

1 NATIONAL CAPITOL CONTRACTING

2 RPTS AVERETT

3 HJU258000

4 MARKUP OF: H.R. 5982, THE "MIDNIGHT

5 RULES RELIEF ACT"

6 Wednesday, September 14, 2016

7 House of Representatives,

8 Committee on the Judiciary,

9 Washington, D.C.

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

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

20 Staff Present: Shelley Husband, Staff Director; Branden

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

31 Chairman Goodlatte. Good morning. The Judiciary
32 Committee will come to order. And without objection, the
33 chair is authorized to declare a recess at any time.

34 Pursuant to notice, I now call up H.R. 5982 for
35 purposes of markup and move that the committee report the
36 bill favorably to the House. The clerk will report the
37 bill.

38 Ms. Adcock. H.R. 5982, to amend Chapter 8 of Title 5
39 United States Code, to provide for en bloc consideration in
40 resolutions of disapproval for midnight rules and for other
41 purposes.

42 [The bill follows:]

43 ***** INSERT 1 *****

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

47 Midnight regulation is one of the most vexing problems
48 in Washington's overreaching regulatory system.
49 Administration after administration, there is a spike in
50 rulemaking activity during the last year of a President's
51 term, particularly between Election Day and Inauguration
52 Day. These successive waves of midnight regulation present
53 deeply troubling issues. First and foremost, because
54 outgoing administrations are no longer accountable to the
55 voters, they are much more prone to issue midnight
56 regulations that fly in the face of the electoral mandate
57 the voters just gave the new incoming administration.

58 Our colleague, Representative Nadler, captured this
59 problem well when he testified about it during the 111th
60 Congress. As he stated then, the 22nd Amendment to the
61 Constitution limits a President to two terms in office.
62 Midnight rules can be abused to allow a President to reach
63 into a third term without any accountability. I agree.

64 Waves of midnight rules can also be very hard for
65 Congress or a new Administration to check adequately. As a
66 new Congress and President begin their terms, both
67 understandably must be focused on implementing the new

68 | priorities within the mandates the voters have given them.
69 | That does not always leave time to focus on cleaning up all
70 | of the last acts of the departing administration.

71 | In addition, the Congressional Review Act currently
72 | allows Congress to disapprove of regulations, including
73 | midnight regulations, only one at a time. A wave of
74 | midnight regulations can easily overwhelm Congress' ability
75 | to use one rule at a time resolutions as an effective check.

76 | Finally, it is well-documented that the rush by
77 | outgoing administrations to impose midnight rules before the
78 | clock strikes 12:00 leads to more poorly analyzed rules with
79 | lower quality and lower benefits. The Obama
80 | administration has imposed more runaway regulation than any
81 | other in memory, and its midnight rulemaking period is no
82 | exception.

83 | It is estimated that as many as \$113 billion in new
84 | regulatory costs can be attributed to the final months of
85 | the Obama administration's rulemaking activity, but this is
86 | not a partisan issue. Administrations of both parties have
87 | issued midnight rules in the past. America needs a solution
88 | that guards against improper issuance by either party in the
89 | future.

90 | The Judiciary Committee has been searching for that
91 | solution for some time, and I applaud our colleague, Mr.

92 Issa, for introducing the Midnight Rules Relief Act to
93 respond to the need.

94 This bill offers, at last, a simple and powerful means
95 to stop the problem of abusive midnight rules, allowing
96 Congress to disapprove of any and all midnight regulations
97 in one fell swoop by one en bloc disapproval resolution
98 under the Congressional Review Act. Any outgoing
99 administration, understanding that it has this sword of
100 Damocles hanging over its head for the next Congress' use
101 will surely hesitate much more before abusing midnight
102 rules.

103 Further, once enabled to dispatch of all improper
104 midnight rules with one simple resolution, Congress and
105 succeeding administrations would be free to focus more of
106 their energies on the voters' new priorities rather than the
107 mess left by midnight rules.

108 The relief offered by the bill, moreover, is highly
109 flexible. No set number of regulations would have to be
110 covered by a resolution. No categories of regulation would
111 have to be included in or excluded from a resolution. On
112 the contrary, any midnight rule disapproval resolution could
113 be sweeping or narrow, depending on how many rules merited
114 inclusion.

115 Finally, the Midnight Rules Relief Act offers a

116 solution that is not intrusive upon legitimate executive
117 branch authority. An outgoing administration remains free
118 to conduct necessary rulemaking activity up to the stroke of
119 midnight on Inauguration Day. It then falls to Congress to
120 respond swiftly and surgically to the results to accept the
121 good and excise the bad.

122 This is truly a better way to govern. That is why the
123 reform embodied in this bill is featured in Speaker Ryan's
124 Better Way agenda. I want to thank Mr. Issa for his work on
125 this important legislation, and I urge my colleagues to
126 support the bill.

127 It is now my pleasure to recognize the ranking member
128 of the Judiciary Committee, the gentleman from Michigan, Mr.
129 Conyers, for his opening statement.

130 [The statement of Chairman Goodlatte follows:]

131 ***** COMMITTEE INSERT *****

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132 Mr. Conyers. Thank you, Chairman Goodlatte and members
133 of this committee. H.R. 5982, the Midnight Rules Relief
134 Act, is a sweeping measure that would enable Congress to
135 improve en masse potentially every rule submitted under the
136 Congressional Review Act during the final 60 legislative
137 days of a session.

138 Were this bill in effect, every regulation submitted to
139 Congress since May 16, 2016 through the end of this year
140 could be disapproved by a subsequent Congress in a joint
141 resolution without allowing members to consider the merits
142 of the individual regulations. H.R. 5982 presents a number
143 of concerns.

144 To begin with, it would provide special interests with
145 yet another opportunity to block critical, life-saving
146 regulations. Prior to submitting rules to Congress,
147 agencies typically take several years to ensure that rules
148 are carefully vetted. Indeed, much of modern rulemaking
149 involves a very detailed analysis of legal, factual, and
150 policy issues, many of them highly technical. This work is
151 better suited to the subject matter specialists in their
152 respective agencies, as administrative law expert Professor
153 Ron Levin has previously testified.

154 Faced with this complexity, H.R. 5982 would result in
155 Congress predictably relying on industry input when

156 presented with an up or down vote on a long list of
157 complicated, technical rules.

158 The prospect of industry influence is particularly
159 concerning in light of the potentially unlimited regulatory
160 challenges that the bill would establish. As David
161 Goldstein of the National Resources Defense Council
162 previously noted in opposition to another anti-regulatory
163 bill, special interests would, quote, "descend on Congress
164 with even greater fervor than is currently the case to
165 pressure members to take their side on individual
166 regulations," end quotation.

167 I am also concerned that H.R. 5982 is based on a
168 fundamentally flawed premise, namely that rules finalized
169 during the final year of a President's term are somehow
170 rushed or improperly vetted. There is also little evidence
171 that such rules warrant heightened scrutiny.

