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House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FARENTHOLD).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 2012.

I hereby appoint the Honorable BLAKE FARENTHOLD to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

END OF LIFE CARE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, our colleague, JIM MCDERMOTT, sent each of us a letter with a Time magazine cover article by Joe Klein entitled ''How to Die.'' This article is jarring to many because it's an issue that most would rather not confront. As a result, there's a great deal of unnecessary pain, confusion, and suffering. It masks one of the most important issues in health care, which, despite the manufactured controversy over ''death panels,'' is a rare, sweet spot in the health care debate. It can improve the quality of life, in some cases the length of life, and most importantly we can help people understand their circumstances and get the care that they want. If this happens, the cost of health care will go down even as satisfaction and quality goes up.

For most Americans, the protocols followed by almost every hospital and practitioner will be to give the maximum amount of the most aggressive care in end-of-life situations. Especially if patients have the money or insurance, they will be hooked up in their final stages of life to be resuscitated, their ribs cracked, and hearts massaged. There will be tubes inserted, chemicals pumped, and defibrillators will shock people, even if they have no awareness of what's going on, other than that they are being tortured.

When people are given the information, resources, and choices, the outcomes are much different. A telling story in The Wall Street Journal last February pointed out how doctors die differently. These are people with knowledge and where money is not usually a consideration. They can get any health care they want, but as a group, they regularly choose less intense, aggressive treatment and more palliative care. They are choosing the comfort and consciousness of being with family and friends in awareness over being hooked up in an ICU and struggling in their last minutes.

Doctors have a better quality of life, and it costs less money. Why can't all Americans spend their final days like doctors? The truth is, they can. My legislation—Personalize Your Health Care—was developed with leaders in health care insurance and palliative care. Patients and doctors alike would help make sure that patients and other health care professionals work with patients to help them understand what they're confronting, what their choices are, determine what works best for them and their families, and then make sure that whatever their decision is, that choice will be honored. Over ninety percent of Americans agree that this is the right approach.

There's an interesting little secret here that extreme treatments not only deteriorate your quality of life, but they're no guarantee of giving you more hours to live. Studies have shown that managing the pain perhaps in the hospice, along with the love and company of families in a familiar setting, in some cases actually leads to patients living longer. People can actually enjoy their remaining hours, and there are more remaining hours to enjoy.

If most of us were to script our departure, it would probably be to go quietly in the middle of the night in the comfort of our own bed. The second-best scenario would be to go at home in that same bed surrounded by family and friends, comfortable, and conversing until the end. The least favored option, I suspect, would be semiconscious with tubes in our bodies in an ICU setting with the institutional hum around and strangers bustling about. Is that anybody's hope for their final memories? Sadly, that's the fate that awaits many people who do not personalize their health care.

I strongly encourage my colleagues to look at this bipartisan legislation, H.R. 1589, and then to do what you can to have a thoughtful and rational conversation about this policy. Let's modernize Medicare to give people the care they want, to find out their choices, and make sure that those choices are respected.

We owe it to the American public, and we owe it to our families and friends to make sure that every American can have the same high quality of life in their final weeks as doctors have.

HIGH-LEVEL NUCLEAR WASTE

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

Mr. SHIMKUS. Mr. Speaker, on June 6, 2012, I offered an amendment to the Energy and Water appropriations bill to do the final scientific study to certify Yucca Mountain as the repository for high-level nuclear waste in this country, and I was joined by a large bipartisan amount from this Chamber, 326 ''yes'' votes, which I appreciate my colleagues who supported this amendment.

Among those in the Michigan delegation, which has 15 Members, there were 11 ''yes'' votes and only four ''no'' votes. Why is this all important? Because what I've tried to do over the past year and a half is help the educational process in explaining where nuclear waste is in this country and where it should be. We did pass a law back in 1982. I wasn't here then. Many of us were not. Then there were amendments to that law in 1987 that said Yucca Mountain in Nevada would be our repository, a long-term geological repository for high-level nuclear waste.

In Michigan, there are five nuclear power plants. They are all located along the Great Lakes. There's three on Lake Michigan, one on, I think, Lake Erie, right next to large bodies of water. Let's compare one of those, Cook, which has high-level nuclear waste on-site next to Lake Michigan, to where it should be, which is Yucca Mountain.

Currently at Cook, there are 1,433 metric tons of uranium of spent fuel on-site. At Yucca Mountain, which should be our single repository, there's currently none. Again, we started this in 1982. If it was at Yucca Mountain, it would be stored 1,000 feet underground. At Cook, it's stored aboveground in pools and in casks. If it was at Yucca Mountain, it would be 1,000 feet above the water table. At Cook, the nuclear waste is 19 feet above the water table. At Yucca Mountain, it would be 100 miles from the Colorado River where it is right next to Lake Michigan.

□ 1010

Yucca Mountain is obviously a mountain in a desert. There is no safer place.

So, as I mentioned, in the vote total from my colleagues here on the floor, we addressed this on the floor. We took a vote, 326 out of 425. That's a huge bipartisan majority.

Where do the Senators stand on this position? Well, you have three ''yes'' votes and one ''no'' vote. And actually, the ''no'' vote is a very good friend of mine, a former classmate in the House, Senator STABENOW of Michigan, who has voted against moving that nuclear waste out of her State into a mountain underneath the desert.

And part of this process is, because it is now politicized with the majority leader blocking any movement on this—elections have consequences; they matter—and it's time to educate the public throughout the country about which Senators support moving nuclear waste out of their State to a single repository and who does not. And, unfortunately, my friend Senator STABENOW is on the list as not being helpful.

I also have done this numerous times. I have gone through the whole country and covered all the Senators as far as public statements or actual votes. And as you see, we have 55 Senators who said, yes, let's move this to Yucca Mountain. You would think, oh, that is a simple majority. It should be done. But the Senate operates on interesting rules. They have to have 60. We have 22 who have never taken a position, either ''yes'' or ''no'' or any public statement. Some of these have served 5½ years. It's pretty amazing that we have such an important issue pending as this, and the Senate has yet to get on record. If only five of these 22 would say ''yes,'' we could continue to move forward on addressing our nuclear waste issues.

Now, nuclear waste is not just spent nuclear fuel. It's World War II defense waste that might be in Hanford, Washington. It could be scientific waste that might be in Idaho or in Tennessee. And especially after Fukushima Daiichi and the Blue Ribbon Commission, we have to have a single long-term geological repository.

We've gone on record in the House. We passed a law that said it should be Yucca Mountain in Nevada. It's time for the Senators to get past their leadership and do what's in the best interest of this country and their own individual States.

THE SECOND AMENDMENT IS NOT LIMITLESS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, 2 nights ago, six people were shot inside of 15 minutes in my home city of Chicago. Seven more victims were killed just last weekend by gunfire, including two 16-year-old boys. In Chicago, this year alone, over 200 people have been killed in shootings. And nationwide, every day, 34 people are killed by guns.

In the hours following the horrific tragedy in Colorado, we paused to reflect and send our prayers to families grieving an unimaginable loss. But now is the time to have a national discussion about how to stem these epidemic levels of gun violence.

I wish this tragedy in Aurora were an isolated incident, but it seems to be part of a recurring pattern: 19 people were shot, and eight were killed in Tucson in 2011; 29 people were shot, and 13 died at Fort Hood in 2009; 21 people were shot, and five were killed at Northern Illinois University in 2008; and 17 people were wounded, while 32 people died at Virginia Tech in 2007.

When will we have enough? When will we stand up and say we may not be able to stop every crime, but we can stop some of them and at least minimize the damage of others?

The gun lobby doesn't want us to have this conversation. First, they accuse anyone who tries to spark a national debate about how to mitigate gun violence with exploiting the deaths of innocent people. Yet no one was accused of exploitation when, after Hurricane Katrina, we discussed how to improve FEMA's emergency response, or after a deadly salmonella outbreak, when we debated how to improve public safety.

After such national tragedies, society should engage in a discussion about how to address and potentially prevent such tragedies from happening again. We might not all agree; but this is a democracy, and this is how public policy is made.

Next, the gun lobby seeks to stymie debate by arguing that guns don't kill people, people kill people. I don't buy this argument. I don't buy that there's nothing we can do to stop criminals and the mentally ill from killing if they want to. Sure, we can't stop them with 100 percent certainty; but we can make it a lot harder for would-be assassins.

We can ensure every gun is purchased after a background check, rather than only 60 percent of guns, as is the current case. And we can reduce the fatality rate by banning assault rifles and high-capacity magazines that are designed exclusively for killing dozens of people at once.

Finally, the gun lobby tries to argue that any attempt to regulate gun access is an attempt to restrict all gun access. This is simply not true.

There is such a thing as commonsense, middle-ground gun reform, and most gun owners support it. Eighty-one percent of gun owners support requiring a background check on all firearm purchases.

Yet 40 percent of U.S. gun sales are conducted by private sellers who are not required to perform background checks. These private sellers operate at gun shows where anyone can walk in and buy whatever gun they want. Convicted felons, domestic abusers, the severely mentally ill, and even people on the terrorist watch list can—and do—go into gun shows and buy any gun they want.

Ninety percent of all Americans also support strengthening databases to prevent the mentally ill from buying guns. But, sadly, 10 States have still failed to flag a single person as mentally ill in the national background check database, and 17 other States have fewer than 100 people listed as mentally ill. Over 1 million disqualifying mental health records are still missing from the database.

Finally, we must have a conversation about getting assault weapons and high-capacity magazines, machines designed exclusively for killing people, off the streets. When you have a 100-round clip on your gun, you are not

protecting your home. You are hunting people.

Let's be clear, this is not about restricting anyone's Second Amendment rights. The Supreme Court has ruled and made clear the right of Americans to own guns. But while reaffirming the Second Amendment, the Court was careful to note that the amendment is not limitless. Justice Scalia explained in Columbia v. Heller that ''like most rights, the Second Amendment is not unlimited. It is not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.''

Can we stop every shooting? No. But can we reduce their frequency and deadliness? Absolutely. Can we do it while still respecting the Second Amendment? Of this I am certain. But the first step toward keeping dangerous guns out of the hands of dangerous people is to begin the conversation. Let's break the silence, stop the violence, and start that conversation.

UNIVERSITY RESEARCH REGULATORY BURDENS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Alabama (Mr. BROOKS) for 5 minutes.

Mr. BROOKS. Mr. Speaker, as chairman of the Science, Space, and Technology Subcommittee on Research and Science Education, I have seen Federal overregulation stifle research universities.

Earlier this year, the National Research Council of the National Academies released its report entitled, ''Research Universities and the Future of America: Ten Breakthrough Actions Vital to Our Nation's Prosperity and Security.'' This report examined Federal regulatory burdens on America's research universities.

On June 27, the Research and Science Education Subcommittee held a hearing on that report and whether regulatory red tape stifles scientific research. I asked our witnesses how we can enhance university scientific research capabilities. Their responses are instructive:

Mr. Chad Holliday, chairman of the National Academies Committee on Research Universities testified:

> Federal policymakers and regulators should review the costs and benefits of Federal regulations, eliminating those that are redundant and ineffective, inappropriately applied to the higher education sector, or impose costs that outweigh the benefits to society.

Dr. John Mason, Auburn University associate provost and vice president of research, testified:

> A comprehensive review of policies and regulations is perhaps the most important in this report. Streamlining the process, relieving unnecessary and costly administrative burdens, and coordinating research priorities among disparate Federal agencies will invigorate research universities exponentially.

Dr. Jeffrey Seemann, Texas A&M University chief research officer and vice president for research, testified:

> Federal agencies and Federal regulators must reduce and/or eliminate unnecessary, overly burdensome, and/or redundant regulatory and reporting obligations for universities and their faculty in order to maximize investments more directly into research priorities and allow faculty time to be optimally utilized.

Dr. Leslie Tolbert, University of Arizona senior vice president for research, testified:

> The growing burden of compliance with the increasing numbers and complexity of Federal regulations consumes increasing amounts of time and money, leaving less for more direct support for research.

□ 1020

Finally, Dr. James Siedow, vice provost for research at my alma mater, Duke University, testified that research universities have been subjected to a:

> Growing number of research-related compliance regulations that have flowed down from Federal agencies over the past 10 to 15 years. In that regard, the research-related and quality assurance costs to Duke between 2000 and 2010 rose over 300 percent. This perceived piling on of new reporting requirements has led to negative responses on the part of faculty, who see more and more of their time being committed not to actually carrying out the funded research but to a myriad of mundane administrative duties. The extreme to which some of these regulations have gone of late seems well beyond that needed to accomplish the original regulatory ends.

Consistent with their views, the National Academies recommended:

> Reduce or eliminate regulations that increase administrative costs, impede research productivity, and deflect creative energy without substantially improving the research environment.

I asked our witnesses to identify specific regulations to amend or repeal. They are preparing their lists. I look forward to receipt of their recommendations and working to repeal counterproductive red tape that does more harm than good.

According to the National Academies, if we successfully cut wasteful regulations, we:

> can reduce administrative costs, enhance productivity, and increase the agility of research institutions. Minimizing administrative and compliance costs will also provide a cost benefit to the Federal Government and to university administrators, faculty, and students by freeing up resources and time to support education and research effort directly. With greater resources and freedom, universities will be better positioned to respond to the needs of their constituents in an increasingly competitive environment.

Mr. Speaker, America's research universities are essential to America's scientific innovation. If we clear the red tape from their path and free them up, they will produce the fundamental research that fosters American exceptionalism and, equally important, results in economic growth and jobs.

TRIBUTE TO REVEREND JAMES LIGHTFOOT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON LEE) for 5 minutes.

Ms. JACKSON LEE of Texas. Mr. Speaker, it saddens me today to rise to pay tribute to the late James Lightfoot, pastor of the Mount Zion Missionary Baptist Church in Houston, Texas, who lost his life just a few days ago.

I am delighted I had the opportunity to visit Pastor Lightfoot and his church on their 44th anniversary. It was an exciting time, and he looked forward to the celebrating of the 44th year of his pastoral leadership of that church, as he started in 1968. I am gratified to salute this distinguished gentleman and distinguished American. He used faith in a way of service not only to his parishioners and to those whom he lead as a shepherd, but to those outside those bricks and mortar.

He concentrated on philosophy and ministry. That was his concentration at Southwestern Seminary. He completed a master's in education at Texas Southern University. He holds a Master of Divinity from Houston Graduate School of Theology, and a Doctorate of Ministries from the Austin Presbyterian Theological Seminary. At Houston Graduate and Austin Presbyterian the emphasis was on the philosophical implications of ministry as it affected the culture of today. He has done advanced training at Texas Southern University and Houston Graduate School of Theology in counseling. He did an internship at Bellaire Columbia General in their Rapha Unit.

He served as a lecturer in church administration in the Central Baptist Convention and teaches pastoral ministry. He was a conferee to the Transitional Church—Church Conference/Southern Baptist Convention. And as well, he was honored to serve as third vice president to the Independent General District Sunday School and BTU.

He was a gentleman that uses faith to be of service. He deals with the philosophical implications of peace and justice, issues for today's church. How important that is when so many people are hurting. In the backdrop of the tragedy of Aurora, it is imperative that our faith leaders are engaged in our community and pray for their deliverance.

I am delighted to say that he also worked with young people. He was a kind spirit. He was a charitable spirit. He was a professor at LeTourneau University—that's how much he cared for young people—where he taught Bible and Family. He was likewise an adjunct professor. He served on the mayor's affirmative action committee. He served as the chairperson of a Black Ministries Committee of the Union Baptist Association. As well, he has served in many civic and community affairs. As I indicated, he always had a summer program for young people who needed a place to come. He always had a smile on his face. He was always joyful. And, of course, he was a wonderful husband to his wonderful and devoted wife.

He had the privilege of speaking to over 20,000 persons in January of 1992, where he spoke to the Baptist General Convention of Texas—Evangelism Division, to an attendance of over 20,000 persons. And in January of 1992, he was guest preacher for the Mississippi Baptist State Evangelism Conference and delivered the Martin Luther King, Jr. Day sermon at the Austin Presbyterian Seminary, his alma mater.

What I would like to say most of all is that, beyond the accolades that he got on the outside, he was an outstanding human being, an outstanding minister, an outstanding civic leader, someone who continued to serve his community even during his time of illness. You never noted a lack of cheerfulness in Reverend Lightfoot. And in the early stages of his illness, I had the opportunity to visit him at home. And again, what a cheerful, believing person who loved America and served America in his capacity, and that was as a faith leader who believed in all persons, reached beyond his doors, helped build a beautiful new sanctuary on that same street, Homestead, did not move, continued to serve the community, and was known as a light to all.

My sympathies to Velma Mitchell Lightfoot, his wife, and his beautiful children and his eight grandchildren, and being a great-grandfather as well. The diversity of his training has led him to be that light, that servant, that special person. I believe it is appropriate to pay tribute to James Lightfoot who remains, even in death, a light to us all because of the great history and the great legacy he has left.

May God bless him, God bless his service, and I know that he would want me to say that God bless his most wonderful and most great Nation, the United States of America.

Pastor Lightfoot, may you rest in peace.

HONORING PAUL RODGERS PIERCE, JR.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Georgia (Mr. WESTMORELAND) for 5 minutes.

Mr. WESTMORELAND. Mr. Speaker, I have come to the floor today to honor Mr. Paul Rodgers Pierce, Jr., for his 25 years of service to the State Theatre of Georgia and the Springer Opera House.

Paul was born on January 19, 1953, in Anniston, Alabama, to Mr. and Mrs. Paul R. Pierce. He attended East Rome High School and graduated from the University of Georgia in 1977. After graduation, he developed his passion for theater through working as an actor, director, designer, and booking manager on a number of national touring productions, such as the American Repertory Theater, Flat Rock Playhouse, and Circuit 21 Playhouse. Following his time on tour, he accepted the position of associate artistic director at the American Repertory Theater under the guidance of Mr. Drexel Riley, who was not only his mentor, but his friend.

Paul's adventures led him across the country when he accepted the position of managing director of Virginia's Wayside Theater, and then as artistic director of the Harbor Playhouse in Corpus Christi, Texas. Thankfully, his travels led him back to Georgia, where he became the artistic director of the Springer Opera House in 1988.

To say Paul was passionate about his job is an understatement. He expanded the artistic mission of the Springer Opera House and took its potential to new heights. Paul created the Spring Theatricals, a national touring company that reaches over 60 American cities annually. He hired Ron Anderson and created the Springer Theatre Academy that mentors and develops over 16,000 children and families through the year-round character education program. With Paul's additions, the audience of Springer has nearly tripled, and the bar for artistic excellence in the community has been held to a higher standard.

□ 1030

Paul has not only improved the artistic standards in the community, but the physical appearance of the Springer Opera House as well. Paul oversaw the National Historic Landmark Theatre's $12 million renovation in 1998 and has campaigned for over $11.5 million for the construction of the McClure Theatre for children's programs and education.

In his 25 years, Paul has helped put the Springer Opera House on the map. In 2008, the Georgia Council for the Arts declared it one of Georgia's top-ranked art institutions. Paul has served on with State Theatre of Georgia as producing artistic director with distinction and dedication and continues to further his mission through the pursuit of selfless innovations to improve the quality of life for the citizens and community of Columbus, Georgia

I'm proud to stand here today to honor and thank Mr. Paul Rodgers Pierce, Jr., for all he has done for the great State of Georgia, the city of Columbus, and all the children and families he has touched. Paul's devotion and commitment to theater is an inspiration to us all, showing us that with passion and hard work you can make a difference and leave a legacy that will never be forgotten. Thanks, Paul.

START WINNING THE WAR ON MILITARY SUICIDE BY ENDING THE WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, more than 2,000 U.S. troops have been killed in the line of duty in Afghanistan. Unfortunately, that dramatically understates the human cost of this war, a war that is now nearly 11 years old.

A recent Time magazine cover story details the silent killer of our brave servicemembers—the tragically high suicide rate among Iraq and Afghanistan veterans and other members of the service. The article describes how one Army helicopter pilot, who had flown 70 missions in Iraq over 9 months—70 missions over 9 months—waited on the phone for 45 minutes to speak to the Pentagon crisis line when he was in severe distress. The last communication his wife received from him was a text in which he said, ''Still on hold.'' Several hours later, she found him in their bedroom with a fatal gunshot wound to the neck.

A second victim, an Army doctor who wasn't deployed to Iraq or Afghanistan, wrote an email to his wife minutes before hanging himself. It read:

> Please always tell my children how much I love them, and most importantly, never, ever let them find out how I died.

Mr. Speaker, we can no longer deny the devastating mental health impact of repeated deployments, of continued exposure to explosions, horror, carnage and destruction. Of course, in an institution like the U.S. military that values courage and toughness, there's a reluctance to admit to depression and anxiety.

Sometimes that manifests itself in the worst possible ways. For example, one Army major general wrote an angry diatribe on his blog about the selfishness of troops who killed themselves or were leaving others to ''clean up their mess.'' He admonished:

> Act like an adult, and deal with your real-life problems like the rest of us.

It's about time, Mr. Speaker, that we lost that attitude because we're losing brave Americans at a terrifying clip. In fact, according to the Time article, more soldiers have taken their own lives than have died in Afghanistan. While veterans make up 10 percent of the adult population, they account for 20 percent of the suicides.

We are starting to see more awareness of this problem, thank Heavens. Secretary Panetta says the right things, but it's time to back up rhetoric. It's time to back it up with more resources because the fact is only 4 percent of the Pentagon's medical budget is devoted to mental health, about the same amount that we spend on the Afghan war every day and a half. We spend $2 billion a year to treat servicemembers suffering from psychological trauma, but we spend $10 billion a month on the war that is the root of much of that trauma in the first place.

Even if the Afghanistan war ended tomorrow, Mr. Speaker, so much damage is already done. We would still be left with a huge crisis that will require more resolve than we are seemingly prepared to muster. I would expect every Member who has enthusiastically supported this war to just as eagerly support what it takes to fight the suicide epidemic this war has caused. It's

time to stop the bleeding to make sure our heroes are removed from the conflict that is inflicting so much damage. We can start winning the war on suicide by ending the war in Afghanistan.

Let's bring our troops home now.

NATASHA'S STORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Natasha's life changed because she was the prey of a sexual predator.

Here's the beginning of her dramatic story:

In 1993, I was violently raped, sodomized and robbed at gunpoint by an unknown assailant. When I escaped and thankfully found myself in my apartment, my roommate insisted that I go to the hospital.

I agreed to wait for an ambulance, even though my first instinct was to take a shower. I'm so grateful today that I made that choice to go to that hospital.

Mr. Speaker, Natasha is one of many victims of this barbaric and dastardly crime. According to information released by the Centers for Disease Control, nearly one in five women in America has been raped at some point in their lives. As both a former prosecutor and a judge in Texas, I was involved with the criminal trials of rape cases for 30 years.

I learned firsthand the devastation that sexual assault victims experience, and I understand and learned that sexual assault does not just physically harm the victim; it harms their entire being both physically, emotionally, and mentally; and the pain sometimes lasts forever. Mr. Speaker, rapists try to steal the soul from their victims, and they try to destroy the self-worth of victims, and sometimes they do.

One of the most critical pieces of evidence for rape trials is the rape kit, a tool that gathers forensic evidence, including DNA evidence, to link the rapist to the crime. But, unfortunately, rape kits often languish in evidence rooms across the United States, some untested for years, some discarded before ever being tested, and some gather dust so long that the statute of limitations on the crime of rape has expired and the criminal can never be prosecuted. This ought not to be.

Mr. Speaker, Natasha's story did not end in that cold hospital examination room. She says further:

Ten years later, in 2003, I received a call from the New York City District Attorney's office. My rape kit, which unbeknownst to me had been sitting on a shelf for almost 10 years, had at last been finally processed. I had long since reconciled the fact that my perpetrator would never be held accountable for his actions. But now there was hope.

After a long trial, Victor Rondon was tried before a jury of his peers in 2008 and was found guilty on all eight counts of violent assault against me. He's in jail now for a long time. The best part for me is that he can never hurt anyone else.

My rape kit sat on a shelf for many years. It was not just a number in a police department. My rape kit was me—a human being. Every rape kit that sits on the shelf somewhere is a human being.

Mr. Speaker, Natasha's story humanizes rape kits ignored in evidence rooms throughout the country. Victims of sexual assault deserve justice, and their perpetrators deserve to be punished by courts and juries in America.

Stories like Natasha's compelled Congresswoman CAROLYN MALONEY from New York and me to introduce the Sexual Assault Forensic Evidence Registry Act, the SAFER Act, in the House, and Senators CORNYN and BENNET to introduce the same bill in the Senate. This bill would allow existing funds to be used to provide grants to States and localities to audit their rape kit backlog and also would call upon the Attorney General to create an Internet-based rape kit registry for sexual assault evidence testing. Estimates of untested rape kits are as high as 400,000 in America according to Human Rights Watch.

□ 1040

According to the DOJ's National Institute of Justice, 43 percent of the Nation's law enforcement agencies don't even have a computerized system to track forensic evidence, either in their inventory or after it is sent to a crime lab. The SAFER Act would allow criminal evidence to be prosecuted and processed, and these do-bads to be held accountable for their dastardly deeds.

Mr. Speaker, the insensitive say there's no money for these exams, these rape kit tests. Well, Congress needs to find the money. Maybe, instead of sending money to foreign countries to help them, keep some of that money in America to help American rape victims like Natasha. Help them get justice. Because, Mr. Speaker, justice is what we do in America.

And that's just the way it is.

FEDERAL RESERVE TRANSPARENCY ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, later today, we will vote on H.R. 459, the Federal Reserve Transparency Act of 2012. Because this legislation comes to us on the suspension calendar, it will require a two-thirds vote in favor of passage.

I rise today in support of a full audit of the Federal Reserve. I have thought for many years that there's too much secrecy and too much power vested in our Federal Reserve. This is an effort that I first joined in June of 1991, in the 102nd Congress, when I cosponsored a bill introduced by Congressman Phil Crane of Illinois to audit the Federal Reserve.

Even back then, before our most recent major financial recession, Congressman Crane's bill had 56 bipartisan cosponsors. That support has grown over the years, and in the 111th Congress, the last Congress, Congressman RON PAUL's ''audit the Fed'' bill gathered an overwhelming 320 cosponsors from both parties. Now that support, I believe, is at 270 in this Congress.

Thomas Jefferson was one of our Founding Fathers who was concerned about putting too much power into a central bank, and he wrote in a letter in 1816 ''that banking establishments are more dangerous than standing armies.'' That was not me; that was Thomas Jefferson.

Listen to what people are saying about this bill today from both ends of the political spectrum.

Matt Kibbe, president and CEO of Freedom Works, said:

Many economists have found that the central bank's loose monetary policy played a major role in the current economic crisis. It is more crucial than ever that the Federal Reserve's monetary decisions be examined. Without a comprehensive audit, we will never know how the Fed is manipulating our money behind closed doors.

The National Taxpayers Union, one of our most respected organizations, said:

American taxpayers deserve to know more about the workings of a government-sanctioned entity whose decisions directly affect their economic livelihood.

Arnold Kling, an author and scholar at the Cato Institute, said:

If an audit were to uncover serious flaws and decisions made by the Fed, it is difficult to see why we are better off remaining ignorant of such flaws.

Journalist and columnist Rick Sanchez said:

For an entity that wields so much power, we know relatively little about the Fed. Would you trust an unknown banker to decide what happens with your paycheck every week? Why do we accept this for our country?

And Brent Budowsky, a very liberal political opinion writer, wrote in support of an audit and said:

In my years of experience in politics, media, and business, I have learned that secrecy is usually the enemy of common sense, fairness, and sound policy.

Another liberal economist, the famous John Maynard Keynes, said this:

There is no subtler, no surer means of overturning the existing basis of society than to debauch the currency.

And a very conservative—one of the most respected conservative economists, F.A. Hayek, said this:

When one studies the history of money, one cannot help wondering why people should have put up for so long with governments exercising an exclusive power over 2,000 years that was regularly used to exploit and defraud them.

I have heard over the years, Mr. Speaker, people say that we need to have a Federal Reserve and a Federal Reserve system in order to prevent depressions and recessions. Well, that is certainly a very, very dumb statement to make because the Federal Reserve was created in 1913, and 16 years later,

in 1929, we started our greatest depression. I think we have had more recessions and more downturns in the economy since the Federal Reserve was created than we ever had in the entire history of our country before that system was created.

I'm not saying that it is a bad system or that it's wrong to have some type of Federal Reserve system, but it certainly is one that deserves more attention from the Congress. And surely, it is one that has too much secrecy and too much power in this day, and at least the Congress needs to look into it more than it has since that system and that board was created.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

We give You thanks, O God, for giving us another day.

As we begin the 15th year since that terrible day, we ask Your blessing once again upon the families of Officer Jacob Chestnut and Detective John Gibson. We ask as well Your protection for the entire Capitol Police corps, who mourn the loss of their brothers in uniform. Thank You for calling them all to their lives of service.

Please hear our prayers for the Members of this assembly upon whom the authority of government is given. Help them to understand the tremendous responsibility they have to represent both their constituencies and the people of this great Nation of ours. This is a great but complex task. Grant them as well the gift of wisdom to sort through what competing interests might exist to work a solution that can best serve all of the American people.

Finally, give each Member peace and equanimity. And give all Americans generosity of heart to understand that governance is not simple, but difficult work, at times requiring sacrifice and forbearance.

May all that is done within the people's House this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCINTYRE) come forward and lead the House in the Pledge of Allegiance.

Mr. MCINTYRE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

HOUSE REPUBLICANS HAVE ACTED, PRESIDENT REMAINS AWOL ON SEQUESTRATION

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

Mr. WILSON of South Carolina. Mr. Speaker, defense sequestration is a very real danger that will threaten our national security, put our brave men and women in uniform at risk, and destroy up to 1 million jobs across our country. Sadly, the President avoids action on this extremely important issue.

House Armed Services Committee Chairman BUCK MCKEON has recently been quoted in Politico saying:

We're overdue for guidance from the administration on how they interpret the law and plan to implement sequestration mechanically.

Last May, House Republicans voted to prevent sequestration by passing legislation which replaces these drastic defense cuts while maintaining a strong national defense. Additionally, one week ago today, the House passed the Sequestration Transparency Act with an overwhelming bipartisan vote of 414–2, which holds the administration accountable for these cuts. I urge the President and Senate to act before it's too late and hundreds of thousands of hardworking Americans lose their jobs.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

IT'S TIME TO HOLD FEDERAL RESERVE ACCOUNTABLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. On a day Congress will decide whether to audit the Fed, The Washington Post reports that the New York Fed ''did not communicate in key meetings with top regulators that British bank Barclays had admitted to Fed staffers that it was rigging Libor,'' the index which sets interest rates worldwide.

The Fed wants to be spared a full audit. They want monetary deliberations private. Then they use that privacy shield to keep irregularities from regulators and from congressional view, exposing investors and consumers to massive losses.

Of course the Fed wants to continue a system where there is no transparency, no accountability, where they can cover up manipulations of markets and interest rates. But should we endorse this system? When things fall apart, who do the banks come to clean up the mess? Congress.

The Fed creates trillions of dollars out of nothing and gives it to banks; Congress is in the dark. The Fed sets the stage for the subprime meltdown; Congress is in the dark. The Fed takes a dive on Libor; Congress is in the dark. The Fed doesn't tell regulators what's going on; Congress is in the dark.

It's time to bring the Fed into the sunshine of accountability. Vote for the audit.

NIGERIAN TERRORISM

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

Mr. PITTS. Madam Speaker, I rise today to bring attention to recent attacks by the Boko Haram terrorist group in Nigeria. Attacks in Nigeria's Plateau state on July 7 and 8 left 198 families displaced, 88 people dead, and 187 houses burnt.

On July 8, during the mass funeral for the victims, they were attacked. Two serving members of the National Assembly—Gyan Dantong and Gyang Danfulani—were also killed. Boko Haram took credit for the attacks, stating in their release that Christians ''will not know peace again'' if they do not accept Islam.

Madam Speaker, these attacks are acts of terrorism performed by a terrorist group against innocent Christians. It's time the State Department labels Boko Haram for what it is—a foreign terrorist organization. We must not be afraid to identify and confront attacks of terrorism wherever they might be.

Our prayers are with the innocent victims as they mourn the loss of their loved ones.

FLIGHT SAFETY AND PILOT TRAINING SAFETY REFORMS FROZEN

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, on February 12, 2009, Flight 3407 crashed into a house in my district, killing all

the passengers and an individual in his home. Out of that devastation, there was a spirit that actually united this Congress in enacting flight safety and pilot training rules that would have prevented the crash. The families never gave up and are eagerly awaiting the final implementation of those potentially life-saving rules.

Sounds like a happy ending, doesn't it? And yet this week, because the House Rules Committee refused to allow my amendment to protect those specific rules, we are at risk of losing all those hard-fought, bipartisan safety reforms.

With the so-called ''Regulatory Freeze Act,'' these reforms would simply die. Some who voted for them in the past now call them job killing. I call them people saving.

Listen, I know we need to end overburdensome regulations on small business and farmers—I get it. But there's a commonsense way to do it. But to freeze all government regulations—all of them—regardless of the health and safety of our citizens is over the top even for this town. This only proves that Washington is broken and we need to fix it. This country deserves a better Congress.

MOUNTAIN HOME BOMB SQUAD GLOBAL WORLD SERIES CHAMPIONSHIP

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, I rise today to recognize the Mountain Home AAA 11-year-old baseball team for winning the Global World Series Championship earlier this year.

During the 4-day, 24-team tournament, the Mountain Home Bomb Squad suffered a first round loss, but went on to win six straight games. In the championship game, they defeated the Missouri Wildcats 10–1. This championship is a great source of pride for the entire Mountain Home, Arkansas, community.

I'd like to commend the team manager, Dr. Eric Arp, and Coaches Tony Dibble and George Sitkowski for their leadership on the 11-and-under Global World Series Championship. Additionally, I would like to recognize players Garrett Steelman, Austin Mize, Clayton McManness, Luke Dibble, Sam Arp, Bradley Ludwig, Austin Helms, Luke Jackson, Jordan Anderson, Will Sitkowski and Luke Kruse for their leadership as well.

Now that the Bomb Squad has brought a Global World Series trophy home to Mountain Home, I have no doubt that the players will set new, even higher goals to achieve.

Congratulations once again to the Mountain Home Bomb Squad and the entire Mountain Home community for their Global World Series victory.

□ 1210

PROTECT THE RIGHT TO VOTE

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

Ms. CHU. Few things are as sacred as the right to vote. Generations have fought, bled, and died so that you and I can have a voice in our democracy. This is why we must guard against measures that take this away, like the Chinese Exclusion Act of 1882, which prohibited all Chinese immigrants from becoming naturalized citizens so that they would not be able to vote. It lasted 60 years, until 1943, preventing people who'd lived in this country for decades from exercising their voices.

Laws like this, poll taxes, or literacy tests, should be a thing of the past in America. Every U.S. citizen, no matter what their background, should have access to the polls. But today, State governments across the country are enacting laws making it much harder for as many as 5 million Americans to vote, requiring, for instance, photo IDs for grandmothers who voted for years but no longer drive.

When barely half of Americans vote, we should not be erecting more barriers to democracy. We should be removing obstacles. We must protect the right to vote.

WHY FOCUS ON RED TAPE?

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, on Monday I hosted a jobs fair in the western suburbs of Chicago with several of my colleagues. Over 1,500 jobseekers showed up.

I've visited with more than 100 northern Illinois business owners since I entered Congress. In each factory tour and office visit I ask: What would it take for you to create one more job, just to hire one more person? The answer is always the same: Cut red tape.

The reality is 60 to 80 percent of all new jobs come from small businesses. Red tape throws an unfair burden on small businesses and paralyzes job creators. It has led to the least number of business start-ups in decades.

There's a reason we focus so much on rolling back red tape here in the House. It's jobs.

GROUP A STREP INFECTIONS

(Mrs. MCCARTHY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MCCARTHY of New York. Madam Speaker, I rise today to raise awareness of group A strep infection. A series of tragic events within my district have brought this pressing health situation to my attention. One of my constituents, Stephen Sweetman, a dedicated fireman, contacted my office after the deaths of his mother and his 2-year-old son.

Sean died just days after originally presenting with invasive strep A symptoms last February. After flying to New York for Sean's wake, Mr. Sweetman's mother died of group A strep infection just 14 days after her grandson. Both were originally misdiagnosed with a stomach bug.

While medical diagnosis presents enormous challenges, especially for rare diseases, I am deeply concerned with the medical misidentifications which led to these terrible deaths. Recently, several of my colleagues and I sent a letter to the Appropriations Committee asking that we focus on this issue.

I hope that we can come together to raise awareness for group A strep infections.

OBAMACARE COSTS—CBO CONFIRMS

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

Mr. STEARNS. Madam Speaker, the Congressional Budget Office came out with its report yesterday, their latest analysis of the President's health bill, and what it confirms is there are flaws in the law.

CBO reports that this $1.6 trillion program will cost individuals and businesses $5 billion more than was initially estimated. CBO says that the health premiums that they already predicted would increase by $2,100 now will increase even more. CBO estimates that 11 million people who currently have employer-based coverage will simply lose their health plan.

The President said we could keep our coverage, but under the law, employers are dropping coverage, and premiums are simply increasing, which drives up the cost of health care for everyone. And remember, historically, the CBO greatly underestimates their analyses.

We need to repeal this law and replace it with commonsense solutions that simply increase competition in the marketplace and places the consumer, not the government, in charge of health care.

GRANT AFFECTED STEEL WORKERS ELIGIBILITY FOR COMPENSATION

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, an alarming number of former employees at Bethlehem Steel in western New York are now suffering from cancer and other diseases due to radiation exposure as a result of having unknowingly worked with and around uranium during the Cold War.

After a multiyear fight, and thanks to the determination of workers and their families, those who were employed at the site from 1949 to 1952 are eligible for $150,000 in compensation for

their injuries. However, the cutoff at 1952 is arbitrary because no serious mitigation was undertaken until 1976.

Madam Speaker, those workers should also be eligible for just compensation. I am working with our Senators to urge the Centers for Disease Control and the National Institute for Occupational Safety and Health to meet with these workers, hear their stories, and finally grant them eligibility for just compensation.

LEAD, FOLLOW, OR GET OUT OF THE WAY

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

Mr. PALAZZO. Madam Speaker, President Obama's failed economic policies have brought us more than 41 months of consecutive record unemployment. My State of Mississippi and the Nation are starving for jobs. In Mississippi, we like jobs and we want more jobs, not less.

However, this President has been AWOL, absent without leadership, when it comes to protecting and providing for our economic and national security, both of which are under assault by this President and the ''do nothing'' Democrats in the Senate.

What keeps me up at night is the fear of sequestration. Sequestration, if allowed to go into effect, is irreversible, irresponsible, and will cost America 1 to 2 million jobs. Sequestration will affect every community in every State in the Nation for the worst.

Our economic and national security are symbiotic of one another. We must have a strong economy to provide for our national defense, and a strong military to protect our economy. The American people do not want this administration to harm our economic and national security any more than it already has. Stop sequestration now.

I say to the President, it is time to lead, follow, or get out of the way.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

HONORING THE SERVICE OF DONNA OTTAVIANO

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to honor a superb public servant, Dr. Donna Ottaviano, who has served as the Superintendent of Schools for the Town of North Providence since 1981.

Families in North Providence have benefited greatly from Dr. Ottaviano's experience, dedication and, leadership. The entire school district, including faculty, staff, students, and parents, are sad to see her leave.

Access to a quality public education is a cornerstone of ensuring that our country and my home State of Rhode Island will succeed in the years ahead. Making sure our young people have access to the best education possible is critical.

I know that Dr. Ottaviano's vast experience, extraordinary dedication, and professionalism will serve her well in her new position with the East Bay Educational Collaborative and benefit Rhode Island schools from Newport to Woonsocket.

I congratulate Dr. Ottaviano on her new appointment, wish her well, and thank her for her dedicated service.

SOUNDING THE ALARM ON SEQUESTRATION

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

Mr. RIGELL. Madam Speaker, I join my colleagues this morning to sound the alarm of a serious threat facing our country, one that has been addressed by this body and now awaits action by the Senate and the President. It is not an external threat, but one that is totally within our control. Known as sequestration, this sharp severe cut to our defense budget can and must be stopped.

The warnings from the Secretary of Defense and each of our service chiefs must be heeded. The Chief of Naval Operations, Admiral Greenert, described it this way. He said the cuts would do ''severe and irreversible damage'' to our Navy.

Madam Speaker, where is the President's outrage at this prospect? Where is his leadership in his role as Commander in Chief?

The House passed legislation which would stop the cuts. My amendment to the National Defense Authorization Act requires the Senate to address it head-on.

Madam Speaker, we've led. I truly believe that we've taken action to stop the cuts. The irrefutable truth is that the same is not true of the Senate and the administration.

Now, we have time to do what is right, but that time is short. I call on the President and the Senate to do what is right: to lead, to lead by example, to bring us together as a nation to stop the cuts. We must look to the future and shape the future, not look behind us.

□ 1220

JOBS AND TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the American people need a tax plan that will help grow the middle class and create jobs right here in the United States.

The American people want jobs to take care of their families. Sadly, the Republicans are holding the tax breaks for 98 percent of Americans hostage so that they can prevent millionaires and billionaires from paying their fair share of taxes. The Bush tax cuts for the ultra rich have failed to create any new jobs. They must be allowed to expire. Instead of working together on a bipartisan tax plan to strengthen our economy, Republicans are pushing for a plan to balance the budget on the backs of seniors and the middle class and to end Medicare as we know it by turning it into a private voucher system.

Congress must stop protecting billionaires at the expense of Medicare and the middle class. Let's work together. Let's work together on a bipartisan plan that will cut taxes for 98 percent of Americans, that will protect Medicare and that will create jobs right here in the United States.

IN RECOGNITION OF CARSON BAIRD

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, as cochair of the Career and Technical Education Caucus, I rise to recognize Mr. Carson Baird on his retirement from Penn State University's Learning Factory.

Carson Baird's background in motorsports started in racing while he proudly served in the United States Army. Following his service, he went on to hold the International Motor Sports Association Championship, three manufacturer championships, and three driver championships, having raced in classics such as the 24 hours of Daytona and the 24 hours at LeMans.

Since 1994, Carson Baird has served as supervisor of the Learning Factory, supporting the mission to bring the real world into the classroom by providing engineering students with hands-on experience through industry-sponsored projects. Carson Baird helped oversee an expansion of the Learning Factory that doubled its size, and in 2006, he was part of a team honored with the National Academy of Engineering's Gordon Prize for ''Innovations in Engineering Education.''

Carson Baird has applied his motorsports background to assist nearly 700 students on 150 projects that span 13 majors and engage students in five colleges.

I commend Mr. Carson Baird on his vision and dedication to tomorrow's engineers, and I wish him the best in his retirement.

NATIONAL YOUTH SPORTS WEEK

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

Mr. MCINTYRE. Madam Speaker, as founder of the Congressional Caucus on Youth Sports, I rise to commemorate

the National Youth Sports Week we celebrate and to recognize 50 million children who participate in youth sports.

It is fitting this year that National Youth Sports Week falls on the eve of the Summer Olympic Games, because many Olympians, like Andy Roddick, Misty May-Treanor, Ryan Lochte, and Sanya Richards Ross, all began their careers as young athletes. Sports can make a difference in a child's life. Student athletes make better grades, they get in less trouble, and they are less likely to be obese. Sports can build character and teach values like sportsmanship, teamwork, civility, respect, and discipline.

We cannot recognize the players without thanking the coaches and volunteers who mentor these kids, folks like my chief of staff, Dean Mitchell; my pastor, who is here today, Matt Rich, with whom my son Stephen has coached; and all the many others who give their time and their efforts to help our young people.

Not all youth athletes grow up to be Olympians, but youth sports can shape the lives of all of us and make us better citizens, whatever our callings in life. May God grant that none of us are ever too busy to help a child.

And I leave you with a final thought: Go Team USA!

