

1 NATIONAL CAPITOL CONTRACTING

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4 H.R. 3438, THE "REQUIRE EVALUATION BEFORE

5 IMPLEMENTING EXECUTIVE WISHLISTS (REVIEW ACT)

6 ACT OF 2015"

7 Thursday, September 8, 2016

8 House of Representatives,

9 Committee on the Judiciary,

10 Washington, D.C.

11 The committee met, pursuant to call, at 10:00 a.m., in
12 Room 2237, Rayburn House Office Building, Hon. Bob
13 Goodlatte, [chairman of the committee] presiding.

14 Present: Representatives Goodlatte, Sensenbrenner,
15 Smith, Chabot, Issa, Forbes, King, Franks, Gohmert, Jordan,
16 Marino, Labrador, Collins, DeSantis, Walters, Buck,
17 Ratcliffe, Trott, Bishop, Conyers, Nadler, Lofgren, Jackson
18 Lee, Cohen, Johnson, Pierluisi, Chu, Deutch, Gutierrez,
19 Bass, DelBene, Jeffries, Cicilline, and Peters.

20 Staff Present: Shelley Husband, Staff Director; Branden

21 Ritchie, Deputy Staff Director; Zachary Somers,
22 Parliamentarian; Daniel Flores, Chief Counsel, Subcommittee
23 on Regulatory Reform, Commercial and Antitrust Law; Daniel
24 Huff, Counsel, Subcommittee on Regulatory Reform, Commercial
25 and Antitrust Law; Alley Adcock, Clerk; Slade Bond, Minority
26 Counsel, Perry Apelbaum, Chief Minority Counsel; Danielle
27 Brown, Minority Chief Legislative Counsel; Susan Jensen,
28 Minority Senior Counsel; James Park, Minority Chief
29 Constitution & Antitrust Counsel; Matthew Morgan, Minority
30 Counsel; Rosalind Jackson, Minority Professional Staff;
31 Joseph Ehrenkrantz, Minority Legislative Aide.

32 Chairman Goodlatte. Good morning. The Judiciary
33 Committee will come to order. Without objection, the chair
34 is authorized to declare a recess at any time. Pursuant to
35 notice, I now call up H.R. 3438 for purposes of markup, and
36 move that the committee report the bill favorably to the
37 House. The clerk will report the bill.

38 Ms. Adcock. H.R. 3438, to amend title 5, United States
39 Code, to postpone the effective date of high-impact rules
40 pending judicial review.

41 [The bill follows:]

42 ***** INSERT 1 *****

43 Chairman Goodlatte. Without objection, the bill is
44 considered as read and open for amendment at any time. And
45 I will begin by recognizing myself for an opening statement.

46 Washington's regulatory system is a system that
47 virtually every day places new obstacles in the path of
48 American jobs and economic growth. The biggest obstacles of
49 all are new regulations that impose more than \$1 billion per
50 year in costs on the American economy.

51 Struggling workers, families, and small business owners
52 have every right to ask why regulations that cost this much
53 are ever promulgated at all. Surely, there are less costly
54 measures that are effective and should be adopted instead.
55 Those less costly measures would allow many more resources
56 to be devoted to job creation and productive investment.

57 But billion-dollar rules are promulgated, and there are
58 more and more, as the Obama Administration grinds to an end.
59 This is one of the reasons our economy has faced so much
60 difficulty achieving full recovery under the Obama
61 Administration's misguided policies.

62 Making matters worse, when billion-dollar rules are
63 challenged in court, regulated entities must often sink
64 billions of dollars into compliance while litigation is
65 pending, even if that litigation ultimately will be
66 successful. This is money for job creation and economic

67 recovery we simply cannot afford to waste.

68 The Review Act, introduced by Regulatory Reform
69 Subcommittee Chairman Marino, is a commonsense measure that
70 responds to this problem with a simple bright line test.
71 Under the bill, if a new regulation imposes \$1 billion or
72 more in annual costs, it will not go into effect until after
73 litigation challenging it is resolved.

74 Of course, if the regulation is not challenged, it may
75 go into effect as normal. This is a balanced approach, and
76 it provides a healthy incentive for agencies to promulgate
77 effective but lower-cost regulations that are more legally
78 sound to begin with.

79 I want to thank Subcommittee Chairman Marino for his
80 work on this important legislation, and I urge all of my
81 colleagues to support the bill. It is now my pleasure to
82 recognize the ranking member of the Judiciary Committee, the
83 gentleman from Michigan, Mr. Conyers, for his opening
84 statement.

85 [The statement of Chairman Goodlatte follows:]

86 ***** COMMITTEE INSERT *****

87 Mr. Conyers. Thank you, Chairman Goodlatte, and
88 members of the committee. As the president of Public
89 Citizen has observed, the cost of regulatory delay is far
90 more severe than generic inefficiency. Lengthy delay costs
91 money and lives, it permits ongoing ecological destruction,
92 and the infliction of needless injury, and it enables
93 fraudsters and wrongdoers to perpetuate their misdeeds. And
94 so, rather than alleviating these problems, H.R. 3438 would
95 clearly exacerbate them.

96 Accordingly, I must oppose this ill-conceived
97 legislation. Despite the bill's colorful, short title, 3438
98 would have a pernicious impact on rulemaking and the ability
99 of agencies to respond to critical health and safety needs.

100 In essence, the bill would encourage anyone who wants
101 to delay a significant rule from going into effect by simply
102 seeking judicial review of the rule. We all know that the
103 judicial review process can take months, if not years,
104 sometimes, to finalize, especially if the appellate process
105 reaches the United States Supreme Court.

106 Thus, rather than ensuring predictability and
107 streamlining the rulemaking process, this bill would have a
108 completely opposite impact, by making the process less
109 predictable and more time-consuming. If anything, this bill

110 would empower the very entities that caused the serious
111 health and safety risk to delay, possibly derail, legitimate
112 efforts by regulatory agencies to respond to such threats.

113 And as with other bills proposed by some of my
114 colleagues, this legislation myopically focuses only on the
115 cost of a proposed rule while ignoring the rule's benefits,
116 which often exceeds its costs by many multiples.

117 In closing, there is a broad agreement among experts in
118 the administrative law field that our Nation's regulatory
119 system is already too cumbersome and slow-moving. In
120 addition to the Administrative Procedure Act's procedural
121 mechanisms, which are designed to ensure an open and fair
122 rulemaking system, Congress has passed various additional
123 Federal laws that imposed further rulemaking requirements.

124 And rulemaking agencies must also comply with a number
125 of executive orders issued over the past several decades
126 that have created even additional layers of analytical and
127 procedural requirements.

128 The results of this dense web of existing requirements
129 is a complex, time consuming, rulemaking process. In
130 response to the explosion of analytical requirements imposed
131 on the rulemaking process, the American Bar Association, no
132 less, as well as many administrative law experts have urged
133 Congress to exercise restraint and assess the usefulness of

134 existing requirements before considering sweeping
135 legislation. Imposing new analytical procedural
136 requirements on the administrative system also carries real
137 human and economic costs.

138 And so, rather than alleviating some of the problems,
139 H.R. 3438 would clearly exacerbate them. And so,
140 accordingly, I urge all of those of us who think this thing
141 through to oppose this ill-conceived legislation, and I
142 thank the Chairman.

143 [The statement of Mr. Conyers follows:]

144 ***** COMMITTEE INSERT *****

145 Chairman Goodlatte. The chair thanks the gentleman.
146 And it is now my pleasure to recognize the sponsor of the
147 bill, the gentleman from Pennsylvania, Mr. Marino, for his
148 opening statement.

149 Mr. Marino. Thank you, Chairman Goodlatte, for
150 bringing the Review Act up for committee consideration
151 today. I also want to thank the other members of the
152 Judiciary Committee who have joined me as cosponsors.

153 The Review Act rests upon a simple premise that
154 regulations with annual costs exceeding \$1 billion annually
155 should receive full judicial review before they go into
156 effect. The regulations we are concerned about are so
157 massive that their compliance costs are felt nationwide and
158 touch every corner of our economy. It is not only prudent,
159 but appropriate, that agreed parties have their day in
160 court, and that executive agencies must justify their
161 reasoning and the legal underpinnings of the rulemaking.

162 Requiring American taxpayers and businesses to comply
163 before this process runs its course reeks of injustice.
164 Historically, these high-impact rules, with costs of over \$1
165 billion annually, have been few and far between --
166 historically. However, since 2006, there have been 26 in

167 total.

168 But in recent years, their number has grown
169 exponentially, alongside the growth and reach of the
170 regulatory state. There has been an average of three over
171 the past years and six in 2014 alone.

172 And although some may insist that the straightforward
173 reforms in this bill overreach, recent events indicate
174 otherwise. Last summer, in the Supreme Court's decision in
175 Michigan v. EPA, we saw firsthand what irreparable harm can
176 occur when expansive, costly, and poorly-crafted regulations
177 are not given time for review.

178 In this case, the court found that the EPA had
179 promulgated its utility MACT rule through a faulty process
180 and on legal infirm grounds, because it chose not to
181 consider costs when promulgating the rule.

182 The costs of the rule were estimated by the EPA itself
183 at \$9.6 billion per year. That is billion with a "b." In
184 return, the EPA's best estimate of potential benefits were
185 in the range of a mere 4 to 6 million with an "m" -- million
186 annually.

187 As the late Justice Antonin Scalia wrote in his opinion
188 for the court, quote, "One would not say that it is even
189 rational, never mind appropriate, to impose billions of
190 dollars in economic cost in return for a few dollars in

191 health or environmental benefits." Unfortunately, for
192 workers, homeowners, and taxpayers across the country, the
193 utility MACT rule remained in effect as litigation took
194 years to work itself to a final decision at the Supreme
195 Court.

196 When review finally got to the court, the effects were
197 nearly irreversible. Action on the Review Act is a
198 reasonable step on our part to continue proper and
199 responsible regulatory reforms. I look forward to
200 consideration today and urge my colleagues to support it,
201 and I yield back.

202 [The statement of Mr. Marino follows:]

203 ***** COMMITTEE INSERT *****

204 Chairman Goodlatte. The chair thanks the gentleman,
205 and now recognizes the gentleman from Georgia, Mr. Johnson,
206 the ranking member of the Regulatory Reform Subcommittee,
207 for his opening statement.

208 Mr. Johnson. Thank you, Mr. Chairman. H.R. 3438, the
209 Require Evaluation before Implementing Executive Wishlists
210 Act of 2015, or the Review Act, would automatically stay
211 high-impact rules that a party challenges. Simply put, this
212 bill is yet another reckless measure designed to delay the
213 implementation of the most important rules that protect
214 public health, safety, and well-being of everyday Americans.

215 This bill is completely unnecessary and it puts public
216 health, safety, and well-being at risk. So, who does this
217 legislation help? Well, corporate wrongdoers. Under
218 current law, corporations affected by Federal agency
219 rulemaking already have the ability to stay implementation
220 of rules promulgated by Federal agencies. Both courts and
221 the agency issuing a rule may stay the effective date of a
222 final rule.

223 While agencies have broad discretion in postponing the
224 effective date of a rule, a court considers several factors
225 in deciding whether to stay a rule, including whether the
226 party is likely to succeed on the merits.

227 In 2009, the Supreme Court, in *Niken v. Holder*,
228 instructed courts to consider four factors when deciding
229 whether to issue a stay: one, whether the stay applicant has
230 made a strong showing that he is likely to succeed on the
231 merits; two, whether the applicant will be irreparably
232 injured absent a stay; three, whether the issuance of the
233 stay will substantially injure the other parties interested
234 in the proceeding; and four, where the public interest lies.

235 The Review Act would discard this flexible test in
236 favor of an inflexible and unyielding requirement that
237 agencies automatically delay the effective date for any rule
238 exceeding \$1 billion in costs that is challenged in court,
239 regardless of whether the party challenging the rule has any
240 likelihood of success on the merits, is actually harmed by
241 the rule, or whether staying the rule would be contrary to
242 the public interest.

243 It is virtually guaranteed that every high-impact rule
244 would be delayed through litigation challenges, regardless
245 of the merits of the litigation. This legislation would
246 greenlight frivolous litigation that would most certainly

247 create years of delays for these rules to be implemented,
248 which, in many cases, have taken years to promulgate.

249 But the bill would not just apply to life-saving rules
250 that exceed \$1 billion in costs, that keep our air clean and
251 our children safe. Rather, it would likely apply to
252 transfer rules, which would involve the transfer of funds
253 for budgetary programs as authorized by Congress, such as
254 transfer rules involving the Medicare program, or the
255 Federal Pell Grant program, as the Office of Management and
256 Budget has clarified.

257 Lastly, Mr. Chairman, I oppose this bill because it is
258 a dangerous solution to a non-existent problem. Any party
259 affected by a final agency action may challenge that action
260 in court while agencies may also delay the effective date of
261 rules on a discretionary basis.

262 Professor William Funk, a leading administrative law
263 expert, explains that existing law, quote, "Weeds out
264 frivolous claims and takes account of both the cost of the
265 rule and the benefits of the rule that would be avoided by
266 granting the stay," end quote. Absent any evidence
267 whatsoever that courts have inappropriately refused to grant
268 stays, I am confident that existing law provides adequate
269 protection. I urge my colleagues to oppose H.R. 3438, and I
270 yield back the balance of my time.

