

Davis, Rodney	Jenkins (WV)	Poe (TX)
DeFazio	Johnson (OH)	Poliquin
Delaney	Jones	Price (GA)
Denham	Jordan	Ratcliffe
DeSantis	Joyce	Reed
DeSaulnier	Kaptur	Reichert
Dingell	Kilmer	Renacci
Dold	Kind	Rice (NY)
Duffy	Kinzinger (IL)	Rice (SC)
Ellmers	Kirkpatrick	Rigell
Farenthold	Lance	Rooney (FL)
Fincher	Langevin	Ros-Lehtinen
Fitzpatrick	Latta	Roybal-Allard
Fleming	Lee	Rush
Flores	Levin	Sánchez, Linda
Forbes	Lewis	T.
Fox	LoBiondo	Sanchez, Loretta
Fudge	Lowey	Sarbanes
Gallego	Lynch	Schakowsky
Garrett	MacArthur	Schrader
Gibson	Maloney, Sean	Sewell (AL)
Graves (GA)	Marchant	Sires
Graves (MO)	McDermott	Smith (MO)
Green, Al	McGovern	Stivers
Green, Gene	McKinley	Swalwell (CA)
Griffith	Meehan	Thompson (CA)
Gutiérrez	Meeks	Thompson (MS)
Hahn	Moore	Thompson (PA)
Hanna	Mulvaney	Tiberi
Hartzler	Murphy (FL)	Tipton
Heck (NV)	Neal	Turner
Herrera Beutler	Newhouse	Valadao
Hice (GA)	Nolan	Vargas
Hill	Norcross	Veasey
Holding	Nugent	Velázquez
Honda	Palazzo	Viscosky
Hoyer	Pallone	Walberg
Hudson	Paulsen	Walker
Huffman	Payne	Waters, Maxine
Huizenga (MI)	Pearce	Weber (TX)
Israel	Perry	Woodall
Issa	Peters	Yoder
Jackson Lee	Peterson	Young (AK)
Jenkins (KS)	Pittenger	

ANSWERED "PRESENT"—1

Gohmert

NOT VOTING—11

Blum	Grijalva	Slaughter
Cleaver	Nunnelee	Titus
Duckworth	Perlmutter	
Garamendi	Pompeo	
	Ryan (OH)	

□ 1437

So the Journal was approved.

The result of the vote was announced as above recorded.

REGULATORY ACCOUNTABILITY ACT OF 2015

The SPEAKER pro tempore. Pursuant to House Resolution 27 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 185.

The Chair appoints the gentleman from Georgia (Mr. WESTMORELAND) to preside over the Committee of the Whole.

□ 1439

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 185) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, with Mr. WESTMORELAND in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

The American people are now four elections and more than 6 years into the worst period after an economic crisis since the Great Depression. Despite some encouraging recent signs, jobs have not truly recovered. Wages have definitely not recovered. The rate of new business startups has not recovered. Instead, permanent exits from the labor force are at historic levels, real wages have fallen, and dependency on government assistance has increased. People have been giving up because they can't find a confident path forward.

In this recovery, we are not recovering; we are losing something precious. We are losing what has allowed this Nation to contribute more to human happiness than any other nation in history. We are losing the opportunity to live the American Dream. What is that dream? It is the dream that if you work hard, if you take responsibility for your life, if you reach for the opportunity that your human potential makes possible, you will be free to succeed. You will be free to pursue your happiness. And as you achieve that happiness, your children will have a better chance in life than you did.

All across this country, people who have been struggling, people whose jobs and wages have been disappearing, people who have been leaving the labor pool for the dependency pool, people who have seen no way possible to start a new business, can feel in their bones that this American Dream, the dream that they cherish and their children need, is slipping away.

What is killing the American Dream?

It is not ordinary Americans. It is not foreign enemies. It is not global phenomena. It is not natural disasters. More than anything else, it is the endless drain of resources that takes working people's hard-earned wages to Washington, and Washington's endless erection of regulatory roadblocks in the path of opportunity and growth.

Today, the combined economic burden of Federal taxation and regulation is over \$3 trillion, almost 20 percent of our economy. Of that, the larger part is the burden of regulation—now estimated to reach at least \$1.86 trillion. That Federal regulatory burden is larger than the 2013 gross domestic product of all but the top 10 countries in the world. It is half the size of Germany's entire gross domestic product. It is more than one-third the size of Japan's. Most important, that burden is \$15,000 per American household, nearly 30 percent of average household income in 2013.

No one says we need no regulation, but who can credibly say we need regulation that costs this much.

□ 1445

America cannot possibly retain its competitive position in the world and

create opportunity and prosperity for all Americans if the Federal Government continues to drop such a crushing weight on our economy.

My Regulatory Accountability Act addresses head on the problem of endlessly escalating, excessive Federal regulatory costs, and it addresses it in clear, commonsense ways that we can all support because it is based on principles proven in bipartisan practice from Presidents of both parties since Ronald Reagan.

What are those principles? Here are some of the most important: require agencies to choose the lowest cost rule-making alternative that meets statutory objectives; if needed to protect public health, safety, or welfare, allow flexibility to choose costlier rules, but make sure the added benefits justify the added costs; improve public outreach and agency factfinding to identify better, more efficient regulatory alternatives; require agencies to use the best reasonably-obtainable science; provide on-the-record but streamlined administrative hearings in the highest-impact rulemakings—those that impose \$1 billion or more in annual costs—so interested parties can subject critical evidence to cross-examination; require advanced notice of proposed major rulemakings to increase public input before costly agency positions are proposed and entrenched; strengthen judicial review of new agency regulations to make sure the Federal Courts can enforce these requirements.

In a nutshell, this bill says to every agency: Fulfill the statutory goals the United States Congress has set for you. Protect health. Protect safety. Protect consumers. Protect the vulnerable. You are free to do that, and you should do that whenever Congress gives you those orders, but as you achieve those goals, make sure you do it with better public input, better-tested information, and in the least-costly way.

The minute this bill becomes law, what will start to happen? America will start to save hundreds of billions of dollars it doesn't need to spend. That is real money that can be put to better use creating jobs and wages for our constituents, real money that hardworking Americans can use to start and grow their own businesses, real money that can be used to restore the American Dream, all without stopping a single needed regulation from being issued.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chair, I yield myself such time as I may consume.

Members of the House, I strongly oppose H.R. 185, the so-called Regulatory Accountability Act. Under the guise of attempting to improve the regulatory process, H.R. 185 will, in truth, undermine that process. It invites increased industry intervention and imposes more than 60–6–0—new analytical requirements that could add years to the regulatory process.

They make no bones about it in this bill. As a result, H.R. 185 would seriously hamper the ability of government agencies to safeguard public health and safety, as well as environmental protections, workplace safety, and consumer financial protections. That is what we are debating at this moment.

My greatest concern is that H.R. 185 will undermine the public health, safety, and well-being of Americans. The ways in which it does it are almost too numerous to list here, but I will mention a few.

First, H.R. 185 would override critical laws that prohibit agencies from considering costs when public health and safety are at stake. Imagine, we would pass a law that would override critical laws that prohibit agencies from considering costs when public health and safety are at stake, including the Clean Air Act, the Clean Water Act, and the Occupational Safety and Health Act.

This means that agency officials will now be required to balance the costs of an air pollution standard with the costs of anticipated deaths and illnesses that will result in the absence of such regulations.

At a hearing on an earlier version of this bill in the 112th Congress, one witness—our witness—testified that if this measure were in effect in the 1970s, the government “almost certainly would not have required the removal of most lead from gasoline until perhaps decades later.”

This explains why numerous respected agencies, consumer organizations, public interest groups, labor movements, and environmental organizations all strongly oppose this dangerous legislation.

For example, the Coalition for Sensible Safeguards—consisting of more than 70 national public interest, labor, consumer, and environmental organizations—say the bill will “grind to a halt the rulemaking process at the core of implementing the Nation’s public health, workplace safety, and environmental standards.”

Another organization, very much respected, the Natural Resources Defense Council, adds that the practical impact of the measure before us now, H.R. 185, “would be to make it difficult, if not impossible, to put in place any new safeguards for the public, no matter what the issue.”

Now, I am not sure if the authors of this measure understand the deep criticism and reservation that the scientific and academic community have about the practical impact of this measure.

Another, the Consumer Federation of America states that H.R. 185 “would handcuff all Federal agencies in their efforts to protect consumers” and that it “would override important bipartisan laws that have been in effect for years, as well as more recently-enacted laws to protect consumers from unfair and deceptive financial services, unsafe food, and unsafe consumer products.”

Do we understand what it is we are dealing with here this day?

Further, the AFL–CIO warns that the bill’s procedural and analytical requirements add years to the regulatory process—adds years to the regulatory process—delaying the development of major workplace safety rules and will “cost workers their lives.”

As more than 80 highly-respected administrative law academics and practitioners observe, the bill’s many ill-defined new procedural and analytical requirements will engender “20 or 30 years of litigation before its requirements are clearly understood.” What do we have in mind? What is trying to be accomplished here?

My next concern is that this legislation would give well-funded business interests the opportunity to exert even greater influence over the rulemaking process and agencies.

We already know that the ability of corporate and business interests to influence agency rulemaking far exceeds that by groups representing the public. In other words, the groups representing the public already have less influence to influence agency rulemaking, and we are here proposing in broad daylight to make it even worse, much worse.

But rather than leveling the playing field, this measure will further tip the balance in favor of business interests by giving them multiple opportunities to intervene in the rulemaking process, including through less differential judicial review.

Finally, this measure is based on the faulty premise that regulations result in economically stifling costs, kill jobs, and promote uncertainty.

While supporters of H.R. 185 will undoubtedly cite a study claiming the cost of regulation exceed \$1.8 trillion, the Congressional Research Service, Center for Progressive Reform, and the Economic Policy Institute all found that a prior iteration of this study was based on incomplete and irrelevant data.

In fact, the majority’s own witnesses at a hearing on nearly identical legislation clearly debunked this argument. Mr. Christopher DeMuth, who appeared on behalf of the conservative think tank American Enterprise Institute, testified that the employment effects of regulation “are indeterminant.”

The other central argument put forth by proponents of this legislation—that regulatory uncertainty hurts businesses—has similarly been debunked.

Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush administrations observes:

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment.

That is from a Bush administrator, who was a senior policy analyst in the Reagan administration, Bruce Bartlett.

Not surprisingly, the administration issued a strong veto threat just yester-

day, stating that the bill “would impose unprecedented and unnecessary procedural requirements on agencies that will prevent them from efficiently performing their statutory responsibilities.”

Rather than heeding these serious concerns, the supporters of H.R. 185 simply want to push forward without any hearings, markups, or deliberative process in this Congress with a bill that has absolutely no political viability.

I urge, I plead with my colleagues to oppose this very dangerous legislation, and, Mr. Chair, I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 2 minutes to the gentleman from Minnesota (Mr. PETERSON), who has worked with us across the aisle on this legislation for the last two Congresses. This issue goes back far before that as well. I want to thank him for his work on this.

□ 1500

Mr. PETERSON. I thank the gentleman.

Mr. Chairman, I rise in support of H.R. 185, the Regulatory Accountability Act of 2015. This is common-sense legislation, and I urge my colleagues to support it. Our farmers, ranchers, and businesses are all feeling the burden of increased regulation, and we need to act to ensure that they are not regulated out of business.

We all understand how difficult it is to pass legislation, but it is sometimes often even harder to get the regulations written correctly. Sometimes you don’t recognize the legislation that passed when they are done with it. Rather than following the intent of the law, we have seen interest groups using the regulatory process to interpret the law in their best interests. This should not be the case.

H.R. 185 will create a more streamlined, transparent, and accountable regulatory process and give the American people a stronger voice in agency decision-making. Specifically, the bill requires agencies to choose the lowest cost rulemaking alternative, streamlines administrative hearings to provide for more stakeholder input, and provides for more judicial review of new agency regulations.

Similar legislation received bipartisan support in the House in previous Congresses, and I urge my colleagues to again support these commonsense reforms.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Georgia, HANK JOHNSON, a distinguished member of the Judiciary Committee

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to H.R. 185, the Regulatory Accountability Act of 2015, and on behalf of my amendment to protect jobs.

H.R. 185 is a sweeping revision of the Administrative Procedure Act that

convolutes the agency rulemaking process through numerous analytical requirements. These requirements, which are largely opposed by the Nation's leading administrative law experts, would cause years of delays in rulemaking or deregulate entire industries through rulemaking avoidance by agencies.

As a result of this deregulation, H.R. 185 would seriously undermine the critical role of agencies in protecting public health and safety, undermining protections across every regulated industry, from consumers' health and product safety, environmental protections, workplace safety, to consumer financial protections.

The only basis for this bill is the unsupported claims that regulations erode employment and economic growth. Contrary to my Republican colleagues' assertion that regulations kill jobs, a wealth of unimpeachable, bipartisan evidence has repeatedly and effectively debunked this claim.

The Office of Management and Budget estimated over the last decade that major regulations benefited the economy between \$217 billion and \$863 billion a year, at a mere cost of \$57 billion to \$84 billion.

Regulations don't cause economic loss, ladies and gentlemen. Instead, they have produced billions of dollars in economic gains. In fact, a 2013 study from the San Francisco Federal Reserve found that since the recession, there is zero correlation between job growth and regulations. Moreover, the San Francisco Federal Reserve also found that there is no evidence showing that increased regulations and taxes have any effect on the unemployment rate. If anything, weak growth was due to weak consumer demand, not cost of regulations. Earlier studies by the New York Federal Reserve made similar findings.

So what is the evidence that regulations harm the economy? The only evidence—literally, the one study supporting the faulty premise that regulations harm the economy—relied on for the absurd figures repeated by the proponents of this bill derives from a study roundly unproven by the non-partisan Congressional Research Service, which found that the study's cost figures were cherry-picked, inaccurate, and based on evidence from decades ago without contemporary value.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. Indeed, the very authors of this study have since repudiated its use in policy debates, and any of their claims should be discredited as ideologically driven.

Under President Obama, the economy has roared back to life. Unemployment is falling at the fastest rate in three decades. Consumer and business spending have catalyzed the most growth in over a decade. Our Nation's gross domestic product grew at 5 percent be-

tween July and September last year—the fastest since 2003—and that will continue to grow throughout this year.

Granted, the bottom 99 percent of Americans have not felt the economic uptick that the top 1 percent have enjoyed, but that fact is not due to the cost of regulation but, rather, stagnant wage growth.

Mr. Chairman, it is clear that our economy is growing at its fastest rate. I would ask that my amendment, which has been ruled to be in order, will rule the day. I ask for your support.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. MARINO), the chairman of the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law of the House Judiciary Committee.

Mr. MARINO. Mr. Chairman, I rise in strong support of H.R. 185, the proposed Regulatory Accountability Act. Simply put, this legislation requires Federal regulatory agencies to choose the lowest cost rulemaking alternative that meets the statutory objectives.

In the 113th Congress, members of the Judiciary Committee and the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law heard over and over again how these regulatory costs have been key factors that hold back our economic recovery and stand in the way of job creation. Our regulatory reform agenda for the 114th Congress begins today with the passage of the Regulatory Accountability Act. It is a good place to start. After all, it has been almost 70 years since enactment of the Administrative Procedure Act. Unfortunately, the act has never been modernized nor even amended in any material way.

As chairman of the Subcommittee on Regulatory Reform, Commercial, and Antitrust Law, it is my honor to support Chairman GOODLATTE, and I urge Members to support H.R. 185, a bill that passed with strong bipartisan support in both the 112th and 113th Congress, so the bill can finally be given serious consideration in the new House, the U.S. Senate, and reach the President's desk.

If the President is serious about job creating, helping small businesses, and growing our economy, he will work with us and sign the Regulatory Accountability Act and other important regulatory reform measures into law.

Mr. Chairman, it is about time that we deliver real and permanent regulatory solutions to create jobs. Doing that starts with passage of the Regulatory Accountability Act.

I want to leave the American people with one thought. It is an example how the EPA, the Environmental Protection Agency, is doing what this bill tries to prevent.

I live in the middle of five farms. I have been there for almost two decades. Just recently, the EPA has attempted to get more control over farmland by saying that if there is a rain-

storm and there is a puddle, or a farmer even spills milk, through the Navigable Waters Act, EPA has control over that land. As I said, I have been living in the middle of five farms for a couple of decades, and I have yet to see as much as a rowboat go through those farmlands.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE), one of our most effective members of the Judiciary Committee.

Ms. JACKSON LEE. I thank the gentleman, the distinguished ranking member, for yielding the time.

Mr. Chairman, I would almost attempt to bring back "Swanee River," or some old song that reflects "here we go again."

This is a bill that has been recycled. It has been recycled and it has been recycled. I believe the underlying premise of the bill is contrary to the values of the American people. This is proposed as a Regulatory Accountability Act to generate jobs and opportunity. I rise in opposition to a bill that stymies progress, hinders clean water and clean air, and provides mountainous obstacles to the national security of America.

What is the underlying premise of H.R. 185? The underlying premise of this bill is to require 70 new analytical requirements to the Administrative Procedure Act, and it requires Federal agencies to conduct an estimate of all indirect costs and benefits of proposed rules and all potential alternatives without providing any definition of what constitutes or does not constitute an indirect cost.

