720 For what purpose does the gentlewoman from Texas seek  
721 recognition?

722 Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
723 the desk, the second amendment.

724 Chairman Goodlatte. The clerk will report the  
725 amendment.

726 Ms. Williams. Amendment to H.R. 348, offered by Ms.  
727 Jackson Lee of Texas, page 31 --

728 Chairman Goodlatte. Without objection, the amendment is  
729 considered as read.

730 [The amendment of Ms. Jackson Lee follows:]

731

732 Chairman Goodlatte. And the gentlewoman is recognized  
733 for 5 minutes on her amendment.

734 Ms. Jackson Lee. Thank you very much, Mr. Chairman.  
735 Many of us wear a number of hats with dual committee  
736 assignments, and I sit on the Homeland Security Committee,  
737 and note that we live in difficult and challenging times.  
738 And my amendment would except from the bill construction  
739 projects that could be potential targets for terrorist  
740 attacks such as chemical facilities and other critical  
741 infrastructure. In particular, I think it is important to  
742 note that the FBI director indicated that he was addressing  
743 the question of terrorist cells in 50 States.

744 The way this legislation is drafted, it would require a  
745 passing by, if you will, of facilities that might need the  
746 further attention to be deemed approved. All Federal  
747 agencies are subject to the environmental decision making  
748 requirements under NEPA. This includes the Nuclear  
749 Regulatory Commission, which the 9th Circuit has held "shall  
750 account for the potential environmental impacts of acts of  
751 terrorism in its environmental review process." The Nuclear  
752 Regulatory Commission has also imposed stringent anti-  
753 terrorism requirements on its licenses under 10 C.F.R. .73,

754 which outlines security requirements for the physical  
755 protection of nuclear plants and materials. And in this  
756 amendment, chemical facilities.

757 H.R. 348 would severely limit the ability of the NRC to  
758 fully review the potential impacts of terrorism on Federal  
759 construction projects involving nuclear facilities and  
760 chemical facilities. Worse still, H.R. 348 would  
761 automatically deem construction projects approved even when  
762 the NRC would need more time and had not fully completed a  
763 review of the environmental risk and/or the potential  
764 subjectivity of these facilities to terrorist acts. It has a  
765 component in the legislation to address this amendment, which  
766 speaks to projects on individuals' desks.

767 I join my colleague in saying let us find a bill that  
768 says, staff, do not leave it on your desk, but not an  
769 amendment that bypasses the very detailed and important  
770 review that the American people believe we owe them. This  
771 amendment would ensure that H.R. 348's dangerous approach to  
772 the end EPA approval process would not impact assessing the  
773 risk of terrorist attacks or terrorist viability on nuclear  
774 facilities or critical infrastructure facilities, such as  
775 chemical facilities.

776 I would ask my colleagues to support the Jackson Lee  
777 amendment.

778 Chairman Goodlatte. For what purpose does the gentleman  
779 from Pennsylvania seek recognition?

780 Mr. Marino. I oppose the amendment.

781 Chairman Goodlatte. The gentleman is recognized for 5  
782 minutes.

783 Mr. Marino. Thank you, Chairman. I oppose this  
784 amendment because it misunderstands the purpose of the bill.  
785 The amendment exempts from the bill construction projects  
786 that could be potential targets for terrorist attacks or  
787 involve chemical facilities and other critical  
788 infrastructure. But these are precisely the sort of critical  
789 projects we should want completed in a timely manner. Then  
790 once they are built, we should protect them vigilantly  
791 against attack. It makes no sense to try to protect them by  
792 never building them at all.

793 The RAPID Act moreover does not require an agency to  
794 approve the project. An agency can deny a permit within its  
795 deadlines. But an agency clearly should act within its  
796 deadlines, and the RAPID Act assures that will happen. This  
797 way, businesses know where they stand, and America can get

798 back to work. And for these reasons, I oppose the amendment,  
799 and I yield back.

800 Chairman Goodlatte. The question occurs on the  
801 amendment offered by the gentlewoman from Texas.

802 All those in favor, respond by saying aye.

803 Those opposed, no.

804 In the opinion of the chair, the noes have it.

805 Ms. Jackson Lee. Roll call.

806 Chairman Goodlatte. A recorded vote is requested, and  
807 the clerk will call the roll.

808 Ms. Williams. Mr. Goodlatte?

809 Chairman Goodlatte. No.

810 Ms. Williams. Mr. Goodlatte votes no.

811 Mr. Sensenbrenner?

812 [No response.]

813 Ms. Williams. Mr. Smith?

814 Mr. Smith. No.

815 Ms. Williams. Mr. Smith votes no.

816 Mr. Chabot?

817 Mr. Chabot. No.

818 Ms. Williams. Mr. Chabot votes no.

819 Mr. Issa?

820 [No response.]

821 Ms. Williams. Mr. Forbes?

822 [No response.]

823 Ms. Williams. Mr. King?

824 [No response.]

825 Mr. Williams. Mr. Franks?

826 [No response.]

827 Ms. Williams. Mr. Gohmert?

828 [No response.]

829 Ms. Williams. Mr. Jordan?

830 Mr. Jordan. No.

831 Ms. Williams. Mr. Jordan votes no.

832 Mr. Poe?

833 [No response.]

834 Ms. Williams. Mr. Chaffetz?

835 [No response.]

836 Ms. Williams. Mr. Marino?

837 Mr. Marino. No.

838 Ms. Williams. Mr. Marino votes no.

839 Mr. Gowdy?

840 [No response.]

841 Ms. Williams. Mr. Labrador?

842 [No response.]

843 Ms. Williams. Mr. Farenthold?

844 [No response.]

845 Ms. Williams. Mr. Collins?

846 Mr. Collins. No.

847 Ms. Williams. Mr. Collins votes no.

848 Mr. DeSantis?

849 [No response.]

850 Ms. Williams. Ms. Walters?

851 Ms. Walters. No.

852 Ms. Williams. Ms. Walters votes no.

853 Mr. Buck?

854 Mr. Buck. No.

855 Ms. Williams. Mr. Buck votes no.

856 Mr. Ratcliffe?

857 [No response.]

858 Ms. Williams. Mr. Trott?

859 Mr. Trott. No.

860 Ms. Williams. Mr. Trott votes no.

861 Mr. Bishop?

862 Mr. Bishop. No.

863 Ms. Williams. Mr. Bishop votes no.

864 Mr. Conyers?

865 Mr. Conyers. Aye.

866 Ms. Williams. Mr. Conyers votes aye.

867 Mr. Nadler?

868 Mr. Nadler. Aye.

869 Ms. Williams. Mr. Nadler votes aye.

870 Ms. Lofgren?

871 Ms. Lofgren. Aye.

872 Ms. Williams. Ms. Lofgren votes aye.

873 Ms. Jackson Lee?

874 Ms. Jackson Lee. Aye.

875 Ms. Williams. Ms. Jackson Lee votes aye.

876 Mr. Cohen?

877 [No response.]

878 Ms. Williams. Mr. Johnson?

879 [No response.]

880 Ms. Williams. Mr. Pierluisi?

881 [No response.]

882 Ms. Williams. Ms. Chu?

883 Ms. Chu. Aye.

884 Ms. Williams. Ms. Chu votes aye.

885 Mr. Deutch?

886 [No response.]

887 Ms. Williams. Mr. Gutierrez?

888 [No response.]

889 Ms. Williams. Ms. Bass?

890 Ms. Bass. Aye.

891 Ms. Williams. Ms. Bass votes aye.

892 Mr. Richmond?

893 [No response.]

894 Ms. Williams. Ms. DelBene?

895 Ms. DelBene. Aye.

896 Ms. Williams. Ms. DelBene votes aye.

897 Mr. Jeffries?

898 [No response.]

899 Ms. Williams. Mr. Cicilline?

900 Mr. Cicilline. Aye.

901 Ms. Williams. Mr. Cicilline votes aye.

902 Mr. Peters?

903 Mr. Peters. Aye.

904 Ms. Williams. Mr. Peters votes aye.

905 Chairman Goodlatte. The gentleman from Arizona?

906 Mr. Franks. No.

907 Ms. Williams. Mr. Franks votes no.

908 Chairman Goodlatte. The gentleman from Iowa?

909 Mr. King. No.

910 Ms. Williams. Mr. King votes no.

911 Chairman Goodlatte. The gentleman from Texas?

912 Mr. Gohmert. No.

913 Ms. Williams. Mr. Gohmert votes no.

914 Chairman Goodlatte. The gentleman from South Carolina?

915 Mr. Gowdy. No.

916 Ms. Williams. Mr. Gowdy votes no.

917 Chairman Goodlatte. The gentleman from Florida?

918 Mr. DeSantis. No.

919 Ms. Williams. Mr. DeSantis votes no.

920 Chairman Goodlatte. The gentleman from Virginia?

921 Mr. Forbes. No.

922 Ms. Williams. Mr. Forbes votes no.

923 Chairman Goodlatte. Has every member voted who wishes

924 to vote?

925 [No response.]

926 Chairman Goodlatte. The clerk will report.

927 Ms. Williams. Mr. Chairman, 9 members voted aye, 16

928 members voted no.

929 Chairman Goodlatte. And the amendment is not agreed to.

930           For what purpose does the gentlewoman from Texas seek  
931 recognition?

932           Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
933 the desk, the first one, Jackson Lee under H.R. 348.

934           Chairman Goodlatte. The clerk will report the  
935 amendment.

936           Ms. Williams. Amendment to H.R. 348, offered by Ms.  
937 Jackson Lee, page 25 --

938           Chairman Goodlatte. Without objection, the amendment  
939 will be considered as read.

940           [The amendment of Ms. Jackson Lee follows:]

941

942 Chairman Goodlatte. And the gentlewoman is recognized  
943 on her amendment for 5 minutes.

944 Ms. Jackson Lee. Thank you very much. H.R. 348  
945 establishes a series of new requirements, burdensome, and  
946 deadlines that Federal agencies must follow with respect to  
947 any construction project that is federally funded or that  
948 needs approval by a Federal agency through the issuance of a  
949 permit or regulatory decision. My amendment strikes the  
950 provision deeming approval of any project for which the  
951 agency does not meet deadlines contained in the bill.

952 Mr. Chairman, we cannot play games with Federal  
953 regulatory responsibilities. We can seek to move and develop  
954 a process that looks at the responsibility of the agency and  
955 the responsibilities to the American people. We can actually  
956 tell staff make sure they get the document off their desk.  
957 But bypassing important regulatory structures to protect the  
958 American people is not the direction to go.

959 The RAPID Act is a solution in search of a problem, and  
960 frankly I share the frustrations that have been vented by  
961 many members of this committee with the NEPA process. It  
962 seems like there is something with a system in which siting a  
963 wind farm can take years in an extensive process, and yet

964 several fracking regulations can go in a few hundred feet  
965 from somebody's home with no community oversight process  
966 within a few months. Something is wrong with this picture.

967 Now, in this particular case, the bill in its current  
968 form, I believe, is an example of a medicine that is worse  
969 than a disease. I think there is a problem with the section  
970 that my amendment addresses, namely the automatic approval  
971 after a period of time. That is a random selected period of  
972 time or disapproval. If a Federal agency fails to approve or  
973 disapprove the project or make the required finding of the  
974 termination within the applicable deadline, which is either  
975 90 days or 180 days, depending on the situation, then the  
976 project is automatically deemed approved, deemed approved by  
977 such agency.

978 Now, this sets up a perverse incentive in two ways: one  
979 is, if the agency is up against a deadline and legitimate  
980 work is yet to be completed, they are likely to not approve  
981 the project simply because the issues have not been vetted.  
982 It could lead to worthwhile projects being denied by the  
983 regulatory agencies. And two, there are frequent times when  
984 there will be issues that need to be worked on that will take  
985 longer than the rather arbitrary limit. It would be nice if

986 they could all be done by 180 days. But what if it takes 190  
987 or 200 days to protect the American people?

988 Substantively, these new requirements amend the  
989 environmental review process under NEPA, even though the bill  
990 is drafted as an amendment to the APA. The bill ignores the  
991 fact that NEPA has for more than 40 years provided an  
992 effective framework for all types of projects, and not just  
993 construction projects that require Federal approval pursuant  
994 to a Federal law, such as the Clean Air Act.

995 I hope my colleagues would join me in voting aye on this  
996 amendment, recognizing that there is a higher duty that these  
997 agencies owe, not to members of Congress, but to communities  
998 across America to ensure that these projects are vetted and  
999 viewed, and that the American people are protected. With  
1000 that, I ask my colleagues to support my amendment, and I  
1001 yield back.

1002 Chairman Goodlatte. The chair thanks the gentlewoman.  
1003 For what purpose does the gentleman from Pennsylvania seek  
1004 recognition?

1005 Mr. Marino. Mr. Chairman, I oppose the amendment.

1006 Chairman Goodlatte. The gentleman is recognized for 5  
1007 minutes.

1008 Mr. Marino. Mr. Chairman, the RAPID Act will ensure  
1009 that the Federal environmental review and permitting process  
1010 is conducted in a transparent and efficient manner. At the  
1011 same time, it ensures that the process will be fair, and it  
1012 does not require agencies to approve or deny any projects.  
1013 The amendment would strike provisions that deem projects  
1014 approved if agencies do not take action to approve or deny  
1015 them within the RAPID Act's reasonable deadlines.

1016 But I ask my colleagues, with true unemployment above 13  
1017 percent and with the United States ranking an abysmal 41st in  
1018 the world in the efficiency of dealing with construction  
1019 permits, do we not need this powerful incentive for agencies  
1020 to wrap up the matters in front of them? The RAPID Act does  
1021 not require an agency to approve a project by its deadlines.  
1022 An agency can deny a permit within its deadlines, but an  
1023 agency clearly should act within its deadlines, and the RAPID  
1024 Act assures that that will happen.

1025 The act allows 4 and one-half years for a decision.  
1026 True regulation responsibility requires agencies to do their  
1027 jobs efficiently and in less than 10 years. I yield back.

1028 Chairman Goodlatte. The question occurs on the --  
1029 Mr. Johnson. Mr. Chairman?

1030 Chairman Goodlatte. For what purpose does the gentleman  
1031 from Georgia seek recognition?

1032 Mr. Johnson. To strike the last word.

1033 Chairman Goodlatte. The gentleman is recognized for 5  
1034 minutes.

1035 Mr. Johnson. Mr. Chairman, I yield to the gentlewoman  
1036 from Texas.

1037 Ms. Jackson Lee. I thank the gentleman, and I make just  
1038 a brief and pointed remark. Our job in the United States and  
1039 the United States Congress is to protect the people who are  
1040 not in this room, who are not on the floor of the House, who  
1041 are not walking the halls of Congress. As I indicated in my  
1042 remarks, we all have a concern about the timeframe, but I do  
1043 not have a concern about the importance of making sure that  
1044 if this project, this construction needed to be vetted one  
1045 more moment to ensure the safety and security of the American  
1046 people, then it should be.

1047 This arbitrary structure in H.R. 348 is undermining that  
1048 process, and it is undermining the safety and security of the  
1049 American people. With that, I ask my colleagues to support  
1050 the Jackson Lee --

1051 Mr. Conyers. Would the gentlelady yield to me, please?

1052 Ms. Jackson Lee. I would be happy to. Mr. Johnson's  
1053 time --

1054 Mr. Johnson. I will yield to the gentleman from  
1055 Michigan.

1056 Mr. Conyers. I thank the gentleman from Georgia for  
1057 letting me get a comment in here. It will save some time.  
1058 But there is little evidence that I have heard substantiating  
1059 claims of extensive delay in the review process under the  
1060 National Environmental Policy Act. When delay occurs, it  
1061 usually comes from sources other than NEPA. There are many  
1062 factors outside of the process that mandate the delay of the  
1063 decision making in a particular manner.

1064 The principal causes of delay in implementing the NEPA  
1065 review processes are inadequate agency resources, the  
1066 complexity of proposed projects, changes in the proposed  
1067 project, the extent and nature of public controversy, and  
1068 changes in budget and policy direction. So the advantage of  
1069 the NEPA process is that is flexible, taking into account the  
1070 varying complexities and circumstances surrounding each  
1071 project.

1072 So I commend the gentlelady, and I thank the gentleman  
1073 for yielding some time to me. And I yield it back.

1074 Mr. Johnson. I yield back.

1075 Ms. Jackson Lee. I thank the gentleman. I thank Mr.

1076 Conyers. Thank you.

1077 Chairman Goodlatte. The question occurs on the

1078 amendment offered by the gentlewoman from Texas.

1079 All those in favor, respond by saying aye.

1080 Those opposed, no.

1081 In the opinion of the chair, the noes have it. The

1082 amendment is not agreed to.

1083 Ms. Jackson Lee. Mr. Chairman, I request a recorded

1084 vote.

1085 Chairman Goodlatte. A recorded vote is requested, and

1086 the clerk will call the roll.

1087 Ms. Williams. Mr. Goodlatte?

1088 Chairman Goodlatte. Aye. No. Sorry.

1089 Ms. Williams. Mr. Goodlatte votes no.

1090 Mr. Sensenbrenner?

1091 [No response.]

1092 Ms. Williams. Mr. Smith?

1093 Mr. Smith. No.

1094 Ms. Williams. Mr. Smith votes no.

1095 Mr. Chabot?

1096 Mr. Chabot. No.

1097 Ms. Williams. Mr. Chabot votes no.

1098 Mr. Issa?

1099 [No response.]

1100 Ms. Williams. Mr. Forbes?

1101 [No response.]

1102 Ms. Williams. Mr. King?

1103 Mr. King. No.

1104 Mr. Williams. Mr. King votes no.

1105 Mr. Franks?

1106 Mr. Franks. No.

1107 Ms. Williams. Mr. Franks votes no.

1108 Mr. Gohmert?

1109 Mr. Gohmert. No.

1110 Ms. Williams. Mr. Gohmert votes no.

1111 Mr. Jordan?

1112 [No response.]

1113 Ms. Williams. Mr. Poe?

1114 [No response.]

1115 Ms. Williams. Mr. Chaffetz?

1116 [No response.]

1117 Ms. Williams. Mr. Marino?

1118 Mr. Marino. No.

1119 Ms. Williams. Mr. Marino votes no.

1120 Mr. Gowdy?

1121 [No response.]

1122 Ms. Williams. Mr. Labrador?

1123 [No response.]

1124 Ms. Williams. Mr. Farenthold?

1125 [No response.]

1126 Ms. Williams. Mr. Collins?

1127 Mr. Collins. No.

1128 Ms. Williams. Mr. Collins votes no.

1129 Mr. DeSantis?

1130 Mr. DeSantis. No.

1131 Ms. Williams. Mr. DeSantis votes no.

1132 Ms. Walters?

1133 Ms. Walters. No.

1134 Ms. Williams. Ms. Walters votes no.

1135 Mr. Buck?

1136 Mr. Buck. No.

1137 Ms. Williams. Mr. Buck votes no.

1138 Mr. Ratcliffe?

1139 [No response.]

1140 Ms. Williams. Mr. Trott?

1141 Mr. Trott. No.

1142 Ms. Williams. Mr. Trott votes no.

1143 Mr. Bishop?

1144 [No response.]

1145 Ms. Williams. Mr. Conyers?

1146 Mr. Conyers. Aye.

1147 Ms. Williams. Mr. Conyers votes aye.

1148 Mr. Nadler?

1149 Mr. Nadler. Aye.

1150 Ms. Williams. Mr. Nadler votes aye.

1151 Ms. Lofgren?

1152 Ms. Lofgren. Aye.

1153 Ms. Williams. Ms. Lofgren votes aye.

1154 Ms. Jackson Lee?

1155 Ms. Jackson Lee. Aye.

1156 Ms. Williams. Ms. Jackson Lee votes aye.

1157 Mr. Cohen?

1158 Mr. Cohen. Aye.

1159 Ms. Williams. Mr. Cohen votes aye.

1160 Mr. Johnson?

1161 Mr. Johnson. Aye.

1162 Ms. Williams. Mr. Johnson votes aye.

1163 Mr. Pierluisi?

1164 [No response.]

1165 Ms. Williams. Ms. Chu?

1166 Ms. Chu. Aye.

1167 Ms. Williams. Ms. Chu votes aye.

1168 Mr. Deutch?

1169 [No response.]

1170 Ms. Williams. Mr. Gutierrez?

1171 [No response.]

1172 Ms. Williams. Ms. Bass?

1173 Ms. Bass. Aye.

1174 Ms. Williams. Ms. Bass votes aye.

1175 Mr. Richmond?

1176 [No response.]

1177 Ms. Williams. Ms. DelBene?

1178 Ms. DelBene. Aye.

1179 Ms. Williams. Ms. DelBene votes aye.

1180 Mr. Jeffries?

1181 [No response.]

1182 Ms. Williams. Mr. Cicilline?

1183 Mr. Cicilline. Aye.

1184 Ms. Williams. Mr. Cicilline votes aye.  
1185 Mr. Peters?  
1186 Mr. Peters. No.  
1187 Ms. Williams. Mr. Peters votes no.  
1188 Chairman Goodlatte. The gentleman from Virginia?  
1189 Mr. Forbes. No.  
1190 Ms. Williams. Mr. Forbes votes no.  
1191 Chairman Goodlatte. The gentleman from Ohio?  
1192 Mr. Jordan. No.  
1193 Ms. Williams. Mr. Jordan votes no.  
1194 Chairman Goodlatte. The gentleman from Michigan?  
1195 Mr. Bishop. Mr. Chairman, how am I recorded?  
1196 Ms. Williams. Not recorded.  
1197 Mr. Bishop. No.  
1198 Ms. Williams. Mr. Bishop votes no.  
1199 Chairman Goodlatte. Has every member voted who wishes  
1200 to vote?  
1201 [No response.]  
1202 Chairman Goodlatte. The clerk will report.  
1203 Ms. Williams. Mr. Chairman, 10 members voted aye, 16  
1204 members voted no.  
1205 Chairman Goodlatte. And the amendment is not agreed to.

1206 Are there further amendments to H.R. 348?

1207 Mr. Conyers. Mr. Chairman?

1208 Chairman Goodlatte. For what purpose does the gentleman  
1209 from Michigan seek recognition?

1210 Mr. Conyers. I have an amendment at the desk, Mr.  
1211 Chairman.

1212 Chairman Goodlatte. The clerk will report the  
1213 amendment.

1214 Ms. Williams. Amendment to H.R. 348, offered by Mr.  
1215 Conyers, add at the end of the bill the following --

1216 Chairman Goodlatte. Without objection, the amendment  
1217 will be considered as read.

1218 [The amendment of Mr. Conyers follows:]

1219

1220 Chairman Goodlatte. And the gentleman is recognized for  
1221 5 minutes on his amendment.

1222 Mr. Conyers. Thank you. This measure, H.R. 348, the  
1223 RAPID Act, is in reality an anti-regulatory measure that is  
1224 designed to give more control to the private sector over the  
1225 approval process for environmentally sensitive construction  
1226 projects. Under current law, the National Environmental  
1227 Policy Act, all citizens from all walks of life, including  
1228 individuals, local neighborhoods, farmers, small business  
1229 owners, local officials, all have an opportunity to explain  
1230 their concerns to those Federal agencies Republican for  
1231 approving these projects. By ensuring public participation,  
1232 this process ensures that the ultimate decisions made by  
1233 these agencies for these projects are well informed.

1234 And so, it is regrettable that the cumulative effect of  
1235 H.R. 348 could be to limit the right of the public to comment  
1236 on construction projects that may have an environmental  
1237 impact by reducing opportunities for public input, and  
1238 requiring agencies to meet various deadlines. For instance,  
1239 the bill limits comment periods for environmental reviews  
1240 other than a draft environmental impact statement to 30 days.  
1241 Even though the bill allows a lead agency to extend this

1242 deadline for "good cause," that terms is undefined and would  
1243 be a lightning rod for potential litigation. So given the  
1244 broad scope of activities covered by NEPA, I am concerned  
1245 that the bill might inadvertently limit opportunities for  
1246 public comments or participation that the public is otherwise  
1247 guaranteed.

1248 And so accordingly, this amendment simply ensures that  
1249 the right of the public to comment on construction projects  
1250 that may have an environmental impact is not in any way  
1251 adversely impacted by any provisions of the bill. And as a  
1252 result, the bill will not be construed to cut off the ability  
1253 of members of the public to comment on any construction  
1254 project that may have environmental consequences.

1255 So, I urge my colleagues on both sides of the aisle to  
1256 join in this very common sense proposal. And, Mr. Chairman,  
1257 I yield back the balance of my time.

1258 Chairman Goodlatte. The chair thanks the gentleman.  
1259 For what purpose does the gentleman from Pennsylvania seek  
1260 recognition?

1261 Mr. Marino. I oppose this amendment.

1262 Chairman Goodlatte. The gentleman is recognized for 5  
1263 minutes.

1264           Mr. Marino. Thank you, Chairman. I oppose this  
1265 amendment because it is unnecessary and undermines the  
1266 carefully targeted reforms made by the bill. The RAPID Act  
1267 will create jobs by ensuring that the Federal environmental  
1268 review and permitting process works like it should. The  
1269 RAPID Act is drafted to make agencies operate efficiently and  
1270 transparently. It does not prevent citizens from  
1271 participating in this process. Quite the contrary.

1272           For example, National Environmental Policy Act  
1273 regulations only require agencies to allow 45 days for public  
1274 comments on draft environmental impact statements and 30 days  
1275 for public comments on final EISs. The RAPID Act sets 60-day  
1276 and 30-day comment periods, respectively, and allows the lead  
1277 agency to extend them "for good cause." This is more than  
1278 fair.

1279           It is also perfectly reasonable to require, as the bill  
1280 does, that a person comment on an environmental document  
1281 before challenging in court and to bring suit within 6 months  
1282 as opposed to 6 years. Not in my backyard activists should  
1283 not be able to delay a project indefinitely by playing hide  
1284 the ball with the agencies or by resting on their rights.

1285           I urge my colleagues to oppose the amendment, and I

1286 yield back.

1287 Chairman Goodlatte. The question occurs on the

1288 amendment offered by the gentleman from Michigan.

1289 All those in favor, respond by saying aye.

1290 Those opposed, no.

1291 In the opinion of the chair, the noes have it. The

1292 amendment is not agreed to.

1293 Mr. Conyers. Mr. Chairman, may I have a record vote?

1294 Chairman Goodlatte. A record vote is requested, and the

1295 clerk will call the roll.

1296 Ms. Williams. Mr. Goodlatte?

1297 Chairman Goodlatte. No.

1298 Ms. Williams. Mr. Goodlatte votes no.

1299 Mr. Sensenbrenner?

1300 [No response.]