271 [The statement of Mr. Johnson follows:]

272 ***** COMMITTEE INSERT *****

273 Chairman Goodlatte. The chair thanks the gentleman.
274 For what purpose does the gentlewoman from California seek
275 recognition?

276 Ms. Lofgren. To speak out of order about the passing
277 of the former general counsel of the judiciary.

278 Chairman Goodlatte. Without objection, the gentlewoman
279 is recognized.

280 Ms. Lofgren. Thank you. I just wanted to take a
281 moment, before we get into this markup, to remember Alan A.
282 Parker, formerly the general counsel of the Judiciary
283 Committee. He passed away last Friday, after a long
284 illness.

285 He served as the legal assistant for my predecessor in
286 office, Congressman Don Edwards, in the 1970s, and then went
287 on to become the general counsel for what was then a
288 subcommittee, for the Subcommittee on Civil Rights. He
289 worked there for a number of years. And then after Jerry

290 Zeifman, the general counsel, left, became the general
291 counsel for the full committee. Later was appointed
292 Assistant Attorney General.

293 He loved the Judiciary Committee, and he loved the
294 Congress of the United States and served us very well. So,
295 he served with distinction in the South Pacific during World
296 War II. He was a wonderful man, and I wanted to remember
297 him as we began this mark-up today, and to mourn his
298 passing. And I thank the chairman for allowing me to
299 remember Alan A. Parker, late, of the Judiciary Committee,
300 in this manner. Thank you, and I yield back.

301 Chairman Goodlatte. The chair thanks the gentlewoman,
302 and thanks her for reminding us about Mr. Parker and his
303 long and distinguished service to the committee. And the
304 chair recognizes the gentleman from Michigan.

305 Mr. Conyers. Thank you. Thank you, Mr. Chairman. And
306 I join Zoe Lofgren in remembrance of Alan Parker, who I
307 first met here when he was working for Peter Rodino, the
308 chairman of Judiciary when I came to the Congress. And what
309 a person he was. He was very, very well remembered. He was
310 personable, and he understood the law, and he realized how
311 important the Judiciary Committee was. And those of us who
312 had any contact with him will certainly hold him in high
313 esteem and lament his passing. And I thank the chair.

314 Chairman Goodlatte. The chair thanks the gentleman.
315 Are there amendments to H.R. -- I am sorry -- oh, sorry. I
316 now recognize myself for purposes of offering an amendment
317 in the nature of a substitute. The clerk will report the
318 amendment.

319 Ms. Adcock. Amendment to H.R. 3438, offered by Mr.
320 Goodlatte of Virginia. Strike all that follows after --

321 [The amendment of Mr. Goodlatte follows:]

322 ***** INSERT 2 *****

323 Chairman Goodlatte. Without objection, the amendment
324 is considered as read, and I will recognize myself to
325 explain.

326 So, on November 3, 2015, the Subcommittee on Regulatory
327 Reform, Commercial, and Antitrust Law held a productive
328 hearing on H.R. 3438, the Review Act. This substitute
329 amendment refines and improves H.R. 3438 based on the expert
330 feedback received at that hearing and further analysis of
331 the bill.

332 The amendment makes three principal changes. First, it
333 adds language to make crystal clear that under the bill,
334 agencies must submit new rules to the Office of Management
335 and Budget's Office of Information and Regulatory Affairs
336 for a determination of whether the bill may impose \$1
337 billion or more in annual costs on the economy, and that the

338 agency must publish that determination when it publishes the
339 rule.

340 Second, the amendment fine tunes the bill's timing
341 provisions. It makes sure that if a statute provides a
342 period other than 60 days during which a rule may be
343 challenged in court, the agency must provide that. If
344 litigation is timely filed within that period, the rule will
345 not be effective until the close of litigation. If no
346 statute provides a different litigation filing deadline,
347 then the bill's original deadline of 60 days applies to
348 determine whether the agency must stay the rule pending the
349 close of litigation.

350 And lastly, the amendment provides a rule of
351 construction to clarify that courts should not misinterpret
352 the bill to limit their discretion to order judicial stays
353 in cases involving less costly rules. The amendment
354 strengthens the bill and I urge my colleagues to support it.
355 Are there any amendments to the amendment?

356 Mr. Nadler. Mr. Chairman?

357 Chairman Goodlatte. I think I need to recognize the
358 gentleman from Michigan first.

359 Mr. Conyers. Thank you, Mr. Chairman. I merely want
360 to point out that while this amendment makes marginal
361 improvements to H.R. 3438, it does not mention, or fails to

362 address my overarching concerns about the bill -- and
363 indeed, by expressly specifying that the effective date of a
364 high-impact rule is delayed until the final disposition of
365 all actions seeking judicial review. The amendment
366 encourages others to litigate even frivolous claims in order
367 to delay the implementation of critical regulatory
368 safeguards.

369 Now, during the legislative hearing on H.R. 3438,
370 Professor William Buzbee of Georgetown University Law Center
371 said that the bill may have a devastating effect on the law,
372 while also creating massive economic and health harms, and
373 creating legal uncertainty. And he said that because this
374 is because it would ensure that high-stake rules will be
375 challenged. And under the terms of the bill, possibly
376 delayed indefinitely.

377 And so, with these concerns in mind, I must restate my
378 clear and unswerving opposition to this misguided
379 legislation, and I thank the chair.

380 Chairman Goodlatte. Are there any amendments to the
381 amendment? For what purpose does the gentleman from New
382 York seek recognition?

383 Mr. Nadler. To strike the last word.

384 Chairman Goodlatte. The gentleman is recognized for 5
385 minutes.

386 Mr. Nadler. Okay. Mr. Chairman, I am constrained to
387 disagree with the distinguished ranking member from
388 Michigan, who said that this manager's amendment makes a
389 slight improvement to the bill. I think it makes it worse.
390 As I read it, it says, "An agency shall postpone the
391 effective date of a high-impact rule of the agency until the
392 final disposition of all actions seeking judicial review of
393 the rule," instead of "pending end of judicial review."

394 As I read that, what that seems to say is someone
395 brings an action against the rule. It gets litigated for
396 five years. The courts dismiss the action, and the day
397 before the Supreme Court dismisses the action, someone else
398 brings a new action. That gets litigated for five years.
399 At the end of that period, someone else brings an action.

400 And in fact, what this says is as long as someone does
401 not like the rule, and is willing to bring a new lawsuit
402 against it, this is not the temporary bar on the rule; this
403 is a permanent bar on the rule as long as anybody wants to
404 litigate it.

405 So, if you have a rule that imposes some restrictions
406 on some industry, on Wall Street or on any industry, and
407 they do not like it, Company A brings the lawsuit. You wait
408 a few years until that is almost finished. Company B brings
409 a lawsuit. You wait a few years until that is almost

410 finished. Company C -- and there is never any time period
411 in which this rule can go into effect, no matter the merits,
412 no matter the cost-benefit analysis, no matter the judicial
413 rulings.

414 Every lawsuit gets lost. Every court says it is a
415 valid rule, and it can never go into effect because there is
416 always litigation pending. So, I think this bill, as
417 amended by the manager's amendment, might as well simply be
418 one sentence: "No rule" -- and here is the one sentence --
419 "No rule with the cost of more than \$1 billion to which
420 anyone in the country objects shall ever go into effect.
421 That is what it says.

422 I contend that is irrational, wrong, and means that
423 there will be no rules ever. Maybe that is what we want.
424 That is not what I want. That is not what I think the
425 majority of the country wants. It is certainly not good for
426 the health, and safety, and welfare of the country. But
427 that is what this bill says as amended by the manager's
428 amendment, and that is absurd. I yield back.

429 Chairman Goodlatte. Will the gentleman yield?

430 Mr. Nadler. Sure.

431 Chairman Goodlatte. I would just like to address the
432 gentleman's concern. It would be a legitimate concern if
433 indeed that were the case with the manager's amendment and

434 the underlying bill. However, Section 3(b) -- "Failure to
435 seek timely judicial review" -- provides that this cannot
436 take place unless a timely judicial review is sought within
437 the period explicitly provided for judicial review under the
438 statute authorizing the making of the rule, or no such
439 period is explicitly provided for during the 60 day period,
440 beginning on the date on which the high-impact rule is
441 published in the Federal Register. I thank the gentleman
442 for yielding.

443 Mr. Nadler. Reclaiming my time. As I read that -- I
444 looked at that carefully -- at least, as carefully as I
445 could in the 2 minutes that we had this before I sought
446 recognition. I do not think it says that. It says if no
447 person --

448 Chairman Goodlatte. Would the gentleman yield? That
449 is what I read from the amendment.

450 Mr. Nadler. No, no, no. I do not think it means what
451 you said. I am going to go through it. Yes, you read the
452 words, which I am going to read, too, but I do not think
453 that is what it means. It says, "If no person seeks
454 judicial review during a period explicitly provided, or
455 during the 60 day period, then the high-impact rule may take
456 effect as early as the date. But if someone did seek
457 judicial review" -- and then, if a few days later, someone

458 else again seeks judicial review.

459 And then, a few days later, someone again seeks
460 judicial review, and there is no time period in which
461 judicial review is not pending, it cannot take effect. And
462 this language, it does not -- I do not think this language
463 cures that.

464 This language simply says that the rule goes into
465 effect if no one seeks judicial review in the initial time
466 period. Someone sought judicial review in the initial time
467 period, and then someone sought it again, and then someone
468 sought it again. It meets the restriction in the bill, and
469 it can never take effect. So, I do not think that cures it
470 at all.

471 Chairman Goodlatte. Would the gentleman yield?

472 Mr. Nadler. I will yield.

473 Chairman Goodlatte. It would be time-barred by the
474 statute, even if the gentleman's assumption of the reading
475 were correct, which we definitely do not agree with.
476 However --

477 Mr. Nadler. Well, in reclaiming my time, the statute -
478 - it could be 6 years. So, maybe not indefinitely, but for
479 a long time. Each litigation could take 6 years.

480 Chairman Goodlatte. I am going to rely on the plain
481 reading of the language. If the gentleman wants to offer an

482 amendment, we would certainly consider it. But I think the
483 language is very clear that if you do not act on the initial
484 period of time, you are not going to be able to run out the
485 refiling of statutes, as you suggest.

486 Mr. Nadler. Well, let me just say, I do not think that
487 is what it says. I am not going to offer an amendment to
488 improve a bill that is terrible, even if this is not the
489 case. And I trust that this bill will never become law.

490 Chairman Goodlatte. Are there amendments to the
491 amendment?

492 Mr. Conyers. Mr. Chairman, I have an amendment at the
493 desk.

494 Chairman Goodlatte. The clerk will report the
495 amendment.

496 Ms. Adcock. Amendment to the Goodlatte Amendment, in
497 the nature of a substitute, offered by Mr. Conyers. Page 1,
498 line 17, strike "and". Page 1, line 19, insert after "any
499 rule" the following "(other than the expected rule)".

500 [The amendment of Mr. Conyers follows:]

501 ***** INSERT 3 *****

502 Chairman Goodlatte. Without objection, the amendment
503 is considered as read, and the gentleman is recognized 5
504 minutes on his amendment.

505 Mr. Conyers. I thank the chair. This amendment,

506 members, would exempt from the measure 3438, the act of
507 high-impact rules promulgated by the Environmental
508 Protection Agency to protect drinking water from lead and
509 copper contamination. This is not hypothetical. This is
510 real time.

511 In my State of Michigan, in Flint, Michigan, the recent
512 lead contaminated water crisis that occurred there is only
513 the latest in the long history of cases of contaminated
514 municipal water supplies in many other places other than my
515 State.

516 Without question, the Flint crisis was a preventable
517 public health disaster. The lead contamination occurred
518 because an unelected and unaccountable emergency manager
519 decided to switch the city's water source to the Flint
520 River, without the benefit of proper corrosion control. And
521 as a result, corrosive water leached highly toxic lead from
522 residents' water pipes, which thereby exposed thousands of
523 children to lead, which, in turn, can cause permanent
524 developmental damage.

525 Now, while much of the blame for the Flint water crisis
526 rests with unelected officials who prioritized saving money
527 over saving lives, the presence of lead in drinking water is
528 not unique to Flint. The drinking water of potentially
529 millions of Americans may be contaminated by lead.

530 In fact, elevated lead levels were detected earlier
531 this year in drinking water supplied by -- hold your breath
532 -- the Cannon House Office Building. It is common sense
533 that urgent rulemaking, such as the EPA's proposed revisions
534 lead to its lead and copper rule, must not be imposed or
535 measures, such as 3438. Even before the Flint water crisis,
536 the agency had begun the process of updating this rule,
537 which was originally promulgated in 1991, after years of
538 analysis.

539 So, rather than hastening this rulemaking, however,
540 H.R. 3438 would, ironically, have the opposite result.
541 Under the bill, an entity can delay such a rule for years
542 through baseless challenges that automatically state the
543 rule's effective date.