Mr. Chairman, is there logic to saying that you are streamlining the APA process when you are adding a mountainous, tall, multifloor skyscraper of requirements? Is it accurate to suggest that you are making the process better when you are causing agencies of varying sizes already suffering from the restraints of the budget-cutting process of my friends on the other side of the aisle, are you suggesting that they can then analyze indirect costs and actually save money?

We live in a climate and an era of difficult times. As a member of the Homeland Security Subcommittee, as our Secretary of Homeland Security has said, these are dangerous times. We have already indicated our sympathy for the people of France and viewed it as a wake-up call. Do you realize that some of the agencies facing this crisis will be Homeland Security, Health and Human Services? Does anyone recall the tragedy of Ebola and how quickly action was needed?

This undermines the integrity of the process by increasing the procedural burdens for Federal agencies when they try to carry out their mandates. In fact, this is not helpful when we entrust our agency personnel to help protect the American people against threats near and far.

So, Mr. Chairman, I am asking the question: What are we saving here?

What money are we saving? Why are we undermining the very protection of this Nation?

Again, the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, the Consumer Product Safety Improvement Act, and, again, homeland security, all of these very important elements of safety for the American people will be undermined by H.R. 185. Today, Mr. Chairman, I ask my colleagues to stand on the side of the American people and vigorously oppose H.R. 185.

Mr. Chair, I rise in opposition to H.R. 185, the Regulatory Accountability Act of 2015.

This bill modifies the federal rule-making process by codifying many requirements included in presidential executive orders and requiring agencies to consider numerous new criteria when issuing rules, including alternatives to any rule proposal, the scope of the problem that the rule is meant to address, and potential costs and benefits of the proposal and alternatives.

In essence though—this H.R. 185 only adds to the procedural burdens of federal agencies—making it harder for them to effectively carry out their missions.

THE REGULATORY ACCOUNTABILITY ACT:

Creates confusion and delay by adding over 70 new analytical requirements to the Administrative Procedure Act and requires federal agencies to conduct an estimate of all the “indirect” costs and benefits of proposed rules and all potential alternatives without providing any definition of what constitutes or does not constitute an indirect cost.

Mr. Chair, the tragedy last week in France was a wake-up call—and we simply cannot delay, obfuscate, and slow down the regulatory process.

Slows down the rulemaking process by significantly increasing the demands on already constrained agency resources to produce the analysis and findings that would be required to finalize any new rule.

Undermines the integrity of the process by increasing the procedural burdens for federal agencies when they try to carry out their mandates. Mr. Chair, this is not helpful legislation when we entrust our agency personnel to help protect the American people against threats near and far such as franchise terrorism, keep our water clean, and our food safe.

Allows any interested person has the ability to petition the agency to hold a public hearing on any “genuinely disputed” scientific or factual conclusions underlying the proposed rule.

HINDERS THE PRODUCTION OF GUIDANCE DOCUMENTS

“Super-mandates” cost-benefit analysis measures for major guidance documents. In addition it makes it much harder for agencies to issue guidance, thus leading to increased regulatory uncertainty.

Provides regulated industries and companies multiple opportunities to challenge agency data and science and thus further stretch out the already lengthy rulemaking process—again—undermining the process.

MAKES THE LEAST COSTLY RULE THE DEFAULT CHOICE

Requires that an agency default to the “least costly” rule unless it can demonstrate—out of all the possible alternative rules—that additional benefits justify any additional costs and offer a public health, safety, environmental, or welfare justification clearly drawn

from the authorizing statute including such critical measures as the Clean Air Act, the Clean Water Act, the Occupational Safety and Health Act, and the Consumer Product Safety Improvement Act.

EXPANDS JUDICIAL REVIEW OF AGENCY JUDGMENTS

This bill discourages agencies from rule-making and from being able to do their jobs because judges are emboldened to substitute their own opinions for the findings of agencies. Expands the scope of judicial review.

The Regulatory Accountability Act is designed to further obstruct and hinder rule-making rather than improve the regulatory process.

Mr. Chair, I urge my colleagues to VOTE AGAINST the Regulatory Accountability Act and ensure that progress is not thwarted and government operations not unnecessarily delayed by this legislation.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. TROTT), a new member of the House Judiciary Committee.

Mr. TROTT. Thank you, Mr. Chairman.

Today, this House will vote on important bipartisan legislation designed to rein in costly Federal regulations. The Regulatory Accountability Act will modernize the Federal rulemaking process by directing the executive branch to fulfill its statutory goals in the least costly method and requires agencies to solicit input from, of all places, the public to find the most efficient regulatory solutions.

The Regulatory Accountability Act is necessary because ineffective, inefficient regulations from Washington have increased prices, lowered wages, killed jobs, and made our Nation less competitive. There is no question that these regulations are hurting hard-working families in Michigan’s 11th District and throughout our great Nation.

The facts on Washington’s overregulation are shocking. Federal regulations now impose an estimated burden of \$1.86 trillion. That burden is suffocating America’s job creators. It equals roughly \$15,000 per household and 11 percent of our gross domestic product. To make matters worse, the new regulations cooked up in Washington are often unnecessary and have unintended consequences.

I spent 30 years in business and have seen firsthand the devastating impact overregulation from Washington can have on our economy. We cannot expect our job providers to grow and hire more employees if Washington is creating uncertainty, surprises, and continuing to bury our businesses in costly regulations.

Every dollar that is spent complying with needless regulations is one less dollar that can be spent by families who are trying to put food on the table and make ends meet in a challenging economy.

Mr. Chairman, the American people sent us here to work together to address the many challenges facing our Nation. They sent us here to craft solu-

tions to create jobs and make opportunities for all Americans.

□ 1515

So I urge my colleagues to join me in supporting the Regulatory Accountability Act so we can begin to lift the burden of Federal regulations off the American people. It is time to get the government out of the way.

Mr. CONYERS. Mr. Chair, I am pleased now to yield 4 minutes to the distinguished gentleman from Virginia (Mr. SCOTT), a man who has served the House Judiciary Committee with great distinction.

Mr. SCOTT of Virginia. Mr. Chairman, I thank the gentleman for yielding.

I rise against the underlying bill.

Mr. Chairman, we have heard a lot about job growth. We just want to remind people that our economy has experienced job growth in excess of 200,000 for 11 consecutive months, a record that hadn’t been seen since the Clinton administration, and 58 consecutive months of private sector job growth, a string that hasn’t been seen in recorded history.

So, continued economic growth and strong regulatory protections are not mutually exclusive. In fact, regulations are often necessary to protect the investments the American taxpayer makes in our economy and to ensure stability, order, and safety inside and outside of the workplace.

Unfortunately, this legislation will impose unnecessary burdens and delays on agencies seeking to issue or improve rules and regulations, burdensome delays that can threaten taxpayer dollars and the lives and health of workers.

Mr. Chairman, I offered two amendments that would have improved the bill, but neither was accepted by the Rules Committee. The first would have insured that inspector general recommendations would not be subject to the potentially dangerous delays and extra hurdles found in the bill.

Inspectors general are taxpayers’ independent watchdogs who investigate and seek out problems and inefficiencies in our government. For example, two alarming audits issued last year by the Department of Education’s inspector general found that criminal fraud rings were preying on money available through distance learning programs and that expensive, bank-sponsored debit cards were used to perpetuate waste, fraud, and abuse in the financial aid program.

Fortunately, in both of these situations the inspector general urged the Department of Education to quickly issue new rules to ensure that billions of dollars aren’t wasted.

Unfortunately, without my amendment, this bill would deeply impair the ability of the Department of Education and other agencies to address similar known abuses of taxpayers’ funds.

Delays in inspector general recommendations can also threaten the

lives and health of workers. For example, the Department of Labor's inspector general found that the Mine Safety and Health Administration had a regulatory gap that allowed mine operators who habitually violated mine safety standards to easily avoid sanctions and continue to operate unsafe mines.

The unfortunate consequence of these loopholes was seen at the Upper Big Branch mine in West Virginia, where 29 mine workers were killed in the largest coal mine disaster in the United States in 40 years.

Following that disaster, the inspector general recommended fixes that would close these loopholes, and the administration quickly adopted new regulations that are estimated to prevent about 1,800 miner injuries every 10 years. Had this bill been in effect, these regulations might not have ever been adopted in a timely manner.

My second amendment, Mr. Chairman, would have also strengthened protections of workers' health and safety. The amendment would have exempted regulations or guidance proposed by the Occupational Safety and Health Administration to prevent health care workers from contracting infectious diseases.

As it stands, the legislation could possibly delay OSHA's workforce protections and make it far more difficult for OSHA to prevent health care workers from contracting lethal infectious diseases.

Under current regulations that govern OSHA's rulemaking, it takes OSHA an average of 7 years to issue standards, and this bill could add another 3 years, possibly delaying and essentially shutting down OSHA's ability to issue rules altogether.

Mr. Chairman, this legislation will seriously compromise the ability of agencies to protect both taxpayers and workers, so I urge my colleagues to oppose the legislation.

Mr. GOODLATTE. Mr. Chairman, at this time it is my pleasure to yield 3 minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER).

Ms. HERRERA BEUTLER. Mr. Chairman, I rise today in support of the Regulatory Accountability Act. It is funny to me to stay here and listen to claims that the sky is going to fall if we just bring some common sense into how our Federal agencies promulgate rules. I want to ask, really?

Let me show you something. What I have in my hand is the Federal Register. It is not the Federal Register for the year or for a number of months. This is the Federal Register and the rules that have been promulgated just for this first week of January, just a week.

See, this first one here is for January 2. It is a little slim, but you know, they had just gotten back in the office.

This second one right here, this is for January 6, so I think they are making up for it.

This is just for the rest of the week. And believe it or not, that is actually

a small stack compared to what happens when the juices really get flowing.

Now, here is the challenge with this stack. My challenge is, say I have a small business—and I do, actually. There are several small businesses in Lewis County, for example. It is a small area compared to the State of Washington, and they have got a lot of rural folks who work very hard, whether it is farms or family-owned businesses that they have been passing down.

Now, that small business in Centralia, they are responsible to know what is in this and the ones that come every single day after it for the entire year.

Mr. Chairman, we are not talking about big corporations with legal departments and government affairs folks who are hired to comb through this. We are talking about mom-and-pop shops. We are talking about 50 people or less. They have to dedicate a whole employee to knowing what is in here or they could be in violation of a Federal rule.

I have heard it said that you are 400 times more likely to come into contravention or violation of a Federal rule than a Federal law. So actually, it doesn't just apply to small businesses. It applies to all of us. We better know what is in here.

Or, time out: we could just create a little bit of space for some common sense, and that is exactly what this bill does.

This bill says, hey, Federal agencies, you just have to take a few extra things into account, like the impacts on the economy, like the impacts on the cost for taxpayers. Do you know we are talking about \$1.86 trillion on the U.S. economy every year?

That is about \$15,000 per every American household. That is real money. Fifteen, grand is a lot of money. That could provide a family of four in Castle Rock with groceries for 62 weeks.

Mr. Chairman, we are not trying to bring down this Federal bureaucracy, although some would appreciate it if we did. We are simply trying to bring some common sense into how they operate.

Look, the Regulatory Accountability Act delivers the reform that will make lives better for hardworking Americans and, hopefully, it will help them begin to recover a little bit of that \$15,000 they are spending on unnecessary regulations. We can do this, Mr. Chairman.

The CHAIR. The time of the gentlewoman has expired.

Mr. GOODLATTE. Mr. Chairman, I am happy to yield an additional minute to the gentlewoman from Washington.

Ms. HERRERA BEUTLER. I thank the gentleman.

I believe this is what people need to understand. The bill is very simple. It leaves intact and supports consumer protections and reasonable environmental impacts. It doesn't jeopardize the health of our kids.

Come on. Let's use some common sense. It simply makes it easier for that family of four. It really does try and connect the Federal regulations with real lives of real Americans, and that is why this act is so important.

That is why this is bipartisan, Mr. Speaker. This isn't some extreme idea. This is something that brings good government to the people. We are trying to serve the people, not be their masters, and I think this bill does just that.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. I thank the ranking member for yielding the time.

Mr. Chairman, I rise in opposition to H.R. 185, the Regulatory Accountability Act of 2015, a bill that puts us all in danger by making it harder for Federal regulators to do their job.

This bill would delay regulations that prevent big banks from gambling with our economy. Just as seriously, it would weaken the implementation of laws such as the Endangered Species Act, the Clean Air Act, and the Clean Water Act that protect our environment, natural resources, and the public health of the American people.

Supporters of this bill tell us that regulations impose huge costs and prevent economic growth. As other speakers have noted, these claims are not just untrue, they are fabrications.

Choosing not to regulate polluting industries doesn't save taxpayers money. When we fail to prevent pollution, we impose more costs on the public. Allowing unchecked emissions from coal-fired power plants, for example, would mean more mercury and smog polluting our air and water, causing respiratory ailments and premature death.

To see what happens when a government chooses to allow polluters to have their way, one need only look at China. By burning coal without adequate air quality regulations, China caused an additional 670,000 deaths in 2012 alone, this according to a recent study by the National Resources Defense Council.

The failure to regulate is causing a massive drag at this time on the Chinese economy. This bill leads us down the same path. The Chinese model of economic growth at the expense of public health and the environment is not sustainable and does not represent American values.

We have laws on the books today mandating environmental conservation and natural resource management through regulation. This bill does not repeal those laws, which have been a major benefit to the Nation, to the American people since they were enacted. Today's bill just makes their implementation less efficient, more costly, more time-consuming to the very industries it is allegedly trying to help.

If this bill were to become law, annual regulations needed to open a fishery or establish fishing industry catch levels would be endlessly delayed.

If this bill were to pass, it would delay the Forest Service regulations needed to allow thinning projects and increase the potential for costly and deadly wildfires throughout the West. Each year, new fire seasons seem to break the record for financial costs and acres burned. This bill, if enacted, would make that cycle worse.

The bill fails to appropriate any new money to the agencies facing these unnecessary, burdensome requirements. Instead, agencies like NOAA and the Department of the Interior will be forced to divert existing resources to develop and implement the regulations needed to fulfill this new congressional mandate.

The results? For example, permits for energy development on Federal lands, currently at an all-time high, will be delayed, as will be permits for other activities.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. Mr. Chairman, I yield Mr. GRIJALVA another minute.

Mr. GRIJALVA. This is not about making government more efficient. It is about making it impossible for many government agencies to do their jobs on behalf of the American people. In the name of regulatory reform, Republicans are intentionally cutting off the people who oversee our lands and waters at their knees.

Those who claim that this bill is a good idea ignore China's example at their own peril. Federal agencies trying to keep us safe cannot do more with less. Instead of placing more burdens on Federal agencies, we should provide them with the resources they need to do their jobs better and faster and protect the American people.

For all these reasons, I urge opposition to H.R. 185.

Mr. GOODLATTE. Mr. Chairman, at this time I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, the Obama administration released 300 new rules and regulations in the first 7 days of 2015. This is on top of over 3,500 new rules and regulations the administration created last year.

We have got a problem in our country. Unelected regulators in Washington, D.C., are out of control. From your mortgage to your health care plan to your child's lunchroom, and even your own backyard, the regulatory arms of this Capital are encroaching every facet of American life.

□ 1530

Agencies are churning out hundreds of thousands of pages of regulations, many of which have a substantial effect on particular communities and industries across western Pennsylvania. Washington's central planners are regulating solid, good-paying jobs right out of existence.

The legislation under consideration includes a provision I offered in the last Congress with my friend Mr. BARR

of Kentucky. Our provision simply says that if a regulation decreases employment or wages by 1 percent or more in an industry, it will be subjected to heightened review and transparency requirements.

The principle is simple: if bureaucrats implement rules that harm Americans' wages or jobs, they must take responsibility for it.

I am proud to support the bill, and I urge my colleagues to join me in supporting H.R. 185 and in holding Federal agencies accountable.

Mr. CONYERS. Mr. Chairman, how much time remains on both sides?

The CHAIR. The gentleman from Michigan has 5 minutes remaining, and the gentleman from Virginia has 13 minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

I notice that my friends on the other side have not named one person, academic scholar, or organization that supports this measure. I would now like to identify the letters that we have received on our side that have been very critical—very disturbed—by the gross approach of the authors of this measure.

Supporting us and opposing the bill is the American Federation of State, County, and Municipal Employees. The AFL-CIO is opposed to this measure. The American Bar Association is opposed. The Americans for Financial Reform is opposed.

The Center for Effective Government is opposed. The Center for Progressive Reform is opposed. The Center for Responsible Lending is opposed. The Coalition for Sensible Safeguards, representing more than 70 national consumer, public interest, labor, and environmental organizations and more than 80 State and local organizations and affiliates is opposed.

The Consumer Federation of America is opposed. The Consumers Union is opposed to this measure. The Natural Resources Defense Council does not support this measure. Public Citizen is opposed to this. United Steelworkers is opposed. The Union of Concerned Scientists is opposed. The United States PIRG, which is the Public Interest Research Group, is opposed.

Ladies and gentlemen, I think that our case against this measure has been well-made.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

I am pleased that my colleague from Michigan has raised the issue of support for this legislation because there is a lot of it. I have in front of me a list of 156 organizations that support this legislation. They cover a wide array of organizations, of groups, of businesses, of small business associations, and of chambers of commerce.