THE DARK SPECTER OF SEQUESTRATION

(Mr. WEST asked and was given permission to address the House for 1 minute.)

Mr. WEST. I spent 22 years of Active Duty service in the United States Army. One of the things that seriously concerns me is this dark specter that hangs over our country right now that is called ''sequestration.''

It would mean that we will hollow out our military force: that we would have the smallest ground force since 1940, the smallest Navy since 1915, the smallest number of fighter aircraft that we've ever had since the creation of the modern United States Air Force.

This morning, at the Army Aviation Caucus breakfast, I sat between two distinguished fliers. One was the commander of the 160th Special Operations Aviation Regiment. Another was Chief Warrant Officer Ford. Between the two of them, they had almost 40 deployments into combat zones. Also at that breakfast this morning was a former cadet of mine, now Lieutenant Colonel Dave Almquist, a distinguished master aviator in the United States military.

Our men and women are watching us—the men and women who are the best and the brightest that this country can produce. But as well, our enemies are watching us to see what we will do to our United States military. Let us learn the lessons from post-World War I, post-World War II, and post-Korean War. Let's not gut our United States military. Let's own up to our responsibilities in article I, section 8.

WE NEED A FARM BILL NOW

(Mr. DONNELLY of Indiana asked and was given permission to address the House for 1 minute.)

Mr. DONNELLY of Indiana. Madam Speaker, I rise today to request the House of Representatives be allowed to vote on the 2012 farm bill. With many of the provisions of the previous farm bill set to expire on September 30 and with only 13 legislative days scheduled between now and then, we cannot afford delay.

Whether it's from Mother Nature or market prices, our farmers face an incredible amount of uncertainty. We cannot allow this Congress to be another cause for concern. Farmers in Indiana and throughout our country don't have time for political games. They have a Nation and a world to feed and an economy that relies on them to be all-star performers and to increase productivity every single year.

Mr. Speaker, bring the farm bill to the floor now. If not, let's stay here through all of August, all of September, all of October, all of November, and all of December until we get this work done. There is no excuse for not having a vote on the farm bill. We need a farm bill now.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that they are to address remarks to the Chair.

LET'S WORK TOGETHER TO FIGHT AIDS

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

Ms. BONAMICI. This is an important week for the United States as we host the International AIDS Conference for the first time in 22 years.

Decades ago, our country made the shameful decision that no one who is HIV positive could enter our borders. With the President's lifting of that ban and a greater attention to the AIDS crisis, along with the advent of drugs that help those with HIV live longer, we are approaching what we should have always been—a global leader in the fight against AIDS.

Countless Oregonians have been affected by AIDS. I've personally lost friends to AIDS, and as of June 30, more than 5,600 people in Oregon were living with HIV. It's time to eliminate the stigma associated with HIV/AIDS and to focus on prevention, treatment, and care.

The participants of the conference this week show immense dedication to the fight against HIV and AIDS, both in the U.S. and abroad. Congress should have the same dedication. Funding for prevention and treatment programs is crucial, as is funding for medical research and drug development.

We've come a long way, but there is still a lot of work to do. I urge my colleagues to join me. Speak out. Help to end the stigma. Let's work together to fight AIDS.

HAPPY 75TH BIRTHDAY, SPAM

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

Mr. WALZ of Minnesota. I rise today to honor southern Minnesota's own Hormel Foods for its 75 years of producing its world-renowned, iconic product—SPAM.

Entrepreneur George Hormel opened up his meat processing plant in 1891 in Austin, Minnesota, but it was his son Jay who came up with the idea of canned spice ham. Thus, in 1937, SPAM was born. SPAM served an essential role in World War II. Over 100 million pounds of SPAM were sent to the European front to aid the war efforts. After the war, SPAM's popularity soared globally. Over 7 billion cans have been sold.

Since the inception of SPAM, Hormel has always kept its company's roots in southern Minnesota, providing thousands of good-paying jobs and economic stability for middle class folks in Austin. Hormel also has a rich history of giving back. They've partnered with organizations to provide food for malnourished children around the world. In partnership with the University of Minnesota and the Mayo Clinic, they opened the world-renowned Hormel Institute, which gave us Omega-3 and -6 fatty acids in cancer reduction.

SPAM is an important part of our history. It played an essential role in feeding our troops, in creating jobs, and it has become an iconic American product. So, today, I honor Hormel's past, and I look forward to their future. Happy 75th birthday, SPAM.

□ 1230

EVERYONE GETS A TAX CUT

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Madam Speaker, there seems to be some misunderstanding on the other side of the aisle on the tax cuts that the Democrats are now proposing.

Yes, we want to cut taxes for the middle class. We think that it is critical for our economic recovery. We also want to cut taxes for everyone else, including the most fortunate, but only on the first $250,000 of their earnings. On that portion of their earnings, they will receive the exact same tax cut as the middle class. But if we hope to seriously address the issue of long-term deficits and debt, we can't do it by spending cuts alone.

According to the nonpartisan fact-checking organization FactCheck.org, in 2009 Federal tax rates were the lowest level in 30 years. Let's make one of those hard choices the other side of the aisle likes to talk about. Let's extend the middle class tax breaks, but let the tax cuts for the most fortunate expire and use every bit of that revenue to help pay down the deficit and get our economy moving in the right direction.

KEEP OUR NATION SAFE

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Madam Speaker, keeping our Nation safe is our most important responsibility under the Constitution as Members of Congress.

When we talk about sequestration, we're really asking are we really going to shirk that responsibility, are we really going to cut national defense and force our country to grow weaker and weaker over the next 10 years. If we don't prevent these massive cuts, we'll be left with our smallest ground forces since 1940, fewest ships since 1915, and our smallest Air Force in our history.

Our Secretary of Defense says these cuts would be devastating and would seriously damage readiness. Does anything else we really do here matter if we knowingly let our defenses down, if we aren't ready to be able to defend ourselves?

If there's wasteful spending in the Pentagon budget that we could cut without impacting national security, then we should do so. I led the fight to kill the extra engine for the F–35 Joint Strike Fighter program, saving taxpayers billions of dollars. The White House doesn't dispute the impact of these cuts, but won't put forward an alternative. The Majority Leader of the Senate won't schedule a vote on the House bill, but won't introduce a plan either. We have to do something to avoid these massive cuts to keep our country safe.

DISENFRANCHISING VOTERS

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, State legislatures all across the country are passing photo ID laws that could strip millions of Americans of their right to vote. Students, communities of color, low-income individuals, and seniors are particularly at risk of being disenfranchised.

As just one example, in March this year, a World War II veteran in Tennessee was denied the right to vote because he did not have an ID that matched his assisted living address. In Minnesota, which is considering a misguided constitutional amendment on photo ID, 215,000 registered voters don't have a driver's license or ID card with a current address on it; and if it passes, it will disenfranchise all of them.

Why put these hundreds of thousands of voters at risk? Proponents claim fraud, but there's not any fraud. Voter fraud is already illegal, and the number of confirmed cases is insignificant statistically. There are only a tiny number of cases. For this, we're going to disfranchise literally millions of people?

CANCER FREE LABEL ACT

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

Mr. DEUTCH. Madam Speaker, we all know that wearing sunscreen, quitting smoking, or steering clear of asbestos can reduce our cancer risk. Yet, carcinogens are all around us, and exposure to these cancer-causing agents can be found in everyday products and in the food we eat.

For the most part, consumers are kept in the dark with no way to know for sure whether the makeup they use or the food they eat contains known carcinogens. It's time to help consumers choose safer products for themselves and for their loved ones. That's why today I'm introducing the Cancer Free Label Act. My bill will give companies the chance to market to consumers the fact that the products that they make are free of carcinogens.

Just as consumers refused to buy baby products laden with BPA and nearly wiped this chemical from the shelves, the Cancer Free Label Act will use market-driven forces to drive change. By passing the Cancer Free Label Act, we can give families across America the opportunity to avoid cancer-causing agents. And by promoting healthier choices, we will even be able to save lives.

DOMESTIC TERRORISM

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

Mr. MORAN. Madam Speaker, I appreciate the moment of silence that we extended the victims of the Aurora, Colorado, massacre yesterday. But the more telling silence is this body's refusal to address the issue of gun control. As a result, a comparable number of Americans will be killed by firearms every day. There are 10,000 homicides by firearms in America every year, 19 times the number of firearm deaths in all civilized countries combined.

Today is the anniversary of the shooting deaths of two of our Capitol policemen. We responded to those killings with remorse and even more heartfelt condolences after our colleague Gabby was shot, but 60 more multiple murders have been committed since then.

Thirty-two innocent students at Virginia Tech were massacred, and Virginia's legislative body actually weakened the State's gun control laws, suggesting that the fault was with the students because they weren't carrying firearms themselves. A similar comment was made by a Member of this body after the Aurora killings that there should have been a shootout in that darkened theater.

This is domestic terrorism, Madam Speaker. We ought to stop being so soft on such crime. If this shooting had been committed by foreign terrorists, we'd send the marines out after them, but foreign terrorists don't buy their weapons from dealers who are members of the NRA.

ANNOUNCMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would like to remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

PRESIDENT OBAMA'S PROPOSED 2012–2017 OFFSHORE DRILLING LEASE SALE PLAN ACT

Mr. HASTINGS of Washington. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 6168) to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6168

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 ''President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act''.

SEC. 2. DEFINITIONS.

In this Act:

(1) OCS PLANNING AREA.—Any reference to an ''OCS Planning Area'' means such Outer Continental Shelf Planning Area as specified by the Department of the Interior as of January 1, 2012.

(2) PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).—The term ''Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017)'' means such plan as transmitted to the Speaker of the House and President of the Senate on June 28, 2012.

SEC. 3. REQUIREMENT TO IMPLEMENT PROPOSED OIL AND GAS LEASING PROGRAM (2012–2017).

The Secretary of the Interior shall implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), other applicable law, and the schedule established by such proposed program for conducting oil and gas lease sales in OCS Planning Areas in specified years as set forth in the following table:

Proposed Final Program for 2012–2017 Lease Sale Schedule Sale No.	Area	Year
229	Western Gulf of Mexico	2012
227	Central Gulf of Mexico	2013
233	Western Gulf of Mexico	2013
225	Eastern Gulf of Mexico	2014
231	Central Gulf of Mexico	2014
238	Western Gulf of Mexico	2014
235	Central Gulf of Mexico	2015
246	Western Gulf of Mexico	2015
226	Eastern Gulf of Mexico	2016
241	Central Gulf of Mexico	2016
237	Chukchi Sea	2016
248	Western Gulf of Mexico	2016
244	Cook Inlet	2016
247	Central Gulf of Mexico	2017
242	Beaufort Sea	2017

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentlewoman from Massachusetts (Ms. TSONGAS) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

Mr. HASTINGS of Washington. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on the bill under consideration.

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

There was no objection.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself such time as I may consume.

The bill we are now considering, H.R. 6168, is a very simple bill. It would implement President Obama's proposed offshore drilling lease plan for the years 2012 to 2017.

Late yesterday, the House debated H.R. 6082, the Congressional Replacement of President Obama's Energy Restricting and Job-Limiting Offshore Drilling Plan. These bills contain two distinctly different offshore drilling plans, and the House will have an opportunity to choose which one allows for more American energy production and more American job creation, and which one continues to lock up America's resources.

This debate is occurring during the 60-day mandatory review period provided for under section 18 of the Outer Continental Shelf Lands Act, which requires a President to submit his proposed plan to Congress for review. He must submit it to Congress before it can take effect. This 60-day clock started ticking on June 28 when President Obama's plan was submitted to the House and to the Senate.

Madam Speaker, I am the official sponsor of this bill to implement President Obama's plan. I introduced this bill with the specific purpose of allowing the people's House to officially go on record as either endorsing the President's plan or registering its opposition to it.

□ 1240

Now, while I'm the bill's sponsor, I am going to vote against this bill. I oppose the President's plan. It's a giant step backwards for American energy production and for job creation.

Madam Speaker, President Obama likes to give speeches claiming support for offshore drilling; however, I have observed his actions while in office are 180 degrees different than his rhetoric.

When President Obama was sworn into office in January 2009, nearly all of our offshore areas were newly open to American energy production. This was the result of the public outrage in the summer of 2008 over $4 gasoline prices that resulted in the Federal Government lifting the two moratoria that blocked energy production off both the Atlantic and the Pacific coasts. The will of the American people was clear: For the sake of family budgets, for small businesses, and for our economy, we must produce more American energy in America to lessen our dependence on hostile foreign sources.

So when President Obama took office, there was an offshore energy plan to conduct lease sales in new areas that were no longer under the moratoria. Instead of seizing this opportunity to vastly increase American energy production, the President tossed that plan aside and delayed and canceled these sales, including a sale scheduled for 2011 that would open a section offshore of the Commonwealth of Virginia.

The Obama administration has spent the last 3½ years slowly writing a plan that takes our country backwards, a plan that effectively reimposes the drilling moratoria that were lifted in 2008. The President's proposed plan keeps 85 percent of our offshore areas off-limits to energy production. The Atlantic coast, the Pacific coast, and parts of the Arctic are all kept under lock and key under his plan.

His plan absolutely opens no new areas for drilling. As an example, after delaying the Virginia lease sale in 2011, the President doesn't even include it in his proposed plan. Under President Obama, then, the absolute earliest that the Virginia lease sale could happen is 2017. That's 6 years after it was scheduled to take place.

In total, the President's proposed plan only includes 15 lease sales. According to the nonpartisan Congressional Research Service, this means that this President has the distinction of offering the lowest number of lease sales over a 5-year plan since this program began, since this legislation establishing the review. Madam Speaker, that's worse than even Jimmy Carter's record.

During the several hours of debate yesterday, there was little defense of the President's limited and weak offshore plan. In fact, a great deal of time was expended by the other side trying to change the subject, rather than endorse or defend the President's offshore plan. I think that shows just how out of touch and unacceptable this plan really is.

Today we will hear the deliberately misleading claim that the President's proposed plan opens 75 percent of the known offshore resources. That is simply not true, Madam Speaker. It was meant to provide political cover for a failed record on offshore drilling. The cold hard facts are the President is effectively reimposing a moratorium on 85 percent of our potential resources offshore of America's coasts.

An attempt might be made to claim that the bill doesn't represent the President's plan. Madam Speaker, it couldn't be more black-and-white. This bill exactly replicates the offshore lease sales scheduled in the President's proposed plan, both by location and by the sale year. H.R. 6168 is the President's plan.

Now, just last week, Secretary of the Interior Salazar wrote that President Obama's offshore plan is what the ''American people have asked for.'' In reality, the American people want increased American energy production and new and more American jobs. The President's proposed plan fails to deliver on both, American energy production and American jobs.

So by voting against this bill—which I will do, even though I am the sponsor of it—Members of Congress can stand up for the American people and reject the President's no-new-drilling, no-new-jobs plan.

We can and we must do better. And that is precisely why we had the debate, and we will have a vote later on today on H.R. 6082, the House plan.

So with that, Madam Speaker, I reserve the balance of my time.

Ms. TSONGAS. Madam Speaker, I yield myself such time as I may consume.

I would like to thank our ranking member, Mr. MARKEY of Massachusetts, for his forceful advocacy on this issue.

I rise today in strong support of H.R. 6168, legislation that would support the President's proposed Offshore Drilling Lease Sale Plan for 2012–2017. This plan, which has been developed over the past few years with extensive public input, is a responsible way to increase domestic production of oil and gas while still protecting our delicate and vital ocean environment.

Contrary to Republican claims that the plan would restrict domestic production and hurt jobs, the President's proposed plan would actually open 75 percent of offshore oil and gas resources to development. Where there are resources, the land is being opened—75 percent. In fact, domestic production of oil is at an 18-year high, and gas production is at an all-time high under President Obama.

At the same time that the President's plan includes new leasing, it also protects many of our most important ocean environments from drilling, such as Georges Bank and other vital fishing areas off the coast of my State, Massachusetts. Georges Bank is a valuable public resource that has been central to our region's rich cultural heritage, economy, and identity.

For years, these waters have been at the heart of the New England fishing industry and have historically been one of the country's most productive fishing grounds. Income from Massachusetts fisheries has been valued at approximately $350 million annually, and Georges Bank is a key part of this marine ecosystem. Allowing oil and gas drilling on Georges Bank would threaten to destroy these rich fishing grounds and could have a devastating effect on the Massachusetts economy.

But the benefits of the President's responsible plan go well beyond just protecting Massachusetts. This plan would also protect Bristol Bay in Alaska from drilling. Bristol Bay, as many know, is one of Alaska's most pristine fishing grounds and the source of much of the salmon that we consume here in the United States.

The decision to keep these areas offlimits was based on local recommendations and a lack of infrastructure and oil spill preparedness. If we open this fishing ground to oil drilling, the impact could be felt across our country.

The Republican plan would also require just one environmental review for every new lease offered in the Atlantic, Pacific, or Bristol Bay, without taking into account the uniqueness of each of these locations. While I certainly understand the desire to streamline these reviews, requiring one blanket review for the entire country is not the answer.

The harsh climate of Alaska is infinitely different than that of the Gulf of Mexico or the Gulf of Maine. It is important to know the conditions of each site before drilling is started or we could face another disaster like the 2010 BP Deepwater Horizon spill from which the Gulf Coast States are still recovering.

So I call upon my colleagues to support the President's responsible offshore leasing plan and vote in favor of H.R. 6168. Our support of the President's plan is support for the fishermen in Massachusetts and throughout the United States.

I reserve the balance of my time.

□ 1250

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Colorado (Mr. LAMBORN), a member of the Natural Resources Committee and a subcommittee chairman.

Mr. LAMBORN. Madam Speaker, this bill we are considering under suspension simply codifies President Obama's offshore drilling plan for the next 5 years. It's a simple bill and a simple vote: What do you choose for America's future?

The Congressional Replacement Plan we debated yesterday will harness America's vast offshore resources in both existing and new areas in a responsible way. Our plan is the right plan to keep the United States competitive and to develop the resources that American families and American businesses need. It will generate more revenue for the taxpayers, more energy, and more jobs.

What does the Obama plan under this suspension vote have to offer? No new areas for energy development and the lowest number of lease sales in the history of the 5-year program, according to Congressional Research Service. Is that really the plan you think is best to move our Nation forward and generate high-paying jobs?

Look at this bar graph. This shows what was going on under President Jimmy Carter 30 years ago. This 5-year plan program has been going for more than 30 years, and the 15 lease sales you see at the end of the graph is the lowest in the history of the 5-year program. If you remember, during Jimmy Carter's administration, we had gasoline shortages. You could go to the gas station and buy gas if your license plate ended in an odd or even number, depending on the day of the week. We should not have the lowest number of lease sales in the history of our country.

The Obama 5-year plan is the you-cannot-build-it plan; you cannot build new infrastructure for energy. It tells the people of Virginia that they cannot build new rigs and explore new areas of the Outer Continental Shelf regardless of the bipartisan support of the Governor, Senators, and Representatives of Virginia. The President's plan says you cannot build anything new, essentially reinstating a moratorium on the Pacific and Atlantic Outer Continental Shelf. The President's plan locks up 85 percent of our Nation's nearly 2 billion acres of Outer Continental Shelf resources.

Production on Federal lands, according to the Energy Information Administration, is down under the Obama administration.

I heard something earlier about natural gas production is up. That's on private lands primarily because of fracking.

We need to get Federal lands producing again, and the Obama 5-year plan is not the plan to do that. The Congressional Replacement Plan is. We should vote for more American energy and vote for more American jobs. So vote against this suspension bill and vote in favor of the Congressional Replacement Plan.

Ms. TSONGAS. Madam Speaker, the number of lease sales don't translate into more drilling on these leases necessarily. Oil companies already hold leases in the Gulf of Mexico that are sitting idle that contain nearly 18 billion barrels of oil, according to the Interior Department. Oil companies should begin drilling on those leases before asking to threaten Massachusetts and other coastal States with new drilling.

Now I yield such time as he may consume to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN. Madam Speaker, I thank my friend and colleague from Massachusetts.

Madam Speaker, I support President Obama's proposed offshore drilling lease plan. I will vote for it, but I suspect that it will garner little support, and that's the reason why it was scheduled for consideration today. But unlike the Republican majority in the House who favor drilling above all else, Interior Secretary Salazar and President Obama are acting more responsibly in a balanced fashion.

Their 5-year leasing plan attempts to balance the full range of public and private interests. Their 5-year leasing plan attempts to ensure that our coastal waters will continue to be a shared public resource. They were never meant to be the exclusive domain of the oil and gas industry.

Introducing drilling in new areas, as the gentleman from Washington State's bill would do, will disrupt established industries like commercial fishing and beach tourism. There is no question about that. And there is no need to rush forward and open our entire coast to drilling when 75 percent of our offshore oil and gas resources are already available for drilling. In fact, more oil is in production today under the Obama administration than at any time during the last 14 years. And more of the public's lands and waters have been leased for drilling today than at any previous time in American history.

Onshore, oil companies hold leases on more than 73 million acres of the public's land, though they choose to keep 45 million of those acres inactive.

Offshore, more than 37 million acres of the Outer Continental Shelf have been offered for lease, although the oil industry has bid on less than 10 percent of these new available leases. As of June 1 of this year, there were 1,980 rotary drilling rigs operating on U.S. lands and waters, more than all other countries combined.

Now, the President's plan does open up areas in the Beaufort and Chukchi Seas off Alaska's northern coast to oil and gas development. I do have strong misgivings that adequate safeguards have been established to respond to a future oil spill disaster in these seas because drilling will be done in a harsh environment in a remote area where disaster response capabilities are extremely limited and could be compromised by severe weather conditions, which in fact are the norm up there.

But I am in strong agreement that the 2012–2017 plan excludes lease sale 220 that covers waters in the Mid-Atlantic, especially off the coast of Virginia. In addition to commercial fishing interests and tourism, lease sale 220 threatens military readiness, our national security interests, and it intersects shipping lanes for the Atlantic's two busiest commercial ports—Hampton Roads and Baltimore. The U.S. Atlantic fleet is based at the Norfolk Naval Base and operates in these very same waters that the President wants to protect. He wisely proposes simply postponing oil and gas development primarily for that purpose.

According to a report issued by the Office of the Deputy Secretary of Defense for Readiness, there should be no lease sales in 72 percent of the proposed 220 lease area since it is in conflict with live ordnance, air surface missile/bomb and gunnery exercises, shipboard qualification trials, carrier qualifications, and follow-on testing and evaluation. An additional 5 percent would interfere with aerial operations and shouldn't host permanent surface structures.

In summary, 78 percent of proposed lease sale 220 that the President wisely postpones would be in areas that conflict with our national security needs; and a good deal of the remaining 22 percent would be within the shipping lanes to the ports of Hampton Roads and Baltimore.

Madam Speaker, our coastal waters are a shared resource that host a number of competing and sometimes incompatible uses. In the interest of the oil and gas industry, and to perpetuate a myth that somehow we can drill our way to lower gasoline prices and energy independence, the Republican majority is demonstrating a disregard for our other economic interests and the livelihood of millions of Americans employed in the fishing and tourism and national security sectors. Their livelihood is needlessly placed at risk in a drilling-above-all-else policy.

So I encourage my colleagues to support the President's balanced legislation and reject the other drilling bill that is on the floor today. The President is trying to do the right thing, and he should be supported. The other bill will have unintended, unforeseen, but inevitably adverse consequences to our economy.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Louisiana (Mr. LANDRY), a Representative of a coastal State and a very important member of the Natural Resources Committee.

Mr. LANDRY. Madam Speaker, the rhetoric here just does not meet the facts. Our energy policy in this country has continued to fail us because we have spent money in areas that are getting us no results. We know that to lower costs for all Americans, we must lower their energy bills. We know that the cheapest form of energy out there is oil and gas; and yet the President puts out a bare-bones policy, yet claims to want to create jobs.

The lowest unemployment rate in this country exists in North Dakota, and the reason that unemployment is so low there is because they understand that drilling equals jobs. Now, let's see what's going on up in the Dakotas, because if we would believe what the gentlemen and ladies across the aisle would lead us to believe, that the areas that we would like to open up do not contain any resources, then they would believe, as the USGS believed in 2002, that the Marcellus shale in the Pennsylvania area only contained about 2 trillion cubic feet of gas.

□ 1300

Well, today, through the hard work of Americans and private industry, we have realized that there are 84 trillion cubic feet of natural gas. In the Gulf of Mexico in the 1980s, there was an assessment that believed that only 6.25 billion barrels of oil was located in the gulf, but yet today, 15.5 billion barrels have been produced.

Now, the problem is that it takes a while for private industry to recognize where these resources are, to be able to find them, to explore for them and then to determine how much is in the ground. And so that takes time. So what the President does is he takes those properties, those Federal lands, those Federal properties, off the table. It doesn't allow those companies to go out and explore to determine whether or not we can actually be energy independent, which everyone here on both sides of the aisle continues to come up to these microphones and claim they want.

Well, we can do that. And all we're asking in our plan is that we allow these properties to be surveyed and looked at and be made available.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 2 minutes.

Mr. LANDRY. Make these properties available so that private industry can come in to determine the amount of reserves that can be extracted out of the ground and given to Americans to reduce their overall energy consumption.

So, Madam Speaker, I will tell you that what the President does is fails the American people when it comes to creating jobs and lowering the cost of energy not only at the gas pump, but in their electric bills, in the manufacturing centers around this country and in the steel mills. In every sector of this country that uses energy, the failure for us to tap into our resources and to review and get a solid assessment on the amount of resources available to the American people is being missed here.

So I certainly hope that Members would reject the President's plan and take up our plan, which is going to expand the amount of Federal properties available to explore for oil and gas and lower the cost and create jobs for all Americans.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

Mr. MARKEY. Thank you, Madam Speaker, and I yield myself such time as I may consume.

Madam Speaker, yesterday, the majority brought to the floor a bill that would replace the Interior Department's 5-year offshore drilling plan. Today, the majority is bringing a bill to the floor that would require the Interior Department to conduct the offshore drilling plan it is already doing.

Now why would we be taking up a bill to replace the plan yesterday and a bill to implement the plan today? Is it because the majority is having buyer's remorse about their own bill that would put drilling rigs off of the beaches of California, the beaches of Maine, New Hampshire, Massachusetts, Connecticut, New York, New Jersey, Delaware, Maryland, and Virginia? Are they having remorse putting all those rigs out there off the beaches with no new safety procedures adopted post the BP spill? Overnight, have they had some regret, conscience stricken, perhaps that's not a good idea?

That would be a very hopeful sign, I think, for all of us who care about the environment, care about safety and care about protecting the beaches and the fishing industries of our country.

Or is it because they were so compelled by arguments that the Democrats made during the debate on the floor yesterday that they now intend to reverse their position and actually support President Obama's offshore drilling plan that makes 75 percent of all of our oil and gas resources available for drilling while protecting the east and west coasts?

I don't think so, because I am quite certain that the chairman of the committee intends to vote against his own bill here today and that the only reason the majority is bringing this bill up is to defeat it. It appears that the majority's dislike of President Obama is so great and so overwhelming that they are about to actually vote against more oil and gas drilling offshore even in an era where President Obama has already demonstrated his commitment to drilling. There are more rigs out drilling now in the United States than all the rest of the world combined. We're at an 18-year high in production of oil in the United States. You have to go all the way back to 1993 to find a day where there was more oil being produced on a daily basis than today. We have reduced our oil dependence—that is, how much we have to import from overseas—from 57 percent when George Bush was President just 4 years ago down to only 45 percent during the Obama administration.

Thank you, President Obama. Thank you for the fantastic job you're doing in reducing our dependency upon imported oil. That is something that did not happen during President Bush's years in office. And that's quite a record, isn't it, that we're at an 18-year high for oil development? We're at a point where we've reduced our dependence on imported oil from 57 percent down to 45 percent just in 3½ years since President Obama was sworn in. We have more rigs than the whole rest of the world combined drilling for oil here in the United States. That is quite a record, and we thank you, President Obama, for your excellent job.

But we know what the Republican majority is trying to do here today. They're trying to re-message here that somehow or other President Obama hasn't done a historically good job. The majority is about to make their own

history here—rewrite history. They are so bent on voting against President Obama that they are going to actually oppose policy they hold most dear—more drilling. We appear to have found the one thing that can stop the majority from voting for drilling over and over again. This would be like Red Sox fans rooting against the Red Sox just because they signed Derek Jeter. All of a sudden, they would want to not support them any longer. And the majority is putting this bill on the suspension calendar today even though we know they have no intention of supporting it.

So why are we here? Why are we wasting the time of this House when there are so many other pressing issues facing the Nation? We should be focusing on creating jobs for our constituents, on passing a farm bill that helps farmers who are being harmed by drought and taking action on a spending and tax plan to avert going off the fiscal cliff of sequestration. But are we doing any of those things? No, we are not.

The majority is not only asking us to suspend the rules to pass this bill, they are asking us to suspend reality. They are asking us to suspend the reality that President Obama has reduced our dependence on oil from 57 percent down to 45 percent, that we are at an 18-year high in oil production in our country, and that we have 50 percent more floating drilling rigs operating in the Gulf of Mexico than we did before the BP spill.

Let me say that again: There are 50 percent more floating drilling rigs operating in the Gulf of Mexico than before the BP spill, and we have more drilling going on than the whole rest of the world combined. The reality is that President Obama is about ''all of the above.'' That's his energy plan.

What the Republicans do is they just keep bringing out things that really make the oil industry happy but towards the goal of killing the wind industry and killing the solar industry, because they're doing nothing for those industries. And that agenda is, oh, so clear. It's transparently clear what this agenda is.

□ 1310

We actually support an ''aye'' vote on the President's plan and a ''no'' vote on the Republican plan. We should not be drilling off of the beaches of our country when 75 percent of all the oil and gas resources have been made available and the oil industry hasn't even begun in a significant way to capture all those opportunities.

At this point, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I am very pleased to yield 1 additional minute to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Madam Speaker, I just wanted to take a moment to discuss with my good friend from Massachusetts some of the statistics that he was laying out for the American people here on the floor.

The problem is that we are lacking the demand for energy right now because people are out of work. Because of high unemployment, people are not driving back and forth. That means they're not utilizing gasoline or energy. So, he's right; the amount of oil that we're having to import today has been reduced because people are out of work.

Now, what happens if—and this is a big ''if''—we can crank this economy back up and we can do what everyone here wants to do, and that is to create jobs? Well, the problem is that, if we start cranking this economy up and we don't have a solid energy policy in place, gasoline prices are going to rise and we're going to end up back in a recession.

So I would like the gentleman from Massachusetts to join me in saying, You know what? We're going to put the country on a sustainable path. We're going to ensure that when Americans get the jobs that we're going to help create here, we're going to make sure that the economy can continue.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. LANDRY. We're going to ensure that that economic expansion is going to last a long, long time.

So again, I would urge the gentleman to reject the President's plan. Join us. Give private industry an opportunity to see what is out there. Once and for all, remove the shackles that America has chained to OPEC and let us be truly energy independent.

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

All you have to know about the political nature of this bill—and the next bill that we're going to be voting on that allows for drilling off of the beaches of Massachusetts and southern California and Maine and Maryland, New Jersey, without new safety safeguards being put in place—is that they kind of pick a whole bunch of States that are on the Atlantic Ocean and the Pacific Ocean, but they leave out one State.

Now, why did they leave out that State? I wonder why they left out Florida. Why isn't Florida on the list? Why did they exclude that one State out of their systematic goal of increasing energy independence and compromising, if necessary, the beaches of all of these other States in the advancement of that goal to help Exxon Mobile and BP and Shell drill off of our coastline? Why don't they want to drill off of Miami Beach? Why don't they want to drill off of Jacksonville's beaches? Why don't they include Florida? Hmm. Ah, Gore v. Bush. Florida could decide the Presidential race. Ah. Oh, the Republican convention is in Florida this year? Oh. They don't want 1 million people coming to protest the drilling off of the beaches of Florida? Oh. That makes a lot of sense. That's a good justification for excluding Florida, but not Massachusetts, not Maine, not Maryland, not Virginia. But Florida, they're out.

So all you have to know about the blatant political nature of these bills is that they're intended to embarrass President Obama, just as he has proven he is a historically successful President in increasing oil production in America. He has reduced oil dependence on overseas sources from 57 percent down to 45 percent—something George Bush never did. In fact, it spiked to 57 percent under his watch over 8 years. That's a long time to get something done on that front—and he now has 50 percent more rigs in the Gulf of Mexico. So this is really all about politics: 131 votes out here to help the oil and gas industry, no votes out here to help the wind and solar industry.

And the story line continues, even up to the point where they exclude Florida. I mean, it's so nakedly obvious what is happening here in terms of the political nature of what the Republicans are doing on this subject. But please, for the sake of the country, can we get to an all-of-the-above strategy? Can we get to something that actually has you saying positively what you're going to do about the renewable energy that we have in our country that can make it possible for us to say to OPEC, totally, that we don't need your oil any more than we need your sand? Can we actually say that? Can we agree upon that, that it's a common goal and we can find a way of giving the incentives to the wind and solar industry in the same way you do, over and over again, want to give to the oil and gas industry?

Please, let's work together, as a common goal, as a country, to accomplish that goal. Let's not just favor oil and gas. Let's have an agenda that includes all of the above. Because today is just another repetition of the same syndrome that has an ancestor worship at the altar of oil and gas that plagued us in the 20th century but can be alleviated, if we put together a plan to exploit all of our domestic resources, in the 21st century. The agenda of the majority is sadly lacking in that area.

I urge an ''aye'' vote on this suspension vote.

Mr. HASTINGS of Washington. Madam Speaker, I yield myself the balance of my time.

First of all, I want to tell my good friend from Massachusetts that I was hoping he would thank me for introducing the bill because now he has an opportunity to vote for the President's plan. I already mentioned that I was going to vote against it. I was very forthright. But now the gentleman does have an opportunity to vote for the President's plan, so I wish that he had thanked me for that.

But I want to say this, Madam Speaker: We already know that Americans want to be less dependent on foreign energy. The Republican plan obviously does that. Americans also want to have parts of the economy start growing. Energy production is a way to jump-start our economy with good American jobs. So those are all givens.

But the rhetoric sometimes coming from the other side is: Why are some areas emphasized and some areas are not? Because we use a very, very novel approach to where we should sell leases and explore for oil, and that is, very simply, where we think the resources are, and then people will bid on that and take a chance and see if there are resources. If there are, they will drill, and the Federal Treasury and the American people benefit.

A good case of that, by the way, Madam Speaker, is in southern California, because reference has been made several times to southern California, and specifically to Santa Barbara, California, the Santa Barbara Channel.

Now, the State Lands Commission says that there are 1,200 natural occurring seeps in the Santa Barbara Channel, and it's estimated that coming out of these naturally occurring seeps in the Santa Barbara Channel is 55,000 barrels a year—each year. Experts have concluded that that amount of seep could be translated into enough fuel to fuel the energy for Santa Barbara County for 7½ years. Now, that is a lot of oil.

We believe the opportunity ought to be to go—again, with the novel approach—where the oil is. So that's why our approach says, okay, let's open up all these areas. Let's allow the private sector to ascertain if they want to pay somebody for a lease to develop those resources.

□ 1320

That is in essence what this debate is about.

And finally, let me conclude this way, Mr. Speaker. The fact is that the President's plan reinstates the moratorium that existed going up to 2008. The American people demanded that be lifted with $4 gasoline, but this essentially reinstates that.

I think that's the wrong policy. So we'll have an opportunity today to vote on two proposals: one that does increase American energy and creates American jobs, or one that maintains the status quo. In fact, it doesn't even do that. It goes back and reestablishes the moratorium and locks up 85 percent of our resources.

So I urge a ''no'' vote on this suspension bill, and a ''yes'' vote on the subsequent bill that we debated yesterday, H.R. 6082.

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

Mr. BLUMENAUER. Madam Speaker, I voted for H.R. 6168, President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act. I emphasize that this is a qualified support. The President's plan maintains important protections for the Pacific Coast, the Atlantic Coast, and Bristol Bay. It is far better than the Republican alternative, which would open most of the American coastline to drilling, and which would eliminate important environmental safeguards in the process.

Should Congress move forward with the President's proposal, it should do so with care, ensuring sufficient protection throughout the process. In particular, I am concerned about the potential permitting in Alaska. The President's proposal does require additional research and comprehensive analysis before approval of any project in Alaska, I underscore the need to have a full understanding of the impacts of drilling on the Alaskan ecosystems before moving forward. Appropriate safeguards must be in place and I look forward to working with the administration to ensure that we move forward with projects only after being confident that they do not pose a threat to the environment, ecosystems, or existing local economies in the area.

Our biggest priority should be reducing our dependence on fossil fuels, regardless of whether or not those fuels are obtained domestically or internationally. I will continue to work with my colleagues to support policies that support clean energy production and energy efficiency.

Mr. HOLT. Madam Speaker, today we are considering the so-called President Obama's Proposed 2012–2017 Offshore Drilling Lease Sale Plan Act (H.R. 6168).

This legislation, to require the Department of the Interior to conduct the very offshore drilling plan they are already set to implement, has been rushed to floor just so that the majority could vote against it in a political stunt. Even the sponsor of this bill will oppose it.

Although I have serious concerns with the DOI's plan to hold lease sales in the Arctic, where spill response capabilities are virtually nonexistent and the merits of opening this pristine environment to drilling remain unclear, the DOI's five-year plan stands in stark contrast to the House Republican plan for offshore oil and gas development.

The Republican plan amounts to yet another attempt to open up nearly every last piece of our public lands to drilling and hand even more giveaways to Big Oil. It is important to note that the President's plan does not provide for oil and gas lease sales off of the coast of New Jersey.

For these reasons, I will vote for H.R. 6168. But I want the RECORD to reflect that my vote for this bill is not an endorsement of expanded drilling in the Arctic or seismic exploration off of the coast of New Jersey. I strongly oppose drilling off of the coast of New Jersey and in the Mid-Atlantic and I offered an amendment to the bill we are considering to prevent any new drilling in that region.

Along with my Democratic colleagues on the Natural Resources Committee, I have offered bills to implement the safety recommendations of the National Commission on the Deepwater Horizon Oil Spill and to establish a fee on inactive leases as an incentive for oil companies to begin producing on the lands they already hold—of course, applying up-to-date environmental and safety lessons. I also introduced the Big Oil Bailout Prevention Act to make sure that oil companies pay the full cost of damages resulting from future oil spills.

We should be considering these important reform bill not political stunts designed to let the majority pat themselves on the back about what a good job they are doing to promote the development of the natural resources that belong to all Americans.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 6168.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

CONGRESSIONAL REPLACEMENT OF PRESIDENT OBAMA'S ENERGY-RESTRICTING AND JOB-LIMITING OFFSHORE DRILLING PLAN

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and add extraneous material on H.R. 6082.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 6082.

Will the gentlewoman from Missouri (Mrs. EMERSON) kindly retake the Chair.

□ 1322

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 further consideration of the bill (H.R. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, with Mrs. EMERSON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, July 24, 2012, a request for a recorded vote on amendment No. 8 printed in part C of House Report 112–616 by the gentleman from Florida (Mr. HASTINGS) had been postponed.

Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part C of House Report 112–616 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. HOLT of New Jersey.

Amendment No. 4 by Mr. MARKEY of Massachusetts.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

Amendment No. 6 by Mr. HOLT of New Jersey.

Amendment No. 7 by Mr. HASTINGS of Florida.

Amendment No. 8 by Mr. HASTINGS of Florida.

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

AMENDMENT NO. 2 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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 163, noes 253, not voting 15, as follows:

[Roll No. 504]

AYES—163

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (NH)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Dold
Doyle
Edwards
Ellison
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Yarmuth

NOES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Speier
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Costa
Engel
Garamendi
Graves (GA)
Hinojosa
Hirono
Hoyer
Jackson (IL)
Jackson Lee (TX)
McDermott
Meeks
Nadler
Richmond
Stivers
Woolsey

□ 1347

Messrs. WALDEN, ROSS of Florida, CARDOZA, and GARY G. MILLER of California changed their vote from ''aye'' to ''no.''

Messrs. DOGGETT and BASS of New Hampshire changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. LOWEY. Mr. Speaker, during rollcall vote No. 504 on H.R. 6082, I mistakenly recorded my vote as ''no'' when I should have voted ''yes.''

AMENDMENT NO. 4 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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.

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 158, noes 262, not voting 11, as follows:

[Roll No. 505]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costello
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gibson
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Higgins
Hinchey
Hochul
Holt
Honda
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley

Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—262

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Himes
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Sewell
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Garamendi
Grijalva
Hinojosa
Hirono
Jackson (IL)
Jackson Lee (TX)
McDermott
Richmond
Rooney
Speier
Stivers

□ 1352

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. ROONEY. Madam Chair, on rollcall No. 505, I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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.

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 189, noes 232, not voting 10, as follows:

[Roll No. 506]

AYES—189

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hanna
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reichert
Reyes
Richardson
Ros-Lehtinen
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—232

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—10

Garamendi
Hinojosa
Hirono
Jackson (IL)
Jackson Lee (TX)
McDermott
Richmond
Stivers
Tsongas
Waters

□ 1355

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. McDERMOTT. Mr. Chairman, on rollcall Nos. 504, 505, 506, I missed these rollcalls because I was giving Awards at the HIV AID convention to the Red Ribbon Awardees for UN AID.

Had I been present, I would have voted "yes" on all 3.

AMENDMENT NO. 6 OFFERED BY MR. HOLT

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey (Mr. HOLT) 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.

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 177, noes 247, not voting 7, as follows:

[Roll No. 507]

AYES—177

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gibson
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—247

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Rush
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—7

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers
Velázquez

□ 1359

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 158, noes 266, not voting 7, as follows:

[Roll No. 508]

AYES—158

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Conyers
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—266

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—7

Akin
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1403

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 8 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 275, not voting 6, as follows:

[Roll No. 509]

AYES—150

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Conyers
Cooper
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Speier
Stark
Thompson (CA)
Thompson (MS)
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—275

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hinojosa
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (OH)
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—6

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1407

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR. The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

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

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs. MILLER of Michigan) having assumed the chair, Mrs. EMERSON, 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. 6082) to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes, and, pursuant to House Resolution 738, she 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.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

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.

□ 1410

MOTION TO RECOMMIT

Ms. SLAUGHTER. Madam Speaker, I have a motion to recommit at the desk.

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

Ms. SLAUGHTER. In its present form, I am.

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

The Clerk read as follows:

Ms. Slaughter moves to recommit the bill H.R. 6082 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Add at the end the following:

SEC. ___. PROHIBITION ON ISSUANCE OF LEASES WITH RESPECT TO IRAN AND SYRIA.

No lease may be issued under this Act to any person (including any successor, assign, affiliate, member, or joint venturer with an ownership interest in any property or project any portion of which is owned by such person) that is in violation of—

(1) the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.); or

(2) the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (22 U.S.C. 2151 note).

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes.

Ms. SLAUGHTER. Madam Speaker, I rise to introduce a final amendment to today's bill.

The amendment is simple in its wording but powerful in its purpose. My amendment simply states that no company that violates the Iran Sanctions Act or the Syria Accountability Act will be allowed to profit from the oil leases in today's bill. The amendment will help to ensure that no company that helps to prop up these oppressive and destabilizing regimes can benefit from today's legislation.

Currently, the United States Government is imposing sanctions on 13 companies who maintain essential business dealings with Iran. In addition, the threat of sanctions is hanging over other companies that continue to do business there. In total, more than 16 oil companies remain ''active'' in Iran. These companies are defying the international community and helping to empower an Iranian regime that exports terrorism around the world, seeks nuclear weapons capability, and threatens the security of the entire Middle East—especially our ally and friend, Israel.

With the threat from Iran continuing to grow, it is vital that Congress respond with prudent and effective action. My amendment will help to isolate Iran, promote stability in the Middle East, and protect Israel.

With regard to Syria, existing sanctions are already helping increase the pressure on the murderous regime of President Assad. Thanks to the sanctions, Syrian oil production had dropped by 60,000 barrels per day by 2011 as companies cut ties with the government and exited the country. Despite this pressure, more action is needed, and my amendment will be a responsible next step to ensure that nothing in this bill will empower President Assad's continued war against the Syrian people.