544 Professor William Funk, a leading administrative law
545 scholar, notes that, quote, "H.R. 3438 would create an
546 absolute incentive to anyone subject to the rule to
547 challenge it, no matter how unlikely success on the merits
548 would be." Thus, totally frivolous claims can delay a high-
549 impact rule for years.

550 Urgent rulemakings, such as the Environmental
551 Protection Agency's proposed revision to its lead and copper
552 rule, must not be impeded or delayed by baseless challenges.
553 It makes no sense to undermine the ability of Federal

554 agencies, such as EPA, to prevent future lead contamination
555 crises, as it occurred in Flint.

556 The Coalition for Sensible Safeguards, an organization
557 I am proud to acknowledge at this hearing, which includes
558 more than 150 public interest organizations, strongly
559 opposes this dangerous measure, precisely for this reason,
560 noting that it would add several years of delay to an
561 already glacially slow rulemaking process, invite more,
562 rather than less, litigation, and rob the American people of
563 many critical upgrades to science-based public protections,
564 especially those that ensure clean air and water, safe food
565 and consumer products, safe workplaces, and a stable,
566 prosperous economy.

567 And so, my colleagues, I urge support for my amendment.

568 And, Mr. Chairman, I yield back the balance of my time.

569 Chairman Goodlatte. For what purpose does the
570 gentleman from Pennsylvania seek recognition?

571 Mr. Marino. I would like to strike the last word.

572 Chairman Goodlatte. The gentleman is recognized for 5
573 minutes.

574 Mr. Marino. With all due respect, I oppose the ranking
575 member's amendment. The Review Act applies to all new
576 billion dollar rules, and that is for one simple reason: the
577 harm that wasting billions of dollars is unnecessary

578 compliance costs does to job creation. Productive
579 investment and economic recovery. Those costs should not
580 have to be incurred during ultimately successful litigation
581 challenges for billion dollar rules.

582 And once again, this gets back to an issue that we seem
583 to avoid on a regular basis. Congress wants to be involved
584 in the legislative process, which we should be, and it is
585 taking back our authority and our responsibility that, over
586 the last 30 or 40 years, that Congress has given to the
587 executive branch. And we see what that has cost us: jobs,
588 decline in unemployment -- a decline in employment, the fact
589 that it is putting businesses out of businesses.

590 So, once again, I urge my colleagues to oppose this
591 amendment, and I yield back.

592 Chairman Goodlatte. Question occurs on the amendment
593 offered by the gentleman from Michigan.

594 All those in favor, respond by saying aye.

595 Those opposed, no.

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

597 The amendment is not agreed to.

598 Mr. Conyers. Chairman, I ask for a roll call vote.

599 Chairman Goodlatte. Recorded vote is requested, and
600 the clerk will call the roll.

601 Ms. Adcock. Mr. Goodlatte?

602 Chairman Goodlatte. No.

603 Ms. Adcock. Mr. Goodlatte votes no.

604 Mr. Sensenbrenner?

605 Mr. Sensenbrenner. No.

606 Ms. Adcock. Mr. Sensenbrenner votes no.

607 Mr. Smith?

608 [No response.]

609 Mr. Chabot?

610 Mr. Chabot. No.

611 Ms. Adcock. Mr. Chabot votes no.

612 Mr. Issa?

613 [No response.]

614 Mr. Forbes?

615 Mr. Forbes. No.

616 Ms. Adcock. Mr. Forbes votes no.

617 Mr. King?

618 Mr. King. No.

619 Ms. Adcock. Mr. King votes no.

620 Mr. Franks?

621 Mr. Franks. No.

622 Ms. Adcock. Mr. Franks votes no.

623 Mr. Gohmert?

624 Mr. Gohmert. No.

625 Ms. Adcock. Mr. Gohmert votes no.

626 Mr. Jordan?
627 [No response.]
628 Mr. Poe?
629 [No response.]
630 Mr. Chaffetz?
631 [No response.]
632 Mr. Marino?
633 Mr. Marino. No.
634 Ms. Adcock. Mr. Marino votes no.
635 Mr. Gowdy?
636 [No response.]
637 Mr. Labrador?
638 Mr. Labrador. No.
639 Ms. Adcock. Mr. Labrador votes no.
640 Mr. Farenthold?
641 [No response.]
642 Mr. Collins?
643 Mr. Collins. No.
644 Ms. Adcock. Mr. Collins votes no.
645 Mr. DeSantis?
646 [No response.]
647 Ms. Walters?
648 [No response.]
649 Mr. Buck?

650 Mr. Buck. No.

651 Ms. Adcock. Mr. Buck votes no.

652 Mr. Ratcliffe?

653 Mr. Ratcliffe. No.

654 Ms. Adcock. Mr. Ratcliff votes no.

655 Mr. Trott?

656 [No response.]

657 Mr. Bishop?

658 Chairman Goodlatte. Mr. Bishop?

659 Ms. Adcock. Mr. Bishop?

660 Mr. Bishop. Pass.

661 Chairman Goodlatte. Pass, okay.

662 Ms. Adcock. Mr. Bishop passes.

663 Mr. Conyers?

664 Mr. Conyers. Aye.

665 Ms. Adcock. Mr. Conyers votes aye.

666 Mr. Nadler?

667 Mr. Nadler. Aye.

668 Ms. Adcock. Mr. Nadler votes aye.

669 Ms. Lofgren?

670 Ms. Lofgren. Aye.

671 Ms. Adcock. Ms. Lofgren votes aye.

672 Ms. Jackson Lee?

673 Ms. Jackson Lee. Aye.

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

698 [No response.]

699 Mr. Cicilline?

700 Mr. Cicilline. Aye.

701 Ms. Adcock. Mr. Cicilline votes aye.

702 Mr. Peters?

703 Mr. Peters. Aye.

704 Ms. Adcock. Mr. Peters votes aye.

705 Chairman Goodlatte. The gentleman from Texas, Mr.

706 Farenthold? The gentleman from Georgia?

707 Mr. Collins. Aye.

708 Chairman Goodlatte. Gentleman from Michigan?

709 Mr. Bishop. No.

710 Ms. Adcock. Mr. Bishop votes no.

711 Chairman Goodlatte. The gentleman from Michigan, Mr.

712 Trott?

713 Mr. Trott. No.

714 Ms. Adcock. Mr. Trott votes no.

715 Chairman Goodlatte. The clerk will report.

716 Ms. Adcock. Mr. Chairman, 11 members voted aye; 15

717 members voted no.

718 Chairman Goodlatte. And the amendment is not agreed

719 to.

720 Ms. Jackson Lee. Mr. Chairman?

721 Chairman Goodlatte. What purpose the gentlewoman from

722 Texas seek recognition?

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

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

726 Ms. Jackson Lee. I think it is listed as amendment
727 Number 3, from --

728 Ms. Adcock. Amendment to the Goodlatte Amendment, in
729 the nature of a substitute offered by Ms. Jackson Lee of
730 Texas. Page 1, line 17, strike "and." Page 1, line 19,
731 insert after "any rule" the following "other than an
732 expected rule." Page 2, line two, strike the period and
733 insert "and." Page 2, insert after line 2 the following.

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

735 ***** INSERT 4 *****

736 Chairman Goodlatte. The gentlewoman is recognized for
737 5 minutes on her amendment.

738 Ms. Jackson Lee. Thank you, Mr. Chairman. Ebola, West
739 Nile Virus, Zika Virus are all very present and current in
740 the minds of Americans, among the many other potential
741 infectious diseases or public healthy emergencies. One
742 might consider the 500,000 persons, I believe the number is,
743 that have been impacted by the Baton Rouge floods, as also
744 in a health emergency. Health emergencies arise across
745 America on a constant and regular basis.

746 And so, I would offer the Jackson Lee amendment to
747 exempt from H.R. 3438, the Review Act, any rule promulgated
748 to prevent, respond to, or mitigate the adverse impacts of
749 public health emergencies, like the outbreak of the Zika and
750 Ebola viruses.

751 Let me say to my colleagues, as I have often listened
752 to senior member -- Ranking Member Conyers, in his lifelong
753 experience. Apparently, I have served long enough to
754 remember something like the Review Act coming up every year.
755 And so, I would offer to say, here we go again.

756 H.R. 3438, as currently drafted, is an unnecessary and
757 misguided bill that can dangerously hamper our Nation's

758 efforts to respond to public health emergencies, among many
759 other public policy measures, needed to provide public
760 protections. As it is presently written, it requires
761 agencies to postpone, until the completion of judicial
762 review, the effective date of any new regulation that
763 imposes \$1 billion or more in cost on the economy, if
764 litigation challenging the regulation is brought within 60
765 days of the regulation's publication in the Federal
766 Register.

767 Now, court cost is a relative issue, and I believe that
768 the bill is speculative enough, that one might suggest that
769 someone may have a lawsuit dealing with any decisions being
770 made -- dealing with a public health emergency that would
771 rise to the level of \$1 billion. Maybe it is a
772 pharmaceutical challenge in litigation. But it is a public
773 health emergency.

774 In particular, H.R. 3438 seeks to address concerns
775 associated with rules that may be overturned by courts by
776 halting or stalling billion dollar regulations until the
777 legal proceedings concerning their legitimacy and costs have
778 concluded. Let me clarify that. Regulations are not
779 billions of dollars, but the potential of a lawsuit that may
780 generate that amount of cost. That should not be the
781 consideration in a public health emergency.

782 And so, this legislation is particularly problematic.
783 My amendment would ensure that the Federal Government is not
784 further prohibited from responding to emergencies, such as
785 the Zika virus epidemic and other public health crises.
786 According to the Coalition for Sensible Safeguards, Congress
787 should be looking for ways to strengthen our Nation's
788 regulatory system by identifying gaps and instituting new
789 science-based safeguards for the public.

790 I cannot agree more, as we are now in perilous times,
791 as the Zika virus presents unprecedented threats to the
792 people of our nation. We are well aware that each child
793 that may be impacted by the Zika virus -- meaning a mother
794 who is pregnant, and a child is impacted by the Zika virus,
795 if they are born with microcephaly, they are apt to cost \$10
796 million. And that is at a minimum.

797 Thus farther, more than 16,800 cases of Zika infection
798 reported to the Centers for Disease Control and Prevention
799 in U.S. and its territories, including more than 2,700 on
800 the mainland, over 1,500 women have been infected, and there
801 have been 17 confirmed cases of babies born with birth
802 defects. So, I would argue to my colleagues that this is
803 nothing to play with. I offer to introduce into the record
804 the letter from the Sensible Coalition -- Coalition for
805 Sensible Safeguards, dated September 7th. I ask unanimous

806 consent to the chairman.

807 Chairman Goodlatte. Without objection, they are made a

808 part of the record.

809 [The information follows:]

810 ***** COMMITTEE INSERT *****

811 Ms. Jackson Lee. Washington Post, article CDC and NIH
812 officials dealing with the Zika virus, and highlighting the
813 cost of how much it will to take care of a child during
814 their lifetime. Again, those are speculative dollars.

815 And then, I ask for a portion of the whitehouse.gov
816 website regarding the Zika virus and the importance of
817 vaccine research, diagnostic development, mosquito
818 surveillance, and mosquito control. Let me conclude my
819 remarks. I ask unanimous consent for all these to be put in
820 the record, Mr. Chairman.

821 Chairman Goodlatte. Without objection, they will be
822 made a part of the record.

823 [The information follows:]

824 ***** COMMITTEE INSERT *****

825 Ms. Jackson Lee. Let me just quickly conclude my
826 remarks by saying Texas thought that this was so crucial an
827 issue -- and as I see my colleague from Puerto Rico -- that
828 we organize a regional Zika prevention task force. Our
829 leading health professionals from the State -- Republican
830 State government, from the county and city -- counties and
831 cities. And then, of course, Dr. Peter Hotez, a renowned
832 infectious disease specialist from Baylor College of
833 Medicine, has indicated we cannot wait.

834 I do not think passage of this legislation that may, in
835 fact, undermine working on emergency issues, is the best
836 direction. I ask my colleagues to support the Jackson Lee
837 amendment. I yield back.

838 Chairman Goodlatte. For what purpose does the
839 gentleman from Pennsylvania seek recognition?

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

841 Chairman Goodlatte. The gentleman is recognized for 5
842 minutes.

843 Mr. Marino. If rules like those the amendment would

844 | carve out our needed, agencies can avoid the bill's
845 | application by coming up with effective regulation that
846 | costs less than \$1 billion a year. That is a goal to be
847 | pursued, not blocked. If, in an unusual case, the needed
848 | solution truly must cost \$1 billion a year or more, then the
849 | decision to adopt that solution is a decision congress
850 | should make, not an agency. Congress, moreover, can make
851 | that decision without hindrance of litigation through fair
852 | and open consideration and debate by the people's
853 | representatives, not a non-accountable bureaucrat. I yield
854 | back.

855 | Chairman Goodlatte. The question occurs on the
856 | amendment offered by the gentlewoman from Texas. For what
857 | purpose does the gentleman from Puerto Rico seek
858 | recognition?

859 | Mr. Pierluisi. Move to strike the last word.

860 | Chairman Goodlatte. Gentleman is recognized for 5
861 | minutes.