I will name just a few: the 60 Plus Association, the Indoor Environment & Energy Efficiency Association, the Aggregate and Ready Mix Association of

Minnesota, the American Architectural Manufacturers Association, the American Chemistry Council, the American Coatings Association, the American Composites Manufacturers Association, the American Concrete Pressure Pipe Association, the American Council of Engineering Companies, the American Council of Independent Laboratories, the American Exploration & Mining Association, the American Forest & Paper Association, the American Foundry Society, the American Fruit and Vegetable Processors and Growers Coalition, the American Highway Users Alliance, the American Iron and Steel Institute, the American Loggers Council, the American Road & Transportation Builders Association, the American Subcontractors Association, the American Supply Association, the American Trucking Associations, the American Wholesale Marketers Association, the American Wood Council.

We haven't even gotten all the way through the A's on this list which covers, as I say, a wide array of organizations that is interested in manufacturing good-quality products for Americans and in providing services, like architectural services and others. I want to make sure that everyone understands that there is broad-based support for this.

I also want to correct a misimpression left by some of the speakers on the other side who have pointed to a study that we have not relied upon for the basis of this legislation. I want to call to everyone's attention—in fact, at the appropriate time, I will request that it may be made a part of the RECORD—a study from the Competitive Enterprise Institute, CEI, entitled—not the 10 Commandments, which we are all familiar with—but “Ten Thousand Commandments, An Annual Snapshot of the Federal Regulatory State,” by Clyde Wayne Crews, Jr., which has provided valuable information with regard to this.

Another thing people have said is, Oh, this is going to add a tremendous burden to the regulators when they write these regulations.

I can tell you we don't have 160 different organizations supporting this legislation because they think their regulatory burden is too low; they think the burden is too high and that not enough energy and effort is going in on the part of those regulators to pay attention to what they are doing when they write regulations.

They have complained about the new things that this bill requires, and let me just read a few of them to you.

It requires documentation that the agency has considered the specific nature and significance of the problem the agency may address with a rule . . .

It seems to make pretty good common sense that, if you are going to write a regulation, you should be studying and understanding the nature of the problem you are supposed to be addressing with the regulation.

. . . documentation that the agency has considered whether existing rules could be

amended or rescinded to address the problem in whole or in part; documentation that the agency has considered reasonable alternatives for a new rule or other response identified by the agency or interested persons; documentation that the agency has considered the alternative of no Federal response . . .

In other words, they may not need to do anything.

. . . documentation that the agency has considered the potential direct costs and benefits associated with potential alternative rules and other responses; documentation that the agency has estimated impacts on jobs that are associated with potential alternative rules and other responses.

The requirements are like that throughout, and they are commonsense reforms. In fact, they are so common sense that many of these were initiated by President Reagan, and many of these have been carried forward by subsequent administrations, including the current administration.

What we are asking for today is don't hide the ball on the American people when you write regulations. Provide the documentation of how you wrote the regulation, what you considered when you wrote the regulation, whether or not that regulation is the most cost-effective way to do it, and whether or not the regulation is even needed at all. These are commonsense reforms, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, last evening, the President of the United States indicated that he will not sign this bill, that he will veto it if it were to pass, and I am hoping that that doesn't happen.

The measure fails in a great way. It would create needless regulatory and legal uncertainty and would further impede the implementation protections for the American public.

This bill would make the regulatory process more expensive, less flexible, and more burdensome, dramatically increasing the costs of regulation of the American taxpayer and working class families.

This is an incredible situation that we have to debate here. I am hopeful that the logic, the rationale, the threat of the executive branch to veto the bill will all cause us to carefully consider how unnecessary this measure is. I urge that we not support H.R. 185.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD), the vice chairman of the Regulatory Reform, Commercial, and Antitrust Law Subcommittee.

Mr. FARENTHOLD. Thank you very much, Chairman GOODLATTE.

Mr. Chairman, I rise today in strong support of the Regulatory Accountability Act of 2015.

There is no question that the Federal Government and Federal regulations take a heavy toll on businesses of all

sizes. That toll isn't just financial; it is also stress, it is also time, it is also emotional. Dealing with the government is difficult. Just the dollars-and-cents cost of Federal regulation has been estimated at \$1.86 trillion—or so the expert tells me. That adds up to roughly \$15,000 per household.

It is simply not right for unelected bureaucrats to put that much weight on the shoulders of the American people without making all efforts to minimize the costs and give the people of south Texas and everywhere in this country the opportunity and a chance to weigh in.

In Texas in particular, we have seen how onerous EPA and Department of the Interior and other regulations have slowed job growth and the American energy boom, costing our domestic energy companies millions of dollars.

This bill would put public discussion back on the table when it comes to regulations and would ensure that the economic costs are fully considered and minimized. We have a lot of work to do to peel back some of the needless, overburdensome regulations that are strangling our businesses, but this bill will help us plug the hole in the boat while we get rid of—start pumping out—some of the water.

The other side likes to say that it is going to make it more difficult to regulate. It is supposed to be difficult to enact laws and regulations. We have to pass something out of the House, and we have got to pass something out of the Senate and get it signed by the President to enact a law; but a bureaucrat can do it, basically, with the stroke of a pen and a publication in the Federal Register.

This act is going to do something to curb that. We need less government, fewer laws, fewer regulations—and not more.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. MARINO), the chairman of the subcommittee.

Mr. MARINO. I thank the chairman.

Mr. Chairman, right now, we have the worst of both worlds: more regulation and less scrutiny.

In looking at a recent 7-year period, the Government Accountability Office found that 35 percent of major rules were issued without the opportunity for public comment. The GAO also found a lack of responsiveness. In the case of one ObamaCare regulation—one—4,627 comments were received, but no responses were issued.

Regulatory costs disproportionately hit small manufacturers, which incur regulatory costs of \$34,671 per year, per employee—more than three times that of the average American economy. Our energy boom is a perfect example of failed regulatory policy.

Oil and natural gas resources do not know Federal versus State boundaries, but it takes 10 times as long for the Federal Government to issue a permit as it does the States. As a result, oil

and gas production is going up sharply on State lands and down on Federal lands.

Finally, ObamaCare is an epicenter of red tape. In its first 4 years, ObamaCare's effects on small business amounted to \$1.9 billion in regulatory costs and in 11.3 million hours of compliance. This amounts to a regulatory tax of 3 to 5 percent. Again, this is the cost of just one law's regulations.

□ 1545

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time and urge my colleagues to support this commonsense legislation which will help to rein in the excessive power of the executive branch of the Federal Government and provide for common sense being brought to the writing of Federal Government regulations, saving American taxpayers and consumers billions if not trillions of dollars. It is badly needed. It is long overdue.

I urge my colleagues to support the legislation, and I yield back the balance of my time.

TEN THOUSAND COMMANDMENTS: AN ANNUAL SNAPSHOT OF THE FEDERAL REGULATORY STATE 2014 EDITION

COMPETITIVE ENTERPRISE INSTITUTE
EXECUTIVE SUMMARY

(By Clyde Wayne Crews Jr.)

In February 2014, the Congressional Budget Office (CBO) reported outlays for fiscal year (FY) 2013 of \$3.454 trillion and projected spending for FY 2014 at \$3.543 trillion. Meanwhile, President Barack Obama's federal budget proposal for FY 2015 seeks \$3.901 trillion in discretionary, entitlement, and interest spending. In the previous fiscal year, the president had proposed outlays of \$3.778 trillion. Despite high debt and deficits, we have been unable to avoid entering the era of \$4 trillion in annual spending.

We experienced trillion dollar deficits between 2009 and 2012, and CBO projects that deficits will exceed \$1 trillion again by FY 2022. Trillion dollar deficits were once unimaginable. Such sums signified the level of budgets themselves, not of shortfalls. Yet at no point is spending projected to balance in the coming decade. President Obama's 2015 budget projects deficits that are smaller than recent heights—with 2014's claimed \$649 billion to fall to \$413 billion in 2018—before heading back into the CBO-predicted stratosphere.

Many other countries' government outlays make up a greater share of their national output, compared with 20 percent for the U.S. government, but in absolute terms, the U.S. government is the largest government on the planet. Only four other nations top \$1 trillion in annual government revenues, and none but the United States collects more than \$2 trillion.

REGULATION: THE HIDDEN TAX

The scope of federal government spending and deficits is sobering. Yet the government's reach extends well beyond Washington's taxes, deficits, and borrowing. Federal environmental, safety and health, and economic regulations cost hundreds of billions—perhaps trillions—of dollars annually in addition to the official federal outlays that dominate policy debate.

Firms generally pass the costs of some taxes along to consumers. Likewise, some regulatory compliance costs that businesses face will find their way into the prices that consumers pay and out of the wages workers

earn. Precise regulatory costs can never be fully known because, unlike taxes, they are unbudgeted and often indirect. But scattered government and private data exist about scores of regulations and about the agencies that issue them, as well as data about estimates of regulatory costs and benefits. Compiling some of that information can make the regulatory state somewhat more comprehensible. That compilation is one purpose of the annual Ten Thousand Commandments report, highlights of which follow:

Among the five all-time-high Federal Register page counts, four have occurred under President Obama.

The annual outflow of more than 3,500 final rules—sometimes far above that level—means that 87,282 rules have been issued since 1993.

There were 51 rules for every law in 2013. The “Unconstitutionality Index,” the ratio of regulations issued by agencies to laws passed by Congress and signed by the president, stood at 51 for 2013. Specifically, 72 laws were passed in calendar year 2013, whereas 3,659 rules were issued. This disparity highlights the excessive delegation of lawmaking power to unelected agency officials.

This author’s working paper, “Tip of the Costberg,” which is largely based on federal government data, estimates regulatory compliance and economic impacts at \$1.863 trillion annually.

U.S. households “pay” \$14,974 annually in regulatory hidden tax, thereby “absorbing” 23 percent of the average income of \$65,596, and “pay” 29 percent of the expenditure budget of \$51,442. The “tax” exceeds every item in the budget except housing. More is “spent” on embedded regulation than on health care, food, transportation, entertainment, apparel and services, and savings.

The estimated cost of regulation exceeds half the level of the federal budget itself. Regulatory costs of \$1.863 trillion amount to 11.1 percent of the U.S. gross domestic product (GDP), which was estimated at \$16.797 trillion in 2013 by the Bureau of Economic Analysis.

When regulatory costs are combined with federal FY 2013 outlays of \$3.454 trillion, the federal government’s share of the entire economy now reaches 31 percent. The regulatory “hidden tax” surpasses the income tax. Regulatory compliance costs exceed the 2013 estimated total individual income tax revenues of \$1.234 trillion.

Regulatory compliance costs vastly exceed the 2013 estimated corporate income tax revenues of \$288 billion and approach corporate pretax profits of \$2.19 trillion.

If it were a country, U.S. regulation would be the 10th largest economy, ranked between India and Italy.

U.S. regulatory costs exceed the GDPs of Australia and Canada, the highest-income nations among the countries ranked most free in the annual Index of Economic Freedom and Economic Freedom of the World reports.

The Weidenbaum Center at Washington University in St. Louis, Missouri, and the Regulatory Studies Center at George Washington University in Washington, D.C., jointly estimate that agencies spent \$57.3 billion (on budget) to administer and police the federal regulatory enterprise. Adding the \$1.863 trillion in off-budget compliance costs brings the total regulatory enterprise to \$1.92 trillion.

The Federal Register finished 2013 at 79,311 pages, the fourth highest level in history.

Federal Register pages devoted specifically to final rules rose to a record high of 26,417.

The 2013 Federal Register contained 3,659 final rules and 2,594 proposed rules.

Since the nation’s founding, more than 15,177 executive orders have been issued.

President Obama issued 181 as of the end of 2013.

President George W Bush averaged 63 major rules annually during his eight years in office; Obama’s five years so far have averaged 81.

Although there are over 3,500 rules annually, public notices in the Federal Register exceed 24,000 annually, with uncounted “guidance documents” among them. There were 24,261 notices in 2013 and 477,929 since 1995.

According to the fall 2013 “Regulatory Plan and the Unified Agenda of Federal Regulatory and Deregulatory Actions” (which lists federal regulatory actions at various stages of implementation), 63 federal departments, agencies, and commissions have 3,305 regulations at various stages of implementation.

Of the 3,305 regulations in the pipeline, 191 are “economically significant” rules, which the federal government defines as imposing at least \$100 million in annual costs. Assuming that those rulemakings are primarily regulatory implies roughly \$19 billion yearly in future off-budget regulatory effects.

Of the 3,305 regulations now in the works, 669 affect small businesses. Of those, 391 required a regulatory flexibility analysis: 278 were otherwise noted by agencies to affect small businesses.

The five most active rule-producing agencies—the Departments of the Treasury, Interior, Commerce, Transportation, and Health and Human Services—account for 1,451 rules, or 44 percent of all rules in the Unified Agenda pipeline.

The Environmental Protection Agency (EPA), which was formerly consistently in the top five, is now sixth, but adding its 179 rules brings the total from the top six rule-making agencies to 1,630 rules, or 49.3 percent of all federal rules.

The most recent Small Business Administration (SBA) evaluation of the overall U.S. federal regulatory enterprise estimated annual regulatory compliance costs of \$1.752 trillion in 2008. Earlier SBA reports pegged costs at \$1.1 trillion in 2005 and at \$843 billion in 2001. The Office of Management and Budget (OMB) agreed with those figures at the time. Meanwhile, a subset of 115 selected major rules reviewed during 2002–2012 by the OMB notes cumulative annual costs of between \$57 billion and \$84 billion.

The short-lived series of budget surpluses from 1998 to 2001—the first since 1969—seems like ancient history in today’s debt and deficit-drenched policy setting, as the CBO projects annual deficits of hundreds of billions of dollars over the coming decade. When it comes to stimulating a limping economy, reducing deficits and relieving regulatory burdens are key to the nation’s economic health. Otherwise, budgetary pressures can incentivize lawmakers to impose off-budget regulations on the private sector, rather than add to unpopular deficit spending. A new government program—for example, job training—would require either increasing government spending or imposing new regulations requiring such training. Unlike on-budget spending, the latter regulatory costs remain largely hidden from public view, which makes regulation increasingly attractive to lawmakers.

THE DISCLOSURE AND ACCOUNTABILITY IMPERATIVES

Cost-benefit analysis at the agency level is already neglected; thus, at minimum, some third-party review is needed. Like federal spending, regulations and their costs should be tracked and disclosed annually. Then, periodic housecleaning should be performed.

A problem with cost-benefit analysis is that it largely relies on agency self-policing.

Having agencies audit their own rules is like asking students to grade their own exams. Regulators are disinclined to emphasize when a rule’s benefits do not justify the costs involved. In fact, one could expect new and dubious categories of benefits to emerge to justify an agency’s rulemaking activity.

A major source of overregulation is the systematic overdelegation of rulemaking power to agencies. Requiring expedited votes on economically significant or controversial agency rules before they become binding would reestablish congressional accountability and would help affirm a principle of “no regulation without representation.”

Openness about regulatory facts and figures can be bolstered through federal “regulatory report cards,” similar to the presentation in Ten Thousand Commandments. These could be officially issued each year to distill information for the public and policy makers about the scope of the regulatory state.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule and shall be considered as read.

The text of the bill is as follows:

H.R. 185

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regulatory Accountability Act of 2015”.

SEC. 2. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking “and” at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(15) ‘major rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local, or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(16) ‘high-impact rule’ means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of \$1,000,000,000 or more, adjusted annually for inflation;

“(17) ‘negative-impact on jobs and wages rule’ means any rule that the agency that made the rule or the Administrator of the Office of Information and Regulatory Affairs determines is likely to—

“(A) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

“(B) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System,

reduce average weekly wages for employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

“(C) in any industry area (as such term is defined in the Current Population Survey conducted by the Bureau of Labor Statistics) in which the most recent annual unemployment rate for the industry area is greater than 5 percent, as determined by the Bureau of Labor Statistics in the Current Population Survey, reduce employment not related to new regulatory compliance during the first year after implementation; or

“(D) in any industry area in which the Bureau of Labor Statistics projects in the Occupational Employment Statistics program that the employment level will decrease by 1 percent or more, further reduce employment not related to new regulatory compliance during the first year after implementation;

“(18) ‘guidance’ means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

“(19) ‘major guidance’ means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, local or tribal government agencies, or geographic regions;

“(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(D) significant impacts on multiple sectors of the economy;

“(20) the ‘Information Quality Act’ means section 515 of Public Law 106-554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

“(21) the ‘Office of Information and Regulatory Affairs’ means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.”

SEC. 3. RULE MAKING.

(a) Section 553(a) of title 5, United States Code, is amended by striking “(a) This section applies” and inserting “(a) APPLICABILITY.—This section applies”.