Madam Speaker, for the last 2 years, we have put the needs of special interests, especially Big Oil, before the needs of our country, our people, and our allies. Over the last 2 years, the majority has voted more than 140 times to benefit Big Oil, and today should not be another one. Instead of passing the bill to create jobs, we've proposed yet another bill to serve Big Oil interests.

If we're going to move forward with such a giveaway, it is vital that they ensure that no profit derived from today's legislation goes to prop up nations who would harm our national security interests or those of our ally, Israel. It is up to this Congress on both sides of this aisle: Will we sacrifice the interests of Israel and the Syrian people by passing legislation that could benefit two of the most oppressive and destabilizing regimes in the world, or are we going to stand with our friend and ally, Israel, and protect the people of Syria?

With both the Iranian and Syrian regimes threatening our allies and thousands of innocent people in the Middle East, I believe it's high time the United States Congress moves to further protect Israel and the people of Syria.

Once again, if my amendment is adopted, the House will proceed to final passage of the bill. I urge all of my colleagues to support this important amendment today—and it is an important amendment—and put our national interests before the wishes of Big Oil.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I rise in opposition to the motion to recommit.

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

Mr. HASTINGS of Washington. Madam Speaker, this is not a foreign policy bill. This is a bill about American jobs and American energy. And these subjects that are brought up in this motion to recommit are covered in other areas, as they should be. For example, the Iranian issue is covered in standalone bills, as it properly should be. But this continues to be an attempt of the other side to change the subject away from American energy and American jobs.

The President is talking about American energy, and I have said on a number of occasions that the President likes to give speeches, but virtually every time when he does on offshore energy, his actions are 180 degrees from his rhetoric. So this bill that we have under consideration today, H.R. 6082, challenges the President to live up to his rhetoric.

In his speeches, the President says, ''Yes, we can,'' ''hope and change,'' ''move forward,'' ''believe in America.'' Well, to those who say that the House and the Senate should not act on a 60-day review of the President's plan, I say, ''Yes, we can.''

□ 1420

Let's just not hope for better, let's move the country forward. Let's change President Obama's plan to a real pro-energy, pro-jobs offshore plan that truly believes in America. Oppose this motion to recommit, vote for the bill, and vote against the suspension.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered.

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.

Ms. SLAUGHTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 6082, if ordered; and suspension of the rules and passage of H.R. 6168 and H.R. 459.

The vote was taken by electronic device, and there were—yeas 179, nays 240, not voting 12, as follows:

[Roll No. 510]

YEAS—179

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Cooper
Costa
Courtney
Crowley
Cuellar
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—240

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—12

Conyers
Costello
Critz
Cummings
Dingell
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
McCarthy (NY)
Richmond
Stivers

□ 1436

So the motion to recommit was rejected.

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. MARKEY. Madam 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 253, noes 170, not voting 8, as follows:

[Roll No. 511]

AYES—253

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Coble
Coffman (CO)
Cole
Conaway
Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Loebsack
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOES—170

Ackerman
Andrews
Baldwin
Barber
Bass (CA)
Bass (NH)
Becerra
Berkley
Berman
Bilbray
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Frelinghuysen
Fudge
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell

Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—8

Buerkle
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Sessions
Stivers

□ 1442

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PRESIDENT OBAMA'S PROPOSED 2012–2017 OFFSHORE DRILLING LEASE SALE PLAN ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6168) to direct the Secretary of the Interior to implement the Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012–2017) in accordance with the Outer Continental Shelf Lands Act and other applicable law, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 164, nays 261, not voting 6, as follows:

[Roll No. 512]

YEAS—164

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costello
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Rangel
Reyes
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NAYS—261

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Critz
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pallone
Pascrell
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—6

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1450

Messrs. HURT, BURTON of Indiana, and BARTLETT changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

FEDERAL RESERVE TRANSPARENCY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 459) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 327, nays 98, not voting 6, as follows:

[Roll No. 513]

YEAS—327

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carnahan

Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Farr
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinojosa
Hochul
Holden
Honda
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Quayle
Quigley
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ruppersberger
Ryan (WI)
Sanchez, Loretta
Scalise
Schiff
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sherman
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Tsongas
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Webster
Welch
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—98

Ackerman
Andrews
Bass (CA)
Becerra
Blumenauer
Bonamici
Brady (PA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carney
Carson (IN)
Castor (FL)
Chu
Cleaver
Clyburn
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis (IL)
DeGette
DeLauro
Deutch
Dicks
Dingell
Edwards
Ellison
Engel
Eshoo
Fattah
Frank (MA)
Fudge
Gonzalez
Gutierrez
Hanabusa
Hastings (FL)
Himes
Hinchey
Holt
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kind
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lowey
Maloney
Markey
Matsui
McCollum
McDermott
Meeks
Miller (NC)
Miller, George
Moore
Napolitano
Neal
Olver
Pallone
Pelosi
Peters
Price (NC)
Rangel
Reyes
Rothman (NJ)
Roybal-Allard
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schwartz
Serrano
Sewell
Shuler
Sires
Slaughter
Stark
Thompson (MS)
Towns
Turner (NY)
Van Hollen
Velázquez
Wasserman Schultz
Watt
Waxman
Wilson (FL)
Woolsey

NOT VOTING—6

Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Richmond
Stivers

□ 1458

Ms. CLARKE of New York changed her vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: ''A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.''.

A motion to reconsider was laid on the table.

Stated against:

Ms. WATERS. Mr. Speaker, during the vote for H.R. 459, the Federal Reserve Transparency Act, I voted ''yes'' for this legislation. This was not my intent. I intended to vote ''no.'' I strongly believe that the Federal Reserve should remain an independent central bank that is free from political influence; therefore, I would like the record to reflect that my vote in favor of this legislation was in error, and that I would have voted against it.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. WOODALL) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 25, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 25, 2012 at 11:33 a.m.:

That the Senate passed S. 2090.

Appointments:

State and Local Law Enforcement Congressional Badge of Bravery Board.

Federal Law Enforcement Congressional Badge of Bravery Board.

Public Safety Officer Medal of Valor Review Board.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 4078.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 738 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. 4078.

The Chair appoints the gentlewoman from Michigan (Mrs. MILLER) to preside over the Committee of the Whole.

□ 1500

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. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mrs. MILLER of Michigan 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.

General debate shall be confined to the bill and shall not exceed 2 hours equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary and the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentleman from Texas (Mr. SMITH), the gentleman from Michigan (Mr. CONYERS), the gentleman from California (Mr. ISSA), and the gentleman from Virginia (Mr. CONNOLLY) each will control 30 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Madam Chair, I yield myself 2 minutes.

Job creation is, rightfully, at the top of Americans' agenda. Americans know that as long as the unemployment rate stays high, wages are stagnant and more than 12.7 million Americans seek jobs they cannot find. More than 42 percent, or nearly 6 million, of those Americans have been unemployed for more than 6 months.

Madam Chair, the verdict is in: the President's stimulus plan has failed. While costing over $1 trillion and still counting, those jobs that were created were short, and they too are disappearing. Ultimately, small business will create the engine going forward.

Today's bill, in fact, is designed specifically to give confidence to America's business creators, ones that we have heard from on the committee for more than 18 months, the opportunity to take a breath, evaluate what is the lay of the land, and go forward with the business plan, no longer worrying that out of the blue will come major regulatory changes, ones that were unforeseen just a little while ago, that ultimately change their plans, change their ability to make a profit.

Whether it's the President's ACA or ObamaCare or smaller $100 million, $200 million, $1 billion new regulations, this uncertainty has put dollars on the sidelines. Today, through more than seven different elements of the titles of the bill, our effort will be to ensure that we do not propose without serious consideration new regulations.

The President himself, while producing more than 106 major rules costing more than $46 billion, has said, We may be overregulated. His own chief spokesperson, Mr. Sunstein, has said that, in fact, regulations can cost jobs.

So, Madam Chairwoman, it is extremely important that we understand that we must have regulatory certainty, something we will only have by the passage of today's bill.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Madam Chairman, I yield myself such time as I may consume.

Whether serving as a staff member on the Senate Foreign Relations Committee years ago or as chairman of the Board of Supervisors in Fairfax County or now, as a Member of Congress, a constant principle of my own public service career has been a deep suspicion of political legislation that employs arbitrary across-the-board mechanisms that make for good talking points but terrible policy. Such messaging bills make a mockery of the legislative process, and, unfortunately, H.R. 4078 is just such a bill.

To understand the absurdity of this bill, consider the proposal to ban any new regulations based on the Nation's unemployment rate. Actually with the typo in the bill, it's the ''employment'' rate. But for starters, there is little or no evidence correlating regulation to private sector hiring. However, there is considerable evidence showing that blocking important health and safety regulations will have a negative effect on all seniors, children, veterans, consumers—not to mention the private sector itself.

As written, the legislation prohibits any new regulatory actions until the ''employment'' rate falls to 6 percent, meaning unemployment would have to reach 94 percent before agencies could issue new regulations. The effect of that language, coming from a crowd that was just a few years ago talking about ''read the bill,'' means we would never update Medicare payment rates for doctors, bank lending protections for families, or food safety protections for consumers. No doubt, our Republican colleagues intended for this moratorium to apply until ''unemployment'' falls to 6 percent, which would still block regulation for the foreseeable future.

What is absurd about their premise is that the Department of Labor, for example, would be able to update the exposure safety standards to adequately protect the health of workers exposed to beryllium, a toxic substance linked to lung cancer and other chronic and fatal diseases, based on a 0.1 percent swing in the unemployment rate.

The same would be true for implementation of the Veterans' Benefits Act, bipartisan legislation that passed in the last Congress with no opposition. Under this bill, when the unemployment rate is 6 percent, the Department of Veterans Affairs would be able to take ''significant regulatory action,'' meaning implementation of the enhanced disability compensation benefits provisions for veterans experiencing difficulty using prostheses, for example, after the loss of limbs, or veterans in need of extensive care because of post-traumatic stress syndrome. However, if the unemployment rate is 0.1 percent higher, just 6.1 percent instead of 6 percent, H.R. 4078—the bill we're debating right now—would prohibit the Veterans Administration from improving care for those veterans.

Think about that: in voting for this bill, Members are endorsing a world view that a 0.1 percent swing in unemployment ought to determine whether the Federal Government can issue rules that benefit veterans with catastrophic injuries, updating Medicare payments for doctors, assisting students with loan debt, or providing families peace of mind that the peanut butter in their pantry will not poison their children. Any law that results in such absurd outcomes is deeply flawed and misguided far beyond the typo. In fact, the bill, as written, would even prevent those rules that would save money from being implemented.

Whether one advocates for smart regulation or passionately hates all regulations, surely we can all agree that the bizarre, capricious, and unjust outcomes that H.R. 4078—this bill—would lead to are the hallmarks of careless policy based on ideology, not on good public policy, not on good governance. Indeed, as former Republican Congressman Sherwood Boehlert of New York stated in a recent op-ed piece in The New York Times, I believe, on H.R. 4078, he said, it is ''difficult to exaggerate the sweep and destructiveness of the House bill.'' That was from a Republican former colleague in this body.

I would remind my Republican colleagues that one of the first executive orders issued by President Obama requires agencies to ensure that their regulations are, indeed, cost-effective. Of course that doesn't fit their narrative. Neither does it fit the fact that the Obama administration has actually issued fewer final rule regulations than the Bush administration did in its first term.

I urge my colleagues to join me in restoring sanity to the policymaking process in this House by opposing this extreme measure.

I reserve the balance of my time.

Mr. ISSA. Madam Chair, I trust the gentleman from Virginia is well aware that the typographical error in the bill under consideration was, in fact, a mistake done by professional staff. And although unanimous consents are not permitted in the Committee of the Whole, I would ask the gentleman from Virginia if he would be willing—or let me rephrase that—if he would not object to a unanimous consent in the House to make a correction in what was clearly a typographical error made by nonpartisan professional staff at the Leg Counsel's office.

Mr. CONNOLLY of Virginia. Is the gentleman yielding to me for an answer?

Mr. ISSA. Yes, I am.

Mr. CONNOLLY of Virginia. Madam Chairman, this Member will reserve the right to object at the appropriate time.

Mr. ISSA. Reclaiming my time, nothing could be more insincere than to pick on professional staff on a typographical error.

If we have to go to the Rules Committee, I guess we will. But I am really sorry to see that kind of an attitude on what the gentleman and all of us know was simply a typographical error.

□ 1510

With that, I yield 5 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. CONNOLLY of Virginia. Madam Chairman, matter of personal privilege.

Did this Member hear the chairman, the distinguished chairman of the Oversight and Government Reform Committee, characterize a Member as insincere?

The CHAIR. The Chair cannot interpret as a matter of personal privilege remarks that were made in debate.

Mr. CONNOLLY of Virginia. I'm not asking for interpretation, Madam Chairman. I'm asking whether he in fact said it.

The CHAIR. That is a matter for debate between Members.

Mr. CONNOLLY of Virginia. I would ask the Chair to caution all Members about personal characterizations of Members on the floor of the House.

The CHAIR. The gentleman from California is recognized.

Mr. ISSA. I thank the Chair. I meant nothing other than I was shocked that the gentleman would say that he would reserve time on what was clearly a typographical error.

With that, I yield 5 minutes to the gentleman from Wisconsin (Mr. RIBBLE).

Mr. RIBBLE. Madam Chair, I rise today in support of this legislation which includes the Midnight Rule Relief Act that I authored earlier this year.

I would like to take just a moment as a former small business owner to talk a little bit about the impact of regulations because we will hear from our colleagues on the other side that there is no evidence that regulations affect hiring, it doesn't affect start-ups, that if we do these things that the whole environment is going to go down the hill, the whole country is going to end here because of the fact that the Federal Government can't control every minutia of our lives.

Now I would say this, Madam Chair, that I believe rather than a big government, I believe in a big, free individual. I think a little bit, as I tell my story today about my father who started our roofing company in 1958, there were fewer rules of the road then. There were rules of the road, for sure. There were certainly rules put in place. Since that time, there have been thousands and thousands and thousands. There has been a lot of discussion in this Chamber about the gap between the rich and the poor and how the middle class is getting squeezed. I just wonder if we ever think that the middle class is getting squeezed, but they're getting squeezed by their government. They're not getting squeezed by rich people; they're not getting squeezed out of it by opportunity. They're getting squeezed out of it by a government that no longer lets them pursue the American Dream. Sometimes I feel that the other side wants them to pursue their dream, that our government wants to dictate what the dream ought to be for American citizens.

My father had his own dream. He was a milkman in the 1950s after he came home from World War II as a U.S. marine. He had six sons and later adopted two girls. I'm the youngest of eight. There were many, many times in my life, when my father, as he tried to not just make a better dream for himself, not just to live out his hopes and dreams and aspirations, but to build a better future for me and my family, for my children and for my grandchildren as he started our family business. I wonder if today he could even do it. He had no money. He was delivering milk at the time, one of the lowest paid jobs out there at the time in 1956.

He put an ad in the paper and tried to find work, and he decided that he would go into the roofing business. And through pure grit and determination and hard work, he started his own company. He was able to do that because all of the barriers that had been put in place by this overreaching government weren't there. He had a customer of ours—his, actually, because I was just a child—tell him he ought to name the company Security Roofing because they felt secure in his hands. That customer was well aware of the fact that my father was providing a service for them that they were willing to transact money for. And it was a fair transaction of goods. And if my father had cheated them, his reputation would have went down, and he wouldn't have been able to sustain himself. He built his company on fairness. He built his company on honesty and integrity, and the government wasn't in the way.

And now today, imagine some unemployed worker thinking about starting his own landscaping business, his own roofing company, a young college graduate, a young woman who wants to be a beautician and start her own beauty shop. We have this complex maze of rules and regulations and licensures and all these things that we think have made life better, but have taken freedom and have crossed the American Dream.

That's what this bill is about. It's about for a moment in time, it's about incentivizing this government to remove the barriers and obstacles, to get them out of the way and say to the American people, there will be no more for a period of time until unemployment reaches this level, 6 percent. We're not taking away rules. We're just saying you can rely that there won't be new ones for a time.

Also, this bill will stop the President of the United States, both Republicans and Democrats, from doing a lame duck session, whether they have been fired or extended in their careers, to not promulgate a bunch of rules and regulations during a lame duck session. We've seen a massive increase of rules and regulations during that period of time—17 percent in the 3 months following an election where parties change hands.

The number of major rules issued during Bill Clinton's midnight period totaled 3½ times more than the average number issued during the same calendar period in the other years in President Clinton's second term. President Bush wasn't much better. His was 2½ times more.

So to solve this problem, this bill would simply say to the President of the United States, for 90 days you can't do it. I support this bill, Madam Chairman.

Mr. CONNOLLY of Virginia. Madam Chairman, I wish my friend's characterization of the bill were accurate; but, sadly, I think what this bill does is cripple the ability of the government to protect the American public across a broad swath of policy areas that certainly matter to the average American.

I am now pleased to yield 2 minutes to the gentlelady from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership.

Madam Chair, this is a terrible bill. This shortsighted legislation affects every corner of our government and keeps Federal agencies from issuing rules critical to our economy and health and safety of Americans. It sets a ridiculous arbitrary benchmark of a 6 percent unemployment rate before an agency can issue rules.

For example, I think it goes in the opposite direction of making the Securities and Exchange Commission more efficient and more effective for the American people. The bill could place extremely high procedural barriers in the agency's way as it seeks to enact all of the rules as directed in financial reform with a limited budget.

With this bill, my colleagues across the aisle seem to somehow believe that the final years of the prior administration were just a rousing success, that the near collapse of our financial system never happened, that the outrageous abuses that we saw in the mortgage lending industry never occurred, and that the abuses in consumer lending that the Federal Reserve labeled as unfair and deceptive were just business as usual. But we know that those things actually happened and that they crippled our economy.

It was in response to events of 2008 that we gave agencies like the SEC tools that they had been lacking to monitor the financial system and to protect our overall economy. And now, right in the middle of implementation of these critical reforms, my friends on the other side of the aisle want to forget that all of this happened and want to put barriers in front of implementing the reforms.

I believe that the language in this bill would basically cripple the SEC. Even as SEC budgets are being slashed, their bill requires the Commission to expend more in the way of resources on economic analysis and places additional procedural barriers in the Agency's way.

I urge a ''no'' vote on this bill. I urge everyone to vote ''no.'' It is a death knell of commonsense reform. It would stop reform.

□ 1520

Mr. ISSA. It is amazing that we are hearing that the world will come to an end if we slow down new regulations.

With that, I yield 2 minutes to the gentlelady from North Carolina (Ms. FOXX).

Ms. FOXX. Madam Chairman, I want to thank the gentleman from California for yielding time.

I rise today in support of the regulatory reform package before us today and in particular title IV of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act, which embodies my bill, H.R. 373, the Unfunded Mandates Information and Transparency Act.

My bill represents the first comprehensive reform modernizing the bipartisan Unfunded Mandates Reform Act since its inception in 1995. This bill is supported by State government advocates, including the National Council of State Legislatures, which, in a letter to Subcommittee Chairman Lankford, stated that:

> UMRA has enduring shortcomings that your amendment corrects. In particular, expanding the scope of reporting requirements to include new conditions of grant aid is essential. NCSL's members repeatedly point to this exclusion in the underlying statute as one of the law's major flaws.

This bill responds to those concerns by allowing a committee chairman or

ranking member to request that the Congressional Budget Office perform an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on any respective participating State, local or tribal government.

The purpose of this provision is to highlight costs the Federal Government is passing along to State and local governments that would otherwise remain hidden but are borne by taxpayers regardless of which governmental entity is taxing them. This provision represents just one of the many reasons I urge my colleagues to support this legislation.

Mr. CONNOLLY of Virginia. Madam Chairman, I yield 2 minutes to the gentleman from Missouri, my friend, Mr. CLAY.

Mr. CLAY. Madam Chair, I thank the gentleman for yielding.

The majority's plan to stop national safeguards will harm real Americans. Regulations affect real people, not just balance sheets. When we look at the cost of regulations, we have to examine more than cold dollar amounts. We also have to look at the benefits. We have to look at the real lives saved and at the real catastrophic injuries prevented. We have to look at the real American families who live healthier, happier, and safer lives because of Federal regulations, regulations that protect them in their homes, regulations that protect them at their jobs, and regulations that protect them in their communities, places of worship, the roads they drive on, the stores where they shop, the schools where their children learn, and the parks where they play.

The majority's plan will have real negative consequences on the economy and on the health and safety of all Americans, especially those among us who need the most help. The majority's plan would prevent HUD from updating their housing subsidy rates, and more families would be without a place to live. Worker safety will be jeopardized because the majority's plan would block workplace regulations. Children will be put at greater risk because the majority's plan would prevent the Federal Government from protecting them.

Madam Chair, we need to work together to create jobs and protect American families, and we don't have to choose between the two.

Mr. ISSA. I trust the gentleman from Missouri is aware that last year, out of over 3,000 regulations coming out of the administration, no more than 66 would have even qualified for this moratorium.

With that, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chairman, I rise today in strong support for H.R. 4078, the Regulatory Freeze for Jobs Act.

I applaud the work of my colleagues to combat the growing stranglehold that needless government regulation is having on job creation and on economic growth. Today's bill will put an end to the ''regulate first'' attitude that pervades the Obama administration.

Contrary to popular belief, this legislation does not prohibit regulators from moving forward with new regulations, but it does require a Presidential or congressional waiver to do so. This simple, prudent check on the power of bureaucrats will ensure that regulations must be justified before they are enacted and that less burdensome alternatives are considered first.

Beyond just slowing the pace of regulations, H.R. 4078 also contains language that will substantially reform the way two of our independent agencies develop rules for financial institutions. I am pleased that the Red Tape Reduction and Regulatory Reform Act would finally require the Commodity Futures Trading Commission to perform a comprehensive cost-benefit analysis for each rule that they propose.

One of the most important steps in any regulatory process must be an effort to accurately quantify the costs and the benefits of a proposed action. This is the foundation of good rulemaking. Despite this, the CFTC has consistently stated that their obligation under the law is to only ''consider'' the cost and benefits of proposals. I believe that we can do better, and they must do better. Today's legislation is simple and straightforward. It would extend the same requirements for cost-benefit analysis to the CFTC that the President has already asked every other executive branch agency to fall under.

During the Dodd-Frank rulemaking process, the CFTC has rarely tried to estimate the cost of compliance. At times, ''consideration'' included vague statements like ''the costs could be significant.'' At other times, costs were dramatically underestimated. In one particular instance, industry groups calculated that the cost of compliance with a proposed rule was 63 times greater than the CFTC's guess.

Accurately assessing compliance costs is one-half of the equation. The other half, of equal importance, is capturing the benefits of a new rule. Regulators must quantify what good the rule does. It is not simply good enough to regulate because the authority exists. There must also be tangible benefits for market participants that outweigh the costs of the imposed rules.

Requiring cost-benefit analysis is a bipartisan step toward better governance. Exact language now contained in H.R. 4078 passed out of the Agriculture Committee unanimously in January. Last year, President Obama was right to demand that the executive agencies be held to a higher standard of analysis. Today, there's no reason why we should not require the same from the CFTC.

H.R. 4078 will strengthen the rulemaking process at CFTC and it will result in better rules and a safer marketplace. This small mandate on the economists and lawyers at the CFTC will ensure that the burdens placed on large businesses and small are justified in the real world, not just in the pages of the Federal Register.

It's also important to note that the bill is prospective—it will not hinder or delay the current proposed rules already making their way through the process. As well, title VII of H.R. 4078 is consistent and complementary to previously House-passed cost-benefit analysis.

I urge my colleagues to support passage of H.R. 4078.

Mr. CUMMINGS. Madam Chair, may I inquire how much time remains on each side?

The CHAIR. The gentleman from Maryland has 22 minutes remaining. The gentleman from California has 17 minutes remaining.

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

I rise in strong opposition to this dangerous and extreme piece of legislation. This bill would prevent federal agencies from issuing regulations that protect the health and safety of all Americans. Do not be fooled. This bill will not create jobs, and this bill will not make the government better. This bill is intended to stop the Federal Government from issuing regulations until the unemployment rate reaches 6 percent or less.

The standard is indeed arbitrary, and it absolutely makes no sense. But the bill itself is so poorly drafted that, in fact, the moratorium would be in effect until unemployment actually reaches 94 percent. The bill accidentally refers to the ''employment'' rate instead of the ''unemployment'' rate.

Even if this bill were drafted properly, it would be extremely misguided. For example, the Food and Drug Administration would be prevented from issuing a rule ensuring that infant formula is safe for babies to drink. Why should the safety of baby formula depend on the national unemployment rate? Of course, it should not. But the FDA would be banned from issuing a rule it now is considering to protect babies like 10-day-old Avery Cornett, who died last year after he drank infant formula contaminated with a dangerous bacteria.

I offered an amendment to this bill that would have allowed agencies to protect the health and safety of children, but the House Republicans refused to allow it.

□ 1530

Under this bill, the Department of Health and Human Services would be blocked from issuing routine updates to payment rates for doctors who treat seniors under the Medicare program. This would result in hospitals having to lay off workers—not creating jobs.

I offered an amendment that would have allowed the Department to protect the health and safety of seniors.

The House Republicans refused to allow that one, too.

Under this bill, the Department of Defense and the Department of Veterans Affairs would be blocked from issuing regulations to protect the health and safety of our troops serving overseas and our Nation's veterans. For example, the VA could be blocked from issuing a rule it is now considering to help veterans suffering from traumatic brain injuries. And we have seen so much pain with regard to our veterans.

When we considered this bill during the Oversight Committee's markup, Congressman YARMUTH offered an amendment to allow the VA to protect the health and safety of veterans. This amendment was adopted on a bipartisan vote. Even our chairman, Mr. ISSA, supported it in committee, yet mysteriously it was stripped from the bill before it came to the floor. Representative YARMUTH tried to offer that same amendment at the Rules Committee, but the House Republicans refused to allow it.

The House Republicans have refused to allow debate on amendments to protect children, to protect seniors, and to protect our Nation's servicemembers and veterans. They even removed the language that was adopted on a bipartisan basis.

This bill is based on a false premise. The proponents argue that regulations kill jobs. This myth has been widely discredited by economists on both sides of the aisle.

Congress should be taking a balanced approach to reviewing regulations, just as President Obama has done. The President has focused on helping small businesses by identifying regulations that are inefficient and unnecessarily burdensome. The bill takes the opposite approach by freezing all significant regulations regardless of how critical they are to the health and safety of our people.

Former Congressman Sherwood Boehlert, a Republican, wrote an op-ed last week, titled, ''GOP Right Wing Is Serious About Disabling Government.'' Congressman Boehlert cut right to the heart of the bill. Keep in mind, this is one of our Republican colleagues, former colleagues. Here's what he wrote:

> If one wants to fully appreciate the stranglehold the right wing has on the Republican congressional agenda and its intended dangers, one need look no further than the bill the House plans to consider next week—talking about this bill—which would shut down the entire regulatory system.

I wish that that description was hyperbole, but sadly it is not. Indeed, it would be difficult to exaggerate the sweeping destructiveness of this House bill.

I agree with Congressman Boehlert; this is an extremely irresponsible bill. I urge all our Members to vote against it, and I reserve the balance of my time.

Mr. ISSA. There you go again. We're shutting down the entire regulatory system because 66 out of 3,000 regulations would be affected by this bill before us today. In just last year, 66 out of 3,000, that's shutting it down.

With that, I yield 2 minutes to the distinguished gentleman from Texas (Mr. HALL).

Mr. HALL. Madam Speaker, I, of course, rise in support of H.R. 4078, the Regulatory Freeze for Job Acts of 2012, which seeks to eliminate needless red tape and puts Americans back to work. I also thank and am proud of DARRELL ISSA and LAMAR SMITH for the handling of this bill.

The Committee on Science, Space, and Technology has explored regulatory hurdles being put up by a number of agencies, and we've seen a massive expansion of red tape under this administration. Much of it has come from the Environmental Protection Agency, where too many of the environmental regulations put forward have been based on secret science, hidden data, and predetermined outcomes—and some just outright phony.

EPA appears to be hostile toward economic growth and job creation. For example, EPA's Cross-State Air Pollution Rule added Texas in at the last minute and threatened hundreds of jobs in my district and electric reliability across my State.

One amendment to be offered to H.R. 4078, while well-intentioned, may have the unintended effect of driving agencies to make policy decisions without considering scientific information.

While science almost never provides one specific answer to a policy decision, sound science should be used to inform the ultimate decision-maker. Science can tell you how the world is, not how the world should be.

Eliminating other considerations, whether they be moral or ethical, leaves some scientists and unelected bureaucrats in charge.

At a time, Madam Speaker, when many American families are struggling, H.R. 4078 eliminates red tape, reduces costs, and improves the environment for small businesses and job creators by getting Washington out of the way.

Mr. CUMMINGS. Madam Speaker, I yield 3½ minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman. I thank him for his great work on this bill.

Despite the best efforts of Republicans in Congress, our Nation has actually made significant progress over the last several years protecting the health and the well-being of Americans.

Democrats have passed legislation ensuring that Wall Street plays by the rules. They can't continue to turn it into a casino where the rich clean up on the way up and the poor get cleaned out on the way down.

Democrats modernized food safety laws so that Americans can feel secure in the knowledge that the food we put on the dinner table won't make our families sick.

Democrats passed legislation to protect the privacy of Americans' sensitive health information.

But all of these laws are still in the process of being implemented. That's what's bothering the Republicans here today and all of their supporters across the country. They cannot go fully into effect to work for the American people until those regulations are finalized. Republicans are determined to keep these vital health, safety, and consumer protections from reaching the finish line to offer protection for ordinary families.

GOP used to stand for ''Grand Old Party.'' Now GOP stands for ''Gut Our Protections.''

I released a report today, called, ''Protection Rejection: GOP Abandons Consumer, Health, and Safety Measures''—across the board. It describes the safeguards that would be jeopardized under this misguided legislation.

If you're a wounded veteran needing home care, it will be harder for your family to take time off work to care for you. Family members were going—finally—to be able to take up to 26 weeks of job-protected leave to care for a wounded veteran back from Iraq and Afghanistan, but the implementation of this new law will be stopped cold by this coldhearted Republican bill.

The bill prevents new fuel economy standards, increasing our dangerous dependence on foreign oil, forcing families to pay more at the pump, rather than a law that backs out 4.3 million barrels of oil a day from OPEC, telling them that we don't need their oil any more than we need their sand. They're saying stop those regulations from going into effect.

And as we approach the 2-year anniversary of the worst environmental disaster in the history of our country, the BP oil spill, this misguided Republican bill would stop new safety standards for the blowout preventers on drilling rigs that could prevent future spills. This makes no sense. The safety of the American people should be put above the special interests that want to stop all of these regulations.

The Republicans say this is about cutting red tape, but it's really nothing more than a red herring, a desperate attempt to distract from the GOP's abject failure to spur job creation in this country. There are so many red herrings out here we might as well put an aquarium here to deal with all of them that the Republican Party is throwing out here on this bill.

We must not allow this Republican regulatory freeze bill to set consumer protections back to the ice age. There's simply too much progress at stake.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman 1 additional minute.

Mr. MARKEY. Hundreds of regulations are going to be taken off the books right now. And over the life of this bill, thousands of regulations that would have protected the health, the

safety, the consumer interests across our country will be wiped off the books.

□ 1540

This is a wholesale destruction of the protections that ordinary people need against wealthy corporations taking advantage of them in their homes, in their neighborhoods. And so, ladies and gentlemen, there has not been a more important bill that comes out this year of this Congress onto the House floor.

All of you have access to this report I'm putting out here today, ''Protection Rejection: GOP Abandons Consumer Health and Safety Measures.'' It's on my Web site. If you want to understand the full damage that's going to be done across all of these areas, from Dodd-Frank to health care, to food safety, to privacy protections for families across our country, vote ''no'' on this bill.

Mr. ISSA. Madam Chair, it is now my honor to yield 2 minutes to the distinguished gentleman from Oklahoma, (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, apparently the other side assumes most Americans are corrupt; they're corrupt people who cannot be trusted, and they must be babysat at each moment. Company leaders, company owners, many company employees, city and State leaders have to be supervised at every single moment, because if we don't have a Federal bureaucrat standing over the top of them, goodness knows what they'll do.

Well, I happen to trust the American people. The people that I live around and that I work around and that I meet as Americans are great people who drink that water, who eat that food, who interact with their neighbors in an honorable way. And when someone violates and does something criminal, they should be treated in a criminal way.

Most Americans are greathearted people that just want to do what's right, and they're just trying to figure out every day what the Federal Government is doing to them, rather than what the Federal Government is doing for them.

This bill begins to deal with limiting the regulations so each and every day Americans don't have to wake up and worry about what the Federal Government did to them last night while they were sleeping.

Let me give you an example of that. In Oklahoma, we're asking the question, What authority does a special interest group have over our State government?

In January of 2009, several environmental groups sued the EPA to force them to review the regional haze standards. The EPA had wide latitude in its response, but it chose to settle with the environmental groups in a private agreement, just the environmental groups and some individuals from the EPA. That private agreement created a way for the Federal Government to take from the States the right to enforce regional haze requirements. The original law clearly gave the authority to the States, not the EPA and the Federal Government to realize regional haze.

Let me give you an example. This is in my own State in Oklahoma. Regional haze is not a health issue. It is not a health issue. The way the law is written, it's only a visibility issue. It has nothing to do with health issues. So our own State has a State implementation plan.

On one side of this is the picture of our State implementation plan, what it would look like with our restrictions. The other side is the Federal implementation plan, well over $1 billion additional in costs.

No one could step up here with confidence and tell me which one's which.

The CHAIR. The time of the gentleman has expired.

Mr. ISSA. Madam Chair, I yield the gentleman an additional 30 seconds.

Mr. LANKFORD. This is what happens when the EPA makes a private agreement, overshoots a State agreement, and says we're going to go in and step in and take over: over $1 billion of additional costs to the ratepayers in Oklahoma, with no difference in the two, other than who controls it.

This is an issue where there is no public-comment period, no stakeholder involvement, nothing. It is time to resolve how we do our regulations and to make sure stakeholders that are affected are also at the table helping make the decisions on how things will be affected for the good of our country as a whole.

Mr. CUMMINGS. Madam Chair, I yield 3 minutes to the gentleman from Massachusetts (Mr. FRANK), the ranking member of the Financial Services Committee.

Mr. FRANK of Massachusetts. Madam Chair, this is an example of the Republican majority's taste for legislative exotica.

We have a very strange bill that no one expects to go anywhere. They do expect to make some people happy by pretending that they're going to be making oil here. This is in lieu of real legislation.

This is the group that could not have this House pass a transportation bill. The House passed the transportation bill by a legislative maneuver of the kind they used to denounce. It was made part of an overall omnibus package. There was never any chance to amend it, and it came out of a conference committee.

This is a group that can't pass an agriculture bill. We face problems in the agricultural area; and because they are so split over what to do, that committee's brought out a bill, and it's not coming forward. They are unable to do the regular legislative business, so we get this.

Now, what this says is that no rules that have been promulgated of any significance are going to be going forward.

I will not debate the gentleman from Oklahoma about haze. I am no expert about it. But that's the problem. This is not a bill that deals with rules in one area and one area of expertise. It does everything. So let me talk about one area I am familiar with.

The gentleman from Oklahoma says we're saying that you need a Federal regulator looking over the shoulders of every American. No, not every American; but I'm close to thinking of every American who runs a large financial institution, yeah. Of the people who lied about Libor, of the people at Capitol One who cheated consumers.

Now, I am glad we have a consumer bureau that stepped in to protect the Americans there. It's not every American who's corrupt; it is too many in the financial area.

We passed financial reform. I know some of the Republicans don't like it. I read in the paper today, well, Mr. Romney says he's going to repeal it, but the House Republicans say, oh, no, we can't. So instead of repealing it in a head-on way or amending it in a head-on way, they want to stop the rules.

What this bill would do, if it ever became law, would be to say ''no'' to the Volcker rule. No, let's not differentiate as to what kind of activities are legitimate for a bank to do or not. If an American bank that's got deposit insurance wants to speculate and lose billions of dollars in derivative trades, let them be.

This bill will stop us in a number of other areas with regard to derivatives, speculation where we want to put limits on what the nonusers of oil can buy so we can drive up the price.

The notion that the American people are crying out for an end to regulation is not congruent with anything I have read or heard about the financial area. And I am on the Financial Services Committee. I've worked on that.

This bill would fully apply here. It would prevent us from going forward with any of the pending rules in the financial reform bill.

Now, they've taken awhile. They're complicated. Many of them are done. Most of them will be done soon. This is an effort to re-deregulate derivatives, re-deregulate financial irresponsibility without standing up and saying so.

The CHAIR. The time of the gentleman has expired.

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

Mr. FRANK of Massachusetts. I thank the gentleman.

This is an effort to do re-deregulation by stealth. If they don't want to regulate derivatives, if they think speculation's a good thing, then let's bring up a bill. After all, this isn't the agriculture bill. You don't have to be afraid of splitting your membership by trying to do it.

This ought to be straightforward. Instead, they want to do it by stealth. They want to end our effort to bring regulation to the financial industry.

And, yes, I would say to the gentleman from Oklahoma, when it comes

to the people who have been running the large financial institutions, we do need more regulation, not less; and I believe the American people understand that and do not want to see the people who brought this terrible recession of 2008 from that financial irresponsibility set free of any restraint.

Mr. ISSA. Madam Chair, pursuant to the unanimous consent made in the House, I will insert the staff report from the Committee on Oversight and Government Reform entitled, ''Continued Oversight of Regulatory Impediment to Job Creation,'' the result of over 30 separate field hearings and hearings by the committee, and the work of countless hundreds of job creators around the country who have participated.

HOUSE OF REPRESENTATIVES

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

DARRELL ISSA (CA–49), *Chairman*

STAFF REPORT

July 19, 2012

CONTINUING OVERSIGHT OF REGULATORY IMPEDIMENTS TO JOB CREATION: JOB CREATORS STILL BURIED BY RED TAPE

SUMMARY

Rules and red tape imposed by the federal government choke economic expansion and job growth, according to job creators themselves. Despite hearing this message loud and clear, regulations implemented during the Obama Administration have moved aggressively in the opposite direction—the regulatory state continues to grow, adding billions of dollars in compliance costs to businesses and job creators. These costs will ultimately be paid by consumers.

Although Obama Administration officials frequently proclaim it has issued fewer regulations than its predecessors, analysis by the Committee on Oversight and Government Reform reaches a far different conclusion: the Obama Administration has issued far more of the most expensive group of regulations with a higher overall economic cost.

The aggressive march of the regulatory state has been the subject of an ongoing, multiyear examination by the Committee. This staff report expands on earlier Committee work and documents how the regulatory state is proliferating with dire consequences for the economy, and how federal regulations continue to impede job growth and business expansion.

From 2010 to 2011, the number of final rules issued by federal agencies rose from 3,573 to 3,807—a 6.5 percent increase. During that same time frame, the number of proposed rules that will be finalized increased 18.8 percent. The published regulatory burden for 2012 could exceed $105 billion, according to the American Action Forum, headed by a former director of the Congressional Budget Office. Since January 1, the federal government has imposed $56.6 billion in compliance costs and more than 114 million annual paperwork burden hours.

Beyond this ''routine'' rulemaking, the number of rules with significant costs is on the rise. Analysis from the Heritage Foundation indicates that the Obama Administration issued 106 new rules in its first three years that collectively cost taxpayers more than $46 billion annually—four times the number of ''major'' regulations and five times the cost of rules issued in the prior administration's first three years.

Workers and job creators confirm that the oppressive regulatory red tape environment continues to hinder improvement. A recent Gallup poll found that nearly half of small businesses are not hiring because they are worried about new government regulations. Forty-four percent of likely voters say they believe regulations from the Environmental Protection Agency (EPA) hurt the economy.

Research conducted by The Winston Group found that 53 percent of voters say federal regulations are one of the major reasons the economy is struggling; 59 percent think that cutting regulations is vital to improving the economy, and 52 percent indicate that stopping new regulations would free employers to begin hiring. According to the National Federation of Independent Business, the issue of regulation and red tape is one of the single most important problems for small businesses.

These views are held not just by poll respondents or business group members—senior Obama Administration officials have spoken out on the need to actively address regulatory impacts on job creation and economic growth.

The White House has praised the Committee for pointing out deficiencies in its approach to regulations. Office of Information and Regulatory Affairs (OIRA) Administrator Cass Sunstein said ''I'm especially grateful to you Mr. Chairman and to the committee as a whole for its constructive and important work on this issue over the past months. It's very significant to try to get regulation in a place where it's helpful to the economic recovery.''

The OIRA Administrator has also said that expensive regulations can ''increase prices, reduce wages, and increase unemployment (and hence poverty).''

OIRA's 2012 Draft Report to Congress on Federal Regulations concedes that ''regulations . . . can place undue burdens on companies, consumers, and workers, and may cause growth and overall productivity to slow.'' It also notes that ''evidence suggests that domestic environmental regulation has led some U.S. based multinationals to invest in other nations (especially in the domain of manufacturing), and in that sense, such regulation may have an adverse effect on domestic growth.''

Finally, OIRA agrees that ''regulations can also impose significant costs on businesses, potentially damaging economic competition and capital investment,'' if not carefully designed.

This staff report examines three types of regulations (energy and environmental, labor, and financial services), and looks at both current and new/proposed rules, their costs and impacts on job creators. It concludes that until the government addresses the overwhelming cost, scope and impact of the ever-expanding regulatory state, it is not in a position to aid job creators and spur economic recovery. Moreover, the staff report suggests that until these regulations are addressed, high unemployment and slow economic growth will persist.

KEY FINDINGS

From 2010 to 2011, the number of final rules issued by federal agencies rose from 3,573 to 3,807—a 6.5 percent increase. During that same time frame, the number of proposed rules increased 18.8 percent.

The published regulatory burden for 2012 could exceed $105 billion, according to the American Action Forum, headed by a former director of the Congressional Budget Office.

Analysis from the Heritage Foundation indicates that the Obama Administration issued 106 new rules in its first three years that collectively cost taxpayers more than $46 billion annually—four times the number of ''major'' regulations and five times the cost of rules issued in the prior administration's first three years.

In the past decade, the number of economically significant rules in the pipeline—those that could cost $100 million or more annually—has increased by more than 137 percent.

Over 40 EPA regulations cited by job creators as barriers to growth and expansion in the Committee's February 2011 staff report remain a problem.

The Boiler Maximum Achievable Control Technology (MACT) rule proposed in 2010 will cost job creators up to $15 billion in regulatory compliance costs. A similar ''Utility'' MACT rule would cost providers $9.6 billion annually and result in the shutdown of 25 percent of U.S. power generating units.

EPA's proposal to regulate coal combustion residuals (''coal ash'') usurps states' previous role and exerts unprecedented federal control over the utility industry. More than half of the complaints received from business and industry groups expressed concern last year, while half of the complaints are new. Compliance costs range from $78–110 billion over the next 20 years while job loss estimates range from 39,000, under a low estimate, to 316,000, under a high estimate.

EPA's E15 ethanol rule ''places consumers and vehicle manufacturers at significant risk'' but is proceeding despite these concerns. EPA estimates industry compliance at $3.64 million per year but also notes that half of existing retail outlets are incompatible with the fuel, and would need to purchase and install new equipment.

Proposed fuel economy standards will increase the cost of new vehicles by at least $4,000 per vehicle while delivering less than half that amount in fuel savings and could result in the loss of as many as 220,000 automotive jobs.

Tier 3 gasoline standards proposed by EPA would impose a total economic cost of approximately $8 billion on the industry and raise the cost of gasoline by six to nine cents per gallon for consumers.

Rules attributed to the Dodd-Frank Act will grow from 36 implemented today to roughly 400 required under the act. Rules governing ''conflict minerals'' such as gold, tin, tantalum and tungsten will cost the industry $71 million per year and impact as many as 5,000 companies. The National Association of Manufacturers estimates true compliance costs for the rule to be $9–16 billion.