172 In 2012, the non-partisan Administrative Conference of
173 the United States found that a dispassionate look at
174 midnight rules issued by past administrations of both
175 political parties reveals that most were under active
176 consideration long before the November election.

177 While many of these rules involved routine matters or
178 finishing tasks that were initiated before the Presidential
179 transition period or the result of deadlines outside the

180 agency's control, for example, year-end, statutory, or
181 court-ordered deadlines, so like other anti-regulatory
182 measures that our committee has considered, this Congress,
183 there is no problem that requires resolution.

184 Indeed, so-called midnight rules may actually take
185 longer to adopt than other rules. For example, Public
186 Citizen reports that rules adopted during a Presidential
187 transition period were typically proposed 3.6 years prior to
188 their adoption, while other rules adopted in non-transition
189 periods took 2.8 years to complete.

190 The Center for Progressive Reform has likewise observed
191 that concerning surrounding midnight rulemaking are
192 overstated, stating there simply is no reason to believe
193 that a rule released at the end of an administration is
194 worse than those are released at any other point. Perhaps
195 this is because Congress already has tools to vacate an
196 unreasonable rule under current law.

197 Lastly, as with other anti-regulatory bills proposed by
198 my colleagues in this committee, this legislation completely
199 ignores the benefits of regulation, which often exceed costs
200 by many multiples and is premised on the misguided belief
201 that regulations undermine employment or economic growth.
202 And so, I oppose this legislation and hope the members will
203 carefully scrutinize the measure before us, and I yield

204 back, Mr. Chairman, the balance of my time. Thank you.

205 [The statement of Mr. Conyers follows:]

206 ***** COMMITTEE INSERT *****

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207 Chairman Goodlatte. The chair thanks the gentleman and
208 recognizes the gentleman from California, Mr. Issa, the
209 chief sponsor of the legislation.

210 Mr. Issa. Thank you, Mr. Chairman, and thank you for
211 bringing up this legislation. Taking note of what both you
212 said and the ranking member, I will ask that my entire
213 opening statement be placed in the record and summarized.

214 As you said, Presidents of both parties have, in fact,
215 done regulations. As the ranking member said, at times,
216 these are regulations under consideration and fully known
217 for a long period of time. At times, without a doubt, they
218 are regulations that would not have been proposed and
219 granted had the party, either party, had to go through an
220 intervening election. They enjoy the post-election
221 opportunity to do something you might not have done
222 otherwise or might have been punished by the voters for
223 doing.

224 Now, that may not always be bad. The question is for
225 all of us, all of us as members of the first body, Article 1
226 officers, do we want to continue with the current law, which
227 limits and restricts our ability to, in fact, review what
228 are substantially laws passed by the administration in their
229 last days in office? And that is really what we have before
230 us today.

231 Current law has a complex and very limiting ability for
232 Congress to review and disapprove of these rules, which are,
233 in fact, laws. The Constitution makes lawmaking the
234 prerogative of Congress. Over a period of 240 years, we
235 have created a secondary capability that is the rulemaking
236 authority; those rules may or may not be consistent with the
237 voters, the Congress, or, in fact, even the underlying laws
238 that authorize them.

239 For that reason, Congress has given itself the right to
240 review and reject these. The question is, will we remain
241 behind a set of rules which are burdensome, or will we
242 simply liberate the Congress to do its job? And that is
243 really what this legislation does.

244 It recognizes that, in a reasonable and perfect world,
245 Congress would pass all laws; the President would propose
246 regulations; we could consider them, review them, vote on
247 them, and then the President would sign them, but in the
248 less perfect world, the executive branch has been given a
249 great deal of authority to make countless rules, some of
250 them very formalized, some less formalized.

251 The question is, will this body retain its right to
252 review those and reject ones which, for whatever reason, are
253 inappropriate? Let us remember that, in fact, this is part
254 of the expedience of the process that created rulemaking

255 authority. The executive branch has rulemaking authority
256 because it can move more quickly on comparatively minor
257 rulemaking than Congress would on laws to begin with;
258 however, at the same time, they are acting on behalf of the
259 American people and on behalf of the Congress, which has
260 sole authority to create law.

261 For that reason, I believe that re-empowering ourselves
262 by simply removing current burdens from the rejection
263 process does not speak to what might be rejected, and for my
264 colleagues on the other side, who seem less enthused about
265 this legislation, let us remember nothing here mandates that
266 single, en bloc pass.

267 The reality is that, if all but one, or all but five,
268 or all but 10 of the rules are non-controversial, the
269 reality is that people can appeal to have this be bifurcated
270 or, in fact, voted down and brought back up again without
271 the offending rules, so we should not pre-judge what we, as
272 a body, would choose to do in the process of dealing with
273 midnight rules.

274 So, Mr. Chairman, I fully embrace what you said.
275 Hopefully, my comments have been additive, and I do not
276 reject the ranking member's concern that we could reject
277 some perfectly good rules. On the other hand, why would we
278 limit our ability to consider them, as we currently do? And

279 | so, I join with the ranking member in his basic concern, but
280 | not with his conclusion, and I thank the chairman for
281 | bringing this up, and I yield back.

282 | [The statement of Mr. Issa follows:]

283 | ***** COMMITTEE INSERT *****

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284 Chairman Goodlatte. The chair thanks the gentleman and
285 recognizes the gentleman from Georgia, the ranking member of
286 the Subcommittee on Regulatory Reform, Commercial and
287 Antitrust Law, Mr. Johnson, for his opening statement.

288 Mr. Johnson. Thank you, Mr. Chairman. Mr. Chairman,
289 this bill does not apply to rules submitted during the lame
290 duck period following an election. Contrary to the
291 implication left by the name of the bill, notwithstanding
292 the bill's colorful title, H.R. 5982 applies to every rule
293 submitted to Congress during the final 60 legislative days
294 of a session, and that means, when we have a Congress that
295 takes seven-week summer vacations during the last year of a
296 session of Congress, then it means that rules promulgated
297 during the final 60 days of a session can actually move the
298 date far away from the lame duck session; in this case, it
299 can go up to May of 2016.

300 This is another unfounded and reckless attempt to
301 prevent the implementation of critical laws by the
302 Republican majority. According to my Republican colleagues,
303 this legislation is necessary to combat politically-driven
304 midnight rules and the final days of an administration.
305 They also say that that Obama administration's regulatory
306 agenda has cost American families and job creators, but far
307 from it, under President Obama's leadership, we have seen

308 the longest consecutive streak of private sector job
309 creation, the fastest growing middle-class income ever, and
310 more high-quality and affordable healthcare for working
311 Americans. Just yesterday, the Census Bureau released new
312 data indicating that, in 2015, the median household income
313 grew at the fastest rate on record while the poverty rate
314 fell at a faster rate than at any point since 1968.