1301 Ms. Williams. Mr. Smith?

1302 [No response.]

1303 Ms. Williams. Mr. Chabot?

1304 Mr. Chabot. No.

1305 Ms. Williams. Mr. Chabot votes no.

1306 Mr. Issa?

1307 [No response.]

1308 Ms. Williams. Mr. Forbes?  
1309 [No response.]  
1310 Ms. Williams. Mr. King?  
1311 Mr. King. No.  
1312 Mr. Williams. Mr. King votes no.  
1313 Mr. Franks?  
1314 Mr. Franks. No.  
1315 Ms. Williams. Mr. Franks votes no.  
1316 Mr. Gohmert?  
1317 Mr. Gohmert. No.  
1318 Ms. Williams. Mr. Gohmert votes no.  
1319 Mr. Jordan?  
1320 Mr. Jordan. No.  
1321 Ms. Williams. Mr. Jordan votes no.  
1322 Mr. Poe?  
1323 [No response.]  
1324 Ms. Williams. Mr. Chaffetz?  
1325 [No response.]  
1326 Ms. Williams. Mr. Marino?  
1327 Mr. Marino. No.  
1328 Ms. Williams. Mr. Marino votes no.  
1329 Mr. Gowdy?

1330 [No response.]

1331 Ms. Williams. Mr. Labrador?

1332 [No response.]

1333 Ms. Williams. Mr. Farenthold?

1334 [No response.]

1335 Ms. Williams. Mr. Collins?

1336 [No response.]

1337 Ms. Williams. Mr. DeSantis?

1338 Mr. DeSantis. No.

1339 Ms. Williams. Mr. DeSantis votes no.

1340 Ms. Walters?

1341 [No response.]

1342 Ms. Williams. Mr. Buck?

1343 Mr. Buck. No.

1344 Ms. Williams. Mr. Buck votes no.

1345 Mr. Ratcliffe?

1346 Mr. Ratcliffe. No.

1347 Ms. Williams. Mr. Ratcliffe votes no.

1348 Mr. Trott?

1349 Mr. Trott. No.

1350 Ms. Williams. Mr. Trott votes no.

1351 Mr. Bishop?

1352 Mr. Bishop. No.

1353 Ms. Williams. Mr. Bishop votes no.

1354 Mr. Conyers?

1355 Mr. Conyers. Aye.

1356 Ms. Williams. Mr. Conyers votes aye.

1357 Mr. Nadler?

1358 Mr. Nadler. Aye.

1359 Ms. Williams. Mr. Nadler votes aye.

1360 Ms. Lofgren?

1361 Ms. Lofgren. Aye.

1362 Ms. Williams. Ms. Lofgren votes aye.

1363 Ms. Jackson Lee?

1364 [No response.]

1365 Ms. Williams. Mr. Cohen?

1366 Mr. Cohen. Aye.

1367 Ms. Williams. Mr. Cohen votes aye.

1368 Mr. Johnson?

1369 Mr. Johnson. Aye.

1370 Ms. Williams. Mr. Johnson votes aye.

1371 Mr. Pierluisi?

1372 [No response.]

1373 Ms. Williams. Ms. Chu?

1374 Ms. Chu. Aye.

1375 Ms. Williams. Ms. Chu votes aye.

1376 Mr. Deutch?

1377 [No response.]

1378 Ms. Williams. Mr. Gutierrez?

1379 [No response.]

1380 Ms. Williams. Ms. Bass?

1381 Ms. Bass. Aye.

1382 Ms. Williams. Ms. Bass votes aye.

1383 Mr. Richmond?

1384 [No response.]

1385 Ms. Williams. Ms. DelBene?

1386 Ms. DelBene. Aye.

1387 Ms. Williams. Ms. DelBene votes aye.

1388 Mr. Jeffries?

1389 [No response.]

1390 Ms. Williams. Mr. Cicilline?

1391 Mr. Cicilline. Aye.

1392 Ms. Williams. Mr. Cicilline votes aye.

1393 Mr. Peters?

1394 Mr. Peters. Aye.

1395 Ms. Williams. Mr. Peters votes aye.

1396 Chairman Goodlatte. The gentleman from Virginia?

1397 Mr. Forbes. No.

1398 Ms. Williams. Mr. Forbes votes no.

1399 Chairman Goodlatte. The gentleman from South Carolina?

1400 Mr. Gowdy. No.

1401 Ms. Williams. Mr. Gowdy votes no.

1402 Chairman Goodlatte. The gentleman from Georgia?

1403 Mr. Collins. No.

1404 Ms. Williams. Mr. Collins votes no.

1405 Chairman Goodlatte. Has every member voted who wishes

1406 to vote?

1407 [No response.]

1408 Chairman Goodlatte. The clerk will report.

1409 Ms. Williams. Mr. Chairman, 10 members voted aye, 15

1410 members voted no.

1411 Chairman Goodlatte. And the amendment is not agreed to.

1412 For what purpose does the gentleman from California seek

1413 recognition?

1414 Mr. Peters. Mr. Chairman, I have an amendment at the

1415 desk.

1416 Chairman Goodlatte. The clerk will report the

1417 amendment.

1418           Ms. Williams. Amendment to H.R. 348, offered by Mr.  
1419 Peters of California, page 27, strike line 23 and all that  
1420 follows through line 17, on page --

1421           Chairman Goodlatte. Without objection, the amendment is  
1422 considered as read.

1423           [The amendment of Mr. Peters follows:]

1424

1425 Chairman Goodlatte. And the gentleman is recognized for  
1426 5 minutes on his amendment.

1427 Mr. Peters. Thank you very much, Mr. Chairman. In my  
1428 first career I worked as an environmental lawyer for about 15  
1429 years, and witnessed firsthand businesses and local  
1430 governments struggled to understand and followed what they  
1431 felt were overly complex and time-consuming regulatory  
1432 requirements. And I know that the Harvard Business School in  
1433 its *Strategic Priorities for Federal Policy and United States*  
1434 *Competitiveness* identified simplified and streamline  
1435 regulations as one of the things we could do to help make  
1436 sure that the United States is a competitive place to do  
1437 business worldwide.

1438 And so, I very much appreciate the spirit of the RAPID  
1439 Act, and I would actually support the RAPID Act if it were  
1440 not for one provision, which is the subject of my amendment.  
1441 Subsection (k) includes a prohibition of any consideration of  
1442 what is called the social cost of carbon. Well, what does  
1443 that mean? Well, as highlighted in Mayor Bloomberg's  
1444 bipartisan *Risky Business Report*, accounting for the social  
1445 cost of carbon and preparing for climate change is a smart  
1446 business practice. If we continue on our current path, by

1447 2050 between \$66 billion and \$106 billion worth of existing  
1448 coastal property will likely be below sea level nationwide.  
1449 87 percent of all Californians live in coastal counties, and  
1450 80 percent of the State's GDP is derived from those counties.

1451       Greenhouse gas-driven changes in temperature by burning  
1452 fossil fuels will necessitate construction of new power  
1453 generation capacity that the Bloomberg report estimates will  
1454 cost residential and commercial rate payers as much as \$12  
1455 billion per year. That is \$12 billion that could be spent by  
1456 families to put their kids through school, to buy a home, to  
1457 repair our roads and bridges, to hire more employees, give  
1458 annual bonuses. Accounting for these costs now provides  
1459 greater certainty and greater freedom in the future.

1460       But the business community is not the only one that has  
1461 expressed this concern. I serve also on the Armed Services  
1462 Committee, and in 2014 the Pentagon issued a report on the  
1463 security risks associated with profound changes to global  
1464 climate and the environment. The report found that climate  
1465 changes poses an immediate threat to national security?

1466       How does that again consider my home State of  
1467 California? Right now, we are in year three of what has been  
1468 one of the worst droughts on record. Communities across the

1469 State are facing water shortages, and many, including in San  
1470 Diego, have to be increasingly prepared to abandon their  
1471 homes during fire season. California, the State and its  
1472 localities, are in the process of mitigating the effects of  
1473 the drought. But consider if the drought in California  
1474 occurred in a region with less capacity to plan for and adapt  
1475 to changes. The results are food shortage, poverty,  
1476 infectious disease, additional national security risks. And  
1477 given the high stakes associated with carbon emissions,  
1478 should we not at least understand the long-term costs  
1479 associated with any project, particularly these big projects  
1480 that we are considering? In a bill that aims to provide  
1481 long-term certainty, why would we turn a blind eye to these  
1482 considerations?

1483       So I would like to take a cue from the Pentagon and the  
1484 private sector, and from businesses that already account for  
1485 the costs of carbon, and I would like to ensure that  
1486 taxpayers are not shortchanged, but are paid fair value. So  
1487 my amendment would strip out Section (k), which prohibits  
1488 even a discussion of these costs in the course of what would  
1489 be a shorter timeline, which I support. And I also recall  
1490 that I asked the witnesses who came here, most of them

1491 majority witnesses, each one of them, whether this part of  
1492 the law, this law that Subsection (k) that deals with carbon  
1493 was important to the streamlining effort. And they said  
1494 basically no. In fact, they did not even know that it had  
1495 been added to the law. So we could get away with taking this  
1496 part out and preserve what my colleague, Mr. Marino has  
1497 rightly identified as a problem.

1498       We cannot have these long, interminable delays in  
1499 getting projects approved. I agree with that, and actually  
1500 voted with the folks on the other side to preserve the core  
1501 of this bill, which would result in the approval of projects  
1502 when they run out of time. But within that short timeframe,  
1503 we have to have the ability to talk about these costs of  
1504 carbon. It is fundamental, and these things should be worked  
1505 out within the process. They can be worked out within the  
1506 process in a short timeline that would achieve the goals of  
1507 the RAPID Act. And if you agree with the amendment and strip  
1508 this out, you will have my support for the bill.

1509       And, Mr. Chairman, with that, I yield back.

1510       Chairman Goodlatte. The chair thanks the gentleman.  
1511 For what purpose does the gentleman from Pennsylvania seek  
1512 recognition?

1513 Mr. Marino. Chairman, I oppose the amendment.

1514 Chairman Goodlatte. The gentleman is recognized for 5  
1515 minutes.

1516 Mr. Marino. Thank you, Chairman. I oppose the  
1517 amendment. While I appreciate my colleague's good faith  
1518 effort to discuss an agreement on this amendment with us, in  
1519 the end I believe it is better not to adopt the amendment, as  
1520 I will elaborate why. Even as we speak, the Obama  
1521 Administration's Council on Environmental Quality is  
1522 proposing new guidelines that would more aggressively than  
1523 ever insert its flawed estimate of the social cost of carbon  
1524 into the review of permit applications. Moreover, the  
1525 amendment would strike language added by the full house  
1526 during floor debate last term and passed by the House twice  
1527 in final legislation on a bipartisan basis every step of the  
1528 way.

1529 So I urge my colleagues to oppose the amendment, and I  
1530 yield back.

1531 Mr. Nadler. Mr. Chairman?

1532 Chairman Goodlatte. For what purpose does the gentleman  
1533 from New York seek recognition?

1534 Mr. Nadler. Strike the last word.

1535 Chairman Goodlatte. The gentleman is recognized for 5  
1536 minutes.

1537 Mr. Nadler. Mr. Chairman, though I regret that Mr.  
1538 Peters will support the bill, I believe he has an excellent  
1539 amendment. This provision of the bill is really much radical  
1540 than the rest of the bill. The rest of the bill says we do  
1541 not like the allegedly overregulation that is hindering  
1542 projects, and we are going to streamline the regulatory  
1543 process in a way that I believe is too much.

1544 This provision says never mind streamlining the  
1545 regulatory process. We are going to prohibit a subject from  
1546 being considered. We are going to prohibit any regulatory  
1547 agency from considering the social cost of carbon. Now,  
1548 unless you have total scientific consensus that there is no  
1549 social cost of carbon, and truthfully there is almost  
1550 unanimous consensus the other way, then what you are saying  
1551 is the agencies may not consider -- never mind speed, never  
1552 mind delay -- they may not consider this.

1553 You should never say such a thing about the social costs  
1554 of carbon or anything else. You have to consider all the  
1555 environmental effects. And there can be testimony it will  
1556 have an effect, it will not have an effect. That is for the

1557 agencies ultimately to determine. But to have a case in law  
1558 that says you may not consider the social cost of carbon, or  
1559 you may not consider the possibility of earthquakes, or you  
1560 may not consider any other specific thing that might be  
1561 relevant is just wrong, and turns this bill into a much more  
1562 radical bill.

1563 I met the other day with the New York District of the  
1564 U.S. Army Corps of Engineers, which showed me their proposal  
1565 for building a water barrier for \$20 billion across the outer  
1566 exist to New York Harbor to protect the city and environs  
1567 from the storm surges because of larger storms, because of  
1568 climate change. This is the Army Corps of Engineers, not a  
1569 radical agency, not the EPA saying we see the storms coming,  
1570 we see the sea level rising, we got to start protecting. And  
1571 here is a \$20 billion project. Now, granted it is  
1572 construction. It will have jobs. It is good in that  
1573 respect.

1574 But it is a \$20 billion project with taxpayers' money  
1575 that they are seriously proposing because of these social  
1576 costs of carbon. And here we are told we should never  
1577 consider the social costs of carbon. You can dispute what  
1578 those costs are. You can have testimony in front of the

1579 agency that says they are not much, or in this case they are  
1580 non-existent or whatever. But to simply say categorically an  
1581 entire environmental area may not be looked at is putting our  
1582 heads in the sand, if there is any sand left. And it just  
1583 shows the radical nature of this legislation.

1584       And this provision is far more radical than the bill  
1585 because it says ignore a subject. It does not say speed up  
1586 consideration of a subject, which is the ostensible purpose  
1587 of the bill. It renders the bill very different from what  
1588 its sponsors articulate from what the bill was before this  
1589 amendment was added.

1590       So I commend the gentleman from California for this  
1591 amendment. I support it, and I yield to the gentleman from  
1592 California.

1593       Mr. Peters. Thank you, Mr. Nadler. I just wanted to  
1594 clarify just so there was not any misstatement. I am going  
1595 to support this bill if this part is taken out, and I think  
1596 you may have misstated that I would support it in any event.  
1597 I think it would be great if it was. We could take this  
1598 issue off the table, and it would be a part of a real  
1599 bipartisan effort to do streamlining like I think we all  
1600 agree on, and like the witnesses who came to speak before the

1601 committee agree on. And hope that my colleagues on the other  
1602 side would consider that. Thank you.

1603 Chairman Goodlatte. The question occurs on the  
1604 amendment offered by the gentleman from California.

1605 All those in favor, respond by saying aye.

1606 Those opposed, no.

1607 In the opinion of the chair, the noes have it, and the  
1608 amendment is not agreed to.

1609 Mr. Peters. Mr. Chairman, ask for a record vote,  
1610 please.

1611 Chairman Goodlatte. A recorded vote is requested, and  
1612 the clerk will call the roll.

1613 Ms. Williams. Mr. Goodlatte?

1614 Chairman Goodlatte. No.

1615 Ms. Williams. Mr. Goodlatte votes no.

1616 Mr. Sensenbrenner?

1617 [No response.]

1618 Ms. Williams. Mr. Smith?

1619 [No response.]

1620 Ms. Williams. Mr. Chabot?

1621 Mr. Chabot. No.

1622 Ms. Williams. Mr. Chabot votes no.

1623 Mr. Issa?

1624 Mr. Issa. No.

1625 Ms. Williams. Mr. Issa votes no.

1626 Mr. Forbes?

1627 [No response.]

1628 Ms. Williams. Mr. King?

1629 Mr. King. No.

1630 Mr. Williams. Mr. King votes no.

1631 Mr. Franks?

1632 Mr. Franks. No.

1633 Ms. Williams. Mr. Franks votes no.

1634 Mr. Gohmert?

1635 Mr. Gohmert. No.

1636 Ms. Williams. Mr. Gohmert votes no.

1637 [No response.]

1638 Ms. Williams. Mr. Poe?

1639 [No response.]

1640 Ms. Williams. Mr. Chaffetz?

1641 [No response.]

1642 Ms. Williams. Mr. Marino?

1643 Mr. Marino. No.

1644 Ms. Williams. Mr. Marino votes no.

1645 Mr. Gowdy?

1646 [No response.]

1647 Ms. Williams. Mr. Labrador?

1648 [No response.]

1649 Ms. Williams. Mr. Farenthold?

1650 [No response.]

1651 Ms. Williams. Mr. Collins?

1652 Mr. Collins. No.

1653 Ms. Williams. Mr. Collins votes no.

1654 Mr. DeSantis?

1655 [No response.]

1656 Ms. Williams. Ms. Walters?

1657 [No response.]

1658 Ms. Williams. Mr. Buck?

1659 Mr. Buck. No.

1660 Ms. Williams. Mr. Buck votes no.

1661 Mr. Ratcliffe?

1662 [No response.]

1663 Ms. Williams. Mr. Trott?

1664 Mr. Trott. No.

1665 Ms. Williams. Mr. Trott votes no.

1666 Mr. Bishop?

1667 Mr. Bishop. No.

1668 Ms. Williams. Mr. Bishop votes no.

1669 Mr. Conyers?

1670 Mr. Conyers. Aye.

1671 Ms. Williams. Mr. Conyers votes aye.

1672 Mr. Nadler?

1673 Mr. Nadler. Aye.

1674 Ms. Williams. Mr. Nadler votes aye.

1675 Ms. Lofgren?

1676 Ms. Lofgren. Aye.

1677 Ms. Williams. Ms. Lofgren votes aye.

1678 Ms. Jackson Lee?

1679 [No response.]

1680 Ms. Williams. Mr. Cohen?

1681 Mr. Cohen. Aye.

1682 Ms. Williams. Mr. Cohen votes aye.

1683 Mr. Johnson?

1684 Mr. Johnson. Aye.

1685 Ms. Williams. Mr. Johnson votes aye.

1686 Mr. Pierluisi?

1687 [No response.]

1688 Ms. Williams. Ms. Chu?

1689 [No response.]

1690 Ms. Williams. Mr. Deutch?

1691 [No response.]

1692 Ms. Williams. Mr. Gutierrez?

1693 [No response.]

1694 Ms. Williams. Ms. Bass?

1695 Ms. Bass. Aye.

1696 Ms. Williams. Ms. Bass votes aye.

1697 Mr. Richmond?

1698 [No response.]

1699 Ms. Williams. Ms. DelBene?

1700 Ms. DelBene. Aye.

1701 Ms. Williams. Ms. DelBene votes aye.

1702 Mr. Jeffries?

1703 Mr. Jeffries. Aye.

1704 Ms. Williams. Mr. Jeffries votes aye.

1705 Mr. Cicilline?

1706 Mr. Cicilline. Aye.

1707 Ms. Williams. Mr. Cicilline votes aye.

1708 Mr. Peters?

1709 Mr. Peters. Aye.

1710 Ms. Williams. Mr. Peters votes aye.

1711 Chairman Goodlatte. The gentleman from Virginia?

1712 Mr. Forbes. No.

1713 Ms. Williams. Mr. Forbes votes no.

1714 Chairman Goodlatte. The gentleman from South Carolina?

1715 Mr. Gowdy. No.

1716 Ms. Williams. Mr. Gowdy votes no.

1717 Chairman Goodlatte. The gentleman from Florida?

1718 Mr. Deutch. Mr. Deutch votes aye.

1719 Chairman Goodlatte. Has every member voted who wishes

1720 to vote?

1721 [No response.]

1722 Chairman Goodlatte. The clerk will report.

1723 Ms. Williams. Mr. Chairman, 11 members voted aye, 13

1724 members voted no.

1725 Chairman Goodlatte. And the amendment is not agreed to.

1726 Mr. Conyers. Mr. Chairman?

1727 Chairman Goodlatte. For what purpose does the gentleman

1728 from Michigan seek recognition?

1729 Mr. Conyers. May I ask unanimous consent to insert a

1730 letter from 10 environmental protection groups in opposition

1731 to H.R. 348?

1732 Chairman Goodlatte. Without objection, they will be

1733 made a part of the record.

1734 [The information follows:]

1735

1736 Chairman Goodlatte. Are there further amendments to  
1737 H.R. 348?

1738 A reporting quorum being present, the question is on the  
1739 motion to report the bill, H.R. 348, favorably to the House.

1740 Those in favor will say aye.

1741 Those opposed, no.

1742 In the opinion of the chair, the ayes have it, and the  
1743 bill is ordered reported favorably.

1744 Mr. Conyers. May we have a record vote, sir?

1745 Chairman Goodlatte. A recorded vote is requested, and  
1746 the clerk will call the roll.

1747 Ms. Williams. Mr. Goodlatte?

1748 Chairman Goodlatte. Aye.

1749 Ms. Williams. Mr. Goodlatte votes aye.

1750 Mr. Sensenbrenner?

1751 [No response.]

1752 Ms. Williams. Mr. Smith?

1753 [No response.]

1754 Ms. Williams. Mr. Chabot?

1755 Mr. Chabot. Aye.

1756 Ms. Williams. Mr. Chabot votes aye.

1757 Mr. Issa?

1758 Mr. Issa. Aye.

1759 Ms. Williams. Mr. Issa votes aye.

1760 Mr. Forbes?

1761 Mr. Forbes. Aye.

1762 Ms. Williams. Mr. Forbes votes aye.

1763 Mr. King?

1764 Mr. King. Aye.

1765 Ms. Williams. Mr. King votes aye.

1766 Mr. Franks?

1767 Mr. Franks. Aye.

1768 Ms. Williams. Mr. Franks votes aye.

1769 Mr. Gohmert?

1770 [No response.]

1771 Ms. Williams. Mr. Jordan?

1772 Mr. Jordan. Yes.

1773 Ms. Williams. Mr. Jordan votes yes.

1774 Mr. Poe?

1775 [No response.]

1776 Ms. Williams. Mr. Chaffetz?

1777 [No response.]

1778 Ms. Williams. Mr. Marino?

1779 Mr. Marino. Yes.

1780 Ms. Williams. Mr. Marino votes yes.  
1781 Mr. Gowdy?  
1782 [No response.]  
1783 Ms. Williams. Mr. Labrador?  
1784 [No response.]  
1785 Ms. Williams. Mr. Farenthold?  
1786 [No response.]  
1787 Ms. Williams. Mr. Collins?  
1788 Mr. Collins. Yes.  
1789 Ms. Williams. Mr. Collins votes yes.  
1790 Mr. DeSantis?  
1791 [No response.]  
1792 Ms. Williams. Ms. Walters?  
1793 [No response.]  
1794 Ms. Williams. Mr. Buck?  
1795 Mr. Buck. Yes.  
1796 Ms. Williams. Mr. Buck votes yes.  
1797 Mr. Ratcliffe?  
1798 [No response.]  
1799 Ms. Williams. Mr. Trott?  
1800 Mr. Trott. Yes.  
1801 Ms. Williams. Mr. Trott votes yes.

1802 Mr. Bishop?

1803 Mr. Bishop. Yes.

1804 Ms. Williams. Mr. Bishop votes yes.

1805 Mr. Conyers?

1806 Mr. Conyers. No.

1807 Ms. Williams. Mr. Conyers votes no.

1808 Mr. Nadler?

1809 Mr. Nadler. No.

1810 Ms. Williams. Mr. Nadler votes no.

1811 Ms. Lofgren?

1812 Ms. Lofgren. No.

1813 Ms. Williams. Ms. Lofgren votes no.

1814 Ms. Jackson Lee?

1815 [No response.]

1816 Ms. Williams. Mr. Cohen?

1817 Mr. Cohen. No.

1818 Ms. Williams. Mr. Cohen votes no.

1819 Mr. Johnson?

1820 Mr. Johnson. No.

1821 Ms. Williams. Mr. Johnson votes no.

1822 Mr. Pierluisi?

1823 [No response.]

1824 Ms. Williams. Ms. Chu?  
1825 Ms. Chu. No.  
1826 Ms. Williams. Ms. Chu votes no.  
1827 Mr. Deutch?  
1828 Mr. Deutch. No.  
1829 Ms. Williams. Mr. Deutch votes no.  
1830 Mr. Gutierrez?  
1831 [No response.]  
1832 Ms. Williams. Ms. Bass?  
1833 [No response.]  
1834 Ms. Williams. Mr. Richmond?  
1835 [No response.]  
1836 Ms. Williams. Ms. DelBene?  
1837 Ms. DelBene. No.  
1838 Ms. Williams. Ms. DelBene votes no.  
1839 Mr. Jeffries?  
1840 Mr. Jeffries. No.  
1841 Ms. Williams. Mr. Jeffries votes no.  
1842 Mr. Cicilline?  
1843 Mr. Cicilline. No.  
1844 Ms. Williams. Mr. Cicilline votes no.  
1845 Mr. Peters?

1846 Mr. Peters. No.

1847 Ms. Williams. Mr. Peters votes no.

1848 Chairman Goodlatte. The gentleman from Texas, Mr.

1849 Gohmert?

1850 Mr. Gohmert. Aye.

1851 Ms. Williams. Mr. Gohmert votes aye.

1852 Chairman Goodlatte. The gentleman from Texas, Mr.

1853 Smith?

1854 Mr. Smith. Aye.

1855 Ms. Williams. Mr. Smith votes aye.

1856 Chairman Goodlatte. The gentleman from Florida?

1857 Mr. DeSantis. Aye.

1858 Ms. Williams. Mr. DeSantis votes aye.

1859 Chairman Goodlatte. Has every member voted who wishes

1860 to vote?

1861 [No response.]

1862 Chairman Goodlatte. The clerk will report.

1863 Ms. Williams. Mr. Chairman, 15 members voted aye, 11

1864 members voted no.

1865 Chairman Goodlatte. The ayes have it, and the bill is

1866 ordered reported favorably to the House. Members will have

1867 two days to submit views.

1868 [The information follows:]

1869

1870 Chairman Goodlatte. Pursuant to notice, I now call up  
1871 H.R. 1155 for purposes of markup, and move that the committee  
1872 report the bill favorably to the House.

1873 The clerk will report the bill.

1874 Ms. Williams. H.R. 1155, to provide for the  
1875 establishment of a process for the review of rules, sets of  
1876 rules, and for other purposes.