862 | Mr. Pierluisi. I rise in support of this amendment,
863 | and I just want to appraise my colleagues here, and actually
864 | make sure that the congressional record reflect that the
865 | Zika emergency is not any emergency, is not any public
866 | health crisis. It is a major public health crisis.

867 | In the case of Puerto Rico, you are talking about

868 16,537 laboratory-confirmed cases of Zika. Each of Puerto
869 Rico's 78 municipalities is affected. Approximately 98
870 percent of locally acquired cases in the United States are
871 in Puerto Rico, according to the CDC.

872 There are locally acquired cases in Florida, 35 of
873 them; USVI, 221; and American Samoa, 47. And this is just
874 starting. 1,384 pregnant women diagnosed with Zika in
875 Puerto Rico. 132 people hospitalized due to Zika. Three
876 fatalities of individuals who tested positive for Zika, but
877 officials were unable to conclusively cite Zika as the cause
878 of death. Thirty-one cases of Guillen-Barré syndrome caused
879 by Zika.

880 On August 12th, 2016, Health Secretary Sylvia Burwell
881 declared a public health emergency for Puerto Rico. The
882 declaration is an administrative tool that provides
883 flexibility for health officials in Puerto Rico to address
884 the outbreak on the island. Through the public health
885 emergency declaration, the government of Puerto Rico can
886 apply for funding to hire and train unemployed workers to
887 assist in vector control and outreach efforts, and request
888 temporary reassignment of local public health department or
889 agency personnel who are funded through public health
890 service act programs in Puerto Rico, to assist in the Zika
891 response.

892 And this is again just starting. It is really
893 unfortunate that congress has not approved a supplemental
894 emergency bill for this purpose. You all should remember
895 that Puerto Rico is a U.S. territory. We do not need
896 passports to travel from Puerto Rico to the States. There
897 is migration all the time, travel all the time. Women are
898 exposed, particularly. Unborn children and children are
899 particularly exposed, so this amendment is well-taken, is
900 well thought-out, and I urge my colleagues to make this
901 exception. Zika, again, merits an exception.

902 Mr. Conyers. Would the gentleman yield?

903 Mr. Pierluisi. I do. I yield. I yield.

904 Mr. Conyers. I thank the gentleman for making this
905 important point, and I would like to just add that this bill
906 would delay any high-impact rule for the duration of all
907 legal challenges, regardless of merit. And, alarmingly, the
908 bill has absolutely no exception for rules issued to prevent
909 or respond to a public health crisis. And so, in the words
910 of one professor, the bill displaces a body of law long
911 developed by the Supreme Court, by allowing any litigant to
912 delay rules that allow a huge risk to the population or to
913 the environment. And I thank my colleague for yielding.

914 Ms. Lofgren. Mr. Chairman?

915 Chairman Goodlatte. What purpose does the gentlewoman

916 | from California seek recognition?

917 | Ms. Lofgren. To strike the last word.

918 | Chairman Goodlatte. Gentlewoman is recognized for 5
919 | minutes.

920 | Ms. Lofgren. I would like to speak in favor of this
921 | amendment. I think there are other instances where there
922 | should be exceptions, as the ranking member has pointed out.
923 | But really none is more clear than the Zika emergency, which
924 | my colleague, Ms. Jackson Lee, has pointed out with her
925 | amendment. We know, as the science develops, that this
926 | disease not only attacks the brains of babies, leading to
927 | microcephaly and severe impacts on intelligence and
928 | capacity, but also apparently affects infants later on, even
929 | if they do not show signs of developmental disorders at
930 | birth. So this is a very devastating disease for families.

931 | It has been estimated -- an estimate I heard yesterday
932 | was that for those children who actually survive, it will be
933 | at least a \$2 million expense to care for them and their
934 | severe disability, until they do die at an early age. So,
935 | we need to do everything we can in terms of funding
936 | vaccines, taking emergency steps. And this bill, I think,
937 | would disrupt those efforts.

938 | So, I would hope that even though we might disagree on
939 | the entire measure, that we would support this amendment.

940 And I would like to yield to the gentlelady from Texas for
941 further comments.

942 Ms. Jackson Lee. Let me thank the gentlelady, one, for
943 her astute comments, but also let me take a moment, Mr.
944 Pierluisi, to thank you for your leadership on many issues
945 dealing with Puerto Rico, but knowing how hard you have
946 fought to provide those resources necessary to provide those
947 distinguished citizens in Puerto Rico.

948 But let me just add to the comment that there is an
949 element in the language that speaks about one billion. The
950 bill defines a high-impact rule as any rule that the
951 administrator of the Office of Information Regulatory
952 Affairs, determines may impose an annual cost on the
953 economy. Public health emergencies, by their very
954 definition, are costly to save lives. I ask my colleagues
955 to support the Jackson Lee amendment. I yield back.

956 Chairman Goodlatte. Question occurs on the amendment
957 offered by the gentlewoman from Texas.

958 All those in favor respond by saying aye.

959 Those opposed, no.

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

961 A recorded vote is requested, and the clerk will call
962 the roll.

963 Ms. Adcock. Mr. Goodlatte?

964 Chairman Goodlatte. No.

965 Ms. Adcock. Mr. Goodlatte votes no.

966 Mr. Sensenbrenner?

967 Mr. Sensenbrenner. No.

968 Ms. Adcock. Mr. Sensenbrenner votes no.

969 Mr. Smith?

970 [No response.]

971 Mr. Chabot?

972 Mr. Chabot. No.

973 Ms. Adcock. Mr. Chabot votes no.

974 Mr. Issa?

975 [No response.]

976 Mr. Forbes?

977 Mr. Forbes. No.

978 Ms. Adcock. Mr. Forbes votes no.

979 Mr. King?

980 Mr. King. No.

981 Ms. Adcock. Mr. King votes no.

982 Mr. Franks?

983 Mr. Franks. No.

984 Ms. Adcock. Mr. Franks votes no.

985 Mr. Gohmert?

986 Mr. Gohmert. No.

987 Ms. Adcock. Mr. Gohmert votes no.

988 Mr. Jordan?
989 [No response.]
990 Mr. Poe?
991 [No response.]
992 Mr. Chaffetz?
993 [No response.]
994 Mr. Marino?
995 Mr. Marino. No.
996 Ms. Adcock. Mr. Marino votes no.
997 Mr. Gowdy?
998 [No response.]
999 Mr. Labrador?
1000 Mr. Labrador. Yes.
1001 Ms. Adcock. Mr. Labrador votes yes.
1002 Mr. Farenthold?
1003 Mr. Farenthold. No.
1004 Ms. Adcock. Mr. Farenthold votes no.
1005 Mr. Collins?
1006 Mr. Collins. No.
1007 Ms. Adcock. Mr. Collins votes no.
1008 Mr. DeSantis?
1009 [No response.]
1010 Ms. Walters?
1011 [No response.]

1012 Mr. Buck?

1013 Mr. Buck. No.

1014 Ms. Adcock. Mr. Buck votes no.

1015 Mr. Ratcliffe?

1016 Mr. Ratcliffe. No.

1017 Ms. Adcock. Mr. Ratcliff votes no.

1018 Mr. Trott?

1019 [No response.]

1020 Mr. Trott. No.

1021 Ms. Adcock. Mr. Trott votes no.

1022 Mr. Bishop?

1023 Mr. Bishop. No.

1024 Ms. Adcock. Mr. Bishop votes no.

1025 Mr. Conyers?

1026 Mr. Conyers. Aye.

1027 Ms. Adcock. Mr. Conyers votes aye.

1028 Mr. Nadler?

1029 Mr. Nadler. Aye.

1030 Ms. Adcock. Mr. Nadler votes aye.

1031 Ms. Lofgren?

1032 Ms. Lofgren. Aye.

1033 Ms. Adcock. Ms. Lofgren votes aye.

1034 Ms. Jackson Lee?

1035 Ms. Jackson Lee. Aye.

1036 Ms. Adcock. Ms. Jackson Lee votes aye.
1037 Mr. Cohen?
1038 Mr. Cohen. Aye.
1039 Ms. Adcock. Mr. Cohen votes aye.
1040 Mr. Johnson?
1041 Mr. Johnson. Aye.
1042 Ms. Adcock. Mr. Johnson votes aye.
1043 Mr. Pierluisi?
1044 Mr. Pierluisi. Aye.
1045 Ms. Adcock. Mr. Pierluisi votes aye.
1046 Ms. Chu?
1047 Ms. Chu. Aye.
1048 Ms. Adcock. Ms. Chu votes aye.
1049 Mr. Deutch?
1050 [No response.]
1051 Mr. Gutierrez?
1052 [No response.]
1053 Ms. Bass?
1054 Ms. Bass. Aye.
1055 Ms. Adcock. Ms. Bass votes aye.
1056 Mr. Richmond?
1057 [No response.]
1058 Ms. DelBene?
1059 Ms. DelBene. Aye.

1060 Ms. Adcock. Ms. DelBene votes aye.

1061 Mr. Jeffries?

1062 [No response.]

1063 Mr. Cicilline?

1064 Mr. Cicilline. Aye.

1065 Ms. Adcock. Mr. Cicilline votes aye.

1066 Mr. Peters?

1067 Mr. Peters. Aye.

1068 Ms. Adcock. Mr. Peters votes aye.

1069 Chairman Goodlatte. The gentleman from Florida.

1070 Mr. Deutsch. Aye.

1071 Ms. Adcock. Mr. Deutsch votes aye.

1072 Chairman Goodlatte. Has every member voted who wishes

1073 to vote? Clerk will report. Clerk will report.

1074 Ms. Adcock. Mr. Chairman, 14 members voted aye, 14

1075 members voted no.

1076 Chairman Goodlatte. And the amendment is not agreed

1077 to. Are there further amendments to H.R. 3438?

1078 Ms. DelBene. Mr. Chairman, I have an amendment at the

1079 desk.

1080 Chairman Goodlatte. Clerk will report the amendment.

1081 Ms. Adcock. Amendment to the Goodlatte amendment in

1082 the nature of a substitute offered by Ms. DelBene. Page 1,

1083 line 17, strike "and." Page 1, line 19, insert after "any

1084 rule" the following -- "Page 2, line 2, strike the period
1085 and insert "and." Page 2, insert after line 2 the following
1086 -- "the term 'expected rule' means any rule that would
1087 increase college affordability."

1088 [The amendment of Ms. DelBene follows:]

1089 ***** INSERT 5 *****

1090 Chairman Goodlatte. The gentlewoman is recognized for
1091 5 minutes on her amendment.

1092 Ms. DelBene. Thank you, Mr. Chairman. As everyone in
1093 this room knows, the rising cost of college is posing
1094 serious challenges to students and their families. Every
1095 year, Americans are being forced to take out higher loan
1096 amounts to pay for tuition fees, textbooks, and housing, and
1097 today student debt totals more than \$1.3 trillion.

1098 In my home State of Washington, 56 percent of graduates
1099 from four-year universities leave school with debt. And on
1100 average, those students owe more than \$23,000 upon
1101 graduation. At a time when Americans owe more on student
1102 loan debt than credit card debt, it is more critical than
1103 ever that we prioritize college affordability for all.

1104 And this issue is very personal for me. When I was

1105 young, my father lost his job and my parents never got back
1106 on track financially, but thanks to student loans and
1107 financial aid, I was able to get a great education, able
1108 career, and eventually to be in the position that I am
1109 today. We need to make sure today's students have the same
1110 opportunities that were available to us. That starts by
1111 protecting the Department of Education's ability to
1112 administer vital financial aid programs like Pell grants and
1113 Federal student loans.

1114 These programs have enabled millions of low-income
1115 students to attend college. If we restrict the department's
1116 ability to administer them, we are also endangering millions
1117 of hard-working Americans who rely on this critical support.

1118 This year alone, more than 8.4 million low-income
1119 students will benefit from Pell grants. Over 20 million
1120 student loans will be issued to help students and parents
1121 afford the cost of college. We cannot put these essential
1122 resources at risk. They help ensure higher education is
1123 never out of reach, and they must be protected. That is why
1124 I am offering this straightforward and narrowly tailored
1125 amended. It simply protects the Administration's ability to
1126 administer Federal student aid programs that keep college
1127 affordable and accessible to all.

1128 Today, too many families are struggling to put their

1129 kids through college, and we should be making it easier for
1130 them, not harder. My amendment will prevent the underlying
1131 bill from threatening the vital assistance offered each year
1132 through Pell grants, student loans, and other forms of
1133 Federal financial aid. Particularly as students are heading
1134 back to school in communities across the country, I urge my
1135 colleagues to support this important amendment. Thank you,
1136 and I yield back.

1137 Chairman Goodlatte. For what purpose does the
1138 gentleman from Pennsylvania seek recognition?

1139 Mr. Marino. I move to strike the last word.

1140 Chairman Goodlatte. The gentleman is recognized for 5
1141 minutes.

1142 Mr. Marino. I totally agree with my colleague on the
1143 education issue. My family could not afford to send me to
1144 college. In fact, I did not go until I was 30, and my wife
1145 and I put me through college. And one of my degrees is in
1146 secondary education, so it is very important to me -- I
1147 disagree that this is the mechanism to do that.