A U.S. Chamber of Commerce/Business Roundtable survey notes that those impacted by a proposed ''end user'' rule effecting derivatives would have to sideline up to $6.7 billion in working capital and cost 100,000 jobs.

The National Labor Relations Board's ''notice posting rule'' promoting unionization in the workplace will cost employers an estimated $386.4 million and in the words of one industry organization, ''could set a disturbing precedent and chill job creation.''

The Committee is publishing this staff report to tell the American people directly what job creators say is the true cost and impact of the Obama Administration's regulatory agenda.

For additional information please visit: http://oversight.house.gov/wp-content/uploads/2012/07/staff-Report-FINAL.pdf.

I yield 2 minutes to the gentlewoman from New York (Ms. BUERKLE).

Ms. BUERKLE. Madam Chair, I stand here today in strong support of H.R. 4078, the Red Tape Reduction and Small Business Creation Act, which takes important steps and strides to provide our businesses and our small businesses throughout this country with some certainty, the certainty that they so desperately need.

Every time I'm home in my district, I hear from my constituents, my small business owners. They want to know when is this deluge of regulations out of Washington going to end. And that's what this bill addresses today.

□ 1550

It's such a harsh reminder that this administration's policies are not working.

Rather than looking ahead, our small businesses and our job creators are ducking and hiding behind the myriad, the deluge of mandates and regulations that so restrict their growth. This uncertainty that these regulations create is the enemy of growth, and it's why our economy does not move forward, and it's why it is so stagnant.

This year, the Federal Register has reached nearly 42,000 pages with regulations that cost our American businesses $56.6 billion and that result in 114 million hours of paperwork. That's why our economy is not growing. They cannot even deal with the deluge of regulations coming out of Washington.

Why should an owner of a supermarket in upstate New York spend his time dealing with the 15,000 pages of regulations from the Affordable Care Act rather than paying attention to the inventory in his grocery store?

Simply put, Madam Chair, Washington's attitude toward the private sector is discouraging. It's time for Congress to reverse the trend and to let America's job creators know that we stand beside them rather than in front of them, blocking their progress and their growth.

Mr. CUMMINGS. Madam Chair, I yield 3 minutes to the distinguished ranking member of the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Chair, I rise in opposition to this bill.

All year, the House Republicans have brought extreme bills to this floor to repeal commonsense safeguards. In fact, we have voted over 280 times this Congress to repeal or undermine landmark environmental laws like the Clean Air Act and the Clean Water Act. That's not what the American people want.

The legislation we are debating today takes this assault to a new level. It halts virtually all regulation until unemployment drops below 6 percent. I don't see it. We are going to have an unprecedented attack on critical public health, safety and economic protections? We are going to let the marketplace solve all problems?

This bill would undermine Medicare by preventing the issuance of updated reimbursement rates and by denying hospitals and clinics hundreds of millions of dollars in Medicare payments—because these are regulations as well. It would jeopardize the food supply by blocking produce safety rules that would prevent contaminated food from showing up on our local grocery store shelves. It would stop broadly supported tailpipe rules for cars and trucks that will save consumers money, slash pollution, and cut our dependence on oil. It would block rules to ensure health care quality and raise the bar for provider performance.

According to the Congressional Budget Office, this legislation could even delay incentive auctions of spectrum by the FCC. These auctions would raise billions of dollars to build out the public safety communications system. This is a clear example of how this bill will kill jobs, not create them, and increase, not reduce, the deficit.

Madam Chair, a lot of regulations are important and a lot of regulations create jobs, but we hear over and over again, Oh, we can't burden the job creators with regulations. When we put regulations in place, it's for a reason. There is a reason that we ought to let the regulations go forward and not stop them all as this bill would do. The reasons are to protect public health and safety. The reasons are to have a Medicare system that is up to date. The reasons are to make sure that our financial institutions have rules that apply to them and that we don't let them make the decisions on their own. They may be job creators, but they were job destroyers in 2008.

Republicans say they want to cut red tape, but this legislation does not cut red tape. It makes the rest of the government just like the House of Representatives—dysfunctional and unresponsive to the Nation's pressing problems. I urge my colleagues to vote against this bill. I urge the American people to watch carefully who votes for it.

Mr. ISSA. Madam Chair, I now yield 2 minutes to the gentleman from Arizona, Dr. GOSAR.

Mr. GOSAR. Madam Chair, as a business owner, this is what I get when I hear, The government is here to help us. Look at this red tape. Wow. That's what a small business has to put up with just to create a business. That's why I rise today in support of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act of 2012.

A recent report released from Gallup suggests that 46 percent of all small business owners have put a freeze on new hiring because they are worried about regulations and costs. Clearly, sensible solutions and reforms are needed. This bill will allow small businesses to be free of the burdensome yoke of government regulation. For far too long, stifling bureaucracy and meddlesome mandates have stagnated job growth. Red tape has tied the hands and the feet of employers and entrepreneurs alike.

Look at the maze. These binds which constrict the free flow of labor and capital will be cut by this bill, which simply states that any new major Federal regulations costing over $100 million may not be implemented until the unemployment rate falls to 6 percent. This will save an estimated $22.1 billion.

Just as important, the upside down roller coaster that our small businesses and entrepreneurs have been on for the past few years can finally stop. Americans looking to start businesses, expand their business facilities, or hire more workers can plan for the future and put our economy back on a path to prosperity.

As a small business owner for 25 years, I am acutely aware of the way in which restrictive regulations and rules can hold a business owner hostage. Let's free the private sector from this captivity. I urge a ''yes'' vote on the Red Tape Reduction and Small Business Job Creation Act.

Mr. CUMMINGS. Madam Chair, may I inquire as to how much time both sides have.

The CHAIR. The gentleman from Maryland has 6 minutes remaining. The gentleman from California has 9 minutes remaining.

Mr. CUMMINGS. I yield 2½ minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Thank you very much, Mr. CUMMINGS, Mr. ISSA, and Members of the House.

I've read this bill. There is something about it that we really need to understand, and that is that we just got through having a debate about the Federal Reserve. One of the reasons the Fed should be audited is that it is not fulfilling its responsibility for bringing about employment in this country.

Now, this bill exempts the Federal Reserve. Think about it. We say we want to bring unemployment down to 6 percent. The Fed, if you look at the Board of Governors' report, has basically jettisoned the whole idea about bringing unemployment down. Right now, they're establishing what I would call a new threshold of 5 to 6 percent unemployment. So, if our friends are successful with their bill, we won't have jobs, and we won't have regulations either.

Hello? Read the report.

I mean, we ought to be investigating why has the Fed stepped back from its job creation, and why are we exempting them from a bill in which we are actually taking the pressure off them for job creation.

Now, look, we should be creating jobs. No question about it. I have a bill, H.R. 2990, that puts the Fed under Treasury and that let's the government spend money into circulation and create millions of jobs. Put America back to work. Prime the pump of the economy, a full employment economy. It goes way past Humphrey-Hawkins. Get America back to work. America needs to get back to work.

If that's what my friends on the other side of the aisle are saying, we're together on that. America has to get back to work—but we're going to get back to work while having water that's not safe to drink? air that's not safe to breathe? We're going to get back to work by having products that you don't know your pets can consume?

Are we going to get back to work by having to worry about, when we go to various salad bars, if it's something we can consume and whether or not there are proper food inspections? Are we going to get America back to work by not checking on airplane safety?

Is that how we get America back to work?

Come on. Whether you're a Democrat or a Republican, there are certain regulations that are absolutely fundamental to running an organized society. I understand wedge issues—this is a political climate—but let's not mix up this mutual concern that we have about creating jobs in this country by trying to score some points by saying, well, there are regulations that are bad.

I'm sure there are regulations that don't work. I'm not somebody who believes that government has the solution to everything. I know better than that. I've been here for 16 years. I understand that much. Yet I know one other thing, which is, when you take a broad approach in trying to knock out regulations, you're looking for trouble. You're going to create trouble. That's what this does. So I am urging a ''no'' vote, and I'll have more to say on an amendment that I have.

□ 1600

Mr. ISSA. Mr. Chairman, it's now my honor to yield 2 minutes to the gentleman from New Hampshire (Mr. GUINTA).

Mr. GUINTA. I thank the chairman for yielding the time.

Mr. Chairman, I add my voice to calling for the passage of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

One of the key provisions of this bill is title III, the Sunshine for Regulatory Decrees and Settlements Act. Certain environmental advocacy groups sue Federal agencies to issue regulations, and then agencies settle these lawsuits behind closed doors, which is also known as ''sue and settle.'' Only after a settlement has been agreed to does the public have any chance to provide any comment. This is a pointless exercise because the damage has already been done. More troubling, these settlements often allow advocacy groups and agencies to effectively dictate major policy on their own by circumventing the protections that exist for public participation in a regulatory system.

This provision, the Sunshine for Regulatory Decrees and Settlements Act of 2012, promotes openness and transparency in the regulatory process, and it does that by requiring agencies to notify the public of these lawsuits before they're settled and giving the public meaningful voice in the process.

As Chairman ISSA knows from the field hearing he held on Great Bay in my district in the State of New Hampshire, my constituents and small businesses are facing this very issue. Communities, small businesses, and New Hampshire families are facing massive tax increases because outside organizations with political agendas are forcing the EPA into a sue or settle situation, costing Granite Staters on the seacoast hundreds of millions of dollars. This has been done behind closed doors without the community being at the table as a full negotiating partner, and this is wrong.

We all want the Great Bay to be clean and to be protected, but sue and settle is not the way. In the end, the actions of a few politically driven organizations are costing small businesses and hurting New Hampshire families in an already difficult economy.

Chairman ISSA, I want to thank you for coming to New Hampshire to shed light on this problem. For these reasons, I urge all Members to support this bill.

Mr. CUMMINGS. Mr. Chairman, may I ask how much time is remaining?

The Acting CHAIR (Mr. LATOURETTE). The gentleman from Maryland has 3½ minutes remaining.

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

I just want to clear up something. It has been said that this would affect matters that would likely have an annual cost to the economy of over $100,000 or more, in other words, those that would be subject to the bill. But the piece that is left out on page 8 of the bill—and this is very crucial. It says:

> Or if OMB determines—or adversely affect—that is, legislation rules, proposed rules—that would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities or State, local, or tribal governments or communities.

And, of course, the bill goes on to say that OMB may make a determination, but if there is an entity that is agreed, they can always go to court. It's not accurate to say that it's just limited to those types of regulations that would affect the economy to the tune of $100 million. It actually affects a whole lot more than that.

With that, I continue to reserve the balance of my time.

Mr. ISSA. Mr. Chairman, hopefully the gentleman would note that the language he just quoted is from the President's executive order. It's not some sort of pocket information, but, in fact, something the President of the United States felt was a reasonable set of language.

With that, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Thank you, Chairman ISSA.

Most Congressmen call their district staff workers caseworkers. I call my district workers red tape cutters, because that's what they do. Unfortunately, we have to have a job like that because government red tape is so thick. A lot of what our caseworkers do is for veterans and Social Security recipients, but they also help our small businesses.

When I'm back home, I hear time and time again from businesses about how the government is getting in the way of creating jobs, and if we would just tell them what to do and let them do it and quit changing the rules midstream, they would do it. That's what this bill does, it tells the government: Stop. Don't change the rules midstream until our economy is back on track. It's a jobs bill, and it's an opportunity to give our businesses the opportunity to get people hired.

This Congress has been tireless in our pursuit of creating jobs by eliminating senseless and expensive government regulation. I'm confident this bill will pass the House, and I hope it has better luck than some of the other bills that we've passed, like the REINS Act, that also deals with regulation, when it gets across the Capitol and to the Senate.

We have got to get these bipartisan jobs bills passed and signed into law. Americans know we have to cut the unemployment rate. To do that, we're going to have to cut the red tape.

Mr. CUMMINGS. I continue to reserve the balance of my time.

Mr. ISSA. I now yield 2 minutes to the gentleman from Virginia (Mr. HURT).

Mr. HURT. I thank the chairman for yielding, and I thank him for his leadership on this issue.

I rise today in support of this legislation that will save this country billions of dollars and create thousands of much-needed jobs.

Mr. Chairman, ''red tape'' is a word we hear all too often in Washington, but when you get back to places like Danville, Virginia, and talk with the people who are stuck in it, you gain a new perspective on what Federal regulations mean to everyone outside of the beltway.

As the Federal Government continues to grow in size and scope, our Main Street businesses continue to struggle. The President tells us that the private sector is doing just fine. The President tells us that if you've got a business, you didn't build it. But the President has not told us how he plans to help our small business owners grow and create the jobs our local communities need.

Our Nation has faced over 8 percent unemployment for more than 3 years. We're being crushed under a rapidly accumulating $16 trillion debt, and both of these things have everything to do with the policies set forth in Washington that grow the Federal Government and strangle our Main Street businesses.

Where others will not lead, the House will. That's why we remain focused on adopting legislation like the bill we consider today, legislation that will remove the Federal Government as a barrier to job creation. This package of bills will lead us to responsible regulations and ensure that the economic impacts of Federal regulations are accounted for. Most importantly, it will

give our small business owners across central and south Virginia the ability to hire and expand their businesses at a time when many are closing their doors.

This legislation is the kind this country needs to turn the corner from a struggling economy to the America that we have known for generations, a country of limited government and unlimited opportunity. I urge my colleagues to support this bill.

Mr. CUMMINGS. Mr. Chairman, may I inquire as to whether or not the gentleman has other speakers?

Mr. ISSA. I am prepared to close.

Mr. CUMMINGS. I yield myself such time as I may consume.

Mr. Chairman, I would just like to say, in closing, that the debate today proves that this bill is an extreme attack on the regulatory system.

Republicans have put critical protections on the line by proposing to shut down the regulatory process with a bill that was ill-conceived from the start and that was cobbled together so quickly it is riddled with flaws that render it unworkable.

I might also say that one of the things that I've said over and over again, and I think the position has been—I know it's the position of the President—that we must have balance with regard to regulations. I think that Mr. WAXMAN and certainly Mr. FRANK were absolutely right. It's not a question of distrust. It's a question of making sure that we have regulations in place to protect the safety and welfare of our citizens, and we don't need to look too far.

When I look at my district and I see the many people who lost so much because of what happened on Wall Street and what happened just recently with regard to the banks, the fact is that regulation is needed. If any committee has had evidence of it, it is our committee, Oversight and Government Reform.

We've heard no evidence today that regulations kill jobs. We've heard no evidence that regulations hurt our economy. We've heard countless examples of how regulations can improve the health and safety of Americans and save lives. It is so very important that we keep in mind that balance that I talked about.

It's also important that we keep in mind what this President has done. President Obama has made sure that he has taken a careful look at those rules, those regulations that were unnecessary. He has put forth less regulations than either former President Bush. He has slowed down the process of approving regulations. I think, clearly, he is headed in the right direction as to what I just said about a balanced approach.

□ 1610

So I hope the American people understand that this legislation is not advancing their interests. I repeatedly said that the majority is forcing a false choice. We do not have to choose between creating jobs and protecting the health and safety of American families. We can and must do both. This legislation does neither, and I urge all our Members to vote against it.

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

Mr. ISSA. I yield myself such time as I may consume.

I never thought I would hear former Chairman WAXMAN speak in terms of how dysfunctional Congress is, how we just don't operate and can't be trusted; but, clearly, I heard him say that today.

I still believe in the institution that all of us belong to. In living up to our responsibility, Congress has the responsibility to pass laws; and it has an absolute obligation to oversee the administration of those laws. The executive branch, or administrative branch, actually, only has the right to create regulations and executive orders to support the laws that have been created.

For too long, we have abrogated our responsibility. Former Chairman WAXMAN apparently would like to continue doing that, in what he said of our low rating and essentially repeating it.

Until the unemployment rate reaches 6 percent, taking back just less than 66 out of 3,000 regulations last year and making them accountable either to fall into emergency requirements into specific categories of essential harm or to come to Congress would seem to be a small task.

I have no doubt that if the shoe were on the other foot and President Bush was still in office and the Democrats were still in charge, that this bill would look more favorable to them. But that's not what we should be here deciding, who it favors or disfavors. When this bill becomes law, it will, in fact, become law for the future for Democrats and Republican Members alike.

The elimination of the ''midnight regulations'' that for so long have been abused by Presidents of both parties, H.R. 4607 absolutely is long overdue. President George W. Bush rushed excess amounts to close before he left. President Obama will, undoubtedly, do the same. That's wrong. It's simply wrong. And we know is. And we know that often, as this bill says, these are regulations that aren't heard before the election and are concluded in those 75 days before departure.

It's wrong. We know we need to stop it. We shouldn't abrogate our responsibility. And the Members on the other side will suddenly decide, I'm sure, this is a better idea, should Mitt Romney be elected in the fall.

This bill is supported by the Chamber of Commerce, Associated Builders & Contractors, the Small Business & Entrepreneurship Council, and the National Federation of Independent Businesses.

The fact is, this is about simply saying not that we're going to stop 3,000 regulations, but that we're going to slow and evaluate more carefully the 66 largest of them by this administration last year.

During debate, the administration was essentially lauded for having passed fewer regulations in numbers than President George W. Bush. I checked that during debate. That's true. But that's because President George W. Bush did regulatory changes to eliminate regulations, and those scored. When you actually look at the cost of regulations under this administration, the cost is dramatically higher.

I will share with my colleagues on the other side of the aisle that cost is not just dollars and cents, that you have to look at all the benefits. But for too long, we've had ''sue and settle.'' We've had the ability for these determinations to be made without that due process of looking at both sides.

So today, as we move this bill, I clearly appreciate the fact that the men and women of my committee—the staff, the hardworking people who never get seen in front of the camera, who, in fact, have worked through 30 hearings, through countless interviews with job creators—have made sure that the right things are in this bill for the right reason.

I urge passage, and I yield back the balance of my time.

The Acting CHAIR. The gentleman from Texas is recognized.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, America's economic recovery remains sluggish, with the national unemployment rate above 8 percent for over 40 months. The President promised that his $800 billion spending bill would keep unemployment under 8 percent. Instead, the spending bill only added to the deficit, which has doubled under this administration.

More than 12 million Americans are out of work, 700,000 more than when President Obama took office; and the median income of American families has dropped too.

The President's economic policies have failed, and his regulatory policies have made the economy worse. A recent Gallup poll found that among the 85 percent of U.S. small businesses that are not hiring, nearly half cited ''being worried about new government regulations'' as the reason.

President Obama has turned America into a regulation Nation. A Heritage Foundation study found that in his first 3 years in office, President Obama implemented 106 major rules that imposed $46 billion in additional annual regulatory costs on the private sector. That's a new record.

The President promised in his 2011 State of the Union address to fix ''rules that put an unnecessary burden on businesses,'' but he has gone in the opposite direction. We need to encourage businesses to expand, not tie them up with red tape.

Today, Congress continues to fight the constricting red tape that comes from Washington by offering commonsense solutions that deserve bipartisan support. And that's what we do today.

Members of the Judiciary Committee introduced three of the titles in the Red Tape Reduction and Small Business Job Creation Act. Mr. GRIFFIN's Regulatory Freeze for Jobs Act gives small businesses a much-needed break from new regulations that cost the economy $100 million or more until the unemployment rate stabilizes at 6 percent.

The Freeze Act is narrowly tailored to stop unnecessary economically significant regulations. It contains reasonable exceptions, such as health and safety, criminal or civil rights laws, trade agreements, and national security. The Freeze Act gives job creators confidence about future regulatory conditions, which will encourage them to make the investments that will jump-start our economy.

The RAPID Act, introduced by the gentleman from Florida (Mr. ROSS), helps to create jobs as it streamlines the Federal environmental review and permitting process. It draws upon established definitions and concepts from existing regulations and even from the administration's own recommendations.

Employers and investors can't move forward without necessary permits and without confidence in the process. The RAPID Act establishes reasonable, predictable deadlines for agencies to complete the permit review process and for lawsuits to be filed afterwards.

The Sunshine for Regulatory Decrees and Settlements Act, introduced by the gentleman from Arizona (Mr. QUAYLE), ends the abuse of consent decrees and settlements to require more regulations.

For many years, regulatory advocates and agencies have used consent decrees and settlements to establish new rules in secrecy, outside the regular rule-making procedures that provide for transparency and public participation. The ''sue and settle'' approach has enabled agencies to impose higher costs and avoid accountability since they can claim ''the court made us do it.''

Mr. QUAYLE's legislation makes sure that the public and those affected by regulations have a say in these decrees and settlements. It also requires greater judicial scrutiny and helps to prevent an outgoing administration from unfairly setting its successor's agenda through consent decrees. These and all of the titles of the Red Tape Reduction and Small Business Job Creation Act provide needed relief to small businesses.

Economic growth depends on job creators, not Federal regulators. This legislation frees up businesses to spend more, invest more, and produce more in order to create more jobs for American workers. I urge my colleagues to support this commonsense bill.

Mr. Chairman, I reserve the balance of my time.

□ 1620

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

Could I begin by asking the distinguished chairman of the House Judiciary Committee this following inquiry: Is it not true that the United States of America has less regulation than almost any other industrialized country in the Western Hemisphere?

I am pleased to yield to the gentleman from Texas to respond.

Mr. SMITH of Texas. I have no idea whether we have more or fewer regulations than other countries. I do know this: we have far more regulations today than we had 3 years ago. And I also know that the Obama administration has set a new record in the number of expensive, unnecessary regulations that it has suggested and implemented.

I thank the gentleman for yielding.

Mr. CONYERS. Well, the gentleman is welcome. His answer is no, he doesn't know. And I'm going to, in the course of this debate, try to share with him the fact that other industrialized nations have far more regulations than us, just to put things into some kind of relative proportion.

Members of the House of Representatives, Joseph Stiglitz has talked about the subject of regulation. Here is something that he had to say about it that I think will set us in the right frame of mind to examine dispassionately the principle that is under examination this afternoon. He said this:

> The subject of regulation has been one of the most contentious, with critics arguing that regulations interfere with the efficiency of the market, and advocates arguing that well-designed regulation not only makes markets more efficient, but also helps to ensure the market outcome is more equitable. Interestingly, as the economy plunges into a slowdown, if not a recession, with more than 2 million Americans expected to lose their homes, there is a growing consensus there was a need for more government regulation. If it is the case that better regulations could have prevented or even mitigated the downturn, the country and the world will be paying a heavy price for the failure to regulate adequately, and the social costs are no less grave, as hundreds of thousands of Americans will not only have lost their homes, but their lifetime savings as well.

And so the measure before us, H.R. 4078, by stopping or delaying rules from going into effect, seriously jeopardizes the safety and the soundness of our Nation's economy and our society generally.

Another fundamental problem with this proposal is that it myopically focuses on the cost of regulations while largely ignoring their overwhelming benefits. So this measure, with its misleadingly short title, will not result in creating jobs for one simple reason: there is no credible evidence establishing that regulations have any substantive impact on job creation.

With that, Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from North Carolina (Mr. COBLE), a senior member of the Judiciary Committee and the chairman of the Courts, Commercial and Administrative Law Subcommittee.

Mr. COBLE. Mr. Chairman, I thank the distinguished chairman from Texas for having yielded, and I rise in support of H.R. 4078.

I have the honor and privilege of serving as the chairman of the Judiciary Subcommittee on Courts, Commercial and Administrative Law, which among other things has jurisdiction over the Administrative Procedures Act. Our subcommittee has spent an enormous amount of time and energy reviewing proposals to refine the manner in which our Federal Government formulates and implements regulations. I have encountered two philosophies on improving our regulatory system. One philosophy is we routinely review and improve regulations, while others advocate that the Federal Government should issue yet more regulations.

It appears to me that the Obama administration has embraced the latter philosophy because red tape has been flying fast and furious during his tenure. His administration has proposed regulations that are expected to exceed $100 million at the rate of 125 every 2 years. Currently, there are 24 major rules in the pipeline for review by the Office of Information and Regulatory Affairs. The results have been telling. During the first 26 months of the Obama administration, our Federal Government has added $40 billion of annual regulatory cost to our economy, and this year the Federal Register already exceeds 40,000 pages.

In the transportation arena, new DOT passenger protection regulations are estimated by the American Aviation Institute to cost $1.7 billion annually. In total, there are 10 new Federal aviation regulations that will cost $4 billion annually. Although they will produce no significant benefit to the traveling public, they certainly and inevitably will be passed along in the form of fees, reduced services, or increased prices.

Since 2008, the combined budget of regulatory agencies has ballooned 16 percent, topping $54 billion. During the same time, employment at the agencies grew 13 percent while our economy only grew by 5 percent and the number of private sector jobs shrunk by 5.6 percent.

The scene is ominous, and I think it reflects what has happened to our economy, but I also do not believe that the situation is hopeless. The need for regulatory reform has been emulated by every administration since President Ronald Reagan, but efforts have not been successful. Enacting H.R. 4078 will be a step in the right direction.

Several titles of this legislation which were approved by the Judiciary Committee will implement immediate relief.

The original provisions of H.R. 4078, the Regulatory Freeze Act, could reportedly save our economy $22.1 billion and save thousands of jobs without jeopardizing our safety.

H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act, will end the practice of special interests using consent decrees to bypass the regulatory process and imposing their will and priorities on affected communities.

H.R. 4377, the RAPID Act, will help end the permitting logjam that has stifled development investment without diminishing a single environmental standard or protection.

Regulations that are narrowly tailored, effective, and routinely reviewed can make our society safer and our economy stronger, but when they are ineffective or inefficient, our security is jeopardized, and so is our economy.

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

I direct an inquiry to the distinguished gentleman from North Carolina (Mr. COBLE) to ask him if he is aware of the fact that the Obama administration has accomplished and accumulated net benefits of regulations in the last 3 fiscal years that exceed $91 billion?

□ 1630

This comes from the Office of Management and Budget, and it's more than 25 times the net benefits of regulations issued by the Bush administration for a comparable period of time.

I would yield to the distinguished gentleman for a response.

Mr. COBLE. No, I was not aware of that. But job creators need some certainty about the regulatory forecast to make the kind of investments that will create jobs. The Freeze Act is carefully drafted to only freeze those regulations that cost the economy $100 million or more. Thus, a regulation that has $100 million in benefits would not be frozen by the bill.

Mr. CONYERS. Are you telling me that the freeze will be helpful to creating jobs? Are you telling me in response to my question that the freeze will be helpful to create jobs?

I yield to the gentleman.

Mr. COBLE. Yes, I am telling you that.

Mr. CONYERS. But do you accept the Office of Management and Budget's findings that the benefits of regulations by the current administration in the last 3 fiscal years exceeded $91 billion?

Mr. COBLE. Well, I don't know that, but if you will permit me, I will yield to the chairman for that.

Mr. CONYERS. You may not. You're not able to yield because I yielded to you. So you don't know?

Mr. SMITH of Texas. If the gentleman would yield to me, I would be happy to try to respond.

Mr. CONYERS. Well, I just wanted to ask the gentleman. I didn't mean to make this as prolonged as it has become, but I don't think his response of a freeze was an adequate response to my question.

Mr. COBLE. I was not aware of the questions you put to me. I can neither embrace nor reject that.

Mr. CONYERS. I thank the gentleman for his attempted response.

I would now like to yield 2 minutes to the gentlewoman from upstate New York, Ms. KATHY HOCHUL, who serves with great distinction on the Armed Services Committee.

Ms. HOCHUL. I thank the gentleman for yielding.

On February 12, 2009, Flight 3407 crashed into a house in my district, killing all the passengers and an individual in his home. Out of that devastation arose a spirit that actually united this Congress in enacting flight safety and pilot training rules that would have prevented the crash. The families never gave up, coming to talk to Members of Congress over 50 times over 3 years, and they are eagerly awaiting the final implementation of potentially lifesaving rules. It sounds like a happy ending, doesn't it?

Yet, this week, because the House Rules Committee refused to allow my amendment to protect those specific rules, we are at risk of losing all those hard-fought, bipartisan safety reforms. With the so-called Regulatory Freeze Act, these reforms would simply die. So those who voted for them in the past are now calling them job killing? Well, I call them people saving.

Listen, I know we need to end overburdensome regulations, and I voted against many of them, the ones that hurt our farmers and small businesses. I hear about that in upstate New York. But there's a commonsense way to do it. But to freeze all government regulations, all of them, regardless of the health and safety of our citizens is over the top, even for this town.

Flight safety rules are just one example. The bill would also block benefits for disabled and homeless veterans, it would hurt seniors, and it would eliminate rules that ensured taxpayer dollars are used for goods made in America. This only proves that Washington is broken and we need to fix it.

I urge my colleagues to vote ''no'' on this senseless regulation and this rule.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds to respond to a question that the gentleman from Michigan posed a few minutes ago.

Mr. Chairman, I'd like to include for the RECORD an article from earlier this year that appeared in The Economist magazine. This is a magazine that is one of the oldest, most respected sources of news and analysis, and it is favorably disposed toward the Obama administration. But it published an article detailing how the Obama administration systematically manipulates the cost-benefit analysis in agency rulemaking.

This manipulation deliberately inflates benefits and minimizes the cost, the article says. The Economist goes so far as to call the administration's cost-benefit analysis ''highly suspect'' and ''subject to the whims of the people in power.''

[From the Economist, Feb. 18, 2012]

MEASURING THE IMPACT OF REGULATION

THE RULE OF MORE—RULE-MAKING IS BEING MADE TO LOOK MORE BENEFICIAL UNDER BARACK OBAMA

WASHINGTON, DC: In December Barack Obama trumpeted a new standard for mercury emissions from power plants. The rule, he boasted, would prevent thousands of premature deaths, heart attacks and asthma cases. The Environmental Protection Agency (EPA) reckoned these benefits were worth up to $90 billion a year, far above their $10 billion-a-year cost. Mr. Obama took a swipe at past administrations for not implementing this ''common-sense, cost-effective standard''.

A casual listener would have assumed that all these benefits came from reduced mercury. In fact, reduced mercury explained none of the purported future reduction in deaths, heart attacks and asthma, and less than 0.01% of the monetary benefits. Instead, almost all the benefits came from concomitant reductions in a pollutant that was not the principal target of the rule: namely, fine particles.

The minutiae of how regulators calculate benefits may seem arcane, but matters a lot. When businesses complain that Mr. Obama has burdened them with costly new rules, his advisers respond that those costs are more than justified by even higher benefits. His Office of Information and Regulatory Affairs (OIRA), which vets the red tape spewing out of the federal apparatus, reckons the ''net benefit'' of the rules passed in 2009–10 is greater than in the first two years of the administrations of either George Bush junior or Bill Clinton.

But those calculations have been criticised for resting on assumptions that yield higher benefits and lower costs. One of these assumptions is the generous use of ancillary benefits, or ''co-benefits'', such as reductions in fine particles as a result of a rule targeting mercury.

Mr. Obama's advisers note that co-benefits have long been included in regulatory cost-benefit analysis. The logic is sound. For instance, someone may cycle to work principally to save money on fuel, parking or bus fares, but also to get more exercise. Both sorts of benefit should be counted.

The controversy arises from the overwhelming role that co-benefits play in assessing Mr. Obama's rule-making. Fully two-thirds of the benefits of economically significant final rules reviewed by OIRA in 2010 were thanks to reductions in fine particles brought about by regulations that were actually aimed at something else, according to Susan Dudley of George Washington University, who served in OIRA under George Bush (see chart). That is double the share of co-benefits reported in Mr. Bush's last year in office in 2008.

If reducing fine particles is so beneficial, it would surely be more transparent and efficient to target them directly. As it happens, federal standards for fine-particle concentrations already exist. But the EPA routinely claims additional benefits from reducing those concentrations well below levels the current law considers safe. That is dubious: a lack of data makes it much harder to know the effects of such low concentrations.

Another criticism of the Obama administration's approach is its heavy reliance on ''private benefits''. Economists typically justify regulation when private market participants, such as buyers and sellers of electricity, generate costs—such as pollution—

that the rest of society has to bear. But fuel and energy-efficiency regulations are now being justified not by such social benefits, but by private benefits like reduced spending on fuel and electricity.

Private benefits have long been used in cost-benefit analysis but Ms. Dudley's data show that, like co-benefits, their importance has grown dramatically under Mr. Obama. Ted Gayer of the Brookings Institution notes that private benefits such as reduced fuel consumption and shorter refuelling times account for 90% of the $388 billion in lifetime benefits claimed for last year's new fuel-economy standards for cars and light trucks. They also account for 92% and 70% of the benefits of new energy-efficiency standards for washing machines and refrigerators respectively.

The values placed on such private benefits are highly suspect. If consumers were really better off with more efficient cars or appliances, they would buy them without a prod from government. The fact that they don't means they put little value on money saved in the future, or simply prefer other features more. Mr. Obama's OIRA notes that a growing body of research argues that consumers don't always make rational choices; Mr. Gayer counters that regulators do not make appropriate use of that research in their calculations.

Under Mr. Obama, rule-makers' assumptions not only enhance the benefits of rules but also reduce the costs. John Graham of Indiana University, who ran OIRA under Mr. Bush, cites the new fuel-economy standards as an example. They assume that electric cars have no carbon emissions, although the electricity they use probably came from coal. They also assume less of a ''rebound effect''—the tendency of people to drive more when their cars get better mileage—than was the case under Mr. Bush.

Mr. Bush's administration was sometimes accused of the opposite bias: understating benefits and overstating costs. At one point his EPA considered assigning a lower value to reducing the risk of death for elderly people since they had fewer years left to live; it eventually backed down. Mr. Obama's EPA has considered raising the value of cutting the risk of death by cancer on the ground that it is a more horrifying way to die than others.

More consistent cost-benefit analysis would reduce such controversies. Michael Greenstone of the Hamilton Project, a liberal-leaning research group, thinks that could be done through the creation of a nonpartisan congressional oversight body using the best evidence available to vet regulations, much as the Congressional Budget Office vets fiscal policy. It would also re-evaluate old regulations to see if the original analysis behind them was still valid. Rulemaking would still require judgment, but it would be less subject to the whims of the people in power.

Mr. Chairman, I yield 4 minutes to the gentleman from Arkansas (Mr. GRIFFIN), a member of the Judiciary Committee and the sponsor of the legislation we consider today.

Mr. GRIFFIN of Arkansas. Mr. Chairman, first of all, I would like to say that the idea that this bill will stop good, reasonable, commonsense, and much-needed regulations is nonsense. It simply requires Congress to have a role. And after all, Congress is the body that authorizes laws and regulations in the first place. That just makes sense. The complications that so many complain about, I call checks and balances.

I rise in support of H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act. This bill would freeze significant regulations, those costing the economy $100 million or more, until nationwide unemployment falls to 6 percent or below.

Many of my friends on the other side say there's no connection between excessive and overly burdensome regulation and job creation. They must have been asking their favorite economist and not talking to actual job creators. Even President Obama disagrees.

In a January 2011 Wall Street Journal op-ed, President Obama wrote:

> Sometimes, those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have a chilling effect on growth and jobs.

He has at least given lip service to the problem.

Small businesses like Razor Chemical, a manufacturer of environmentally friendly cleaning supplies in North Little Rock, Arkansas, bear the brunt of regulatory compliance costs. According to the government's Small Business Administration, complying with current Federal regulations already costs at least $1.75 trillion every year, adding more than $10,000 in overhead per small business employee—which is 30 percent higher than the regulatory costs facing large firms.

Half of all private sector employees in the United States are employed by a small business job creator—exactly the type of folks who are getting hammered by the Obama administration's aggressive regulatory agenda. In its first 3 years, the Obama administration created 120 new major regulations, costing Americans more than $46 billion each year. That's more than four times the number and five times the cost of major regulations created by the Bush administration in its first 3 years.

As the lead sponsor of this bill, I made sure it carefully targets the most harmful regulations while making exceptions for Federal rules necessary for national security, trade agreements, enforcement of criminal and civil rights laws, and imminent threats to health or safety.

It also includes a provision allowing the President to seek congressional approval for other regulations that he thinks are absolutely critical. And, in fact, with that waiver, you can pretty much pass any regulation as long as Congress agrees.

In his State of the Union address, President Obama admitted, ''There's no question that some regulations are outdated, unnecessary or too costly.''

If there's no question about the problem, he should embrace the House's solution.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume to ask the distinguished member of the Judiciary Committee, Mr. TIM GRIFFIN of Arkansas, if he is aware that the President, as he's correctly stated, supports regulation as a general principle but that he opposes very strongly H.R. 4078, the Regulatory Freeze for Jobs Act of 2012?

I would yield to the gentleman for a response.

□ 1640

Mr. GRIFFIN of Arkansas. Well, I thank the gentleman.

First of all, I don't know anyone who's antiregulation. It's the excessive and overly burdensome regulations that are the problems.

I have a 2-year-old baby, John, and a 4-year-old, Mary Katherine. I want clean air and clean water for them.

I understand the need for reasonable, commonsense regulations, but that's not what we're talking about here, with all due respect.

Mr. CONYERS. Well, if I could interrupt the gentleman, this is not about what your opinion is or mine. I'm asking you about the President's opinion.

The President, as you quite accurately said, is supportive of regulation, but he is specifically opposed to this regulation, and I would like to quote to you exactly what he said about H.R. 4078:

> The bill would undermine critical public health and safety protections, introduce needless complexity and uncertainty in agency decisionmaking, and interfere with agency performance of statutory mandates.

Now, I yield 2 minutes to the gentleman from North Carolina (Mr. MILLER), an outstanding member of the Financial Services Committee.

Mr. MILLER of North Carolina. Mr. Chairman, the astronomical estimates we hear on the cost of regulation assume that no business would ever do anything that any regulation requires unless there was a regulation requiring them to do it.

The truth is that most businesses really want to do the right thing. Most businesses try to have a safe workplace. Most businesses try not to pollute the air and pollute the water and release toxic chemicals that are going to affect public health. Most businesses want to have safe products. They don't want to produce baby formulas that are going to hurt infants. Those folks do the right things.

The other folks who don't want to do that and would save a little bit of money by not doing anything that common decency requires, in addition to regulations, they hire lobbyists and they make campaign contributions. Those are the folks that we need regulations for.

Mr. Chairman, most Americans don't know what this bill really does. They don't know what a ''freeze on significant regulations'' really means without a long explanation, and a reporter who's trying to get air time to talk about this bill or print space is not going to have much luck. This bill is just too in the weeds, and Republicans obviously think that there is public safety in the weeds.

If Republicans were to try to bring a bill to the floor that openly repealed

the Wall Street Reform Act, the Clean Water Act, the Food and Safety Act, and on and on, that bill would get some attention. This bill does much the same thing as repealing those acts but without being honest about it. They would have to explain themselves to their constituents if they just up and repealed those laws. Instead, Republicans are speaking in political gobbledygook. They don't tell folks what this bill is really doing. It's like adults who spell out words so their children won't know what they're talking about. Their constituents, Republicans hope, will not know what ''red tape reduction'' means, really. It sounds good, but the effect is to undo all of the protections that we depend upon from our government.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. ROSS), who is a member of the Judiciary Committee and a sponsor of the RAPID Act, which is a part of this legislation.

Mr. ROSS of Florida. Mr. Chairman, our country is in the midst of the worst economic crisis since the Great Depression. Much of the blame lies here in Washington where living beyond our means and micromanaging the economy is, to quote some in this town, ''just the way Washington works.''

Well, Mr. Chairman, Washington doesn't work. Any business that has tried to break ground and build something knows what I'm talking about: dozens of Federal agencies representing varied interests competing against each other while special interest groups wait in the wings to hold projects hostage for ransom.

Mr. Chairman, allow me to sum up what our permitting process should be.

> Our Federal permitting and review processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities. They must ensure that agencies set and adhere to timelines and schedules for completion of reviews, set clear permitting performance goals, and track progress against those goals. They must encourage early collaboration among agencies, project sponsors, and affected stakeholders in order to incorporate and address their interests and minimize delays.

What I just read is verbatim from a March 2012 executive order by President Barack Obama, and I agree with the President 100 percent.

Mr. Chairman, we achieve these goals of the President in H.R. 4078, and it could not come soon enough for those looking for work. A March 2011 study conducted by the United States Chamber of Commerce identified some 351 projects that are being stymied by the current regulatory review process; 1.9 million jobs are on hold, $1.1 trillion economic impact to this country.

These jobs are not CEOs or jet-setters. These jobs are miners. They're machinists. They're blue collar workers. I know because I've watched this happen in my community where 200 jobs were lost because, after 7 years and 14 Federal, State, and local agencies went through a permitting process, a company then, 1 month later, was shut down in their project because some environmental group went to a very lenient judge and shut them down, moms and dads wondering where their mortgage payment and supper would come from. They wondered why an environmental activist group—that I can tell you does not represent the interest of my district—could put them out of work.

Make no mistake, Mr. Chairman, these projects are halted because businesses that will invest billions in a project cannot do so without some idea of certainty.

Some say this legislation will allow corporations to harm our clean air and clean water. I say to that: Nonsense. This part of my legislation merely says that all parties, from environmental groups to government agencies, must be at the table sharing concerns and offering remedies from the start. It says that the process has a time limit and that government must meet those time limits. It says that, if you don't get in at the beginning, you can't come in after years of hard work and remediation and use a sympathetic judge to shut it down.

This is not an academic exercise either. This same process was used in 2005 when the House voted 412–8 to impose the SAFETEA-LU program, which provided the same detailed streamlining procedures that have now reduced the permitting process under NEPA in transportation highway construction from 73 months to 37 months.

Mr. Chairman, the process is broken. This legislation presents solutions that are eminently sensible and immediately effective. For these reasons, I urge my colleagues to support this bill and give millions of our fellow citizens a hope for a better future.

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

I'd just like the distinguished gentleman from Florida (Mr. ROSS) to know that later on I'm going to introduce over 60 outstanding leaders, economists, and organizational heads that take a completely different view from the distinguished gentleman from Florida, and I'd like him to examine those documents.

I am pleased to yield such time as he may consume to the former chairman of the Education and Labor Committee from California, GEORGE MILLER.

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

Mr. Chairman, the bill before us today is nothing more than a cynical attempt to put the profits of well-connected special interests above the interests of working families and middle class Americans. But this is nothing new. In this House, ideology prevails over bipartisanship, the powerful over the middle class families, politics over job creation, and brinksmanship over cooperation.

Congress has paid the price in its approval ratings, but low approval ratings do not compare to the damage that this sort of politics inflicts upon the American people and our economy. Indeed, our Nation's working families are paying the price.

There was a chance for the House to put working people first by allowing the full debate and vote on a number of amendments filed by Democrats that would have put people first. Unfortunately, the House Republican leadership blocked many of these amendments from being considered for this legislation.

One amendment would have ensured that ''Buy America'' provisions could be implemented. Another amendment would have facilitated job protection and family leave for military families.

□ 1650

Another would have insured that Federal contractors recruit and employ veterans.

Another amendment would have allowed health and safety officials to continue their efforts to better protect the Nation's miners from black lung disease. The facts are indisputable. Black lung is on the rise again, and some mine operators are exploiting loopholes and obsolete rules to evade compliance. The present system is badly broken, and the improvements are desperately needed.

It's time to move forward with modern protections based upon years of careful scientific study. Blocking efforts by the Mine Safety and Health Administration to modernize miner protections will only cost the lives, careers, and family income of those who go underground every day to provide the energy that this country needs.

Mr. Chairman, this bill puts the lives and the well-being of working people in serious peril. It threatens the effort to protect American jobs. It's not what the American people sent us here to do.

It is well past time to put these transparently political efforts behind us and work together to re-energize the economy, to grow and to strengthen the middle class. And I urge my colleagues to vote against this very special interest bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. QUAYLE), a member of the Judiciary Committee and the sponsor of the Sunshine for Regulatory Decrees and Settlements Act, which is a part of this legislation.

Mr. QUAYLE. Mr. Chairman, I rise in support of the Red Tape Reduction and Small Business Jobs Creation Act.

Now, time and time again, when I talk to small business owners in my district, they say that the number one challenge holding them back from expanding their business and hiring more workers is uncertainty in regulation and taxation.