(b) Section 553 of title 5, United States Code, is amended by striking subsections (b) through (e) and inserting the following:

“(b) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all preliminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the following:

“(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

“(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

“(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other mat-

ters or activities within the agency’s jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

“(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

“(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

“(A) the alternative of no Federal response;

“(B) amending or rescinding existing rules;

“(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

“(D) potential responses that—

“(i) specify performance objectives rather than conduct or manners of compliance;

“(ii) establish economic incentives to encourage desired behavior;

“(iii) provide information upon which choices can be made by the public; or

“(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

“(6) Notwithstanding any other provision of law—

“(A) the potential costs and benefits associated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs (including an estimate of the net gain or loss in domestic jobs), wages, economic growth, innovation, and economic competitiveness;

“(B) means to increase the cost-effectiveness of any Federal response; and

“(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

“(c) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, NEGATIVE-IMPACT ON JOBS AND WAGES RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.—In the case of a rule making for a major rule, a high-impact rule, a negative-impact on jobs and wages rule, or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

“(1) include a written statement identifying, at a minimum—

“(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

“(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

“(C) preliminary information available to the agency concerning the other considerations specified in subsection (b);

“(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule; and

“(E) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;

“(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

“(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

“(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which shall include—

“(A) a statement of the time, place, and nature of public rule making proceedings;

“(B) reference to the legal authority under which the rule is proposed;

“(C) the terms of the proposed rule;

“(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

“(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

“(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c);

“(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

“(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

“(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D);

“(ii) an additional statement of whether a rule is required by statute; and

“(iii) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;

“(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule (including all costs to be considered under subsection (b)(6)), based on the information described under subparagraph (D);

“(G) a discussion of—

“(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

“(ii) the costs and benefits of those alternatives (including all costs to be considered under subsection (b)(6));

“(iii) whether those alternatives meet relevant statutory objectives; and

“(iv) why the agency did not propose any of those alternatives; and

“(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

“(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by

that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public's use when the notice of proposed rule making is published.

“(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

“(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public's use when the notice of determination is published.

“(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

“(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to that requirement; or

“(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

“(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

“(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

“(ii) If the agency does not resolve the petition under the procedures of clause (i), it

shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

“(C) There shall be no judicial review of the agency's disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency's final action. There shall be no judicial review of an agency's determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

“(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

“(e) HEARINGS FOR HIGH-IMPACT RULES.—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

“(1) Whether the agency's asserted factual predicate for the rule is supported by the evidence.

“(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

“(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

“(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

“(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

“(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days of its receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

“(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

“(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

“(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

“(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

“(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

“(A) a concise, general statement of the rule's basis and purpose;

“(B) the agency's reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

“(C) the agency's reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule's costs (including all costs to be considered under subsection (b)(6));

“(D) the agency's reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

“(i) the agency's reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including all costs to be considered under subsection (b)(6)) than the rule; or

“(ii) the agency's reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

“(E) the agency's reasoned final determination—

“(i) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

“(ii) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

“(I) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

“(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

“(F) the agency's reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act;

“(G) the agency's reasoned final determination that the rule meets the objectives that the agency identified in subsection (d)(1)(E)(iii) or that other objectives are more appropriate in light of the full administrative record and the rule meets those objectives;

“(H) the agency's reasoned final determination that it did not deviate from the metrics the agency included in subsection (d)(1)(E)(iii) or that other metrics are more

appropriate in light of the full administrative record and the agency did not deviate from those metrics;

“(I)(i) for any major rule, high-impact rule, or negative-impact on jobs and wages rule, the agency’s plan for review of the rule no less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule’s benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives; and

“(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title; and

“(J) for any negative-impact on jobs and wages rule, a statement that the head of the agency that made the rule approved the rule knowing about the findings and determination of the agency or the Administrator of the Office of Information and Regulatory Affairs that qualified the rule as a negative impact on jobs and wages rule.

All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public’s use no later than when the rule is adopted.

“(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

“(A) Subsections (c) through (e).

“(B) Paragraphs (1) through (3) of subsection (f).

“(C) Subparagraphs (B) through (H) of subsection (f)(4).

“(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency’s adoption of an interim rule.

“(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (d) through (f) of this section immediately upon publication of the interim rule, shall treat the publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (d) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule will cease to have the effect of law.

“(C) Other than in cases involving interests of national security, upon the agency’s publication of an interim rule without compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency’s determination to adopt such interim rule. The record on such review shall include

all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

“(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsection (c), (d), (e), or (f)(1)–(3) and (f)(4)(B)–(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

“(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency’s discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule’s adoption.

“(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

“(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

“(2) interpretive rules and statements of policy; or

“(3) as otherwise provided by the agency for good cause found and published with the rule.

“(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

“(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator’s determination, with the economic impact of the rule.

“(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

“(2) The Administrator of the Office of Information and Regulatory Affairs shall also issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

“(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures

specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

“(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

“(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator’s specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

“(1) INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the Agency.

“(m) MONETARY POLICY EXEMPTION.—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”

SEC. 4. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

“§ 553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance

“(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

“(1) make and document a reasoned determination that—

“(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action);

“(B) summarizes the evidence and data on which the agency will base the guidance;

“(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

“(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

“(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or

practices of other agencies, does not produce costs that are unjustified by the guidance's benefits, and is otherwise appropriate. Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

“(b) Agency guidance—

“(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

“(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

“(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or duplicative of, the agency's governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.”

SEC. 5. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

“(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an agency decision rests on official notice of a material fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

“(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553.

“(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

“(g) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably deter-

mines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record. This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.”

SEC. 6. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking “Agency action made” and inserting “(a) Agency action made”; and

(2) by adding at the end the following: “Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such request or appeal, shall be final action for purposes of this section.

“(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency's publication of an interim rule without compliance with section 553(c), (d), or (e) or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency's determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.”

SEC. 7. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking “To the extent necessary” and inserting “(a) To the extent necessary”; and

(2) in paragraph (2)(A) of subsection (a) (as designated by paragraph (1) of this section), by inserting after “in accordance with law” the following: “(including the Information Quality Act)”; and

(3) by adding at the end the following:

“(b) The court shall not defer to the agency's—

“(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556–557 of chapter 5 of this title to issue the interpretation;

“(2) determination of the costs and benefits or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k);

“(3) determinations made in the adoption of an interim rule; or

“(4) guidance.

“(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.”

SEC. 8. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking “and” at the end;

(2) in paragraph (2), by striking the period at the end, and inserting “; and”; and

(3) by adding at the end the following:

“(3) ‘substantial evidence’ means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion

in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.”

SEC. 9. EFFECTIVE DATE.

The amendments made by this Act to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (2) and (3) of section 706(b) of such title; and

(4) subsection (c) of section 706 of such title, shall not apply to any rule makings pending or completed on the date of enactment of this Act.

The CHAIR. No amendment to the bill is in order except those printed in part A of House Report 114–2. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 114–2.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 8, strike “and economic competitiveness” and insert the following: “economic competitiveness, and impacts on low income populations”.

The CHAIR. Pursuant to House Resolution 27, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, this amendment is simple. It ensures that agencies must take into consideration the impacts on low-income communities when they develop regulations.

This amendment is based on a 1994 executive order from President Clinton that was intended to protect low-income populations from the negative effects of regulations.

Burdensome regulations have a real impact on families, regardless of their race or ethnicity. What makes sense on a bureaucrat's desk in Washington does not always work in the real world. In fact, these regulations are hurting people, especially in economically depressed communities. People have lost jobs and are facing increasing prices for energy, food, health care, and more.

The families who bear the brunt are not just statistics. They are fellow Americans. We need to show compassion towards them, especially those most vulnerable.

Regulations, as you have heard, are costing our economy \$1.8 trillion each year, costing the average family \$15,000. So what does that mean for the

farmer in San Joaquin Valley, California, or the coal miner in Hazard, Kentucky, or the widow on a fixed income in Marietta, Ohio? They are worried about providing for their families. What happens if they lose their livelihood because of a new regulation?

The bureaucrats in Washington who are writing these excessive regulations are seemingly focused on saving the world but are forgetting what is happening to American families. I want them to understand the impact they are having on people's lives.

The costs of these regulations are born by people who can least afford it, not by the agencies writing the regulations. These bureaucrats should get out from behind their desks and come to communities in West Virginia and Georgia and Montana and across the Nation that are still struggling economically.

This is not just about coal miners and the energy industry. Excessive regulations are hurting farmers, manufacturers, health care workers, and small businesses of every kind.

Rather than blindly issuing regulations in pursuit of an ideological goal, agencies should stop and consider what they are doing, be more empathetic, take into account what would happen to a family that is living paycheck to paycheck or a senior on fixed income.

Too often, Americans all across this country believe that no one in Washington really cares about them. This amendment will help change that perception. Let's show some compassion to people and families that are struggling.

Plain and simple: we must ensure that the Federal agencies truly, truly take into consideration those that bear the burden of these regulations.

I want to thank the gentleman from Virginia, Chairman GOODLATTE, for his support of this amendment.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the McKinley amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, the McKinley amendment—as bad as things already are in the bill—adds an additional requirement to the bill's more than 60 analytical new requirements for the rulemaking process by requiring agencies to also consider economic competitiveness and impact on low-income populations in the rulemaking process. Now, the AFL-CIO, Public Citizen, and Coalition for Sensible Safeguards all oppose this amendment because it is redundant and inflexible.

This amendment is largely redundant of existing requirements. Executive Order 12898 already protects both low-income communities and communities of color. That executive order already requires agencies to take into account distributional impacts on these populations. So I want you to know that this is not the way to go. This amend-

ment makes a totally unacceptable bill even more unacceptable.

I yield such time as he may consume to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to this amendment, which would have devastating impacts and consequences for minority and low-income populations. Under Executive Order 12898, agencies already must account for the impact of rulemaking on both of these communities.

The amendment, which makes no accommodation for minority populations, would override existing protections while the underlying bill would override every law protecting the public interest in the rulemaking process.

In short, these sweeping policy changes would be a nightmare for vulnerable populations and endangered communities. That is why the AFL-CIO, along with 70 other public interest groups, opposes this amendment and the underlying bills.

I listened to the list of supporters rattled off by the other side for this bill. They were all trade groups that would benefit financially from this bill. No academics or others of objective opinions were mentioned, and I think the public should note that.

My colleague from Illinois, Representative BOBBY RUSH, offered an amendment to this bill specifically to protect these communities by promoting environmental justice. If the majority was serious about protecting these communities, they would have accepted the Rush amendment instead of attempting to mislead the public through a gotcha amendment such as this.

If the majority was serious about protecting the American people, we wouldn't be considering this dangerous, misguided, and ideologically driven piece of legislation. I urge my colleagues to oppose this amendment.

Mr. MCKINLEY. Mr. Chair, how much time do I have remaining?

The CHAIR. The gentleman from West Virginia has 1¾ minutes remaining.

Mr. MCKINLEY. I yield 1 minute to the gentleman from Virginia, Chairman GOODLATTE.

Mr. GOODLATTE. Mr. Chairman, I hear from the other side of the aisle about how low-income people are being taken care of already because the President of the United States has told these agencies to "take into account their status." But guess what? That has no judicial enforceability. So if a low-income person really wants to seek redress of their grievances through a regulation that is going to cost them their job, cost them their business, whatever the case might be, they have no recourse to the courts. Among those who suffer most unfairly from overreaching regulations are lower-income families and individuals.

The other side has criticized our list of entities supporting this. But these are all job-creating organizations. I

haven't heard of many job-creating organizations who are opposed to this legislation.

New regulations often represent the policy preferences of elites and pro-regulatory advocates. Recent regulations aimed at driving down the use of coal and other fossil fuels are an example of this.

What growing research shows, and what policy elites too often ignore, is that the costs of new regulations often have regressive effects on those with lower incomes. For example, when electricity rates go up because Federal regulators clamp down on the use of cheap energy, real money that lower-income households need to secure better housing, better educational choices, or other essential needs goes instead to pay for unnecessarily excessive regulations.

This is unfair. Agencies should be required to identify and reveal the unseen adverse effects of proposed new regulations on low-income households. The gentleman's amendment accomplishes this important goal.

I urge my colleagues to support this amendment.

Mr. MCKINLEY. Mr. Chairman, in closing, we just heard the chairman talk about, this is an executive order. And I have heard from folks on the other side that this is an executive order. Perhaps it is time to codify this executive order.

If it had merit back in 1994, let's make it the rule; make it a law. This amendment will accomplish that.

I yield back the balance of my time. Mr. CONYERS. Mr. Chairman, this amendment is a wolf in sheep's clothing. It would not change the bill's overarching regulatory purpose, nor does it address the many concerns expressed by scores of public interest groups that strenuously oppose the bill.

I think the President is very sensitive to the working class, the poor, and minorities especially, and I enjoy hearing this commentary coming from the other side of the aisle.

If the majority were serious about protecting the low-income population, it would have made in order the amendment offered by our colleague from Illinois, BOBBY RUSH, to promote environmental justice. The Rush amendment would have safeguarded existing protections while mitigating the devastating consequences of H.R. 185 on both minority and low-income populations.

I repeat, AFL-CIO, Public Citizen, and the Coalition for Sensible Safeguards all oppose the McKinley amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. MCKINLEY. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the

amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 114-2.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 10. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2015, and section 553a shall not apply in the case of any rule or guidance proposed, issued, or made that the Director of the Office of Management and Budget determines would result in net job creation. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2015, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.”.

The CHAIR. Pursuant to House Resolution 27, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of my amendment.

It is clear the economy is growing at its fastest pace in years, while unemployment is dropping rapidly. According to the most recent reports from the Bureau of Labor Statistics, employers added 252,000 jobs in December, exceeding expectations and driving the unemployment rate down to 5.6 percent, the lowest level since the recession.

There have been actually 54, 55 straight months of positive jobs growth over the last 6 years, Mr. Chairman. And this is an important consideration when you consider the faulty premise being offered in support of the underlying legislation here, that regulations hurt business and hurt job growth. They do not.

□ 1600

My amendment would ensure that this rapid growth and progress continues by exempting from H.R. 185 all rules that the Office of Management and Budget determines would result in net job creation.

Several of my Republican colleagues have complained in today's debate about a regulatory system that costs American families \$15,000 in annual

costs. These figures rely on debunked sources from studies that do not assume current economic conditions or even account for the benefits of regulations.

We even had a display of 1 week's worth of so-called regulations by one of my colleagues on the other side a short while ago purporting to show the sheer volume of regulations that were issued in 1 week when, in fact, a lot of those papers had to do with 34 final rules published during that period, 31 proposed rules—many of which were minor in nature—and 277 notices of administrative minutia such as public meetings, when and where public meetings were to be held, and also the availability of letters regarding sunscreen products.

So it really tries to mislead by holding up a stack and contending that one business in one particular area has to comply with all of these so-called regulations that are purported to be in a stack of papers. That is just not true. It is misleading to the public.

In many cases, rules issued in 2015 have been largely administrative and minor. For instance, the Federal Aviation Administration has issued rules concerning airworthiness directives while the Coast Guard has issued its routine rules for bridge opening schedules.

Now, if we didn't have rules for when bridges should be opening and how to open and how to warn people, do you think we could claim ourselves to be living in such a civilized society as the one we live in?

We have got to have rules. I will take note of the fact that when I went to kindergarten, we had a set of rules up on the board. Everywhere you go, you are going to have a set of rules: the rules of the Federal Government—which are vast and broad—foreign policy, domestic policy, space, cyberspace.

I mean, this country that we live in is not a great country because it chose simplicity as its model. We have a lot of rules that we have to live by, and those are the things that help make America a great country.

Guess what, ladies and gentlemen, it is you and your family members and friends who populate this Federal Government. You are the ones who are the rulemakers. They want to try to turn you into people who are trying to do something to hurt others when the only thing you are trying to do is do your job that will help others be able to live lives and create a better America for ourselves and, most importantly, our children.

Don't get it twisted. Don't think that regulations are hurting you. Regulations are causing what benefits you are taking advantage of now. These are the very rules that undergird our Nation's regulatory system and successful day-to-day operations.

The Acting CHAIR (Mr. HULTGREN). The gentleman's time has expired.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, to the point just raised by the gentleman from Georgia, I want to quote Daniel Webster, who is also quoted right up there above us in the Chamber.

He says, “It is hardly too strong to say that the Constitution was made to guard the people against the dangers of good intentions. There are men in all ages who mean to govern well, but they mean to govern. They promise to be good masters, but they mean to be masters.”

I share and welcome the gentleman from Georgia's concerns about the impact of regulations on the people and on their jobs, but the right way to address that concern is to join me in supporting this bill. It includes the Rothfus-Barr amendment added to the legislation in the 113th Congress that requires agencies to do a much better job identifying adverse job impacts before they impose the regulations.

The gentleman's amendment represents the wrong way to address job concerns. That is because it would give the executive branch a strong incentive to manipulate its jobs impact and cost-benefit analysis to avoid the requirements of the bill, including the Rothfus-Barr amendment, rather than comply with that requirement.

The amendment also puts the cart before the horse, offering carve-outs from the bill, based on factors that cannot be determined adequately unless the important analytical requirements in the bill are applied in the first place.

For all of these reasons, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chair, I would like to submit the following articles:

[From the Federal Reserve Bank of New York, July 21, 2011]

ECONOMIC UNCERTAINTY AND POOR SALES HELP EXPLAIN SMALL FIRMS' DISPROPORTIONATE JOB LOSSES DURING DOWNTURN

Note To Editors

NEW YORK.—The Federal Reserve Bank of New York today released Why Small Businesses Were Hit Harder by the Recent Recession, the latest article in the Current Issues in Economics and Finance series from the Research and Statistics Group.