315 New data from the American Community Survey likewise
316 indicates that the number of uninsured Americans is
317 declining in nearly every state. These metrics reflect a
318 strong record of progress as Federal agencies implement laws
319 like Dodd-Frank and the Affordable Care Act, and just last
320 week, Americans woke up to news that over 5,000 Wells Fargo
321 employees systematically and unlawfully created accounts
322 that customers had not asked for in order that they meet
323 their sales goals. In response, the Consumer Financial
324 Protection Bureau issued its largest civil penalty ever:
325 \$100 million.

326 The U.S. Treasury Secretary Jack Lew said that this
327 penalty ought to be a moment where people stop and remember
328 how dangerous the system is when you do not have the proper
329 protections in place, but this enforcement action was a drop
330 in the bucket compared to the bank's \$20 billion in profits
331 last year or its chief executives' \$200 million stock

332 compensation.

333 Rather than applaud this important work to hold
334 unlawful activity accountable, the majority today will
335 instead deride the important work of agencies and government
336 officials slandering them as unelected and faceless
337 bureaucrats. Mr. Chairman, that is unacceptable. Our
338 government is on the line each and every day to keep our
339 country strong, vibrant, and safe.

340 We in the Congress passed far-reaching laws and ask
341 agencies to fill the gaps within the areas of their
342 technical expertise. We do this knowing that Congress lacks
343 the time, resources, and expertise to do much of this work,
344 and rather than muster the votes to pass positive
345 legislation to actually change the law, my Republican
346 colleagues seek to change the rules in the middle of the
347 game by imposing as many procedural delays on the rulemaking
348 system as they possibly can. Rather than streamline
349 regulation or improve the regulatory system, these anti-
350 regulatory bills would simply prolong the rulemaking process
351 or, as is the case with H.R. 5982, allow Congress to block
352 rules that have taken years to finalize in a naked political
353 maneuver completely divorced from sound policy judgement,
354 and that is what H.R. 5982 is all about: more corporate
355 welfare, less corporate accountability, and with that, Mr.

356 | Chairman, I yield back.

357 | [The statement of Mr. Johnson follows:]

358 | ***** COMMITTEE INSERT *****

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360 Chairman Goodlatte. Are there any amendments to H.R.
361 5982? For what purpose does the gentleman from New York
362 seek recognition?

363 Mr. Nadler. Strike the last word.

364 Chairman Goodlatte. The gentlemen is recognized for 5
365 minutes.

366 Mr. Nadler. Thank you, Mr. Chairman. This bill
367 differs greatly from earlier legislation introduced on both
368 sides of the aisle to deal with this problem. There has
369 been bipartisan concern surrounding rules adopted during a
370 Presidential transition period, but there are several
371 important distinctions between this bill and prior
372 legislative proposals. For example, the Midnight Rule Act,
373 Democratic legislation, introduced in the 110th and 111th
374 Congresses would have only delayed the implementation of
375 rules submitted to Congress within the final 90 days of a
376 President's term.

377 This proposal was a response to concerns with the
378 rulemaking under the Bush administration, which was roundly
379 criticized for allowing insufficient time for public
380 comment, ignoring significant public comments, and otherwise
381 departing from accepted rulemaking practices while adopting
382 rules during the twilight of the administration.

383 For example, on May 9th, 2008, the White House Chief of

384 Staff directed all executive departments and agencies to
385 propose any rules to be finalized during the Bush
386 administration no later than June 1st. In other words, the
387 first submission was to be June 1st and to issue any final
388 regulations no later than November 1st, quote, "Except in
389 extraordinary circumstances." But the Bush administration
390 failed even to honor this directive.

391 Several significant proposed rules affecting, among
392 other things, the environment, civil rights, and workplace
393 safety were first proposed after June 1, 2008. More
394 importantly, the administration issued numerous final rules
395 on these and other subjects after November 1st, 2008.

396 Many of these rules were controversial and were opposed
397 by a majority of the members of Congress and the incoming
398 administration. Even the Midnight Rule Relief Act,
399 Republican legislation that has already passed this
400 Congress, it would establish a complete regulatory
401 moratorium rather than simply delay the effective date of
402 certain rules only applies to the final 90 days in the
403 President's term.

404 In the context of a veto threat, the Obama
405 administration observed that this proposal would, quote,
406 "Infringe on the powers of the President to faithfully
407 execute the laws in the final months of the term while

408 preventing the implementation of laws passed by Congress
409 through beneficial regulations." In contrast to prior
410 legislative proposals, however, this bill, H.R. 5982,
411 provides a mechanism to vacate the rules submitted to
412 Congress during much of the President's final term, about an
413 8- to 9-month period. It does that by, instead of saying
414 the last 90 days, as some prior bills have said, it says the
415 last 60 legislative days, which brings it into the early
416 spring. What presumable basis for this legislation could
417 there be, other than to provide Congress with a tool to
418 vacate the majority of an administration's regulatory agenda
419 during the final year of its term?

420 Like what the Senate is doing with Judge Garland, it is
421 essentially trying to say that the President is not really
422 President for most of the last year of his term. He is
423 elected to a 3-year term and then the last year, he cannot
424 appoint Justices, the Senate's half, and the House half is
425 they cannot put forth regulations. Worse still, unlike even
426 the Republican moratorium proposal, this bill would prevent
427 agencies from proposing similar rules ever again absent
428 Congressional intervention.

429 Mr. Chairman, Article II of the Constitution provides
430 the President shall, without exception, hold his office
431 during the term of 4 years, not 3 years and change. This

432 | legislation is emblematic of other Republican efforts to
433 | block the Obama administration, everything from filling a
434 | vacancy on the Supreme Court to implementing life-saving
435 | regulations.

436 | Now, Mr. Chairman, now, the legislation we had almost 8
437 | years ago, I suppose, said, A, it only dealt with
438 | regulations finalized in the last 90 days of the
439 | administration, which means October, November, December from
440 | shortly before the election, not from the spring; number
441 | two, it simply delayed the implementation of the legislation
442 | 90 days into the new President's term, so that the new
443 | administration could go along with it and let it take effect
444 | or not.

445 | It was a delaying thing, unlike this legislation, which
446 | says anything in the last 8, 9 months essentially, 60
447 | legislative days, 8, 9 months, even if they have gone
448 | through a 5 or 6-year rulemaking procedure, which often
449 | happens, it can be en bloc without proper individual
450 | consideration of the regulations, blocked by a vote of
451 | Congress, and never can come back.

452 | Even if the new administration approves the regulation
453 | and wants to continue it, the Congress, without changing the
454 | law -- remember, all regulations are done pursuant to law,
455 | but the Congress in one draft and one en banc resolution

456 | could eliminate the regulations to enforce the law and
457 | prevent the new administration from doing it, and that does
458 | not make any sense, so although there is perhaps a problem
459 | with Midnight Rules, a 90-day rulemaking procedure with a
460 | 90-day moratorium with a provision that the new
461 | administration can block it if they want or let it go on,
462 | that might make sense.