The current pro-regulatory administration has issued nearly four times the number of regulations as the previous administration. The administration's own numbers show that U.S.

businesses spent over 8.8 billion hours complying with Federal paperwork requirements. To put this into perspective, this is equal to 1 million years of filling out government paperwork.

Mr. Chairman, one of these costly regulations that the EPA is currently imposing is the Regional Haze Rule that could close down power plants across the country, all for aesthetics. This regulation affects the Navajo generating station in Arizona, which could cost $1.1 billion in initial compliance costs, hundreds of Arizona jobs, and cost $90 million a year, increasing the cost of electricity and water across the State of Arizona.

And what does $90 million a year get us?

Well, according to the administration's own study, they found inconclusive evidence that these regulations would improve visibility at all.

Across the country, pro-regulatory environment groups are suing the EPA and forcing these haze requirements through settlement and consent decrees. In my home State of Arizona, the EPA entered into a consent decree with nine environmental groups, including the Sierra Club and the Environmental Defense Fund, which will affect the emission control technology at coal-fired power plants throughout the State.

Regulations have costly and job-killing implications, and it is important that the rulemaking process is not written behind closed doors by activist groups and regulatory agencies.

I am pleased that a bill that I have sponsored is included in this package, H.R. 3862, the Sunshine for Regulatory Decrees and Settlements Act. This legislation provides transparency to these sue-and-settle agreements and consent decrees, which are used by activist groups to dictate regulations behind closed doors, and often contrary to congressional intent, if an agency misses a statutory deadline.

My bill ensures that interested parties will have an opportunity to provide comments and requires courts to consider the impact on States and tribes. Additionally, my bill makes it easier for future administrations to modify consent decrees as circumstances and facts dictate.

This legislation is increasingly necessary as more statutory deadlines slip due to the large number of rulemakings that were mandated during the previous Congress, notably in ObamaCare and Dodd-Frank.

I urge my colleagues to support this pro-growth bill.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ), the ranking member of the Small Business Committee.

Ms. VELÁZQUEZ. I thank the ranking member for yielding.

I rise in opposition to this ill-conceived measure which will do nothing to promote small business growth. Small businesses everywhere need help. They require affordable credit and greater demand for their services. Yet today we are focused on legislation that does nothing to address these challenges and, instead, pushes an extreme agenda.

Despite what some assert, regulation is not among entrepreneurs' top concerns. In fact, surveys note that 85 percent of small business owners believe regulation is necessary. And I have with me a survey that was conducted last February by the American Sustainable Business Council, and I will enter this survey into the RECORD.

OPINION POLLING: THE ECONOMIC STATE OF SMALL BUSINESS

[Feb. 2012]

(By the American Sustainable Business Council, Main Street Alliance, and Small Business Majority)

SUMMARY

In January and February 2012, the American Sustainable Business Council, Main Street Alliance and Small Business Majority released polling that asked small employers across the country about key issues impacting the small business community. These included access to credit; proposals in the American Jobs Act to boost the economy; regulations; taxes; and money in politics. Respondents were politically diverse: 50% identified as Republican, 32% as Democrat and 15% as independent.

The poll found nine in 10 small business owners have a negative view of the role money plays in politics. The results showed 90% of small business owners see the availability of credit as a problem for small business and they strongly favor increasing the lending authority of community banks and credit unions. We also learned that entrepreneurs support current proposals being debated in Congress that aim to boost the economy and create jobs, particularly investments in infrastructure.

The polling revealed that consumer demand—not regulation—is small business owners' greatest concern. In fact, 86% see regulation as a necessary part of a modern economy and three-quarters believe it is necessary to level the playing field between small and large businesses. Lastly, 90% of small business owners believe large corporations use loopholes to avoid taxes that small businesses have to pay, and three-quarters say their own business suffers because of it.

Below are the extended main findings of the poll.

METHODOLOGY

The poll reflects an Internet survey of 500 small business owners across the country, conducted by Lake Research. It has a margin of error of +/−4.4%. The survey was conducted between December 8, 2011 and January 4, 2012. Researchers used a random sample of small business owners obtained from Harris Interactive, with additional samples from InfoUSA.

MONEY IN POLITICS

Polling results that revealed small business owners' attitudes toward money in politics and the Citizens United decision were released on Jan. 18.

Small business owners view the Citizens United decision as bad for small business: 66% of those surveyed said the two-year-old ruling that gives corporations unlimited spending power in elections is bad for small businesses. Only 9% said it was good for small business.

Small business owners have a negative view of the role money plays in politics overall: 88% of respondents view the role money plays in politics negatively; 68% view it very negatively.

ACCESS TO CREDIT AND PROPOSALS TO BOOST THE ECONOMY

Poll results that revealed small business owners' attitudes toward credit availability were released on Jan. 26, 2012 in conjunction with results showing their views on proposals in the American Jobs Act.

Small business owners say access to credit is a problem: 90% of respondents agree the availability of small business loans is a problem, and 60% have faced difficulty themselves when trying to obtain loans that would grow their businesses.

Small business owners agree it is harder now to obtain loans: 61% of respondents say it is harder now than it was four years ago to get a loan.

Small business owners support making it easier for community banks and credit unions to lend more: 90% of owners support making it easier for community banks and credit unions to lend to small businesses, and more than three-quarters, or 77%, support creating incentives for community banks to lend more. By more than a 2:1 ratio, respondents support increasing credit unions' lending cap from 12.25% to 27.5% of a credit union's assets.

Support for reforming and regulating credit cards is extremely high among small business owners: 82% support tighter credit card regulations, such as clearer disclosure of terms and caps on interest rates, including 47% who strongly support these regulations; 52% of entrepreneurs have used credit cards to help finance their own business.

Respondents favor reducing collateral requirements: 60% of small business owners support reducing collateral requirements so loans can become more accessible.

The housing and mortgage crisis has harmed consumer demand for small businesses: Almost three-quarters of small business owners, or 73%, feel their business has been hurt by a drop in consumer demand stemming from the housing and mortgage meltdown.

Small business owners believe reducing the principal on underwater mortgages will boost spending: 57% of respondents agree reducing the principal on underwater mortgages to the current market value would boost consumer spending, helping small businesses regain their vigor through increased profits.

Small business owners strongly support investment in infrastructure: 69% favor investing $50 billion in infrastructure projects that would create jobs.

Entrepreneurs favor creating a nationwide wireless network: 59% of those surveyed are in support of creating this kind of network and expanding access to high-speed wireless services.

REGULATIONS

Polling results that revealed small business owners' attitudes toward government regulations were released on Feb. 1, 2012.

Weak demand is small business owners' biggest problem: 34% of respondents said weak demand is their biggest problem, while 15% cited the cost of health coverage and other benefits. Only 14% said it is the level of government regulation. The level of taxes came in fourth place with 12% and competition with larger companies garnered 10%.

Small business owners believe eliminating incentives to move jobs overseas would do the most to create jobs: 24% of small business owners said eliminating incentives for employers to move jobs overseas would do the most to create jobs, and 14% called for tax cuts. Thirteen percent of respondents said increasing consumer purchasing would be the biggest job creator and 12% believe

jobs lie in improving infrastructure like roads and bridges. Only 10% of respondents said reducing regulation would do the most to create jobs.

Small business owners see regulations as a necessary part of a modern economy and believe they can live with them if they're fair and reasonable: 86% of small business owners agree some regulation of business is necessary for a modern economy, and 93% of them agree their business can live with some regulation if it is fair, manageable and reasonable.

Small businesses believe some regulations are needed to level the playing field with big business and that enforcement should be just as tough on large corporations as it is on small businesses: 78% of respondents said some regulations are important to protect small businesses from unfair competition and to level the playing field with big businesses. Additionally, 95% believe the enforcement of regulations should be at least as tough on large corporations as it is on small businesses. Another 76% of respondents believe regulations on the books should be enforced.

Respondents feel strongly that specific regulations play an important role: 78% believe policies are needed to hold health insurance companies accountable so they don't increase insurance rates by excessive amounts; 84% support policies that ensure food safety for businesses and customers that buy or sell food products and 80% support disclosure and regulation of toxic materials.

Small business owners support clean energy policies: 79% of small business owners support having clean air and water in their community in order to keep their family, employees and customers healthy, and 61% support standards that move the country towards energy efficiency and clean energy.

Small business owners believe in streamlining the process for regulatory compliance and documentation: 73% of respondents believe we should allow for one-stop electronic filing of government paperwork.

TAXES

Polling results that revealed small business owners' attitudes toward taxes were released on Feb. 6.

Small business owners overwhelmingly believe big corporations use loopholes to avoid taxes that small businesses have to pay: a sweeping 90% believe this to be true; 92% say big corporations' use of such loopholes is a problem.

Nine out of 10 small business owners say U.S. multinational corporations using accounting loopholes to shift their U.S. profits to offshore subsidiaries to avoid taxes is a problem: 91% of respondents agreed it is a problem, with 55% saying it is a very serious problem.

Majority of small business owners say their business is harmed when big corporations use loopholes to avoid taxes: Three-quarters of respondents agree that their small business is harmed when loopholes allow big corporations to avoid taxes. More than one-third say it harms their business a lot.

Small business owners say big corporations are not paying their fair share of taxes: 67% believe big corporations pay less than their fair share of taxes. An even bigger majority, 73%, says multinational corporations pay less than their fair share.

Small business owners say households making more than $1 million a year pay less than their fair share in taxes: 58% of owners say households whose annual income exceeds $1 million pay less than their fair share.

Small business owners support a higher tax rate for individuals earning more than $1 million a year: 57% of respondents agree that individuals earning more than $1 million a year should pay a higher tax rate on the income over $1 million. Only one small business owner out of 500 polled reported their annual household income to be more than $1 million.

Four out of five small business owners disapprove of the ''carried interest'' loophole that gives hedge fund managers a big break on their taxes: 81% of small business owners favor hedge fund managers paying taxes at the ordinary income tax rate, with a top bracket rate currently set at 35%, rather than the 15% capital gains rate—with 61% strongly supporting this change.

A majority of small business owners believe Congress should let tax cuts expire on taxable household income exceeding $250,000 a year: 51% of respondents believe Congress should let tax cuts on taxable household income exceeding $250,000 a year expire (40% said they should be extended).

ABOUT THE ORGANIZATIONS

American Sustainable Business Council

The American Sustainable Business Council is a network of business organizations representing over 100,000 companies and 200,000 business leaders. ASBC advocates for public policies that meet the realities of the 21st century global economy including strategic investments in workforce and infrastructure; standards and safeguards that promote innovation, prevent abuse and protect critical resources; and a new sustainable economic model that fosters a growing, economically-secure middle class. www.asbcouncil.org

Main Street Alliance

The Main Street Alliance is a national network of small business coalitions. MSA creates opportunities for small business owners to speak for themselves to advance public policies that benefit business owners, their employees, and the communities they serve. Making health reform work for small businesses is a top priority of the MSA network and its state coalitions. www.Mainstreetalliance.org

Small Business Majority

Small Business Majority is a national nonpartisan small business advocacy organization, founded and run by small business owners, and focused on solving the biggest problems facing America's 28 million small businesses. We conduct extensive opinion and economic research and work with small business owners, policy experts and elected officials nationwide to bring small business voices to the public policy table. www.smallbusinessinajority.org

This survey says that eight out of 10 think regulations have a role to play in leveling the playing field between small businesses and larger competitors that seek an unfair advantage.

Even surveys by the U.S. Chamber of Commerce and the National Federation of Independent Businesses, who, themselves are vehemently against regulation, they find that small businesses rank economic uncertainty and poor sales, respectively, as the most important concerns, not regulation.

There are a number of proposals that this House could pass to generate demand for small company services and empower them to hire. Tax credits for new employees, expanding payroll tax cuts, and extending tax cuts for working families all come to mind.

Let's reject this legislation and move on to a real small business jobs act.

Mr. SMITH of Texas. Mr. Chairman, I am happy to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the distinguished majority leader.

Mr. CANTOR. I thank the gentleman from Texas.

Mr. Chairman, I rise in support of legislation before us that will cut red tape and spur small business job creation. Small businesses create the majority of new jobs in this country; but over the last 3 years, there's been a 23 percent decline in new business startups.

The President says he wants to help grow small businesses; but, frankly, his actions have not matched his rhetoric. Recently, the President attacked hard-earned success, telling small businessmen and -women and entrepreneurs that if you've got a business, you didn't build it. Well, it's pretty clear that the President doesn't get it.

Since the President took office, his administration has had under review more than 400 regulations that cost the economy $100 million; and small businesses are facing annual regulatory costs that add up to $10,000 per employee.

If you're a small business owner, this is just part of the maze of the regulatory red tape you're facing today. And where do we get the information for this chart? From President Obama's administration's own Web sites at SBA and the IRS.

The president of a trucking company in Ashland, Virginia, in my district, says that constant regulatory changes by the EPA have caused the prices for his operation to go up. These rising costs have, frankly, made it more difficult for him to plan for the future, difficult for him to operate in the present and, frankly, have just made it plain too hard.

We are voting today on cuts to red tape so we can empower small business owners like the one in Ashland to start growing again. Our legislation freezes costly new regulations until national unemployment drops to 6 percent or lower.

Further, we give small businesses the ability to intervene before government agencies agree to legal settlements that result in more onerous regulation.

□ 1700

The bill also increases the transparency for Federal agencies that have been operating outside the purview of regulatory review, such as the Obama administration's National Labor Relations Board.

Mr. Chairman, we know that, just this year, thousands of pages of red tape have been published, imposing billions in new compliance costs on businesses. Under this bill, we will require all agencies to perform the thorough cost-benefit analyses of proposed regulations. In other words, agencies must finally ask the question of whether and how their proposed actions will affect job creation and our economy. Federal regulation must become smarter and less harmful to our economy.

Mr. Chairman, we know small businesses are built because of the men and

women who take risks, work hard, and invest capital in new ideas. Because it's just too hard for these small business owners to operate, we've brought this bill forward, and that is why I urge my colleagues to support the passage of this legislation.

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

I would like to just remark on the words of the distinguished speaker on the Republican side by saying that another Republican has a completely different point of view, who was the former chairman of the House Committee on Science, and was so for over 5 years. He is Sherwood Boehlert, and many of us remember him fondly.

He says that it would be ''difficult to exaggerate the sweep and destructiveness of the House bill.'' He is referring to H.R. 4078.

The legislation might as well just directly order the agencies that were created to protect the public to close up shop.

Then he goes on to say:

There is no indication that this bill would aid job growth. Indeed, by blocking rules needed to make the economy run more smoothly, the bill could harm our economic prospects for years to come.

So I present to you a point of view of the Republican leader of the House of Representatives, a distinguished Republican and former chairman of the Committee on Science in 2001 and 2006.

I now yield such time as she may desire to the gentlelady from California (Ms. ESHOO).

Ms. ESHOO. To the distinguished ranking member and my good friend, thank you for yielding time to me.

Mr. Chairman, I am very troubled about this bill. Instead of considering legislation that would create jobs and stimulate economic growth, the House is going to take up and vote on a bill that does the exact opposite. In fact, it has the enormous potential of delaying the implementation of new spectrum and public safety law.

Now, I don't know if you vetted your own effort, so to speak, but it was not all that long ago—it was earlier this year—that Congress passed and the President signed into law landmark legislation that implements a key recommendation of the 9/11 Commission. The legislation also made more spectrum available for mobile broadband services. This was the last recommendation that the 9/11 Commission had made.

Congress finally made good on that recommendation, which was to establish a nationwide interoperable public safety network. Why? Because on that fateful day in New York, when police and fire went into those Twin Towers, their communications systems did not allow them to communicate with each other, to talk to each other. We finally, on a bipartisan basis, resolved that.

Also, at the time of the passage of that legislation, Mr. Chairman, we all praised it. We described the billions of dollars in new investment as well as the hundreds of thousands of jobs that would be created as a result of the legislation, calling it an economic game changer.

The nonpartisan Congressional Budget Office's analysis of the bill that you dragged to the floor today, H.R. 4078, which is what we are considering, suggests that this legislation could delay this critical investment and the job creation that comes with it.

My rhetorical question to the majority is: Do you even know what you're doing? I don't think the left hand knows what the right hand is doing.

Now, I offered an amendment at the Rules Committee, which was not made in order, that would have exempted the legislation I'm referring to: that any agency rulemaking that creates jobs or protects public safety, including the provisions of the Middle Class Tax Relief and Job Creation Act of 2012 that pay for the creation of a nationwide public safety broadband network through voluntary spectrum incentive auctions, be exempt. That was not made in order.

So all I can do is come to the floor and use the voice that my constituents have entrusted to me to stand up for things that really make sense for our country, bipartisan legislation, which your legislation today really screws up—in plain English. With the auction of this prime spectrum expected to raise over $25 billion, the passage of this legislation, H.R. 4078, will not only delay access to this critical revenue, but on top of that, you've brought to the floor really bad policy.

That's why I urge my colleagues to vote ''no'' on the final passage of this legislation, because it messes up the good work that we were able to bring forward with, really, I think, a political advertising message. This is not serious legislation. What is serious about it is the damage that it will do to legislation that, on a bipartisan basis, we worked so hard on to make law. This essentially comes behind it as the wrecking crew.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. AMODEI), who is a member of the Judiciary Committee.

Mr. AMODEI. Thank you, Mr. Chairman, for the time.

I find it interesting that we are sitting here having a discussion about regulations in this context. I believe that it is the regulations that are the by-product of this process that we engage in here. It's called ''legislation.''

The regulatory process is not the fourth branch of government that has no accountability to anyone and that can basically do whatever the heck it darn well pleases. The agencies that we are talking about here today, none of which exist in the Constitution, were created by this Congress, which means, if we created you, we can darn well talk about the regulations that you provided.

When I hear words like ''ideology,'' ''cynicism,'' ''really bad policy,'' what is the danger in predictability, for instance, in the timing of the regulatory process?

There is nothing in this legislation which changes the substance of agency discretion in how they go about their business. What we are talking about here is the process, the process by which you go to provide some predictability and stability to those people who are trying to talk about investing capital, hiring workers and things like that.

I urge your support. I thank Mr. GRIFFIN and Mr. ROSS for their efforts in this area.

Mr. CONYERS. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. REED), who is a member of the Ways and Means Committee.

Mr. REED. I thank the gentleman, my former chairman on Judiciary, for yielding the time to me.

I rise today in support of H.R. 4078, Mr. Chairman, and I am standing behind 2-weeks' worth of regulatory material produced in the Federal Register, which is the official record keeper of regulations here in Washington, D.C.

□ 1710

This represents the issue that we are talking about, Mr. Chairman. We need to stop sending this regulatory burden to our job creators back in the districts, back on the frontline that are creating the jobs of today and tomorrow.

I believe there is a clear distinction between the two philosophies that are on display this afternoon in this Chamber. The other side is standing up for regulation, standing up for Big Government. I've come here as a firm believer in the private sector and small business America. We will stand for them day in and day out. Mr. Chairman, this pile of material, this pile of regulations is not good for our job creators. We can do better. We must do better for our children and grandchildren.

With that, I ask support for H.R. 4078 and the corresponding long-term fix, the REINS Act, which will go a long way to taking care of this problem in perpetuity.

Mr. CONYERS. Mr. Chairman, I continue to reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT), who is the vice chairman of the Budget Committee.

Mr. GARRETT. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 4078, the Regulatory Freeze for Jobs Act. At a time when new regulation after new regulation is being proposed by the Obama administration, it is critical that we restore some semblance of order to the regulatory process and ensure that our Nation's small businesses do not continue down in a sea of red tape.

I thank Congressman GRIFFIN, Chairman SMITH, Chairman ISSA, Leader CANTOR, and the Rules Committee for including the SEC Regulatory Accountability Act as part of title VI of this legislation. This legislation subjects the SEC to the President's executive order. What that does is require enhanced cost-benefit analysis requirements, as well as require a review of existing regulations.

Title VI will enhance the SEC existing cost-benefit analysis requirements by requiring the commission to first clearly identify a problem that would be addressed before issuing any new rules and to require that the cost-benefit analysis be performed by the SEC's chief economist.

While the SEC already has certain cost-benefit requirements relative to rulemaking, recent court decisions have simply vacated or remanded several of these rules and have specifically pointed out deficiencies in the Commission's use of cost-benefit analysis. For example, recently the SEC Inspector General issued a report that expressed several concerns he had about the quality of the SEC's cost-benefit analysis. It found absolutely none of the rulemaking it examined attempted to quantify either benefits or costs, other than information and collection costs. This bill now will ensure that the benefits of any rulemaking outweigh the costs, and that both new and existing regulations are accountable, consistent, written in plain language, and simply easy to understand.

Title VI also will require the SEC to assess the costs and benefits of available regulatory alternatives, including the alternative of simply not regulating, and choose the approach that maximizes the benefits.

Under the bill, the SEC shall also evaluate whether a proposed regulation is inconsistent, whether it is incompatible, or duplicates other Federal regulation, as well. Because some regulations have been politicized in the past, this bill will require that the examinations be done by the Commission's chief economist.

These are really just commonsense reforms and are appropriate, especially given the fact that the Commission continues to struggle with this issue. For instance, the D.C. Court of Appeals, which vacated the Commission's proxy access rule, stated: ''The commission acted arbitrarily and capriciously for having failed once again to adequately assess the economic effects of a new rule'' and also ''inconsistently and opportunistically framed costs and benefits of the rule.''

Mr. Chairman, this bill also includes a new section adopted by the subcommittee to provide a clearer post-implementation assessment of all new regulations so that these post-implementation cost-benefit analyses, in addition to pre-implementation, will be done correctly.

Finally, it's a commonsense approach, and it's a pragmatic approach to a rulemaking process. I support the underlying legislation.

Mr. CONYERS. Mr. Chairman, how much time is remaining?

The Acting CHAIR. The gentleman from Michigan has 5½ minutes, and the gentleman from Texas has 5 minutes remaining.

Mr. CONYERS. At this time, I yield as much time as he may consume to the distinguished gentleman from Atlanta, Georgia, Mr. HANK JOHNSON, a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in opposition to H.R. 4078, the so-called Red Tape Reduction and Small Business Job Creation Act.

This mother of all anti-regulation bills is actually a repackaging of a noxious potpourri of previously introduced bills that would make it virtually impossible for the executive branch and its agencies to protect the American public. This bill would block the issuance of regulations regardless of how vital they are to safeguarding the public's health. They want to eliminate regulations that keep our workers safe and which would rein in the excesses of Wall Street.

Why? So that they can please their crony capitalist brothers, the Koch brothers, and also their crony capitalist friends in the U.S. Chamber of Commerce. They want to keep them happy.

Instead of creating jobs, the Tea Party Republicans are assaulting the very regulations that ensure that we have clean air to breathe and clean water to drink; regulations that protect our children from unsafe products like toys, like clothing and bedding, baby food, regulations that protect seniors from adulterated medicines and unsafe substances that they use.

They essentially want to create so many barriers and obstacles to the promulgation of regulations that it's virtually impossible to do so. They want to keep these Federal agencies from doing their job, which is to protect the health, safety, and well-being of this country.

This isn't red tape reduction, folks. This is a philosophy of putting profits over people. The House is in session for 6 more days prior to our August break. After that, we have maybe about 10 legislative days left before the end of the year. What have we accomplished in this Congress? Bills like this. And we've voted to rescind and repeal ObamaCare over and over again. We're now up to number 34 votes on that.

What do we have pending here? We have the Bush tax cuts, which we all agree that we should keep in place for the middle class; but because we don't agree to extend them for the Koch brothers and the other crony capitalists that this party represents, they're not willing to get that done. They don't want to do the payroll tax cuts, the tax extenders, the AMT patch, unemployment benefits, the doc fix, and sequestration. All of this remains to be wrapped up within the next 10 days or so, plus 6, the next 2 weeks of legislative activity.

So to think that this legislation would be effective in bringing reasonable regulations through this Congress, is absurd.

□ 1720

We should be creating jobs legislatively. We should be helping veterans adjust to civilian life. We should be taking measures to impact the ongoing taking of homes of individuals in foreclosure. There is so much that we should be doing instead of appeasing our crony capitalist friends. So I urge my colleagues to oppose this fundamentally flawed bill.

Mr. SMITH Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. WOODALL), who is a member of the Rules Committee.

Mr. WOODALL. I thank the chairman for yielding.

I am pleased to come to the floor after my colleague from Georgia. He and I share a common border and we share a lot of common ground, but I have to tell you, Mr. Chairman, he could not be more wrong today. Because this bill does one thing, and it does one thing only, and that is to say that whatever it is that the people's House decides, whatever it is that the people's Congress decides and sends to the executive branch for implementation, that it come right back here at the end, if it's that big. If it's over $100 million, if it's that big, it come right back here so that we confirm that they got it right.

Now, as I listened to my friend's words, Mr. Chairman, I might believe this is something a Republican Congress was doing to a Democratic administration. But I daresay, what is so important about the work the chairman is doing is this isn't about a Republican House and a Democratic administration. This is about good oversight for a Republican House and a Republican administration, and this is about good oversight for a Democratic House and a Democratic administration.

I will say to my friend, Mr. Chairman, he is absolutely right about all the work we have left to get done this year, but the oversight that we do, the oversight is so important. And I would say, Mr. Chairman, I believe my friends on the Democratic side of the aisle fell short in that respect over a Democratic administration, and I am certain that my friends on the Republican side of the aisle fell short on that during a Republican administration.

The chairman is giving us an opportunity to change that, and change that in statute, and I hope that my friend from Georgia is going to join me in that effort.

I would be happy to yield to the gentleman.

Mr. JOHNSON of Georgia. I thank the gentleman.

I really enjoy the fact that we share a common border, and we have worked

together to try to traverse that border and come to a consensus on issues that affect the people of our districts. And I think that's exactly what this Congress should be about but, unfortunately, due to an obstructionist strategy, we've not been successful.

The Acting CHAIR. The time of the gentleman from Georgia has expired.

The gentleman from Michigan has 45 seconds remaining.

Mr. CONYERS. I yield the 45 seconds to the gentleman from Georgia.

Mr. JOHNSON of Georgia. I thank the gentleman.

Mr. Chairman, there is absolutely no way, with the many regulations that need to be promulgated and put into effect, that we would be able to do that here in Congress instead of letting the stakeholders, the business community, and the regulatory agencies work things out. There's no way that we're going to be able to handle that in Congress.

Mr. WOODALL. Will the gentleman yield?

Mr. JOHNSON of Georgia. I yield to the gentleman from Georgia.

Mr. WOODALL. I say to my friend that the children we share across our common border, there is not one regulation that this Congress would send to the executive branch that you and I would not come together and pass for the benefit of those children.

Mr. JOHNSON of Georgia. Reclaiming my time, what about Wall Street regulations? We would not be able to come to an agreement on that.

The Acting CHAIR. All time controlled by the gentleman from Michigan has expired.

The gentleman from Texas has 3 minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. FLAKE), who is a member of the Appropriations Committee.

Mr. FLAKE. I thank the gentleman for yielding.

I rise in support of this act. This legislation would provide important regulatory reforms, and it couldn't come at a better time for the economy. In particular, I am pleased to support my colleague from Arizona, Congressman QUAYLE's Sunshine for Regulatory Decrees and Settlements Act that is included in this legislation.

In the West, we have seen the EPA adopt what appears to be a contemplated strategy with respect to the implementation of the Clean Air Act regional haze requirements that includes ignoring submitted State plans addressing air quality issues, inviting lawsuits from nongovernmental organizations, and then agreeing to consent decrees that result in Federal intervention.

While this ''sue and settle'' strategy raises a host of issues, in this instance, it tramples on States' prerogatives, and it flies in the face of Congress' explicit intent to let the States lead when it comes to air quality decisions.

In Arizona, for example, EPA has previously flatly ignored the State's plan for dealing with regional haze. They have instead agreed to a consent decree without even consulting ADEQ, the Arizona Department of Environmental Quality, that would result in a federally driven and needlessly costly outcome that will not be beneficial to Arizona's residents. While Arizona has sued to be allowed to intervene and is appealing the consent decree, it is likely this scenario would have been more beneficial to Arizonans had this legislation been in place.

I urge my colleagues to support this legislation and, in doing so, support Congress' intent that the States lead when it comes to air quality planning.

Mr. SMITH Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, job creation is the key to economic recovery. But overregulation kills jobs and burdens small businesses, which are America's main job generators.

The Red Tape Reduction and Small Business Job Creation Act offers many commonsense, bipartisan solutions to the problem of overregulation. Like the Regulatory Flexibility Improvements Act, the Regulatory Accountability Act, and the REINS Act, the bill before us today offers more commonsense, bipartisan solutions to protect small businesses from even more wasteful job-killing regulations and red tape.

Mr. Chairman, I urge my colleagues to support this legislation. I look forward to its passage and yield back the balance of my time.

Mr. PALAZZO. Mr. Chair, H.R. 4078 would help to rein in the nontransparent and undemocratic activities of this Administration. There is one agency that personifies runaway regulations: the EPA.

I'd like to highlight a backdoor power grab being pursued by EPA that demonstrates the need for this bill. As a member of the Science Committee, I'm concerned that this Agency is trying to expand its power under the guise of ''sustainability.'' Without any legal authority or input from Congress, EPA has committed to ''incorporate sustainability principles into [their] policies, regulations, and actions,'' has signed MOUs with DOD and the Army on sustainability, and has spent untold taxpayer dollars on UN conferences in Brazil and multiple National Academy of Sciences reports on this topic.

What is sustainability? That's a good question, and apparently it means whatever EPA wants it to mean. For example, one EPA website on this topic lists 16 different definitions of ''sustainability.'' Based on the track record of this Agency and this Administration, I fear that this new policy is designed to expand federal power to enact more billion dollar regulations without the consent of Congress.

This bill will help control arbitrary and cumbersome federal regulations on job creators in my district in south Mississippi.

Mr. TOWNS. Mr. Chair, I rise in strong opposition to H.R. 4078, which would prohibit agencies from issuing significant rules until the unemployment rate falls below 6%.

Similar to many of my colleagues on both sides of the aisle, I support a comprehensive review of federal regulations to make them more effective and efficient. I am, however, strongly opposed to any measure which will prevent the government from exercising its rule making power and in turn jeopardize the health and safety of the American people.

H.R. 4078 is based on the falsehood that regulations kill jobs. The Oversight Committee has held 28 hearings this Congress, touting this absurd theory in spite of an abundance of evidence to the contrary. Regulations have been found to have little overall impact on job creation. In many cases, regulations have had a positive impact on job growth.

To continue to tie regulations to job growth is arbitrary and misleading to the American people. This bill asks the public to choose between saving their lives through the enactment of regulations that will protect their health and safety—and saving a job which may or may not be created because of the regulation.

In other words, people are being asked to choose a job over their very lives. It is wrong to ask anyone to do this. It is worse than wrong—in fact, it is criminal—to ask people to make this choice when my colleagues on the other side of the aisle know that the probability of losing a job because of regulation is just an illusion.

H.R. 4078 puts the interests of business before the interests of people. The Chairman of this Committee sent hundreds of letters to groups representing industry, asking them which regulations they would like to see repealed. Many of the corporations that submitted responses to the Committee have had skyrocketing profits over the past several years, and they are looking to this Congress to put even more profits into their pockets by passage of this bill.

These are the same companies that are cutting jobs and sending American jobs overseas—not because of any regulation, but simply because they want cheaper labor to increase their profit margin. The presence or absence of a regulation will not stop them from outsourcing American jobs.

Mr. Speaker, I refuse to take part in any measure that places profits before people. I refuse to sanction any legislation that requires the government to consult with business interests before a rule reaches the public for debate. Industry has shown that it will always choose a pathway to higher profit regardless of the impact of a measure on the health and well-being of people.

It is not difficult to imagine the destruction H.R. 4078 will bring on important safeguards to the public health and safety if it is passed.

I urge my colleagues to join me in opposing any curtailment of the government's ability to regulate the health and safety of the American People by voting no on H.R. 4078.

The Acting CHAIR. All time for general debate has expired.

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

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Oversight and Government Reform, printed in the bill, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112–28, modified by the amendment printed in part A of House Report 112–616, is adopted and the bill, as amended, shall be considered as the original bill for

the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 4078

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 ''Red Tape Reduction and Small Business Job Creation Act''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—REGULATORY FREEZE FOR JOBS

SEC. 101. SHORT TITLE.

This title may be cited as the ''Regulatory Freeze for Jobs Act of 2012''.

SEC. 102. MORATORIUM ON SIGNIFICANT REGULATORY ACTIONS.

(a) MORATORIUM.—An agency may not take any significant regulatory action during the period beginning on the date of the enactment of this Act and ending on the date that the Secretary of Labor submits the report under subsection (b).

(b) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget when the Secretary determines that the Bureau of Labor Statistics average of monthly employment rates for any quarter beginning after the date of the enactment of this Act is equal to or less than 6.0 percent.

SEC. 103. WAIVERS AND EXCEPTIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this title, an agency may take a significant regulatory action only in accordance with subsection (b), (c), or (d) during the period described in section 102(a).

(b) PRESIDENTIAL WAIVER.—An agency may take a significant regulatory action if the President determines by Executive Order that the significant regulatory action is—

(1) necessary because of an imminent threat to health or safety or other emergency;

(2) necessary for the enforcement of criminal or civil rights laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

(c) DEREGULATORY EXCEPTION.—An agency may take a significant regulatory action if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget certifies in writing that the significant regulatory action is limited to repealing an existing rule.

(d) CONGRESSIONAL WAIVERS.—

(1) SUBMISSION.—For any significant regulatory action not eligible for a Presidential waiver pursuant to subsection (b), the President may submit a written request to Congress for a waiver of the application of section 102 for such action.

(2) CONTENTS.—A submission by the President under this subsection shall—

(A) identify the significant regulatory action and the scope of the requested waiver;

(B) describe all the reasons the significant regulatory action is necessary to protect the public health, safety, or welfare; and

(C) include an explanation of why the significant regulatory action is ineligible for a Presidential waiver under subsection (b).

(3) CONGRESSIONAL ACTION.—Congress shall give expeditious consideration and take appropriate legislative action with respect to any submission by the President under this subsection.

SEC. 104. JUDICIAL REVIEW.

(a) REVIEW.—Any party adversely affected or aggrieved by any rule or guidance resulting from a regulatory action taken in violation of this title is entitled to judicial review in accordance with chapter 7 of title 5, United States Code. Any determination by either the President or the Secretary of Labor under this title shall be subject to judicial review under such chapter.

(b) JURISDICTION.—Each court having jurisdiction to review any rule or guidance resulting from a significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this title.

(c) RELIEF.—In granting any relief in any civil action under this section, the court shall order the agency to take corrective action consistent with this title and chapter 7 of title 5, United States Code, including remanding the rule or guidance resulting from the significant regulatory action to the agency and enjoining the application or enforcement of that rule or guidance, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security of the United States.

(d) REASONABLE ATTORNEY'S FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney's fees and costs to a substantially prevailing small business in any civil action arising under this title. A small business may qualify as substantially prevailing even without obtaining a final judgment in its favor if the agency that took the significant regulatory action changes its position after the civil action is filed.

(e) LIMITATION ON COMMENCING CIVIL ACTION.—A party may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.

(f) SMALL BUSINESS DEFINED.—In this section, the term ''small business'' means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than $7,000,000 on the date a civil action arising under this title is filed.

SEC. 105. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given that term under section 551 of title 5, United States Code, except that such term does not include—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Open Market Committee; or

(C) the United States Postal Service.

(2) REGULATORY ACTION.—The term ''regulatory action'' means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including a notice of inquiry, an advance notice of proposed rulemaking, and a notice of proposed rulemaking.

(3) RULE.—The term ''rule'' has the meaning given that term under section 551 of title 5, United States Code.

(4) SIGNIFICANT REGULATORY ACTION.—The term ''significant regulatory action'' means any regulatory action that is likely to result in a rule or guidance that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to have an annual cost to the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities.

(5) SMALL ENTITY.—The term ''small entity'' has the meaning given that term under section 601(6) of title 5, United States Code.

TITLE II—MIDNIGHT RULE RELIEF

SEC. 201. SHORT TITLE.

This title may be cited as the ''Midnight Rule Relief Act of 2012''.

SEC. 202. MORATORIUM ON MIDNIGHT RULES.

Except as provided under sections 203 and 204, during the moratorium period, an agency may not propose or finalize any midnight rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds is likely to result in an

annual cost to the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities.

SEC. 203. SPECIAL RULE ON STATUTORY, REGULATORY, AND JUDICIAL DEADLINES.

(a) IN GENERAL.—Section 202 shall not apply with respect to any deadline—

(1) for, relating to, or involving any midnight rule;

(2) that was established before the beginning of the moratorium period; and

(3) that is required to be taken during the moratorium period.

(b) PUBLICATION OF DEADLINES.—Not later than 30 days after the beginning of a moratorium period, the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget shall identify and publish in the Federal Register a list of deadlines covered by subsection (a).

SEC. 204. EXCEPTION.

(a) EMERGENCY EXCEPTION.—Section 202 shall not apply to a midnight rule if the President determines that the midnight rule is—

(1) necessary because of an imminent threat to health or safety or other emergency;

(2) necessary for the enforcement of criminal or civil rights laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

(b) DEREGULATORY EXCEPTION.—Section 202 shall not apply to a midnight rule that the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget certifies in writing is limited to repealing an existing rule.

(c) NOTICE OF EXCEPTIONS.—Not later than 30 days after a determination under subsection (a) or a certification is made under subsection (b), the head of the relevant agency shall publish in the Federal Register any midnight rule excluded from the moratorium period due to an exception under this section.

SEC. 205. DEFINITIONS.

In this title:

(1) AGENCY.—The term ''agency'' has the meaning given that term under section 551 of title 5, United States Code, except that such term does not include—

(A) the Board of Governors of the Federal Reserve System;

(B) the Federal Open Market Committee; or

(C) the United States Postal Service.

(2) DEADLINE.—The term ''deadline'' means any date certain for fulfilling any obligation or exercising any authority established by or under any Federal statute or rule, or by or under any court order implementing any Federal statute, regulation, or rule.

(3) MORATORIUM PERIOD.—The term ''moratorium period'' means the day after the day referred to in section 1 of title 3, United States Code, through January 20 of the following year, in which a President is not serving a consecutive term.

(4) MIDNIGHT RULE.—The term ''midnight rule'' means an agency statement of general applicability and future effect, issued during the moratorium period, that is intended to have the force and effect of law and is designed—

(A) to implement, interpret, or prescribe law or policy; or

(B) to describe the procedure or practice requirements of an agency.

(5) RULE.—The term ''rule'' has the meaning given that term under section 551 of title 5, United States Code.

(6) SMALL ENTITY.—The term ''small entity'' has the meaning given that term under section 601(6) of title 5, United States Code.

TITLE III—REGULATORY DECREES AND SETTLEMENTS

SEC. 301. SHORT TITLE.

This title may be cited as the ''Sunshine for Regulatory Decrees and Settlements Act of 2012''.

SEC. 302. CONSENT DECREE AND SETTLEMENT REFORM.

(a) APPLICATION.—The provisions of this section apply in the case of—

(1) a consent decree or settlement agreement in an action to compel agency action alleged to be unlawfully withheld or unreasonably delayed that pertains to a regulatory action that affects the rights of private parties other than the plaintiff or the rights of State, local or Tribal government entities—

(A) brought under chapter 7 of title 5, United States Code; or

(B) brought under any other statute authorizing such an action; and

(2) any other consent decree or settlement agreement that requires agency action that pertains to a regulatory action that affects the rights of private parties other than the plaintiff or the rights of State, local or Tribal government entities.

(b) IN GENERAL.—In the case of an action to be resolved by a consent decree or a settlement agreement described in paragraph (1), the following shall apply:

(1) The complaint in the action, the consent decree or settlement agreement, the statutory basis for the consent decree or settlement agreement and its terms, and any award of attorneys' fees or costs shall be published, including electronically, in a readily accessible manner by the defendant agency.

(2) Until the conclusion of an opportunity for affected parties to intervene in the action, a party may not file with the court a motion for a consent decree or to dismiss the case pursuant to a settlement agreement.

(3) In considering a motion to intervene by any party that would be affected by the agency action in dispute, the court shall presume, subject to rebuttal, that the interests of that party would not be represented adequately by the current parties to the action. In considering a motion to intervene filed by a State, local or Tribal government entity, the court shall take due account of whether the movant—

(A) administers jointly with the defendant agency the statutory provisions that give rise to the regulatory duty alleged in the complaint; or

(B) administers State, local or Tribal regulatory authority that would be preempted by the defendant agency's discharge of the regulatory duty alleged in the complaint.

(4) If the court grants a motion to intervene in the action, the court shall include the plaintiff, the defendant agency, and the intervenors in settlement discussions. Settlement efforts conducted shall be pursuant to a court's mediation or alternative dispute resolution program, or by a district judge, magistrate judge, or special master, as determined by the assigned judge.

(5) The defendant agency shall publish in the Federal Register and by electronic means any proposed consent decree or settlement agreement for no fewer than 60 days of public comment before filing it with the court, including a statement of the statutory basis for the proposed consent decree or settlement agreement and its terms, allowing comment on any issue related to the matters alleged in the complaint or addressed or affected by the consent decree or settlement agreement.

(6) The defendant agency shall—

(A) respond to public comments received under paragraph (5); and

(B) when moving that the court enter the consent decree or for dismissal pursuant to the settlement agreement—

(i) inform the court of the statutory basis for the proposed consent decree or settlement agreement and its terms;

(ii) submit to the court a summary of the public comments and agency responses;

(iii) certify the index to the administrative record of the notice and comment proceeding to the court; and

(iv) make that record fully accessible to the court.

(7) The court shall include in the judicial record the full administrative record, the index to which was certified by the agency under paragraph (6).

(8) If the consent decree or settlement agreement requires an agency action by a date certain, the agency shall, when moving for entry of the consent decree or dismissal based on the settlement agreement—

(A) inform the court of any uncompleted mandatory duties to take regulatory action that the decree or agreement does not address;

(B) how the decree or agreement, if approved, would affect the discharge of those duties; and

(C) why the decree's or agreement's effects on the order in which the agency discharges its mandatory duties is in the public interest.

(9) The court shall presume, subject to rebuttal, that it is proper to allow amicus participation by any party who filed public comments on the consent decree or settlement agreement during the court's consideration of a motion to enter the decree or dismiss the case on the basis of the agreement.

(10) The court shall ensure that the proposed consent decree or settlement agreement allows sufficient time and procedure for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rule making and, unless contrary to the public interest, the provisions of any executive orders that govern rule making.

(11) The defendant agency may, at its discretion, hold a public hearing pursuant to notice in the Federal Register and by electronic means, on whether to enter into the consent decree or settlement agreement. If such a hearing is held, then, in accordance with paragraph (6), the agency shall submit to the court a summary of the proceedings and the certified index to the hearing record, full access to the hearing record shall be given to the court, and the full hearing record shall be included in the judicial record.

(12) The Attorney General, in cases litigated by the Department of Justice, or the head of the defendant Federal agency, in cases litigated independently by that agency, shall certify to the court his or her approval of any proposed consent decree or settlement agreement that contains any of the following terms—

(A) in the case of a consent decree, terms that—

(i) convert into mandatory duties the otherwise discretionary authorities of an agency to propose, promulgate, revise or amend regulations;

(ii) commit the agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question, or commit an agency to seek a particular appropriation or budget authorization;

(iii) divest the agency of discretion committed to it by Congress or the Constitution, whether such discretionary power was granted to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties; or

(iv) otherwise afford relief that the court could not enter on its own authority upon a final judgment in the litigation; or

(B) in the case of a settlement agreement, terms that—

(i) interfere with the agency's authority to revise, amend, or issue rules through the procedures set forth in chapter 5 of title 5, United States Code, or any other statute or executive order prescribing rule making procedures for rule makings that are the subject of the settlement agreement;

(ii) commit the agency to expend funds that Congress has not appropriated and that have not been budgeted for the action in question; or

(iii) provide a remedy for the agency's failure to comply with the terms of the settlement agreement other than the revival of the action resolved by the settlement agreement, if the agreement commits the agency to exercise its discretion in a particular way and such discretionary power was committed to the agency by Congress or the Constitution to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties.