1877 Chairman Goodlatte. Without objection, the bill is  
1878 considered as read and open for amendment at any point.

1879 [The information follows:]

1880

1881 Chairman Goodlatte. And I will begin recognizing myself  
1882 for an opening statement.

1883 Although it has been years since Federal officials  
1884 declared that the Great Recession had ended and recovery had  
1885 begun, workers, small business owners, and Main Street  
1886 families across our Nation know the truth. America is still  
1887 struggling to create enough jobs and economic growth to  
1888 produce the prosperity Americans need and deserve. Major  
1889 contributors to this problem are the estimated \$1.86 trillion  
1890 in annual costs that Federal regulation imposes on our  
1891 economy, and the continued flood of new costly regulations  
1892 emerging from Washington. How can America's job creators  
1893 create enough new jobs while Washington regulations divert so  
1894 many of their resources in other directions?

1895 To reverse this situation, Congress must stay focused on  
1896 enacting reforms that will stop the losses, return America to  
1897 prosperity, and return discouraged workers to the dignity of  
1898 a good full-time job. The SCRUB Act addresses one of the  
1899 biggest pieces of this puzzle: how to clear the clutter of  
1900 existing, outdated, and unnecessarily burdensome regulations  
1901 that too often keep growth and job creation down. For years,  
1902 there has been a bipartisan consensus that this is an

1903 important task that must be performed, but as with so many  
1904 things the hard part has always been the details. Different  
1905 approaches have been tried by different presidential  
1906 administrations, and some solutions have been offered by  
1907 Congress. But to date, no sufficiently meaningful results  
1908 have been produced.

1909         In many ways, this is because past approaches never  
1910 fully aligned the incentives and tools of all the relevant  
1911 actors -- regulatory agencies, regulated entities, the  
1912 President, the Congress, and others -- to identify and cut  
1913 the regulations that can and should be cut. On their own,  
1914 regulators have little incentive to shine a spotlight on  
1915 their errors or on regulations that are no longer needed.  
1916 Regulated entities meanwhile may fear retaliation by  
1917 regulators if they suggest ways to trim the regulators'  
1918 authorities, and the sheer volume of the Code of Federal  
1919 Regulations, which now contains roughly 175,000 pages of  
1920 regulations, presents a daunting task for any Congress or  
1921 President to address.

1922         The SCRUB Act represents a real step forward in our  
1923 attempts to eliminate obsolete and unnecessarily burdensome  
1924 Federal regulations without compromising needed regulatory

1925 objectives by establishing an expert commission with the  
1926 resources and authority to assess independently where and how  
1927 regulations are outdated and unnecessarily burdensome, it  
1928 overcomes the disincentives for agencies and even regulated  
1929 entities to identify problem regulations.

1930 In addition, by providing a legislative method to  
1931 immediately repeal the most problematic regulations, the  
1932 SCRUB Act assures that we will take care of the biggest  
1933 problems quickly. Further, by instituting regulatory cut-go  
1934 measures for the remaining regulations the commission  
1935 identifies for repeal when Congress approves of the repeal,  
1936 the bill assures that the rest of the work of cutting  
1937 regulations will finally happen.

1938 I commend former Judiciary Committee member  
1939 Representative Jason Smith for his continued hard work on  
1940 this important bill, and I urge my colleagues to support the  
1941 SCRUB Act. And at this time, I am pleased to recognize the  
1942 gentleman from Michigan, the ranking member of the committee,  
1943 Mr. Conyers, for his opening statement.

1944 Mr. Conyers. Thank you, Mr. Chairman. In principle,  
1945 retrospective review of existing regulations is not a bad  
1946 idea. It is hard to argue against the notion that agencies

1947 should periodically assess whether the rules they promulgated  
1948 are as good as they can be or whether they are even necessary  
1949 in light of changed circumstances. But in H.R. 1155, the so-  
1950 called SCRUB Act, which seeks to codify retrospective review,  
1951 does it in ways that are inherently flawed. And I would like  
1952 to spend some time examining this.

1953 First, it ignores the fact that President Obama has  
1954 already taken a series of significant steps instituting  
1955 regular retrospective reviews by agencies. To date, he has  
1956 issued not one, but two executive orders outlining that  
1957 Federal agencies must take to formulate plans for  
1958 retrospective review of their regulations on an ongoing  
1959 basis. And he has issued a third executive order including  
1960 the independent regulatory agencies, encouraging independent  
1961 regulatory agencies to take similar steps to plan ongoing  
1962 retrospective reviews of the rules.

1963 Now, in compliance with these directives, executive  
1964 agencies and various independent regulatory agencies have  
1965 submitted retrospective review plans. All together, these  
1966 plans have identified numerous ways to reduce redundancy and  
1967 inconsistency among existing regulations. The commission  
1968 that the bill creates to review existing regulations would be

1969 duplicative of the President's executive orders as the  
1970 Coalition for Sensible Safeguards correctly notes.

1971       It should be observed that this process comes in  
1972 addition to the ongoing retrospective review efforts that  
1973 agencies have been undertaking even before the issuance of  
1974 these executive orders. As the Government Accountability  
1975 Office reported, in 2007 agencies routinely conduct these  
1976 reviews, often at their own initiative. To that end, the GAO  
1977 made several recommendations to improve that process which  
1978 would have been a good starting place for any analysis.

1979       Accordingly, I see no reason for Congress to jump the  
1980 gun in seeking to mandate retrospective review legislatively.  
1981 At the minimum, before Congress considers imposing a  
1982 legislative mandate regarding retrospective review, it should  
1983 ensure that the President's efforts have been thoroughly  
1984 evaluated and have had a chance to fully take root.

1985       Now, another problem with H.R. 1155 is that it  
1986 unfortunately reflects a one-sided unbalanced approach to  
1987 retrospective review. For example, virtually all of the  
1988 bill's objectives and mechanisms are a one-way ratchet. The  
1989 measure is designed to result in the repeal or amendment of  
1990 any rule, only to eliminate or reduce costs. But the bill

1991 does absolutely nothing to promote actions that would enhance  
1992 the benefits of rules. Worse yet, H.R. 1155 would empower a  
1993 commission to effectively second guess Congress with respect  
1994 to the need for certain rules as well as the agencies with  
1995 respect to the science and analysis warranting such rules.

1996 Finally, we must acknowledge what the real intent of  
1997 this legislation is. I think we can figure it out almost.  
1998 This is yet another attempt to hobble the ability of agencies  
1999 to regulate, and thereby prevent them from protecting public  
2000 health and safety based on unsubstantiated rhetoric that  
2001 regulations inhibit economic development. Last year, our  
2002 friend, our Republican colleague, Bill Schuster, tweeted, "As  
2003 Americans we should all feel safe to drink the water that  
2004 comes out of your faucets."

2005 But not all Americans have that sense of security.  
2006 Remember last year's Elk River chemical spill caused by  
2007 mining operations in West Virginia? Those who lived and  
2008 worked in the area constantly worried whether it was safe to  
2009 drink their water. Did decontamination result from too much  
2010 regulation? Well, hardly.

2011 What balance should be struck between preventing harmful  
2012 chemicals from appearing in our Nation's water supply and the

2013 cost of regulatory compliance? Do we want an unelected group  
2014 of commissioners to second guess the legislative priorities  
2015 of Congress and the scientific expertise of agencies when it  
2016 comes to safe drinking water standards? Those are just some  
2017 of the major concerns that I have about the measure and why I  
2018 urge my colleagues to thoughtfully join me opposing it.

2019 I thank the chairman, and yield back my time.

2020 Chairman Goodlatte. The chair thanks the gentleman.

2021 Are there amendments to H.R. 1155? For what purpose does the  
2022 gentleman from Tennessee seek recognition?

2023 Mr. Johnson. Mr. Chairman, I have an amendment at the  
2024 desk.

2025 Chairman Goodlatte. I recognized the gentleman from  
2026 Tennessee.

2027 Mr. Cohen. Thank you, Mr. Chair. I have an amendment  
2028 at the desk.

2029 Chairman Goodlatte. The clerk will report the  
2030 amendment. Well, apparently we do not have an amendment at  
2031 the desk. Is the gentleman considering the correct bill?

2032 Mr. Cohen. You skipped to another bill and tricked me  
2033 once again. Trumped.

2034 Chairman Goodlatte. I did. Being here avoids those

2035 tricks. Now I will turn to the gentleman from Georgia, who  
2036 seeks recognition.

2037 Mr. Johnson. Thank you, Mr. Chairman. My amendment  
2038 would strike the --

2039 Chairman Goodlatte. Well, if the gentleman would  
2040 suspend. Let us have the clerk report the amendment first.

2041 Ms. Williams. Amendment to H.R. 1155, offered by Mr.  
2042 Johnson, beginning on page 25 --

2043 Chairman Goodlatte. Without objection, the amendment is  
2044 considered as read.

2045 [The amendment of Mr. Johnson follows:]

2046

2047 Chairman Goodlatte. And the gentleman from Georgia is  
2048 recognized for 5 minutes on his amendment.

2049 Mr. Johnson. Thank you, Mr. Chairman. This amendment  
2050 would strike Title 2 of H.R. 1155, which would require  
2051 agencies to undertake a regulatory cut-go process to repeal  
2052 rules identified by the commission with little to no  
2053 consideration of the rule's benefits prior to issuing any new  
2054 rule. These regulatory cut-go provisions would apply to  
2055 every new agency rule no matter how important or pressing for  
2056 every regulatory agency.

2057 Alarmingly, Title 2 would also require agencies to  
2058 undertake a notice and comment process for all rules  
2059 eliminated through cut-go because, as I noted earlier,  
2060 agencies are unable to simply rescind rules. Thus, this bill  
2061 would substantially delay or even prevent new regulations  
2062 through this burdensome and time-consuming requirement.

2063 As several of my colleagues' amendments will illustrate,  
2064 the bill's regulatory cut-go procedures are unsafe,  
2065 dangerous, and would tie the hands of agencies responding to  
2066 public health crisis requiring timely regulatory responses.  
2067 In fact, this bill lacks any mechanism for consideration of  
2068 public health and safety, which would leave no option for

2069 agencies to issue emergency rules to protect the public and  
2070 environment from imminent harm.

2071       The bill's proponents may claim that Title 1 of the H.R.  
2072 1155 would allow the commission to consider whether the costs  
2073 of the bill are not justified by the benefits to society.  
2074 But as Professor Levin testified during the subcommittee's  
2075 consideration of a previous version of this bill, the  
2076 catchall language of Section H.21 would allow the commission  
2077 to recommend the repeal of any rule promulgated by an agency  
2078 if it deems the rule's requirements to be unnecessarily  
2079 burdensome. In short, the commission would be completely  
2080 free to disregard any benefit of regulation by proceeding  
2081 under this language or the bill's other advisory language.

2082       Furthermore, H.R. 1155 is silent on what methodology the  
2083 commission must follow, requiring only that it must have one,  
2084 which leaves the window wide open for absolutely no  
2085 consideration of the benefits of regulation. While  
2086 consideration of the cost of regulations is sometimes  
2087 important, there is overwhelming consensus that the benefits  
2088 of regulation vastly exceed the costs. In both Republican  
2089 and Democratic Administrations, the benefits of our  
2090 regulatory system of regulatory protections have made our

2091 country safer, stronger, healthier, and cleaner. The  
2092 nonpartisan Government Accountability Office has observed  
2093 that these benefits include, among other things, ensuring  
2094 that workplaces, air travel, foods, and drugs are safe, that  
2095 the Nation's air, water, and land are not polluted, and that  
2096 the appropriate amount of taxes is collected.

2097       The GAO reported in 2007 that while the cost of these  
2098 regulations are estimated to be in the hundreds of billions  
2099 of dollars, the benefit estimates are even higher. In 2012,  
2100 the Office of Management and Budget likewise concluded that  
2101 even by conservative estimates, the benefits of major  
2102 regulations exceeded the costs on a 2-to-1 basis over the  
2103 past decade. Between Fiscal Years 1999 to 2009, the benefits  
2104 of regulations produced a net benefit of \$73 billion, vastly  
2105 exceeding the regulation's costs. This evidence  
2106 overwhelmingly refutes the bald assertion that regulatory  
2107 costs are burdensome, eliminate jobs, or harm our economic  
2108 competitiveness.

2109       And with that, I urge my colleagues to support my  
2110 amendment, and I yield back.

2111       Chairman Goodlatte. The chair recognizes himself in  
2112 opposition to the amendment. Title 2 of the bill contains

2113 one of the bill's most important innovations, a cut-go  
2114 process for the repeal of regulations Congress approves for  
2115 repeal. This process is modeled on the cut-go process  
2116 pioneered in Congress itself to control Federal spending. By  
2117 allowing regulatory appeals to occur on a cut-go basis, the  
2118 bill both stabilizes total Federal regulatory costs and  
2119 avoids forcing all repeals to occur immediately. This  
2120 creates the opportunity for regulatory agencies applying  
2121 their expertise and working with the entities they regulate  
2122 to administer a smoother process of regulatory repeal with  
2123 ample opportunities to prioritize the order of repeals and  
2124 cooperatively consider any needed replacement regulations.

2125       The cut-go process also avoids one of the major flaws of  
2126 the regulatory look-back process applied under executive  
2127 order by the Obama Administration. Although that process has  
2128 resulted in some cost reductions under individual  
2129 regulations, the net result of the process has been an  
2130 alarming increase in total costs imposed by all Federal  
2131 regulations. That is a giant step backward, and it is a  
2132 result the SCRUB Act's cut-go provisions will emphatically  
2133 prevent. For all these reasons I oppose the gentleman's  
2134 amendment.

2135           Given the number of people present being insufficient to  
2136 consider amendments, we will at this time suspend further  
2137 action on H.R. 1155. When we resume, we will take up the  
2138 gentleman's amendment. But at this time, we will, pursuant  
2139 to notice, call up H.R. 889 for purposes of markup, and move  
2140 that the committee report the bill favorably to the House.

2141           The clerk will report the bill.

2142           Ms. Williams. H.R. 889, to amend Chapter 97 of Title  
2143 28, United States Code, to clarify the exception to foreign  
2144 sovereign immunity set forth in Section 1605(a)(3) of such  
2145 title.

2146           Chairman Goodlatte. Without objection, the bill is  
2147 considered as read and open for amendment at any point.

2148           [The information follows:]

2149

2150 Chairman Goodlatte. And I will begin by recognizing  
2151 myself for an opening statement.

2152 I would like to begin by thanking Mr. Chabot for  
2153 introducing this legislation, and Mr. Conyers and Mr. Cohen  
2154 for their support as well. The Foreign Cultural Exchange  
2155 Immunity Clarification Act strengthens the ability of U.S.  
2156 museums and educational institutions to borrow foreign  
2157 government-owned artwork and cultural artifacts for temporary  
2158 exhibition or display. The United States has long recognized  
2159 the importance of encouraging the cultural exchange of ideas  
2160 through exhibitions of artwork and other artifacts loaned  
2161 from other countries.

2162 These exchanges expose Americans to other cultures and  
2163 foster understanding between people of different  
2164 nationalities, languages, religions, and races.  
2165 Unfortunately, the future success of cultural exchanges is  
2166 severely threatened by a disconnect between the Immunity from  
2167 Seizure Act and the Foreign Sovereign Immunities Act. Loans  
2168 of artwork and cultural objects depend on foreign lenders  
2169 having confidence that the items they loan will be returned,  
2170 and that the loan will not open them up to lawsuits in U.S.  
2171 courts.

2172           For 40 years, the Immunity from Seizure Act provided  
2173 foreign government lenders with this confidence. However,  
2174 rulings in several recent federal cases have undermined the  
2175 protection provided by this law. In these decisions, the  
2176 Federal courts have held that the Immunity from Seizure Act  
2177 does not preempt the Foreign Sovereign Immunities Act. The  
2178 effect has been to open foreign governments up to the  
2179 jurisdiction of U.S. courts simply because they loaned  
2180 artwork or cultural objects to an American museum or  
2181 educational institution.

2182           This has significantly impeded the ability of U.S.  
2183 institutions to borrow foreign government-owned items. It  
2184 has also resulted in cultural exchanges being curtailed as  
2185 foreign governments have become hesitant to permit their  
2186 cultural property to travel to the United States. This bill  
2187 addresses this situation. It provides that the State  
2188 Department grants immunity to a loan of artwork or cultural  
2189 objects from the Immunity from Seizure Act. Then the loan  
2190 cannot subject a foreign government to the jurisdiction of  
2191 U.S. courts under the Foreign Sovereign Immunities Act.

2192           This is very narrow legislation. It only applies to one  
2193 of the many grounds for jurisdiction under the Foreign

2194 Sovereign Immunities Act, and it requires the State  
2195 Department to grant the artwork immunity before its  
2196 provisions apply. Moreover, in order to preserve the claims  
2197 of victims of the Nazi government and its allies during World  
2198 War II, the bill has an exception for claims brought by these  
2199 victims.

2200       If we want to encourage foreign governments to continue  
2201 to lend artwork and other artifacts, we must enact this  
2202 legislation. Without the protections this bill provides,  
2203 foreign governments will avoid the risk of lending their  
2204 cultural items to American museums and educational  
2205 institutions. And the American public will lose the  
2206 opportunity to view and appreciate these cultural objects  
2207 from abroad.

2208       I urge my colleagues to support this bill, and I now  
2209 recognize our ranking member, the gentleman from Michigan,  
2210 Mr. Conyers, for his opening statement.

2211       Mr. Conyers. Thank you, Mr. Chairman. I join with you  
2212 in support of the Foreign Cultural Exchange Jurisdictional  
2213 Immunity Clarification Act for several reasons. To begin  
2214 with, the bill addresses an apparent inconsistency between  
2215 two principal laws that deal with the display of foreign

2216 artwork in the United States, as you have mentioned, the  
2217 Foreign Sovereign Immunities Act of 1976 and the 1965  
2218 Immunity from Seizure Act. The '65 act seeks to encourage  
2219 foreign states to lend their artwork and other cultural  
2220 property to American museums and educational institutions.  
2221 The 1976 act, on the other hand, grants foreign states  
2222 immunity from suit in the United States subject to certain  
2223 exceptions, including the expropriation exception.

2224       This particular exception denies such immunity if the  
2225 issue concerns rights and property taken in violation of  
2226 international law. Unfortunately, confusion has arisen with  
2227 respect to the interplay between these two laws stemming from  
2228 a 2007 Federal court decision that broadly interpreted the  
2229 1976 act's expropriation exception to apply to a foreign  
2230 government's loan of artwork to an American museum. This  
2231 has, in turn, had a chilling effect on the importation of  
2232 cultural works for display into the United States.

2233       And so, what our bill does is addresses the problem by  
2234 making a narrowly tailored clarification to the 1976 act's  
2235 expropriation exception concerning artwork or cultural  
2236 objects imported into the United States for temporary exhibit  
2237 or display. It clarifies that such articles are immune from

2238 suit for damages if their importation into the United States  
2239 is pursuant to an agreement between a foreign state that owns  
2240 or has custody of the work and a U.S. cultural or educational  
2241 institution. The President has granted the work immunity  
2242 from seizure pursuant to the Immunity from Seizure Act  
2243 because it is of cultural significance, and its temporary  
2244 exhibit or display is in the national interest. And the  
2245 President's determination has been published in the *Federal*  
2246 *Register* in accordance with the Immunity from Seizure Act.

2247 As a result of this modest measure, foreign states would  
2248 be immunized from lawsuits that seek damages for artwork that  
2249 is already immune from seizure pursuant to a presidential  
2250 determination when the work is in the U.S. for temporary  
2251 exhibition. And finally, I support this bill because it  
2252 includes an important exemption for Nazi-era claims regarding  
2253 the ownership of art or cultural objects.

2254 This critical carve-out is consonant with longstanding  
2255 American policy that encourages restitution for victims of  
2256 the Nazi government, its allied governments, and its  
2257 affiliated governments. In recognition of the Nazi  
2258 government's deliberate campaign to steal artwork from its  
2259 victims, this measure, H.R. 889, rightfully ensures that

2260 victims are not foreclosed from pursuing damages for stolen  
2261 art, even at the cost of foreclosing cultural exchange. And  
2262 so, for those reasons that the House passed a similar measure  
2263 in the last two Congresses under suspension of the rules.  
2264 Indeed, the current version of this legislation improves upon  
2265 its first iteration because it reflects recommendations from  
2266 the Conference on Jewish Material Claims against Germany that  
2267 clarify the bill's Nazi-era exception.

2268 And so accordingly, I join with the chairman and urge  
2269 our colleagues to support the bill. I yield back my time.

2270 Chairman Goodlatte. The chair thanks the gentleman, and  
2271 recognizes the gentleman from Ohio, Mr. Chabot, the author of  
2272 the legislation, for his opening statement.

2273 Mr. Chabot. Thank you. I would like to thank Chairman  
2274 Goodlatte and Ranking Member Conyers, as well as my colleague  
2275 from Tennessee, Mr. Cohen, for co-sponsoring this  
2276 legislation. This is a simple, straightforward piece of  
2277 legislation that restores to American museums the protections  
2278 of the Immunity From Seizures Act, and clarifies the  
2279 relationship between that act and the Foreign Sovereign  
2280 Immunities Act.

2281 This bill will revise existing law to clarify that the

2282 temporary importation of artwork is not legally considered  
2283 commercial activity, and assure foreign government leaders  
2284 that if they are granted immunity from seizures, their loan  
2285 of artwork and artifacts will not subject them to the  
2286 jurisdiction of U.S. courts.

2287       Enacting the Immunity from Seizure Act will recognize  
2288 the substantial benefits to the United States of cultural  
2289 exchange, both artistically and diplomatically. Foreign  
2290 lending has, and should continue, to aid cultural  
2291 understanding and increase public exposure to archaeological  
2292 artifacts. This bill reaffirms our country's commitment to  
2293 the promotion of foreign lending of artwork to museums all  
2294 around the country.

2295       The problem with current law, the Foreign Sovereign  
2296 Immunities Act, is that it opens foreign governments up to  
2297 the jurisdiction of U.S. courts if foreign government-owned  
2298 artwork and cultural objects are temporarily imported into  
2299 the United States. According to the American Association of  
2300 Museum Directors, this has led on several occasions to  
2301 foreign governments declining to exchange artwork and  
2302 cultural objects with the United States for temporary  
2303 exhibitions.

2304           In a recent survey, they found that over the past 5  
2305 years, 38 museums and a thousand pieces of art denied to them  
2306 for very questionable reasons. These are works that museum  
2307 curators reasonably believed would be loaned to their museum.  
2308 In order to keep the exchange of foreign government-owned art  
2309 flowing, Congress needs to clarify the relationship between  
2310 the two acts that I just mentioned.

2311           H.R. 889 is a bill that fixes this provision, and  
2312 simultaneously carries enormous cultural benefits. It  
2313 ensures that museums like several in my district, the  
2314 Cincinnati Museum Center and the Cincinnati Art Museum, for  
2315 example, and other similar museums all across the United  
2316 States, including the Smithsonian Museums here in Washington,  
2317 may continue to present first class exhibits and educate the  
2318 public on cultural exchange and artwork from around the  
2319 world. Through passage of this legislation, we can secure  
2320 foreign lending to American museums and ensure that foreign  
2321 art lenders are not entangled in unnecessary litigation.

2322           H.R. 889 is supported by the Association of Art Museum  
2323 Directors, which represent 240 museums, I am sure museums all  
2324 over the country. Probably many of the folks on this  
2325 committee have them in their districts, including, as I

2326 mentioned, the Smithsonian and several within my district and  
2327 throughout the country. I urge my colleagues to support the  
2328 legislation. Yield back the balance of my time.

2329 Chairman Goodlatte. Does anyone else seek recognition  
2330 on this? The gentleman from Tennessee is recognized.

2331 Mr. Cohen. Thank you, Mr. Chairman. I would just like  
2332 to briefly thank the chairman, and the ranking member, and  
2333 Mr. Chabot for their work on this particular bill. I am  
2334 honored to work with Mr. Chabot and be a co-sponsor. I think  
2335 it is important that we have as much cultural exchanges as we  
2336 can, expose people to art from all over the world. This is  
2337 important, and the Nazi exception is important, too, that Mr.  
2338 Conyers spoke about.

2339 So I think it is a very good and important bill to  
2340 expand understanding and culture, and I am looking forward to  
2341 voting for it. Thank you, Mr. Chabot. We have a lot we work  
2342 together on. We try to get the Delta Queen going on the  
2343 river, and we tried to keep Delta in our cities, and now we  
2344 have airports that are vacant.

2345 [Laughter.]

2346 Chairman Goodlatte. The chair thanks the gentleman.

2347 Notes that we continue to not have a reporting quorum, so we

2348 will now move onto H.R. 690.

2349 Pursuant to notice, I now call up H.R. 690 for purposes  
2350 of markup, and move that the committee report the bill  
2351 favorably to the House.

2352 The clerk will report the bill.

2353 Ms. Williams. H.R. 690, to require each agency in  
2354 providing notice of a rulemaking, to include a link to a 100-  
2355 word plain language summary of the proposed rule.

2356 Chairman Goodlatte. Without objection, the bill I  
2357 considered as read and open for amendment at any point.

2358 [The information follows:]

2359

2360 Chairman Goodlatte. And I will begin by recognizing  
2361 myself for an opening statement. Main Street Americans and  
2362 small business owners throughout the Nation know from  
2363 firsthand experience one of the most maddening facts about  
2364 federal regulatory system. Not only do Federal regulators  
2365 issue too many regulations that cost too much, too often  
2366 these regulations are impossible for the ordinary citizen to  
2367 understand.

2368 The Providing Accountability Through Transparency Act  
2369 offers a welcome remedy to this problem. It requires Federal  
2370 agencies to publish online 100-word summaries of any new  
2371 proposed regulation. What a concept. State in clear,  
2372 simple, and short terms for the American people just what  
2373 Federal regulators propose to do, stated in terms that do not  
2374 require help from a lawyer to understand, and stated online  
2375 every time a new regulation is proposed. This legislation is  
2376 sure to help Americans who are bewildered and besieged by the  
2377 flood of new regulations flowing every day from Washington's  
2378 regulatory bureaucracy.

2379 I commend Representative Luetkemeyer for introducing  
2380 this legislation. I urge my colleagues to support the bill.  
2381 And I now turn to the gentleman from Michigan, Mr. Conyers,

2382 the ranking member, for his opening statement.

2383 Mr. Conyers. Thank you, Chairman. This measure, H.R.  
2384 690, Providing Accountability Through Transparency, would  
2385 require a notice of proposed rulemaking that is published in  
2386 the *Federal Register* to include an internet link to a plain  
2387 language 100-word summary of the rule. Now, given the fact  
2388 that we have not had the benefit of any legislative process  
2389 pertaining to this measure, I have a few observations about  
2390 the bill that I hope my colleagues on the other side of the  
2391 aisle can address.