463 | That does make sense, but to block everything in the
464 | last 8 or 9 months on one vote without proper consideration
465 | and to say you can never bring it back, even if the new
466 | administration wants it; the old one wants it; the American
467 | people spoke; the new administration wants it, that is
468 | blocking the will of the American people and blocking the
469 | entire ability to implement legislation through rulemaking.

470 | Mr. Issa. If you could yield, I will be quick. I want
471 | to just engage in a couple of quick questions for our
472 | understanding. Is it my understanding that you object to
473 | the en bloc capability that is in the bill?

474 | Mr. Nadler. I object to several things. Number one,
475 | the timing. It is far too much; 90 days is one thing; 60
476 | legislative days, which means 8 or 9 months, is quite
477 | another. That is number one. Number two, I think I object,
478 | yes. Congress can already block a regulation.

479 | Mr. Issa. Right, but would the gentlemen agree that

480 | the bill does not have any prohibition on a motion to sever
481 | into individual pieces?

482 | Mr. Nadler. No, excuse me, yes, I would agree with
483 | that, obviously, but it does not negate the point. It
484 | becomes too easy to defeat such an amendment, and it could
485 | become a partisan thing. It becomes too easy to say, we are
486 | blocking everything, you know, in one vote; it becomes a
487 | partisan thing, and you vote through it without looking at
488 | the individual regulations. It would be much better, and
489 | that is my bill from 8 years ago, if you said, all right, we
490 | are not going to do that, but the American people spoke, and
491 | they have elected new administration, which may be the same
492 | philosophy as the old one or different; they can review it
493 | for 90 days and decide on an individual basis.

494 | Mr. Issa. Okay. Perhaps I will move to strike the
495 | last word on my own. The chairman moves to strike last
496 | word.

497 | Chairman Goodlatte. The gentleman will be recognized
498 | for 5 minutes.

499 | Mr. Issa. Thank you. I want to be very brief because,
500 | in defense of this bill, as I said in my opening statement,
501 | this is about empowering Congress, giving Congress choices.
502 | Now, the interesting thing is the last Constitutional
503 | Amendment that we all know of passed was, I think, the 27th

504 Amendment that said we could not raise our own pay in the
505 Congress in which we serve, and the American people chose to
506 make that an Amendment to the Constitution because they
507 feared one Congress acting in a way that was self-serving.

508 This whole ability to review and strike down rules does
509 not prevent the next administration from recreating them.
510 It does not prevent the minority or the majority from
511 choosing to break these up. It is in fact --

512 Mr. Nadler. Excuse me, will you yield for a second?

513 Mr. Issa. Yes, sir.

514 Mr. Nadler. It does. It says that the ex-
515 administration may not promulgate a substantially similar
516 rule without going through the entire new rulemaking process
517 of 6 or 10 years.

518 Mr. Issa. Well, I appreciate the gentleman's comment.
519 The entire rulemaking process is not 6 or 7 years.

520 Right, an administration can choose to have that, but
521 the fact is proposing a new rule that is substantially the
522 same and executing it within 180 days is doable by an
523 administration, so as a matter of fact, I will give you an
524 example. The FCC is going to vote, as early as the end of
525 this month, on something that we have not seen the language
526 of yet that is going to affect copyright, so we, as a
527 Congress, have chosen to limit ourselves on an authority

528 that is essentially ours. All this bill does, in spite of
529 the trepidations of the gentleman, my ranking member on the
530 committee, all it really does is it takes away a limitation
531 that we imposed on ourselves of our own authority.

532 Mr. Nadler. Gentleman, yield?

533 Mr. Issa. Of course.

534 Mr. Nadler. Yes, I am sorry. I was mistaken a second
535 ago. The bill is even worse. It says the following: "A
536 rule that does not take effect or does not continue under
537 paragraph 1, in other words, we have said it could not, may
538 not be reissued in substantially the same form, and the new
539 rule that is substantially the same as such rule may not be
540 issued unless," not a new rulemaking procedure, "unless the
541 reissued or new rule is specifically authorized by a law
542 enacted after the date of the joint resolution disapproving
543 the original rule." In other words, this disapproves the
544 rule, and it can never come back unless Congress issues a
545 new law. It is not just the new rulemaking procedure. I
546 yield back.

547 Mr. Issa. Okay.

548 Mr. Nadler. I thank the gentleman for yielding.

549 Mr. Issa. I appreciate that and the substantial
550 language is not new language, but of course, it is open to
551 interpretation, but you know, a disapproval, and this

552 Congress has disapproved rarely of regs, does, in fact,
553 provide that you cannot then essentially create a new rule
554 that has been disapproved, but again, that is the
555 prerogative Congress that is in the base law.

556 All we seek to do is to recognize that the period may
557 be insufficiently short and that the ability to choose or
558 not choose to vote en bloc is a prerogative the Congress
559 should give itself or, let me rephrase that, Congress should
560 not take away from itself as we currently do.

561 So I know the gentleman is not going to choose to
562 change positions, but I would hope that all of us on the
563 dais would understand that we are simply taking away
564 limitations that we have given ourselves, and you know,
565 essentially, we have these authorities unless we take them
566 away. I am choosing to say that we should give the next
567 Congress an authority that is less limiting to deal from now
568 and in the future. So I thank the gentlemen; I thank the
569 Chairman, and yield back.

570 Chairman Goodlatte. Are there any amendments to H.R.
571 5982? For what purpose does the gentleman from Michigan
572 seek recognition?

573 Mr. Conyers. Mr. Chairman, I have an amendment at the
574 desk.

575 Chairman Goodlatte. The Clerk will report the

576 amendment.

577 Ms. Adcock. Amendment to H.R. 5982 offered by Mr.
578 Conyers of Michigan, page 2, line 7.

579 [The amendment of Mr. Conyers follows:]

580 ***** INSERT 2 *****

581 Chairman Goodlatte. Without objection, the amendment
582 is considered as read, and the gentleman is recognized for 5
583 minutes on his amendment.

584 Mr. Conyers. Thank you. Members of the committee, my
585 amendment would exempt from 5982 rules issued in response to
586 an imminent threat to health, safety, or other emergencies.
587 That is all it does, and one of the most troubling aspects
588 of 5982 is that it would permit Congress to invalidate rules
589 en masse without proper consideration of the rule's benefits
590 and no matter how important or time-sensitive these rules
591 may be.

592 Agencies often promulgate emergency rules or orders in
593 response to immediate threats to public health and safety.

594 While the Congressional Review Act specifically permits
595 agencies to promulgate a rule, notwithstanding the
596 Administrative Procedure Act's notice and comment
597 requirements, if the agency has good cause, such exception
598 is only available providing the agency has not already
599 undertaken regulatory action.

600 It is not difficult to imagine a scenario where, due to
601 exigent circumstances, an agency may need to quickly adapt
602 and implement a rule that the agency has already received
603 public comment on, but still is in the rulemaking process.
604 For example, the Flint Water Crisis, long before it, the
605 Environmental Protection Agency initiated the process of
606 updating its lead and copper rule, which was originally
607 promulgated in 1991 after years of analysis.