(c) ANNUAL REPORTS.—Each agency shall submit an annual report to Congress on the number, identity, and content of complaints, consent decrees, and settlement agreements described in paragraph (1) for that year, the statutory basis for each consent decree or settlement agreement and its terms, and any awards of attorneys fees or costs in actions resolved by such decrees or agreements.

SEC. 303. MOTIONS TO MODIFY CONSENT DECREES.

When a defendant agency moves the court to modify a previously entered consent decree described under section 302 and the basis of the motion is that the terms of the decree are no longer fully in the public interest due to the agency's obligations to fulfill other duties or due to changed facts and circumstances, the court shall review the motion and the consent decree de novo.

SEC. 304. EFFECTIVE DATE.

The provisions of this title apply to any covered consent decree or settlement agreement proposed to a court after the date of enactment of this title.

TITLE IV—UNFUNDED MANDATES INFORMATION AND TRANSPARENCY

SEC. 401. SHORT TITLE.

This title may be cited as the ''Unfunded Mandates Information and Transparency Act of 2012''.

SEC. 402. PURPOSE.

The purpose of this title is—

(1) to improve the quality of the deliberations of Congress with respect to proposed Federal mandates by—

(A) providing Congress and the public with more complete information about the effects of such mandates; and

(B) ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

(2) to enhance the ability of Congress and the public to identify Federal mandates that may impose undue harm on consumers, workers, employers, small businesses, and State, local, and tribal governments.

SEC. 403. PROVIDING FOR CONGRESSIONAL BUDGET OFFICE STUDIES ON POLICIES INVOLVING CHANGES IN CONDITIONS OF GRANT AID.

Section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by adding at the end the following new paragraph:

''(3) ADDITIONAL STUDIES.—At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall conduct an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on State, local, or tribal governments participating in the Federal assistance program concerned or, in the case of a bill or joint resolution that authorizes such sums as are necessary, an assessment of an estimated level of funding compared to such costs.''.

SEC. 404. CLARIFYING THE DEFINITION OF DIRECT COSTS TO REFLECT CONGRESSIONAL BUDGET OFFICE PRACTICE.

Section 421(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658(3)(A)(i)) is amended—

(1) in subparagraph (A)(i), by inserting ''incur or'' before ''be required''; and

(2) in subparagraph (B), by inserting after ''to spend'' the following: ''or could forgo in profits, including costs passed on to consumers or other entities taking into account, to the extent practicable, behavioral changes,''.

SEC. 405. EXPANDING THE SCOPE OF REPORTING REQUIREMENTS TO INCLUDE REGULATIONS IMPOSED BY INDEPENDENT REGULATORY AGENCIES.

Paragraph (1) of section 421 of the Congressional Budget Act of 1974 (2 U.S.C. 658) is amended by striking '', but does not include independent regulatory agencies'' and inserting '', except it does not include the Board of Governors of the Federal Reserve System or the Federal Open Market Committee''.

SEC. 406. AMENDMENTS TO REPLACE OFFICE OF MANAGEMENT AND BUDGET WITH OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4; 2 U.S.C. 1511 et seq.) is amended—

(1) in section 103(c) (2 U.S.C. 1511(c))—

(A) in the subsection heading, by striking ''OFFICE OF MANAGEMENT AND BUDGET'' and inserting ''OFFICE OF INFORMATION AND REGULATORY AFFAIRS''; and

(B) by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs'';

(2) in section 205(c) (2 U.S.C. 1535(c))—

(A) in the subsection heading, by striking ''OMB''; and

(B) by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs''; and

(3) in section 206 (2 U.S.C. 1536), by striking ''Director of the Office of Management and Budget'' and inserting ''Administrator of the Office of Information and Regulatory Affairs''.

SEC. 407. APPLYING SUBSTANTIVE POINT OF ORDER TO PRIVATE SECTOR MANDATES.

Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(1) by striking ''Federal intergovernmental mandates'' and inserting ''Federal mandates''; and

(2) by inserting ''or 424(b)(1)'' after ''section 424(a)(1)''.

SEC. 408. REGULATORY PROCESS AND PRINCIPLES.

Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531) is amended to read as follows:

''SEC. 201. REGULATORY PROCESS AND PRINCIPLES.

''(a) IN GENERAL.—Each agency shall, unless otherwise expressly prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulatory actions incorporate requirements specifically set forth in law) in accordance with the following principles:

''(1) Each agency shall identify the problem that it intends to address (including, if applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

''(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

''(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

''(4) If an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

''(5) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation, unless expressly prohibited by law, only upon a reasoned determination that the benefits of the intended regulation justify its costs.

''(6) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

''(7) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

''(8) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

''(9) Each agency shall tailor its regulations to minimize the costs of the cumulative impact of regulations.

''(10) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(b) REGULATORY ACTION DEFINED.—In this section, the term 'regulatory action' means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including advance notices of proposed rulemaking and notices of proposed rulemaking.''.

SEC. 409. EXPANDING THE SCOPE OF STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Subsection (a) of section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended to read as follows:

''(a) IN GENERAL.—Unless otherwise expressly prohibited by law, before promulgating any general notice of proposed rulemaking or any final rule, or within six months after promulgating any final rule that was not preceded by a general notice of proposed rulemaking, if the proposed rulemaking or final rule includes a Federal mandate that may result in an annual effect on State, local, or tribal governments, or to the private sector, in the aggregate of $100,000,000 or more in any 1 year, the agency shall prepare a written statement containing the following:

''(1) The text of the draft proposed rulemaking or final rule, together with a reasonably detailed description of the need for the proposed rulemaking or final rule and an explanation of how the proposed rulemaking or final rule will meet that need.

''(2) An assessment of the potential costs and benefits of the proposed rulemaking or final rule, including an explanation of the manner in which the proposed rulemaking or final rule is consistent with a statutory requirement and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

''(3) A qualitative and quantitative assessment, including the underlying analysis, of benefits anticipated from the proposed rulemaking or final rule (such as the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias).

''(4) A qualitative and quantitative assessment, including the underlying analysis, of costs anticipated from the proposed rulemaking

or final rule (such as the direct costs both to the Government in administering the final rule and to businesses and others in complying with the final rule, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and international competitiveness), health, safety, and the natural environment);

''(5) Estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

''(A) the future compliance costs of the Federal mandate; and

''(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector.

''(6)(A) A detailed description of the extent of the agency's prior consultation with the private sector and elected representatives (under section 204) of the affected State, local, and tribal governments.

''(B) A detailed summary of the comments and concerns that were presented by the private sector and State, local, or tribal governments either orally or in writing to the agency.

''(C) A detailed summary of the agency's evaluation of those comments and concerns.

''(7) A detailed summary of how the agency complied with each of the regulatory principles described in section 201.''.

(b) REQUIREMENT FOR DETAILED SUMMARY.—Subsection (b) of section 202 of such Act is amended by inserting ''detailed'' before ''summary''.

SEC. 410. ENHANCED STAKEHOLDER CONSULTATION.

Section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534) is amended—

*(1) in the section heading, by inserting ''**AND PRIVATE SECTOR**'' before ''**INPUT**'';*

(2) in subsection (a)—

(A) by inserting '', and impacted parties within the private sector (including small business),'' after ''on their behalf)'';

(B) by striking ''Federal intergovernmental mandates'' and inserting ''Federal mandates''; and

(3) by amending subsection (c) to read as follows:

''(c) GUIDELINES.—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:

''(1) Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rulemaking process.

''(2) Agencies shall consult with a wide variety of State, local, and tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.

''(3) Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.

''(4) Agencies shall, to the extent practicable—

''(A) seek out the views of State, local, and tribal governments, and impacted parties within the private sector (including small business), on costs, benefits, and risks; and

''(B) solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.

''(5) Consultations shall address the cumulative impact of regulations on the affected entities.

''(6) Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.''.

SEC. 411. NEW AUTHORITIES AND RESPONSIBILITIES FOR OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

Section 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1538) is amended to read as follows:

''SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.

''(a) IN GENERAL.—The Administrator of the Office of Information and Regulatory Affairs shall provide meaningful guidance and oversight so that each agency's regulations for which a written statement is required under section 202 are consistent with the principles and requirements of this title, as well as other applicable laws, and do not conflict with the policies or actions of another agency. If the Administrator determines that an agency's regulations for which a written statement is required under section 202 do not comply with such principles and requirements, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall identify areas of non-compliance, notify the agency, and request that the agency comply before the agency finalizes the regulation concerned.

''(b) ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.—The Director of the Office of Information and Regulatory Affairs annually shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, a written report detailing compliance by each agency with the requirements of this title that relate to regulations for which a written statement is required by section 202, including activities undertaken at the request of the Director to improve compliance, during the preceding reporting period. The report shall also contain an appendix detailing compliance by each agency with section 204.''.

SEC. 412. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104–4; 2 U.S.C. 1511 et seq.) is amended—

(1) by redesignating section 209 as section 210; and

(2) by inserting after section 208 the following new section 209:

''SEC. 209. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.

''(a) REQUIREMENT.—At the request of the chairman or ranking minority member of a standing or select committee of the House of Representatives or the Senate, an agency shall conduct a retrospective analysis of an existing Federal regulation promulgated by an agency.

''(b) REPORT.—Each agency conducting a retrospective analysis of existing Federal regulations pursuant to subsection (a) shall submit to the chairman of the relevant committee, Congress, and the Comptroller General a report containing, with respect to each Federal regulation covered by the analysis—

''(1) a copy of the Federal regulation;

''(2) the continued need for the Federal regulation;

''(3) the nature of comments or complaints received concerning the Federal regulation from the public since the Federal regulation was promulgated;

''(4) the extent to which the Federal regulation overlaps, duplicates, or conflicts with other Federal regulations, and, to the extent feasible, with State and local governmental rules;

''(5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the Federal regulation;

''(6) a complete analysis of the retrospective direct costs and benefits of the Federal regulation that considers studies done outside the Federal Government (if any) estimating such costs or benefits; and

''(7) any litigation history challenging the Federal regulation.''.

SEC. 413. EXPANSION OF JUDICIAL REVIEW.

Section 401(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1571(a)) is amended—

(1) in paragraphs (1) and (2)(A)—

(A) by striking ''sections 202 and 203(a)(1) and (2)'' each place it appears and inserting ''sections 201, 202, 203(a)(1) and (2), and 205(a) and (b)''; and

(B) by striking ''only'' each place it appears;

(2) in paragraph (2)(B), by striking ''section 202'' and all that follows through the period at the end and inserting the following: ''section 202, prepare the written plan under section 203(a)(1) and (2), or comply with section 205(a) and (b), a court may compel the agency to prepare such written statement, prepare such written plan, or comply with such section.''; and

(3) in paragraph (3), by striking ''written statement or plan is required'' and all that follows through ''shall not'' and inserting the following: ''written statement under section 202, a written plan under section 203(a)(1) and (2), or compliance with sections 201 and 205(a) and (b) is required, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement, or description), to prepare such written plan, or to comply with such section may''.

TITLE V—IMPROVED COORDINATION OF AGENCY ACTIONS ON ENVIRONMENTAL DOCUMENTS

SEC. 501. SHORT TITLE.

This title may be cited as the ''Responsibly And Professionally Invigorating Development Act of 2012'' or as the ''RAPID Act''.

SEC. 502. COORDINATION OF AGENCY ADMINISTRATIVE OPERATIONS FOR EFFICIENT DECISIONMAKING.

(a) IN GENERAL.—Part I of chapter 5 of title 5, United States Code, is amended by inserting after subchapter II the following:

''SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

''§ 560. Coordination of agency administrative operations for efficient decisionmaking

''(a) CONGRESSIONAL DECLARATION OF PURPOSE.—The purpose of this subchapter is to establish a framework and procedures to streamline, increase the efficiency of, and enhance coordination of agency administration of the regulatory review, environmental decisionmaking, and permitting process for projects undertaken, reviewed, or funded by Federal agencies. This subchapter will ensure that agencies administer the regulatory process in a manner that is efficient so that citizens are not burdened with regulatory excuses and time delays.

''(b) DEFINITIONS.—For purposes of this subchapter, the term—

''(1) 'agency' means any agency, department, or other unit of Federal, State, local, or Indian tribal government;

''(2) 'category of projects' means 2 or more projects related by project type, potential environmental impacts, geographic location, or another similar project feature or characteristic;

''(3) 'environmental assessment' means a concise public document for which a Federal agency is responsible that serves to—

''(A) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement or a finding of no significant impact;

''(B) aid an agency's compliance with NEPA when no environmental impact statement is necessary; and

''(C) facilitate preparation of an environmental impact statement when one is necessary;

''(4) 'environmental impact statement' means the detailed statement of significant environmental impacts required to be prepared under NEPA;

''(5) 'environmental review' means the Federal agency procedures for preparing an environmental impact statement, environmental assessment, categorical exclusion, or other document under NEPA;

''(6) 'environmental decisionmaking process' means the Federal agency procedures for undertaking and completion of any environmental permit, decision, approval, review, or study under any Federal law other than NEPA for a project subject to an environmental review;

''(7) 'environmental document' means an environmental assessment or environmental impact statement, and includes any supplemental document or document prepared pursuant to a court order;

''(8) 'finding of no significant impact' means a document by a Federal agency briefly presenting the reasons why a project, not otherwise subject to a categorical exclusion, will not have a significant effect on the human environment and for which an environmental impact statement therefore will not be prepared;

''(9) 'lead agency' means the Federal agency preparing or responsible for preparing the environmental document;

''(10) 'NEPA' means the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

''(11) 'project' means major Federal actions that are construction activities undertaken with Federal funds or that are construction activities that require approval by a permit or regulatory decision issued by a Federal agency;

''(12) 'project sponsor' means the agency or other entity, including any private or public-private entity, that seeks approval for a project or is otherwise responsible for undertaking a project; and

''(13) 'record of decision' means a document prepared by a lead agency under NEPA following an environmental impact statement that states the lead agency's decision, identifies the alternatives considered by the agency in reaching its decision and states whether all practicable means to avoid or minimize environmental harm from the alternative selected have been adopted, and if not, why they were not adopted.

''(c) PREPARATION OF ENVIRONMENTAL DOCUMENTS.—Upon the request of the lead agency, the project sponsor shall be authorized to prepare any document for purposes of an environmental review required in support of any project or approval by the lead agency if the lead agency furnishes oversight in such preparation and independently evaluates such document and the document is approved and adopted by the lead agency prior to taking any action or making any approval based on such document.

''(d) ADOPTION AND USE OF DOCUMENTS.—

''(1) DOCUMENTS PREPARED UNDER NEPA.—

''(A) Not more than 1 environmental impact statement and 1 environmental assessment shall be prepared under NEPA for a project (except for supplemental environmental documents prepared under NEPA or environmental documents prepared pursuant to a court order), and, except as otherwise provided by law, the lead agency shall prepare the environmental impact statement or environmental assessment. After the lead agency issues a record of decision, no Federal agency responsible for making any approval for that project may rely on a document other than the environmental document prepared by the lead agency.

''(B) Upon the request of a project sponsor, a lead agency may adopt, use, or rely upon secondary and cumulative impact analyses included in any environmental document prepared under NEPA for projects in the same geographic area where the secondary and cumulative impact analyses provide information and data that pertains to the NEPA decision for the project under review.

''(2) STATE ENVIRONMENTAL DOCUMENTS; SUPPLEMENTAL DOCUMENTS.—

''(A) Upon the request of a project sponsor, a lead agency may adopt a document that has been prepared for a project under State laws and procedures as the environmental impact statement or environmental assessment for the project, provided that the State laws and procedures under which the document was prepared provide environmental protection and opportunities for public involvement that are substantially equivalent to NEPA.

''(B) An environmental document adopted under subparagraph (A) is deemed to satisfy the lead agency's obligation under NEPA to prepare an environmental impact statement or environmental assessment.

''(C) In the case of a document described in subparagraph (A), during the period after preparation of the document but before its adoption by the lead agency, the lead agency shall prepare and publish a supplement to that document if the lead agency determines that—

''(i) a significant change has been made to the project that is relevant for purposes of environmental review of the project; or

''(ii) there have been significant changes in circumstances or availability of information relevant to the environmental review for the project.

''(D) If the agency prepares and publishes a supplemental document under subparagraph (C), the lead agency may solicit comments from agencies and the public on the supplemental document for a period of not more than 45 days beginning on the date of the publication of the supplement.

''(E) A lead agency shall issue its record of decision or finding of no significant impact, as appropriate, based upon the document adopted under subparagraph (A), and any supplements thereto.

''(3) CONTEMPORANEOUS PROJECTS.—If the lead agency determines that there is a reasonable likelihood that the project will have similar environmental impacts as a similar project in geographical proximity to the project, and that similar project was subject to environmental review or similar State procedures within the 5 year period immediately preceding the date that the lead agency makes that determination, the lead agency may adopt the environmental document that resulted from that environmental review or similar State procedure. The lead agency may adopt such an environmental document, if it is prepared under State laws and procedures only upon making a favorable determination on such environmental document pursuant to paragraph (2)(A).

''(e) PARTICIPATING AGENCIES.—

''(1) IN GENERAL.—The lead agency shall be responsible for inviting and designating participating agencies in accordance with this subsection. The lead agency shall provide the invitation or notice of the designation in writing.

''(2) FEDERAL PARTICIPATING AGENCIES.—Any Federal agency that is required to adopt the environmental document of the lead agency for a project shall be designated as a participating agency and shall collaborate on the preparation of the environmental document, unless the Federal agency informs the lead agency, in writing, by a time specified by the lead agency in the designation of the Federal agency that the Federal agency—

''(A) has no jurisdiction or authority with respect to the project;

''(B) has no expertise or information relevant to the project; and

''(C) does not intend to submit comments on the project.

''(3) INVITATION.—The lead agency shall identify, as early as practicable in the environmental review for a project, any agencies other than an agency described in paragraph (2) that may have an interest in the project, including, where appropriate, Governors of affected States, and heads of appropriate tribal and local (including county) governments, and shall invite such identified agencies and officials to become participating agencies in the environmental review for the project. The invitation shall set a deadline of 30 days for responses to be submitted, which may only be extended by the lead agency for good cause shown. Any agency that fails to respond prior to the deadline shall be deemed to have declined the invitation.

''(4) EFFECT OF DECLINING PARTICIPATING AGENCY INVITATION.—Any agency that declines a designation or invitation by the lead agency to be a participating agency shall be precluded from submitting comments on any document prepared under NEPA for that project or taking any measures to oppose, based on the environmental review, any permit, license, or approval related to that project.

''(5) EFFECT OF DESIGNATION.—Designation as a participating agency under this subsection does not imply that the participating agency—

''(A) supports a proposed project; or

''(B) has any jurisdiction over, or special expertise with respect to evaluation of, the project.

''(6) COOPERATING AGENCY.—A participating agency may also be designated by a lead agency as a 'cooperating agency' under the regulations contained in part 1500 of title 40, Code of Federal Regulations, as in effect on January 1, 2011. Designation as a cooperating agency shall have no effect on designation as participating agency. No agency that is not a participating agency may be designated as a cooperating agency.

''(7) CONCURRENT REVIEWS.—Each Federal agency shall—

''(A) carry out obligations of the Federal agency under other applicable law concurrently and in conjunction with the review required under NEPA; and

''(B) in accordance with the rules made by the Council on Environmental Quality pursuant to subsection (n)(1), make and carry out such rules, policies, and procedures as may be reasonably necessary to enable the agency to ensure completion of the environmental review and environmental decisionmaking process in a timely, coordinated, and environmentally responsible manner.

''(8) COMMENTS.—Each participating agency shall limit its comments on a project to areas that are within the authority and expertise of such participating agency. Each participating agency shall identify in such comments the statutory authority of the participating agency pertaining to the subject matter of its comments. The lead agency shall not act upon, respond to or include in any document prepared under NEPA, any comment submitted by a participating agency that concerns matters that are outside of the authority and expertise of the commenting participating agency.

''(f) PROJECT INITIATION REQUEST.—

''(1) NOTICE.—A project sponsor shall provide the Federal agency responsible for undertaking a project with notice of the initiation of the project by providing a description of the proposed project, the general location of the proposed project, and a statement of any Federal approvals anticipated to be necessary for the proposed project, for the purpose of informing the Federal agency that the environmental review should be initiated.

''(2) LEAD AGENCY INITIATION.—The agency receiving a project initiation notice under paragraph (1) shall promptly identify the lead agency for the project, and the lead agency shall initiate the environmental review within a period of 45 days after receiving the notice required by paragraph (1) by inviting or designating agencies to become participating agencies, or, where the lead agency determines that no participating agencies are required for the project, by taking such other actions that are reasonable and necessary to initiate the environmental review.

''(g) ALTERNATIVES ANALYSIS.—

''(1) PARTICIPATION.—As early as practicable during the environmental review, but no later than during scoping for a project requiring the preparation of an environmental impact statement, the lead agency shall provide an opportunity for involvement by cooperating agencies in determining the range of alternatives to be considered for a project.

''(2) RANGE OF ALTERNATIVES.—Following participation under paragraph (1), the lead agency shall determine the range of alternatives for

consideration in any document which the lead agency is responsible for preparing for the project, subject to the following limitations:

''(A) NO EVALUATION OF CERTAIN ALTERNATIVES.—No Federal agency shall evaluate any alternative that was identified but not carried forward for detailed evaluation in an environmental document or evaluated and not selected in any environmental document prepared under NEPA for the same project.

''(B) ONLY FEASIBLE ALTERNATIVES EVALUATED.—Where a project is being constructed, managed, funded, or undertaken by a project sponsor that is not a Federal agency, Federal agencies shall only be required to evaluate alternatives that the project sponsor could feasibly undertake, consistent with the purpose of and the need for the project, including alternatives that can be undertaken by the project sponsor and that are technically and economically feasible.

''(3) METHODOLOGIES.—

''(A) IN GENERAL.—The lead agency shall determine, in collaboration with cooperating agencies at appropriate times during the environmental review, the methodologies to be used and the level of detail required in the analysis of each alternative for a project. The lead agency shall include in the environmental document a description of the methodologies used and how the methodologies were selected.

''(B) NO EVALUATION OF INAPPROPRIATE ALTERNATIVES.—When a lead agency determines that an alternative does not meet the purpose and need for a project, that alternative is not required to be evaluated in detail in an environmental document.

''(4) PREFERRED ALTERNATIVE.—At the discretion of the lead agency, the preferred alternative for a project, after being identified, may be developed to a higher level of detail than other alternatives in order to facilitate the development of mitigation measures or concurrent compliance with other applicable laws if the lead agency determines that the development of such higher level of detail will not prevent the lead agency from making an impartial decision as to whether to accept another alternative which is being considered in the environmental review.

''(5) EMPLOYMENT ANALYSIS.—The evaluation of each alternative in an environmental impact statement or an environmental assessment shall identify the potential effects of the alternative on employment, including potential short-term and long-term employment increases and reductions and shifts in employment.

''(h) COORDINATION AND SCHEDULING.—

''(1) COORDINATION PLAN.—

''(A) IN GENERAL.—The lead agency shall establish and implement a plan for coordinating public and agency participation in and comment on the environmental review for a project or category of projects to facilitate the expeditious resolution of the environmental review.

''(B) SCHEDULE.—

''(i) IN GENERAL.—The lead agency shall establish as part of the coordination plan for a project, after consultation with each participating agency and, where applicable, the project sponsor, a schedule for completion of the environmental review. The schedule shall include deadlines, consistent with subsection (i), for decisions under any other Federal laws (including the issuance or denial of a permit or license) relating to the project that is covered by the schedule.

''(ii) FACTORS FOR CONSIDERATION.—In establishing the schedule, the lead agency shall consider factors such as—

''(I) the responsibilities of participating agencies under applicable laws;

''(II) resources available to the participating agencies;

''(III) overall size and complexity of the project;

''(IV) overall schedule for and cost of the project;

''(V) the sensitivity of the natural and historic resources that could be affected by the project; and

''(VI) the extent to which similar projects in geographic proximity were recently subject to environmental review or similar State procedures.

''(iii) COMPLIANCE WITH THE SCHEDULE.—

''(I) All participating agencies shall comply with the time periods established in the schedule or with any modified time periods, where the lead agency modifies the schedule pursuant to subparagraph (D).

''(II) The lead agency shall disregard and shall not respond to or include in any document prepared under NEPA, any comment or information submitted or any finding made by a participating agency that is outside of the time period established in the schedule or modification pursuant to subparagraph (D) for that agency's comment, submission or finding.

''(III) If a participating agency fails to object in writing to a lead agency decision, finding or request for concurrence within the time period established under law or by the lead agency, the agency shall be deemed to have concurred in the decision, finding or request.

''(C) CONSISTENCY WITH OTHER TIME PERIODS.—A schedule under subparagraph (B) shall be consistent with any other relevant time periods established under Federal law.

''(D) MODIFICATION.—The lead agency may—

''(i) lengthen a schedule established under subparagraph (B) for good cause; and

''(ii) shorten a schedule only with the concurrence of the cooperating agencies.

''(E) DISSEMINATION.—A copy of a schedule under subparagraph (B), and of any modifications to the schedule, shall be—

''(i) provided within 15 days of completion or modification of such schedule to all participating agencies and to the project sponsor; and

''(ii) made available to the public.

''(F) ROLES AND RESPONSIBILITY OF LEAD AGENCY.—With respect to the environmental review for any project, the lead agency shall have authority and responsibility to take such actions as are necessary and proper, within the authority of the lead agency, to facilitate the expeditious resolution of the environmental review for the project.

''(i) DEADLINES.—The following deadlines shall apply to any project subject to review under NEPA and any decision under any Federal law relating to such project (including the issuance or denial of a permit or license or any required finding):

''(1) ENVIRONMENTAL REVIEW DEADLINES.—The lead agency shall complete the environmental review within the following deadlines:

''(A) ENVIRONMENTAL IMPACT STATEMENT PROJECTS.—For projects requiring preparation of an environmental impact statement—

''(i) the lead agency shall issue an environmental impact statement within 2 years after the earlier of the date the lead agency receives the project initiation request or a Notice of Intent to Prepare an Environmental Impact Statement is published in the Federal Register; and

''(ii) in circumstances where the lead agency has prepared an environmental assessment and determined that an environmental impact statement will be required, the lead agency shall issue the environmental impact statement within 2 years after the date of publication of the Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register.

''(B) ENVIRONMENTAL ASSESSMENT PROJECTS.—For projects requiring preparation of an environmental assessment, the lead agency shall issue a finding of no significant impact or publish a Notice of Intent to Prepare an Environmental Impact Statement in the Federal Register within 1 year after the earlier of the date the lead agency receives the project initiation request, makes a decision to prepare an environmental assessment, or sends out participating agency invitations.

''(2) EXTENSIONS.—

''(A) REQUIREMENTS.—The environmental review deadlines may be extended only if—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) LIMITATION.—The environmental review shall not be extended by more than 1 year for a project requiring preparation of an environmental impact statement or by more than 180 days for a project requiring preparation of an environmental assessment.

''(3) ENVIRONMENTAL REVIEW COMMENTS.—

''(A) COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT.—For comments by agencies and the public on a draft environmental impact statement, the lead agency shall establish a comment period of not more than 60 days after publication in the Federal Register of notice of the date of public availability of such document, unless—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(B) OTHER COMMENTS.—For all other comment periods for agency or public comments in the environmental review process, the lead agency shall establish a comment period of no more than 30 days from availability of the materials on which comment is requested, unless—

''(i) a different deadline is established by agreement of the lead agency, the project sponsor, and all participating agencies; or

''(ii) the deadline is extended by the lead agency for good cause.

''(4) DEADLINES FOR DECISIONS UNDER OTHER LAWS.—Notwithstanding any other provision of law, in any case in which a decision under any other Federal law relating to the undertaking of a project being reviewed under NEPA (including the issuance or denial of a permit or license) is required to be made, the following deadlines shall apply:

''(A) DECISIONS PRIOR TO RECORD OF DECISION OR FINDING OF NO SIGNIFICANT IMPACT.—If a Federal agency is required to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project prior to the record of decision or finding of no significant impact, such Federal agency shall approve or otherwise act not later than the end of a 90 day period beginning—

''(i) after all other relevant agency review related to the project is complete; and

''(ii) after the lead agency publishes a notice of the availability of the final environmental impact statement or issuance of other final environmental documents, or no later than such other date that is otherwise required by law, whichever event occurs first.

''(B) OTHER DECISIONS.—With regard to any approval or other action related to a project by a Federal agency that is not subject to subparagraph (A), each Federal agency shall approve or otherwise act not later than the end of a period of 180 days beginning—

''(i) after all other relevant agency review related to the project is complete; and

''(ii) after the lead agency issues the record of decision or finding of no significant impact, unless a different deadline is established by agreement of the Federal agency, lead agency, and the project sponsor, where applicable, or the deadline is extended by the Federal agency for good cause, provided that such extension shall not extend beyond a period that is 1 year after the lead agency issues the record of decision or finding of no significant impact.

''(C) FAILURE TO ACT.—In the event that any Federal agency fails to approve, or otherwise to act upon, a permit, license, or other similar application for approval related to a project within the applicable deadline described in subparagraph (A) or (B), the permit, license, or other

similar application shall be deemed approved by such agency and the agency shall take action in accordance with such approval within 30 days of the applicable deadline described in subparagraph (A) or (B).

''(D) FINAL AGENCY ACTION.—Any approval under subparagraph (C) is deemed to be final agency action, and may not be reversed by any agency. In any action under chapter 7 seeking review of such a final agency action, the court may not set aside such agency action by reason of that agency action having occurred under this paragraph.

''(j) ISSUE IDENTIFICATION AND RESOLUTION.—

''(1) COOPERATION.—The lead agency and the participating agencies shall work cooperatively in accordance with this section to identify and resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

''(2) LEAD AGENCY RESPONSIBILITIES.—The lead agency shall make information available to the participating agencies as early as practicable in the environmental review regarding the environmental, historic, and socioeconomic resources located within the project area and the general locations of the alternatives under consideration. Such information may be based on existing data sources, including geographic information systems mapping.

''(3) PARTICIPATING AGENCY RESPONSIBILITIES.—Based on information received from the lead agency, participating agencies shall identify, as early as practicable, any issues of concern regarding the project's potential environmental, historic, or socioeconomic impacts. In this paragraph, issues of concern include any issues that could substantially delay or prevent an agency from granting a permit or other approval that is needed for the project.

''(4) ISSUE RESOLUTION.—

''(A) MEETING OF PARTICIPATING AGENCIES.—At any time upon request of a project sponsor, the lead agency shall promptly convene a meeting with the relevant participating agencies and the project sponsor, to resolve issues that could delay completion of the environmental review or could result in denial of any approvals required for the project under applicable laws.

''(B) NOTICE THAT RESOLUTION CANNOT BE ACHIEVED.—If a resolution cannot be achieved within 30 days following such a meeting and a determination by the lead agency that all information necessary to resolve the issue has been obtained, the lead agency shall notify the heads of all participating agencies, the project sponsor, and the Council on Environmental Quality for further proceedings in accordance with section 204 of NEPA, and shall publish such notification in the Federal Register.

''(k) REPORT TO CONGRESS.—The head of each Federal agency shall report annually to Congress—

''(1) the projects for which the agency initiated preparation of an environmental impact statement or environmental assessment;

''(2) the projects for which the agency issued a record of decision or finding of no significant impact and the length of time it took the agency to complete the environmental review for each such project;

''(3) the filing of any lawsuits against the agency seeking judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA, including the date the complaint was filed, the court in which the complaint was filed, and a summary of the claims for which judicial review was sought; and

''(4) the resolution of any lawsuits against the agency that sought judicial review of a permit, license, or approval issued by the agency for an action subject to NEPA.

''(l) LIMITATIONS ON CLAIMS.—

''(1) IN GENERAL.—Notwithstanding any other provision of law, a claim arising under Federal law seeking judicial review of a permit, license, or approval issued by a Federal agency for an action subject to NEPA shall be barred unless—

''(A) in the case of a claim pertaining to a project for which an environmental review was conducted and an opportunity for comment was provided, the claim is filed by a party that submitted a comment during the environmental review on the issue on which the party seeks judicial review, and such comment was sufficiently detailed to put the lead agency on notice of the issue upon which the party seeks judicial review; and

''(B) filed within 180 days after publication of a notice in the Federal Register announcing that the permit, license, or approval is final pursuant to the law under which the agency action is taken, unless a shorter time is specified in the Federal law pursuant to which judicial review is allowed.

''(2) NEW INFORMATION.—The preparation of a supplemental environmental impact statement, when required, is deemed a separate final agency action and the deadline for filing a claim for judicial review of such action shall be 180 days after the date of publication of a notice in the Federal Register announcing the record of decision for such action. Any claim challenging agency action on the basis of information in a supplemental environmental impact statement shall be limited to challenges on the basis of that information.

''(3) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to create a right to judicial review or place any limit on filing a claim that a person has violated the terms of a permit, license, or approval.

''(m) CATEGORIES OF PROJECTS.—The authorities granted under this subchapter may be exercised for an individual project or a category of projects.

''(n) EFFECTIVE DATE.—The requirements of this subchapter shall apply only to environmental reviews and environmental decisionmaking processes initiated after the date of enactment of this subchapter.

''(o) APPLICABILITY.—Except as provided in subsection (p), this subchapter applies, according to the provisions thereof, to all projects for which a Federal agency is required to undertake an environmental review or make a decision under an environmental law for a project for which a Federal agency is undertaking an environmental review.

''(p) SAVINGS CLAUSE.—Nothing in this section shall be construed to supersede, amend, or modify sections 134, 135, 139, 325, 326, and 327 of title 23, United States Code, sections 5303 and 5304 of title 49, United States Code, or subtitle C of title I of division A of the Moving Ahead for Progress in the 21st Century Act and the amendments made by such subtitle (Public Law 112–141).''.

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

''SUBCHAPTER IIA—INTERAGENCY COORDINATION REGARDING PERMITTING

''560. Coordination of agency administrative operations for efficient decisionmaking.''.

(c) REGULATIONS.—

(1) COUNCIL ON ENVIRONMENTAL QUALITY.—Not later than 180 days after the date of enactment of this title, the Council on Environmental Quality shall amend the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, and shall by rule designate States with laws and procedures that satisfy the criteria under section 560(d)(2)(A) of title 5, United States Code.

(2) FEDERAL AGENCIES.—Not later than 120 days after the date that the Council on Environmental Quality amends the regulations contained in part 1500 of title 40, Code of Federal Regulations, to implement the provisions of this title and the amendments made by this title, each Federal agency with regulations implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall amend such regulations to implement the provisions of this subchapter.

TITLE VI—SECURITIES AND EXCHANGE COMMISSION REGULATORY ACCOUNTABILITY

SEC. 601. SHORT TITLE.

This title may be cited as the ''SEC Regulatory Accountability Act''.

SEC. 602. CONSIDERATION BY THE SECURITIES AND EXCHANGE COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND CERTAIN OTHER AGENCY ACTIONS.

Section 23 of the Securities Exchange Act of 1934 (15 U.S.C. 78w) is amended by adding at the end the following:

''(e) CONSIDERATION OF COSTS AND BENEFITS.—

''(1) IN GENERAL.—Before issuing a regulation under the securities laws, as defined in section 3(a), the Commission shall—

''(A) clearly identify the nature and source of the problem that the proposed regulation is designed to address, as well as assess the significance of that problem, to enable assessment of whether any new regulation is warranted;

''(B) utilize the Chief Economist to assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the regulation;

''(C) identify and assess available alternatives to the regulation that were considered, including modification of an existing regulation, together with an explanation of why the regulation meets the regulatory objectives more effectively than the alternatives; and

''(D) ensure that any regulation is accessible, consistent, written in plain language, and easy to understand and shall measure, and seek to improve, the actual results of regulatory requirements.

''(2) CONSIDERATIONS AND ACTIONS.—

''(A) REQUIRED ACTIONS.—In deciding whether and how to regulate, the Commission shall assess the costs and benefits of available regulatory alternatives, including the alternative of not regulating, and choose the approach that maximizes net benefits. Specifically, the Commission shall—

''(i) consistent with the requirements of section 3(f) (15 U.S.C. 78c(f)), section 2(b) of the Securities Act of 1933 (15 U.S.C. 77b(b)), section 202(c) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(c)), and section 2(c) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(c)), consider whether the rulemaking will promote efficiency, competition, and capital formation;

''(ii) evaluate whether, consistent with obtaining regulatory objectives, the regulation is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including State and local governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations; and

''(iii) evaluate whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations.

''(B) ADDITIONAL CONSIDERATIONS.—In addition, in making a reasoned determination of the costs and benefits of a potential regulation, the Commission shall, to the extent that each is relevant to the particular proposed regulation, take into consideration the impact of the regulation on—

''(i) investor choice;

''(ii) market liquidity in the securities markets; and

''(iii) small businesses

''(3) EXPLANATION AND COMMENTS.—The Commission shall explain in its final rule the nature of comments that it received, including those from the industry or consumer groups concerning the potential costs or benefits of the proposed rule or proposed rule change, and shall

provide a response to those comments in its final rule, including an explanation of any changes that were made in response to those comments and the reasons that the Commission did not incorporate those industry group concerns related to the potential costs or benefits in the final rule.

''(4) REVIEW OF EXISTING REGULATIONS.—Not later than 1 year after the date of enactment of the SEC Regulatory Accountability Act, and every 5 years thereafter, the Commission shall review its regulations to determine whether any such regulations are outmoded, ineffective, insufficient, or excessively burdensome, and shall modify, streamline, expand, or repeal them in accordance with such review.

''(5) POST-ADOPTION IMPACT ASSESSMENT.—

''(A) IN GENERAL.—Whenever the Commission adopts or amends a regulation designated as a 'major rule' within the meaning of section 804(2) of title 5, United States Code, it shall state, in its adopting release, the following:

''(i) The purposes and intended consequences of the regulation.

''(ii) Appropriate post-implementation quantitative and qualitative metrics to measure the economic impact of the regulation and to measure the extent to which the regulation has accomplished the stated purposes.

''(iii) The assessment plan that will be used, consistent with the requirements of subparagraph (B) and under the supervision of the Chief Economist of the Commission, to assess whether the regulation has achieved the stated purposes.

''(iv) Any unintended or negative consequences that the Commission foresees may result from the regulation.

''(B) REQUIREMENTS OF ASSESSMENT PLAN AND REPORT.—

''(i) REQUIREMENTS OF PLAN.—The assessment plan required under this paragraph shall consider the costs, benefits, and intended and unintended consequences of the regulation. The plan shall specify the data to be collected, the methods for collection and analysis of the data and a date for completion of the assessment.

''(ii) SUBMISSION AND PUBLICATION OF REPORT.—The Chief Economist shall submit the completed assessment report to the Commission no later than 2 years after the publication of the adopting release, unless the Commission, at the request of the Chief Economist, has published at least 90 days before such date a notice in the Federal Register extending the date and providing specific reasons why an extension is necessary. Within 7 days after submission to the Commission of the final assessment report, it shall be published in the Federal Register for notice and comment. Any material modification of the plan, as necessary to assess unforeseen aspects or consequences of the regulation, shall be promptly published in the Federal Register for notice and comment.

''(iii) DATA COLLECTION NOT SUBJECT TO NOTICE AND COMMENT REQUIREMENTS.—If the Commission has published its assessment plan for notice and comment, specifying the data to be collected and method of collection, at least 30 days prior to adoption of a final regulation or amendment, such collection of data shall not be subject to the notice and comment requirements in section 3506(c) of title 44, United States Code (commonly referred to as the Paperwork Reduction Act). Any material modifications of the plan that require collection of data not previously published for notice and comment shall also be exempt from such requirements if the Commission has published notice for comment in the Federal Register of the additional data to be collected, at least 30 days prior to initiation of data collection.

''(iv) FINAL ACTION.—Not later than 180 days after publication of the assessment report in the Federal Register, the Commission shall issue for notice and comment a proposal to amend or rescind the regulation, or publish a notice that the Commission has determined that no action will be taken on the regulation. Such a notice will be deemed a final agency action.

''(6) COVERED REGULATIONS AND OTHER AGENCY ACTIONS.—Solely as used in this subsection, the term 'regulation'—

''(A) means an agency statement of general applicability and future effect that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency, including rules, orders of general applicability, interpretive releases, and other statements of general applicability that the agency intends to have the force and effect of law; and

''(B) does not include—

''(i) a regulation issued in accordance with the formal rulemaking provisions of section 556 or 557 of title 5, United States Code;

''(ii) a regulation that is limited to agency organization, management, or personnel matters;

''(iii) a regulation promulgated pursuant to statutory authority that expressly prohibits compliance with this provision; and

''(iv) a regulation that is certified by the agency to be an emergency action, if such certification is published in the Federal Register.''.

SEC. 603. SENSE OF CONGRESS RELATING TO OTHER REGULATORY ENTITIES

It is the sense of the Congress that other regulatory entities, including the Public Company Accounting Oversight Board, the Municipal Securities Rulemaking Board, and any national securities association registered under section 15A of the Securities Exchange Act of 1934 (15 U.S.C. 78o–3) should also follow the requirements of section 23(e) of such Act, as added by this title.

TITLE VII—CONSIDERATION BY COMMODITY FUTURES TRADING COMMISSION OF CERTAIN COSTS AND BENEFITS

SEC. 701. CONSIDERATION BY THE COMMODITY FUTURES TRADING COMMISSION OF THE COSTS AND BENEFITS OF ITS REGULATIONS AND ORDERS.

Section 15(a) of the Commodity Exchange Act (7 U.S.C. 19(a)) is amended by striking paragraphs (1) and (2) and inserting the following:

''(1) IN GENERAL.—Before promulgating a regulation under this Act or issuing an order (except as provided in paragraph (3)), the Commission, through the Office of the Chief Economist, shall assess the costs and benefits, both qualitative and quantitative, of the intended regulation and propose or adopt a regulation only on a reasoned determination that the benefits of the intended regulation justify the costs of the intended regulation (recognizing that some benefits and costs are difficult to quantify). It must measure, and seek to improve, the actual results of regulatory requirements.

''(2) CONSIDERATIONS.—In making a reasoned determination of the costs and the benefits, the Commission shall evaluate—

''(A) considerations of protection of market participants and the public;

''(B) considerations of the efficiency, competitiveness, and financial integrity of futures and swaps markets;

''(C) considerations of the impact on market liquidity in the futures and swaps markets;

''(D) considerations of price discovery;

''(E) considerations of sound risk management practices;

''(F) available alternatives to direct regulation;

''(G) the degree and nature of the risks posed by various activities within the scope of its jurisdiction;

''(H) whether, consistent with obtaining regulatory objectives, the regulation is tailored to impose the least burden on society, including market participants, individuals, businesses of differing sizes, and other entities (including small communities and governmental entities), taking into account, to the extent practicable, the cumulative costs of regulations;

''(I) whether the regulation is inconsistent, incompatible, or duplicative of other Federal regulations;

''(J) whether, in choosing among alternative regulatory approaches, those approaches maximize net benefits (including potential economic, environmental, and other benefits, distributive impacts, and equity); and

''(K) other public interest considerations.''.

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 112–616. Each such further 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. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112–616.

Mr. HASTINGS of Florida. 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:

Page 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) SIGNIFICANT REGULATORY ACTIONS ENSURING SAFE DRINKING WATER.—The moratorium in section 102(a) shall not apply to any significant regulatory action that is intended to ensure that drinking water is safe to drink.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) SAFE DRINKING WATER EXCEPTION.—Section 202 shall not apply to a midnight rule that is intended to ensure that drinking water is safe to drink.

Page 20, insert after line 12 the following:

SEC. 305. EXCEPTION FOR SAFE DRINKING WATER.