2392 First, Section 553(b) of the Administrative Procedure  
2393 Act already requires an explanation of a proposed rule to be  
2394 included in the requisite notice of the rule. In fact, the  
2395 *Federal Register Document Drafting Handbook* mandates that  
2396 agencies provide a summary of a rule published in the *Federal*  
2397 *Register*. The handbook specifically requires an agency "to  
2398 use language a non-expert will understand." That is a  
2399 quotation. So I ask my colleagues on the committee why is  
2400 this measure necessary? What problem is it intended to  
2401 address?

2402 Now, another matter presented by the bill is with  
2403 respect to its application to an extremely complex

2404 rulemaking. It is unclear whether a 100-word summary could  
2405 adequately explain such a rule. In these instances, an  
2406 arbitrary word limit could result in the summary providing  
2407 the public with an incomplete explanation of the proposed  
2408 rule.

2409       And then finally, and most importantly, a question that  
2410 this measure present is how this new requirement would  
2411 trigger judicial review. Under Section 706 of the  
2412 Administrative Procedure Act, a party could seek judicial  
2413 review of an agency's proposed rulemaking for somehow running  
2414 afoul of this new requirement. If the Court finds, for  
2415 example, that the summary was not in accordance with the law  
2416 or not in observance of procedure, the Court could set aside  
2417 the rulemaking.

2418       And so, I would appreciate hearing from some of our  
2419 members on the other side of the aisle their responses to  
2420 these several concerns. And so, I thank the chairman and  
2421 yield back the balance of my time.

2422       Chairman Goodlatte. The chair thanks the gentleman.  
2423 The committee is still without a reporting quorum, and --  
2424 does the gentleman from Georgia seek recognition?

2425       Mr. Johnson. I do. I have a statement.

2426 Chairman Goodlatte. Does the gentleman from  
2427 Pennsylvania -- he does not. So the gentleman from Georgia  
2428 is recognized for 5 minutes for his opening statement.

2429 Mr. Johnson. Thank you, Mr. Chairman. H.R. 690, the  
2430 Providing Accountability Through Transparency Act of 2015,  
2431 would require a notice of proposed rulemaking that is  
2432 published in the *Federal Register* to include an internet link  
2433 to a plain language 100-word summary of the rule. While I am  
2434 sympathetic to the goal of making rulemaking more easily  
2435 understandable, I have several concerns with this bill as  
2436 just feel good legislation that does little to improve the  
2437 rulemaking process.

2438 First, the Code of Federal Regulations already requires  
2439 agencies to include a short comprehensible summary as part of  
2440 a notice of proposed rulemaking. That is at 1 C.F.R. Section  
2441 18.12. Additionally, Section 553 of the Administrative  
2442 Procedure Act outlines a series of requirements for rules  
2443 requiring notice and comments among other things, and to  
2444 explain the substance of the proposed rule and the issues  
2445 involved.

2446 Second, I have concerns that although H.R. 690's summary  
2447 requirement may be benign on its face, it could form the

2448 basis for vacating a rule under Section 706 of the APA.

2449 There is no generally accepted definition of the term "plain  
2450 language," which would require courts to determine whether a  
2451 summary was adequately plain. I plan to offer an amendment to  
2452 address that concern.

2453 Finally, many administrative law experts have repeatedly  
2454 called on this committee to avoid legislating additional  
2455 requirements in the rulemaking process, which is already  
2456 ossified, slow, and inflexible in responding to public health  
2457 and safety threats. As I noted earlier, this legislation is  
2458 potentially duplicative of existing law and does little to  
2459 address the overarching concerns with rulemaking. As Ranking  
2460 Member Conyers has pointed out, these are just several  
2461 questions the bill raises. Without the benefit of a hearing  
2462 on this legislation, it is difficult to support a bill that  
2463 either affirms the status quo or creates a new avenue for  
2464 industry challenges to rulemaking.

2465 With that, I yield back the balance of my time.

2466 Chairman Goodlatte. The chair thanks the gentleman, and  
2467 the committee will stand in recess until 1:00 p.m., at which  
2468 time we will resume consideration of these measures.

2469 [Recess.]

2470 Chairman Goodlatte. The Committee will reconvene.

2471 When we left off on consideration of H.R. 1155, the

2472 Johnson Amendment was pending. Is there further debate on

2473 this amendment?

2474 If not, the question occurs on the amendment offered by

2475 the gentleman from Georgia. All those in favor will respond

2476 by saying aye.

2477 Those opposed, no.

2478 In the opinion of the chair, the noes have it.

2479 The amendment is not agreed to.

2480 Mr. Johnson. Mr. Chairman, I would ask for a recorded

2481 vote.

2482 Chairman Goodlatte. A recorded vote is requested and

2483 the clerk will call the roll.

2484 Ms. Williams. Mr. Goodlatte?

2485 Chairman Goodlatte. No.

2486 Ms. Williams. Mr. Goodlatte votes no.

2487 Mr. Sensenbrenner?

2488 [No response.]

2489 Ms. Williams. Mr. Smith?

2490 [No response.]

2491 Ms. Williams. Mr. Chabot?

2492 Mr. Chabot. No.

2493 Ms. Williams. Mr. Chabot votes no.

2494 Mr. Issa?

2495 [No response.]

2496 Ms. Williams. Mr. Forbes?

2497 Mr. Forbes. No

2498 Ms. Williams. Mr. Forbes votes no.

2499 Mr. King?

2500 Mr. King. No

2501 Ms. Williams. Mr. King votes no.

2502 Mr. Franks?

2503 Mr. Franks. No.

2504 Ms. Williams. Mr. Franks votes no.

2505 Mr. Gohmert?

2506 [No response.]

2507 Ms. Williams. Mr. Jordan?

2508 [No response.]

2509 Ms. Williams. Mr. Poe?

2510 [No response.]

2511 Ms. Williams. Mr. Chaffetz?

2512 [No response.]

2513 Ms. Williams. Mr. Marino?

2514 Mr. Marino. No

2515 Ms. Williams. Mr. Marino votes no.

2516 Mr. Gowdy?

2517 [No response.]

2518 Ms. Williams. Mr. Labrador?

2519 [No response.]

2520 Ms. Williams. Mr. Farenthold?

2521 [No response.]

2522 Ms. Williams. Mr. Collins?

2523 Mr. Collins. No

2524 Ms. Williams. Mr. Collins votes no.

2525 Mr. DeSantis?

2526 [No response.]

2527 Ms. Williams. Ms. Walters?

2528 Ms. Walters. No

2529 Ms. Williams. Ms. Walters votes no.

2530 Mr. Buck?

2531 Mr. Buck. No.

2532 Ms. Williams. Mr. Buck votes no.

2533 Mr. Ratcliffe?

2534 Mr. Ratcliffe. No

2535 Ms. Williams. Mr. Ratcliffe votes no.

2536 Mr. Trott?

2537 Mr. Trott. No.

2538 Ms. Williams. Mr. Trott votes no.

2539 Mr. Bishop?

2540 Mr. Bishop. No.

2541 Ms. Williams. Mr. Bishop votes no.

2542 Mr. Conyers?

2543 [No response.]

2544 Ms. Williams. Mr. Nadler?

2545 [No response.]

2546 Ms. Williams. Ms. Lofgren?

2547 [No response.]

2548 Ms. Williams. Ms. Jackson Lee?

2549 [No response.]

2550 Ms. Williams. Mr. Cohen?

2551 [No response.]

2552 Ms. Williams. Mr. Johnson?

2553 Mr. Johnson. Aye.

2554 Ms. Williams. Mr. Johnson votes aye.

2555 Mr. Pierluisi?

2556 [No response.]

2557 Ms. Williams. Ms. Chu?

2558 Ms. Chu. Aye.

2559 Ms. Williams. Ms. Chu votes aye.

2560 Mr. Deutch?

2561 [No response.]

2562 Ms. Williams. Mr. Gutierrez?

2563 [No response.]

2564 Ms. Williams. Ms. Bass?

2565 [No response.]

2566 Ms. Williams. Mr. Richmond?

2567 [No response.]

2568 Ms. Williams. Ms. DelBene?

2569 Ms. DelBene. Aye.

2570 Ms. Williams. Ms. DelBene votes aye.

2571 Mr. Jeffries?

2572 [No response.]

2573 Ms. Williams. Mr. Cicilline?

2574 Mr. Cicilline. Aye.

2575 Ms. Williams. Mr. Cicilline votes aye.

2576 Mr. Peters?

2577 [No response.]

2578 Chairman Goodlatte. Has every member voted who wishes

2579 to vote?

2580 [No response.]

2581 Chairman Goodlatte. The clerk will report.

2582 The gentleman from Michigan.

2583 Mr. Conyers. Votes aye.

2584 Ms. Williams. Mr. Conyers votes aye.

2585 Chairman Goodlatte. The clerk will report.

2586 Ms. Williams. Mr. Chairman, 5 Members voted aye, 12

2587 Members voted no.

2588 Chairman Goodlatte. And the amendment is not agreed to.

2589 Are there further amendments to H.R. 1155?

2590 For what purpose does the gentlewoman from Washington

2591 seek recognition?

2592 Ms. DelBene. I have an amendment at the desk.

2593 Chairman Goodlatte. The clerk will report the

2594 amendment.

2595 Ms. Williams. Amendment to H.R. 1155, offered by Ms.

2596 DelBene, page 29, line 21, insert after code the following:

2597 Except for a special rule. Page 29, insert after line 24 the

2598 following: (6) Special rule. The term special rule means a

2599 rule made by an agency in response to an emergency.

2600 [The amendment of Ms. DelBene follows:]

2601

2602 Chairman Goodlatte. The gentlewoman from Washington is  
2603 recognized on her amendment.

2604 Ms. DelBene. Thank you, Mr. Chair.

2605 First, I'd like to address the underlying premise of  
2606 most of the bills we have been considering today. It seems  
2607 there's not a shortage of ways for this Committee to attack  
2608 regulations and regulators that are focused on keeping our  
2609 food and medications safe; our air and water clean; and our  
2610 families safe.

2611 Regulations have an important role to play not just in  
2612 public health and safety but also in new and emerging  
2613 industries. Consider products like drones. Congress  
2614 instructed the Federal Aviation Administration to work on  
2615 integrating them into domestic airspace. And just last week  
2616 the FAA granted a company in my home state, Amazon,  
2617 permission to begin test flights outdoors.

2618 When it comes to new technologies like this, we need to  
2619 have rules that will protect life and property. And if we  
2620 left it up to this Congress to make those rules, we wouldn't  
2621 move fast enough to address these issues. Like anti-  
2622 regulation bills we've considered in the past, this bill is a  
2623 very broad attack on regulations with no regard for public

2624 safety in any measure. So it's not surprising that the bill  
2625 does not provide an exemption for times of an emergency.

2626 My amendment would crack this mistake. We recently  
2627 marked one year since the Oso landslide in my district; a  
2628 horrific natural disaster that took the lives of 43 people in  
2629 our community. Now, I find it terribly concerning that we're  
2630 considering a bill today that could get in the way of an  
2631 agency trying to do its job in the time of crisis.

2632 The idea that an emergency response team would be forced  
2633 to abide by regulatory cut-go when people's lives are at risk  
2634 is irresponsible and cannot be what this Committee really  
2635 believes in. Even worse, legislation like this that requires  
2636 such blatant trades before an agency could act could lead to  
2637 the politicization of public health and the safety in times  
2638 of a crises. A natural disaster could never be used as  
2639 leverage to attack unpopular regulations; tying the agency's  
2640 hands when communities need their help most and we must avoid  
2641 that.

2642 So it's important to streamline regulations, but bills  
2643 like this one create more burdens and are not jobs packages  
2644 and we can't put lives at risk for political posturing. We  
2645 should be doing is working on serious job measures like

2646 rebuilding our crumbling infrastructure, for example. I urge  
2647 my colleagues to vote yes on my amendment and to work  
2648 together on creating jobs in a way that does not put people's  
2649 lives at risk and I yield back.

2650 Mr. Marino. [presiding] Thank you.

2651 I recognize myself in opposition to this amendment.

2652 I oppose this amendment. Yet again, the amendment  
2653 reflects a misunderstanding of the bill. The amendment would  
2654 exempt rules issued by an agency in response to an emergency,  
2655 but the SCRUB Act would not threaten the repeal of  
2656 regulations that responded to an emergency and are still  
2657 needed. It focuses on repeal of regulations that are  
2658 outdated and are no longer needed.

2659 For example, what if regulations still on the books were  
2660 issued to respond to an emergency decades ago, but the  
2661 emergency will not occur and the regulations are no longer  
2662 needed. Why should those regulations be examined for repeal?  
2663 They no longer serve a vital purpose. Use of the regulatory  
2664 cut-go will not slow new emergencies either the cut-go rules  
2665 to be repealed will be pre-edited and can be used off the  
2666 shelf for cut-go purposes. I oppose this amendment and urge  
2667 my colleagues to join me.

2668 Does anybody else wish to be heard on the amendment?

2669 The chair recognizes the gentleman from Georgia, Mr.

2670 Johnson.

2671 Mr. Johnson. Thank you, Mr. Chairman. I move to strike

2672 the last word.

2673 Chairman Goodlatte. The gentleman is recognized for

2674 five minutes.

2675 Mr. Johnson. Thank you.

2676 One of the pernicious aspects of H.R. 1155's regulatory

2677 cut-go requirement is that it would undermine the ability of

2678 agencies to quickly respond to emerging health and safety

2679 risks. Regulatory cut-go imposes a false choice between

2680 existing protections and issues new rules in response to an

2681 emerging threat to public safety and health. I can't imagine

2682 what would have happened if, or what would happen if an

2683 outbreak such as Ebola would occur in the United States and

2684 there was a need to institute the rules quickly to protect

2685 the health and safety of Americans.

2686 With this rule in place, it would actually just stop the

2687 rulemaking process for an inordinate length of time; there's

2688 no emergency; there's no mechanism in the bill that would

2689 allow for an emergency; there's no exception for that. And

2690 this bill is just a meat clever approach to the affairs of  
2691 human beings in this country at this particular time in the  
2692 nation's history; very complicated issues. And we can't  
2693 allow ourselves to be governed by just meat clever approaches  
2694 to governance. That's what this bill is.

2695 It's clear that it could be hurtful. And foreseeable,  
2696 it's going, if this bill were passed and signed into law  
2697 which is not going to happen, it could wreak havoc on the  
2698 ability of the federal government to protect the health,  
2699 safety, and well-being of Americans in just about every realm  
2700 of living that we are accustomed to. And for that reason, I  
2701 support the DelBene Amendment and I'd ask my colleagues to  
2702 support it as well.

2703 And with that, I yield back

2704 Mr. Marino. The question was on the amendment.

2705 Those in favor say aye.

2706 Those oppose, no.

2707 In the opinion of the chair, the noes have it, and the  
2708 amendment is not agreed --

2709 Ms. DelBene. Mr. Chair? Can I ask for a recorded vote,  
2710 please?

2711 Mr. Marino. Yes. A recorded vote is requested. The

2712 clerk will call the roll.

2713 Ms. Williams. Mr. Goodlatte?

2714 Mr. Marino. No.

2715 Mr. Marino?

2716 Ms. Williams. Mr. Marino votes no.

2717 Mr. Sensenbrenner?

2718 [No response.]

2719 Ms. Williams. Mr. Smith?

2720 [No response.]

2721 Ms. Williams. Mr. Chabot?

2722 Mr. Chabot. No.

2723 Ms. Williams. Mr. Chabot votes no.

2724 Mr. Issa?

2725 [No response.]

2726 Ms. Williams. Mr. Forbes?

2727 Mr. Forbes. No.

2728 Ms. Williams. Mr. Forbes votes no.

2729 Mr. King?

2730 Mr. King. No.

2731 Ms. Williams. Mr. King votes no.

2732 Mr. Franks?

2733 Mr. Franks. No.

2734 Ms. Williams. Mr. Franks votes no.  
2735 Mr. Gohmert?  
2736 Mr. Gohmert. No.  
2737 Ms. Williams. Mr. Gohmert votes no.  
2738 Mr. Jordan?  
2739 [No response.]  
2740 Ms. Williams. Mr. Poe?  
2741 [No response.]  
2742 Ms. Williams. Mr. Chaffetz?  
2743 [No response.]  
2744 Ms. Williams. Mr. Gowdy?  
2745 [No response.]  
2746 Ms. Williams. Mr. Labrador?  
2747 [No response.]  
2748 Ms. Williams. Mr. Farenthold?  
2749 [No response.]  
2750 Ms. Williams. Mr. Collins?  
2751 Mr. Collins. No.  
2752 Ms. Williams. Mr. Collins votes no.  
2753 Mr. DeSantis?  
2754 [No response.]  
2755 Ms. Williams. Ms. Walters?

2756 Ms. Walters. No.

2757 Ms. Williams. Ms. Walters votes no.

2758 Mr. Buck?

2759 Mr. Buck. No.

2760 Ms. Williams. Mr. Buck votes no.

2761 Mr. Ratcliffe?

2762 Mr. Ratcliffe. No.

2763 Ms. Williams. Mr. Ratcliffe votes no.

2764 Mr. Trott?

2765 Mr. Trott. No.

2766 Ms. Williams. Mr. Trott votes no.

2767 Mr. Bishop?

2768 Mr. Bishop. No.

2769 Ms. Williams. Mr. Bishop votes no.

2770 Mr. Conyers?

2771 [No response.]

2772 Ms. Williams. Mr. Nadler?

2773 [No response.]

2774 Ms. Williams. Ms. Lofgren?

2775 Ms. Lofgren. Aye.

2776 Ms. Williams. Ms. Lofgren votes aye.

2777 Ms. Jackson Lee?

2778 Ms. Jackson Lee. Aye.

2779 Ms. Williams. Ms. Jackson Lee votes aye.

2780 Mr. Cohen?

2781 [No response.]

2782 Ms. Williams. Mr. Johnson?

2783 Mr. Johnson. Aye.

2784 Ms. Williams. Mr. Johnson votes aye.

2785 Mr. Pierluisi?

2786 [No response.]

2787 Ms. Williams. Ms. Chu?

2788 Ms. Chu. Aye.

2789 Ms. Williams. Ms. Chu votes aye.

2790 Mr. Deutch?

2791 [No response.]

2792 Ms. Williams. Mr. Gutierrez?

2793 [No response.]

2794 Ms. Williams. Ms. Bass?

2795 [No response.]

2796 Ms. Williams. Mr. Richmond?

2797 [No response.]

2798 Ms. Williams. Ms. DelBene?

2799 Ms. DelBene. Aye.

2800 Ms. Williams. Ms. DelBene votes aye.

2801 Mr. Jeffries?

2802 [No response.]

2803 Ms. Williams. Mr. Cicilline?

2804 Mr. Cicilline. Aye.

2805 Ms. Williams. Mr. Cicilline votes aye.

2806 Mr. Peters?

2807 Mr. Peters. Aye.

2808 Ms. Williams. Mr. Peters votes aye.

2809 Mr. Marino. Is there anyone else that wishes to vote or

2810 change their vote?

2811 The gentleman from Virginia, Mr. Goodlatte?

2812 Chairman Goodlatte. No.

2813 Ms. Williams. Mr. Goodlatte votes no.

2814 Mr. Marino. The gentleman from Michigan, Mr. Conyers?

2815 Mr. Conyers. Aye.

2816 Ms. Williams. Mr. Conyers votes aye.

2817 Mr. Marino. See any others?

2818 [No response.]

2819 Mr. Marino. The clerk will report.

2820 Ms. Williams. Mr. Chairman, 8 members voted aye, 13

2821 members voted no.

2822 Mr. Marino. The noes have it and the amendment is not  
2823 agreed to.

2824 Are there any other amendments?

2825 Mr. Cicilline. Mr. Chairman?

2826 Mr. Marino. Mr. Cicilline?

2827 Mr. Cicilline. Mr. Chairman, I have an amendment at the  
2828 desk.

2829 Mr. Marino. Yes, in just a moment. I want to apologize  
2830 to Kelsey because I'm the one that spoke out of turn and she  
2831 was right in calling Mr. Goodlatte's name to show whether he  
2832 voted or not, and when she was staring at me I got stunned  
2833 and had to respond.

2834 So I apologize.

2835 Okay. The clerk will report the amendment.

2836 Ms. Williams. Amendment to H.R. 1155, offered by Mr.  
2837 Cicilline of Rhode Island. Page 29, line 21 --

2838 Mr. Marino. Without objection the amendment is  
2839 considered as read and the gentlewoman is recognized. Excuse  
2840 me, the gentleman is recognized. It's not Ms. DelBene; it's  
2841 Mr. Cicilline.

2842 [The amendment of Mr. Cicilline follows:]

2843

2844 Mr. Cicilline. Thank you, Mr. Chairman.

2845 The bill before us today is based upon the idea that  
2846 regulations function only as attacks. It is based upon the  
2847 idea that the absolute value of a rule is limited to the cost  
2848 that it may impose on corporate or business interest. And  
2849 ultimately this bill asks us to prioritize those interests at  
2850 the cost of the public good. In doing so, it overlooks the  
2851 many obvious public, health, and safety benefits that federal  
2852 regulations advance and protect.

2853 In that spirit, my amendment exempts any Food and Drug  
2854 Administration rule relating to consumer safety from the  
2855 burdens and requirements of this bill. Every year, one out  
2856 of six people in the United States, roughly 48 million  
2857 people, suffer from foodborne illness. As a result, more  
2858 than 100,000 Americans are hospitalized and 3,000 die. In  
2859 economic terms, these illnesses impose a cost of \$77.7  
2860 billion upon the U.S. economy.

2861 My amendment would preserve the ability of the FDA to  
2862 react quickly to such threats to the public welfare and to  
2863 the economy through the rulemaking process. These  
2864 regulations have preserved the safety of our food and our  
2865 drinking water, they protect our families from defects in the

2866 products they consume and rely on every day. The role that  
2867 the FDA serves in safeguarding the public is invaluable.  
2868 Without this amendment, its ability to do so will be severely  
2869 impaired.

2870 So I ask my colleagues to support this very commonsense  
2871 amendment that will ensure that we protect American families  
2872 from the dangers of products and goods that are consumed,  
2873 particularly our food.

2874 And with that, Mr. Chairman, I yield back.

2875 Mr. Marino. Thank you, Mr. Cicilline. And I will  
2876 recognize myself in opposition to the amendment.

2877 Once again, the amendment reflects a misunderstanding of  
2878 the purpose in functioning of the bill. The amendment will  
2879 exempt certain FDA rules from the SCRUB Act's provisions.  
2880 But the SCRUB Act does not implicate rules that effectively  
2881 protect food and drug safety. It merely establishes a  
2882 commonsense procedure for eliminating outdated and  
2883 unnecessary regulations.

2884 Indeed, one of the most important features of the SCRUB  
2885 Act is that it helps to identify and repeal outdated  
2886 regulations that impede the introduction of newer, safer  
2887 technologies. This could be particularly helpful in the FDA

2888 context.

2889 I oppose the amendment and I urge my colleagues to do  
2890 the same.

2891 If no one else wants to speak, we will --

2892 The chair recognizes the Ranking Member, Mr. Conyers.

2893 Mr. Conyers. Thank you, Mr. Chairman.

2894 Just briefly. I think this Cicilline provision is a  
2895 very innovative and thoughtful one. It's necessary that we  
2896 safeguard public health and safety of American consumeries,  
2897 and this bill's burdensome regulatory framework would delay  
2898 or sometimes even prevent agencies from protecting public  
2899 health and safety, including the FDA. And that's the sum and  
2900 substance of the reason that I think that we ought to support  
2901 it.

2902 And I yield back the balance of my time.

2903 Mr. Marino. Okay. Thank you, Mr. Conyers.

2904 The question is on the amendment. Those in favor say  
2905 aye.

2906 Those opposed, no.

2907 In the opinion of the chair the noes have it and the  
2908 amendment is not agreed to.

2909 Mr. Cicilline. Mr. Chairman, I ask for a recorded vote.

2910 Mr. Marino. A recorded vote is requested. The clerk  
2911 will take the recorded vote.

2912 Ms. Williams. Mr. Goodlatte?  
2913 Mr. Goodlatte. No.  
2914 Ms. Williams. Mr. Goodlatte votes no.  
2915 Mr. Sensenbrenner?  
2916 [No response.]  
2917 Ms. Williams. Mr. Smith?  
2918 [No response.]  
2919 Ms. Williams. Mr. Chabot?  
2920 Mr. Chabot. No.  
2921 Ms. Williams. Mr. Chabot votes no.  
2922 Mr. Issa?  
2923 [No response.]  
2924 Ms. Williams. Mr. Forbes?  
2925 Mr. Forbes. No.  
2926 Ms. Williams. Mr. Forbes votes no.  
2927 Mr. King?  
2928 [No response.]  
2929 Ms. Williams. Mr. Franks?  
2930 Mr. Franks. No.  
2931 Ms. Williams. Mr. Franks votes no.

2932 Mr. Gohmert?

2933 Mr. Gohmert. No.

2934 Ms. Williams. Mr. Gohmert votes no.

2935 Mr. Jordan?

2936 [No response.]

2937 Ms. Williams. Mr. Poe?

2938 [No response.]

2939 Ms. Williams. Mr. Chaffetz?

2940 [No response.]

2941 Ms. Williams. Mr. Marino?

2942 Mr. Marino. No.

2943 Ms. Williams. Mr. Marino votes no.

2944 Mr. Gowdy?

2945 [No response.]

2946 Ms. Williams. Mr. Labrador?

2947 [No response.]

2948 Ms. Williams. Mr. Farenthold?

2949 [No response.]

2950 Ms. Williams. Mr. Collins?

2951 Mr. Collins. No.

2952 Ms. Williams. Mr. Collins votes no.

2953 Mr. DeSantis?

2954 [No response.]

2955 Ms. Williams. Ms. Walters?

2956 Ms. Walters. No.

2957 Ms. Williams. Ms. Walters votes no.

2958 Mr. Buck?

2959 Mr. Buck. No.

2960 Ms. Williams. Mr. Buck votes no.

2961 Mr. Ratcliffe?

2962 Mr. Ratcliffe. No.

2963 Ms. Williams. Mr. Ratcliffe votes no.

2964 Mr. Trott?

2965 Mr. Trott. No.

2966 Ms. Williams. Mr. Trott votes no.

2967 Mr. Bishop?

2968 Mr. Bishop. No.

2969 Ms. Williams. Mr. Bishop votes no.

2970 Mr. Conyers?

2971 Mr. Conyers. Aye.

2972 Ms. Williams. Mr. Conyers votes aye.

2973 Mr. Nadler?

2974 [No response.]