608 The recent lead contaminated water crisis that occurred
609 in Flint, Michigan is just the latest in a long history of
610 cases of contaminated municipal water supplies. Without
611 question, the Flint crisis was a preventable public health
612 disaster, and while much blame for the Flint water crisis
613 lies with unelected officials who prioritized saving money
614 over saving lives, the presence of lead in drinking water is
615 not unique to Flint. In fact, the drinking water of
616 potentially millions of Americans may be contaminated by
617 lead.

618 This underscores the importance of swiftly adapting a
619 rule in response to lead in drinking water that is
620 unencumbered by this bill's pernicious delays. Urgent
621 rulemakings, such as EPA's proposed revisions to its lead
622 and copper rule, must not be impeded or delayed by measures
623 such as this one, such as H.R. 5982.

624 Also, my amendment is nearly identical to the exception
625 contained in H.R. 4361, a bill that would establish a
626 moratorium on midnight rules that the House has already
627 passed earlier this Congress, and so accordingly, I urge my
628 colleagues to carefully consider this amendment and support
629 it. Thank you, Mr. Chairman. I yield back.

630 Mr. Issa. Mr. Chairman?

631 Chairman Goodlatte. For what purpose does the
632 gentleman from California seek recognition?

633 Mr. Issa. To oppose the amendment. I move to strike
634 the last word.

635 Chairman Goodlatte. The gentleman is recognized for 5
636 minutes.

637 Mr. Issa. Chairman, I oppose the amendment. The
638 Midnight Rules Relief Act gives maximum flexibility to each
639 Congress to fashion a Midnight Rule disapproval resolution.
640 Each Congress will be able to examine all the midnight rules
641 that were created by the previous administration and decide

642 | which of these needs to be included in a potential
643 | disapproval resolution and which should be allowed to remain
644 | in effect. No one category of regulation is in; no one
645 | category of regulation is out.

646 | The question instead is, which are the midnight rules
647 | from whatever category that fly in the face of the voters'
648 | mandate or otherwise abusive or infirm?

649 | As a result, although rules on public health and safety
650 | are essential, there is no need to carve them out of the
651 | bill. If a midnight rule addressing a health or safety
652 | issue should be disapproved, there is no reason it should
653 | not be included in an unblocked resolution with other
654 | midnight rules that should be disapproved. That way,
655 | Congress can act efficiently, and the next administration
656 | can focus right away on writing a better rule. Of course,
657 | it is the outgoing administration's rule, apparently,
658 | addresses a public health or safety and emergency and should
659 | be allowed to stand, then the solution is easy. It simply
660 | be kept out of the disapproval resolution. In short, there
661 | is no reason to include or exclude from a rule, and it
662 | cannot be determined on a case-by-case basis on the rule's
663 | actual merits.

664 | The actual merit of a rule, not the category that the
665 | rule belongs to, is essentially what the next Congress will

666 | decide. Carving whole categories of regulations out of the
667 | bill itself only strengthens the executive branch and
668 | weakens the Congress. By allowing the executive branch to
669 | divide and conquer, a Congress unable to act swiftly with
670 | one efficient resolution is the status quo, and I urge my
671 | colleagues to vote against this amendment, and I yield back
672 | the balance of my time.

673 | Chairman Goodlatte. The chair thanks the gentleman.
674 | For what purpose does the gentlemen from Georgia seek
675 | recognition?

676 | Mr. Johnson. I move to strike the last word.

677 | Chairman Goodlatte. The gentleman is recognized for 5
678 | minutes.

679 | Mr. Johnson. Thank you, Mr. Chairman. This amendment
680 | would exempt from the bill rules submitted to Congress that
681 | pertain to responding to an imminent public health and
682 | safety crisis.

683 | As currently drafted, H.R. 5982 would permit Congress
684 | to vacate an untold number of rules on an en bloc basis,
685 | virtually guaranteeing naked political votes on these rules.
686 | This amendment would exempt from H.R. 5982 rules issued in
687 | response to a critical public health and safety crisis,
688 | which should, under no circumstances, be subject to this
689 | poorly conceived process.

690 Perhaps foremost amongst regulations designed to
691 protect public health are those that ensure Americans have
692 access to safe drinking water. The Flint water crisis is an
693 unfortunate reminder that we cannot take access to clean
694 drinking water for granted. It is essential that the
695 Environmental Protection Agency, which has already initiated
696 the process to revise and update the lead and copper rule,
697 is able to implement this rule without naked political
698 opposition from Congress in the form of a mass resolution of
699 disapproval.

700 Congress originally tasked the EPA with this important
701 job in 1986 because the agency possesses the requisite
702 technical and scientific expertise necessary to craft the
703 complicated, but vital rules necessary to ensure millions of
704 Americans have access to lead-free water. Critically, H.R.
705 5982 lacks any exception for rules that are necessary to
706 respond to public health and safety threats.

707 Our Federal agencies are charged with promulgating
708 regulations that impact nearly every aspect of our lives
709 including the air we breathe, the water we drink, the food
710 we eat, the cars we drive, and the play toys we give our
711 children. There is absolutely no evidence that rules
712 submitted to Congress during the final 60 legislative days
713 of a President's term are improperly vetted or politically

714 motivated. To the contrary, exhaustive studies by the
715 Administrative Conference of the United States and Public
716 Citizen have reached the opposite conclusion.

717 There is simply no credible reason why Congress should
718 not debate the merits of each rule that it seeks to
719 invalidate on its individual merits through a joint
720 resolution of disapproval. Congress already has the
721 ability, under the Congressional Review Act, to vacate rules
722 on an individual basis, which forces actual debate on the
723 substance and the merits of the rule. Additionally, this
724 amendment's language already appears in H.R. 4361, which
725 establishes a moratorium on midnight rules and has already
726 passed the House this Congress. Accordingly, I urge my
727 colleagues to support this amendment, and with that, I yield
728 back.

729 Chairman Goodlatte. Question appears on the amendment
730 offered by the gentleman from Michigan.

731 All those in favor, respond by saying aye.

732 Those opposed, no.

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

734 Mr. Conyers. Recorded vote, please.

735 Chairman Goodlatte. Vote is requested, and the clerk
736 will call the roll.

737 Ms. Adcock. Mr. Goodlatte?

738 Chairman Goodlatte. No.

739 Ms. Adcock. Mr. Goodlatte votes no.

740 Mr. Sensenbrenner?

741 [No response.]

742 Mr. Smith?

743 [No response.]

744 Mr. Chabot?

745 [No response.]

746 Mr. Issa?

747 Mr. Issa. No.

748 Ms. Adcock. Mr. Issa votes no.

749 Mr. Forbes?

750 [No response.]

751 Mr. King?

752 Mr. King. No.

753 Ms. Adcock. Mr. King votes no.

754 Mr. Franks?

755 [No response.]