The provisions of this title do not apply to any consent decree or settlement agreement pertaining to a regulatory action that is intended to ensure that drinking water is safe to drink.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, I am pleased to introduce this amendment to help ensure clean drinking water. This measure amends H.R. 4078, the Regulatory Freeze for Jobs Act, by exempting from the moratorium regulations that ensure drinking water is safe.

Safe drinking water is essential to public health. There is a long and terrible history of polluters dumping all matter of toxins into rivers, streams, and other sources of drinking water. Aside from the environmental destruction, it costs an enormous amount to effectively clean such sources once they have been polluted. It costs even more to provide the necessary medical care for persons made sick by exposure to polluted water.

We cannot afford to weaken or delay critical agency actions designed to ensure the continued enforcement and regulation of clean water rules.

□ 1730

This is not about creating jobs. Polluting water doesn't create more jobs, but it does negatively impact public health. We must remain vigilant in protecting our water supplies, and I urge my colleagues to vote in favor of this amendment.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. I oppose this amendment because it is unnecessary and weakens the important reforms made by the bill. This administration has been issuing a torrent of the most expensive regulations, each of which cost the economy over $100 million. According to a study by The Heritage Foundation, President Obama already has adopted 106 regulations that add $46 billion in annual regulatory costs to the private sector, and nearly $11 billion in one-time implementation cost.

By contrast, in his first 3 years in office, President Bush adopted 28 major regulations costing the private sector $8 billion annually.

The bill is designed only to prevent unnecessary regulations. Titles I and II have reasonable exceptions for the President to allow regulations necessary because of an ''imminent threat to health or safety or other emergency.'' And the congressional waiver provision of title I allows the President to authorize regulations during the moratorium period with the permission of Congress. Regulations that the President wants enacted simply have to go through Congress. Balance of power.

Title III prevents agencies from using litigation with special interest groups to force more regulations on the economy without sufficient transparency, public participation, and judicial scrutiny. For too long, agencies have used consent decrees and settlement agreements as cover to promulgate regulations with less time for review of cost and benefits, alternatives, and public comment. This is yet another way that agencies impose unnecessary and ill-considered regulations on the public. It should be stopped.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself the balance of my time in light of the fact that I don't think anyone else is going to speak on this amendment.

I clearly understand my colleague's position as set forth. One thing I cannot abide and offer by way of constructive criticism is the fact that all over this Nation too often we find that polluters cause our streams, rivers, and waters to be damaged. I'm a fifth-generation Floridian, and I heard the gentleman in the Rules Committee and on the floor today speaking pridefully, and rightfully, about his children. I've seen the damage in Florida, and I have seen much of the damage that has been done around the Nation. While it is true that the legislation as offered would allow for the President to come to Congress for approval, by the time Congress gets through doing anything, the pollution that we are trying to avoid may very well have overtaken us.

We have a very fragile ecosystem in our country and, as it pertains to water, it would just be absurd for us not to be able to address it immediately.

I'm pleased to yield such time as he will consume to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the author of this amendment because it highlights the dangers of this bill. And surely if there is anything that we prioritize in our whole ecosystem is the value and importance of clean water over profits, and I am astounded that anyone would oppose the amendment, frankly.

Mr. HASTINGS of Florida. With that, Mr. Chairman, I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I yield myself such time as I may consume.

I would just like to make it clear, again, that any regulations that are needed, that the gentleman from Florida feels are needed, that the President feels are needed, those can be enacted under this law. It simply requires Congress to play a role. I have no doubt that the President opposes this bill. I understand that he doesn't want to share his regulatory power with this body. I'm sure a lot of Presidents might feel that way. But it is all about separation of powers and sharing power and allowing this body to have a say.

I yield back the balance of my time.

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

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

Mr. HASTINGS of Florida. 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 Florida will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112–616.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise as the designee of Congressman CONYERS on this amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) EXCEPTION FOR REGULATORY ACTIONS PERTAINING TO PRIVACY.—An agency may take a significant regulatory action if the significant regulatory action pertains to privacy.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) PRIVACY EXCEPTION.—Section 202 shall not apply to a midnight rule if the midnight rule pertains to privacy.

Page 19, insert after line 25 the following:

(d) EXCEPTION.—This section shall not apply in the case of any consent decree or settlement agreement in an action to compel agency action pertaining to privacy.

The Acting CHAIR. Pursuant to House Resolution 738, 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, my amendment would amend the bill's definition of ''significant regulatory action'' to exclude any regulation or guidance that is intended to protect the privacy of Americans.

With the increasing opportunities for governmental and private organizations to obtain, maintain, and disseminate sensitive, private information on citizens, it is critical that we not prevent or delay the implementation of government regulations designed to protect the privacy of this information for several reasons.

First, the government routinely collects almost every type of personal information about individuals and stores it in its databases. It may maintain this information for stated periods of time or permanently, and the government may share it with State agencies under certain circumstances.

The concern, Mr. Chairman, is that such information has itself become a commodity with financial value, subject to abuse by those who seek to sell it for financial gain or for criminal purposes, such as identity theft.

Unfortunately, several Federal agencies, such as the Veterans Administration, have lost the personal information of millions of Americans. For example, in 2006, the personal information for more than 26 million veterans and 2.2 million current military servicemembers was stolen from a Department of Veterans Affairs employee's home after he had taken the data home without authorization.

Second, thanks to the largely unfettered use of Social Security numbers and the availability of other personally identifiable information through technological advances, data security breaches appear to be occurring with greater frequency, in government and the private sector. In both of those arenas, we see these data breaches occurring. In turn, identity theft has swiftly evolved into one of the most prolific crimes in the United States. Unregulated, those who have it would seek to sell it and abuse it. And there are businesses which exist for the purpose of collecting as much personal information as possible about individuals so

that they can put together profiles that they can then sell.

Finally, the protection of Americans' privacy is not a Democratic or Republican issue. Indeed, it is one of the few that those on opposite ends of the political spectrum have long embraced.

□ 1740

Who can dispute the need to protect the privacy of patients' health information? The Department of Health and Human Services has been tasked by Congress to implement new regulations to give patients more control over their own health records. In addition, HHS is proposing new rules to protect Americans from discrimination based on their genetic information. Yet, H.R. 4078 would stop these regulations from going into effect because the bill has only limited exceptions that would be generally inapplicable to privacy protection regulations.

Likewise, the bill's waiver provisions are generally unworkable. My amendment corrects this shortcoming by including in the bill an exception for regulations that protect the privacy of Americans.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. I yield 2 minutes to the gentlewoman from California (Mrs. BONO MACK).

Mrs. BONO MACK. I thank the gentleman for yielding.

I rise in strong opposition to this amendment offered relating to privacy regulations, midnight privacy rules, and consent decrees. At a time when many of us are fighting attempts by the United Nations to regulate the Internet, lo and behold, some in Congress would have us do the exact opposite. The Conyers amendment would open the door for new, burdensome, and potentially job-killing regulations on the Internet. We don't need the United States stifling Internet freedom any more than Russia, China, or India.

As chairman of the subcommittee with primary jurisdiction over this issue, I've convened multiple hearings on online privacy and had countless conversations with stakeholders. And there is one thing that absolutely everyone agrees on: don't mess up a great thing.

E-commerce continues to flourish, creating jobs for millions of Americans and providing a tremendous boost to an otherwise stagnant economy. This amendment could put all of that success in jeopardy, stifling future innovation and growth.

I'd like to remind my colleagues that an agency could still promulgate rules on privacy so long as they are not considered ''significant'' as defined in the bill. But what we don't need is a system where dueling bureaucrats, the FTC and the FCC, impose conflicting and confusing rules for consumers.

While the amendment sounds as if it is narrowly tailored to exempt privacy regulations from the interim prohibitions on new regulations and midnight rules, the term ''privacy'' is nonetheless undefined. That's the very definition of ''loophole'' and opens the back door to government intervention and regulation.

Soon, the House will consider my legislation telling the United Nations, Russia, China and others to keep their hands off the Internet. Today, let's tell the United States that very same thing.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment is not designed to pave the way for any specific regulation. It is intended generally to prevent the delay in issuing regulations that will protect the privacy of our citizens. Privacy considerations should be at the forefront of our concerns, not treated as secondary inconvenience. Whether or not a specific issue is one ripe for regulation is properly considered as part of the regulatory process, which carefully considers all interests.

To delay privacy regulations, as this bill would do, is to short-circuit the appropriately careful issuance of regulations needed to keep the personal behavior and personal information of our citizens safe from unwanted surveillance or exploitation.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. GRIFFIN of Arkansas. I oppose this amendment, Mr. Chairman, because it is unnecessary. Titles I and II of the bill, the regulatory freeze and midnight rules titles, apply only to those regulations that are most costly to the economy, costing $100 million or more. Unfortunately, these are the kinds of rules that the Obama administration is issuing at a much faster rate than the previous administration.

Under President Bush, the Office of Information and Regulatory Affairs' biannual regulatory agenda on average reported 77 economically significant regulations in the proposed and final stages of the rulemaking process. By comparison, President Obama's biannual average is 124.

I would also note that President Obama's Office of Information and Regulatory Affairs has not yet issued the spring 2012 regulatory agenda, although judging by the weather alone, I would say that spring is well behind us.

This can only add to the regulatory uncertainty that discourages job creation. It is no wonder, then, that a Gallup Poll found that small businessowners cite complying with government regulations as their most important problem. The Federal Government needs to slow down on issuing the most costly regulations until the economy has a chance to recover or until this body approves regulations forwarded to it. Even if a regulation related to privacy met the $100 million threshold for titles I and II, I am confident that the bill's reasonable waiver procedures would allow any necessary privacy regulation to move forward. There is no reason that regulations related to privacy should be exempt from the reforms to consent decree abuse contained in title III. For these reasons, I oppose this amendment and yield back the balance of my time.

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. 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 Georgia will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112–616.

Mr. KUCINICH. 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:

Page 3, line 18, strike ''or (d)'' and insert ''(d), or (e)''.

Page 5, after line 7, insert the following new subsection:

(e) EXCEPTION FOR LIMITING OIL SPECULATION.—The prohibition in section 102(a) shall not apply to any significant regulatory action specifically aimed at limiting oil speculation.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Ohio (Mr. KUCINICH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio.

Mr. KUCINICH. Mr. Chairman, I offer a sensible amendment to improve this bill.

My amendment exempts from the moratorium any significant regulatory action that is specifically aimed at limiting speculation in the oil markets. Now, think of a gas pump this way: if you look at a gas pump, it's got that nozzle like that—it is actually a holdup device. Every time our constituents pull up to the pump and say ''fill it up,'' the oil companies are saying ''stick 'em up.'' That's what's happening.

So, do we really want to tell these speculators in oil markets that we don't have any interest in stopping their speculation? Do we really want this bill to do that? Because if we do that, what we are, in effect, causing is, we're giving the oil companies carte blanche to steal from our constituents. I am sure my friends on the other side of the aisle don't want that to happen, which is why I brought this amendment forward to help you.

Today, financial speculators have overwhelmed commodity markets and

have driven out bona fide market participants who seek to reduce the risk of their investment by making offsetting investments. Excessive speculation in oil markets has come about as a result of the financialization of commodity markets. Financialization means that the prices of a commodity like oil are being set not by supply and demand but by financial concerns and by manipulation. Financialization has increased volatility, increased prices in the futures market and needlessly inflated the price all of our constituents pay at the pump—stick 'em up—and pay for products like heating oil.

Now, let's not forget that the financial crisis of 2008 was caused, in part, by commodity swaps, most of which are oil swaps. In July of 2008, traders pushed the price of a barrel of oil to a record $145. The wild price fluctuation was not caused simply by changes in supply or demand or by events in the Middle East. There was a worldwide recession in 2008. Weak economies usually mean weaker demand for oil. But thanks to Wall Street, that's not the case. They find a way to make a profit at the expense of consumers and businesses.

For decades, bona fide commercial hedgers made up about 70 percent of the commodities market activity, with speculators making up the other 30 percent. Now the speculators make up about 70 percent of the activity, and commercial hedgers are 30 percent.

□ 1750

Do we really want to provide an opportunity for these speculators to cause our constituents to have to stick 'em up again?

Mr. CONYERS. Will the gentleman yield?

Mr. KUCINICH. Mr. Chairman, could I ask how much time I have remaining?

The Acting CHAIR. The gentleman has 2 minutes and 45 seconds remaining.

Mr. KUCINICH. Okay. I will yield 45 seconds to my friend.

Mr. CONYERS. I may not need that much time.

But this is the most important provision in this bill—if we can persuade our colleagues to accept it—because we've all been victims of this rising gas price and then they miraculously come down a little bit, and then they start going back up again and then they come down.

I congratulate the gentleman from Ohio (Mr. KUCINICH) for introducing the amendment, and I'm proud, along with him, to support consumers across this country.

I thank the gentleman.

Mr. KUCINICH. I thank the gentleman. How much more time would you like? I thank you sincerely.

The New England Fuel Institute published a list of 100 studies—100 studies, my friends—showing the impact of commodity speculation. This is entitled, ''Evidence on the Negative Impact of Commodity Speculation by Academics, Analysts and Public Institutions.'' These studies show the harms of unchecked financial speculation on all commodity markets, not just oil. And though my amendment is focused on retaining the power of our regulatory agencies to address oil speculation, the fact is that excessive speculation hampers the proper function of all derivative markets, not just energy markets.

Today, the average price of gas in America is about $3.50 a gallon—higher than it ought to be—and that's because of excessive speculation.

[June 14, 2012]

EVIDENCE ON THE NEGATIVE IMPACT OF COMMODITY SPECULATION BY ACADEMICS, ANALYSTS AND PUBLIC INSTITUTIONS

(Compiled by Markus Henn)

1) Adämmer, Philipp/Bohl, Martin T./Stephan, Patrick M. (University of Munster) (2011): Speculative Bubbles in Agricultural Prices: ''The empirical evidence is favorable for speculative bubbles in the corn and wheat price over the last decade.''

2) Agriculture and food policy centre (Texas University) (2008): The effects of ethanol on Texas food and feed: ''Speculative fund activities in futures markets have led to more money in the markets and more volatility. Increased price volatility has encouraged wider trading limits. The end result has been the loss of the ability to use futures markets for price risk management due to the inability to finance margin requirements.''

3) Algieri, Bernardina (Zentrum für Entwicklungsforschung Bonn) (2012): Price Volatility. Speculation and Excessive Speculation in Commodity Markets: Sheep or Shepherd Behaviour?: . . . this study shows that excessive speculation drives price volatility, and that often bilateral relationships exist between price volatility and speculation. (. . .) excessive speculation has driven price volatility for maize, rice, soybeans, and wheat in particular time frames, but the relationships are not always overlapping for all the considered commodities.''

4) Aliber, Robert Z. (University of Chicago) (2008): Oil Rally Topped Dot-Com Craze in Speculators' Mania (Bloomberg article): ''You've got speculation in a lot of commodities and that seems to be driving up the price. (. . .) Movements are dominated by momentum players who predict price changes from Wednesday to Friday on the basis of the price change from Monday to Wednesday.''

5) Baffes, John (The World Bank)/Haniotis. Tassos (European Commission) (2010): Placing the 2006/08 Commodities Boom into Perspective. World Bank Research Working Paper 5371: ''We conjecture that index fund activity (one type of ''speculative'' activity among the many that the literature refers to) played a key role during the 2008 price spike. Biofuels played some role too, but much less than initially thought. And we find no evidence that alleged stronger demand by emerging economies had any effect on world prices.''

6) Bass, Hans H. (Univ. Bremen) (2011): Finanzmšrkte als Hungerverursacher? Studie für Welthungerhilfe e.V.: ''Das Engagement der Kapitalanleger auf den Getreidemärkten führte nach unseren Berechnungen in den Jahren 2007 bis 2009 im Jahresdurchschnitt zu einem Spielraum für Preisniveauerhöhungen von bis zu 15 Prozent.''

7) Basu, Parantap/Gavin. William T. (Federal Reserve Bank of St. Loius) (2011): What explains the Growth in Commodity Derivatives? ''Banks argue that they need to use commodity derivatives to help customers manage risks. This may be true, but the recent experience in commodity futures did not reduce risks but exacerbated them just at the wrong time.''

8) Berg, Ann (former CME trader and director, now FAO advisor) (2010): Agricultural Futures: Strengthening market signals for global price discover. Paper to the FAO's Committee on Commodity Problems Extraordinary meeting: ''. . . over 150 years of futures trading history demonstrates that position limits are necessary in commodities of finite supply to curb excessive speculation and hoarding.''

9) Berg, Ann (former CME trader and director. now FAO advisor) (2011): The rise of commodity speculation: from villainous to venerable: ''Structural changes in global commodity markets have greatly contributed to rising prices and increased price variability. These fundamental trends toward higher prices have been a key lure for increased speculative activity on the major futures exchanges.''

10) Bicchetti, David/Maystre, Nicolas (2012) (UNCTAD): The synchronized and long-lasting structural change on commodity markets: evidence from high frequency data: ''we document a synchronized structural break, characterized by a departure from zero, which starts in the course of 2008 and continues thereafter. This is consistent with the idea that recent financial innovations on commodity futures exchanges, in particular the high frequency trading activities and algorithm strategies have an impact on these correlations.''

11) Büyüksahin, Bahattin (IEA)/Robe, Michel A. (American University) (2010): Speculators, Commodities and Cross-Market Linkages: ''We then show that the correlations between the returns on investable commodity and equity indices increase amid greater participation by speculators generally and hedge funds especially.''

12) Chevalier, Jean-Marie (ed.) (Ministère de l'Economie. de l'Industrie et de l'Emploi) (2010): RaDDOrt du groupe de travail sur la volatilité des prix du pétrole: ''On peut raisonnablement avancer en conclusion que le jeu de certains acteurs financiers a pu amplifier les mouvements à la hausse ou à la baisse des cours, augmentant à volatilité naturelle des prix du pétrole...''

13) Cooke, Bryce/Robles. Miguel (IFPRI) (2009): Recent Food Prices Movements. A Time Series Analysis: ''Overall, our empirical analysis mainly provides evidence that financial activity in futures markets and proxies for speculation can help explain the observed change in food prices; any other explanation is not well supported by our time series analysis.''

14) Cooper, Marc (Consumer Federation of America) (2011): Excessive Speculation and Oil Price Shock Recessions: A Case of Wall Street ''Déjà vu all over again'': ''the paper shows that excessive speculation, not market fundamentals caused the spike in oil prices. The movement of trading and prices in the three years since the speculative bubble in oil burst in 2008 provides even stronger evidence that excessive speculation is a major problem that afflicts the oil market and the economy.''

15) Deutsche Bank Research (2009): Do speculators drive crude oil prices? Dispersion in beliefs as price determinants. Research Notes 32: ''The econometric estimates can reject the null hypotheses that the dispersion in beliefs of speculators has no influence on the crude oil price and its volatility. Both the Granger causality tests and the distributed lag models, which also include lagged regressors that measure the dispersion in beliefs of speculators, confirm moreover the

role of speculation as a precursor to price movements.''

16) Dicker, Dan (former NYMEX trader) (2011): ''I wrote Oil's Endless Bid to show how the treatment of oil as a stock by investors, far more than any number of globally significant competing factors, causes the dramatically higher prices that we've seen in recent years. I've witnessed seismic changes to the oil markets during my many years as a trader, and it's the everyday consumer who shoulders the burden.''

17) Du, Xiaodong/Yu, Cindy L./Hayes. Dermott J. (Iowa State University) (2009). Speculation and Volatility Spillover in the Crude Oil and Agricultural Commodity Markets: A Bayesian.

Evidence on the Negative Impact of Commodity Speculation by Academics, Analysts and Public Institutions—14 June 2012—markus.henn@weed-online.org Analysis. Working Paper No. 09–WP 491, 2009: ''Speculation, scalping, and petroleum inventories are found to be important in explaining oil price variation.''

18) Eckaus. R.S. (MIT) (2008): The Oil Price Really Is A Speculative Bubble. ''Since there is no reason based on current and expected supply and demand that justifies the current price of oil, what is left? The oil price is a speculative bubble.''

19) Einloth. James T. (FDIC) (2009): Speculation and Recent Volatility in the Price of Oil: ''The paper finds the evidence inconsistent with speculation having played a major role in the rise of price to $100 per barrel in March 2008. However, the evidence suggests that speculation did play a role in its subsequent rise to $140.''

20) Evans, Tim (Citigroup energy analyst) (2008): The Official Demise of the Oil Bubble (Wall Street Article): ''This is a market that is basically returning to the price level of a year ago which it arguably should never have left. (...) We pumped up a big bubble, expanded it to an impressive dimension, and now it is popped and we have bubble gum in our hair.''

21) Frenk, David (Better Markets Inc.) (2010): Review of Irwin and Sanders 2010 OECD report: 1) The statistical methods applied are completely inappropriate for the data used. 2) The study is contradicted by the findings of other studies that apply more appropriate statistical methods to the same data. 3) The overall analysis is superficial and easily refuted by looking at some basic facts.''

22) Frenk, David/Turbeville, Wallace C. (Better Markets Inc.) (2011): Commodity Index Traders and the Boom/Bust Cycle in Commodities Prices: ''We find strong evidence that the CIT Roll Cycle systematically distorts forward commodities futures price curves towards a contango state, which is likely to contribute to speculative ''boom/bust'' cycles by changing the incentives of producers and consumers of storable commodities, and also by sending misleading and non-fundamental, price signals to the market.''

23) Gheit, Fadel/Katzenberg, Daniel (2008) (Oppenheimer & Co.): Surviving lower oil prices: ''The investment banks that hyped oil prices using voodoo economics have suddenly reversed their position and now expect much lower oil prices. They helped cause excessive speculation, create the oil bubble, and contributed to the global financial crisis. They have changed their tune in exchange for a government bailout, not because of changes in market fundamentals.''

24) Gilbert, Christopher (Trento University) (2010): How to understand high food prices: ''By investing across the entire range of commodity futures, index-based investors appear to have inflated food commodity prices.''

25) Gilbert, Christopher (Trento University) (2010): Speculative Influences on Commodity Futures Prices: ''The results ... indicate that index-based investment in commodity futures may have been responsible for a significant and bubblelike increase of energy and non-ferrous metals prices, although the estimated impact on agricultural prices is smaller.''

26) Ghosh, Jayati (Jawaharlal Nehru University) (2010): Commodity speculation and the food crisis: ''Thus international commodity markets increasingly began to develop many of the features of financial markets, in that they became prone to information asymmetries and associated tendencies to be led by a small number of large players. Far from being 'efficient markets' in the sense hoped for by mainstream theory, they allowed for inherently 'wrong' signalling devices to become very effective in determining and manipulating market behaviour. The result was the excessive price volatility that has been displayed by important commodities over the recent period—not only the food grains and crops mentioned here, but also minerals and oil.''

27) Global Hunger Index 2011 (IFPRI, Welthungerhilfe, Concern Worldwide) (2011): ''Price increases and volatility have arisen for three main reasons: increasing use of food crops for biofuels, extreme weather events and climate change, and increased volume of trading in commodity futures markets.''

28) Goldman Sachs (2011): Global Energy Weekly March 2011: ''We estimate that each million barrels of net speculative length tends to add 8–10 cents to the price of a barrel of oil.''

29) Greenberger, Michael (University of Maryland) (2010): The Relationship of Unregulated Excessive Speculation to Oil Market Price Volatility. Paper for the International Energy Forum: ''When speculators make up too large a share of the futures market, they have the potential to upset the healthy tension between consumers and producers and resulting adherence of prices to market fundamentals. The resulting volatility makes it more difficult for commercial consumers and producers to successfully hedge risk, because prices do not reflect market fundamentals, and so they abandon the futures market and risk shifting—thereby further destabilizing the price discovery influence of these markets.''

30) Hamilton, James (Department of Economics, UC San Diego) (2009) Causes and Consequences of the Oil Shock of 2007–08: ''With hindsight, it is hard to deny that the price rose too high in July 2008, and that this miscalculation was influenced in part by the flow of investment dollars into commodity futures contracts.''

31) Henderson, Brian J. (George Washington University)/Pearson, Neil D./Wang, Li (2012) (University of Illinois at Urbana-Champaign): New Evidence on the Financialization of Commodity Markets: ''this paper examines the price impact of commodity investments on the commodities futures markets using a novel dataset of Commodity-Linked Notes (CLNs). CLN issuers hedge their liabilities by taking long positions in the underlying commodity futures on the pricing dates. These hedging trades are plausibly exogenous to the contemporaneous and subsequent price movements, allowing us to identify the price impact of the hedging trades. We find that these hedging trades cause significant price changes in the underlying futures markets, and therefore provide direct evidence of the impact of ''financial'' trades on commodity futures prices.''

32) House of Commons Select Committee on Science & Technology of the United Kingdom (2011). ''While the debate on the relative importance of the multiple factors influencing commodities prices is still open, it is clear that price movements across different commodity markets have become more closely related and that commodities markets have become more closely linked to financial markets.''

33) Hunt, Simon (Simon Hunt Strategic Services) (2011): ''Slowly, the truth on whether the global copper market is really tight is coming out. It illustrates just how large an involvement the financial institutions have become to the copper industry. It shows, too, that by throwing money at a market, prices can be driven higher. In the process, however, the delicate balance between supply and the industry's requirements for a basic material used to produce a range of essential products is destroyed. In short, copper is becoming a financial asset in place of its historic role as an industrial metal.''

34) Inamura, Yasunari/Kimata, Tomonori/Takeshi, Kimura/Muto, Takashi (Bank of Japan) (2011): Recent Surge in Global Commodity Prices—Impact of financialization of commodities and globally accommodative monetary conditions. Bank of Japan Review March 2011: ''While the strong increase in commodity prices has been driven by global economic growth propelled by emerging economies, speculative investment flows into commodity markets have amplified the intensity of the price surge. (...) global commodity markets have become more sensitive to portfolio rebalancing by financial investors, which has made commodity markets more correlated with other asset markets, including major equity markets.''

35) institute for Agriculture and Trade Policy (2009): Betting Against Food Security: Futures Market Speculation. Trade and Global Governance Programme Paper: ''A large share of the commodity exchange price volatility resides not so much in supply and demand of the commodity traded as in the fund formulas for buying and selling the bundled futures contracts.''

36) International Monetary Fund (2008): Regional Economic Outlook: Middle East and Central Asia: ''In summary, it appears that speculation has played a significant role in the run-up in oil prices as the U.S. dollar has weakened and investors have looked for a hedge in oil futures (and gold).''

37) Jalali-Naini. Ali bin Ibrahim (Economic Research Forum Cairo) (2009): The Impact of Financial Markets on the Price of Oil and Volatility: Developments since 2007: ''Causality tests indicate that changes in speculative positions—resulting from the entry and exit of non-commercials—can generate price volatility. When used in conjunction with a number of other variables, including commercial stocks and product prices to explain variations in the price of oil, the speculative length in the futures market has a positive and significant coefficient.''

38) Jickling, Mark/Austin, Andrew D. (Congressional Research Service) (2011): Hedge Funds Speculation and Oil Prices: ''A statistically significant correlation is evident between changes in positions held by ''money managers'' (a category of speculators that includes hedge funds) and the price of oil. In other words, during weeks when money managers have been net buyers of oil futures and options (or increased the size of their long positions), the price has tended to rise. Price falls, conversely, have tended to coincide with reductions in money managers' long positions.''

39) Jouyet, Jean-Pierre (President de l'Autorite des marches financiers)/de Boissieu, Christian (President du Conseil d'analyse economique)/Guillon. Serge (Controleur general economigue et financier)

(2010): Rapport d'étape—Prevénir et gérer l'instabilité des marchés agricoles: ''Les marchés agricoles sont confrontes a une mondialisation et a une financiarisation qui influencent leur fonctionnement. La volatilité naturelles des prix qui caractérise ces marches est amplifiée par de nouveaux facteurs et notamment par une speculation excessive.''

40) Juvenal, Luciana/Ivan, Petrella (Federal Reserve Bank of St. Louis) (2011): Speculation in the Oil Market: ''We find that the increase in oil prices in the last decade is mainly due to the strength of global demand, consistent with previous studies. However, financial speculation significantly contributed to the oil price increase between 2004 and 2008.''

41) Kaufmann, Robert (Boston University) (2010): The role of market fundamentals and speculation in recent price changes for crude oil: ''I hypothesize that the price spike and collapse of 2007–2008 are driven by both changes in both market fundamentals and speculative pressures.''

42) Kawamoto, Takuji/Kimura, Takeshi/Morishita, Kentaro/Higashi, Masato (Bank of Japan (2011): What has caused the surge in global commodity prices and strengthened cross-market linkage?: ''Moreover, we find quantitative evidence that an increase in cross-market linkage between commodity and stock markets was caused by the markets' increased comovements due to large fluctuations in the global economy during the financial crisis as well as by the ''financialization of commodities,'' that is, financial investors are increasingly treating commodities as an investment asset class.''

43) Kemp, John (Reuters) (2008): Crisis remakes the commodity business: ''It does not alter the fact most of the upsurge in futures and options turnover on commodity exchanges and in OTC markets over the last five years has come from investment-related rather than trade-related business.''

44) Khan, Mohsin S. (Petersen Institute) (2009): The 2008 Oil Price ''Bubble'': ''While market fundamentals obviously played a role in the general run-up in the oil prices from 2003 on, it is fair to conclude by looking at a variety of indicators that speculation drove an oil price bubble in the first half of 2008. Absent speculative activities, the oil price would probably have been in the $80 to $90 a barrel range.''

45) Korzenik, Jeffrey (CIO. Caturano Wealth Management) (2009): Fundamental Misconceptions in the Speculation Debate: '' 'Overspeculation' or 'excessive speculation' exists when speculators become primary drivers of price. When this happens, commodities are no longer efficiently allocated—if prices are driven below the point where commercial supply and demand meet, shortages result.''

46) Krugman, Paul (Columbia University) (2009): Oil speculation: ''Last year I was skeptical about claims that speculation was central to the price rise, because what I considered the essential signature of a speculative price rise . . . just wasn't showing. This time, however, oil inventories are bulging, with huge amounts held in offshore tankers as well as in conventional storage. So this time there's no question: speculation has been driving prices up.''

47) Lagi, Marco/Bar-Yam, Yavni/Bertrand, Karla Z./Bar-Yam, Yaneer (New England Complex Systems Insitute, Cambridge MA) (2011): The Food Crises A Quantitative Model of Food Prices Including Speculators and Ethanol Conversion: ''The two sharp peaks in 2007/2008 and 2010/2011 are specifically due to investor speculation, while an underlying upward trend is due to increasing demand from ethanol conversion. The model includes investor trend following as well as shifting between commodities, equities and bonds to take advantage of increased expected returns. Claims that speculators cannot influence grain prices are shown to be invalid by direct analysis of price setting practices of granaries.'' and the UPDATE from February 2012: ''we extend the food prices model to January 2012, without modifying the model but simply continuing its dynamics. The agreement is still precise, validating both the descriptive and predictive abilities of the analysis.''

48) Lines, Thomas (commodity consultant) (2010): Speculation in food commodity markets: ''These are the main problems that are caused by long-only index trading: It pushes prices up, irrespective of the market situation. It disrupts the rolling over of futures contracts when the nearest month expires.''

49) Lombardi, Marco J./Van Robays, Ine (ECB) (2011): Do financial investors destablize the oil price?: ''We find that financial investors in the futures market can destabilize oil spot prices, although only in the short run. Moreover, financial activity appears to have exacerbated the volatility in the oil market over the past decade, particularly in 2007–2008. However, shocks to oil demand and supply remain the main drivers of oil price swings.''

50) Luciani, Giacomo (Gulf Research Center Foundation) (2009): From Price Taker to Price Maker? Saudi Arabia and the World Oil Market: ''The inflow of liquidity, the increasing role played by the futures market (paper barrels) over the spot (wet barrels), and the proliferation of derivatives which encourage betting on price changes rather than on the absolute level of prices all contribute to worsen the situation, amplifying price oscillations.''

51) Masters, Michael W. (Masters Capital) (2009): Testimony before the Commodities Futures Trading Commission: ''In summary, passive investors compete with physical commodity consumers and make it much more difficult for them to hedge. (. . .) They provide no benefits whatsoever to the markets because they consume liquidity. And most importantly, they drive up commodity prices, which hurts everybody on the planet.''

52) Masters, Michael W. (Masters Capital)/White, Adam K. (White Knight Research) (2008): How institutional investors are driving up food and energy prices: ''Unfortunately, this price discovery function of the commodities futures markets is breaking down. With the advent of financial futures, the important distinctions between commodities futures and financial futures were lost to regulators. Excessive speculation gradually became synonymous with manipulation, and speculative position limits were raised or effectively eliminated because they were not deemed necessary to prevent manipulation.''

53) Mayer, Jörg (2009): The Growing Interdependence between Financial and Commodity Markets. UNCTAD Discussion Paper 195: ''The increasing importance of financial investment in commodity trading appears to have caused commodity futures exchanges to function in such a way that prices may deviate, at least in the short run, quite far from levels that would reliably reflect fundamental supply and demand factors. Financial investment weakens the traditional mechanisms that would prevent prices from moving away from levels determined by fundamental supply and demand factors—efficient absorption of information and physical adjustment of markets. This weakening increases the proneness of commodity prices to overshooting and heightens the risk of speculative bubbles occurring.''

54) Medlock, Kenneth B./Jaffe, Amy M. (Rice University) (2009): Who is in the Oil Futures Market and How Has It Changed?: ''. . . trading strategies of some financial players in oil appears to be influencing the correlation between the value of the U.S. dollar and the price of oil. (. . .) We also find that the correlation between movements in oil prices and the value of the dollar against the trade-weighted index of the currencies of foreign countries has increased to 0.82 (a significant measure) for the period between 2001 and the present day, compared to a previously insignificant correlation of only 0.08 between 1986 and 2000.''

55) Miller, Marcus (University of Warwick) (2011) Interview with Al-Jazeera. ''A disturbing amount of price increases, I fear, is being driven by speculative activity. Bets [on future price rises or declines] can become self-fulfilling if you are big enough to affect the market.''

56) Morse, E. (former Lehman Brothers chief energy economist) (2008): Oil Dotcom. Research Note: ''Fundamental changes cannot explain sudden, severe price or curve movements. (. . .) Our conclusion from this study is that we are seeing the classic ingredients of an asset bubble.''

57) Mou, Yiqun (Columbia University) (2010): Limits to Arbitrage and Commodity Index Investment: Frontrunning the Goldman Roll: ''This paper focuses on the unique rolling activity of commodity index investors in the commodity futures markets and shows that the price impact due to this rolling activity is both statistically and economically significant.''

58) Müller, Dirk (Finanzethos) (2011): Unschuldsmythen, Wie die Nahrungsmittelspekulation den Hunger anheizt: ''Wie die folgende Analyse zeigt, ist der zentrale Einfluss der Spekulation auf die Preisentwicklung bei Grundnahrungsmittel in Entwicklungsländern kaum zu leugnen.''

59) Naylor, Rosamund L./Falcon. Walter P. (Stanford) (2010). Food Security in an Era of Economic Volatility: ''Uncertainty surrounding exchange rates and macro policies added to price misperceptions, as did flurries of speculative activity in organized futures markets. Events since 2005—including the most recent period of price variability in 2010—underscore the point that uncertainty and expectations can be as important as or even more important than actual changes in grain demand and supply in driving price variability.''

60) Newell, J. (Probability Analytics Research) (2008): Commodity Speculation's ''Smoking Gun'': ''Real market forces in these diverse markets are largely independent of one another, and therefore price changes should be essentially uncorrelated. This was clearly true historically; from 1984 through 1999 average correlation between all commodities was only 7%. In the last 12 months this average rose to 64%. Correlation with the GSCI was 23% historically, and rose to 76% in the last year. Index speculation has swamped real market forces.''

61) Nissanke, Machiko (University of London) (2010): Commodity Markets and Excess Volatility. Sources and Strategies to Reduce Adverse Development Impacts. Paper presented at the CFC Conference in Brussels December 2010: ''It can be argued that asset prices, including commodity prices, traded globally are largely influenced by market liquidity cycles in global finance. From this particular perspective, we can have a plausible narrative of the recent episode of commodity pricey cycle. (. . .) Clearly, trading activities in world commodity markets have undergone some fundamental change, as the links between activities in commodity and financial markets has further intensified.''

62) Ortiz, Isabel/Chai, Jingqaing/Cummins. Matthew (2011): Escalating Food Prices—the threat to poor households and policies to

safeguard a Recovery for All. Unicef Social and Economic working paper. ''Such activities [trading futures contracts for speculative gains] have contributed to excessive fluctuations in food commodity futures prices and distorted signals for expected prices. By doing to, speculation impedes practical hedging strategies and imposes significant unanticipated costs and undue burden on food farmers, processors and distributors, potentially contributing to unwarranted changes in local food costs.''

63) Petzel, Todd E. (Offit Capital Advisors) (2009): Testimony before the CFTC: ''I believe these investors in aggregate have had a material impact on price levels, price spreads and the level of inventories being held.''

64) Phillips, Peter C. B. (Yale University)/ Yu, Jun (Singapore University) (2010): Dating the Timeline of Financial Bubbles During the Subprime Crisis: ''a bubble first emerged in the equity market during mid–1995 lasting to the end of 2000, followed by a bubble in the real estate market between September 2000 and June 2007 and in the mortgage market between August 2005 and July 2007. After the subprime crisis erupted, the phenomenon migrated selectively into the commodity market and the foreign exchange market, creating bubbles which subsequently burst at the end of 2008, just as the effects on the real economy and economic growth became manifest.''

65) Pollin, Robert/Heintz. James (University of Massachusetts)(2011): How Wall Street Speculation is Driving Up Gasoline Prices Today: ''A major additional factor is the rapid growth in large-scale speculative trading around oil prices through the oil commodities futures market. Indeed, we estimate that, without the influence of large-scale speculative trading on oil in the commodities futures market, the average price of gasoline at the pump in May would have been $3.13 rather than $3.96.''

66) Ray, Darryl E/Schaffer, Harwood D. (University of Tennessee) (2010): Index funds and the 2006–2008 run-up in agricultural commodity prices: ''the fundamentals and/or expectations in the energy and mineral markets rein supreme—grains are along for the ride with little-to-no regard to what is happening in the grain sector. Worries during the period about the availability of oil drove up the price of crude, which caused index funds to rebalance their portfolios by making additional purchases of the other commodities to maintain the specified balance. Since the resulting price increases in agricultural commodities had virtually nothing to do with their market conditions, the record level of activity in the futures market by index funds would seem to make index funds a logical source of possible price overshooting.''

67) Robles, Miguel/Torero, Maximo/Braun. Joachim von (IFPRI) (2009): When speculation matters. IFPRI Issue Brief 57: ''Changes in supply and demand fundamentals cannot fully explain the recent drastic increase in food prices. Rising expectations, speculation, hoarding, and hysteria also played a role in the increasing level and volatility of food prices.''

68) Roubini, Nouriel (New York University) (2009): The risk of a double-dip recession is rising (Financial Times Article): ''Another reason to fear a double-dip recession is that oil, energy and food prices are now rising faster than economic fundamentals warrant, and could be driven higher by excessive liquidity chasing assets and by speculative demand.''

69) Sachs, Jeffrey D. (Columbia University) (2008): Corn Futures Spark Riots as Speculators Take Trading to Limit (Bloomberg article): ''The fact that prices soared and then they came down so much really does suggest that there was a speculative element to it.''

70) Schulmeister, Stephan (Vienna University) (2009): Trading Practices and Price Dynamics in Commodity Markets. Study commissioned by the Austrian Federal Ministry of Finance and the Austrian Federal Ministry of Economics and Labour: ''Based on the ''bullishness'' in commodity derivatives markets, short-term oriented speculators reacted much stronger to news in line with the expectation of rising prices than to news which contradicted the ''market mood''. Hence, they put more money into long positions than into short positions and held long positions longer than short positions. Due to this trading behavior, upward commodity price runs lasted longer in recent years than downward runs causing prices to rise in a stepwise process. Commodity price runs were lengthened by the use of trend-following trading systems of technical analysis. These systems try to exploit price runs by producing buy (sell) signals in the early stage of an upward (downward) run. The aggregate trading signals then feed back upon commodity prices.''

71) Schumann, Harald (2011): Die Hungermacher. Wie Deutsche Bank, Goldman Sachs & Co. auf Kosten der Armsten mit Lebensmitteln spekulieren. ''Die verantwortlichen Manager der Finanzbranche argumentieren, es gebe keine Beweise dafür, dass Finanzinvestoren auf den Rohstoffmärkten einen mehr als nur kurzfristigen Einfluss auf das Preisniveau haben. Diese Behauptung ist nicht haltbar. Für den Rohölmarkt 1st dieser Zusammenhang sogar unter den Fachleuten der Finanzbranche selbst nicht mehr umstritten.''

72) Schutter, Olivier de (UN Special Rapporteur on the Right to Food) (2010): Food commodities speculation and food price crises: Regulation to reduce the risks of financial volatility: ''The global food price crisis that occurred between 2007 and 2008, and which affects many developing countries to this day, had a number of causes. The initial causes related to market fundamentals, including the supply and demand for food commodities, transportation and storage costs, and an increase in the price of agricultural inputs. However, a significant portion of the increases in price and volatility of essential food commodities can only be explained by the emergence of a speculative bubble.''

73) Shiller, Robert J. (Yale University) (2008): Commodity Prices Tumble (New York Times article): ''Commodities followed the euphoria cycle that we had along with housing.''

74) Silvennoinen Annastiina (Queensland University) / Thorp, Susan (Sydney University) (2010): Financialization crisis and commodity correlation dynamics: We observe higher and more variable correlations between commodity futures and stock returns from mid-sample, with many series showing a structural break in the conditional correlation processes from the late 1990s.''

75) Singleton, Kenneth J. (Stanford University) (2010): The 2008 Boom/Bust in Oil Prices: ''In my view, while spot-market supply and demand pressures were influential factors in the behavior of oil prices, so were participation in oil futures markets by hedge funds, long-term passive investors, and other traders in energy derivatives.''

76) Singleton, Kenneth J. (Stanford University) (2011): Investor Flows And The 2008 Boom/Bust in Oil Prices: ''I present new evidence that there was an economically and statistically significant effect of investor flows on futures prices . . . The intermediate-term growth rates of index positions and managed-money spread positions had the largest impacts on futures prices.''

77) Soros, George (2008): Interview with Stem: ''Speculators create the bubble that lies above everything. Their expectations, their gambling on futures help drive up prices, and their business distorts prices, which is especially true for commodities. It is like hoarding food in the midst of a famine, only to make profits on rising prices. That should not be possible.''

78) Tanaka, Nobuo (head International Energy Agency) (2009): IEA says speculation amplifying oil prices moves (Reuters article): ''Our analysis shows that the fundamentals are deciding the direction of the price while these funds or speculations . . . are amplifying the movement.''

79) Tang, Ke (Princeton University) / Xiong. Wei (Renmin University) (2011): Index Investment and The Financialization of Commodities. ''This paper finds that concurrent with the rapid growing index investment in commodities markets since early 2000s, futures prices of different commodities in the U.S. became increasingly correlated with each other and this trend was significantly more pronounced for commodities in the two popular GSCI and DJUBS commodity indices. This finding reflects a financialization process of commodities markets and helps explain the synchronized price boom and bust of a broad set of seemingly unrelated commodities in the U.S. in 2006–2008. In contrast, such commodity price comovements were absent in China, which refutes growing commodity demands from emerging economies as the driver.''

80) Timmer, C. Peter (FAO) (2009): Peter Timmer: Peter Timmer: Did Speculation Affect World Rice Prices? ''Speculative money seems to surge in and out of commodity markets, strongly linking financial variables with commodity prices during some time periods. But these periods are often short and the relationships disappear entirely for long periods of time.''

81) Trostle, Ronald (2008): Global Agricultural Supply and Demand: Factors Contributing to the Recent Increase in Food Commodity Prices. USDA Economic Research Service: ''It is unclear to what extent the effect these new investor interests had on prices and the underlying supply and demand relationships for agricultural products. However, computerized trend-following trading practices employed by many of these funds may have increased the short-term volatility of agricultural prices.''