2975 Ms. Williams. Ms. Lofgren?

2976 Ms. Lofgren. Aye.

2977 Ms. Williams. Ms. Lofgren votes aye.

2978 Ms. Jackson Lee?

2979 Ms. Jackson Lee. Aye.

2980 Ms. Williams. Ms. Jackson Lee votes aye.

2981 Mr. Cohen?

2982 [No response.]

2983 Ms. Williams. Mr. Johnson?

2984 Mr. Johnson. Aye.

2985 Ms. Williams. Mr. Johnson votes aye.

2986 Mr. Pierluisi?

2987 [No response.]

2988 Ms. Williams. Ms. Chu?

2989 Ms. Chu. Aye.

2990 Ms. Williams. Ms. Chu votes aye.

2991 Mr. Deutch?

2992 [No response.]

2993 Ms. Williams. Mr. Gutierrez?

2994 [No response.]

2995 Ms. Williams. Ms. Bass?

2996 [No response.]

2997 Ms. Williams. Mr. Richmond?

2998 [No response.]

2999 Ms. Williams. Ms. DelBene?

3000 Ms. DelBene. Aye.

3001 Ms. Williams. Ms. DelBene votes aye.

3002 Mr. Jeffries?

3003 [No response.]

3004 Ms. Williams. Mr. Cicilline?

3005 Mr. Cicilline. Aye.

3006 Ms. Williams. Mr. Cicilline votes aye.

3007 Mr. Peters?

3008 Mr. Peters. Aye.

3009 Ms. Williams. Mr. Peters votes aye.

3010 Mr. Marino. The gentleman from Iowa?

3011 Mr. King. No.

3012 Ms. Williams. Mr. King votes no.

3013 Mr. Marino. Is there anybody else who wishes to vote or

3014 wishes to change their vote?

3015 [No response.]

3016 Seeing none, the clerk will report.

3017 Ms. Williams. Mr. Chairman, 8 Members voted aye, 13

3018 members voted no.

3019 Chairman Goodlatte. The noes have it and the amendment

3020 is not agreed to.

3021 The Committee stands in recess and will reconvene  
3022 immediately after the floor votes.

3023 [Recess.]

3024 Chairman Goodlatte. The Committee will reconvene. When  
3025 the Committee recessed, we were considering amendments to  
3026 H.R. 1155.

3027 For what purpose does the gentlewoman from Texas seek  
3028 recognition?

3029 Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
3030 the desk.

3031 Chairman Goodlatte. The clerk will report the  
3032 amendment.

3033 Ms. Williams. Amendment to H.R. 1155, offered by Ms.  
3034 Jackson Lee. Page 29, line 21 --

3035 Chairman Goodlatte. Without objection, the amendment is  
3036 considered as read and the gentlewoman is recognized for five  
3037 minutes on her amendment.

3038 [The amendment of Ms. Jackson Lee follows:]

3039

3040 Ms. Jackson Lee. Thank you very much, Mr. Chairman.

3041 I was reminiscing with my colleagues and I think we've  
3042 been down memory lane before with this legislation. And I  
3043 hope my colleagues will view my amendment as a simple  
3044 amendment, constructive, and focused on what we should be  
3045 focusing on. I made that point before. And that is that we  
3046 should prioritize as has been noted in our writings from the  
3047 Committee.

3048 And thank you very much, Mr. Conyers.

3049 We really should be prioritizing the concerns of health  
3050 and safety, public health and safety, over corporate profits.  
3051 Even though I might make the point that I am very grateful  
3052 for the opportunity that our corporations have to build on  
3053 this democratic system of government and to be able to invest  
3054 and have a return on their profits, obviously we look to all  
3055 of these elements to help contribute to the economy and  
3056 create jobs, but we have to balance. We have to walk a two-  
3057 step dance and make sure that we know that the, if you will,  
3058 the results of our efforts here really penetrate in the  
3059 hamlets and villages and towns and cities and counties of  
3060 America.

3061 And therefore, we have to have the priority of those, as

3062 I mentioned before, who are not in this room whose voices  
3063 cannot be in the halls of Congress every single day, but who  
3064 get up every morning, some of them taking public  
3065 transportation; some -- I've seen an article where someone  
3066 walked two hours or 21 miles to work because they needed a  
3067 job. These are the individuals that we should be taking a  
3068 more important position in our work.

3069 And so, I have an amendment at the desk that is very  
3070 simple and it makes a significant improvement to the bill,  
3071 1155 is searching for and cutting regulations of  
3072 unnecessarily burdensome. The SCRUB Act establishes a  
3073 retrospective regulatory review commission that would assess  
3074 the economic cost of all agency rules, informal interpretive  
3075 rules, general statements, rules of the agency organization  
3076 procedure, and formal guidance documents and memorandums.  
3077 Meantime, you may juxtapose that long list of  
3078 responsibilities along the responsibilities of the actual  
3079 agency to really do its job and its mission.

3080 The commission essentially will prioritize corporate  
3081 profits, as I said, and leave others who cannot speak out of  
3082 the participation. My amendment provides an exception for  
3083 the rules from the Department of Homeland Security from this

3084 bill. The senior member of the Homeland Security Committee,  
3085 I'm familiar with the challenges facing the Department of  
3086 Homeland Security. The overall mission is too critical and  
3087 functions served indispensably essential so that it would be  
3088 impugned to do anything that will slow down the process that  
3089 allows DHS to do its job.

3090 Just a few hours ago, colleagues, I was in a Homeland  
3091 Security hearing on the crisis of ISIS, if you will. One of  
3092 our witnesses was former speaker Gingrich and General Hayden.  
3093 And they concluded collectively, particularly Speaker  
3094 Gingrich, that the important responsibilities of dealing with  
3095 this phenomenon of ISIS and this gang-like warfare is that  
3096 committees like judiciary, intelligence, armed services,  
3097 homeland security, and judiciary, as I indicated, are the  
3098 important committees to reconsider and do an overhaul of how  
3099 we deal with terrorism. That responsibility heavily falls on  
3100 these committees, and it certainly falls on the committee  
3101 that has the name "Homeland Security." And we should, in  
3102 fact, be cognizant of the fact that we do have to look at a  
3103 new way of dealing with this crisis.

3104 And this legislation, I believe, would undermine the  
3105 work of the agencies in which we oversee, and in particular

3106 Homeland Security. This bill proposes a cut, unnecessary  
3107 burdens and regulations in a continual effort to undo some of  
3108 the important work that our agencies are doing in dealing  
3109 with the environment, the health, safety. And I am always  
3110 the protection of food and water and air quality and, I might  
3111 add, in the fight in the war on terror.

3112 The regulatory cut-go procedures requires the agency to  
3113 select rules for appeal from only those identified by the  
3114 commission even if the agency has identified a rule that is  
3115 better suited for repeal. So here we are with the U.S.  
3116 Department of Homeland Security with oversight over the TSA,  
3117 challenges there; with oversight over Customs and Border  
3118 Protection, Border Patrol; Secret Service, where enormous  
3119 amounting responsibilities are and here we are with a cookie  
3120 cutter and some scissors and we're here trying to cut and  
3121 look at procedures, taking a whole department to do it.

3122 My colleagues, I urge you to support the Jackson Lee  
3123 Amendment and allow the Department of Homeland Security  
3124 perform its critical functions without the hindrance of the  
3125 SCRUB Act.

3126 With that, I yield back at this time.

3127 Chairman Goodlatte. Chair thanks the gentlewoman and

3128 recognizes himself in opposition to the amendment.

3129       The amendment indicates a fundamental misunderstanding  
3130 of the purpose in functioning of the bill. There's no good  
3131 reason to oppose subjecting the Department of Homeland  
3132 Security regulations to the SCRUB Act. The SCRUB Act merely  
3133 clears the underbrush of outdated and unnecessary  
3134 regulations. Doing that for Homeland Security regulations  
3135 will only help the department serve our nation more  
3136 efficiently and without unnecessary red tape.

3137       I oppose the amendment and urge my colleagues to do the  
3138 same.

3139       Mr. Conyers: Mr. Chairman?

3140       Chairman Goodlatte. Question occurs on the amendment  
3141 offered by the -- for what purpose does the gentleman from  
3142 Michigan seek recognition?

3143       Mr. Conyers. Strike the requisite --

3144       Chairman Goodlatte. The gentleman is recognized for  
3145 five minutes.

3146       Mr. Conyers. Thank you.

3147       I rise in support of the amendment, of course. It's  
3148 necessary because H.R. 1155's regulatory cut-go requirement  
3149 will stull or prevent rulemaking by the Department of

3150 Homeland Security and that could become very essential in  
3151 terms of national safety and fighting terrorisms. In  
3152 addition, effective rulemaking is a critical tool for the  
3153 Department of Homeland Security to protect the nation from  
3154 acts of terrorism and to help communities recover also from  
3155 natural disasters among many other things.

3156 For example, DHS has already proposed several rules to  
3157 safeguard maritime security, including a little proposal by  
3158 the Coast Guard to revise regulations relating to the  
3159 construction design equipment of deep-water ports that are  
3160 used as terminals for importing and exporting oil and natural  
3161 gas. Amendments like this are essential to the prevention of  
3162 another environmental catastrophe like deep-water horizon  
3163 while safeguarding national security.

3164 I have some additional comments that I put in the record  
3165 and I urge support of the amendment.

3166 Ms. Jackson Lee. Will the gentleman yield?

3167 Mr. Conyers. Yes. I yield to --

3168 Ms. Jackson Lee. I would like to thank the Ranking  
3169 Member for astutely distinguishing the work of the Homeland  
3170 Security department, and let me respect the Chairman's  
3171 comments on his support of the bill. But the point that I'm

3172 making is is that a Department such as Homeland Security,  
3173 this bill requires the department to go through its  
3174 regulations as the SCRUB commission is doing and all for  
3175 provisions that should be cut.

3176 I want the department to be focusing on the crucial  
3177 mission of securing the homeland. I want them to be able to  
3178 look at the structure of the TSA, Transportation Security  
3179 Administration, to not take lightly a man running up with bug  
3180 spray and machetes at airports and determine how you can  
3181 continue, or secure better, the traveling public. Or to  
3182 avoid the shooting of a TSO, Transportation Security Officer,  
3183 in the Las Angeles Airport.

3184 So what I'm saying is, the time utilized to scrub or to  
3185 offer and then take back and to bid out which models of our  
3186 mission can be eliminated is detrimental to the security of  
3187 the people of the United States of America.

3188 I ask my colleagues to support the Jackson Lee  
3189 Amendment. I yield back to the gentleman.

3190 Mr. Conyers. Mr. Chairman, I yield back my time.

3191 Chairman Goodlatte. The chair thanks the gentleman.

3192 Question occurs on the amendment offered by the  
3193 gentlewoman from Texas. All those in favor will respond by

3194 saying aye.

3195 Those opposed, no.

3196 It's the opinion of the chair the noes have it. The  
3197 amendment is not agreed to.

3198 Ms. Jackson Lee. Roll call.

3199 Mr. Conyers. Could I get a record vote on --

3200 Chairman Goodlatte. Recorded vote is requested and the  
3201 clerk will call the roll.

3202 Ms. Williams. Mr. Goodlatte?

3203 Mr. Goodlatte. No.

3204 Ms. Williams. Mr. Goodlatte votes no.

3205 Mr. Sensenbrenner?

3206 Mr. Sensenbrenner. No.

3207 Ms. Williams. Mr. Sensenbrenner votes no.

3208 Mr. Smith?

3209 [No response.]

3210 Ms. Williams. Mr. Chabot?

3211 Mr. Chabot. No.

3212 Ms. Williams. Mr. Chabot votes no.

3213 Mr. Issa?

3214 [No response.]

3215 Ms. Williams. Mr. Forbes?

3216 [No response.]

3217 Ms. Williams. Mr. King?

3218 [No response.]

3219 Ms. Williams. Mr. Franks?

3220 Mr. Franks. No.

3221 Ms. Williams. Mr. Franks votes no.

3222 Mr. Gohmert?

3223 Mr. Gohmert. No.

3224 Ms. Williams. Mr. Gohmert votes no.

3225 Mr. Jordan?

3226 [No response.]

3227 Ms. Williams. Mr. Poe?

3228 Mr. Poe. No.

3229 Ms. Williams. Mr. Poe votes no.

3230 Mr. Chaffetz?

3231 [No response.]

3232 Ms. Williams. Mr. Marino?

3233 Mr. Marino. No.

3234 Ms. Williams. Mr. Marino votes no.

3235 Mr. Gowdy?

3236 Mr. Gowdy. No.

3237 Ms. Williams. Mr. Gowdy votes no.

3238 Mr. Labrador?

3239 [No response.]

3240 Ms. Williams. Mr. Farenthold?

3241 [No response.]

3242 Ms. Williams. Mr. Collins?

3243 Mr. Collins. No.

3244 Ms. Williams. Mr. Collins votes no.

3245 Mr. DeSantis?

3246 [No response.]

3247 Ms. Williams. Ms. Walters?

3248 Ms. Walters. No.

3249 Ms. Williams. Ms. Walters votes no.

3250 Mr. Buck?

3251 Mr. Buck. No.

3252 Ms. Williams. Mr. Buck votes no.

3253 Mr. Ratcliffe?

3254 Mr. Ratcliffe. No.

3255 Ms. Williams. Mr. Ratcliffe votes no.

3256 Mr. Trott?

3257 Mr. Trott. No.

3258 Ms. Williams. Mr. Trott votes no.

3259 Mr. Bishop?

3260 Mr. Bishop. No.

3261 Ms. Williams. Mr. Bishop votes no.

3262 Mr. Conyers?

3263 Mr. Conyers. Aye.

3264 Ms. Williams. Mr. Conyers votes aye.

3265 Mr. Nadler?

3266 Mr. Nadler. Aye.

3267 Ms. Williams. Mr. Nadler votes aye.

3268 Ms. Lofgren?

3269 Ms. Lofgren. Aye.

3270 Ms. Williams. Ms. Lofgren votes aye.

3271 Ms. Jackson Lee?

3272 Ms. Jackson Lee. Aye.

3273 Ms. Williams. Ms. Jackson Lee votes aye.

3274 Mr. Cohen?

3275 [No response.]

3276 Ms. Williams. Mr. Johnson?

3277 Mr. Johnson. Aye.

3278 Ms. Williams. Mr. Johnson votes aye.

3279 Mr. Pierluisi?

3280 [No response.]

3281 Ms. Williams. Ms. Chu?

3282 [No response.]

3283 Ms. Williams. Mr. Deutch?

3284 [No response.]

3285 Ms. Williams. Mr. Gutierrez?

3286 [No response.]

3287 Ms. Williams. Ms. Bass?

3288 [No response.]

3289 Ms. Williams. Mr. Richmond?

3290 [No response.]

3291 Ms. Williams. Ms. DelBene?

3292 Ms. DelBene. Aye.

3293 Ms. Williams. Ms. DelBene votes aye.

3294 Mr. Jeffries?

3295 Mr. Jeffries. Aye.

3296 Ms. Williams. Mr. Jeffries votes aye.

3297 Mr. Cicilline?

3298 Mr. Cicilline. Aye.

3299 Ms. Williams. Mr. Cicilline votes aye.

3300 Mr. Peters?

3301 Chairman Goodlatte. The gentleman from Utah?

3302 Mr. Chaffetz. No.

3303 Ms. Williams. Mr. Chaffetz votes no.

3304 Chairman Goodlatte. Has everyone voted who wishes to  
3305 vote?

3306 The clerk will report.

3307 Ms. Williams. Mr. Chairman, 8 Members voted aye, 15  
3308 Members voted no.

3309 Chairman Goodlatte. And the amendment is not agreed to.  
3310 Are there further amendments to H.R. 1155?

3311 What purpose does the gentleman from Rhode Island seek  
3312 recognition?

3313 Mr. Cicilline. Mr. Chairman, I have an amendment at the  
3314 desk.

3315 Chairman Goodlatte. The clerk will report the  
3316 amendment.

3317 Ms. Williams. Amendment to H.R. 1155, offered by Mr.  
3318 Cicilline. Page 29 --

3319 Chairman Goodlatte. Without objection the amendment  
3320 will be considered as read and the gentleman is recognized  
3321 for five minutes on his amendment.

3322 [The amendment of Mr. Cicilline follows:]

3323

3324 Mr. Cicilline. Thank you, Mr. Chairman.

3325 Mr. Chairman, approximately 21.9 million veterans live  
3326 here in the United States; 9.1 million of our veterans are  
3327 enrolled in the Veterans Affairs health system. My amendment  
3328 would exclude the rules and regulations made by the VA to  
3329 help these veterans from the burdensome provisions of this  
3330 bill. The recent problems that have plagued this system have  
3331 been well documented both in congressional hearings and by  
3332 the press.

3333 For example, the Washington Post found that 300,000  
3334 cases of veterans seeking compensation for injuries tied to  
3335 exposure from Agent Orange during the Vietnam War were stuck  
3336 in processing for more than 125 days. Since the year 2000,  
3337 at least 22 government reports have looked into patient wait  
3338 times at VA's facilities. One of these studies found that  
3339 over 57,000 of our veterans have waited more than 90 days for  
3340 health care. Another found manipulated data at 76 percent of  
3341 VA facilities.

3342 Clearly, the VA is in need of immediate attention and  
3343 reform. We do a disservice to our veterans by insisting that  
3344 some of these necessary regulatory reforms come at no cost by  
3345 creating additional obstacles, particularly after they've

3346 given so much to their country. To the extent that reforms  
3347 can be made through the rulemaking process, they should be  
3348 made without delay.

3349       And I know that in response to each of the amendments  
3350 offered by Members of this Committee while my friends on the  
3351 other side of the aisle suggest that we fundamentally  
3352 misunderstand the bill. But I want say very clearly that  
3353 this bill establishes a regulatory cut-go requirement that  
3354 requires agencies to off-set the cost of any new rule by  
3355 eliminating a rule identified the commission in advance of  
3356 that. And so, it does require that it be done at sort of no  
3357 cost.

3358       And my suggestion as it relates to our veterans, we have  
3359 a responsibility to act without delay. We should be prepared  
3360 to endure whatever costs are necessary and more  
3361 fundamentally, again, have to focus on the fact that this  
3362 bill seems to be based upon the notion that the only value  
3363 that should be considered is the impact on corporate or  
3364 business interest and doesn't pay or provide attention to the  
3365 public good or public health or safety.

3366       And so, this amendment at least attempts to carve out  
3367 some protection for our veterans. I urge my colleagues to

3368 support my amendment. With that, I yield back.

3369 Chairman Goodlatte. The chair thanks the gentleman and  
3370 recognizes himself in opposition to the amendment.

3371 I think this bill is an invaluable tool to help veterans  
3372 and just like it would those who benefit from the services of  
3373 the other agencies upon which amendments have been offered to  
3374 exclude them from the impact of the bill. So too veterans  
3375 and the employees of the Veterans Administration will benefit  
3376 from a process whereby wasteful needless obstructive  
3377 regulations will be rooted out, scrubbed out if you will, by  
3378 this bill. So I, as I did with the Department of Homeland  
3379 Security exemption and the other exemptions offered, I would  
3380 oppose this amendment and urge my colleagues to do the same.

3381 Mr. Conyers. Mr. Chairman?

3382 Chairman Goodlatte. For what purpose does the gentleman  
3383 from Michigan seek recognition?

3384 Mr. Conyers. I'd like to speak in favor of the  
3385 amendment.

3386 Chairman Goodlatte. The gentleman is recognized for  
3387 five minutes.

3388 Mr. Conyers. Thank you very much.

3389 What I see in this amendment from my perspective is that

3390 we are ensuring the Department of Veterans Affairs to be free  
3391 to issue more rules such as protecting veterans by preventing  
3392 fraud in the Veterans Administration benefits system or of  
3393 regulations designed to improve the Veterans Administration  
3394 Medical Care Centers without first cutting regulations.

3395 In the coming years, claims from returning Iraq and  
3396 Afghanistan war veterans will likely soar as many of these  
3397 veterans in their active duty service and seek benefits,  
3398 housing, and medical treatment. It's vital that the VA have  
3399 regulatory flexibility to implement rules that are designed  
3400 to accommodate the needs of these returning veterans. And  
3401 that's what I think the Cicilline Amendment would  
3402 accomplish.

3403 For instance, the VA has recently improved rules to  
3404 ensure that veterans' mortgages are treated consistently and  
3405 in line with other consumer finance and housing regulations.  
3406 These proposed rules will align VA's disclosure and interest  
3407 rate adjustment requirements with the implementing  
3408 regulations of the Truth and Lending Act, as recently revised  
3409 by the Consumers Financial Protection Bureau.

3410 Additionally, the VA has also proposed rules to amend  
3411 the VA's schedule for certain disabilities to incorporate

3412 medical advances that have occurred since the last review,  
3413 update current medical terminology, and provide clear  
3414 evaluation criteria to improve the treatment of breast cancer  
3415 and other conditions. If H.R. 1155 were law, however, the VA  
3416 would be required to offset the cost of these new rules by  
3417 rescinding rules identified by the retrospective review  
3418 commission without due consideration of these regulations  
3419 benefits to veterans, creating substantial delays in the  
3420 rulemaking process.

3421 So the amendment assures that these proposed rulemakings  
3422 by the VA along with similar rulemakings to protect our  
3423 nation's veterans in the future will not be hamstrung by H.R.  
3424 1155's unruly cut-go requirements. And for those reasons, I  
3425 urge my colleagues to support this amendment. And I yield  
3426 back.

3427 Chairman Goodlatte. Question occurs on the amendment  
3428 offered by the gentleman from Rhode Island.

3429 All those in favor, respond by saying aye.

3430 Those opposed, no.

3431 It is the opinion of the chair the noes have it. The  
3432 amendment is not agreed to.

3433 Mr. Cicilline. Mr. Chairman, I ask for a recorded vote.

3434 Chairman Goodlatte. A recorded vote is requested and  
3435 the clerk will call the roll.

3436 Ms. Williams. Mr. Goodlatte?

3437 Mr. Goodlatte. No.

3438 Ms. Williams. Mr. Goodlatte votes no.

3439 Mr. Sensenbrenner?

3440 Mr. Sensenbrenner. No.

3441 Ms. Williams. Mr. Sensenbrenner votes no.

3442 Mr. Smith?

3443 [No response.]

3444 Ms. Williams. Mr. Chabot?

3445 Mr. Chabot. No.

3446 Ms. Williams. Mr. Chabot votes no.

3447 Mr. Issa?

3448 [No response.]

3449 Ms. Williams. Mr. Forbes?

3450 [No response.]

3451 Ms. Williams. Mr. King?

3452 Mr. King. No.

3453 Ms. Williams. Mr. King votes no.

3454 Mr. Franks?

3455 Mr. Franks. No.

3456 Ms. Williams. Mr. Franks votes no.  
3457 Mr. Gohmert?  
3458 Mr. Gohmert. No.  
3459 Ms. Williams. Mr. Gohmert votes no.  
3460 Mr. Jordan?  
3461 [No response.]  
3462 Ms. Williams. Mr. Poe?  
3463 Mr. Poe. No.  
3464 Ms. Williams. Mr. Poe votes no.  
3465 Mr. Chaffetz?  
3466 Mr. Chaffetz. No.  
3467 Ms. Williams. Mr. Chaffetz votes no.  
3468 Mr. Marino?  
3469 Mr. Marino. No.  
3470 Ms. Williams. Mr. Marino votes no.  
3471 Mr. Gowdy?  
3472 Mr. Gowdy. No.  
3473 Ms. Williams. Mr. Gowdy votes no.  
3474 Mr. Labrador?  
3475 Mr. Labrador. No.  
3476 Ms. Williams. Mr. Labrador votes no.  
3477 Mr. Farenthold?

3478 [No response.]

3479 Ms. Williams. Mr. Collins?

3480 [No response.]

3481 Ms. Williams. Mr. DeSantis?

3482 [No response.]

3483 Ms. Williams. Ms. Walters?

3484 Ms. Walters. No.

3485 Ms. Williams. Ms. Walters votes no.

3486 Mr. Buck?

3487 Mr. Buck. No.

3488 Ms. Williams. Mr. Buck votes no.

3489 Mr. Ratcliffe?

3490 Mr. Ratcliffe. No.

3491 Ms. Williams. Mr. Ratcliffe votes no.

3492 Mr. Trott?

3493 Mr. Trott. No.

3494 Ms. Williams. Mr. Trott votes no.

3495 Mr. Bishop?

3496 Mr. Bishop. No.

3497 Ms. Williams. Mr. Bishop votes no.

3498 Mr. Conyers?

3499 Mr. Conyers. Aye.

3500 Ms. Williams. Mr. Conyers votes aye.  
3501 Mr. Nadler?  
3502 Mr. Nadler. Aye.  
3503 Ms. Williams. Mr. Nadler votes aye.  
3504 Ms. Lofgren?  
3505 Ms. Lofgren. Aye.  
3506 Ms. Williams. Ms. Lofgren votes aye.  
3507 Ms. Jackson Lee?  
3508 Ms. Jackson Lee. Aye.  
3509 Ms. Williams. Ms. Jackson Lee votes aye.  
3510 Mr. Cohen?  
3511 [No response.]  
3512 Ms. Williams. Mr. Johnson?  
3513 Mr. Johnson. Aye.  
3514 Ms. Williams. Mr. Johnson votes aye.  
3515 Mr. Pierluisi?  
3516 Mr. Pierluisi. Aye.  
3517 Ms. Williams. Mr. Pierluisi votes aye.  
3518 Ms. Chu?  
3519 [No response.]  
3520 Ms. Williams. Mr. Deutch?  
3521 [No response.]

3522 Ms. Williams. Mr. Gutierrez?  
3523 [No response.]  
3524 Ms. Williams. Ms. Bass?  
3525 [No response.]  
3526 Ms. Williams. Mr. Richmond?  
3527 [No response.]  
3528 Ms. Williams. Ms. DelBene?  
3529 Ms. DelBene. Aye.  
3530 Ms. Williams. Ms. DelBene votes aye.  
3531 Mr. Jeffries?  
3532 Mr. Jeffries. Aye.  
3533 Ms. Williams. Mr. Jeffries votes aye.  
3534 Mr. Cicilline?  
3535 Mr. Cicilline. Aye.  
3536 Ms. Williams. Mr. Cicilline votes aye.  
3537 Mr. Peters?  
3538 Chairman Goodlatte. The gentleman from Colorado?  
3539 I'm sorry. The gentleman from Georgia?  
3540 Mr. Collins. No.  
3541 Ms. Williams. Mr. Collins votes no.  
3542 Chairman Goodlatte. Has every Member voted who wishes  
3543 to vote?