756 Mr. Gohmert?

757 [No response.]

758 Mr. Jordan?

759 [No response.]

760 Mr. Poe?

761 [No response.]

762 Mr. Chaffetz?
763 [No response.]
764 Mr. Marino?
765 [No response.]
766 Mr. Gowdy?
767 [No response.]
768 Mr. Labrador?
769 Mr. Labrador. No.
770 Ms. Adcock. Mr. Labrador votes no.
771 Mr. Farenthold?
772 [No response.]
773 Mr. Collins?
774 [No response.]
775 Mr. DeSantis?
776 [No response.]
777 Ms. Walters?
778 Ms. Walters. No.
779 Ms. Adcock. Ms. Walters votes no.
780 Mr. Buck?
781 Mr. Buck. No.
782 Ms. Adcock. Mr. Buck votes no.
783 Mr. Ratcliffe?
784 Mr. Ratcliffe. No.
785 Ms. Adcock. Mr. Ratcliffe votes no.

786 Mr. Trott?

787 Mr. Trott. No.

788 Ms. Adcock. Mr. Trott votes no.

789 Mr. Bishop?

790 Mr. Bishop. No.

791 Ms. Adcock. Mr. Bishop votes no.

792 Mr. Conyers?

793 Mr. Conyers. Aye.

794 Ms. Adcock. Mr. Conyers votes aye.

795 Mr. Nadler?

796 [No response.]

797 Ms. Lofgren?

798 [No response.]

799 Ms. Jackson Lee?

800 [No response.]

801 Mr. Cohen?

802 [No response.]

803 Mr. Johnson?

804 Mr. Johnson. Yes.

805 Ms. Adcock. Mr. Johnson votes yes.

806 Mr. Pierluisi?

807 [No response.]

808 Ms. Chu?

809 [No response.]

810 Mr. Deutch?

811 [No response.]

812 Mr. Gutierrez?

813 [No response.]

814 Ms. Bass?

815 [No response.]

816 Mr. Richmond?

817 [No response.]

818 Ms. DelBene?

819 Ms. DelBene. Aye.

820 Ms. Adcock. Ms. DelBene votes aye.

821 Mr. Jeffries?

822 [No response.]

823 Mr. Cicilline?

824 [No response.]

825 Mr. Peters?

826 Mr. Peters. Aye.

827 Ms. Adcock. Mr. Peters votes aye.

828 Chairman Goodlatte. The gentleman from Texas, Mr.

829 Gohmert?

830 Mr. Gohmert. No.

831 Ms. Adcock. Mr. Gohmert votes no.

832 Chairman Goodlatte. The gentleman from Utah, Mr.

833 Chaffetz?

834 Mr. Gohmert. Nay.

835 Ms. Adcock. Mr. Chaffetz votes nay.

836 Chairman Goodlatte. The gentleman from South Carolina,

837 Mr. Gowdy?

838 Mr. Gowdy. No.

839 Ms. Adcock. Mr. Gowdy votes no.

840 Chairman Goodlatte. The gentleman from Pennsylvania,

841 Mr. Marino?

842 Mr. Marino. No.

843 Ms. Adcock. Mr. Marino votes no.

844 Chairman Goodlatte. Has every member voted who wishes
845 to vote? The clerk will report.

846 Ms. Adcock. Mr. Chairman, 4 members voted aye; 13
847 members voted no.

848 Chairman Goodlatte. And the amendment is not agreed
849 to. Are there further amendments to H.R. 5982?

850 Mr. Johnson. Mr. Chairman, I have an amendment at the
851 desk.

852 Chairman Goodlatte. For what purpose does the
853 gentleman from Georgia seek recognition?

854 Mr. Johnson. I have an amendment at the desk.

855 Chairman Goodlatte. The clerk will report the
856 amendment.

857 Ms. Adcock. Amendment to H.R. 5982 offered by Mr.

858 Johnson. Page 2, line 17.

859 [The amendment of Mr. Johnson follows:]

860 ***** INSERT 3 *****

861 Chairman Goodlatte. Without objection, the amendment
862 is considered as read, and the gentleman is recognized for 5
863 minutes on his amendment.

864 Mr. Johnson. Thank you, Mr. Chairman. This amendment
865 is simple. It would exempt rules issued by an agency more
866 than 3 years prior to their submission to Congress. This

867 amendment is designed to confront the fundamentally flawed
868 premise of H.R. 5982, namely that rules submitted to
869 Congress during the final 60 legislative days of a session
870 are somehow less valid than rules submitted prior to this
871 period. To set the record straight, this bill does not
872 apply to rules submitted during the lame duck period
873 following an election.

874 Notwithstanding the bill's colorful title, H.R. 5982
875 applies to every rule submitted to Congress within the final
876 60 legislative days, not final 60 days, but 60 legislative
877 days of a session. One word can make a big difference.
878 This is a clear example of that in legislation.

879 As the Non-partisan Congressional Research Service has
880 clarified, this would include rules submitted as early as
881 May 2016. If Congress had done its job, and if Congress
882 does its job, throughout the last year of a two-year session
883 such as this one, instead of taking 7 weeks of summer
884 vacation, 8 months should be adequate time for Congress to
885 consider the merits of an economically significant rule,
886 which often takes years to finalize.

887 Indeed, according to the non-partisan congressionally
888 established Administrative Conference of the United States,
889 also known as ACAS, which studied this issue exhaustively in
890 2012, many of these rules adopted between an election and

891 the inauguration of a new President, involve, quote,
892 "relatively routine matters not implicating new policy
893 initiatives by incumbent administrations," end quote,
894 Public Citizens similarly reported earlier this year that
895 rules adopted during the final months of an administration
896 take 3.6 years on average to finalize.

897 In other words, this bill is a solution to a
898 nonexistent and undocumented problem, and despite the
899 majority's claims that the bill applies to midnight rules,
900 this legislation would allow Congress to bundle numerous
901 rules finalized during the final year of a President's term
902 into a single vote on a resolution of disapproval.

903 Alarming, once these rules have been vacated through
904 this process, this legislation mandates that the agency may
905 not subsequently adopt a similar rule absent express
906 authorization by Congress. This legislation, therefore, is
907 simply another attack on Federal agency action to protect
908 the health and safety and wellbeing of the American people
909 from corporate wrongdoing.

910 I also am struck by the irony of the majority's stated
911 concerns with an alleged lack of transparency and public
912 scrutiny in the rulemaking process. This legislation,
913 ironically, has not been subject to a single hearing. In
914 fact, it was introduced less than a week ago. This is

915 midnight legislation, and it is the poster child for lack of
916 transparency. Perhaps the majority should follow its own
917 advice and proceed with regular order on new and
918 controversial legislation.