1148 I would like to work with you on a stand-alone bill
1149 that specifically addresses that issue because of how deeply
1150 we believe in education as the key to the one of the
1151 successes in this country. But I have to respectfully
1152 disagree that this is the mechanism to do that. Congress

1153 | has to take back its authority that we have given to the
1154 | Presidents over the decades. But again, I reiterate, I
1155 | would really enjoy working on a piece of legislation that is
1156 | standalone and addresses these issues as far as loans,
1157 | because I never would have been able to go through college
1158 | if it were not for those loans. And I yield back.

1159 | Mr. Cicilline. Mr. Chairman?

1160 | Chairman Goodlatte. What purpose does the gentleman
1161 | from Rhode Island seek recognition?

1162 | Mr. Cicilline. Move to strike the last word.

1163 | Chairman Goodlatte. Gentleman is recognized for 5
1164 | minutes.

1165 | Mr. Cicilline. Thank you, Mr. Chairman. I seek
1166 | recognition to speak in strong support of this amendment.
1167 | The Federal Pell Grant program, named for United States
1168 | Senator Claiborne Pell, who represented my home State of
1169 | Rhode Island in the United States Senate, is one critical
1170 | way to open doors and doorways of opportunity for more than
1171 | eight million low income students who receive financial aid
1172 | to pay for tuition, books, and room and board each year.

1173 | In 1965, Senator Pell helped lead the effort in
1174 | Congress to expand financial aid for at-need college
1175 | students through the Higher Education Act. When President
1176 | Johnson signed this this bill into law, he remarked that

1177 | this bill "swing open a new door for the young people of
1178 | America. For them and for this entire land of ours, it is
1179 | the most important door that we will ever open, the door to
1180 | education. And this legislation is the key which unlocks
1181 | it."

1182 | H.R. 3438 would allow any party to delay the effective
1183 | date of any high impact rule, regardless of substance
1184 | through frivolous claims. High impact rules typically
1185 | involve either the transfer of Federal funds, or rules with
1186 | billions of dollars in benefits to the public. During
1187 | fiscal year 2014, for example, executive branch agencies
1188 | adopted 53 major rules, 35 of which were transfer rules.
1189 | According to the Office of Management and Budget, transfer
1190 | rules merely implement Federal budgetary programs as
1191 | required or authorized by Congress, such as rules associated
1192 | with the Medicare program and the Federal Pell grant
1193 | program.

1194 | While these rules do not involve substantive rule
1195 | making so much as the transfer of Federal funds as required
1196 | by Congress, this bill, H.R. 3438, provides no limitation on
1197 | challenges to these rules. Any party that files a claim,
1198 | challenging the transfer of these funds, would automatically
1199 | postpone the transfer of these funds. The cost of delaying
1200 | these highly beneficial rules could be devastating,

1201 particularly for students.

1202 For example, a person that is unhappy with their
1203 tuition assistance, could challenge the transfer of funds
1204 under the Federal Pell Grant program, thereby delaying the
1205 transfer of tuition assistance to every student nationwide
1206 for an untold period of time. As Professor William Funk, a
1207 leading administrative law expert, has noted, even frivolous
1208 claims that could delay high impact rules for years, while
1209 costing the Nation billions in dollars annually.

1210 According to the non-partisan Congressional Research
1211 Service, the Federal Pell Grant program is the single
1212 largest source of Federal grant aid supporting post-
1213 secondary education students. It provides millions of low-
1214 income students with an opportunity to attend college
1215 through financial assistance. Without this assistance,
1216 college attendance is impossible for these students.

1217 Delaying this program would adversely harm low-income
1218 communities and contribute to the growth of income
1219 inequality. The social and economic impact on affordable
1220 education for these students is impossible to quantify. It
1221 is critical to jobs, to the growth of our economy, and to
1222 closing the income gap. This amendment is critical, and I
1223 applaud my colleague, Congressman DelBene, for offering it.

1224 It is really critical to avoiding financial catastrophe

1225 for our Nation's students and their families. And I
1226 strongly urge my colleagues to support this amendment. And
1227 I yield back the balance of my time.

1228 Chairman Goodlatte. Question occurs on the amendment,
1229 offered by the gentlewoman from Washington.

1230 All those in favor, respond by saying aye.

1231 Those opposed, no.

1232 In the opinion of the chair, the noes have it.

1233 The amendment is not agreed to.

1234 Ms. DelBene. Mr. Chairman, I ask for a recorded vote.

1235 Chairman Goodlatte. Recorded vote is requested and the
1236 clerk will call the roll.

1237 Ms. Adcock. Mr. Goodlatte?

1238 Chairman Goodlatte. No.

1239 Ms. Adcock. Mr. Goodlatte votes no.

1240 Mr. Sensenbrenner?

1241 Mr. Sensenbrenner. No.

1242 Ms. Adcock. Mr. Sensenbrenner votes no.

1243 Mr. Smith?

1244 [No response.]

1245 Mr. Chabot?

1246 Mr. Chabot. No.

1247 Ms. Adcock. Mr. Chabot votes no.

1248 Mr. Issa?

1249 [No response.]

1250 Mr. Forbes?

1251 Mr. Forbes. No.

1252 Ms. Adcock. Mr. Forbes votes no.

1253 Mr. King?

1254 [No response.]

1255 Mr. Franks?

1256 Mr. Franks. No.

1257 Ms. Adcock. Mr. Franks votes no.

1258 Mr. Gohmert?

1259 [No response.]

1260 Mr. Jordan?

1261 [No response.]

1262 Mr. Poe?

1263 [No response.]

1264 Mr. Chaffetz?

1265 [No response.]

1266 Mr. Marino?

1267 Mr. Marino. No.

1268 Ms. Adcock. Mr. Marino votes no.

1269 Mr. Gowdy?

1270 [No response.]

1271 Mr. Labrador?

1272 Mr. Labrador. No.

1273 Ms. Adcock. Mr. Labrador votes no.
1274 Mr. Farenthold?
1275 Mr. Farenthold. No.
1276 Ms. Adcock. Mr. Farenthold votes no.
1277 Mr. Collins?
1278 Mr. Collins. No.
1279 Ms. Adcock. Mr. Collins votes no.
1280 Mr. DeSantis?
1281 [No response.]
1282 Ms. Walters?
1283 [No response.]
1284 Mr. Buck?
1285 Mr. Buck. No.
1286 Ms. Adcock. Mr. Buck votes no.
1287 Mr. Ratcliffe?
1288 Mr. Ratcliffe. No.
1289 Ms. Adcock. Mr. Ratcliffe votes no.
1290 Mr. Trott?
1291 Mr. Trott. No.
1292 Ms. Adcock. Mr. Trott votes no.
1293 Mr. Bishop?
1294 Mr. Bishop. No.
1295 Ms. Adcock. Mr. Bishop votes no.
1296 Mr. Conyers?

1297 Mr. Conyers. Aye.

1298 Ms. Adcock. Mr. Conyers votes aye.

1299 Mr. Nadler?

1300 Mr. Nadler. Aye.

1301 Ms. Adcock. Mr. Nadler votes aye.

1302 Ms. Lofgren?

1303 Ms. Lofgren. Aye.

1304 Ms. Adcock. Ms. Lofgren votes aye.

1305 Ms. Jackson Lee?

1306 Ms. Jackson Lee. Aye.

1307 Ms. Adcock. Ms. Jackson-Lee votes aye.

1308 Mr. Cohen?

1309 Mr. Cohen. Aye.

1310 Ms. Adcock. Mr. Cohen votes aye.

1311 Mr. Johnson?

1312 Mr. Johnson. Aye.

1313 Ms. Adcock. Mr. Johnson votes aye.

1314 Mr. Pierluisi?

1315 Mr. Pierluisi. Aye.

1316 Ms. Adcock. Mr. Pierluisi votes aye.

1317 Ms. Chu?

1318 Ms. Chu. Aye.

1319 Ms. Adcock. Ms. Chu votes aye.

1320 Mr. Deutch?

1321 Mr. Deutch. Aye.

1322 Ms. Adcock. Mr. Deutch votes aye.

1323 Mr. Gutierrez?

1324 [No response.]

1325 Ms. Bass?

1326 [No response.]

1327 Ms. Richmond?

1328 [No response.]

1329 Ms. DelBene?

1330 Ms. DelBene. Aye.

1331 Ms. Adcock. Ms. DelBene votes aye.

1332 Mr. Jeffries?

1333 [No response.]

1334 Mr. Cicilline?

1335 Mr. Cicilline. Aye.

1336 Ms. Adcock. Mr. Cicilline votes aye.

1337 Mr. Peters?

1338 Mr. Peters. Aye.

1339 Ms. Adcock. Mr. Peters votes aye.

1340 Chairman Goodlatte. The gentleman from Iowa?

1341 Mr. King. No.

1342 Chairman Goodlatte. The gentleman from Ohio?

1343 Mr. Jordan. No.

1344 Ms. Adcock. Mr. Jordan votes no.

1345 Chairman Goodlatte. The gentlewoman from California?

1346 Ms. Bass. Aye.

1347 Ms. Adcock. Ms. Bass votes aye.

1348 Chairman Goodlatte. The gentleman from New York?

1349 Mr. Jeffries. Aye.

1350 Ms. Adcock. Mr. Jeffries votes aye.

1351 Chairman Goodlatte. Has every member voted who wishes
1352 to vote? Clerk will report.

1353 Ms. Adcock. Mr. Chairman, 14 members voted aye, 15
1354 members voted no.

1355 Chairman Goodlatte. And the amendment is not agreed
1356 to. Are there further amendments? For what purpose does
1357 the gentleman from Rhode Island seek recognition?

1358 Mr. Cicilline. Mr. Chairman, I have an amendment at
1359 the desk.

1360 Chairman Goodlatte. Clerk will report the amendment.

1361 Ms. Adcock. Amendment to the Goodlatte amendment and
1362 the nature of a substitute offered by Mr. Cicilline. Page
1363 1, line 17, strike "and" --

1364 [The amendment of Mr. Cicilline follows:]

1365 ***** INSERT 6 *****

1366 Chairman Goodlatte. Without objection, the amendment
1367 is considered as read and the gentleman is recognized for 5
1368 minutes on his amendment.

1369 Mr. Cicilline. Thank you, Mr. Chairman. My amendment
1370 would exempt rules that reduces the cost of health care for
1371 Americans over the age of 65, from the unnecessary
1372 requirements of this legislation. Our country's seniors
1373 face growing healthcare costs, and any delays in rules that
1374 could reduce those costs would be a terrible burden to place
1375 on our seniors.

1376 According to the latest retiree healthcare cost
1377 estimate from Fidelity Benefits Consulting, a 65-year-old

1378 couple retiring this year would need an average of \$260,000
1379 in today's dollars to cover medical expenses throughout
1380 their retirement.

1381 That applies only to retirees with traditional Medicare
1382 insurance coverage, and does not include costs associated
1383 with nursing home care. Fidelity estimates that a 65 year
1384 old couple would need an additional \$130,000 to ensure
1385 against long-term care expenses.

1386 The median annual cost for the base rent at an assisted
1387 living community is about \$41,000 a year. The average
1388 annual cost for skilled nursing is about \$71,000 a year.
1389 Because much long-term care is provided by unpaid family
1390 caregivers, or is covered by Medicaid, the average senior's
1391 lifetime out of pocket long-term care expenses are about
1392 \$50,000.

1393 And so you can see from these very large figures, that
1394 delaying the imposition of any rules designed to bring down
1395 these already very high costs for our seniors, would impose
1396 a serious hardship on American seniors.

1397 This legislation would open up in the rulemaking
1398 process, to a lengthy delay, often allowed by companies or
1399 entities who are opposed to certain rules, to take advantage
1400 of the court system, to stymie final rulemaking for rules.
1401 Our seniors do not have years to wait on policies that could

1402 save them precious dollars in their retirement. There is
1403 already a robust process in place for opponents of rules to
1404 challenge them in court, with the decision whether to delay
1405 a rule rightly placed in the court's hands.

1406 This legislation is a gift to the special interest, who
1407 wish to spend millions and waste years fighting regulations
1408 that could benefit the American people, and particularly
1409 America's seniors. High impact rules typically involve
1410 either the transfer of Federal funds or rules with billions
1411 of dollars in benefits to the public. And as I mentioned
1412 earlier, during fiscal year 2014, as an example, executive
1413 branch agencies adopted 53 major rules, 35 of which were
1414 transfer rules.

1415 According to the Office of Management and Budget,
1416 transfer rules merely implement Federal budgetary programs
1417 as required or authorized by Congress, such as rules
1418 associated with Medicare and the Federal Pell Grant
1419 Program." There are 44.9 million seniors on Medicare in
1420 this country. Allowing frivolous lawsuits to delay their
1421 benefits, or reduce the cost of their health care, would be
1422 a grave betrayal of the promise we have made to keep
1423 America's seniors healthy.

1424 My amendment would simply ensure that any rule that
1425 reduces the cost of health care for Americans 65 or older,

1426 will not be subject to unnecessary delay, delay that our
1427 seniors cannot afford. I urge my colleagues to support this
1428 amendment. And I yield back the balance of my time.