3544 [No response.]

3545 The clerk will report.

3546 Ms. Williams. Mr. Chairman, 9 Members voted aye, 17

3547 Members voted no.

3548 Chairman Goodlatte. And the amendment is not agreed to.

3549 Are there further amendments to H.R. 1155?

3550 [No response.]

3551 Chairman Goodlatte. A reporting quorum being present,

3552 the question is on the motion to report the bill, H.R. 1155,

3553 favorably to the House.

3554 Those in favor, say aye.

3555 Those opposed, say no.

3556 The ayes have it and the bill is ordered reported

3557 favorably.

3558 Mr. Conyers. Could I get a record vote, Mr. Chairman?

3559 Chairman Goodlatte. A recorded vote is requested and

3560 the clerk will call the roll.

3561 Ms. Williams. Mr. Goodlatte?

3562 Mr. Goodlatte. Aye.

3563 Ms. Williams. Mr. Goodlatte votes aye.

3564 Mr. Sensenbrenner?

3565 Mr. Sensenbrenner. Aye.

3566 Ms. Williams. Mr. Sensenbrenner votes aye.  
3567 Mr. Smith?  
3568 [No response.]  
3569 Ms. Williams. Mr. Chabot?  
3570 Mr. Chabot. Aye.  
3571 Ms. Williams. Mr. Chabot votes aye.  
3572 Mr. Issa?  
3573 [No response.]  
3574 Ms. Williams. Mr. Forbes?  
3575 [No response.]  
3576 Ms. Williams. Mr. King?  
3577 Mr. King. Aye.  
3578 Ms. Williams. Mr. King votes aye.  
3579 Mr. Franks?  
3580 Mr. Franks. Aye.  
3581 Ms. Williams. Mr. Franks votes aye.  
3582 Mr. Gohmert?  
3583 Mr. Gohmert. Aye.  
3584 Ms. Williams. Mr. Gohmert votes aye.  
3585 Mr. Jordan?  
3586 [No response.]  
3587 Ms. Williams. Mr. Poe?

3588 Mr. Poe. Yes.

3589 Ms. Williams. Mr. Poe votes yes.

3590 Mr. Chaffetz?

3591 Mr. Chaffetz. Aye.

3592 Ms. Williams. Mr. Chaffetz votes aye.

3593 Mr. Marino?

3594 Mr. Marino. Yes.

3595 Ms. Williams. Mr. Marino votes yes.

3596 Mr. Gowdy?

3597 Mr. Gowdy. Yes.

3598 Ms. Williams. Mr. Gowdy votes yes.

3599 Mr. Labrador?

3600 Mr. Labrador. Yes.

3601 Ms. Williams. Mr. Labrador votes yes.

3602 Mr. Farenthold?

3603 [No response.]

3604 Ms. Williams. Mr. Collins?

3605 Mr. Collins. Yes.

3606 Ms. Williams. Mr. Collins votes yes.

3607 Mr. DeSantis?

3608 [No response.]

3609 Ms. Williams. Ms. Walters?

3610 Ms. Walters. Yes.

3611 Ms. Williams. Ms. Walters votes yes.

3612 Mr. Buck?

3613 Mr. Buck. Yes.

3614 Ms. Williams. Mr. Buck votes yes.

3615 Mr. Ratcliffe?

3616 Mr. Ratcliffe. Yes.

3617 Ms. Williams. Mr. Ratcliffe votes yes.

3618 Mr. Trott?

3619 Mr. Trott. Yes.

3620 Ms. Williams. Mr. Trott votes yes.

3621 Mr. Bishop?

3622 Mr. Bishop. Yes.

3623 Ms. Williams. Mr. Bishop votes yes.

3624 Mr. Conyers?

3625 Mr. Conyers. No.

3626 Ms. Williams. Mr. Conyers votes no.

3627 Mr. Nadler?

3628 Mr. Nadler. No.

3629 Ms. Williams. Mr. Nadler votes no.

3630 Ms. Lofgren?

3631 Ms. Lofgren. No.

3632 Ms. Williams. Ms. Lofgren votes no.  
3633 Ms. Jackson Lee?  
3634 Ms. Jackson Lee. How am I recorded?  
3635 Ms. Williams. Not recorded.  
3636 Ms. Jackson Lee. No.  
3637 Ms. Williams. Ms. Jackson Lee votes no.  
3638 Mr. Cohen?  
3639 Mr. Cohen. How am I recorded?  
3640 Ms. Williams. Not recorded.  
3641 Mr. Cohen. Record me as no.  
3642 Ms. Williams. Mr. Cohen votes no.  
3643 Mr. Johnson?  
3644 Mr. Johnson. No.  
3645 Ms. Williams. Mr. Johnson votes no.  
3646 Mr. Pierluisi?  
3647 Mr. Pierluisi. No.  
3648 Ms. Williams. Mr. Pierluisi votes no.  
3649 Ms. Chu?  
3650 [No response.]  
3651 Ms. Williams. Mr. Deutch?  
3652 Mr. Deutch. No.  
3653 Ms. Williams. Mr. Deutch votes no.

3654 Mr. Gutierrez?

3655 [No response.]

3656 Ms. Williams. Ms. Bass?

3657 [No response.]

3658 Ms. Williams. Mr. Richmond?

3659 [No response.]

3660 Ms. Williams. Ms. DelBene?

3661 Ms. DelBene. No.

3662 Ms. Williams. Ms. DelBene votes no.

3663 Mr. Jeffries?

3664 Mr. Jeffries. No.

3665 Ms. Williams. Mr. Jeffries votes no.

3666 Mr. Cicilline?

3667 Mr. Cicilline. No.

3668 Ms. Williams. Mr. Cicilline votes no.

3669 Mr. Peters?

3670 [No response.]

3671 Chairman Goodlatte. Has every Member voted who wishes

3672 to vote?

3673 The gentlewoman from California?

3674 Ms. Chu. No.

3675 Ms. Williams. Ms. Chu votes no.

3676 Chairman Goodlatte. The clerk will report.

3677 Ms. Williams. Mr. Chairman, 17 Members voted aye, 12

3678 Members voted no.

3679 Chairman Goodlatte. The ayes have it and the bill is

3680 ordered reported in favorably to the House. Members will

3681 have two days to submit views.

3682 [The information follows:]

3683

3684 Chairman Goodlatte. We will now return to H.R. 690,  
3685 which was called up earlier and opening statements were  
3686 given. And the question now is on amendments to H.R. 690.

3687 Mr. Johnson. Mr. Chairman, I have an amendment at the  
3688 desk.

3689 Chairman Goodlatte. The clerk will report the  
3690 amendment.

3691 Ms. Williams. Amendment to H.R. 690, offered by Mr.  
3692 Johnson, by adding at the end of the bill the following --

3693 Chairman Goodlatte. Without objection, the amendment  
3694 shall be considered as read and the gentleman is recognized  
3695 for five minutes on his amendment.

3696 [The amendment of Mr. Johnson follows:]

3697

3698 Mr. Johnson. Thank you, Mr. Chairman.

3699 My amendment ensures that the new requirements of H.R.  
3700 690 are not subject to judicial review. Under Section 706 of  
3701 the Administrative Procedure Act, any party may challenge an  
3702 agency's proposed rulemaking through judicial review.  
3703 Parties may also challenge the adequacy of a rule's notice  
3704 under Section 704 of the APA which requires courts to review  
3705 the notice's defects for harmless error. Because H.R. 690  
3706 amends Section 553 of the APA, an agency's compliance with  
3707 the bill's summary requirement would also be subject to  
3708 judicial review.

3709 As I noted earlier, although the bill's summary  
3710 requirement seems benign at first glance, I have serious  
3711 concerns that this requirement could form the basis for  
3712 delaying the implementation of a proposed rulemaking through  
3713 litigation or, more alarmingly, vacating a final rule due to  
3714 defects in the agency's summary. My amendment would cure  
3715 this concern by clarifying that agency compliance with H.R.  
3716 690 is not subject to judicial review.

3717 This clarification is not without precedent. In 2010,  
3718 Congress passed the Plain Writing Act which directs agencies  
3719 to use plain writing for documents they issue and

3720 specifically provides that compliance or non-compliance with  
3721 the act is not subject to judicial review. Adopting my  
3722 amendment would be in conformity with this law and would do  
3723 much to allay several of my concerns with the bill.

3724 I encourage the chairman to adopt this commonsense  
3725 amendment. I ask my colleagues for their support and I yield  
3726 back the balance of my time.

3727 Chairman Goodlatte. The chair thanks the gentleman and  
3728 recognize himself in opposition to the amendment.

3729 The bill requires federal agencies to publish a 100-word  
3730 online summary of new proposed rules and publish the Internet  
3731 address of that summary in their formal notices of proposed  
3732 rulemaking. What could be a simpler, more commonsense and  
3733 easy thing to provide the American people. Yet, the  
3734 amendment seeks to shield overreaching federal regulatory  
3735 agencies from judicial review of even this much. Members of  
3736 Congress know that, unless there is a consequence for  
3737 following statutory requirements, agencies skirt them  
3738 routinely.

3739 Under this bill, the potential consequence is the  
3740 possibility that a court might require the online summary to  
3741 be published. Using their equitable authority during review,

3742 surely the courts can figure out on their own how do we  
3743 assure that agencies publish the required summaries without  
3744 unnecessarily setting aside otherwise unlawful rules. Let us  
3745 trust the courts to do that rather than remove any  
3746 possibility that agencies will adhere to this commonsense  
3747 obligation to better inform the American people.

3748 And I urge my colleagues to oppose the amendment.

3749 Mr. Conyers. Mr. Chairman?

3750 Chairman Goodlatte. For what purpose does the gentleman  
3751 from Michigan seek recognition?

3752 Mr. Conyers. Mr. Chairman, may I rise in support of the  
3753 amendment?

3754 Chairman Goodlatte. The gentleman is recognized for  
3755 five minutes.

3756 Mr. Conyers. Members of the Committee, I propose to you  
3757 that the gentleman's amendment ensures that more requirements  
3758 imposed by the bill are not subject to judicial review. H.R.  
3759 690 would require a notice of proposed rulemaking that is  
3760 published in the Federal Register to include an Internet link  
3761 to a plain language, 100-word summary of the rule. But under  
3762 Section 706, however, it prominently makes it seek a judicial  
3763 review of an agency's proposed rulemaking for somehow running

3764 afoul of H.R. 690's new requirement.

3765       If the court finds, for example, that the summary was  
3766 not in accordance with the law or not in observance of  
3767 procedure, the court could set aside the rulemaking. The  
3768 bill specifically requires a summary to be in plain language.  
3769 However, there is absolutely no definition in laws to what  
3770 this term means. This kind of clarity could provide an  
3771 opportunity for opponents of a proposed rulemaking to seek  
3772 judicial review in order to delay the rule's promulgation.  
3773 There's precedent for this amendment.

3774       The Plain Writing Act of 2010, which directs agencies to  
3775 use plain writing for documents they issue, specifically  
3776 provides that compliance or non-compliance with the act is  
3777 not subject to judicial review. Given the fact that we have  
3778 not had the benefit of any legislative process pertaining to  
3779 this measure, it's unclear, for example, how it would apply  
3780 to an extremely complex rulemaking.

3781       A recent study finds that the shorter summaries were  
3782 actually less readable than longer summaries. For complex  
3783 rulemaking, the study found that executive summaries averaged  
3784 about 850 words. In such instances, an arbitrary word limit  
3785 could result in a summary providing the public with an

3786 incomplete explanation of the proposed rule, which would then  
3787 be subject to a judicial review.

3788         And so, I would conclude my remarks by asking you  
3789 unanimous consent to put into the record the Camille Law  
3790 School paper on the plain language and public participation  
3791 in rulemaking.

3792         Chairman Goodlatte. Without objection, it will be made  
3793 a part of the record.

3794         [The information follows:]

3795

3796 Mr. Conyers. Thank you, sir. And I yield back the  
3797 balance of my time.

3798 Chairman Goodlatte. The chair thanks the gentleman.

3799 The question occurs on the amendment offered by the  
3800 gentleman from Georgia.

3801 All those in favor respond by saying aye.

3802 Those opposed no.

3803 It is the opinion of the chair the noes have it. The  
3804 amendment is not agreed to.

3805 Are there further amendments to H.R. 690?

3806 A reporting quorum being present, the question is on the  
3807 motion to report the bill, H.R. 690, favorably to the House.

3808 Those in favor will say aye.

3809 Those opposed, no.

3810 The ayes have it and the bill is ordered reported  
3811 favorably.

3812 Members will have two days to submit views.

3813 [The information follows:]

3814

3815 Chairman Goodlatte. We have previously called up H.R.  
3816 889 and several members had given opening statements.

3817 Are there any amendments to H.R. 889?

3818 [No response.]

3819 Chairman Goodlatte. A reporting quorum being present,  
3820 the question is on the motion to report the bill, H.R. 889,  
3821 favorably to the House.

3822 Those in favor say aye.

3823 Those opposed no.

3824 The ayes have it. The bill is ordered reported  
3825 favorably. Members will have two days to submit views.

3826 [The information follows:]

3827

3828 Chairman Goodlatte. Pursuant to notice, I now call up  
3829 H.R. 712 for purposes of markup and move that the Committee  
3830 report the bill favorably to the House. The clerk will  
3831 report the bill.

3832 Ms. Williams. H.R. 712. To impose certain limitations  
3833 on consent decrees and settlement agreements by agencies that  
3834 require the agencies to take regulatory action in accordance  
3835 with the terms thereof and for other purposes.

3836 Chairman Goodlatte. Without objection, the bill is  
3837 considered as read and open for amendment at any point.

3838 [The information follows:]

3839

3840 Chairman Goodlatte. I will begin by recognizing myself  
3841 for an opening statement.

3842 While the flow of new regulations from Washington grinds  
3843 on, so does America's subpar economic performance. Make no  
3844 mistake, the untimely drag of new regulations, too often  
3845 issued without sufficient consideration of their cost  
3846 benefits and impacts on jobs, remains a significant part of  
3847 why our economy continues to provide too few jobs and too  
3848 little growth. The Sunshine for Regulatory Decrees and  
3849 Settlements Act of 2015 is an important part of the solution  
3850 to this problem.

3851 Far too often, costly new regulations are issued  
3852 directly under the authority of consent decrees and  
3853 settlement agreements that force federal agencies to issue  
3854 new rules. These decrees and settlements typically stem from  
3855 deals between regulatory agencies and pro-regulatory  
3856 plaintiffs. Those to be regulated, our nation's job  
3857 creators, frequently do not know about these deals until the  
3858 plaintiff's complaints and the proposed decrees or  
3859 settlements are filed in court. By then it is too late.  
3860 Regulated businesses, state regulators, and other interested  
3861 entities are unlikely to be able to intervene in the

3862 litigation. The court can approve the deals before regulated  
3863 parties even have an opportunity to determine whether new  
3864 regulatory cost will be imposed on them.

3865 The Obama Administration has entered into a high number  
3866 of consent decrees and settlement agreements like this.  
3867 Prominent examples include decrees in agreements that require  
3868 the Environmental Protection Agency to issue clean air act  
3869 maximum achievable control technology standards and the  
3870 Chesapeake Bay TMDLs that trigger billions of dollars in  
3871 cost.

3872 The Sunshine for Regulatory Consent Decrees and  
3873 Settlements Act of 2015 puts an end to the abuse of this  
3874 practice. It assures that those to be regulated have a  
3875 fair opportunity to participate in the resolution of  
3876 litigation that affects them. It ensures that courts have  
3877 all the information they need before they approve proposed  
3878 decrees and settlements, and it provides needed transparency  
3879 on the ways agencies conduct their business.

3880 At the same time, the bill also respects the basic  
3881 rights of plaintiffs and defendants to manage litigation  
3882 between them. As a result, this legislation offers an  
3883 effective and balanced remedy.

3884           This bill is a timely solution to a real and important  
3885 problem. I thank Representative Collins for his  
3886 reintroduction and continued championship of this legislation  
3887 and I urge all of my colleagues to support his bill and now  
3888 recognize the Ranking Member of the Committee, the gentleman  
3889 from Michigan, Mr. Conyers, for his opening statement.

3890           Mr. Conyers. Thank you, Mr. Chairman.

3891           H.R. 712, Sunshine in Regulatory Decrees and  
3892 Settlements, has a simple goal to disguise the use of  
3893 settlement agreements and consent decrees. Now, some would  
3894 ask: Why is this problematic? And here are a few reasons.

3895           To begin with, the bill, by delaying regulatory  
3896 projections, jeopardizes public health and safety. This  
3897 explains why the administration issued a veto threat against  
3898 a very similar measure considered in the 112th Congress. It  
3899 also explains why a broad consortium of more than 150  
3900 organizations strenuously opposed this bill. These  
3901 organizations are from a wide variety of groups; there's  
3902 great diversity that include the National Resources Defense  
3903 Council, the American Civil Liberties Union, the NAACP, the  
3904 Sierra Club, Earth Justice, and many other groups.

3905           So simply put, this bill could be used to prevent

3906 Federal regulatory actions from being implemented. For  
3907 example, the bill gives opponents of regulation multiple  
3908 opportunities to stifle rulemaking by allowing essentially  
3909 any third party who is affected by the regulatory action at  
3910 issue in a covered civil action to do one of the following  
3911 things: to intervene in that civil action subject to  
3912 rebuttal, to participate in settlement negotiations, and to  
3913 submit public comments about a proposed consent decree or  
3914 settlement agreement that agencies would then be required to  
3915 respond to.

3916 In addition, H.R. 712 mandates that agencies provide for  
3917 public comment on a proposed consent decree, and requires  
3918 agencies to respond to all such comments before the consent  
3919 decree can be entered in court. In the case of consent  
3920 decrees concerning rulemaking, an agency would be forced to  
3921 go through two public comment periods, one for the consent  
3922 decree and one for the rulemaking that results from the  
3923 consent decree, doubling the agency's efforts. Like nearly  
3924 all of the anti-regulatory bills we have considered to date  
3925 over the last two Congresses, H.R. 712 piles on procedural  
3926 requirements for agencies and courts.

3927 Another concern is that this bill threatens to undermine

3928 a critical tool that Americans use to guarantee their  
3929 congressional-mandated protections, including civil rights  
3930 laws, by reducing costly and time-consuming litigation.  
3931 Consent decrees and settlement agreements benefit both  
3932 plaintiffs and defendants. They ensure that Federal  
3933 protections are enforced while giving State and local  
3934 governments flexibility as to how they meet their Federal  
3935 obligations. Take, for example --

3936 Chairman Goodlatte. We are having difficulty with that  
3937 particular microphone.

3938 Mr. Conyers. Thank you. Take, for example, a consent  
3939 decree resolving a dispute under the Clean Air Act. In light  
3940 of the fact that the bill would allow any private party whose  
3941 rights are affected by such decree a right to intervene, that  
3942 could potentially include anyone who breathes air, as well as  
3943 any industry or special interest group. And as a result,  
3944 H.R. 712 will have a chilling effect on the use of consent  
3945 decrees in settlement agreements. The inevitable result will  
3946 be more litigation that will result in millions of dollars of  
3947 additional transaction costs. And guess who is going to bear  
3948 the expense of these litigation costs? Of course, it will be  
3949 the American taxpayer.

3950           It is not surprising that the Congressional Budget  
3951 Office in its analysis of the predecessor of this bill  
3952 considered in the last Congress stated that it would impose  
3953 millions of dollars in costs, primarily because litigation  
3954 involving consent decrees and settlement agreements would  
3955 probably take longer, and agencies would face additional  
3956 administrative requirements, including new requirements to  
3957 report more information to the public.

3958           Finally, Members, this bill address a non-existent  
3959 problem. There simply is no evidence of collusion between  
3960 agencies and private entities with respect to consent decrees  
3961 or settlements. Other than unsupported allegations, H.R.  
3962 712's proponents have failed to offer any convincing  
3963 explanation as to why this current law is insufficient.

3964           For instance, the bill codifies certain Justice  
3965 Department guidelines first issued by Attorney General Edwin  
3966 Meese nearly 30 years ago that have since been codified in  
3967 the Code of Federal Regulations. These regulations set forth  
3968 detailed criteria that Justice Department attorneys must  
3969 follow when determining whether or not to enter consent  
3970 decrees and settlements.

3971           So I must ask why do we need to codify them. Is there

3972 any evidence that these guidelines are not already being  
3973 followed? And so, I conclude there is simply no need for  
3974 this legislation, and accordingly I urge all of us to oppose  
3975 H.R. 712.

3976 Chairman Goodlatte. The gentleman from Pennsylvania,  
3977 the chairman of the Subcommittee on Regulatory Reform,  
3978 Commercial and Antitrust Law, is recognized for his opening  
3979 statement.

3980 Mr. Marino. I am going to yield my time to Mr. Collins.  
3981 Chairman Goodlatte. The gentleman yields to Mr.  
3982 Collins.

3983 Mr. Collins. Thank you. I appreciate my friend and my  
3984 chairman of the subcommittee, Mr. Marino, for yielding. I  
3985 ask unanimous consent, Mr. Chairman, to enter into the record  
3986 letters of support for H.R. 712 from the U.S. Chamber and  
3987 from the Associated Builders and Contractors.

3988 Chairman Goodlatte. Without objection, they will be  
3989 made part of the record.

3990 [The information follows:]

3991

3992           Mr. Collins. I introduced the Sunshine for Regulatory  
3993 Decrees and Settlements Act because too often, especially  
3994 under this Administration, we have seen pro-regulatory  
3995 plaintiffs sue sympathetic agencies to enact regulations  
3996 without public input and often at the expense of affected  
3997 parties. It is unacceptable for taxpayers' hard earned  
3998 dollars to fund deals that subvert the rulemaking process.

3999           These types of settlements have tangible effects. They  
4000 affect industries across the country, including the thriving  
4001 agricultural community in the 9th District of Georgia. These  
4002 hardworking men and women in Georgia and across the country  
4003 are trying to make an honest living, and I have a problem  
4004 with special interests threatening their livelihood.  
4005 Moreover, under sue and settle, they are not even allowed to  
4006 participate in the negotiations that will ultimately directly  
4007 impact them. In short, sue and settle agreements create  
4008 regulation through litigation.

4009           The potential for abuse and lack of transparency in the  
4010 system is why I believe so strongly in the need for this  
4011 legislation. My bill would restore transparency and increase  
4012 public participation and input. H.R. 712 address weaknesses  
4013 in the current system while preserving consent decrees in a

4014 mechanism for settling legal disputes. The ability of  
4015 citizens to hold government accountable is an important part  
4016 of administrative law, but it must be appropriately carried  
4017 out with transparency and full public participation. This  
4018 legislation restores the balance and intent of the APA and  
4019 ensures that those who wish to subvert the rulemaking  
4020 requirements in current law are unable to do so.

4021 And with that, Mr. Chairman, I yield back.

4022 Chairman Goodlatte. The chair thanks the gentleman, and  
4023 is now pleased to recognize the gentleman from Georgia, Mr.  
4024 Johnson, for his opening statement.

4025 Mr. Johnson. Thank you, Mr. Chairman. Mr. Chairman, I  
4026 have serious concerns with H.R. 712, the Sunshine for  
4027 Regulatory Decrees and Settlements Act of 2015. It is un-  
4028 American. Proponents of this legislation argue that --

4029 Mr. Sensenbrenner. Mr. Chairman, I demand the  
4030 gentleman's words be taken down.

4031 Mr. Johnson. Mr. Chairman?

4032 Chairman Goodlatte. The chair would ask the gentleman  
4033 from Georgia if he might re-characterize his expression.

4034 Mr. Johnson. Well, Mr. Chairman, I did not refer to an  
4035 individual. I characterized the bill.

4036 Mr. Collins. And by implication, the bill's author, so  
4037 I will continue to ask that the words be taken down.

4038 Mr. Johnson. Mr. Chairman, if the author of the  
4039 legislation took it as if it as if I was impugning his  
4040 character as an American or his patriotism, then I apologize  
4041 to him. But my remark in no way should be taken to have been  
4042 a personal attack on the author of the legislation.

4043 Chairman Goodlatte. The chair --

4044 Mr. Johnson. It is a discussion of the legislation,  
4045 Your Honor. It is fair argument.

4046 Chairman Goodlatte. The chair appreciates the  
4047 gentleman's apology to the author of the legislation, and  
4048 would encourage all members of the committee to use more  
4049 specific criticisms of bills if they wish to lay criticism to  
4050 them. But these broad characterizations that impute motives  
4051 beyond the language of the bill to individual members who  
4052 offer them is not well-advised. The gentleman may proceed.

4053 Mr. Johnson. Thank you, Mr. Chairman. Proponents of  
4054 this legislation argue that H.R. 712 is necessary because  
4055 Federal agencies collude with pro-regulatory plaintiffs to  
4056 advance a mutually agreed upon regulatory agenda through the  
4057 use of consent decrees and settlement agreements.

4058           According to my Republican colleagues, this so-called  
4059 sue and settle --

4060           Chairman Goodlatte. The gentleman is directed to use  
4061 the wireless mic there, and we hope that that will work.

4062           Mr. Johnson. Thank you, Mr. Chairman. I did not mean  
4063 for things to go that far.

4064           [Laughter.]

4065           Mr. Johnson. But according to my Republican colleagues,  
4066 this so-called sue and settle litigation specifically allows  
4067 agencies to skirt the requirement of the Administrative  
4068 Procedure Act to dictate the contents of an agency rulemaking  
4069 or binding agency action. Simply put, the majority has not  
4070 put forth a pinhead's worth of evidence to support this  
4071 claim. To the contrary, consent decrees and settlement  
4072 agreements are an important tool to ensuring the timely  
4073 compliance with statutory deadlines established by Congress  
4074 to protect the environment and the public's health and  
4075 safety.

4076           In fact, the Government Accountability Office, the GAO,  
4077 reported in December 2014 that there is zero evidence  
4078 indicating that agencies collude with public interest groups  
4079 in bringing these consent decrees as the majority has often

4080 claimed. In its report, the GAO referred to these lawsuits  
4081 as "deadline suits" because they simply compel agencies to  
4082 take statutorily required actions within a designated  
4083 timeframe.