919 This legislation is symptomatic of a Republican
920 majority more focused on coming up with catchy bill titles
921 and acronyms, rather than actually solving real problems or
922 helping the American people lead healthy and more prosperous
923 and productive lives through doing things like funding a
924 Federal government response to the Zika epidemic and also
925 the Flint water crisis. I urge my colleagues to support my
926 amendment, which is critical to ensuring that the rules that
927 have already taken years to finalize to improve lives and to
928 protect people actually see the light of day, and with that,
929 I yield back.

930 Chairman Goodlatte. The chair recognizes himself in
931 opposition to the amendment. The key question is not how
932 long the regulation has been public, but how long Congress
933 has had to review and act on it. Midnight rules flood
934 Congress and threaten to overwhelm it. This bill addresses
935 that problem by simplifying Congress' process. The Midnight
936 Rules Relief Act gives maximum flexibility to each Congress
937 to fashion a midnight rule disapproval resolution.

938 Each Congress will be able to examine all of the

939 midnight rules that were created by the previous
940 administration and decide which of those need to be included
941 in potential disapproval resolution and which should be
942 allowed to remain in effect. No one category of regulation
943 is in; no one category of regulation is out.

944 The fact that a rule has been public for years does
945 nothing to give Congress more time to review and act on it.
946 Accordingly, this exemption would only strengthen the
947 executive branch and weaken the Congress by allowing the
948 executive branch to divide and conquer a Congress unable to
949 act swiftly with one efficient resolution.

950 By the same token, midnight rulemaking can jam the
951 Office of Information and Regulatory Review, which reviews
952 rules to ensure they are necessary and not overly
953 burdensome. None of this is relieved by the fact that a
954 rule may have been public if it has not been reviewed by
955 OIRA until the last minute. Accordingly, I urge my
956 colleagues to vote against this amendment, which would
957 undermine Congress' legislative authority and could hurt the
958 quality of agency rulemakings. For what purpose does the
959 gentlemen from Michigan seek recognition?

960 Mr. Conyers. I rise in support of the amendment.

961 Chairman Goodlatte. The gentleman is recognized for 5
962 minutes.

963 Mr. Conyers. Thank you. Members of the committee,
964 what we're trying to do here is exempt from the bill rules
965 proposed more than 3 years prior to being submitted to
966 Congress. This amendment confronts the flawed premise in
967 5982 that the rules submitted to Congress within the final 7
968 to 8 months of an administration are improperly vetted or
969 politically motivated. As the non-partisan congressionally
970 authorized Administrative Conference of the United States
971 reported in 2012, there is no credible evidence that rules
972 adopted during a Presidential transition period are any
973 different from rules submitted to Congress at other points
974 during an administration.

975 Furthermore, as the Coalition for Sensible Safeguards,
976 in an alliance of more than 150 consumer, labor, research,
977 faith, and other public interest groups have observed in
978 opposition to substantially similar legislation introduced
979 to this Congress, this legislation is based on a
980 fundamentally false premise that regulations proposed or
981 finalized during the so-called midnight rulemaking period
982 following the election and before the inauguration of the
983 new President are rushed and inadequately vetted.

984 In fact, members of the Committee, this is the very
985 opposite of the true situation. Many of these proposed
986 public health and safety protections have been working their

987 way through the regulatory process for years, sometimes
988 decades, and some of them predate the current
989 administration. Furthermore, many of these regulations were
990 mandated by Congress and have missed rulemaking deadlines
991 set by the Congress.

992 With zero empirical evidence that H.R. 5982 is a
993 warranted expansion of Congress's existing tools to shape
994 agency rulemaking, this amendment is critical to prevent a
995 subsequent Congress from a summary invalidation of prior
996 administration's regulatory priorities in the guise of a fix
997 to the midnight rules, so I enthusiastically ask your
998 support for the Johnson amendment.

999 Mr. Johnson. And would the gentleman yield?

1000 Mr. Conyers. Of course, I will yield.

1001 Mr. Johnson. Thank you. Mr. Chairman, I would tender
1002 for the record a letter in support of the amendment from the
1003 Coalition for Sensible Safeguards dated September the 14th
1004 2016.

1005 Chairman Goodlatte. Without objection, it will be made
1006 a part of the record.

1007 [The information follows:]

1008 ***** COMMITTEE INSERT *****

1009 Mr. Johnson. I yield back, sir.

1010 Chairman Goodlatte. A question occurs on the amendment

1011 offered by the gentlemen from Georgia.

1012 All those in favor, respond by saying aye.
1013 Those opposed, no.
1014 In the opinion of the chair, the noes have it.
1015 The amendment is not agreed to.
1016 Mr. Johnson. Mr. Chairman, I would ask for a recorded
1017 vote.
1018 Chairman Goodlatte. A recorded vote is requested, and
1019 the clerk will call the roll.
1020 Ms. Adcock. Mr. Goodlatte?
1021 Chairman Goodlatte. No.
1022 Ms. Adcock. Mr. Goodlatte votes no.
1023 Mr. Sensenbrenner?
1024 [No response.]
1025 Mr. Smith?
1026 [No response.]
1027 Mr. Chabot?
1028 [No response.]
1029 Mr. Issa?
1030 Mr. Issa. No.
1031 Ms. Adcock. Mr. Issa votes no.
1032 Mr. Forbes?
1033 [No response.]
1034 Mr. King?
1035 Mr. King. No.

1036 Ms. Adcock. Mr. King votes no.
1037 Mr. Franks?
1038 Mr. Franks. No.
1039 Ms. Adcock. Mr. Franks votes no.
1040 Mr. Gohmert?
1041 Mr. Gohmert. No.
1042 Ms. Adcock. Mr. Gohmert votes no.
1043 Mr. Jordan?
1044 [No response.]
1045 Mr. Poe?
1046 [No response.]
1047 Mr. Chaffetz?
1048 Mr. Chaffetz. No.
1049 Ms. Adcock. Mr. Chaffetz votes no.
1050 Mr. Marino?
1051 [No response.]
1052 Mr. Gowdy?
1053 Mr. Gowdy. No.
1054 Ms. Adcock. Mr. Gowdy votes no.
1055 Mr. Labrador?
1056 [No response.]
1057 Mr. Farenthold?
1058 [No response.]
1059 Mr. Collins?

1060 [No response.]

1061 Mr. DeSantis?

1062 [No response.]

1063 Ms. Walters?

1064 Ms. Walters. No.

1065 Ms. Adcock. Ms. Walters votes no.

1066 Mr. Buck?

1067 Mr. Buck. No.

1068 Ms. Adcock. Mr. Buck votes no.

1069 Mr. Ratcliffe.

1070 Mr. Ratcliffe. No.

1071 Ms. Adcock. Mr. Ratcliffe votes no.

1072 Mr. Trott?

1073 [No response.]

1074 Mr. Bishop?

1075 Mr. Bishop. No.

1076 Ms. Adcock. Mr. Bishop votes no.

1077 Mr. Conyers?

1078 Mr. Conyers. Aye.

1079 Ms. Adcock. Mr. Conyers votes aye.

1080 Mr. Nadler?

1081 [No response.]