1429 Chairman Goodlatte. For what purpose does the
1430 gentleman from Pennsylvania seek recognition?

1431 Mr. Marino. Move to strike last word.

1432 Chairman Goodlatte. Gentleman is recognized for 5
1433 minutes.

1434 Mr. Marino. Once again, the Review Act applies to all
1435 new billion dollar rules. However, that is for one simple
1436 reason. The harm that wasting billions of dollars is
1437 unnecessary compliance cost does to job creation and
1438 productivity investment. This is a responsibility of the
1439 Congress, separation of powers, and Congress can deal with
1440 these issues, once brought to Congress, just like we did on
1441 the Zika issue.

1442 And I want to bring something up on the Zika issue.
1443 The House passed a Zika bill. And the Senate initially
1444 agreed on Zika, at \$1.1 billion. The President said he was
1445 going to veto it. And the Democrats in the Senate changed
1446 their minds because they wanted more spending on it.

1447 So if you were so concerned about having money to fight
1448 Zika, like we did in the House, and the voting was along
1449 party lines. I voted for it. Almost every Republican voted

1450 for it, and I think three Democrats voted for it. Why not
1451 take that money and then address the issue later on where we
1452 needed more money? That is the hypocrisy I see here.

1453 But as far as my colleague and my friend Mr. Cicilline
1454 is addressing the issue, again as I stated to Ms. DelBene, I
1455 think there is another -- there should be another venue for
1456 that --

1457 Mr. Nadler. Will the gentleman yield?

1458 Mr. Marino. And I will work with you on these issues.

1459 Mr. Nadler. Will the gentleman yield?

1460 Mr. Marino. Yes. Yeah.

1461 Mr. Cicilline. I think it is important to understand
1462 that this is -- the Zika money you are speaking about is
1463 money that has not yet be allocated. In this instance, this
1464 bill would, in fact, speak about money that has already been
1465 allocated -- transfers that are just giving -- executing
1466 what Congress authorized. So, it is quite different. Your
1467 Zika example is money that has not yet be allocated. This
1468 bill that we are currently considering -- those transfers
1469 are already for allocations that have been made. That is
1470 the difference.

1471 Mr. Marino. Do you say that the transfers have made,
1472 but as far as the Zika bill is concerned, you say money has
1473 not been allocated? That money would be allocated almost

1474 immediately. It was not allocated, given the fact that
1475 Democrats in the Senate changed their mind, and did not
1476 agree what they agreed to initially. As far as your
1477 legislation is concerned, I would love to talk with you on
1478 this matter, fully expand it at a later time, as we have on
1479 other legislation.

1480 Mr. Nadler. Will the gentleman yield? Will the
1481 gentleman yield?

1482 Mr. Marino. Yes, I will.

1483 Mr. Nadler. It has always been my assumption that when
1484 you have an emergency, that you need appropriation for, you
1485 appropriate X dollars for that emergency. Is my
1486 recollection correct that the Senate bill, which the
1487 Democrats refuse to accept, put in two poison pill
1488 amendments on Planned Parenthood funding, and on -- what was
1489 the other one?

1490 Ms. Jackson Lee. Confederate flag.

1491 Mr. Nadler. And on the Confederate flag. And that was
1492 the cause of --

1493 Mr. Marino. Yielding back my time, yielding back my
1494 time, that was a deviation from the original agreement
1495 between the House and the Senate, and then that is when that
1496 changed, as far as I recollect, on what I --

1497 Mr. Nadler. The original agreement had nothing to do

1498 with that.

1499 Mr. Marino. The House and the Senate agreed on the
1500 \$1.1 billion, and it was supposed to be passed. Then, the
1501 Senate backed out of it. The President said he was going to
1502 veto it because there was not enough money. Now, you can
1503 all come back --

1504 Mr. Nadler. Not because of these other two amendments?

1505 Mr. Marino. Excuse me? Not to my knowledge.

1506 Mr. Nadler. My recollection is that the problem was
1507 they were two amendments that were in effect, unrelated,
1508 that people could not accept -- that some people could not
1509 accept.

1510 Mr. Marino. My recollection is not originally.

1511 Mr. Chabot. Would the gentleman yield -- will the
1512 gentleman yield over here?

1513 Mr. Nadler. Yes, I will yield.

1514 Mr. Chabot. I think it is this gentleman's time here -

1515 -

1516 Mr. Nadler. Actually, I think it is my time.

1517 Mr. Chabot. I am behind you, over here.

1518 Mr. Marino. Yes, I will yield.

1519 Mr. Chabot. Thank you. I appreciate the gentleman
1520 yielding. I think the gentleman from Pennsylvania is making
1521 a very valid and important argument. And you can bring up

1522 language such as poison pills and that kind of thing, and
1523 that is not -- the bottom line was the House acted. The
1524 media basically ignored us over the last couple of months
1525 that we have been up here.

1526 But the bottom line is the House passed legislation
1527 which would have funded fighting Zika, which we all want to
1528 do. The problem was the President wanted to spend more, so
1529 if he would not spend more, he would not spend anything.

1530 And the other problem was we do not think we ought to
1531 be funding Planned Parenthood and something like fighting
1532 Zika, and they did not want that. We wanted to pay for this
1533 thing, and that is what we did in our bill. So, the House
1534 acted responsibly. We voted sufficient money to fight Zika,
1535 and to pay for it, and not to fund Planned Parenthood. But
1536 that was not good enough for the other side. They wanted
1537 more money. They wanted the money to go to Planned
1538 Parenthood, and they did not want to pay for it because they
1539 do not care about a \$19 trillion deficit that we have.

1540 So, I think the gentleman from Pennsylvania is making
1541 absolutely valid points, and all this business about poison
1542 pills and all that is a bunch of baloney. And I thank the
1543 gentleman for yielding.

1544 Mr. Marino. I think my time has expired. Not sure.

1545 Chairman Goodlatte. The gentleman's time has expired.

1546 For what purpose the gentlewoman from California seek
1547 recognition?

1548 Ms. Lofgren. To strike the last word.

1549 Chairman Goodlatte. Gentlewoman is recognized for 5
1550 minutes.

1551 Ms. Lofgren. I listened carefully to the comments made
1552 about Zika funding, and obviously, people have a different
1553 perspective on it. Just a point about birth control. You
1554 know, there is a reason why birth control is important when
1555 you have an epidemic of Zika. People are afraid to become
1556 pregnant if they are exposed to Zika, because their baby is
1557 going to brain dead; and so the two are related, and
1558 preventing birth control funding is a serious problem, when
1559 it comes to Zika. I just think somebody needs to make that
1560 point.

1561 In terms of, you know, poison pills, non-poison pills,
1562 I did not think the Confederate flag had much to do with
1563 Zika, in all honesty. But here is the deal. I was in local
1564 government for a long time before I was in the Congress.
1565 And what we did was we authorized the Public Health
1566 Department to take certain steps to deal with a public
1567 health emergency. Some of it is money, but some of it is
1568 taking certain steps to prevent people from being exposed,
1569 and the like. And to say that those types of regulations,

1570 | if you want to call them that, would have to be subject to
1571 | this very, you know, lengthy procedure is completely at odds
1572 | with what you need to do in a public health emergency.

1573 | There is a role for administrative action when dealing
1574 | with a very serious public health emergency. And just, I am
1575 | going to yield to my colleague, the gentlelady from Texas in
1576 | a minute, but the fact that here we are, it is mid-
1577 | September, the scientists at CDC asked the Congress to
1578 | appropriate money last spring. And here we are. There is
1579 | no money that has been appropriated. We can argue about who
1580 | is right, who is wrong.

1581 | But the fact is, there is no money. And we have an
1582 | outbreak that is serious and getting more serious, and we
1583 | have not been able to act. So, that we would further
1584 | prevent the public health officials from acting is even more
1585 | irresponsible than our failure to appropriate funds. The
1586 | argument that we are having here is further evidence of why
1587 | this procedure should never be addressed and applied to a
1588 | public health emergency, such as Zika. And I would be happy
1589 | to yield to my colleague from Texas.

1590 | Ms. Jackson Lee. Thank you very much, congresswoman.
1591 | And you are absolutely right. Both of us came from local
1592 | government -- you from county government, mine from
1593 | municipal city government. And I would just make the point

1594 that this whole legislation undermines -- this is an
1595 emergency. One of the things that I think that the
1596 congresswoman was saying is that in local government, you
1597 just act. You have to act. You are closest to the people.
1598 And that is what is happening in States like Texas and
1599 Florida, and it will probably be in California -- really,
1600 across the Nation, is that the local governments will have
1601 to act.

1602 They are acting in mosquito control. They are acting
1603 in health clinics, trying to assess the fever and rash
1604 syndrome of individuals that have weathered Zika. And they
1605 are dealing with sexually transmitted situations, and they
1606 are dealing with pregnant women. And so, there is no
1607 question that the threshold or the floor of this legislation
1608 indicates \$1 billion. I would just offer to say that we
1609 need to do more.

1610 May I just put into the record by unanimous consent,
1611 Sheila Jackson Lee "How to Fight Zika and Cure a Nation's
1612 Ailing Public Health System" in Time magazine. I yield
1613 back.

1614 Chairman Goodlatte. Without objection, it will be made
1615 a part of the record.

1616 [The information follows:]

1617 ***** COMMITTEE INSERT *****

1618 Chairman Goodlatte. For what purpose does the
1619 gentleman --

1620 Ms. Lofgren. Do I have any additional time? I wanted
1621 to reclaim my time, and just make this final point. The
1622 representative from Puerto Rico has, very eloquently, made
1623 the case for the serious situation in Puerto Rico.
1624 Certainly, our colleagues from Florida have raised the
1625 alarm. But take a look at the map of where the mosquitoes
1626 reside. There are two mosquitoes that carry this. It is my
1627 district. It is the Midwest. I mean, it is most of the
1628 United States.

1629 So, to think that this is not going to impact most of
1630 the United States is a mistake, and because this is a
1631 disease that is also sexually transmitted, this is going to
1632 impact all of our country, and potentially, all of the
1633 world.

1634 So, I would hope that we -- Ms. Jackson Lee's amendment
1635 did not pass, but I hope that we could keep this issues in
1636 mind as we proceed further, and I yield back.

1637 Mr. Sensenbrenner. Mr. Chairman?

1638 Chairman Goodlatte. What purpose does gentleman from
1639 Wisconsin seek recognition?

1640 Mr. Sensenbrenner. Chairman, I move to strike the last
1641 word.

1642 Chairman Goodlatte. Gentleman is recognized for 5
1643 minutes.

1644 Mr. Sensenbrenner. Mr. Chairman, my friends on the
1645 other side of the aisle are very good at either trying to
1646 rewrite history, or forgetting what has happened, and I am
1647 sorry that they have taken that position. The House of
1648 Representatives has done its job on Zika.

1649 We have passed a bill that funds the national fight
1650 against the Zika virus. It is over in the other body now,
1651 and there have been at least three cloture votes over there
1652 that have failed. And who did not want to bring the bill
1653 up, and voted against cloture? It is the soulmates and
1654 party mates of the people on the other side of the aisle.

1655 Now, I would suggest, rather than putting amendments in
1656 like this to a bill, is that we pass this bill, and we
1657 deputize my friends over on the other side of the aisle to
1658 go and cross the capital, and say this is an emergency,
1659 which it is, and they ought to vote to bring the bill up and
1660 pass it, and send it to the White House. We thought they
1661 had made an agreement on that, but evidently, the agreement
1662 in the Senate did not stick.

1663 So, let's get on and reject this amendment and pass

1664 | this bill. And then, maybe the honorable senators will give
1665 | you folks lunch for you to talk about this issue and its
1666 | urgency. I yield back.

1667 | Mr. Labrador. Mr. Chairman?

1668 | Chairman Goodlatte. What purpose does gentleman from
1669 | Tennessee seek recognition?

1670 | Mr. Cohen. Thank you. To strike the last word?

1671 | Chairman Goodlatte. Gentleman is recognized for 5
1672 | minutes.

1673 | Mr. Cohen. I may be confused about some of this. Mr.
1674 | Marino is my good friend, and I am kind of -- all this Zika
1675 | funding. And you may know; Mr. Sensenbrenner may know, I do
1676 | not know. Did this not have something to do, when we
1677 | finally passed it, with putting -- honoring with Confederate
1678 | flags, the folks that went up into Pennsylvania and came
1679 | close to your farm, and tried to invade your country? And
1680 | my country, and our country, and all that kind of stuff.
1681 | What has that got to do with Zika?

1682 | Mr. Marino. Well, first of all, no, that is not my
1683 | understanding. And as far as Pennsylvania is concerned,
1684 | they know better than to come into our district, and carry
1685 | on like that. And --

1686 | Mr. Cohen. I liked it when Alabama went up to play
1687 | Penn State --

1688 Mr. Nadler. Back in 1863 --

1689 Mr. Cohen. -- but I do not think it was really
1690 necessarily the same deal during the Gettysburg, and then --
1691 I think it was in there, Ohio, too, that we had to put flags
1692 of the Confederacy on the graves at the Federal Cemetery.
1693 And that was the bad guys.