4084       The GAO also found little evidence that deadline suits  
4085 determine the substantive outcome of agency action because  
4086 agency officials stated that they have not and would not  
4087 agree to settlements in a deadline suit that finalized the  
4088 substantive outcome of the rulemaking or declare the  
4089 substance of the final rule. Earlier this month, Amit  
4090 Narang, a regulatory policy advocate for Public Citizen, also  
4091 clarified during the legislative hearing on H.R. 712 that all  
4092 of the settlements scrutinized by GAO pursuant to the EPA's  
4093 rulemaking authority under the Clean Air Act went through the  
4094 public notice and comment process allowing all members of the  
4095 public an opportunity to comment on the rule before it is  
4096 finalized. This finding confirms that there is little  
4097 support for the proposition that Federal agencies engage in  
4098 backroom deals with pro-regulatory groups to circumvent the  
4099 APA or substantively bind the agency in a subsequent  
4100 rulemaking.

4101       In the absence of actual evidence of collusion between

4102 Federal agencies and plaintiffs, H.R. 712 addresses a non-  
4103 existent problem through the series of requirements designed  
4104 to undermine the rule of law by preventing the enforcement of  
4105 statutes passed by Congress to protect the public, to slow  
4106 down agency action, and bust the door wide open to almost  
4107 anyone who wants to impede agency action by intervening in  
4108 these actions. For example, H.R. 712 would allow for nearly  
4109 any private party to intervene in a consent decree revealing  
4110 the legislation's true purpose of stacking the deck in  
4111 industry's favor to avoid the enforcement of the law.

4112 This intervention right is drafted so broadly that if  
4113 the regulatory action at issue involved the Clean Water Act,  
4114 in theory, any person uses water would have the right to  
4115 intervene in the negotiations on a potential consent decree  
4116 or settlement agreement. Certainly any industry interest  
4117 would not hesitate to intervene. And for all of these  
4118 reasons, I oppose the legislation and urge my colleagues to  
4119 do the same. And with that, I yield back.

4120 Chairman Goodlatte. The chair thanks the gentleman.

4121 Are there amendments to H.R. 712?

4122 Mr. Conyers. I have an amendment at the desk, Mr.

4123 Chairman.

4124 Chairman Goodlatte. The clerk will report the  
4125 amendment.

4126 Ms. Williams. Amendment to H.R. 712, offered by Mr.  
4127 Conyers, page 3, line 7 --

4128 Chairman Goodlatte. Without objection, the amendment is  
4129 considered as read.

4130 [The information follows:]

4131

4132 Chairman Goodlatte. And the gentleman is recognized for  
4133 5 minutes on his amendment.

4134 Mr. Conyers. Thank you. Members of the committee, my  
4135 amendment simply exempts from the bill any consent decree or  
4136 settlement agreement concerning privacy protection. With the  
4137 increasing opportunities for governmental and private  
4138 organizations to obtain, maintain, and disseminate sensitive  
4139 private information of citizens, it is critical that we do  
4140 not prevent or delay the implementation of government  
4141 regulations designed to protect the privacy of this  
4142 information for several reasons.

4143 First, the government routinely collects almost every  
4144 type of personal information about individuals and stores in  
4145 its databases for stated periods of time, or even  
4146 permanently. And the government may share it with State  
4147 agencies under certain circumstances. Secondly, the concern  
4148 is that such information has itself become a commodity with  
4149 financial value subject to abuse by those who seek to sell it  
4150 for financial gain or for criminal purposes, such as identity  
4151 theft.

4152 Unfortunately, several Federal agencies, such as the  
4153 Veterans Administration, have lost the personal information

4154 of millions of our citizens. For example, in 2006, the  
4155 personal information for more than 26 million veterans and  
4156 over 2.2 million current military service members was stolen  
4157 from the Department of the Veterans Affairs employee's home  
4158 after he had taken the data home without authorization. In  
4159 addition, the protection of Americans' privacy is not a  
4160 Democratic or Republican issue. Indeed, it is one of the few  
4161 that those on different ends of the political spectrum have  
4162 long embraced.

4163 Yet notwithstanding these shared concerns, this bill  
4164 could impose burdensome requirements on consent decrees and  
4165 settlement agreements that are intended to protect privacy.  
4166 The amendment corrects these shortcomings in the bill by  
4167 including an exception for decrees and agreements that  
4168 protect the privacy of Americans.

4169 I urge the members of the committee to support this very  
4170 practical and common sense amendment. And I return the  
4171 balance of my time.

4172 Chairman Goodlatte. The chair thanks the gentleman.  
4173 For what purpose does the gentleman from Georgia seek  
4174 recognition?

4175 Mr. Collins. I move to strike the last word.

4176 Chairman Goodlatte. The gentleman is recognized for 5  
4177 minutes.

4178 Mr. Collins. Thank you, Mr. Chairman. I would oppose  
4179 this amendment. This amendment seeks less transparency in  
4180 judicial review for a specific set of consent decrees and  
4181 settlement agreements. This amendment's special carve out  
4182 would be for decrees and agreements about regulations that  
4183 allegedly will help to protect privacy. Privacy is an issue  
4184 on everyone's mind, but with all due respect, this amendment  
4185 once again has the issue backwards. More transparency,  
4186 public input, and judicial scrutiny will only help to produce  
4187 regulations that better protect privacy rights. In fact,  
4188 special backroom deals about what regulations will be issued  
4189 and what they may contain are precisely the kind of deals  
4190 that most threaten privacy interests.

4191 I would urge my colleagues to oppose the amendment and  
4192 yield back.

4193 Chairman Goodlatte. The question occurs on the  
4194 amendment offered by the gentleman from Michigan.

4195 All those in favor, respond by saying aye.

4196 Those opposed, no.

4197 In the opinion of the chair, the noes have it. The

4198 amendment is not agreed to.

4199 Mr. Conyers. May I have a recorded vote?

4200 Chairman Goodlatte. A recorded vote is requested, and

4201 the clerk will call the roll.

4202 Ms. Williams. Mr. Goodlatte?

4203 Chairman Goodlatte. No.

4204 Ms. Williams. Mr. Goodlatte votes no.

4205 Mr. Sensenbrenner?

4206 Mr. Sensenbrenner. No.

4207 Ms. Williams. Mr. Sensenbrenner votes no.

4208 Mr. Smith?

4209 Mr. Smith. No.

4210 Ms. Williams. Mr. Smith votes no.

4211 Mr. Chabot?

4212 [No response.]

4213 Ms. Williams. Mr. Issa?

4214 [No response.]

4215 Ms. Williams. Mr. Forbes?

4216 [No response.]

4217 Ms. Williams. Mr. King?

4218 [No response.]

4219 Mr. Williams. Mr. Franks?

4220 Ms. Williams. Mr. Gohmert?  
4221 Mr. Gohmert. No.  
4222 Ms. Williams. Mr. Gohmert votes no.  
4223 Mr. Jordan?  
4224 [No response.]  
4225 Ms. Williams. Mr. Poe?  
4226 [No response.]  
4227 Ms. Williams. Mr. Chaffetz?  
4228 Mr. Chaffetz. No.  
4229 Ms. Williams. Mr. Chaffetz votes no.  
4230 Mr. Marino?  
4231 Mr. Marino. No.  
4232 Ms. Williams. Mr. Marino votes no.  
4233 Mr. Gowdy?  
4234 Mr. Gowdy. No.  
4235 Ms. Williams. Mr. Gowdy votes no.  
4236 Mr. Labrador?  
4237 Mr. Labrador. No.  
4238 Ms. Williams. Mr. Labrador votes no.  
4239 Mr. Farenthold?  
4240 [No response.]  
4241 Ms. Williams. Mr. Collins?

4242 Mr. Collins. No.

4243 Ms. Williams. Mr. Collins votes no.

4244 Mr. DeSantis?

4245 [No response.]

4246 Ms. Williams. Ms. Walters?

4247 [No response.]

4248 Ms. Williams. Mr. Buck?

4249 [No response.]

4250 Ms. Williams. Mr. Ratcliffe?

4251 [No response.]

4252 Ms. Williams. Mr. Trott?

4253 Mr. Trott. No.

4254 Ms. Williams. Mr. Trott votes no.

4255 Mr. Bishop?

4256 Mr. Bishop. No.

4257 Ms. Williams. Mr. Bishop votes no.

4258 Mr. Conyers?

4259 Mr. Conyers. Aye.

4260 Ms. Williams. Mr. Conyers votes aye.

4261 Mr. Nadler?

4262 Mr. Nadler. Aye.

4263 Ms. Williams. Mr. Nadler votes aye.

4264 Ms. Lofgren?

4265 [No response.]

4266 Ms. Williams. Ms. Jackson Lee?

4267 Ms. Jackson Lee. Aye.

4268 Ms. Williams. Ms. Jackson Lee votes aye.

4269 Mr. Cohen?

4270 Mr. Cohen. Aye.

4271 Ms. Williams. Mr. Cohen votes aye.

4272 Mr. Johnson?

4273 Mr. Johnson. Aye.

4274 Ms. Williams. Mr. Johnson votes aye.

4275 Mr. Pierluisi?

4276 Mr. Pierluisi. Aye.

4277 Ms. Williams. Mr. Pierluisi votes aye.

4278 Ms. Chu?

4279 [No response.]

4280 Ms. Williams. Mr. Deutch?

4281 [No response.]

4282 Ms. Williams. Mr. Gutierrez?

4283 [No response.]

4284 Ms. Williams. Ms. Bass?

4285 [No response.]

4286 Ms. Williams. Mr. Richmond?  
4287 [No response.]  
4288 Ms. Williams. Ms. DelBene?  
4289 Ms. DelBene. Aye.  
4290 Ms. Williams. Ms. DelBene votes aye.  
4291 Mr. Jeffries?  
4292 [No response.]  
4293 Ms. Williams. Mr. Cicilline?  
4294 [No response.]  
4295 Ms. Williams. Mr. Peters?  
4296 [No response.]  
4297 Chairman Goodlatte. The gentleman from Texas?  
4298 Mr. Ratcliffe. No.  
4299 Ms. Williams. Mr. Ratcliffe votes no.  
4300 Chairman Goodlatte. The gentleman from Arizona?  
4301 Mr. Franks. No.  
4302 Ms. Williams. Mr. Franks votes no.  
4303 Chairman Goodlatte. The gentleman from Ohio?  
4304 Mr. Chabot. No.  
4305 Ms. Williams. Mr. Chabot votes no.  
4306 Chairman Goodlatte. The gentleman from Iowa?  
4307 Mr. King. No.

4308 Ms. Williams. Mr. King votes no.

4309 Chairman Goodlatte. The gentleman from Colorado?

4310 Mr. Buck. No.

4311 Ms. Williams. Mr. Buck votes no.

4312 Chairman Goodlatte. The gentlewoman from California?

4313 Ms. Lofgren. Aye.

4314 Ms. Williams. Ms. Lofgren votes aye.

4315 Chairman Goodlatte. Has every member voted who wishes

4316 to vote?

4317 [No response.]

4318 Chairman Goodlatte. The clerk will report.

4319 Ms. Williams. Mr. Chairman, 8 members voted aye, 16

4320 members voted no.

4321 Chairman Goodlatte. And the amendment is not agreed to.

4322 For what purpose does the gentlewoman from Texas seek

4323 recognition?

4324 Ms. Jackson Lee. I have an amendment at the desk.

4325 Chairman Goodlatte. The clerk will report the

4326 amendment.

4327 Ms. Williams. Amendment to H.R. 712, offered by Ms.

4328 Jackson Lee, page 3, line --

4329 Chairman Goodlatte. Without objection, the amendment

4330 will be considered as read.

4331 [The amendment of Ms. Jackson Lee follows:]

4332

4333 Chairman Goodlatte. And the gentlewoman is recognized  
4334 for 5 minutes on her amendment.

4335 Ms. Jackson Lee. I thank the gentleman. I hope you can  
4336 hear me. Okay. Thank the gentleman again. This is an  
4337 amendment to the underlying bill, and let me say that the  
4338 underlying bill had the purpose of trying to address  
4339 questions of environmental justice in minority populations  
4340 and low income populations. And I can assure you, Mr.  
4341 Chairman, and certainly the ranking member is aware, that  
4342 that kind of guidance was well needed.

4343 Just about 2 weeks ago I was meeting with the  
4344 Environmental Protection Agency in my district with a firm  
4345 that will go unnamed at this moment that went into  
4346 bankruptcy, had very detrimental chemicals right in the midst  
4347 of the African-American community. We are a porous soiled  
4348 area. Houston is 50 feet below sea level. And as I went out  
4349 again to visit the community, the so-called cleanup was  
4350 resulting in these chemicals just pouring out of the soil,  
4351 and staining people's driveways and grass areas. And so,  
4352 there is no doubt that there is a need for environmental  
4353 justice.

4354 The Sunshine Regulatory Decrees and Settlement Act of

4355 2015 supposedly limits the ability of defendant regulators  
4356 and pro-regulatory plaintiffs to abuse Federal consent  
4357 decrees and settlement agreements to require new regulations,  
4358 reorder regulatory priorities, bind the discretion of future  
4359 administrations, and limit the rights of regulated entities  
4360 and State, local, and tribal co-regulators affected by  
4361 actions taken under such decrees and settlements. My  
4362 amendment provides an exception from the provisions of the  
4363 bill for a consent decree or settlement agreement pertaining  
4364 to reduction of illness or death from exposure to toxic  
4365 substances or hazardous waste in minority and low income  
4366 communities.

4367       This is needed because, as I indicated, even today this  
4368 is some years later, this company is in bankruptcy, and these  
4369 communities still have this toxic smell, this toxic impact,  
4370 and their homes are almost of no value. And here we are  
4371 trying to limit that. My amendment is a useful reminder of  
4372 why we need to be cautious about hampering these entities  
4373 from doing their jobs. Now certainly, this company is in  
4374 bankruptcy and there were a number of ways that they were  
4375 trying to help the constituents. And lo and behold, none of  
4376 these were helpful. There were some agreements, but we are

4377 back at the EPA again seeking Federal help because they did  
4378 not get any help.

4379 As I have often repeated, many of those who attack  
4380 regulation forget that the reason they can take for granted  
4381 clean air, drinkable water, non-toxic soil is because of  
4382 strong environmental regulations. As with most of the anti-  
4383 regulatory bills that the committee has considered this  
4384 Congress, H.R. 712 is yet another solution in search of a  
4385 problem. This ill-conceived bill imposes numerous new  
4386 procedural burdens on agencies and courts with respect to  
4387 consent decrees, and settlement agreements, and lawsuits to  
4388 compel agency action that involve regulatory power and  
4389 affects the rights of non-parties to such lawsuits.

4390 Right now, Mr. Chairman, citizens of Beijing, China  
4391 drive their automobiles according to a code of AB or X days  
4392 determined by the amount they are willing to pay in order to  
4393 drive. This action is necessary to help reduce the  
4394 terrifying level of pollution in that Nation's capital, and  
4395 it something that millions of American take for granted  
4396 because our policy makers decided years ago to proactively  
4397 deal with the problem of pollution decades ago.

4398 The environmental hazards are particularly acute in low

4399 income and minority communities like those that I represent  
4400 and all over the Nation. None of us are exempt from low  
4401 income communities who deserve our protection. President  
4402 Clinton recognized the particularly high risk of  
4403 environmental hazards in low income and minority communities  
4404 when he issued Executive Order 12898 in 1994, which directed  
4405 Federal agencies to take certain steps to adjust the  
4406 environmental justice concerns.

4407 He was right and continues to be right. The U.S.  
4408 Commission on Civil Rights 2002 section and report on the  
4409 implementation of the executive order --

4410 Mr. Conyers. Would the gentlelady yield?

4411 Ms. Jackson Lee. I would be happy to yield.

4412 Mr. Conyers. I want to thank the gentlelady from Texas  
4413 for pointing out that there is a certain of number that fall  
4414 into a below the poverty line category that would be  
4415 negatively affected without this exemption. And I  
4416 congratulate her on that, and I yield back.

4417 Ms. Jackson Lee. I thank the gentleman for his astute  
4418 words, and I conclude by asking that the entire statement be  
4419 placed in the record. But clearly we have the kind of  
4420 questions in minority communities that were raised by the

4421 executive order. And my amendment continues to recognize  
4422 that there is a need for this kind of protection in low  
4423 income communities, and I ask for support of the Jackson Lee  
4424 amendment. I yield back.

4425 [The information follows:]

4426

4427 Chairman Goodlatte. For what purpose does the gentleman  
4428 from Georgia seek recognition?

4429 Mr. Collins. Seek to strike the last word, please.

4430 Chairman Goodlatte. The gentleman is recognized for 5  
4431 minutes.

4432 Mr. Collins. Thank you, Mr. Chairman, and I appreciate  
4433 the gentlewoman from Texas and her concern, especially in her  
4434 district where she so ably stands up for. However, at this  
4435 time I will oppose this amendment. This amendment seeks to  
4436 hide the deal making of the consent decrees and back room  
4437 settlement agreements about toxic substances and hazardous  
4438 waste regulations from the bill's protection. This is  
4439 something I cannot support.

4440 I understand my colleague seeks to protect individuals  
4441 in poor minority communities that may benefit from new rules,  
4442 but who can say that these backroom deals negotiated by  
4443 special interest groups, often outside from those  
4444 communities, will be sure to work in those communities' best  
4445 interests? Just this month, the Regulatory Reform  
4446 Subcommittee heard once again testimony that new  
4447 environmental regulations can impose regressive, negative  
4448 cost impacts on poor and vulnerable populations. That can

4449 happen notwithstanding the best intentions of an outside  
4450 interest group.

4451 Backroom deals that advance only one special interest  
4452 group threaten all Americans who are concerned about toxic  
4453 substances and hazardous waste. The bill provides important  
4454 transparency and scrutiny to assure that public interest is  
4455 best protected in this and all areas, and I would urge my  
4456 colleagues to oppose the amendment. And I yield back.

4457 Chairman Goodlatte. The question occurs on the  
4458 amendment offered by the gentlewoman from Texas.

4459 All those in favor, respond by saying aye.

4460 Those opposed, no.

4461 In the opinion of the chair, the noes have it. The  
4462 amendment is not agreed to.

4463 Ms. Jackson Lee. Recorded vote, Mr. Chairman.

4464 Chairman Goodlatte. A recorded vote is requested, and  
4465 the clerk will call the roll.

4466 Ms. Williams. Mr. Goodlatte?

4467 Chairman Goodlatte. No.

4468 Ms. Williams. Mr. Goodlatte votes no.

4469 Mr. Sensenbrenner?

4470 Mr. Sensenbrenner. No.

4471 Ms. Williams. Mr. Sensenbrenner votes no.  
4472 Mr. Smith?  
4473 Mr. Smith. No.  
4474 Ms. Williams. Mr. Smith votes no.  
4475 Mr. Chabot?  
4476 [No response.]  
4477 Ms. Williams. Mr. Issa?  
4478 [No response.]  
4479 Ms. Williams. Mr. Forbes?  
4480 [No response.]  
4481 Ms. Williams. Mr. King?  
4482 Mr. King. No.  
4483 Mr. Williams. Mr. King votes no.  
4484 Mr. Franks?  
4485 [No response.]  
4486 Ms. Williams. Mr. Gohmert?  
4487 Mr. Gohmert. No.  
4488 Ms. Williams. Mr. Gohmert votes no.  
4489 Mr. Jordan?  
4490 [No response.]  
4491 Ms. Williams. Mr. Poe?  
4492 [No response.]

4493 Ms. Williams. Mr. Chaffetz?  
4494 Mr. Chaffetz. No.  
4495 Ms. Williams. Mr. Chaffetz votes no.  
4496 Mr. Marino?  
4497 Mr. Marino. No.  
4498 Ms. Williams. Mr. Marino votes no.  
4499 Mr. Gowdy?  
4500 Mr. Gowdy. No.  
4501 Ms. Williams. Mr. Gowdy votes no.  
4502 Mr. Labrador?  
4503 Mr. Labrador. No.  
4504 Ms. Williams. Mr. Labrador votes no.  
4505 Mr. Farenthold?  
4506 [No response.]  
4507 Ms. Williams. Mr. Collins?  
4508 Mr. Collins. No.  
4509 Ms. Williams. Mr. Collins votes no.  
4510 Mr. DeSantis?  
4511 Mr. DeSantis. No.  
4512 Ms. Williams. Mr. DeSantis votes no.  
4513 Ms. Walters?  
4514 Ms. Walters. No.

4515 Ms. Williams. Ms. Walters votes no.  
4516 Mr. Buck?  
4517 Mr. Buck. No.  
4518 Ms. Williams. Mr. Buck votes no.  
4519 Mr. Ratcliffe?  
4520 Mr. Ratcliffe. No.  
4521 Ms. Williams. Mr. Ratcliffe votes no.  
4522 Mr. Trott?  
4523 Mr. Trott. No.  
4524 Ms. Williams. Mr. Trott votes no.  
4525 Mr. Bishop?  
4526 Mr. Bishop. No.  
4527 Ms. Williams. Mr. Bishop votes no.  
4528 Mr. Conyers?  
4529 Mr. Conyers. Aye.  
4530 Ms. Williams. Mr. Conyers votes aye.  
4531 Mr. Nadler?  
4532 Mr. Nadler. Aye.  
4533 Ms. Williams. Mr. Nadler votes aye.  
4534 Ms. Lofgren?  
4535 Ms. Lofgren. Aye.  
4536 Ms. Williams. Ms. Lofgren votes aye.

4537 Ms. Jackson Lee?

4538 Ms. Jackson Lee. I vote aye.

4539 Ms. Williams. Ms. Jackson Lee votes aye.

4540 Mr. Cohen?

4541 Mr. Cohen. Aye.

4542 Ms. Williams. Mr. Cohen votes aye.

4543 Mr. Johnson?

4544 Mr. Johnson. Aye.

4545 Ms. Williams. Mr. Johnson votes aye.

4546 Mr. Pierluisi?

4547 Mr. Pierluisi. Aye.

4548 Ms. Williams. Mr. Pierluisi votes aye.

4549 Ms. Chu?

4550 [No response.]

4551 Ms. Williams. Mr. Deutch?

4552 [No response.]

4553 Ms. Williams. Mr. Gutierrez?

4554 [No response.]

4555 Ms. Williams. Ms. Bass?

4556 [No response.]

4557 Ms. Williams. Mr. Richmond?

4558 [No response.]

4559 Ms. Williams. Ms. DelBene?  
4560 Ms. DelBene. Aye.  
4561 Ms. Williams. Ms. DelBene votes aye.  
4562 Mr. Jeffries?  
4563 [No response.]  
4564 Ms. Williams. Mr. Cicilline?  
4565 [No response.]  
4566 Ms. Williams. Mr. Peters?  
4567 Mr. Peters. Aye.  
4568 Ms. Williams. Mr. Peters votes aye.  
4569 Chairman Goodlatte. The gentleman from Ohio?  
4570 Mr. Chabot. No.  
4571 Ms. Williams. Mr. Chabot votes no.  
4572 Chairman Goodlatte. Has every member voted who wishes  
4573 to vote?  
4574 [No response.]  
4575 Chairman Goodlatte. The clerk will report.  
4576 Ms. Williams. Mr. Chairman, 9 members voted aye, 17  
4577 members voted no.  
4578 Chairman Goodlatte. And the amendment is not agreed to.  
4579 For what purpose does the gentleman from Tennessee seek  
4580 recognition?

4581 Mr. Cohen. I have an amendment.

4582 Chairman Goodlatte. The clerk will report the  
4583 amendment.

4584 Ms. Williams. Amendment to H.R. 712, offered by Mr.  
4585 Cohen, page 3, line --

4586 Chairman Goodlatte. Without objection, the amendment  
4587 will be considered as read.

4588 [The amendment of Mr. Cohen follows:]

4589

4590 Chairman Goodlatte. And the gentleman is recognized for  
4591 5 minutes on his amendment.

4592 Mr. Cohen. Thank you, Mr. Chairman. I have an  
4593 amendment. We had it last year. Is this working? This is  
4594 working?

4595 We had the amendment last year, and I bring it with some  
4596 concern because I suspect I know the outcome, and I do not  
4597 want to put my friends on the other side on the spot for  
4598 something. And too many of these amendments are brought  
4599 sometimes to put people on the spot, not that they are ever  
4600 used against them, but that is the idea. But all this would  
4601 do is say that these proposals that Mr. Collins has proposed  
4602 would not affect any agreement that dealt with the basis of  
4603 civil rights, consent decrees that were intended to prevent  
4604 it or intended to prevent discrimination based on race,  
4605 religion, national origin, or any other protected category.

4606 When this came up a couple of years ago, Mr. Spencer  
4607 Bachus supported it, and it caused a great schism and rift,  
4608 and we had to take some time off and all that stuff. I know  
4609 this bill, Mr. Collins is bringing it because of business  
4610 interest, and business interests do not want to be affected.  
4611 And I can see where people come with business interests. And

4612 he has got the support of the Chamber of Commerce, and he has  
4613 got the support of the building industry, and that makes  
4614 sense. But nobody is saying that there has been a problem  
4615 with consent decrees that were entered into to prevent  
4616 discrimination. And I would just ask that we consider this,  
4617 and I am not going to ask for a roll call vote because that  
4618 is not my purpose. I would hope we could pass it on a voice  
4619 vote, and it does not pass on voice vote, so be it.

4620 But it would just take out consent decrees that are  
4621 settlements meant to cover discrimination or intended to  
4622 prevent discrimination based on race, religion, national  
4623 origin, or any other protected category. That is basically  
4624 something we all ought to stand for. A lot of people went to  
4625 Selma, Alabama on voting rights. Civil rights,  
4626 discrimination. If governments can agree with some other  
4627 group and say that we have been discriminating and we need to  
4628 stop, I do not think we should interfere with the government  
4629 coming to that epiphany or whatever it be.

4630 So with that, I would ask that we voice vote in favor,  
4631 and if we do not, we will move on with the bill. And I yield  
4632 back the balance of my time.

4633 Chairman Goodlatte. For what purpose does the gentleman

4634 from Georgia seek recognition?

4635 Mr. Collins. Strike the last word.

4636 Chairman Goodlatte. The gentleman is recognized for 5  
4637 minutes.

4638 Mr. Collins. I will be very brief. I appreciate the  
4639 gentleman. I appreciate the spirit in which he brings the  
4640 amendment. I just have a disagreement in this, would  
4641 disagree. I think more transparency, which actually the  
4642 participation by the groups in regulated entities, State,  
4643 local, tribal, and others, in these processes actually would  
4644 provide more protection for civil rights. We just have a  
4645 disagreement, and I respect your opinion.

4646 Mr. Cohen. Would the gentleman yield?

4647 Mr. Collins. I yield.

4648 Mr. Cohen. If I read it and remember it, does it not  
4649 let any person as a presumption, rebuttable, but presumption,  
4650 that any individual that wants to intervene in court and say  
4651 that this agreement would affect them in an adverse manner  
4652 gets a right to intervene and then gets a right to sit in in  
4653 any mediation that is required by this law. And could that  
4654 not mean that some groups that are against civil rights, it  
4655 gives them a right and ends up having them involved in

4656 sitting at the table, and participating in the case, and  
4657 opposing?