1082 Ms. Lofgren?

1083 [No response.]

1084 Ms. Jackson Lee?
1085 [No response.]
1086 Mr. Cohen?
1087 [No response.]
1088 Mr. Johnson?
1089 Mr. Johnson. Aye.
1090 Ms. Adcock. Mr. Johnson votes aye.
1091 Mr. Pierluisi?
1092 [No response.]
1093 Ms. Chu?
1094 [No response.]
1095 Mr. Deutch?
1096 [No response.]
1097 Mr. Gutierrez?
1098 [No response.]
1099 Ms. Bass?
1100 [No response.]
1101 Mr. Richmond?
1102 [No response.]
1103 Ms. DelBene?
1104 Ms. DelBene. Aye.
1105 Ms. Adcock. Ms. DelBene votes aye.
1106 Mr. Jeffries?
1107 [No response.]

1108 Mr. Cicilline?

1109 [No response.]

1110 Mr. Peters?

1111 Mr. Peters. Aye.

1112 Ms. Adcock. Mr. Peters votes aye.

1113 Chairman Goodlatte. The gentleman from Pennsylvania,

1114 Mr. Marino?

1115 Mr. Marino. No.

1116 Ms. Adcock. Mr. Marino votes no.

1117 Chairman Goodlatte. The gentleman from Ohio, Mr.

1118 Jordan?

1119 Mr. Jordan. No.

1120 Ms. Adcock. Mr. Jordan votes no.

1121 Chairman Goodlatte. Has every member voted who wishes

1122 to vote? The clerk will report.

1123 Ms. Adcock. Mr. Chairman, 4 members voted aye; 13

1124 members vote no.

1125 Chairman Goodlatte. And the amendment is not agreed

1126 to. Are there other amendments? A reporting quorum being

1127 present, the question is on the motion to present the bill

1128 H.R. 5982 favorably to the House.

1129 All those in favor, respond by saying aye.

1130 Those opposed, no.

1131 The ayes have it, and the bill is ordered reported

1132 favorably.

1133 Mr. Conyers. Roll call, please.

1134 Chairman Goodlatte. A roll call vote has been
1135 requested and the clerk will call the roll.

1136 Ms. Adcock. Mr. Goodlatte?

1137 Chairman Goodlatte. Aye.

1138 Ms. Adcock. Mr. Goodlatte votes aye.

1139 Mr. Sensenbrenner?

1140 [No response.]

1141 Mr. Smith?

1142 [No response.]

1143 Mr. Chaffetz?

1144 [No response.]

1145 Mr. Issa?

1146 Mr. Issa. Aye.

1147 Ms. Adcock. Mr. Issa votes aye.

1148 Mr. Forbes?

1149 [No response.]

1150 Ms. Adcock. Mr. King?

1151 Mr. King. Aye.

1152 Ms. Adcock. Mr. King votes aye.

1153 Mr. Franks?

1154 Mr. Franks. Aye.

1155 Ms. Adcock. Mr. Franks votes aye.

1156 Mr. Gohmert?
1157 Mr. Gohmert. Aye.
1158 Ms. Adcock. Mr. Gohmert votes aye.
1159 Mr. Jordan?
1160 Mr. Jordan. Yes.
1161 Ms. Adcock. Mr. Jordan votes yes.
1162 Mr. Poe?
1163 [No response.]
1164 Mr. Chaffetz?
1165 Mr. Chaffetz. Aye.
1166 Ms. Adcock. Mr. Chaffetz votes aye.
1167 Mr. Marino?
1168 Mr. Marino. Yes.
1169 Ms. Adcock. Mr. Marino votes yes.
1170 Mr. Gowdy?
1171 Mr. Gowdy. Yes.
1172 Ms. Adcock. Mr. Gowdy votes yes.
1173 Mr. Labrador?
1174 [No response.]
1175 Mr. Farenthold?
1176 [No response.]
1177 Mr. Collins?
1178 [No response.]
1179 Mr. DeSantis?

1180 [No response.]

1181 Ms. Walters?

1182 Ms. Walters. Yes.

1183 Ms. Adcock. Ms. Walters votes yes.

1184 Mr. Buck?

1185 Mr. Buck. Yes.

1186 Ms. Adcock. Mr. Buck votes yes.

1187 Mr. Ratcliffe?

1188 Mr. Ratcliffe. Yes.

1189 Ms. Adcock. Mr. Ratcliffe votes yes.

1190 Mr. Trott?

1191 [No response.]

1192 Mr. Bishop?

1193 Mr. Bishop. Yes.

1194 Ms. Adcock. Mr. Bishop votes yes.

1195 Mr. Conyers?

1196 Mr. Conyers. No.

1197 Ms. Adcock. Mr. Conyers votes no.

1198 Mr. Nadler?

1199 [No response.]

1200 Ms. Lofgren?

1201 [No response.]

1202 Ms. Jackson Lee?

1203 [No response.]

1204 Mr. Cohen?

1205 [No response.]

1206 Mr. Johnson?

1207 Mr. Johnson. No.

1208 Ms. Adcock. Mr. Johnson votes no.

1209 Mr. Pierluisi?

1210 [No response.]

1211 Ms. Chu?

1212 [No response.]

1213 Mr. Deutch?

1214 [No response.]

1215 Mr. Gutierrez?

1216 [No response.]

1217 Ms. Bass?

1218 [No response.]

1219 Mr. Richmond?

1220 [No response.]

1221 Ms. DelBene?

1222 Ms. DelBene. No.

1223 Ms. Adcock. Ms. DelBene votes no.

1224 Mr. Jeffries?

1225 [No response.]

1226 Mr. Cicilline?

1227 [No response.]

1228 Mr. Peters?

1229 Mr. Peters. No.

1230 Ms. Adcock. Mr. Peters votes no.

1231 Chairman Goodlatte. Has every member voted who wishes
1232 to vote? The gentlewoman from California?

1233 Ms. Chu. No.

1234 Ms. Adcock. Ms. Chu votes no.

1235 Chairman Goodlatte. The gentleman from Florida?

1236 Mr. DeSantis. Aye.

1237 Ms. Adcock. Mr. DeSantis votes aye.

1238 Chairman Goodlatte. The gentleman from Texas?

1239 Mr. Farenthold. Are not I recorded?

1240 Chairman Goodlatte. You are not recorded.

1241 Mr. Farenthold. Aye.

1242 Ms. Adcock. Mr. Farenthold votes aye.

1243 Chairman Goodlatte. The clerk will report.

1244 Ms. Adcock. Mr. Chairman, 15 members vote aye ,5
1245 members vote no.

1246 Chairman Goodlatte. The ayes have it, and the bill is
1247 ordered reported favorably to the House. Members will have
1248 two days to submit views. This concludes our business for
1249 today. Thanks to all our members for attending, and markup
1250 is adjourned.

1251 [Whereupon, at 11:22 a.m., the committee adjourned

1252 | subject to the call of the chair.]