1694 Mr. Marino. If my friend would yield for a moment --
1695 and I do. I agree with what Mr. Sensenbrenner said. We did
1696 our job -- and the three or four of the Democrats that voted
1697 for this. It is on that other side. So, maybe you and I
1698 can go over them and knock some sense into their heads.

1699 Mr. Nadler. Would the gentleman yield? Would the
1700 gentleman yield?

1701 Mr. Cohen. I think we would be more likely to get a
1702 statue of Joe Namath to replace Joe Paterno -- and that
1703 would be more likely to have success.

1704 Mr. Nadler. Would the gentleman yield? Would the
1705 gentleman yield? My recollection is that the bill that
1706 passed the House, number one, was only for \$600 million, not
1707 the \$1.6 that was necessary. And two, took the money from
1708 Ebola, which is still a major public health problem. And
1709 so, it was robbing Peter to pay Paul. I yield back to the
1710 gentleman.

1711 Mr. Cohen. Peter and Paul, did they play for Penn

1712 State or Alabama?

1713 Mr. Nadler. Oh, would the gentleman yield again?

1714 Mr. Cohen. I yield.

1715 Mr. Nadler. I also wanted to point out that, back in
1716 1863, it was not the NRA, it was the Union army that turned
1717 back the invasion of Pennsylvania. I yield back.

1718 Mr. Cohen. I yield back before this gets too far.

1719 Chairman Goodlatte. All right. What purpose does
1720 gentleman from Idaho seek recognition?

1721 Mr. Labrador. To strike the last word.

1722 Chairman Goodlatte. Gentleman from Idaho is recognized
1723 for 5 minutes.

1724 Mr. Labrador. Mr. Chairman, this is pretty
1725 frustrating. As the only Republican who voted for the
1726 amendment of Ms. Jackson Lee, this debate is verging on the
1727 ludicrous and the ridiculous. We passed a bill out of this
1728 Congress, out of this House, that funded the problems that
1729 we have in Puerto Rico, that funded the problems that we
1730 have in Florida, that funded the problems that we have in
1731 Texas, and all of these different States that are being
1732 affected by the Zika virus right now.

1733 We funded it fully, and unlike what was just said,
1734 which is -- continues to be the misrepresentation of the
1735 other side, we funded \$600 billion, plus we used money from

1736 Ebola to fully fund the problem that we have in the United
1737 States.

1738 The Democrats have been nothing but irresponsible on
1739 this issue in the Senate. And if you do not like the
1740 amendment that passed on the Confederate flag, remove it in
1741 the Senate, and pass a damn bill. That is all you need to
1742 do. Stop complaining about it. Do your work, and stop
1743 using people's lives as an issue so you can advance your
1744 agenda on abortion. I am sick and tired of it. Get it
1745 done. Stop complaining. Go to the Senate and do your job.

1746 Chairman Goodlatte. What purpose does the gentleman
1747 from Georgia seek recognition?

1748 Mr. Johnson. Move to strike the last word.

1749 Chairman Goodlatte. Gentleman is recognized for 5
1750 minutes.

1751 Mr. Johnson. Thank you, Mr. Chairman. To set the
1752 record straight about Zika funding, back in February, back
1753 in the winter, when this Zika crisis, this public health
1754 crisis was foreseeable, it was right there in front of us,
1755 and President Obama asked Congress to allocate \$1.9 billion
1756 to deal with this public health emergency that was, then,
1757 looming. What happened was the Senate took up a bill, 2 or
1758 3 months later, and they passed a clean spending bill -- an
1759 emergency spending bill for \$1.1 billion -- it was below

1760 | what the President offered -- or asked for.

1761 | But it was a clean bill. And they passed it in the
1762 | Senate, and sent it over here to the House of
1763 | Representatives. The House of Representatives sat on the
1764 | bill for a little while longer, as the crisis began to get
1765 | closer to us. It finally passed a \$600 million bill, but
1766 | that bill was -- it was -- had poison pills in it. For the
1767 | umpteenth time, that bill sought to de-fund Obamacare, and
1768 | also Planned Parenthood. It was unacceptable to Democrats
1769 | who voted against it. But the House passed it. And then
1770 | what happened?

1771 | Mr. Sensenbrenner. Would the gentleman yield?

1772 | Mr. Johnson. And then, what happened was that --

1773 | Mr. Sensenbrenner. Would the gentleman yield?

1774 | Mr. Johnson. -- the House and the Senate, both
1775 | controlled by members of the opposite party -- decided to go
1776 | on a 7 week vacation. And during that seven-week vacation
1777 | period, the heat of the summer, the mosquito time of year,
1778 | 17,000 people in America have been infected by the Zika
1779 | virus -- 1,700 pregnant women are infected, 200 kids have
1780 | been born without microcephaly, which will impact taxpayers
1781 | at the tune about \$10 million for the life of each of those
1782 | youngsters.

1783 | It is a public health crisis. Pregnant women are

1784 | afraid to be bitten by mosquitoes. This House has now been
1785 | in session for a week. The Senate has been in session for a
1786 | week. Still playing games with the Zika --

1787 | Mr. Sensenbrenner. Will the gentleman yield?

1788 | Mr. Johnson. -- public health emergency. And it is
1789 | really time for us to stop putting poison pills into Zika
1790 | funding bills. Let's just pass, if you are seriously about
1791 | dealing with this public health emergency, let's just pass a
1792 | clean Zika funding bill, even if it is a -- the paltry \$600
1793 | million that this House passed, that is better than nothing
1794 | because the CDC, as of about 2 weeks from now, will be out
1795 | of money to address this issue, which it has been
1796 | transferring money from the Ebola fund, from other public
1797 | health funds, to deal with this sudden emergency.

1798 | And everybody knows it is an emergency except for the
1799 | members on the other side of the aisle -- the Republicans
1800 | here in Congress. Everybody knows that it is an emergency,
1801 | but the Republicans in control, of both House and Senate,
1802 | refuse to pass clean emergency spending bills without poison
1803 | pill pay-fors so that we can deal with this issue that
1804 | affects women and children, and ultimately, all of the men
1805 | in this country are impacted. And so, let's stop playing
1806 | games with this political football. I will yield to the
1807 | gentleman.

1808 Mr. Sensenbrenner. Just a couple questions. I
1809 appreciate the gentleman yielding. In which House is the
1810 Zika funding bill currently bill?

1811 Mr. Johnson. Sir, I am not going to get into --

1812 Mr. Sensenbrenner. Well, I will answer it. It is the
1813 Senate.

1814 Mr. Johnson. I am not going to get into a dispute with
1815 you.

1816 Mr. Sensenbrenner. And which side is filibustering in
1817 the Senate?

1818 Mr. Johnson. I will reclaim --

1819 Mr. Sensenbrenner. Your side of the aisle.

1820 Mr. Johnson. I will reclaim my time.

1821 Mr. Sensenbrenner. Let's pin the tail on the donkey,
1822 sir.

1823 Mr. Johnson. I will reclaim my time, and stick by
1824 everything that I have said, and if anybody wants to refute
1825 it, they are free to move to strike the last word, and deal
1826 with what I have said.

1827 Chairman Goodlatte. For what purpose does gentleman
1828 from Texas seek recognition?

1829 Mr. Farenthold. Move to strike the last word.

1830 Chairman Goodlatte. Gentleman is recognized for 5
1831 minutes.

1832 Mr. Farenthold. I yield to my friend, Mr. Labrador.

1833 Mr. Labrador. I do not remember, Mr. Chairman, whether
1834 the Senate passed a bill or not. But assuming that they
1835 did, we have in the Constitution, a process, where both
1836 sides can actually go to conference. And that is not what
1837 you are asking for. You are asking for a political victory.
1838 You are asking for things that are not going to happen.
1839 Let's go ahead and go to conference. I do not remember the
1840 Senate. I want to see that bill because I do not remember
1841 the Senate having actually passed the bill. But if they
1842 did, we have a House bill, we have a Senate bill.

1843 Our Constitution allows us to go to conference, and you
1844 can remove the things that you do not like about the bill,
1845 and we can move forward. But this political posturing that
1846 your side has been doing for the last 7 weeks on this bill,
1847 when the only side that has acted on this issue is the
1848 Republican side in this house. I am sick and tired of it --

1849 Mr. Johnson. Will the gentleman yield?

1850 Mr. Labrador. And I will not stand for any more. And
1851 I will not yield. I will yield to the gentleman from -- Mr.
1852 Sensenbrenner.

1853 Mr. Sensenbrenner. Well, I thank the gentleman for
1854 yielding. This discussion very clearly points out where the
1855 road block is in getting a Zika bill passed. It is not in

1856 | the House of Representatives. It is in the other body. And
1857 | a Republican majority leader in the other body has made at
1858 | least three motions to bring that bill up so that the other
1859 | body can act on it. And guess what? Each of the three
1860 | times Mr. Johnson, or the gentleman from Georgia's party
1861 | mates over there have filibustered the bill.

1862 | There is a democratic filibuster against Zika funding
1863 | that is going on in the United States Senate. And there is
1864 | going to be no progress on an emergency bill that all of us
1865 | on this side of the aisle recognize until that democratic
1866 | filibuster stops.

1867 | Now I just like to hasten back to just before we broke
1868 | for the recess. We had the same argument about funding the
1869 | opioid bill. And I was the principal sponsor of the House
1870 | version of that. And we heard all of this huffing and
1871 | puffing, and the house did not blow down.

1872 | And finally, the House democrats decided that, yeah,
1873 | there was an opioid emergency, withdrew their objections,
1874 | and the opioid bill passed with just a handful of dissenting
1875 | votes. Now that can be done again on the Zika funding bill.
1876 | But it is not being done, not because of anything that House
1877 | Republicans or House Democrats, or Senate Republicans are
1878 | doing. It is because of the Democrats conducting a
1879 | filibuster in the other body. It strikes me as being very,

1880 very similar to the filibusters that southern Democrats did
1881 50 years ago against civil rights bills.

1882 Now fortunately, they passed because there were enough
1883 northern Democrats that woke up and knew that these laws
1884 were necessary. Now maybe there will be enough Democrats
1885 that wake up and decide to stop filibustering over the other
1886 body, and we can get this bill either to and through
1887 conference, or go right to the President's desk. You know,
1888 I agree with the gentleman from Georgia that \$600 million is
1889 better than nothing. But it seems to me that there are a
1890 lot of people who are filibustering over in the Senate that
1891 would rather have a political issue than \$600 million or a
1892 billion-one or a billion-six or a billion-nine or whatever
1893 number is better than zero.

1894 So, again, it is getting to be lunch time over in the
1895 Senate, and let's wrap this up so that my friends over on
1896 the other side of the aisle can go over, have their senators
1897 take them out to lunch, and tell them to withdraw their
1898 filibuster and get a move on. And I thank you gentleman
1899 from Texas.

1900 Mr. Johnson. Would the gentleman yield and -- may I?

1901 Mr. Farenthold. The rest of about 40 seconds.

1902 Mr. Labrador. And pretty simple. What the Democrats
1903 in this committee can do is walk from here to the Senate,

1904 | tell them to stop the filibuster. They can offer an
1905 | amendment to remove the confederate flag issue. I am sure
1906 | the senate will approve that amendment, and we can pass the
1907 | bill, and we can stop the political games. And I yield back
1908 | to my friend.

1909 | Mr. Farenthold. Yield back.

1910 | Chairman Goodlatte. The chair recognizes himself for
1911 | the purpose of reminding the members, in the midst of this
1912 | enthusiastic debate, the debate should be focused on the
1913 | amendment of the gentleman from Rhode Island, Mr. Cicilline,
1914 | and the underlying bill, and my substitute amendment to that
1915 | bill. So the question occurs on the amendment offered by
1916 | the gentleman from Rhode Island, Mr. Cicilline.

1917 | All those in favor respond by saying aye.

1918 | Those opposed, no.

1919 | In the opinion of the chair, the noes have it.

1920 | Mr. Cicilline. I ask for a recorded vote.

1921 | Chairman Goodlatte. A recorded vote is requested, and
1922 | the clerk will call the roll.

1923 | Ms. Adcock. Mr. Goodlatte?

1924 | Chairman Goodlatte. No.

1925 | Ms. Adcock. Mr. Goodlatte votes no.

1926 | Mr. Sensenbrenner?

1927 | Mr. Sensenbrenner. No.

1928 Ms. Adcock. Mr. Sensenbrenner votes no.
1929 Mr. Smith?
1930 Mr. Smith. No.
1931 Ms. Adcock. Mr. Smith votes no.
1932 Mr. Chabot?
1933 Mr. Chabot. No.
1934 Ms. Adcock. Mr. Chabot votes no.
1935 Mr. Issa?
1936 Mr. Issa. No.
1937 Ms. Adcock. Mr. Issa votes no.
1938 Mr. Forbes?
1939 Mr. Forbes. No.
1940 Ms. Adcock. Mr. Forbes votes no.
1941 Mr. King?
1942 Mr. King. No.
1943 Ms. Adcock. Mr. King votes no.
1944 Mr. Franks?
1945 Mr. Franks. No.
1946 Ms. Adcock. Mr. Franks votes no.
1947 Mr. Gohmert?
1948 Mr. Gohmert. No.
1949 Ms. Adcock. Mr. Gohmert votes no.
1950 Mr. Jordan?
1951 [No response.]