Uncertainty about economic conditions and poor sales were the main reasons why small firms experienced steeper job declines than large firms during the 2007-09 downturn, according to analysis in the article. Furthermore, although tightened access to credit and adverse financial conditions also constrained small firms, a more pressing factor was the decline in new investment and associated financing brought on by low consumer demand for the firms products and services.

Between December 2007 and December 2009, jobs declined 10.4 percent in small firms (those with fewer than fifty employees), compared with 7.5 percent in large ones.

In this article, Ayşegül Şahin, Sagiri Kitao, Anna Cororaton and Sergiu Laiu seek to account for the downturn's disproportionate effect on small firms. The authors review data on employment patterns and industry composition of firms by size. They

also explore possible links between credit availability and firm performance by analyzing national surveys and established data series on economic activity and business conditions.

The authors determine that industry composition of job losses fails to explain the deeper job declines among small firms, as these businesses were hit harder than large ones regardless of industry. And while some small firms indeed experienced limited credit availability, this factor was a secondary driver of the difficulties they encountered.

Rather, the authors concluded that demand factors—notably, economic uncertainty and poor sales owing to reduced consumer demand—were the most important reasons for the weak performance and sluggish recovery of small firms.

Ayşegül Şabin is an assistant vice president, Sagiri Kitao a senior economist, and Anna Cororaton an assistant economist in the Federal Reserve Bank of New York's Research and Statistics Group; Sergiu Laiu is an associate business support analyst in the Markets Group.

Why Small Businesses Were Hit Harder by the Recent Recession

[From the FRBSF Economic Letter,
February 11, 2013]

AGGREGATE DEMAND AND STATE-LEVEL EMPLOYMENT

(By Atif Mian and Amir Sufi)

What explains the sharp decline in U.S. employment from 2007 to 2009? Why has employment remained stubbornly low? Survey data from the National Federation of Independent Businesses show that the decline in state-level employment is strongly correlated with the increase in the percentage of businesses complaining about lack of demand. While business concerns about government regulation and taxes also rose steadily from 2008 to 2011, there is no evidence (hat job losses were larger in states where businesses were more worried about these factors.

Understanding the large and persistent decline in employment in the United States during the Great Recession of 2007–09 remains one of the most vexing challenges in macroeconomics. While there are many potential explanations, three have garnered substantial support among economists:

The aggregate demand channel, in which job losses were driven by a sharp decline in consumer spending due to high debt levels and the housing crash (Mian and Sufi 2012).

Government-induced uncertainty, in which business uncertainty about taxes and regulation fostered reluctance to hire (Baker, Bloom, and Davis 2013; Leduc and Liu 2012a, b). For example, Hubbard et al. (2012) write that “uncertainty over policy—particularly over tax and regulatory policy—limited both the recovery and job creation.”

Business financing problems, in which businesses were unable to get credit because of continued troubles in the banking sector. Credit-starved businesses can't pursue potentially profitable projects, reducing their hiring.

This Economic Letter tests these alternative views using state-level data from National Federation of Independent Businesses (NFIB) monthly small business surveys (Dunkelberg and Wade 2012). One enlightening survey question asks what is the single most important problem facing the respondent's business. Potential answers include taxes, inflation, poor sales, financing and interest rates, cost of labor, government requirements and red tape, competition from large businesses, quality of labor, costs or availability of insurance, and other. The NFIB has generously provided us quarterly responses by state.

AGGREGATE EVIDENCE

Figure 1 plots the percentage of respondents by quarter citing poor sales, regulation and taxes, or financing and interest rates as their most important problem. The regulation and taxes category includes businesses citing either “taxes” or “government requirements and red tape.” Figure 1 also plots the employment-to-population ratio, which declined sharply from 2007 to 2009 and has remained persistently low during the recovery.

The sharp decline in the employment-to-population ratio corresponds closely to the big increase in the percentage of businesses citing poor sales as their most important problem. From the beginning of 2007 to the end of 2009, this group increased from 10% to over 30%. The trend is broadly consistent with the aggregate demand channel. Employment collapsed precisely when businesses began worrying about poor sales.

In contrast, the percentage of businesses citing financing and interest rates as their top concern has hardly budged. It was low in 2006 and has remained low throughout the recession and recovery. This is especially surprising in the NFIB survey, since small businesses are the enterprises most likely to suffer during a period of tight credit. The survey results do not support the view that availability of financing for small businesses was a major reason for the employment decline.

The percentage of businesses citing regulation and taxes as their most important concern rose steadily from the last few quarters of the recession through 2012. This is consistent with Bloom, Baker, and Davis (2013), who find that policy uncertainty has been unusually high in recent years. Meanwhile, the percentage citing poor sales has declined since its recession peak, but remains well above its pre-recession level.

STATE-LEVEL SUPPORT FOR THE DEMAND CHANNEL

Using aggregate data to test hypotheses about cause and effect is notoriously difficult. For example, it could be argued that the drop in employment and heightened business concerns about poor sales both reflected a shock from a large decline in productivity. Likewise, the increase in measures of policy uncertainty could be associated with the weak recovery in job growth. Which is cause and which is effect might not be obvious. Examining the timing of these variables can help. But it's still possible that expectations regarding one variable could be driving the other. For example, expectations of poor economic conditions could raise business uncertainty about policies today.

One solution is to use cross-sectional data across geographic regions. Mian, Rao, and Sufi (2012) show that 2006 county-level household debt-to-income ratios were one of the strongest predictors of household spending decline during the Great Recession. Mian and Sufi (2012) found that losses among jobs catering to the local economy, such as positions in retail and restaurants that we refer to as nontradable sector jobs, were concentrated in counties with high debt levels, where spending dropped sharply during the recession. By contrast, losses among jobs catering to the broader economy, such as manufacturing of durable goods, were spread throughout the country. The authors argue that this indicates that a large decline in household spending, driven by household financial weakness stemming largely from the collapse in house prices, explains a large proportion of Great Recession job losses.

Does the NFIB survey evidence support this argument? In Figure 2, we show state-level correlations between 2006 household debt-to-income ratios and changes in the percentage of businesses citing poor sales as

their top concern from 2007 to 2009. The percentage of businesses citing poor sales increased more in high-household-leverage states, precisely where the largest spending and employment declines in the nontradable sector occurred. This is consistent with the household spending evidence in Mian, Rao, and Sufi (2012).

To extend this analysis, we performed a regression, a statistical test of the relationship between state-level job losses in the nontradable sector from 2007 to 2009 and the percentage of businesses in that state citing poor sales. The test showed a significant negative correlation. In other words, states in which businesses cited poor sales also registered disproportionately sharp drops in jobs and household spending. This supports the view that a drop in aggregate demand led to job losses during the recession.

REGULATION AND TAXES: STATE-LEVEL EVIDENCE

Figure 1 confirms the pattern in Baker, Bloom, and Davis (2013) that small business concerns about regulation and taxes rose after the Great Recession and remained elevated in 2012. Can this explain the job market's current weak performance? The state-level NFIB survey responses may help answer this question.

We focus on the rise from 2008 to 2011 in the percentage of businesses citing regulation or taxes as their primary problem, the period when this concern increased the most. The increase varied significantly from state to state. For example, Rhode Island saw a rise of over 30 percentage points, while New Jersey saw a decrease of almost 10 percentage points.

Figure 3 shows there was almost no correlation between job growth in a state from 2008 to 2011 and the increase in the percentage of businesses citing regulation and taxes as their primary concern. In fact, if anything, the correlation is positive.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 114–2.

Ms. JACKSON LEE. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:

SEC. 10. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Accountability Act of 2015, and section 553a shall not apply in the case of any rule or guidance proposed, issued, or made by the Secretary of

Homeland Security. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2015, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.”.

The Acting CHAIR. Pursuant to House Resolution 27, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chair, let me thank the chairman and rise to support the Jackson Lee amendment with a little journey down memory lane of just a few days ago.

Just a few days ago in northern Nigeria, a heinous terrorist group by the name of Boko Haram killed 2,000 people. Pillaging and killing has been their mantra, their definition.

A few days before that, we watched in horror as three terrorists killed 17 people in the nation state of France, our ally for many, many, many years—our partner, if you will, in the virtues of liberty and democracy.

My amendment speaks to the diminishing impact that this present legislation would have on the security of our Nation. My amendment simply asks that those issues dealing with Homeland Security be exempted from this rule.

The rule itself causes there to be some 70 particulars that have to be met when rulemaking begins. Can you imagine subjecting national security to that kind of criteria?

As indicated, this bill modifies a Federal regulatory or rulemaking process by codifying many requirements included in Presidential executive orders and requiring agencies to consider numerous new criteria when issuing rules, including alternatives to any rule. We mentioned that in my earlier discussion.

My amendment would simply exempt from the bill’s congressional approval requirement any rule promulgated by the Department of Homeland Security.

As a senior member of the Committee on Homeland Security, having served previously as the ranking member of the Subcommittee on Border and Maritime Security, I am concerned about legislation that throws a monkey wrench in the footsteps of Customs and Border Protection, Border Patrol, ICE, the Coast Guard, Secret Service, and many others.

I am concerned when our Secretary of Homeland Security indicates that we live in dangerous times and, therefore, calling upon America not just to see something and say something, but to be conscious of these dangerous times.

Can you imagine the necessity of a rulemaking that then must be bur-

dened with 70 new levels of criteria defining the budget analysis or cost benefit?

Yes, Mr. Chairman, I do think we have oversight responsibilities, and I do think that we should be responsible in those oversight responsibilities and fiscally conservative or fiscally responsible, but I do not think that this legislation that has come to us time and time again and obviously failed is any answer to what we are trying to do.

Let me, first of all, say that this bill does not do as the Constitution has asked, and that is the “We, the people of the United States, in order to form a more perfect Union” in the beginning of our Constitution.

This does not adhere to that, and I would ask my colleagues to support the Jackson Lee amendment.

I reserve the balance of my time.

Mr. MARINO. Mr. Chair, I respectfully rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chair, every member of this body and our constituents know that, as we speak, the Department of Homeland Security is in the midst of an unprecedented overreach to change this Nation’s immigration laws through regulation and guidance, bypassing Congress and the will of the American people.

How can we support excluding that very effort from the requirements of this good bill? What is more, the amendment seeks to shield the Department of Homeland Security—a Department in need of good government reform—from all of the good government rulemaking and guidance reforms in the bill. We should not do that.

The bill does not threaten needed regulation in DHS’ jurisdiction, but simply assures that DHS will avoid unnecessary and overreaching regulation and issue smarter, less-costly regulation and guidance when necessary.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Chair, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Texas has 1½ minutes remaining.

Ms. JACKSON LEE. Mr. Chair, I yield 1 minute to the distinguished gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chair, I want to say to my colleague on Judiciary, Ms. JACKSON LEE, that this amendment is very important. It exempts any rule promulgated by Homeland Security, and as a result of this amendment, current law would apply to the Department of Homeland Security.

This is a very perceptive and important part of us moving forward on a really critical consideration because H.R. 185 will stall or prevent rulemaking, and it is essential that the Department of Homeland Security not be encumbered by such burdensome requirements.

Summary: This amendment exempts any rule promulgated by the Department of Homeland Security (DHS) from H.R. 185. As a result of this amendment, current law would apply to DHS.

This amendment is necessary because H.R. 185 will stall or prevent rulemaking and it is essential that the DHS not be encumbered by such burdensome requirements.

Effective rulemaking is a critical tool for DHS to be able to protect the Nation from acts of terrorism and to help communities recover from natural disasters, among many other things.

For instance, DHS has already proposed several rules to safeguard maritime security, as well as a rule proposed by the Coast Guard to revise regulations relating to the construction, design, equipment of deep-water ports that are used as terminals for importing and exporting oil and natural gas. This rule would provide for regulatory flexibility, while also preventing another environmental catastrophe like Deepwater Horizon.

DHS has also proposed a series of rules to protect against discrimination on the basis of race, color, national origin, or sex. This rule guarantees the equal treatment of persons in all DHS programs under title VI of the Civil Rights Act of 1964.

These proposed rules clearly demonstrate the need for this amendment, which underscores the importance of rulemaking across a wide spectrum of concerns.

Ms. JACKSON LEE. Mr. Chair, I yield myself the remaining time.

Sally Katzen, formerly of the Obama and Clinton administration, mentioned how valuable regulations can be to helping the American people.

This is an impediment. I don’t want to impede a regulatory scheme to help with cybersecurity; I don’t want to impede the Coast Guard if it has intelligence about an attack on the Houston port with some regulatory scheme that doesn’t allow it to move forward or to be able to address that question.

What we are suggesting is there are obstacles being put in front of national security. I ask that you support this amendment by exempting the Department of Homeland Security that is entrusted with the security, domestic security of the United States of America.

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

Mr. Chair, I have an amendment at the desk.

WHAT DOES THE REGULATORY ACCOUNTABILITY ACT DO?

This bill modifies the federal rule-making process by codifying many requirements included in presidential executive orders and requiring agencies to consider numerous new criteria when issuing rules, including alternatives to any rule proposal, the scope of the problem that the rule is meant to address, and potential costs and benefits of the proposal and alternatives.

In addition, the measure creates statutory thresholds for regulations to be deemed “major” rules and “high impact” rules—i.e., rules likely to cost more than \$100 million or \$1 billion a year—and requires that these rules proposals be subject to additional criteria and procedural steps.

WHAT DOES THE AMENDMENT DO?

My amendment would exempt from the bill’s Congressional approval requirement any rule

promulgated by the Department of Homeland Security.

As a Senior Member of the Homeland Security and Ranking Member of the Border and Maritime Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to emergencies.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations "do not tend to significantly impede job creation", and furthermore, over the course of the last several decades, the benefits of federal regulations have significantly outweighed their costs.

In our post 9/11 climate, homeland security continues to be a top priority for our nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. DHS cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Professor Sally Katzen, a former Obama and Clinton Administration official, discussed the benefits of regulation which an agency like the Department of Homeland Security demonstrates, and that is brought home by the tragic events in Nigeria and France, where terrorists struck with horrible efficiency last week. Professor Katzen stated:

Moreover, while we hear a lot about the costs of regulation, we rarely hear about the benefits of regulation—for example, improving our health or the air we breathe or the water we drink protecting our safety in our homes, our automobiles, or our workplaces; or increasing the efficiency of our markets.

Those who embrace cost/benefit analysis should speak to the benefits as well as the costs of regulation. Here, there are data—incomplete as they may be—which clearly show that the benefits of rules issued during the Obama Administration have been substantially greater than the costs of those rules. For example, the 2012 Report to Congress on the Benefits and Costs of Federal Regulations showed that for FY2011 (the most recent fiscal year for which data are available), the rules "were estimated to result in a total of \$34.3 billion to \$89.5 billion in annual benefits and \$5.0 billion to \$10.1 billion in annual costs.

And make no mistake about Mr. Chair, the Department of Homeland Security is tasked with a wide variety of duties under its mission. One example of an instance where DHS may have to act quickly to establish new or emergency regulations is the protection of our cyber security, an issue that should be at the forefront of everyone's legislative agenda in this new Congress.

In the past few years, threats in cyberspace have risen dramatically. The policy of the United States is to protect against the debilitating disruption of the operation of information

systems for critical infrastructures and, thereby, help to protect the people, economy, and national security of the United States.

We are all affected by threats to our cyber security. We must act to reduce our vulnerabilities to these threats before they can be exploited. A failure to protect our cyber systems would damage our Nation's critical infrastructure. So, we must continue to ensure that such disruptions of cyberspace are infrequent, of minimal duration, manageable, and cause the least possible damage.

According to the Government Accountability Office (GAO), the number of cyber incidents reported by Federal agencies to USCERT has increased dramatically over the past four years, from 5,503 cyber incidents reported in FY 2006 to about 30,000 cyber incidents in FY 2009 (over a 400% increase).

The Department of Homeland Security is also tasked with combating terrorism, and protecting Americans from threats. With the current unrest in the Middle East, why would we want to limit DHS's ability to do its job?

The Department of Homeland Security is constantly responding to new intelligence and threats from the volatile Middle East and around the globe. We must not tie the hands of those trusted to protect us from these threats.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. Of the 350 major ports in America, the Port of Houston is one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2011, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our nation's coastline, protected by the Coast Guard, under the direction of DHS.

Simply put, if Coast Guard Intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and

territorial governments, nongovernmental organizations, and the private sector.

We cannot hinder the Department of Homeland Security's ability to protect the safety and security of the American people. No mission is more sacrosanct—and by bottling up the process with bureaucratic red tape.

As Homeland Security Secretary Jeh Johnson said recently:

Recent world events call for increased vigilance in homeland security.

H.R. 185 makes it much harder for agencies to issue guidance, thus leading to unnecessary regulatory uncertainty and undue delay—something that the American people can ill-afford. We cannot hamstring the Department when it is trying to cope with threats such as franchise terrorism. My amendment frees up Homeland Security to do its critical mission of protecting the American people.

Mr. Chair, I urge my colleagues to support the Jackson Lee amendment in order to ensure that lifesaving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

This GOP Bill Is Opposed by A Long List of National Organizations. National organizations opposing the bill include such organizations as the Coalition for Sensible Safeguards, which itself is a coalition of more than 70 consumer, environmental, health and public interest groups:

- Consumer Federation of America;
- Consumers Union;
- Americans for Financial Reform;
- Better Markets
- Center for Responsible Lending
- American Association for Justice
- Center for Effective Government;
- Public Citizen
- U.S. PIRG
- AFL-CIO
- AFSCME
- UAW
- United Steelworkers
- Union of Concerned Scientists and
- Natural Resources Defense Council.