4658 Mr. Collins. Well, reclaiming the time, and I think, as  
4659 the gentleman may remember from this conversation from last  
4660 year, this was also an understanding by the standing rules,  
4661 standing and being able to get in, not just having a rebuttal  
4662 presumption, but also still having the right to be a part of  
4663 the case to start with. So as we discussed last year, we  
4664 just have a disagreement. This does not do that, and I would  
4665 just disagree on that point, and I yield back.

4666 Chairman Goodlatte. For what purpose does the gentleman  
4667 from Texas seek recognition?

4668 Mr. Gohmert. In opposition to the --

4669 Chairman Goodlatte. The gentleman is recognized for 5  
4670 minutes.

4671 Mr. Cohen. Mr. Chairman, if I can, I will withdraw the  
4672 amendment rather than --

4673 Mr. Gohmert. Well, I would move to strike the last  
4674 word.

4675 Chairman Goodlatte. The gentleman is recognized.

4676 Mr. Gohmert. All right, thank you, and I appreciate my  
4677 friend's effort to keep me from speaking. But this gets back

4678 to the whole reason for this bill. I know there was an  
4679 amendment raised over privacy concern, an amendment because  
4680 disparate treatment of minorities, an amendment that was made  
4681 and withdrawn regarding potential discrimination. And I  
4682 would humbly submit to you this bill can help protect people  
4683 that are adversely affected in all of those.

4684 For example, if you have a big corporation that sues the  
4685 government, they want medical records that the government has  
4686 now that Obamacare gets people's records. This will allow  
4687 people to come under page 4 and say, look, wait a minute,  
4688 these are my records. Do not cut a deal between this big  
4689 corporation and the government. They are my records. I  
4690 ought to have a right to be involved in this suit. I am  
4691 affected because they are my records. Without this, there  
4692 could be a sweetheart deal effected by somebody in government  
4693 that is about to go to that corporation, which has happened  
4694 far too often, and this prevents that. They can step in and  
4695 say I am affected.

4696 With regard to minorities who may be unfairly hurt by  
4697 some toxic spill, you could have a deal between the  
4698 government and that big corporation, and somebody from the  
4699 government is about to go to work for that corporation or

4700 just did. This will give the minorities a chance to come in  
4701 and say, wait a minute, you cannot cut a deal that cuts me  
4702 out. I am one of those people that was a victim of this  
4703 bill. It is not enough to just have the government and the  
4704 company involved. I want to be involved. And that is why I  
4705 am proud of this bill. It would allow that minority, it  
4706 would allow the person that was adversely affected.

4707       And when it comes to discrimination, it is easy enough  
4708 to think about some type of discrimination and you have  
4709 someone who has, say, a minority group, whether it is for  
4710 profit or not for profit, that brings a suit against the  
4711 government. The government makes a deal with that group on  
4712 behalf of a group of minorities, and yet the people that were  
4713 really adversely affected, the minorities, get cut out of the  
4714 deal. It goes to this sweetheart corporation, whether for  
4715 profit or not.

4716       This would give a minority a chance to say, wait a  
4717 minute, this individual does not speak for me. I ought to  
4718 have a right to intervene in this suit because I am getting  
4719 nothing out of it, and I am the one that was really hurt or  
4720 discriminated against. So we have also seen these situations  
4721 of sue and settle in the Endangered Species Act in our

4722 Natural Resources Committee. We have had plenty of hearings  
4723 over that. And there is nothing I can think of that would be  
4724 more American than to say if a property owner has some group  
4725 that does not own any property, sue the government to take  
4726 away his property rights. He gets to intervene and say, wait  
4727 a minute, this is my property. I ought to be able to  
4728 intervene and have a say in this settlement before they take  
4729 away my property rights. And far too often, that has not  
4730 been allowed.

4731 And I am really proud that our committee is taking this  
4732 up. I think it stands for privacy rights. It stands for  
4733 minority rights. It stands against discrimination by  
4734 allowing people who will actually be adversely affected to  
4735 step in and say I will speak for myself, thank you very much.  
4736 And for that reason I am proud of the bill, and I hope that  
4737 we will move on and pass it. Thank you.

4738 Chairman Goodlatte. The chair thanks the gentleman.  
4739 Does the gentleman wish to withdraw his bill or vote on it?

4740 Mr. Cohen. I would still go ahead and withdraw it.

4741 Chairman Goodlatte. Without objection, the amendment of  
4742 the gentleman from Tennessee is withdrawn.

4743 Are there further amendments to H.R. 712?

4744 Mr. Johnson. Mr. Chairman, I have a very American  
4745 amendment at the desk. Pro-American.

4746 Chairman Goodlatte. The clerk will report the  
4747 amendment.

4748 Ms. Williams. Amendment to H.R. 712, offered by Mr.  
4749 Johnson, page 3, line 7, strike "and" --

4750 Chairman Goodlatte. Without objection, the amendment is  
4751 considered as read.

4752 [The amendment of Mr. Johnson follows:]

4753

4754 Chairman Goodlatte. And the gentleman is recognized for  
4755 5 minutes on his amendment.

4756 Mr. Johnson. Thank you, Mr. Chairman. This amendment  
4757 would except from H.R. 712 all consent decrees and  
4758 settlements that the Office of Management and Budget  
4759 determines would result in net job creation. Under President  
4760 Obama, our country has rebounded from the Great Recession and  
4761 is roaring back to life, creating 11 million, now 12 million  
4762 new jobs over 5 years as unemployment is falling at the  
4763 fastest rate in 3 decades. Consumer and business spending  
4764 have catalyzed the fastest growth or the fastest growth in  
4765 the gross domestic product since 2003. My amendment would  
4766 ensure that this meteoric growth and progress continues.

4767 Contrary to my Republican colleagues' assertion that  
4768 regulations kill jobs, a wealth of unimpeachable bipartisan  
4769 evidence has repeatedly and effectively debunked this claim.  
4770 The OMB estimated over the last decade that major regulations  
4771 benefitted the economy between \$217 billion and \$863 billion  
4772 a year at a cost of a mere \$57 to \$84 billion. Studies by  
4773 both the San Francisco and New York Federal Reserve found  
4774 that there is zero correlation between job growth and  
4775 regulations, and that there is no evidence showing that

4776 increased regulations and taxes have any effect on the  
4777 unemployment rate. And the evidence that regulations harm  
4778 the economy, the only evidence relied on for the absurd  
4779 figures repeated by the proponents of this bill derive from a  
4780 study roundly disproven by the nonpartisan Congressional  
4781 Research Service, which found that the study's cost figures  
4782 were cherry picked, inaccurate, based on evidence from  
4783 decades ago, and without contemporary value. Indeed, the  
4784 very authors of this study have since repudiated its use in  
4785 policy debates because it lacks any consideration of the  
4786 benefits of regulations, which the OMB estimates in the  
4787 hundreds of billions of dollars.

4788 I have also heard my Republican colleagues repeatedly  
4789 claim that regulations have a \$15,000 regulatory burden on  
4790 every American family. Consequently, the *Washington Post*  
4791 awarded this claim "Two Pinocchios" on January the 14th,  
4792 arguing that this absurd figure has serious methodological  
4793 problem. Even the report admits that it is not scientific  
4794 and that it is a back of the envelope type of approach. And  
4795 we fear these caveats are being forgotten as it is repeated  
4796 in Capitol Hill news conferences and been in news reports.  
4797 Even the president of the U.S. Chamber of Commerce

4798 acknowledged that the figures used to generate this number  
4799 include many necessary regulations that are important for the  
4800 economy and supported by the Chamber.

4801       Mr. Chairman, economic and job creation is climbing at  
4802 its fastest pace in years on the back of sound economic  
4803 policy and sensible regulations. Despite this growth, it is  
4804 clear that many continue to struggle to live comfortably on  
4805 their income, pay their bills on time, or set aside for  
4806 retirement. It is also clear that despite this incredible  
4807 workplace productivity, wages are depressed, and we need to  
4808 fix that. Deregulation is not the answer.

4809       Last Congress, Republicans blocked Democratic  
4810 legislation that would increase the Federal minimum wage by  
4811 less than \$3, lifting countless full-time workers out of  
4812 poverty while saving the Federal government trillions in  
4813 annual safety net costs. Fortunately, for millions of  
4814 Americans, minimum wage increases have gone into effect in 20  
4815 States this month alone, bringing the minimum wage in 29  
4816 States above the Federal minimum age. Perhaps my Republican  
4817 colleagues will heed the calls of workers across the country  
4818 for a living wage.

4819       I ask that my colleagues support my amendment to protect

4820 jobs, and I yield back the balance of my time.

4821 Chairman Goodlatte. For what purpose does the gentleman  
4822 from Georgia seek recognition?

4823 Mr. Collins. Mr. Chairman, move to strike the last  
4824 word.

4825 Chairman Goodlatte. The gentleman is recognized for 5  
4826 minutes.

4827 Mr. Collins. I will be very brief here, but, one, I  
4828 believe, again, that I would oppose this amendment, and  
4829 believe that if something is creating jobs, that the  
4830 transparency, and public input, and scrutiny would not hinder  
4831 that, but actually help.

4832 But also, one of the things that the gentleman said, I  
4833 do want to enter in for the record because it was mentioned  
4834 that no reports actually discuss the effects of regulations  
4835 on the market. I have 14 different reports ranging from Dr.  
4836 McLaughlin's summary report, the World Bank, U.S. Chamber,  
4837 National Association of Manufacturers, the Federal Reserve  
4838 Bank, the World Bank Group, the U.S. Bureau of Labor and  
4839 Statistics, all of which discuss the effects of regulation  
4840 upon the work and in the economic environment. And with  
4841 that, I would ask unanimous --

4842 Chairman Goodlatte. Would the gentleman yield?

4843 Mr. Collins. Yes.

4844 Chairman Goodlatte. I would like to commend the  
4845 gentleman for his very pro-American worker and consumer bill  
4846 that recognizes that if you can stop these sweetheart  
4847 settlements from taking place, that they will save  
4848 substantial amounts of money to the taxpayer through lower  
4849 expenditures on the part of the government, and substantial  
4850 costs to consumers who have to bear the burden of the  
4851 increased costs of regulations that get stuck in the side  
4852 door by agreements between parties that are not dealing at  
4853 arm's length.

4854 And the gentleman has offered a very, very good bill,  
4855 and I strongly support it, and join him in opposition to the  
4856 amendment.

4857 Mr. Collins. Yield back.

4858 Mr. Conyers. Mr. Chairman?

4859 Chairman Goodlatte. For what purpose does the gentleman  
4860 from Michigan seek recognition?

4861 Mr. Conyers. I support the gentleman's amendment.

4862 Chairman Goodlatte. The gentleman is recognized for 5  
4863 minutes.

4864           Mr. Conyers. Thank you very much. This is a critical  
4865 concern to me because the GAO has issued a report entitled  
4866 "Environmental Litigation Impact of Deadline Suits on EPA's  
4867 Rulemaking is Limited." And I also ask unanimous consent to  
4868 put into the record the GAO study entitled "Impact of  
4869 Deadline Suits of EPA's Rulemaking is Limited." And the  
4870 effect of settlements in deadline suits on EPA's rulemaking  
4871 priorities is, according to EPA officials, settlements in  
4872 settlement suits primarily affect a single office within EPA.

4873           Chairman Goodlatte. Without objection, the report will  
4874 be made a part of the record.

4875           [The information follows:]

4876

4877 Mr. Conyers. And I will put the rest of my comments in  
4878 and support enthusiastically the Johnson amendment.

4879 [The information follows:]

4880

4881 Mr. Conyers. I yield back.

4882 Mr. Johnson. And would the gentleman yield?

4883 Mr. Conyers. Yes, I will yield.

4884 Mr. Johnson. Thank you. And I would like to respond to  
4885 say that I did not say that there were no reports that would  
4886 establish that there is zero correlation between job growth  
4887 and regulations. I did say that the Congressional Research  
4888 Service has roundly disproven any and all such studies. And  
4889 with that, I would yield back.

4890 Mr. Conyers. Thank you. I yield back, Mr. Chairman.

4891 Mr. Marino. Mr. Chairman?

4892 Chairman Goodlatte. For what purpose does the gentleman  
4893 from Pennsylvania seek recognition?

4894 Mr. Marino. Move to strike the last word.

4895 Chairman Goodlatte. The gentleman is recognized for 5  
4896 minutes.

4897 Mr. Marino. My colleagues were citing the Chamber of  
4898 Commerce, so I just happened to get into the Chamber of  
4899 Commerce website. And the first thing that pops up is  
4900 regulatory reform, and I quote, "The Chamber recognizes the  
4901 need for smart regulations to ensure workplace safety and  
4902 protect public health. But with a \$2 trillion price tag in

4903 compliance costs, an increasing number of huge and complex  
4904 rules, and a permitting process that makes it virtually  
4905 impossible to build anything, it is clear the regulatory  
4906 system is not working the way it should. Americans deserve a  
4907 working regulatory system that is fair for everyone, takes  
4908 into account the views of communities and business, evaluates  
4909 the impact rules will have on jobs and small businesses, and  
4910 protects our economic and personal freedoms."

4911 And with that, I yield back.

4912 Mr. Johnson. Would the gentleman yield? Would that be  
4913 one of the studies that --

4914 Chairman Goodlatte. The gentleman has yielded back.  
4915 Someone will have to seek time to recognize the gentleman.

4916 Mr. Johnson. Okay.

4917 Mr. Nadler. Mr. Chairman?

4918 Chairman Goodlatte. For what purpose does the gentleman  
4919 from New York seek recognition?

4920 Mr. Nadler. Strike the last word.

4921 Chairman Goodlatte. The gentleman is recognized for 5  
4922 minutes.

4923 Mr. Nadler. I am happy to yield to the gentleman from  
4924 Georgia.

4925 Mr. Johnson. Thank you, my colleague. I just wanted to  
4926 ask whether or not that was one of the reports that got the  
4927 *Washington Post's* "Two Pinocchios." Do you know?

4928 Mr. Marino. I do not know that.

4929 Mr. Johnson. All right.

4930 Mr. Marino. I do not know that. It is right at the  
4931 head, the top issue of "U.S. Chamber of Commerce Standing Up  
4932 for American Enterprise."

4933 Mr. Johnson. Well, with that, I would yield back.

4934 Chairman Goodlatte. The question occurs on the  
4935 amendment offered by the gentleman from Georgia.

4936 All those in favor, respond by saying aye.

4937 Those opposed, no.

4938 In the opinion of the chair, the noes have it. The  
4939 amendment is not agreed to.

4940 Mr. Johnson. Ask for a recorded vote.

4941 Chairman Goodlatte. A recorded vote is requested, and  
4942 the clerk will call the roll.

4943 Ms. Williams. Mr. Goodlatte?

4944 Chairman Goodlatte. No.

4945 Ms. Williams. Mr. Goodlatte votes no.

4946 Mr. Sensenbrenner?

4947 Mr. Sensenbrenner. No.

4948 Ms. Williams. Mr. Sensenbrenner votes no.

4949 Mr. Smith?

4950 [No response.]

4951 Ms. Williams. Mr. Chabot?

4952 [No response.]

4953 Ms. Williams. Mr. Issa?

4954 [No response.]

4955 Ms. Williams. Mr. Forbes?

4956 [No response.]

4957 Ms. Williams. Mr. King?

4958 Mr. King. No.

4959 Mr. Williams. Mr. King votes no.

4960 Mr. Franks?

4961 Mr. Franks. No.

4962 Ms. Williams. Mr. Franks votes no.

4963 Mr. Gohmert?

4964 Mr. Gohmert. No.

4965 Ms. Williams. Mr. Gohmert votes no.

4966 Mr. Jordan?

4967 Mr. Jordan. No.

4968 Ms. Williams. Mr. Jordan votes no.

4969 Mr. Poe?

4970 [No response.]

4971 Ms. Williams. Mr. Chaffetz?

4972 Mr. Chaffetz. No.

4973 Ms. Williams. Mr. Chaffetz votes no.

4974 Mr. Marino?

4975 Mr. Marino. No.

4976 Ms. Williams. Mr. Marino votes no.

4977 Mr. Gowdy?

4978 Mr. Gowdy. No.

4979 Ms. Williams. Mr. Gowdy votes no.

4980 Mr. Labrador?

4981 Mr. Labrador. No.

4982 Ms. Williams. Mr. Labrador votes no.

4983 Mr. Farenthold?

4984 [No response.]

4985 Ms. Williams. Mr. Collins?

4986 Mr. Collins. No.

4987 Ms. Williams. Mr. Collins votes no.

4988 Mr. DeSantis?

4989 Mr. DeSantis. No.

4990 Ms. Williams. Mr. DeSantis votes no.

4991 Ms. Walters?  
4992 Ms. Walters. No.  
4993 Ms. Williams. Ms. Walters votes no.  
4994 Mr. Buck?  
4995 Mr. Buck. No.  
4996 Ms. Williams. Mr. Buck votes no.  
4997 Mr. Ratcliffe?  
4998 Mr. Ratcliffe. No.  
4999 Ms. Williams. Mr. Ratcliffe votes no.  
5000 Mr. Trott?  
5001 Mr. Trott. No.  
5002 Ms. Williams. Mr. Trott votes no.  
5003 Mr. Bishop?  
5004 Mr. Bishop. No.  
5005 Ms. Williams. Mr. Bishop votes no.  
5006 Mr. Conyers?  
5007 Mr. Conyers. Aye.  
5008 Ms. Williams. Mr. Conyers votes aye.  
5009 Mr. Nadler?  
5010 Mr. Nadler. Aye.  
5011 Ms. Williams. Mr. Nadler votes aye.  
5012 Ms. Lofgren?

5013 [No response.]

5014 Ms. Williams. Ms. Jackson Lee?

5015 [No response.]

5016 Ms. Williams. Mr. Cohen?

5017 Mr. Cohen. Aye.

5018 Ms. Williams. Mr. Cohen votes aye.

5019 Mr. Johnson?

5020 Mr. Johnson. Aye.

5021 Ms. Williams. Mr. Johnson votes aye.

5022 Mr. Pierluisi?

5023 Mr. Pierluisi. Aye.

5024 Ms. Williams. Mr. Pierluisi votes aye.

5025 Ms. Chu?

5026 [No response.]

5027 Ms. Williams. Mr. Deutch?

5028 Mr. Deutch. Aye.

5029 Ms. Williams. Mr. Deutch votes aye.

5030 Mr. Gutierrez?

5031 [No response.]

5032 Ms. Williams. Ms. Bass?

5033 [No response.]

5034 Ms. Williams. Mr. Richmond?

5035 [No response.]

5036 Ms. Williams. Ms. DelBene?

5037 Ms. DelBene. Aye.

5038 Ms. Williams. Ms. DelBene votes aye.

5039 Mr. Jeffries?

5040 Mr. Jeffries. Aye.

5041 Ms. Williams. Mr. Jeffries votes aye.

5042 Mr. Cicilline?

5043 [No response.]

5044 Ms. Williams. Mr. Peters?

5045 Mr. Peters. Aye.

5046 Ms. Williams. Mr. Peters votes aye.

5047 Chairman Goodlatte. The gentleman from California?

5048 Mr. Issa. No.

5049 Ms. Williams. Mr. Issa votes on.

5050 Chairman Goodlatte. The gentleman from Ohio?

5051 Mr. Chabot. No.

5052 Ms. Williams. Mr. Chabot votes no.

5053 Chairman Goodlatte. The gentleman from Texas, Mr.

5054 Smith?

5055 Mr. Smith. No.

5056 Ms. Williams. Mr. Smith votes no.

5057 Chairman Goodlatte. Has every member voted who wishes  
5058 to vote?

5059 [No response.]

5060 Chairman Goodlatte. The clerk will report. The  
5061 gentlewoman from Texas?

5062 Ms. Jackson Lee. How am I recorded?

5063 Ms. Williams. Not recorded.

5064 Ms. Jackson Lee. Aye.

5065 Ms. Williams. Ms. Jackson Lee votes aye.

5066 Chairman Goodlatte. The clerk will report.

5067 Ms. Williams. Mr. Chairman, 10 members voted aye, 20  
5068 members voted no.

5069 Chairman Goodlatte. And the amendment is not agreed to.

5070 Are there further amendments to H.R. 712?

5071 [No response.]

5072 Chairman Goodlatte. A reporting quorum being present,  
5073 the question is on the motion to report the bill, H.R. 712  
5074 favorably to the House.

5075 Those in favor, say aye.

5076 Those opposed, no.

5077 The ayes have it.

5078 Mr. Nadler. That was the vote on the bill or the

5079 amendment?

5080 Chairman Goodlatte. That is a vote on the bill.

5081 Mr. Nadler. I ask for a recorded vote.

5082 Chairman Goodlatte. A recorded vote is requested, and

5083 the clerk will call the roll.

5084 Ms. Williams. Mr. Goodlatte?

5085 Chairman Goodlatte. Aye.

5086 Ms. Williams. Mr. Goodlatte votes aye.

5087 Mr. Sensenbrenner?

5088 Mr. Sensenbrenner. Aye.

5089 Ms. Williams. Mr. Sensenbrenner votes aye.

5090 Mr. Smith?

5091 Mr. Smith. Aye.

5092 Ms. Williams. Mr. Smith votes aye.

5093 Mr. Chabot?

5094 Mr. Chabot. Aye.

5095 Ms. Williams. Mr. Chabot votes aye.

5096 Mr. Issa?

5097 Mr. Issa. Aye.

5098 Ms. Williams. Mr. Issa votes aye.

5099 Mr. Forbes?

5100 [No response.]

5101 Ms. Williams. Mr. King?  
5102 Mr. King. Aye.  
5103 Ms. Williams. Mr. King votes aye.  
5104 Mr. Franks?  
5105 Mr. Franks. Aye.  
5106 Ms. Williams. Mr. Franks votes aye.  
5107 Mr. Gohmert?  
5108 Mr. Gohmert. Aye.  
5109 Ms. Williams. Mr. Gohmert votes aye.  
5110 Mr. Jordan?  
5111 Mr. Jordan. Yes.  
5112 Ms. Williams. Mr. Jordan votes yes.  
5113 Mr. Poe?  
5114 [No response.]  
5115 Ms. Williams. Mr. Chaffetz?  
5116 Mr. Chaffetz. Aye.  
5117 Ms. Williams. Mr. Chaffetz votes aye.  
5118 Mr. Marino?  
5119 Mr. Marino. Yes.  
5120 Ms. Williams. Mr. Marino votes yes.  
5121 Mr. Gowdy?  
5122 [No response.]

5123 Ms. Williams. Mr. Labrador?

5124 Mr. Labrador. Aye.

5125 Ms. Williams. Mr. Labrador votes aye.

5126 Mr. Farenthold?

5127 [No response.]

5128 Ms. Williams. Mr. Collins?

5129 Mr. Collins. Aye.

5130 Ms. Williams. Mr. Collins votes aye.

5131 Mr. DeSantis?

5132 Mr. DeSantis. Aye.

5133 Ms. Williams. Mr. DeSantis votes aye.

5134 Ms. Walters?

5135 Ms. Walters. Aye.

5136 Ms. Williams. Ms. Walters votes aye.

5137 Mr. Buck?

5138 Mr. Buck. Yes.

5139 Ms. Williams. Mr. Buck votes yes.

5140 Mr. Ratcliffe?

5141 Mr. Ratcliffe. Yes.

5142 Ms. Williams. Mr. Ratcliffe votes yes.

5143 Mr. Trott?

5144 Mr. Trott. Yes.

5145 Ms. Williams. Mr. Trott votes yes.  
5146 Mr. Bishop?  
5147 Mr. Bishop. Yes.  
5148 Ms. Williams. Mr. Bishop votes yes.  
5149 Mr. Conyers?  
5150 Mr. Conyers. No.  
5151 Ms. Williams. Mr. Conyers votes no.  
5152 Mr. Nadler?  
5153 Mr. Nadler. No.  
5154 Ms. Williams. Mr. Nadler votes no.  
5155 Ms. Lofgren?  
5156 [No response.]  
5157 Ms. Williams. Ms. Jackson Lee?  
5158 Ms. Jackson Lee. No.  
5159 Ms. Williams. Ms. Jackson Lee votes no.  
5160 Mr. Cohen?  
5161 Mr. Cohen. No.  
5162 Ms. Williams. Mr. Cohen votes no.  
5163 Mr. Johnson?  
5164 Mr. Johnson. No.  
5165 Ms. Williams. Mr. Johnson votes no.  
5166 Mr. Pierluisi?

5167 Mr. Pierluisi. No.

5168 Ms. Williams. Mr. Pierluisi votes no.

5169 Ms. Chu?

5170 Ms. Chu. No.

5171 Ms. Williams. Ms. Chu votes no.

5172 Mr. Deutch?

5173 Mr. Deutch. No.

5174 Ms. Williams. Mr. Deutch votes no.

5175 Mr. Gutierrez?

5176 [No response.]

5177 Ms. Williams. Ms. Bass?

5178 [No response.]

5179 Ms. Williams. Mr. Richmond?

5180 [No response.]

5181 Ms. Williams. Ms. DelBene?

5182 Ms. DelBene. No.

5183 Ms. Williams. Ms. DelBene votes no.

5184 Mr. Jeffries?

5185 Mr. Jeffries. No.

5186 Ms. Williams. Mr. Jeffries votes no.

5187 Mr. Cicilline?

5188 [No response.]

5189 Ms. Williams. Mr. Peters?

5190 Mr. Peters. No.

5191 Ms. Williams. Mr. Peters votes no.

5192 Chairman Goodlatte. Has every member voted who wishes

5193 to vote?

5194 The gentleman from South Carolina?

5195 Mr. Gowdy. Yes.

5196 Ms. Williams. Mr. Gowdy votes yes.

5197 Chairman Goodlatte. The clerk will report.

5198 Ms. Williams. Mr. Chairman, 20 members voted aye, 11

5199 members voted no.

5200 Chairman Goodlatte. The ayes have it, and the bill is

5201 ordered reported favorably to the House. Members will have

5202 two days to submit views.

5203 [The information follows:]

5204

5205 Chairman Goodlatte. I thank all the members. We  
5206 completed five bills today, and this concludes our business.  
5207 Thank you all for attending, and the meeting is adjourned.  
5208 [Whereupon, at 4:16 p.m., the committee was adjourned.]