1952 Mr. Poe?

1953 [No response.]

1954 Mr. Chaffetz?

1955 [No response.]

1956 Mr. Marino?

1957 Mr. Marino. No.

1958 Ms. Adcock. Mr. Marino votes no.

1959 Mr. Gowdy?

1960 [No response.]

1961 Mr. Labrador?

1962 [No response.]

1963 Mr. Farenthold?

1964 Mr. Farenthold. No.

1965 Ms. Adcock. Mr. Farenthold votes no.

1966 Mr. Collins?

1967 Mr. Collins. No.

1968 Ms. Adcock. Mr. Collins votes no.

1969 Mr. DeSantis?

1970 Mr. DeSantis. No.

1971 Ms. Adcock. Mr. DeSantis votes no.

1972 Ms. Walters?

1973 [No response.]

1974 Mr. Buck?

1975 Mr. Buck. No.

1976 Ms. Adcock. Mr. Buck votes no.
1977 Mr. Ratcliffe?
1978 Mr. Ratcliffe. No.
1979 Ms. Adcock. Mr. Ratcliffe votes no.
1980 Mr. Trott?
1981 Mr. Trott. No.
1982 Ms. Adcock. Mr. Trott votes no.
1983 Mr. Bishop?
1984 Mr. Bishop. No.
1985 Ms. Adcock. Mr. Bishop votes no.
1986 Mr. Conyers?
1987 Mr. Conyers. Aye.
1988 Ms. Adcock. Mr. Conyers votes aye.
1989 Mr. Nadler?
1990 Mr. Nadler. Aye.
1991 Ms. Adcock. Mr. Nadler votes aye.
1992 Ms. Lofgren?
1993 Ms. Lofgren. Aye.
1994 Ms. Adcock. Ms. Lofgren votes aye.
1995 Ms. Jackson Lee?
1996 Ms. Jackson Lee. Aye.
1997 Ms. Adcock. Ms. Jackson Lee votes aye.
1998 Mr. Cohen?
1999 Mr. Cohen. Aye.

2000 Ms. Adcock. Mr. Cohen votes aye.

2001 Mr. Johnson?

2002 Mr. Johnson. Aye.

2003 Ms. Adcock. Mr. Johnson votes aye.

2004 Mr. Pierluisi?

2005 Mr. Pierluisi. Aye.

2006 Ms. Adcock. Mr. Pierluisi votes aye.

2007 Ms. Chu?

2008 Ms. Chu. Aye.

2009 Ms. Adcock. Ms. Chu votes aye.

2010 Mr. Deutch?

2011 [No response.]

2012 Mr. Gutierrez?

2013 Mr. Gutierrez. Aye.

2014 Ms. Adcock. Mr. Gutierrez votes aye.

2015 Ms. Bass?

2016 [No response.]

2017 Mr. Richmond?

2018 [No response.]

2019 Ms. DelBene?

2020 Ms. DelBene. Aye.

2021 Ms. Adcock. Ms. DelBene votes aye.

2022 Mr. Jeffries?

2023 Mr. Jeffries. Aye.

2024 Ms. Adcock. Mr. Jeffries votes aye.

2025 Mr. Cicilline?

2026 Mr. Cicilline. Aye.

2027 Ms. Adcock. Mr. Cicilline votes aye.

2028 Mr. Peters?

2029 Mr. Peters. Aye.

2030 Ms. Adcock. Mr. Peters votes aye.

2031 Chairman Goodlatte. Are there any members who have not
2032 voted who wish to vote. Clerk will report.

2033 Ms. Adcock. Mr. Chairman, 13 members voted aye, 17
2034 members voted no.

2035 Chairman Goodlatte. And the amendment is not agreed
2036 to. Are there any other amendments to the amendment? Does
2037 the Gentleman from California seek recognition?

2038 Mr. Peters. Mr. Chairman, I move to strike the last
2039 word.

2040 Chairman Goodlatte. The gentleman is recognized for 5
2041 minutes.

2042 Mr. Peters. As someone on this side of the aisle who
2043 generally and genuinely tries to work on regulatory reform,
2044 I just wanted a minute to say why I am not in favor of this
2045 particular item. And in fact was with majority yesterday on
2046 the slush fund one.

2047 I came here after the sequester was adopted. It was an

2048 across the board meat ax approach to cutting government
2049 spending, without regard to the priorities involved with
2050 those cuts. We have seen that has not been a good approach.
2051 It has been a real difficulty for national security.
2052 Generals and admirals have had to look at the line items on
2053 their budgets, even move money off of landscaping to places
2054 where it is really needed.

2055 It has been tough on scientific research as we approach
2056 every year these impending cuts in the sequester. And, not
2057 incidentally, it has not addressed long-term debt which it
2058 continues to increase and which was to state its purpose of
2059 that approach. The problem with this approach to regulation
2060 is that it would graft that entire methodology and
2061 dysfunction onto the administration, which is the one branch
2062 that is continuing to deal with the issues, issue by issue.

2063 Now that is our job here. We ought to be taking up
2064 issue by issue the things that are in the way of a
2065 functioning economy and the things that need to be improved.
2066 This does not do that. This is a sequester for the
2067 administration.

2068 The judicial branch provides remedies for people who
2069 are grieved by regulations if they can show irreparable
2070 harm, likelihood of success on the merits. I feel that
2071 those are sufficient and we ought to let the administration,

2072 | the judicial branch, do their jobs and the Congress should
2073 | do its job. This does not do it, and I am opposed, and I
2074 | ask my colleagues to oppose it as well.

2075 | Chairman Goodlatte. The chair thanks the gentleman.
2076 | For what purpose does the gentleman from Michigan, Mr.
2077 | Trott, seek recognition?

2078 | Mr. Trott. Move to strike the last word.

2079 | Chairman Goodlatte. Gentleman is recognized for 5
2080 | minutes.

2081 | Mr. Trott. I have been reticent to chime in on this
2082 | discussion, although it has been interesting. But I feel
2083 | necessary because we really have lost sight of what this
2084 | bill is all about. And I had a meeting last week with some
2085 | small business owners from my district. Can you imagine
2086 | starting a small business today? What this bill is all
2087 | about is not Zika. Zika might be affected if they decide to
2088 | rule outlawing perfume and cologne. That might bring this
2089 | rule into play -- this bill into play.

2090 | But can you imagine starting a small business today?
2091 | The people I met with told me it is really death by
2092 | acronyms. EPA, FDA, ACA, DOL, CFPB. It is nearly
2093 | impossible to start a small business and succeed today.
2094 | This rule tries to address that and Washington continues to
2095 | get in the way. The thousands of rules that we are writing

2096 are undermining the ability of the private sector to prosper
2097 and flourish. That is why we have an economic recovery that
2098 is at 1.1 percent. I yield back.

2099 Chairman Goodlatte. The question occurs on the
2100 amendment in the nature of the substitute to H.R. 3438.

2101 Those in favor will say aye.

2102 Those opposed no.

2103 In the opinion of the chair, the ayes have it, and the
2104 amendment is agreed to.

2105 Reporting quorum being present, the question is on the
2106 motion to report the Bill H.R. 3438 as amended favorably to
2107 the House.

2108 Those in favor will say aye.

2109 Those opposed, no.

2110 The ayes have it. The bill as amended is ordered
2111 reported favorably.

2112 Mr. Conyers. Recorded vote.

2113 Chairman Goodlatte. A recorded vote is requested, and
2114 the clerk will call the roll.

2115 Ms. Adcock. Mr. Goodlatte?

2116 Chairman Goodlatte. Aye.

2117 Ms. Adcock. Mr. Goodlatte votes aye.

2118 Mr. Sensenbrenner?

2119 Mr. Sensenbrenner. Aye.

2120 Ms. Adcock. Mr. Sensenbrenner votes aye.
2121 Mr. Smith?
2122 Mr. Smith. Aye.
2123 Ms. Adcock. Mr. Smith votes aye.
2124 Mr. Chabot?
2125 Mr. Chabot. Aye.
2126 Ms. Adcock. Mr. Chabot votes aye.
2127 Mr. Issa?
2128 Mr. Issa. Aye.
2129 Ms. Adcock. Mr. Issa votes aye.
2130 Mr. Forbes?
2131 Mr. Forbes. Aye.
2132 Ms. Adcock. Mr. Forbes votes aye.
2133 Mr. King?
2134 Mr. King. Aye.
2135 Ms. Adcock. Mr. King votes aye.
2136 Mr. Franks?
2137 Mr. Franks. Aye.
2138 Ms. Adcock. Mr. Franks votes aye.
2139 Mr. Gohmert?
2140 Mr. Gohmert. Aye.
2141 Ms. Adcock. Mr. Gohmert votes aye.
2142 Mr. Jordan?
2143 [No response.]

2144 Mr. Poe?

2145 [No response.]

2146 Mr. Chaffetz?

2147 [No response.]

2148 Mr. Marino?

2149 Mr. Marino. Yes.

2150 Ms. Adcock. Mr. Marino votes yes.

2151 Mr. Gowdy?

2152 [No response.]

2153 Mr. Labrador?

2154 Mr. Labrador. Aye.

2155 Ms. Adcock. Mr. Labrador votes aye.

2156 Mr. Farenthold?

2157 Mr. Farenthold. Aye.

2158 Ms. Adcock. Mr. Farenthold votes aye.

2159 Mr. Collins?

2160 Mr. Collins. Aye.

2161 Ms. Adcock. Mr. Collins votes aye.

2162 Mr. DeSantis?

2163 Mr. DeSantis. Aye.

2164 Ms. Adcock. Mr. DeSantis votes aye.

2165 Ms. Walters?

2166 [No response.]

2167 Mr. Buck?

2168 Mr. Buck. Aye.

2169 Ms. Adcock. Mr. Buck votes aye.

2170 Mr. Ratcliffe?

2171 Mr. Ratcliffe. Aye.

2172 Ms. Adcock. Mr. Ratcliffe votes aye.

2173 Mr. Trott?

2174 Mr. Trott. Aye.

2175 Ms. Adcock. Mr. Trott votes aye.

2176 Mr. Bishop?

2177 Mr. Bishop. Aye.

2178 Ms. Adcock. Mr. Bishop votes aye.

2179 Mr. Conyers?

2180 Mr. Conyers. No.

2181 Ms. Adcock. Mr. Conyers votes no.

2182 Mr. Nadler?

2183 Mr. Nadler. No.

2184 Ms. Adcock. Mr. Nadler votes no.

2185 Ms. Lofgren?

2186 Ms. Lofgren. No.

2187 Ms. Adcock. Ms. Lofgren votes no.

2188 Ms. Jackson Lee?

2189 [No response.]

2190 Mr. Cohen?

2191 Mr. Cohen. No.

2192 Ms. Adcock. Mr. Cohen votes no.
2193 Mr. Johnson?
2194 Mr. Johnson. No.
2195 Ms. Adcock. Mr. Johnson votes no.
2196 Mr. Pierluisi?
2197 Mr. Pierluisi. No.
2198 Ms. Adcock. Mr. Pierluisi votes no.
2199 Ms. Chu?
2200 Ms. Chu. No.
2201 Ms. Adcock. Ms. Chu votes no.
2202 Mr. Deutch?
2203 [No response.]
2204 Mr. Gutierrez?
2205 [No response.]
2206 Ms. Bass?
2207 [No response.]
2208 Mr. Richmond?
2209 [No response.]
2210 Ms. DelBene?
2211 Ms. DelBene. No.
2212 Ms. Adcock. Ms. DelBene votes no.
2213 Mr. Jeffries?
2214 Mr. Jeffries. No.
2215 Ms. Adcock. Mr. Jeffries votes no.

2216 Mr. Cicilline?

2217 Mr. Cicilline. No.

2218 Ms. Adcock. Mr. Cicilline votes no.

2219 Mr. Peters?

2220 Mr. Peters. No.

2221 Ms. Adcock. Mr. Peters votes No.

2222 Chairman Goodlatte. Gentleman from Texas.

2223 Ms. Jackson Lee. Am I recorded?

2224 Ms. Adcock. Not recorded.

2225 Ms. Jackson Lee. No.

2226 Ms. Adcock. Ms. Jackson-Lee votes no.

2227 Chairman Goodlatte. Has every member voted who wishes

2228 to vote? Gentleman from Illinois.

2229 Mr. Gutierrez. No.

2230 Ms. Adcock. Mr. Gutierrez votes no.

2231 Chairman Goodlatte. The clerk will report. You had

2232 good participation today.

2233 Ms. Adcock. Mr. Chairman, 18 members voted aye, 13

2234 members voted no.

2235 Chairman Goodlatte. The ayes have it, and the bill as

2236 amended is reported favorably to the House. The members

2237 will have 2 days to submit views.

2238 Without objection, the bill will report as a single

2239 amendment in the nature of a substitute incorporating all

2240 | adopted amendments, and staff is authorized make technical
2241 | and conforming changes.

2242 | This concludes our business for today. I want to thank
2243 | all the members for their enthusiastic participation in the
2244 | mark up of this bill, and the markup is adjourned.

2245 | [Whereupon, at 12:03 p.m., the committee adjourned
2246 | subject to the call of the chair.]