Coalition for Sensible Safeguards Strongly Opposing the Bill: In its letter strongly opposing the bill, the Coalition for Sensible Safeguards points out, "[The bill] would undermine our public protections and jeopardize public health by threatening the safeguards that ensure our access to clean air and water, safe workplaces, untainted food and drugs, and safe toys and consumer goods. . . . The costs of deregulation should be obvious by now: the Wall Street economic collapse the Upper Big Branch mine explosion in West Virginia, various food and product safety recalls, and numerous environmental disasters including the recent Dan River coal ash spill in North Carolina and the Freedom Industries chemical spill in West Virginia demonstrate the need for a regulatory system that protects the public, not corporate interests."

Americans for Financial Reform Strongly Opposing the Bill: In its letter strongly opposing the bill, Americans for Financial Reform points out, "This legislation could instead be called the 'End Wall Street Accountability Act of 2015,' since this would be one of its major effects. This legislation would require the agencies charged with oversight of our largest banks and most critical financial markets to comply with a host of additional bureaucratic and procedural requirements designed to make effective action virtually impossible. By

doing so it would tilt the playing field still further in the direction of powerful Wall Street banks, and against the public interest. It would paralyze the ability of regulators to protect consumers from financial exploitation and prevent another catastrophic financial crisis."

Consumer Federation of America Strongly Opposing the Bill: In its letter strongly opposing the bill, the Consumer Federation of America points out, "The Regulatory Accountability Act would handcuff all federal agencies in their efforts to protect consumers. . . . Specifically, the RAA would require all agencies . . . to adopt the least costly rule, without consideration of the impact on public health and safety, or the impact on the financial marketplace. As such, the RAA would override important bipartisan laws that have been in effect for years, as well as more recently enacted laws to protect consumers from unfair and deceptive financial services, unsafe food and unsafe consumer products."

Natural Resources Defense Council Strongly Opposing the Bill: In its letter strongly opposing the bill, the Natural Resources Defense Council points out, "This is a bill that is designed to prevent the regulatory system from working, not to improve its operation. The practical impact of H.R. 185 would be to make it difficult if not impossible to put in place any new safeguards for the public, no matter what the issue. . . . The RAA's purpose is abundantly clear. It is an effort to amend and weaken existing law and future statutes by overlaying a suffocating blanket of unnecessary process. The result will be fewer needed safeguards despite public support for protection and study and study showing that the benefits of regulation have far outweighed the costs."

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. JACKSON LEE. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

□ 1615

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 114-2.

Mr. CONNOLLY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:
SEC. 10. EXEMPTION FOR CERTAIN RULES AND GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553a (as inserted by section 4 of this Act) the following new section:

“§ 553b. Exemption for certain rules and guidance

“Sections 551, 553, 556, 701(b), 704, and 706, as amended by the Regulatory Account-

ability Act of 2015, and section 553a shall not apply in the case of a rule or guidance proposed, made, or issued which relates to health or public safety. Sections 551, 553, 556, 701(b), 704, and 706, as in effect before the enactment of the Regulatory Accountability Act of 2015, shall apply to such proposed rules, final rules, or guidance, as appropriate.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

“553b. Exemption for certain rules and guidance.”.

The Acting CHAIR. Pursuant to House Resolution 27, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY. Mr. Chairman, as someone who comes from local government, I was encouraged last week to hear the Speaker call for us to find common ground. I know firsthand the music that can be made when elected officials allow their commitments to improving the quality of life for our neighbors to guide their actions rather than partisan ideology.

Sadly, we are only 2 weeks into the new Congress, and the House majority has brought to the floor a string of divisive bills. Last week we debated without amendment a plan to bypass the normal review process to expedite approval of the Keystone pipeline for the 10th time, and today we consider a repeat of anti-public health and safety legislation that was debated and defeated in the 112th and 113th Congresses.

The seductively titled Regulatory Accountability Act would actually effectively block new Federal regulation and is nothing more than a backdoor attempt to roll back important public health and safety protections. What is more, my friends on the other side claim they want to reduce regulatory burdens, but their bill adds more than 70 new analytical steps to the final rulemaking process while jeopardizing science-based methodology.

The Union of Concerned Scientists warns that if this bill becomes law, Mr. Chairman, agencies like the Environmental Protection Agency, the Food and Drug Administration, and the Consumer Product Safety Commission would all be subject to more special interest interference, would be much more vulnerable to legal challenges, and even if those challenges are crucial to protecting our air and water and safeguarding public health, they could prevail. That is why I offer what should be, I hope, a simple amendment to exempt any rule or guidance pertaining to public health or safety.

This bill directs agencies to adopt the least costly regulatory action, notwithstanding any other provision of law, meaning that the benefits of safeguards to protect the air we breathe, the water we drink, and the food we eat

would be considered secondary to the cost of those safeguards, even if the benefits exceed the costs.

My friends falsely claim that regulations impose unreasonable costs on the economy and industry. The facts don't justify that rhetoric. OMB's latest report to Congress on Federal regulation found the monetized benefits of Federal regulations over the past decade alone are significantly higher by a factor of 10 than the costs. But why let facts trump belief?

An American Lung Association survey found that three out of four respondents feel we should not have to choose between protecting health and safety and promoting the economy. They understand we must and can do both.

Mr. Chairman, I am curious if my friends on the other side have asked their constituents what they think. For example, I wonder if the residents near North Carolina coal ash spills—which is affecting drinking water there and in my home State of Virginia—share the same disdain for water quality regulation. Maybe we should ask the millions of parents who own a child car seat subject to a nationwide recall if they would feel better with less rigorous safety standards for their children.

My friends continue to perpetuate this notion that government regulation is a heavy boot on the throat of business, but a poll conducted by the American Sustainable Business Council found 78 percent of employers believe responsible regulation is important for protecting small businesses from unfair competition and leveling the playing field.

Mr. CONYERS. Will the gentleman yield?

Mr. CONNOLLY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I want to commend the gentleman on his amendment.

Mr. Chair, this amendment would exempt from H.R. 185 all rules or guidance that relate to health or public safety, including food safety, workplace safety, consumer product safety, air quality, or water quality. Existing APA procedures would continue to apply to these types of rules.

The amendment highlights the real-world consequences of H.R. 185, which would be to stifle agencies' ability to promulgate rules that protect public health and safety.

Among other things, H.R. 185 requires agencies to perform cumbersome and lengthy cost-benefit analyses of all rules. Worst of all, it would override substantive provisions of numerous statutes, including the Clean Air Act, the Clean Water Act, and the Occupational Safety and Health Act, that prohibit or limit agencies from considering cost.

For instance, the Food and Drug Administration has begun proposing rules and guidance under the FDA Food Safety Modernization Act (FSMA), which was passed by Congress and signed into law by President Obama in 2011, representing the most substantial reform to food safety in over 70 years.

In November 2014, the FDA proposed rules to implement this Act to prevent foodborne illness outbreaks associated with contaminated produce, among other things.

According to the Center for Disease Control, one in six Americans get sick every year from foodborne diseases, affecting about 48 million people yearly. Of these, 3,000 people die every year from these diseases, which are largely preventable.

Without this amendment, H.R. 185 would drown the FDA in additional requirements prior to issuing new rules to protect Americans from the contamination of produce and other rules that are critical to keeping the U.S. food supply safe.

The cumulative effect of these and the other changes wrought by H.R. 185 would be to substantially undermine agencies' ability to effectively regulate consumer health and product safety, environmental protection, workplace safety, and financial services industry misconduct, among other critical concerns, while doing little to help small businesses shape or comply with federal regulations.

Under both Democratic and Republican administrations, the Office of Management and Budget (OMB) regularly has reported to Congress that the benefits of regulations far exceed their costs.

Effective rulemaking is a critical tool for agencies to protect the public health and safety, from clean air and water to emergency transportation rules designed to keep Americans safe while traveling abroad.

Mr. CONNOLLY. I thank my friend from Michigan.

Mr. Chairman, my amendment is an important step to protecting public health and safety. It will ensure the lifesaving benefits of protecting air quality, water quality, and food safety so that they are not automatically ruled out because of the cost alone. It will ensure, for example, that the CFPB can proceed with Dodd-Frank regulations protecting Americans from risky practices that led to the financial crisis and save lives by allowing the FDA to continue implementing provisions of the bipartisan Family Smoking Prevention and Tobacco Control Act.

Mr. Chairman, I urge my colleagues to support this amendment and protect the public health and safety of our communities.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise in opposition to the amendment offered by my colleague from Virginia.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, this amendment exempts from the bill any rule or guidance pertaining to health or public safety. Health and public safety regulation done properly serve important goals, and the bill does nothing to frustrate the effective achievement of those goals.

But Federal health and public safety regulation constitutes an immense part of total Federal regulation and has been the source of many of the most abusive, unnecessarily expensive, and job-and-wage destroying regula-

tions. To remove these areas of regulation from the bill would be to severely weaken the bill's important reforms to lower the crushing cumulative costs of Federal regulation.

Consider, for example, testimony before the Judiciary Committee last term by Rob James, a city councilman from Avon Lake, Ohio, about the impacts of new and excessive regulation on his town, its workers, and its families.

Avon Lake is a small town facing devastation by ideologically driven, antifossil-fuel power plant regulations. These regulations are expected to destroy jobs in Avon Lake, harm Avon Lake's families, and make it even harder for Avon Lake to find the resources to provide emergency services, quality schools, and help for its neediest citizens—all while doing comparatively little to control mercury emissions that are the stated target of the regulations.

Let me point out to the gentleman and anyone else concerned that health and safety regulations are a tantamount concern of this legislation. In fact, I will quote from page 19 of the bill:

The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

I will also point out that the American Council of Independent Laboratories supports this legislation.

Mr. Chairman, I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. CONNOLLY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Virginia will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 114-2 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MCKINLEY of West Virginia.

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Ms. JACKSON LEE of Texas.

Amendment No. 4 by Mr. CONNOLLY of Virginia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MCKINLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the

gentleman from West Virginia (Mr. MCKINLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 254, noes 168, not voting 10, as follows:

[Roll No. 23]

AYES—254

Abraham	Garrett	Meehan
Aderholt	Gibbs	Messer
Allen	Gibson	Mica
Amash	Gohmert	Miller (FL)
Amodel	Goodlatte	Miller (MI)
Ashford	Gosar	Moolenaar
Babin	Gowdy	Mooney (WV)
Barletta	Graham	Mullin
Barr	Granger	Mulvaney
Barton	Graves (GA)	Murphy (FL)
Benishek	Graves (LA)	Murphy (PA)
Bilirakis	Graves (MO)	Neugebauer
Bishop (GA)	Grayson	Newhouse
Bishop (MI)	Griffith	Noem
Bishop (UT)	Grothman	Nugent
Black	Guinta	Nunes
Blackburn	Hanna	Olson
Blum	Hardy	Palazzo
Bost	Harper	Palmer
Boustany	Harris	Paulsen
Brady (TX)	Hartzler	Perry
Brat	Heck (NV)	Peterson
Bridenstine	Hensarling	Pittenger
Brooks (AL)	Herrera Beutler	Pitts
Brooks (IN)	Hice (GA)	Poe (TX)
Buchanan	Hill	Poliquin
Buck	Holding	Pompeo
Bucshon	Hudson	Posey
Burgess	Huelskamp	Price (GA)
Bustos	Huizenga (MI)	Ratcliffe
Byrne	Hultgren	Reed
Calvert	Hunter	Reichert
Carter (GA)	Hurd (TX)	Renacci
Carter (TX)	Hurt (VA)	Ribble
Chabot	Issa	Rice (SC)
Chaffetz	Jenkins (KS)	Rigell
Clawson (FL)	Jenkins (WV)	Roby
Coffman	Johnson (OH)	Roe (TN)
Cole	Johnson, Sam	Rogers (AL)
Collins (GA)	Jolly	Rogers (KY)
Collins (NY)	Jones	Rohrabacher
Comstock	Jordan	Rokita
Conaway	Joyce	Rooney (FL)
Cook	Katko	Ros-Lehtinen
Costello (PA)	Kelly (PA)	Ross
Cramer	King (IA)	Rothfus
Crawford	King (NY)	Rouzer
Crenshaw	Kinzinger (IL)	Royce
Cuellar	Kline	Russell
Culberson	Knight	Ryan (WI)
Curbelo (FL)	Labrador	Salmon
Davis, Rodney	LaMalfa	Sanford
Delaney	Lamborn	Scalise
Denham	Lance	Schock
Dent	Latta	Schrader
DeSantis	Lipinski	Schweikert
DesJarlais	LoBiondo	Scott, Austin
Diaz-Balart	Long	Sensenbrenner
Dold	Loudermilk	Sessions
Duffy	Love	Shimkus
Duncan (SC)	Lucas	Shuster
Duncan (TN)	Luetkemeyer	Simpson
Ellmers	Lummis	Sinema
Emmer	MacArthur	Smith (MO)
Farenthold	Marchant	Smith (NE)
Fincher	Marino	Smith (NJ)
Fitzpatrick	Massie	Smith (TX)
Fleischmann	McCarthy	Stefanik
Fleming	McCauley	Stewart
Flores	McClintock	Stivers
Forbes	McHenry	Stutzman
Fortenberry	McKinley	Thompson (PA)
Foster	McMorris	Thornberry
Fox	Rodgers	Tiberi
Franks (AZ)	McSally	Tipton
Frelinghuysen	Meadows	Trott

Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 247, not voting 7, as follows:

[Roll No. 24]

AYES—178

NOES—168

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle (PA)
Brady (PA)
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu (CA)
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connelly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle (PA)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Frankel (FL)
Fudge
Gabbard
Gallego
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu (CA)
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Lynch
Maloney,
Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Adams
Aguilar
Bass
Beatty
Becerra
Bera
Beyer
Blumenauer
Bonamici
Boyle (PA)
Brady (PA)
Brown (FL)
Brownley (CA)
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu (CA)
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connelly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle (PA)
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Frankel (FL)
Fudge
Gabbard
Gallego
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Hinojosa
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Clark (MA)
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu (CA)
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowe y
Lujan Grisham
(NM)
Luján, Ben Ray
(NM)
Lynch
Maloney,
Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Norcross
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Salmon
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Diaz-Balart
Dold
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emmer
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice (GA)
Hill
Himes
Holding
Hudson
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Katko
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Wilson (SC)
Posey
Price (GA)
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Sanford
Scalise
Schock
Schradler
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho

NOT VOTING—8

Cleaver
Cole
Duckworth
Garamendi
Huelskamp
Nunnelee
Perlmutter
Ryan (OH)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1656

Mrs. DINGELL and Ms. DEGETTE changed their vote from “no” to “aye.” So the amendment was rejected. The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

NOT VOTING—11

Cleaver
Costa
Duckworth
Garamendi
Guthrie
Nunnelee
Pearce
Perlmutter
Roskam
Ryan (OH)
Titus

□ 1649

Messrs. DUNCAN of Tennessee, FARENTHOLD, and DELANEY changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. JOHNSON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

NOES—247

Abraham
Aderholt
Allen
Amash
Amodei
Ashford
Babin
Barletta
Barr
Barton
Benishek
Billirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Blumenauer
Bost
Boustany
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Clawson (FL)
Coffman
Collins (GA)
Collins (NY)
Comstock
Conaway
Cook
Costa
Costello (PA)
Cramer
Crawford
Crenshaw
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 176, noes 249, not voting 7, as follows:

[Roll No. 25]

AYES—176

Adams	Grayson	Neal
Aguilar	Green, Al	Nolan
Bass	Green, Gene	Norcross
Beatty	Grijalva	O'Rourke
Becerra	Gutiérrez	Pallone
Bera	Hahn	Pascrell
Beyer	Hastings	Payne
Bishop (GA)	Heck (WA)	Pelosi
Blumenauer	Higgins	Peters
Bonamici	Himes	Pingree
Boyle (PA)	Hinojosa	Pocan
Brady (PA)	Honda	Polis
Brown (FL)	Hoyer	Price (NC)
Brownley (CA)	Huffman	Quigley
Bustos	Israel	Rangel
Butterfield	Jackson Lee	Rice (NY)
Capps	Jeffries	Richmond
Capuano	Johnson (GA)	Royal-Allard
Cárdenas	Johnson, E. B.	Ruiz
Carney	Kaptur	Ruppersberger
Carson (IN)	Keating	Rush
Cartwright	Kelly (IL)	Sánchez, Linda
Castor (FL)	Kennedy	T.
Castro (TX)	Kildee	Sanchez, Loretta
Chu (CA)	Kilmer	Sarbanes
Cicilline	Kind	Schakowsky
Clark (MA)	Kirkpatrick	Schiff
Clarke (NY)	Kuster	Scott (VA)
Clay	Langevin	Scott, David
Clyburn	Larsen (WA)	Serrano
Connolly	Larson (CT)	Sewell (AL)
Conyers	Lawrence	Sherman
Courtney	Lee	Sires
Crowley	Levin	Slaughter
Cuellar	Lewis	Smith (WA)
Cummings	Lieu (CA)	Speier
Davis (CA)	Lipinski	Swalwell (CA)
Davis, Danny	Loeb sack	Takai
DeFazio	Lofgren	Takano
DeGette	Lowenthal	Takano
Delaney	Lowe y	Thompson (CA)
DeLauro	Lujan Grisham	Thompson (MS)
DelBene	(NM)	Titus
DeSaulnier	Luján, Ben Ray	Tonko
Deutch	(NM)	Torres
Dingell	Lynch	Tsongas
Doggett	Maloney,	Van Hollen
Doyle (PA)	Carolyn	Vargas
Edwards	Maloney, Sean	Veasey
Ellison	Matsui	Vela
Engel	McCollum	Velázquez
Eshoo	McDermott	Visclosky
Esty	McGovern	Walz
Farr	McNerney	Wasserman
Fattah	Meeks	Schultz
Foster	Meng	Waters, Maxine
Frankel (FL)	Moore	Watson Coleman
Fudge	Moulton	Welch
Gabbard	Murphy (FL)	Wilson (FL)
Gallego	Nadler	Yarmuth
Graham	Napolitano	

NOES—249

Abraham	Bridenstine	Cook
Aderholt	Brooks (AL)	Cooper
Allen	Brooks (IN)	Costa
Amash	Buchanan	Costello (PA)
Amodei	Buck	Cramer
Ashford	Bucshon	Crawford
Babin	Burgess	Crenshaw
Barletta	Byrne	Culberson
Barr	Calvert	Culberson (FL)
Barton	Carter (GA)	Darbela, Rodney
Benishek	Carter (TX)	Denham
Bilirakis	Chabot	Dent
Bishop (MI)	Chaffetz	DeSantis
Bishop (UT)	Clawson (FL)	DesJarlais
Black	Coffman	Diaz-Balart
Blackburn	Cohen	Dold
Blum	Cole	Duffy
Bost	Collins (GA)	Duncan (SC)
Boustany	Collins (NY)	Duncan (TN)
Brady (TX)	Comstock	Ellmers
Brat	Conaway	Emmer

Farenthold	Lance	Rooney (FL)
Fincher	Latta	Ros-Lehtinen
Fitzpatrick	LoBiondo	Roskam
Fleischmann	Long	Ross
Fleming	Loudermill	Rothfus
Flores	Love	Royce
Forbes	Lucas	Russell
Fortenberry	Luetkemeyer	Ryan (WI)
Fox	Lummis	Salmon
Franks (AZ)	MacArthur	Sanford
Frelinghuysen	Marchant	Scalise
Garrett	Marino	Schock
Gibbs	Massie	Schrader
Gibson	McCarthy	Schweikert
Gohmert	McCauley	Scott, Austin
Goodlatte	McClintock	Sensenbrenner
Gosar	McHenry	Sessions
Gowdy	McKinley	Shimkus
Granger	McMorris	Shuster
Graves (GA)	Rodgers	Simpson
Graves (LA)	McSally	Sinema
Graves (MO)	Meadows	Smith (MO)
Griffith	Meehan	Smith (NE)
Grothman	Messer	Smith (NJ)
Guinta	Mica	Smith (TX)
Guthrie	Miller (FL)	Stefanik
Hanna	Miller (MI)	Stewart
Hardy	Moolenaar	Stivers
Harper	Mooney (WV)	Stutzman
Harris	Mullin	Thompson (PA)
Hartzer	Mulvaney	Thornberry
Heck (NV)	Murphy (PA)	Tiberi
Hensarling	Neugebauer	Tipton
Herrera Beutler	Newhouse	Trott
Hice (GA)	Noem	Turner
Hill	Nugent	Upton
Holding	Nunes	Valadao
Hudson	Palazzo	Wagner
Huelskamp	Palmer	Walberg
Huizenga (MI)	Paulsen	Walden
Hultgren	Pearce	Walker
Hunter	Perry	Walorski
Hurd (TX)	Peterson	Walters, Mimi
Hurt (VA)	Pittenger	Weber (TX)
Issa	Pitts	Webster (FL)
Jenkins (KS)	Poe (TX)	Wenstrup
Jenkins (WV)	Poliquin	Westerman
Johnson (OH)	Pompeo	Westmoreland
Johnson, Sam	Posey	Whitfield
Jolly	Price (GA)	Williams
Jones	Ratcliffe	Wilson (SC)
Jordan	Reed	Wittman
Joyce	Reichert	Womack
Katko	Renacci	Woodall
Kelly (PA)	Ribble	Yoder
King (IA)	Rice (SC)	Yoho
King (NY)	Rigell	Young (AK)
Kinzinger (IL)	Roby	Young (IA)
Kline	Roe (TN)	Young (IN)
Knight	Rogers (AL)	Zeldin
Labrador	Rogers (KY)	Zinke
LaMalfa	Rohrabacher	
Lamborn	Rokita	

NOT VOTING—8

Claver	Nuneele	Ryan (OH)
Deckworth	Olson	
Garamendi	Perlmutter	
	Rouzer	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1700

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated against:
Mr. ROUZER. Mr. Chair, on rollcall No. 25 I was unavoidably detained during the time of this vote. Had I been present, I would have voted "nay."

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia (Mr. CONNOLLY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amend-

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 248, not voting 6, as follows:

[Roll No. 26]

AYES—178

Adams	Gallego	Nadler
Aguilar	Gibson	Napolitano
Bass	Graham	Neal
Beatty	Grayson	Nolan
Becerra	Green, Al	Norcross
Bera	Green, Gene	O'Rourke
Beyer	Grijalva	Pallone
Bishop (GA)	Gutiérrez	Pascrell
Blumenauer	Hahn	Payne
Bonamici	Hastings	Pelosi
Boyle (PA)	Heck (WA)	Peters
Brady (PA)	Higgins	Pingree
Brown (FL)	Himes	Pocan
Brownley (CA)	Hinojosa	Polis
Bustos	Honda	Price (NC)
Butterfield	Hoyer	Quigley
Capps	Huffman	Rangel
Capuano	Israel	Rice (NY)
Cárdenas	Jackson Lee	Richmond
Carney	Jeffries	Royal-Allard
Carson (IN)	Johnson (GA)	Ruiz
Cartwright	Johnson, E. B.	Ruppersberger
Castor (FL)	Kaptur	Rush
Castro (TX)	Keating	Sánchez, Linda
Chu (CA)	Kelly (IL)	T.
Cicilline	Kennedy	Sanchez, Loretta
Clark (MA)	Kildee	Sarbanes
Clarke (NY)	Kilmer	Schakowsky
Clay	Kind	Schiff
Clyburn	Kirkpatrick	Scott (VA)
Cohen	Kuster	Scott, David
Connolly	Langevin	Serrano
Conyers	Larsen (WA)	Sewell (AL)
Courtney	Larson (CT)	Sherman
Crowley	Lawrence	Sires
Cuellar	Lee	Slaughter
Cummings	Levin	Smith (WA)
Davis (CA)	Lewis	Speier
Davis, Danny	Lieu (CA)	Swalwell (CA)
DeFazio	Lipinski	Takai
DeGette	Loeb sack	Takano
Delaney	Lowenthal	Thompson (CA)
DeLauro	Lowe y	Thompson (MS)
DelBene	Lujan Grisham	Titus
DeSaulnier	(NM)	Tonko
Deutch	Luján, Ben Ray	Torres
Dingell	(NM)	Tsongas
Doggett	Lynch	Van Hollen
Doyle (PA)	Maloney,	Vargas
Edwards	Carolyn	Veasey
Ellison	Maloney, Sean	Vela
Engel	Matsui	Velázquez
Eshoo	McCollum	Visclosky
Esty	McDermott	Walz
Farr	McGovern	Wasserman
Fattah	McNerney	Schultz
Foster	Meeks	Waters, Maxine
Frankel (FL)	Meng	Watson Coleman
Fudge	Moore	Welch
Gabbard	Moulton	Wilson (FL)
	Murphy (FL)	Yarmuth

NOES—248

Abraham	Bridenstine	Costa
Aderholt	Brooks (AL)	Costello (PA)
Allen	Brooks (IN)	Cramer
Amash	Buchanan	Crawford
Amodei	Buck	Crenshaw
Ashford	Bucshon	Culberson
Babin	Burgess	Curbelo (FL)
Barletta	Byrne	Davis, Rodney
Barr	Calvert	Denham
Barton	Carter (GA)	Dent
Benishek	Carter (TX)	DeSantis
Bilirakis	Chabot	DesJarlais
Bishop (MI)	Chaffetz	Diaz-Balart
Bishop (UT)	Clawson (FL)	Dold
Black	Coffman	Duffy
Blackburn	Cole	Duncan (SC)
Blum	Collins (GA)	Duncan (TN)
Bost	Collins (NY)	Ellmers
Boustany	Comstock	Emmer
Brady (TX)	Conaway	Farenthold
Brat	Cook	Fincher

Fitzpatrick	LoBiondo	Rooney (FL)
Fleischmann	Lofgren	Ros-Lehtinen
Fleming	Long	Roskam
Flores	Loudermilk	Ross
Forbes	Lucas	Rothfus
Fortenberry	Luetkemeyer	Rouzer
Fox	Lummis	Royce
Franks (AZ)	MacArthur	Russell
Frelinghuysen	Marchant	Ryan (WI)
Garrett	Marino	Salmon
Gibbs	Massie	Sanford
Gohmert	McCarthy	Scalise
Goodlatte	McCaul	Schock
Gosar	McClintock	Schrader
Gowdy	McHenry	Schweikert
Granger	McKinley	Scott, Austin
Graves (GA)	McMorris	Sensenbrenner
Graves (LA)	Rodgers	Sessions
Graves (MO)	McSally	Shimkus
Griffith	Meadows	Shuster
Grothman	Meehan	Simpson
Guinta	Messer	Sinema
Guthrie	Mica	Smith (MO)
Hanna	Miller (FL)	Smith (NE)
Hardy	Miller (MI)	Smith (NJ)
Harper	Moolenaar	Smith (TX)
Harris	Mooney (WV)	Stefanik
Hartzler	Mullin	Stewart
Heck (NV)	Mulvaney	Stivers
Hensarling	Murphy (PA)	Stutzman
Herrera Beutler	Neugebauer	Thompson (PA)
Hice (GA)	Newhouse	Thornberry
Hill	Noem	Tiberi
Holding	Nugent	Tipton
Hudson	Nunes	Trott
Huelskamp	Olson	Turner
Huizenga (MI)	Palazzo	Upton
Hultgren	Palmer	Valadao
Hunter	Paulsen	Wagner
Hurd (TX)	Pearce	Walberg
Hurt (VA)	Perry	Walden
Issa	Peterson	Walker
Jenkins (KS)	Pittenger	Walorski
Jenkins (WV)	Pitts	Walters, Mimi
Johnson (OH)	Poe (TX)	Weber (TX)
Johnson, Sam	Poliquin	Webster (FL)
Jolly	Pompeo	Wenstrup
Jones	Posey	Westerman
Jordan	Price (GA)	Westmoreland
Joyce	Ratchliffe	Whitfield
Katko	Reed	Williams
Kelly (PA)	Reichert	Wilson (SC)
King (IA)	Renacci	Wittman
King (NY)	Ribble	Womack
Kinzinger (IL)	Rice (SC)	Woodall
Kline	Rigell	Yoder
Knight	Roby	Yoho
Labrador	Roe (TN)	Young (AK)
LaMalfa	Rogers (AL)	Young (IA)
Lamborn	Rogers (KY)	Young (IN)
Lance	Rokita	Zeldin
Latta		Zinke

NOT VOTING—7

Cleaver	Garamendi	Rohrabacher
Duckworth	Nunnelee	Ryan (OH)
	Perlmutter	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1705

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. HULTGREN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 185) to reform the process by which Federal agencies analyze and formulate new regulations and guidance documents, and, pursuant to House Resolution 27, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Miss RICE of New York. Mr. Speaker, I have a motion to recommit at the desk.

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

Miss RICE of New York. I am opposed in its current form.

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

The Clerk read as follows:

Miss Rice of New York moves to recommit the bill H.R. 185 to the Committee on the Judiciary with instructions to report the same to the House forthwith with the following amendment:

Add at the end of the bill the following:

SECTION —. PROTECTING AMERICANS FROM TERRORIST ATTACKS.

This Act and the amendments made by this Act shall not apply to rules or guidance that—

- (1) prevent terrorism and crime;
- (2) protect the wages of workers, including pay equity for women;
- (3) save tax dollars or provide refunds and rebates for taxpayers;
- (4) provide assistance and regulatory relief to small businesses; or
- (5) prevent discrimination based on race, religion, national origin, or any other protected category.

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

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

Like many of you, especially my fellow freshman Members, I told my constituents of New York City's Fourth Congressional District that I wanted to come to Washington to offer common-sense solutions.

As you heard, the amendment does important things that my friends on the other side of the aisle also find important, such as saving tax dollars and providing regulatory relief for small businesses. The amendment also ensures that H.R. 185 would not stymie protections of workers' wages, especially those of women, or weaken protections against workplace discrimination. But the most important provision in this amendment, in light of current events, would ensure that H.R. 185 won't apply to actions that prevent terrorism and crime.

As the former District Attorney of Nassau County, just outside of New York City, terrorism is not abstract for me and my constituents. It is very real and it is very personal. Thousands of Long Island residents commute to the city every single day. We all remember

too clearly the September 11 attacks, and we all live with the reality that such a day could come again if we are not vigilant in our efforts to prevent terrorism.

The horrendous attacks in France last week serve as a tragic and chilling reminder that we must be on high alert here at home, and the best way to do that is to ensure that those who protect us have the resources they need to do their jobs. That is our job—to make sure they have the resources they need to do theirs.

Mr. Speaker, I will make one final point. A number of freshman Members, myself included, came to Congress with a mandate to find compromise and to govern. Passing H.R. 185 will not demonstrate such priorities. We should be working together to actually solve problems. We should be working to find new ideas and new solutions to our Nation's problems and creating legislation that will make our government work more effectively.

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

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

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

Mr. GOODLATTE. Mr. Speaker, we are more than 6 years into the Obama administration. Real unemployment is still a massive problem in this country. America's labor force participation has dropped to record lows. The nominal unemployment rate is down, but that is because desperate Americans dying for work are abandoning the workforce in droves.

The only real, long-term solution is to restart the engines of economic growth in this country. One way to do that is to pass the Regulatory Accountability Act. This bill promises real relief from our \$1.86 trillion-per-year regulatory cost nightmare. If enacted, it would change night to day in terms of the level of regulatory costs Washington imposes on American families—without stopping one needed regulation from being issued.

My friends across the aisle say that won't happen. They say the bill will bring all good rulemaking to a halt. My goodness, it is ObamaCare all over again. My friends across the aisle haven't read the bill. You have to read the bill to know what is in it. If you read the bill, you understand it. You see right there on page 27:

The agency shall adopt the least costly rule considered during the rule making . . . that meets relevant statutory objectives.

Take away a few key words and what does that say?

The agency shall adopt the . . . rule . . . that meets . . . statutory objectives.

So the rules will still be made and statutory goals will still be met, but they will be done in a cost-effective way that makes sure that all of the necessary cost-saving measures and all of the necessary considerations are taken into account before imposing new burdens on the American people.

□ 1715

Vote against this motion to recommit. Vote for this good, job-creating, dollar-saving bill for the American people.

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

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

There was no objection.

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

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

RECORDED VOTE

Miss RICE of New York. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

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

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 180, noes 245, not voting 7, as follows:

[Roll No. 27]

AYES—180

Adams	Frankel (FL)	McNerney
Aguilar	Fudge	Meeks
Ashford	Gabbard	Meng
Bass	Gallego	Moore
Beatty	Graham	Moulton
Becerra	Grayson	Murphy (FL)
Bera	Green, Al	Nadler
Beyer	Green, Gene	Napolitano
Bishop (GA)	Grijalva	Neal
Blumenauer	Gutiérrez	Nolan
Bonamici	Hahn	Norcross
Boyle (PA)	Hastings	O'Rourke
Brady (PA)	Heck (WA)	Pallone
Brown (FL)	Higgins	Pascarell
Brownley (CA)	Himes	Payne
Bustos	Hinojosa	Pelosi
Butterfield	Honda	Peters
Capps	Hoyer	Pingree
Capuano	Huffman	Pocan
Cardenas	Israel	Polis
Carney	Jackson Lee	Price (NC)
Carson (IN)	Jeffries	Quigley
Cartwright	Johnson (GA)	Rangel
Castor (FL)	Johnson, E. B.	Rice (NY)
Castro (TX)	Kaptur	Richmond
Chu (CA)	Keating	Royal-Allard
Ciциlline	Kelly (IL)	Ruiz
Clark (MA)	Kennedy	Ruppersberger
Clarke (NY)	Kildee	Rush
Clay	Kilmer	Sánchez, Linda T.
Cohen	Kind	Sanchez, Loretta
Connolly	Kirkpatrick	Sarbanes
Conyers	Kuster	Schakowsky
Cooper	Langevin	Schiff
Courtney	Larsen (WA)	Schrader
Crowley	Larson (CT)	Scott (VA)
Cuellar	Lawrence	Scott, David
Cummings	Lee	Serrano
Davis (CA)	Levin	Sewell (AL)
Davis, Danny	Lewis	Sherman
DeFazio	Lieu (CA)	Sinema
DeGette	Lipinski	Sires
Delaney	Loeb sack	Slaughter
DeLauro	Lofgren	Smith (WA)
DelBene	Lowenthal	Speier
DeSaulnier	Lowe y	Swalwell (CA)
Deutch	Lujan Grisham	Takai
Dingell	(NM)	Takano
Doggett	Lujan, Ben Ray	Thompson (CA)
Doyle (PA)	(NM)	Thompson (MS)
Edwards	Lynch	Titus
Ellison	Maloney,	Tonko
Engel	Carolyn	Torres
Eshoo	Maloney, Sean	Tsongas
Esty	Matsui	Van Hollen
Farr	McCollum	Vargas
Fattah	McDermott	Veasey
Foster	McGovern	

Vela	Wasserman	Welch
Velázquez	Schultz	Wilson (FL)
Visclosky	Waters, Maxine	Yarmuth
Walz	Watson Coleman	

NOES—245

Abraham	Grothman	Perry
Aderholt	Guinta	Peterson
Allen	Guthrie	Pittenger
Amash	Hanna	Pitts
Amodei	Hardy	Poe (TX)
Babin	Harper	Poliquin
Barletta	Harris	Pompeo
Barr	Hartzler	Posey
Barton	Heck (NV)	Price (GA)
Benishek	Hensarling	Ratcliffe
Bilirakis	Herrera Beutler	Reed
Bishop (MI)	Hice (GA)	Reichert
Bishop (UT)	Hill	Renacci
Black	Holding	Ribble
Blackburn	Hudson	Rice (SC)
Blum	Huelskamp	Rigell
Bost	Huizenga (MI)	Roby
Boustany	Hultgren	Roe (TN)
Brady (TX)	Hunter	Rogers (AL)
Brat	Hurd (TX)	Rogers (KY)
Bridenstine	Hurt (VA)	Rohrabacher
Brooks (AL)	Issa	Rokita
Brooks (IN)	Jenkins (KS)	Rooney (FL)
Buchanan	Jenkins (WV)	Ros-Lehtinen
Buck	Johnson (OH)	Roskam
Bucshon	Johnson, Sam	Ross
Burgess	Jolly	Rothfus
Byrne	Jones	Rouzer
Calvert	Jordan	Royce
Carter (GA)	Joyce	Russell
Carter (TX)	Katko	Ryan (WI)
Chabot	Kelly (PA)	Salmon
Chaffetz	King (IA)	Sanford
Clawson (FL)	King (NY)	Scalise
Coffman	Kinzinger (IL)	Schock
Cole	Kline	Schweikert
Collins (NY)	Knight	Scott, Austin
Comstock	Labrador	Sensenbrenner
Conaway	LaMalfa	Sessions
Cook	Lamborn	Shimkus
Costa	Lance	Shuster
Costello (PA)	Latta	Simpson
Cramer	LoBiondo	Smith (MO)
Crawford	Long	Smith (NE)
Crenshaw	Loudermilk	Smith (NJ)
Culberson	Love	Smith (TX)
Curbelo (FL)	Lucas	Stefanik
Davis, Rodney	Luetkemeyer	Stewart
Denham	Lummis	Stivers
Dent	MacArthur	Stutzman
DeSantis	Marchant	Thompson (PA)
DesJarlais	Marino	Thornberry
Diaz-Balart	Massie	Tiberi
Dold	McCarthy	Tipton
Duffy	McCaul	Trott
Duncan (SC)	McClintock	Turner
Duncan (TN)	McHenry	Upton
Ellmers	McKinley	Valadao
Emmer	McMorris	Wagner
Farenthold	Rodgers	Walberg
Fincher	McSally	Walden
Fitzpatrick	Meadows	Walker
Fleischmann	Meehan	Walorski
Fleming	Messer	Walters, Mimi
Flores	Mica	Weber (TX)
Forbes	Miller (FL)	Webster (FL)
Fortenberry	Miller (MI)	Wenstrup
Fox	Mooleenaar	Cuellar
Franks (AZ)	Mooney (WV)	Culberson
Frelinghuysen	Mullin	Curbelo (FL)
Garrett	Mulvaney	Davis, Rodney
Gibbs	Murphy (PA)	Denham
Gibson	Neugebauer	Dent
Gohmert	Newhouse	DeSantis
Goodlatte	Noem	Long
Gosar	Nugent	Loudermilk
Gowdy	Nunes	Love
Granger	Olson	Lucas
Graves (GA)	Palazzo	Woodall
Graves (LA)	Palmer	Yoder
Graves (MO)	Paulsen	Yoho
Griffith	Pearce	Young (AK)
		Young (IA)
		Young (IN)
		Zeldin
		Zinke

NOT VOTING—8

Cleaver	Duckworth	Perlmutter
Clyburn	Garamendi	Ryan (OH)
Collins (GA)	Nunnelee	

□ 1721

So the motion to recommit was re-committed.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 250, noes 175, not voting 7, as follows:

[Roll No. 28]

AYES—250

Abraham	Gibson	Miller (FL)
Aderholt	Gohmert	Miller (MI)
Allen	Goodlatte	Mooleenaar
Amash	Gosar	Mooney (WV)
Amodei	Graham	Mullin
Ashford	Granger	Mulvaney
Babin	Graves (GA)	Murphy (PA)
Barletta	Graves (LA)	Neugebauer
Barr	Graves (MO)	Newhouse
Benishek	Griffith	Noem
Bilirakis	Grothman	Nugent
Bishop (GA)	Guinta	Nunes
Bishop (MI)	Guthrie	Olson
Bishop (UT)	Hanna	Palazzo
Black	Hardy	Palmer
Blackburn	Harper	Paulsen
Blum	Harris	Pearce
Bost	Hartzler	Perry
Boustany	Heck (NV)	Peterson
Brady (TX)	Hensarling	Pittenger
Brat	Herrera Beutler	Pitts
Bridenstine	Hice (GA)	Poe (TX)
Brooks (AL)	Hill	Poliquin
Brooks (IN)	Holding	Pompeo
Buchanan	Hudson	Posey
Buck	Huelskamp	Price (GA)
Bucshon	Huizenga (MI)	Ratcliffe
Burgess	Hultgren	Reed
Byrne	Hunter	Reichert
Calvert	Hurd (TX)	Renacci
Carter (GA)	Hurt (VA)	Ribble
Carter (TX)	Issa	Rice (SC)
Chabot	Jenkins (KS)	Rigell
Chaffetz	Jenkins (WV)	Roby
Clawson (FL)	Johnson (OH)	Roe (TN)
Coffman	Johnson, Sam	Rogers (AL)
Cole	Jolly	Rogers (KY)
Collins (GA)	Jones	Rohrabacher
Collins (NY)	Jordan	Rokita
Comstock	Joyce	Rooney (FL)
Conaway	Katko	Ros-Lehtinen
Cook	Kelly (PA)	Roskam
Costa	King (IA)	Ross
Costello (PA)	King (NY)	Rothfus
Cramer	Kinzinger (IL)	Rouzer
Crawford	Kiame	Royce
Crenshaw	Knight	Russell
Cuellar	Labrador	Ryan (WI)
Culberson	LaMalfa	Salmon
Curbelo (FL)	Lamborn	Sanford
Davis, Rodney	Lance	Scalise
Denham	Latta	Schock
Dent	LoBiondo	Schrader
DeSantis	Long	Schweikert
DesJarlais	Loudermilk	Scott, Austin
Diaz-Balart	Love	Sensenbrenner
Dold	Lucas	Sessions
Duffy	Luetkemeyer	Shimkus
Duncan (SC)	Lummis	Shuster
Duncan (TN)	MacArthur	Simpson
Ellmers	Marchant	Sinema
Emmer	Marino	Smith (MO)
Farenthold	Massie	Smith (NE)
Fincher	McCarthy	Smith (NJ)
Fitzpatrick	McCaul	Smith (TX)
Fleischmann	McClintock	Stefanik
Fleming	McHenry	Stewart
Flores	McKinley	Stivers
Forbes	McMorris	Stutzman
Fortenberry	Rodgers	Thompson (PA)
Fox	McSally	Thornberry
Franks (AZ)	Meadows	Tiberi
Frelinghuysen	Meehan	Tipton
Garrett	Messer	Trott
Gibbs	Mica	Turner

Upton	Webster (FL)	Woodall
Valadao	Wenstrup	Yoder
Wagner	Westerman	Yoho
Walberg	Westmoreland	Young (AK)
Whitfield	Young (IA)	Young (LA)
Walker	Williams	Young (IN)
Walorski	Wilson (SC)	Zeldin
Walters, Mimi	Wittman	Zinke
Weber (TX)	Womack	

NOES—175

Adams	Grayson	Napolitano
Aguilar	Green, Al	Neal
Bass	Green, Gene	Nolan
Beatty	Grijalva	Norcross
Becerra	Gutiérrez	O'Rourke
Bera	Hahn	Pallone
Beyer	Hastings	Pascarell
Blumenauer	Heck (WA)	Payne
Bonamici	Higgins	Pelosi
Boyle (PA)	Himes	Peters
Brady (PA)	Hinojosa	Pingree
Brown (FL)	Honda	Pocan
Brownley (CA)	Hoyer	Polis
Bustos	Huffman	Price (NC)
Butterfield	Israel	Quigley
Capps	Jackson Lee	Rangel
Capuano	Jeffries	Rice (NY)
Cárdenas	Johnson (GA)	Richmond
Carney	Johnson, E. B.	Roybal-Allard
Carson (IN)	Kaptur	Ruiz
Cartwright	Keating	Ruppersberger
Castor (FL)	Kelly (IL)	Rush
Castro (TX)	Kennedy	Sánchez, Linda
Chu (CA)	Kildee	T.
Cicilline	Kilmer	Sanchez, Loretta
Clark (MA)	Kind	Sarbanes
Clarke (NY)	Kirkpatrick	Schakowsky
Clay	Kuster	Schiff
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Scott, David
Connolly	Larson (CT)	Serrano
Conyers	Lawrence	Sewell (AL)
Cooper	Lee	Sherman
Courtney	Levin	Sires
Crowley	Lewis	Slaughter
Cummings	Lieu (CA)	Smith (WA)
Davis (CA)	Lipinski	Speier
Davis, Danny	Loeb sack	Swalwell (CA)
DeFazio	Lofgren	Takai
DeGette	Takano	Takano
Delaney	Lowey	Thompson (CA)
DeLauro	Lujan Grisham	Thompson (MS)
DelBene	(NM)	Titus
DeSaulnier	Luján, Ben Ray	Tonko
Deutch	(NM)	Torres
Dingell	Lynch	Tsongas
Doggett	Maloney,	Van Hollen
Doyle (PA)	Carolyn	Vargas
Edwards	Maloney, Sean	Veasey
Ellison	Matsui	Vela
Engel	McCollum	Velázquez
Eshoo	McDermott	Visclosky
Esty	McGovern	Walz
Farr	McNerney	Wasserman
Fattah	Meeks	Schultz
Foster	Meng	Waters, Maxine
Frankel (FL)	Moore	Watson Coleman
Fudge	Moulton	Welch
Gabbard	Murphy (FL)	Wilson (FL)
Gallego	Nadler	Yarmuth

NOT VOTING—8

Barton	Garamendi	Ryan (OH)
Cleaver	Gowdy	
Duckworth	Nunnelee	
	Perlmutter	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1729

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FARENTHOLD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their re-

marks and include extraneous material on H.R. 185.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 25

Mr. WOODALL. Mr. Speaker, I ask unanimous consent that REID RIBBLE be removed as a cosponsor of H.R. 25.

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

There was no objection.

ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 30

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON APPROPRIATIONS.—Mr. Kilmer.

(2) COMMITTEE ON AGRICULTURE.—Mr. David Scott of Georgia, Mr. Costa, Mr. Walz, Ms. Fudge, Mr. McGovern, Ms. DelBene, Mr. Vela, Ms. Michelle Lujan Grisham of New Mexico, Ms. Kuster, Mr. Nolan, Mrs. Bustos, Mr. Sean Patrick Maloney of New York, Mrs. Kirkpatrick, Mr. Aguilar, and Ms. Plaskett.

(3) COMMITTEE ON ARMED SERVICES.—Ms. Loretta Sanchez of California, Mr. Brady of Pennsylvania, Mrs. Davis of California, Mr. Langevin, Mr. Larsen of Washington, Mr. Cooper, Ms. Bordallo, Mr. Courtney, Ms. Tsongas, Mr. Garamendi, Mr. Johnson of Georgia, Ms. Speier, Mr. Castro of Texas, Ms. Duckworth, Mr. Peters, Mr. Veasey, Ms. Gabbard, Mr. Walz, Mr. O'Rourke, Mr. Norcross, Mr. Gallego, Mr. Takai, Ms. Graham, Mr. Ashford, Mr. Moulton, and Mr. Aguilar.

(4) COMMITTEE ON THE BUDGET.—Mr. Pascarell, Mr. Ryan of Ohio, Ms. Moore, Ms. Castor of Florida, Mr. McDermott, Ms. Lee, Mr. Pocan, Ms. Michelle Lujan Grisham of New Mexico, Mrs. Dingell, and Mr. Lieu of California.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Hinojosa, Mrs. Davis of California, Mr. Grijalva, Mr. Courtney, Ms. Fudge, Mr. Polis, Mr. Sablan, Ms. Wilson of Florida, Ms. Bonamici, Mr. Pocan, Mr. Takano, Mr. Jeffries, Ms. Clark of Massachusetts, Ms. Adams, and Mr. DeSaulnier.

(6) COMMITTEE ON ETHICS.—Ms. Linda T. Sanchez of California.

(7) COMMITTEE ON FOREIGN AFFAIRS.—Mr. Sherman, Mr. Meeks, Mr. Sires, Mr. Connolly, Mr. Deutch, Mr. Higgins, Ms. Bass, Mr. Keating, Mr. Cicilline, Mr. Grayson, Mr. Bera, Mr. Lowenthal, Ms. Meng, Ms. Frankel of Florida, Ms. Gabbard, Mr. Castro of Texas, Ms. Kelly of Illinois, and Mr. Brendan F. Boyle of Pennsylvania.

(8) COMMITTEE ON HOMELAND SECURITY.—Ms. Loretta Sanchez of California, Ms. Jackson Lee, Mr. Langevin, Mr. Higgins, Mr. Richmond, Mr. Keating, Mr. Payne, Mr. Vela, Mrs. Watson Coleman, Miss Rice of New York, and Mrs. Torres.

(9) COMMITTEE ON THE JUDICIARY.—Mr. Nadler, Ms. Lofgren, Ms. Jackson Lee, Mr.

Cohen, Mr. Johnson of Georgia, Mr. Pierluisi, Ms. Chu of California, Mr. Deutch, Mr. Gutiérrez, Ms. Bass, Mr. Richmond, Ms. DelBene, Mr. Jeffries, Mr. Cicilline, and Mr. Peters.

(10) COMMITTEE ON NATURAL RESOURCES.—Mrs. Napolitano, Ms. Bordallo, Mr. Costa, Mr. Sablan, Ms. Tsongas, Mr. Pierluisi, Mr. Huffman, Mr. Ruiz, Mr. Lowenthal, Mr. Cartwright, and Mr. Beyer.

(11) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mrs. Carolyn B. Maloney of New York, Ms. Norton, Mr. Clay, Mr. Lynch, Mr. Cooper, Mr. Connolly, Mr. Cartwright, Ms. Duckworth, Ms. Kelly of Illinois, and Mrs. Lawrence.

(12) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Ms. Lofgren, Mr. Lipinski, Ms. Edwards, Ms. Wilson of Florida, Ms. Bonamici, Mr. Swalwell of California, Mr. Grayson, Mr. Bera, Ms. Esty, Mr. Veasey, and Ms. Clark of Massachusetts.

(13) COMMITTEE ON SMALL BUSINESS.—Ms. Chu of California, Ms. Hahn, Mr. Payne, and Ms. Meng.

(14) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Ms. Norton, Mr. Nadler, Mr. Brown of Florida, Ms. Eddie Bernice Johnson of Texas, Mr. Cummings, Mr. Larsen of Washington, Mr. Capuano, Mrs. Napolitano, Mr. Lipinski, Mr. Cohen, Mr. Sires, Ms. Edwards, Mr. Garamendi, Mr. Carson of Indiana, Ms. Hahn, Mr. Nolan, Mrs. Kirkpatrick, Ms. Titus, Mr. Sean Patrick Maloney of New York, Ms. Esty, Ms. Frankel of Florida, Mrs. Bustos, Mr. Huffman, and Ms. Brownley of California.

(15) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Takano, Ms. Brownley of California, Ms. Titus, Mr. Ruiz, Ms. Kuster, and Mr. O'Rourke.

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SUBMISSION OF MATERIAL EXPLANATORY OF H.R. 240, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015

Pursuant to section 4 of House Resolution 27, the chairman of the Committee on Appropriations submitted explanatory material relating to H.R. 240. The contents of this submission will be published after the statement of Mr. ROGERS of Kentucky, chairman of the House Committee on Appropriations.

DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2015

GENERAL LEAVE

Mr. CARTER of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 240 and that I may include tabular material on the same.

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