82) Tudor Jones, Paul (Tudor Investment Corporation) (2010): Price Limits: A Return to Patience and Rationality in U.S. Markets. Speech to the CME Global Financial Leadership Conference. October 18, 2010: ''Every exchange traded instrument including all securities, futures, options and any other form of derivatives should have some form of a price limit. And this is all the more urgently needed now that electronic execution dominates trading.''

83) Turbeville, Wallace C. (former Goldman Sachs vice-president) Critique of Irwin and Sanders 2010 OECD report (2010): ''The issue is so important that scepticism of conventional beliefs, not faith in the perfection of free markets, is appropriate for any study of the issue.''

84) United Nations Conference on Trade and Development (UNCTAD) (2009): Trade and Development Report. Chapter II—The Financialization of Commodity Markets: ''The financialization of commodity futures trading has made commodity markets even more prone to behavioural overshooting. There are an increasing number of market participants, sometimes with very large positions, that do not trade based on fundamental supply and demand relationships in commodity markets, but, who nonetheless, influence commodity price developments.''

85) United Nations Conference on Trade and Development (UNCTAD) (2009): The global economic crisis: Systemic failures and

multilateral remedies. ''The evidence to support the view that the recent wide fluctuations of commodity prices have been driven by the financialization of commodity markets far beyond the equilibrium prices is credible. Various studies find that financial investors have accelerated and amplified price movements at least for some commodities and some periods of time. (. . .) The strongest evidence is found in the high correlation between commodity prices and the prices on other markets that are clearly dominated by speculative activity.''

86) United Nations Conference on Trade and Development (UNCTAD) (2011): Price Formation in Financialized Commodity Markets: the Role of Information. ''Due to the increased participation of financial players in those markets, the nature of information that drives commodity price formation has changed. Contrary to the assumptions of the efficient market hypothesis (EMH), the majority of market participants do not base their trading decisions purely on the fundamentals of supply and demand; they also consider aspects which are related to other markets or to portfolio diversification. This introduces spurious price signals to the market.''

87) United Nations Commission of Experts on Reforms of the International and Monetary System (2009): Reoort: ''In the period before the outbreak of the crisis, inflation spread from financial asset prices to petroleum, food, and other commodities, partly as a result of their becoming financial asset classes subject to financial investment and speculation.''

88) United Nations Food and Agricultural Organisation (FAO) (2010): Final report of the committee on commodity problems: Extraordinary joint intersessional meeting of the intergovernmental group (IGG) on grains and the intergovernmental group on rice: ''Unexpected crop failure in some major exporting countries followed by national responses and speculative behaviour rather than global market fundamentals, have been amongst the main factors behind the recent escalation of world prices and the prevailing high price volatility.''

89) United Nations Food and Agricultural Organisation (FAO) (2010). Price Volatility in Agricultural Markets. Economic and Social Perspectives Policy Brief 12. December 2010. ''Financial firms are progressively investing in commodity derivatives as a portfolio hedge since returns in the commodity sector seem uncorrelated with returns to other assets. While this 'financialisation of commodities' is generally not viewed as the source of price turbulence, evidence suggests that trading in futures markets may have amplified volatility in the short term.

90) United Nations Food and Agricultural Organisation (FAO), IFAD, IMF, OECD, UNCTAD, WFP. The World Bank, The WTO, IFPRI, UN HLTF (2011): Price Volatility in Food and Agricultural Markets: Policy Responses: ''While analysts argue about whether financial speculation has been a major factor, most agree that increased participation by non-commercial actors such as index funds, swap dealers and money managers in financial markets probably acted to amplify short term price swings and could have contributed to the formation of price bubbles in some situations.''

91) United Nations High Level Task Force on the global food security crisis (2008): ''The impact of speculation in futures and commodity markets on food prices has also highlighted the importance of appropriate regulatory measures to ensure that on-going integration of financial markets provides the basis for increased benefits, rather than risks, for the poor.''

92) United States Senate, Permanent Subcommittee on Investigations (2007): Excessive Speculation in the Natural Gas Market: ''Amaranth's 2006 positions in the natural gas market constituted excessive speculation. (. . .) Purchasers of natural gas during the summer of 2006 for delivery in the following winter months paid inflated prices due to Amaranth's speculative trading.''

93) United States Senate, Permanent Subcommittee on Investigations (2009): Excessive Speculation in the Wheat Market ''This Report concludes there is significant and persuasive evidence that one of the major reasons for the recent market problems is the unusually high level of speculation in the Chicago wheat futures market due to purchases of futures contracts by index traders offsetting sales of commodity index instruments.''

94) United States Senate, Permanent Subcommittee on Investigations (2006): The Role of Market Speculation in Rising Oil and Gas Prices: ''The large purchases of crude oil futures contracts by speculators have, in effect, created an additional demand for oil, driving up the price of oil to be delivered in the future in the same manner that additional demand for the immediate delivery of a physical barrel of oil drives up the price on the spot market.''

95) Urbanchuk, John M. (Cardno ENTRIX) (2011): Speculation and the Commodity Markets: ''A careful examination of activity by non-commercial and index traders (i.e. speculators) in the corn futures market in the context of supply and demand fundamentals strongly suggests that speculation is a major factor behind the sharp increase in both the level and volatility of corn prices this year.''

96) Van der Molen, Maarten (University of Utrecht) (2009): Speculators invading the commodity markets: a case study of coffee: ''Various analyses were performed to investigate these effects [i.e. effects that index speculators have on the futures market]. The results indicate that index speculators frustrated the futures market in the period between 2005 and 2008. This conclusion is based on the following indications: fundamentals have a lower impact on the price, the volume of index speculators has increased and their ability to influence the futures market has increased.''

97) Vansteenkiste, Isabel (ECB) (2011): What is driving oil price futures? Fundamentals versus Speculation: ''We find that for the earlier part of our sample (up to 2004) that fundamentals have been the key driving force behind oil price movements. Thereafter, trend chasing patterns appear to be better in capturing the developments in oil futures markets.''

98) Von Braun, Joachim (Bonn University) (2010). Time to regulate volatile food markets (Financial Times article): ''The setting of prices at the main international commodity exchanges was significantly influenced by speculation that boosted prices. Not only are food and energy markets linked, but also food and financial markets have become intertwined—in short, the ''financialisation'' of food trade. There are increasing indications that some financial capital is shifting from speculation on housing and complex derivatives to commodities, including food.''

99) Woolley, Paul (former fund manager. York University/London School of Economics) (2010). Why are financial markets so inefficient and exploitative—and a suggested remedy. ''Before the middle of the last decade the prices of individual commodities could be explained by the supply and demand from producers and consumers. With the flood of passive and active investment funds going into commodities from 2005 onwards, prices have been increasingly driven by fund inflows rather than fundamental factors. Prices no longer provide a reliable signal to producers or consumers. More damagingly, commodity prices have a direct impact on consumer price indices and the role of central banks in controlling inflation is made doubly difficult now that commodity prices are subject to volatile fund flows from investors.''

100) Wray, Randall L. (University of Missouri-Kansas City) (2008) The Commodities Market Bubble—Money Manager Capitalism and the Financialization of Commodities. Public Policy Brief No 96. The Levy Economics Institute of Bard College: ''There is adequate evidence that financialization is a big part of the problem, and there is sufficient cause for policymakers to intervene with sensible constraints and oversight to reduce the influence of managed money in these markets.''

So with that, I reserve the balance of my time.

Mr. CONAWAY. Mr. Chairman, I rise in opposition to the gentleman's amendment.

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

Mr. CONAWAY. I rise today to oppose the gentleman's amendment.

This amendment, which exempts any regulation aimed at limiting oil speculation from the provisions of this bill, is no doubt well-intentioned. No one in this body should be willing to settle for any market manipulation or illegal trading activities. Indeed, the Federal Government already has a robust and effective enforcement effort. In an April 2011 letter to Senator MARIA CANTWELL, the Federal Trade Commission wrote:

> The Commission established a number of processes to identify, investigate, and, if warranted, prosecute illegal behavior in the energy industry using our full array of enforcement tools. After review, Bureau of Competition staff determined that none of the complaints involved conduct that violated the market manipulation rules.

In fact, CFTC Chairman Mike Dunn summarized it in a January 13, 2011, statement during the open meeting on the proposed rule. He said:

> To date, CFTC staff has been unable to find any reliable economic analysis to support either the conclusion that excessive speculation is affecting the markets we regulate or that position limits will prevent excessive speculation.

Indeed, study after study has shown that excessive speculation has not been the problem that my colleague would argue. Instead, almost every instance of high prices can be traced back to market fundamentals and an imbalance in supply and demand.

But today's amendment, though, isn't really about excessive speculation. If it were, we would also be talking about the speculators who have brought the natural gas markets to an all-time low, betting that our newfound abundance of natural gas cannot all be used. Instead, today's amendment is about finding fault. It's about finding a scapegoat for the problem of high gas prices that have been plaguing all of our constituents.

While I can sympathize with the gentleman's desire to know who is responsible, the truth is the high price of oil is a problem of our own making. Policy

decisions that were made years ago—failing to open new areas of production, boutique fuel mandates, and slow-walking new infrastructure—all contribute to today's pain at the pump.

Compounding these regulatory burdens is a growing long-term supply problem. While we have experienced recent production gains, that may not be enough to offset the demands of an expanding global economy. As China, India, and others continue to industrialize, and as the United States shakes off its economic downturn, we will again see pressure on production to keep pace with demand.

Over the past 3 years, oil producers in America have invested in new drilling technology and set off a production boom in places like North Dakota, Pennsylvania, and in my home State, my hometown in the Permian Basin area. This investment has led to 3 straight years of increasing domestic production on private lands, adding an additional 120,000 barrels of oil a day in production last year alone.

If prices are too high, we should not castigate producers and/or investors; we should open access to more supplies. If it is worth it, Americans will produce more oil and bring down prices.

Efforts to blunt market signals by introducing regulations that make it harder to trade commodities may provide a temporary reprieve from high prices, but it will come at a cost. In the long term, artificially lowered prices like this may lead to less investment and ultimate supply shortages. The better way to fight high prices is to increase supply. Just as the natural gas markets have plummeted to 10-year lows, oil prices will respond to increasing production.

I urge my colleagues to oppose the amendment and not to waste any more taxpayer dollars on finding blame for Congress' failure to act.

I yield back the balance of my time.

Mr. KUCINICH. I just want to say to my friend that if the Commodity Futures Trading Commission isn't really sure of the impact of speculation, I have 100 different studies here—100. And if you would like, if you have a budget for copy, we'll be glad to bring it over to the CFTC so they can see that speculation is undermining markets and undermining consumers.

Also, none other than Goldman Sachs did a study on the impact of speculation. If you translate their study, our constituents are paying a 56-cent-per-gallon increase on the price at the pump for speculation. Stick 'em up? No. We have to make sure that we hold the speculators to an accountability, and particularly in oil markets.

I ask everyone to support this amendment, something we should be able to agree on on a bipartisan basis.

I yield back the balance of my time.

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

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

Mr. KUCINICH. 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 Ohio will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. WELCH

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112–616.

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

The Acting CHAIR. Is the gentleman a designee of Mr. LIPINSKI of Illinois?

Mr. WELCH. Yes.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) SIGNIFICANT REGULATORY ACTIONS PROMOTING ENERGY EFFICIENCY.—An agency may take any significant regulatory action that is intended to promote energy efficiency.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) PROMOTION OF ENERGY EFFICIENCY EXCEPTION.—Section 202 shall not apply to a midnight rule that is intended to promote energy efficiency.

Page 20, insert after line 12 the following:

SEC. 305. EXCEPTION FOR PROMOTION OF ENERGY EFFICIENCY.

The provisions of this title do not apply to any consent decree or settlement agreement pertaining to a regulatory action that is intended to promote energy efficiency.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH. Mr. Chairman, I want to preface my remarks by two things: number one, not all regulations are good. It's a fair and appropriate question to examine whether regulations are useful or harmful. But second, not all regulations are bad. They can be useful, particularly in the area of energy efficiency.

Now, Mr. Chairman, we're having a very contentious debate about energy policy, but we've found one area where there is common agreement, and that's less is more. Any time, whatever your fuel choice is—whether it's coal, nuclear, oil, solar, wind—using less means you save money. That's a good thing.

Regulations can play a very constructive role in helping those of us who participate in the economy as individuals and as businesses to save money. My amendment would exempt from this overbroad bill rules that would prohibit energy efficiency-saving regulations.

Let me give a very good example of something that would happen detrimental to the economy if this bill is not amended.

Fuel standards were established in November. They have not yet gone into effect and would be prohibited from going into effect. The fuel economy standards for model years 2017 to 2025 will carry our vehicle fleet to an average fuel economy of 54.5 miles per gallon. The consumers support this and, my friends, the industry supports this. The car industry supports this. And one of the reasons they do is, if you have a rule that applies to all our manufacturers, that's the rule that they will manufacture their cars to.

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So you won't have gaming of this to try to get some short-term advantage at the expense of the consumer, at the expense of a competitor.

So energy efficiency is something that can help us save money. It can help the economy be more efficient. And in order to achieve the goal of energy efficiency, regulations, reasonably enacted, are absolutely essential to achieving that goal.

Mr. Chairman, I urge this body to adopt the amendment and improve this bill.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Mr. Chairman, one of the things that I've been saying repeatedly when the other amendments were debated I will repeat: the bill that we have before us has ample exceptions for regulatory action. And, in fact, it has a catch-all waiver that will allow the President of the United States to seek approval of regulations, but he'll have to work with Congress on them. After all, we're the ones that authorize the laws, the bills; and we should be authorizing and approving regulations.

There's no limit to which ones. The regulations addressed by this amendment would certainly be fertile ground for the President to forward to Congress for approval. So there are ample exceptions and waivers.

And I would also point out that, as I indicated earlier, I'm not anti-regulation. It's the excessive and overly burdensome regulations that we are concerned with. We need reasonable regulation, commonsense regulation. But the problem is the system, the regulatory system, has gotten out of control.

So there are ample ways to deal with the issue addressed here under the bill, and I believe this amendment is unnecessary, and I oppose it.

I yield back the balance of my time.

Mr. WELCH. May I inquire as to how much time I have.

The Acting CHAIR. The gentleman from Vermont has 2½ minutes remaining.

Mr. WELCH. Mr. Chairman, two things: number one, we can't have a comprehensive, one-size-fits-all bill that applies to regulations. It requires some judgment. That means that there are some regulations that are good, some are bad.

The gentleman, I think, is defending a bill that essentially has, as its proposition, all regulations, by definition, are detrimental to the economy, when that's not even close to accurate.

Second, I appreciate the gentleman's description of a waiver process that gives, unfortunately, a theoretical way to resolve a situation, but it's not a practical remedy. It requires congressional action.

And here's, Mr. Chairman, where I think we've got to get real with ourselves, and we've got to get real with the American people. The idea that we can agree on a disputed regulation would suggest that we could have agreed on student loan interest rates, that we could have agreed on the debt ceiling, that we could have agreed on a grand bargain. All of these issues that are enormously contentious and consequential for the American people, we have sharp divisions.

And I'm not asserting who's right or wrong in this. I'm saying that all of us have to acknowledge the obvious and, that is, that Congress is pretty close to dysfunctional. Things that have to be addressed are being neglected.

So this notion that when it comes to the car mileage standard, we'll be able to come into Congress and do a Kumbaya and all of us get together and reach agreement on one thing when, on everything else, the simplest of things we can't reach agreement, is not being direct and straightforward with ourselves or with the American people.

Let's carve out an exception to this bill so that when this economy and our consumers and businesses can benefit by energy efficiency, which our industry supports, which our people and consumers support, we allow them to do that.

I yield back the balance of my time.

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

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

Mr. WELCH. 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 Vermont will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112–616.

Mr. MARKEY. 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:

Page 3, line 18, strike ''or (d)'' and insert ''(d), or (e)''.

Page 5, after line 7, insert the following new subsection:

(e) ADDITIONAL EXCEPTION.—An agency may take a significant regulatory action if such action would protect the public from extreme weather events, including drought, flooding, and catastrophic wildfire.

Page 10, after line 4, insert the following new paragraph:

(3) necessary to protect the public from extreme weather events, including drought, flooding, and catastrophic wildfire;

Page 10, line 5, strike ''(3)'' and insert ''(4)''.

Page 10, line 7, strike ''(4)'' and insert ''(5)''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself, at this point, 2 minutes, and it's just to lay out how simple this amendment is.

It would ensure that the government could act to protect the public from extreme weather, including drought, flooding, and catastrophic wildfire.

The Republican bill on the floor today is so broadly and badly written, who knows what could fall through the holes it blasts in America's safety net.

Given the record-breaking extreme weather events our country has experienced in the last few years, it cannot risk tying the helping hands of government when it comes to dealing with droughts and floods and wildfires and extreme events.

Mr. WELCH was just talking about these fuel economy standards that lift our fuel economy standards to 54.5 miles per gallon by the year 2026. Well, that's a message to OPEC that we don't need their oil anymore than we need their sand. But it's also a message that we can reduce the amount of greenhouse gases we're sending up into the atmosphere in a dramatic way.

And do you know who's complying with that? Do you know who said they support it? The auto industry of the United States of America.

So it's not that we're doing anything that's radical. The radical activity is coming from the majority, from the Republican Party, that just has an aversion to anything that is put on the books as regulation, even if it helps America's safety, helps America's climate, helps America's foreign policy to back out imported oil. And that's really what's very troubling here today.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Mr. Chairman, this amendment is, like the others, unnecessary. And as it is drafted, it seems to suggest that the Federal Government can somehow regulate the weather.

Titles I and II of this bill were carefully drafted to block only those unnecessary, most costly regulations, those that cost the economy $100 million or more. The bill contains reasonable exceptions for the President to issue a regulation, for example, that is ''necessary because of an imminent threat to health or safety or other emergency'' or one that is ''necessary for the national security of the United States.''

The bill also contains a congressional waiver exception whereby the President can make any other necessary regulation with the permission of Congress.

King Canute famously demonstrated many centuries ago that the weather does not respect executive fiat. Although the Federal Government cannot control the weather by regulation, it can issue regulations to help Americans cope with the effects of extreme weather.

I believe the exceptions already in this bill would cover regulations related to the extreme weather events suggested by the gentleman from Massachusetts' amendment. For these reasons, I oppose this amendment.

I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield 1 minute to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. I thank the gentleman.

So is the question this, that we're supposed to do literally nothing about extreme weather? Are we supposed to pretend that we don't have extreme weather?

We've had the worst drought, the hottest 12-month period in the history of keeping records since 1895. You can go throughout the entire country and see almost everywhere now the effects of extreme weather.

In our State of Vermont, Mr. Chair, last August 28, Tropical Storm Irene dumped an immense amount of water and did the worst damage since 1927. We didn't used to have storms like that.

We also are starting to have a threat to our maple trees, from which come the best maple syrup in the country, in the world.

Mr. Chairman, extreme weather is real. It's serious. And our response is to put our heads in the sand.

I support this amendment.

□ 1810

The Acting CHAIR. The Chair would advise the gentleman from Vermont that the best maple syrup comes from Chardon, Ohio.

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

Mr. MARKEY. Would the Chair be able to give a recapitulation of the time remaining?

The Acting CHAIR. The gentleman from Massachusetts has 2 minutes and 15 seconds remaining.

Mr. MARKEY. Corn is shriveling. Pastures are dying. More than 1,000 counties in 29 States are eligible for drought disaster assistance. Increased food prices from droughts act like an extreme weather food tax on every single American. Even if the drought is not in your neighborhood, you will feel the pain at the checkout counter. Even if the heat wave has broken in your State, your cupboard may be emptier as you have to make hard choices at

the grocery store. Even if the storm skips your town, the disruptions will be felt all the way to your dinner plate. Many of our Western forests are also extremely dry. Wildfire has already burned millions of acres this summer. Tens of thousand of people have had to evacuate. Hundreds of homes have been destroyed. Lives have been lost.

We also know that increasing carbon pollution increases the risk of extreme weather. We all buy flood and fire insurance for our homes. This amendment is the flood and fire insurance for America from the disaster, the disaster that is this Republican legislation.

On the other side of this spectrum, parts of Minnesota and Florida experienced devastating flooding in June. The rain from Tropical Storm Debby caused Florida to have its wettest June ever. All of this occurred during the hottest 12-month period for the lower 48 States since record-keeping began in 1895, and it follows 2011, when America experienced a record 14 extreme weather disasters that each caused $1 billion or more of damage.

Clearly, extreme weather is a threat to the safety and the security of the American people and the economy, but this Republican bill could smother the government's ability to prepare for a response to extreme weather events. This amendment would make sure that the government's regulatory fire blanket is ready for emergencies. The risk of extreme weather is not going away. In fact, it is increasing. Mark Twain once complained that everybody talks about the weather, but nobody does anything about it. Well, now we are with this amendment.

By pumping carbon into the air, we are changing the climate, raising the temperature, increasing the risk of extreme weather. The Republicans just don't accept science. Vote ''aye'' on the Markey amendment.

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

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

Mr. MARKEY. 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 Massachusetts 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 B of House Report 112–616 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. HASTINGS of Florida.

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Mr. KUCINICH of Ohio.

Amendment No. 4 by Mr. WELCH of Vermont.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

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. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) 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.

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 188, noes 231, not voting 12, as follows:

[Roll No. 514]

AYES—188

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Dent
Deutch
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gerlach
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meehan
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rangel
Reichert
Richardson
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth
Young (FL)

NOES—231

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
DesJarlais
Diaz-Balart
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—12

Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Noem
Reyes
Richmond
Stivers
Sutton

□ 1839

Messrs. RYAN of Wisconsin, CAMPBELL, COBLE, FLAKE, GRIFFITH of Virginia, BARTLETT, and SMITH of Nebraska changed their vote from ''aye'' to ''no.''

Messrs. TIPTON, TOWNS, BISHOP of Georgia, MCDERMOTT, PLATTS, and MEEHAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

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.

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 will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 159, noes 259, not voting 13, as follows:

[Roll No. 515]

AYES—159

Ackerman
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Reichert
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—259

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Meeks
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stutzman
Sullivan
Terry
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bishop (NY)
Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Reyes
Richmond
Stearns
Stivers
Sutton

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1843

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. STEARNS. Mr. Chair, on rollcall No. 515 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. KUCINICH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. KUCINICH) 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.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 173, noes 245, not voting 13, as follows:

[Roll No. 516]

AYES—173

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Costa
Costello
Courtney
Critz
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Fitzpatrick
Fortenberry
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Luján
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters

Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—245

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cooper
Cravaack
Crawford
Crenshaw
Cuellar
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—13

Bishop (NY)
Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Lynch
Reyes
Richmond
Stivers
Sutton

□ 1847

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. WELCH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont (Mr. WELCH) 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.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 174, noes 242, not voting 15, as follows:

[Roll No. 517]

AYES—174

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rangel
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—242

Adams
Aderholt
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—15

Akin
Bishop (NY)
Culberson
Dicks
Garamendi
Herrera Beutler
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Meeks
Reyes
Richmond
Stivers
Sutton

□ 1851

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) 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.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 240, not voting 14, as follows:

[Roll No. 518]

AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Buchanan
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Gibson
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Platts
Polis
Price (NC)
Quigley
Rangel
Reichert
Richardson
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Thompson (CA)
Thompson (MS)
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—240

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McKeon
McKinley
McMorris Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall
Reed
Rehberg
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—14

Bishop (NY)
Culberson
Dicks
Garamendi
Hirono
Jackson (IL)
Jackson Lee (TX)
Lewis (CA)
Lewis (GA)
Meeks
Reyes
Richmond
Stivers
Sutton

□ 1855

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GRIFFIN of Arkansas. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GINGREY of Georgia) having assumed the chair, Mr. SIMPSON, 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. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4078, RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 112–623) on the resolution (H. Res. 741) providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, which was referred to the House Calendar and ordered to be printed.

MAKING IN ORDER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 134, CONDEMNING THE ATROCITIES THAT OCCURRED IN AURORA, COLORADO

Ms. FOXX. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider House Concurrent Resolution 134 in the House; that the concurrent resolution be considered as read; and that the previous question be considered as ordered on the concurrent resolution and preamble to adoption without intervening motion or demand for division of the question except 30 minutes of debate equally divided and controlled by Representative COFFMAN of Colorado and Representative PERLMUTTER of Colorado or their respective designees.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

HOUR OF MEETING ON TOMORROW

Ms. FOXX. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

RED TAPE REDUCTION AND SMALL BUSINESS JOB CREATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 738 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 4078.

Will the gentlewoman from Missouri (Mrs. HARTZLER) kindly take the chair.

□ 1900

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 further consideration of the bill (H.R.

4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, with Mrs. HARTZLER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose earlier today, amendment No. 5 printed in House Report 112–616 offered by the gentleman from Massachusetts (Mr. MARKEY) had been disposed of.

AMENDMENT NO. 6 OFFERED BY MR. WATT

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112–616.

Mr. WATT. Madam 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:

Page 3, line 18, strike ''or (d)'' and insert the following: ''(d), or (e)''.

Page 5, insert after line 7 the following:

(e) EXCEPTION FOR REGULATORY ACTIONS PERTAINING TO CERTAIN INTELLECTUAL PROPERTY RULES.—An agency may take a significant regulatory action if the significant regulatory action is a regulatory action by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including rules implementing the micro entity provision of the Leahy-Smith America Invents Act.

Page 10, insert after line 13 the following and redesignate provisions accordingly:

(c) INTELLECTUAL PROPERTY EXCEPTION.—Section 202 shall not apply to a midnight rule if the midnight rule is a rule made by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including regulations implementing the micro entity provision of the Leahy-Smith America Invents Act.

Page 19, insert after line 25 the following:

(d) EXCEPTION.—This section shall not apply in the case of any consent decree or settlement agreement in an action to compel agency action by the United States Patent and Trademark Office that will help streamline the application processes for patents and trademarks, including regulations implementing the micro entity provision of the Leahy-Smith America Invents Act.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from North Carolina (Mr. WATT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from North Carolina.

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

Madam Chair, after 6 long years of negotiation, thoughtful consideration, and bipartisan cooperation, we passed a patent reform bill which was signed into law on September 16, 2011, by President Obama. At the time the bill was passed, Speaker BOEHNER said:

Modernizing our patent system for America's innovators and job creators is an important part of the Republican Jobs Plan. This bipartisan measure reflects our commitment to find common ground with the President on removing barriers to private sector job growth, and I am pleased to see it signed into law.

Under the America Invents Act, we the Congress, Republicans and Democrats, directed the United States Patent and Trademark Office to issue 20 implementing rules. Of the 20 implementing rules, seven have already been implemented, nine have been noticed, and four are under development. Under this bill that we are considering today, that entire process would be stopped in its tracks.

Among the most troubling aspects of stopping the rulemaking process in this case is a rule that would be specifically designed to assist micro entities in securing patents for their inventions. It's a law that says, once the rule is adopted by the Patent and Trademark Office, micro entities will get a 75 percent reduction in the filing fees that they have applicable to them.

The Director of the Patent and Trademark Office has said:

The new micro entity provision in the America Invents Act makes our patent system more accessible for smaller innovators by entitling them to a 75 percent discount on patent fees. By paying discounted patent fees as micro entities, smaller innovators can access the patent system to move their ideas into the marketplace.

Although the micro entity definition became effective September 16 when the President signed the bill into law—the date of enactment of the patent reform bill—the discount is not available to these small entities until these rules are passed, and this bill would make it impossible for us to adopt the rules.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. Madam Chair, I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Madam Chair, I first would like to say I supported the America Invents Act, supported it in committee, and I've got great news for you and great news for me, and that is I don't see any evidence that the rules to which you referred would total $100 million in impact and meet that threshold. I just don't believe that's the case. So this amendment is unnecessary. Even if they do meet that threshold, there are several ways that they could be brought to Congress for approval.

The amendment, like so many others offered here tonight, seeks to carve out one set of regulations while leaving all the other regulations under the bill. Surely folks have their favorite regulations that they want to save and defend, and like a number of other carveout amendments, this one is just not necessary. Titles I and II of the bill, for example, already exempt regulations, as I indicated, that will not impose $100 million in cost on the economy.

Surely the regulations this amendment seeks to protect, those that will streamline patent application processes, will save the economy money, not impose more cost. There is, thus, no need to worry that they will be affected by these titles of the bill.

Meanwhile, title III of the bill imposes balanced improvements in transparency, public participation, and judicial review for regulatory consent decrees and settlements. It will not prevent the Patent and Trademark Office from settling regulatory suits by consent decree or settlement. For these reasons, I oppose the amendment.

I reserve the balance of my time.

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

Let me get this straight. We have passed a bill on a bipartisan basis that directs that rules be written, and then we want, when the rules are written, to have it come back to Congress so that we can approve those rules. Tell me, first of all, what sense that makes.

Second of all, the gentleman obviously is not aware of some of the corporations that have started off as micro enterprises if he does not believe that this measures up to his $100 million, or whatever the threshold is. Let me read him some of the companies that started off as micro enterprises.

What about Google or Apple or Instagram or Microsoft or Facebook, a whole litany of people that, were this 75 percent reduction in fees not in effect, might have been discouraged from ever even applying for a patent. So this notion that this doesn't add up to $100 million, or whatever this threshold is, is just false.

The notion that we would tell the administration to adopt a set of rules and then say, okay, we're going to micromanage you and you've got to come back over here so we can cross your T's and dot your I's in a noncontroversial way like this and delay the process of innovation in our country is just nonsensical.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. While I appreciate the passion of the gentleman from North Carolina, it doesn't change the fact that it's very unlikely that the impact on the economy would be $100 million or more. That has nothing to do with the sales of the company. It has to do with the impact of the regulation on the economy.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. WATT).

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

Mr. WATT. Madam 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 North Carolina will be postponed.

□ 1910

AMENDMENT NO. 7 OFFERED BY MR. LOEBSACK

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 112–616.

Mr. LOEBSACK. Madam 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:

Page 3, line 18, strike ''or (d)'' and insert ''(d), or (e)''.

Page 5, after line 7, insert the following new subsection:

(e) CONSUMER PROTECTION FROM HIGH FUELS PRICES EXCEPTION.—An agency may take a significant regulatory action if such action would have the effect of lowering the price of oil or the wholesale or retail price of oil, gasoline, diesel, or other motor fuels.

Page 10, after line 4, insert the following new paragraph:

(3) likely to result in lower oil prices or lower wholesale or retail prices for oil, gasoline, diesel, or other motor fuels;

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Iowa (Mr. LOEBSACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LOEBSACK. Madam Chairman, I yield myself as much time as I may consume.

Madam Chairman, I wish to offer this amendment to provide the opportunity to lower the price of gas and oil. The purpose of my amendment is very simple: it's to ensure that our constituents are not disadvantaged by blindly holding up actions that potentially lower oil and gas prices. It will allow significant actions to move forward that would lower prices for gasoline, diesel, oil or other motor fuels.

We know that some regulations can be problematic when they aren't crafted carefully, with broad input and consideration for effects on the ground. We all know that and we all agree with that.

In fact, I've supported legislation in the past to give small businesses a bigger role in crafting regulations that affect them, and I am a member of the bipartisan Congressional Regulatory Review Caucus.

But we also know that there are some regulations that can protect public health, make our economy function more smoothly, and provide opportunity for all Americans to succeed. And as we struggle to recover from the worst recession since the Great Depression, there are families across the country making hard decisions about whether to put food on the table, clothes on their back, or gas in the car. Middle class folks we all know have been hurt disproportionately by higher gas prices, and that's why this amendment, I believe, is so important.

I think it would be irresponsible to pass legislation that would actually have the opposite effect, potentially, of its intention in a number of areas, gas prices being one of them.

Rural Americans, like those in my home State of Iowa, are more likely to have older vehicles, especially trucks, and farmers and others in rural areas need trucks. That is their mode of transportation.

Rural residents also—I think it's unknown to a lot of folks who live in urban areas—on average, drive 3,000 miles per year more than their urban counterparts, a disparity particularly evident when considering commutes to work.

My amendment will ensure that actions taken that would lower gas, oil, or other motor fuels, the prices of these commodities, can move forward and save money for all Americans and for Iowa families. If there is an action that could lower gas prices, I would think that we can all agree that it should move forward to benefit families and businesses and farmers who are struggling just to make ends meet.

If this legislation under consideration were already in effect, no significant actions could have been taken this year to lower oil and gas prices during a time of record costs, and we all had conversations about that on this floor earlier this year.

I've pushed for initiatives to utilize more American-produced energy, but as our Nation continues to be dependent on foreign sources, American families' costs at the pump continues to be subject to the fluctuations of speculators and manipulation. And we've already heard from some Members previously about that issue.

I think we need to be focusing our attention on becoming more energy independent through a variety of energy sources. We need an all-of-the-above approach to domestic energy production. There's no doubt about that. And ensuring that actions to move forward that would lower oil or gas prices in the U.S. is part of an all-of-the-above approach where we need to be looking at all options.

I truly hope that my colleagues will support what is truly a commonsense amendment, I believe, and I urge my colleagues to ensure that our hands are not tied by this legislation and to take actions to lower gas prices. I think we can improve this bill, and I think this amendment will do that.

I reserve the balance of my time.

Mr. FARENTHOLD. I claim time in opposition.

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

Mr. FARENTHOLD. I rise in opposition to this amendment which would provide an exception for regulations that attempt to manipulate the price of oil, gas, and other fuels.

As I was listening to my colleague from across the aisle, I was struck by the fact that he didn't actually mention any possible regulations that could do that. I also would like to point out that our hands, as Congress, are not tied. This bill ties the hands of regulators.

If he is able to come up with a good idea to lower fuel prices, he can bring it to Congress, we can pass it, the Senate can pass it, and the President can sign it, just the way the Founding Fathers intended.

Just to be clear, I also want to point out that nothing in H.R. 4078 prevents the administration from taking any number of actions that would increase the supply of domestic oil and gas and lower the price of gasoline at the pump. The passage of this amendment, however, would do nothing to lower the price at the pump.

Now, I realize this amendment seems to preserve the option to impose price controls. That's the only thing I could think of that it could do. We learned back in the 1970s that price control does nothing but lead to shortage and lines at the gasoline pump. There's absolutely no reason we need to return to the failed policies of the Carter administration.

Now, if the current administration were truly interested in providing relief at the pump, there are any number of actions they could do to increase the supply of oil and gasoline and lower the price at the pump. But the Obama administration's done little to tap into vast domestic resources that would increase the supply of American oil.

Rather, under President Obama, permitting and leasing on Federal land is actually down. Alas, the President has also vetoed or is opposed to the Keystone pipeline, which would have connected not only Canadian oil to refineries in the South but would have also have connected the new finds in North Dakota in the Bakken shale sands.

Canadian sands production is expected to double to 3 million barrels a day between 2010 and 2020, and domestic oil production will increase by as much as 20 percent. The lack of a Keystone XL-like pipeline means slower, less reliable, and less safe forms of transportation that will continue to necessitate transporting domestic oil from North Dakota by much more expensive and much less safe means of truck and rail, rather than pipelines.

Lowering the cost of that transportation would lower the cost of that crude oil and would lower the cost of gasoline at the pump. As a matter of fact, a barrel of North Dakota Sweet sells for $62. That's lower than the international price of oil, predominantly because of the additional transportation costs necessary to bring it down to be refined in the refineries that are currently set up in this country.

If this Bakken oil were made available to the rest of the country we would see an economic boom. We would see lower prices for gasoline at the pump. We would see more jobs in America. The east coast, in particular, needs this oil and this gas made available to bring costs down.

Bakken may lead to some price relief there. But it will also open Canadian oil. We talk about energy independence, but realistically, North America is the energy unit that we should be looking at for providing our source. As we tap resources throughout the United States, Canada, and Mexico, we are going to be able to become energy independent much more rapidly than anyone ever thought as these new technologies develop to let us reach oil and gas deposits that we never, even 10 years ago, thought was possible.

I was talking to a geologist just recently when I attended a field hearing in North Dakota, and he told me, when he was in school, they always considered shale to be the source and would never be able to tap it. But technology has proved that wrong. And, in fact, even with our current technology, we're only getting a small percentage of the actual oil trapped in that shale.

I'm confident that, as our technology develops, that is going to become more and more available, and this is going to take care of it.

But what we know is what's running up the price of oil and gas is excessive government regulation. And if we can put a hold on government regulation, so our businesses can know what they have to do to comply with those regulations, and not have the goalposts moved in the middle of the game, we'll have new refining infrastructure built, we'll have new factories built, we'll have new jobs created, and we will get to an unemployment rate of 6 percent a whole lot faster, I think, than anybody is predicting.

This bill is a rational step to put the brakes on an oppressive government that is stifling job creation. And carving holes in it and creating loopholes, like this amendment would do, only weakens that and will slow our path to recovery. So I urge my colleagues to defeat this amendment.

I yield back the balance of my time.

□ 1920

Mr. LOEBSACK. Madam Chair, how much time is remaining on my side?

The Acting CHAIR. The gentleman from Iowa has 1½ minutes remaining.

Mr. LOEBSACK. I don't know where to begin. I don't have enough time to respond to everything that was said by my colleague on the other side of the aisle.

What I will say at the outset is that this has nothing to do with the Carter administration, that it has nothing to do with any previous regulations, that it has nothing to do with cost control. This is a very simple amendment. I think, if one reads the amendment, one will find that there is absolutely nothing in the amendment that is feared by the gentleman from the other side of the aisle. It's that simple.

In fact, it's this kind of debate, if we want to call it that, that is something that is very upsetting to the American people at this time and is something I hear in Iowa all the time. We've got to have a rational debate that is based on fact. There is nothing in this amendment whatsoever that the gentleman referred to. The amendment, itself, because it is so simple and because it is open-ended, would allow for many of the very same things that the gentleman on the other side of the aisle suggests that we ought to do and that I may very well be open to doing myself.

I think that's what's important about this amendment. It's simple. It's open. In fact, it allows for the very kinds of things that he mentioned to go forward. If this amendment is adopted, I think it would vastly improve the underlying bill along the lines that the gentleman, himself, argued.

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

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

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

Mr. LOEBSACK. Madam 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 Iowa will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 112–616.

Ms. RICHARDSON. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 26, insert the following new paragraph:

(3) necessary to properly implement the provisions of (and amendments made by) the Patient Protection and Affordable Care Act (Public Law 111–148) and the provisions of (and amendments made by) title I and subtitle B of title II of the Health Care and Education Reconciliation Act of 2010 (Public Law 111–152);

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. I would like to extend a thanks to Chairman SMITH and to Ranking Member CONYERS for having their hard work brought to fruition here with this legislation.

Madam Chairwoman, the Richardson amendment would allow the government to take significant regulatory action if and when the monthly national unemployment rate is above 6 percent, thereby allowing for the action and proper implementation of the Patient Protection and Affordable Care Act and the health provisions of the Health Care and Education Reconciliation Act of 2010.

The sponsors of H.R. 4078 suggest the legislation will promote job growth. I argue that the Affordable Care Act, when fully implemented, will promote job growth, support economic growth and spur deficit reduction in our economy in terms of the deficit that we currently are experiencing. My amendment is intended to ensure that adequate health care through the Affordable Care Act can be fully implemented.

Because so many Americans rely on their employers to have access to health care, high levels of unemployment can leave many of our U.S. citizens uninsured and underinsured. When the monthly unemployment rate is above 6 percent, something this Nation has unfortunately incurred for approximately 2 years now, that is the very time, I would argue, that our government was created to assist U.S. citizens and all of those who obviously need health care. A strong economy needs healthy workers.

There is a common and persistent misconception that the Patient Protection and Affordable Care Act will pose an undue burden on small businesses and will limit job creation, but this is absolutely untrue. Rather, the Affordable Care Act offers $40 billion in tax credits for small businesses to help pay for employee health insurance coverage. In 2011, this tax credit was used to pay for the coverage of over 2 million uninsured Americans. In my home district, the 37th Congressional District of California, 510 small businesses have already received this tax credit to maintain or expand the health insurance coverage for their employees.

The Affordable Care Act also establishes health insurance exchanges in which small business owners and employees can pool their buying power to shop for affordable plans. Beginning in 2014, all the plans offered in these exchanges will have guaranteed sets of minimum benefits to ensure that small businesses are not faced with gaps in coverage or fine print restrictions, which are documented problems that have plagued recipients in the past.

Despite the unfounded claims that this bill will raise taxes for everyday Americans, the Affordable Care Act will bring a significant and immediate savings to the middle class at a time when we need it most.

With that, I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. Madam Chair, this amendment would exempt regulations to implement ObamaCare, the President's health care law, from the regulatory freeze.

Fear and uncertainty among job creators of the coming regulatory tidal wave to implement ObamaCare is certainly holding back our economic recovery. The Congressional Budget Office projects that ObamaCare will cost over $1.1 trillion. For American small businesses that are already struggling to stay afloat, this is a staggering burden.

If you want to know what small businesses think about the bill that is before us, I will tell you that, in Arkansas, they support it, but they certainly do not support ObamaCare. I would also point out, Madam Chair, that the NFIB, the premier small business organization in America, supports the bill.

It is estimated that ObamaCare will require nearly 160 new boards, bureaus,

bureaucracies, and commissions. Overall, the Federal Government will issue, roughly, 10,000 pages of new regulations to implement the so-called ''health care reform.'' Yet this amendment would exempt these regulations from title I of the Regulatory Freeze for Jobs Act.

At a time when we should be working to repeal ObamaCare and to replace it with patient-centered health care reform, this amendment simply makes no sense. I would also point out, Madam Chair, that if there are regulations that the Obama administration wants to see proceed through the process, they can certainly send them to Congress and see if we will approve them. We can take a look at them, see if they make sense, see if they do what they intend, and see if it's right for the country.

For these reasons, I oppose this amendment.

I reserve the balance of my time.

Ms. RICHARDSON. Madam Chairwoman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 2¼ minutes remaining.

Ms. RICHARDSON. I am convinced that President Obama does care, but today, I am here to talk about the Patient Protection and Affordable Care Act.

Regarding that act, I think it's important to note that this amendment is not simply a blanket exemption; rather, it deals with the time when unemployment exceeds 6 percent. For those American people—many of whom I represent, who have struggled through no fault of their own to be able to gain employment—this is a significant exemption that is needed.

Madam Chairwoman, when we look at the implementation of the Patient Protection and Affordable Care Act, it passed this body in Congress; it passed the body in the Senate; it was signed into law; and now it has been upheld by the Supreme Court of the United States. Health care reform is finally here to stay, and the time has come for us to commit ourselves and our attention and our efforts in this Congress to wholeheartedly supporting its enactment. Where changes and revisions and improvements need to be made, we have an opportunity to do so.

The Richardson amendment I bring forward today does not obligate additional funds to address health care reform. It would simply give the Federal Government the freedom—the freedom that we all believe in—to pursue all available options in the future, especially in the greatest times of need. My amendment ensures that the Patient Protection and Affordable Care Act is implemented without adding time and cost-consuming procedural burdens.

I urge my colleagues to join me in supporting Richardson amendment No. 8 and to reaffirm this Nation's commitment to providing the basic necessity. Certainly, I think that equates to the level of the right to the pursuit of happiness, which is what America was built on.

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

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

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

Ms. RICHARDSON. Madam Chairwoman, 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 California will be postponed.

□ 1930

AMENDMENT NO. 9 OFFERED BY MS. RICHARDSON

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 112–616.

Ms. RICHARDSON. Madam 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:

Page 3, after line 26, insert the following new paragraph (and redesignate succeeding paragraphs accordingly):

(3) necessary to carry out the Fair Credit Reporting Act;

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. RICHARDSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. RICHARDSON. Madam Chairwoman, the Richardson amendment simply improves the bill by allowing for necessary regulations to be promulgated when the monthly national unemployment rate is above 6 percent in order to protect consumers against unintended consequences that they might suffer under the Fair Credit Reporting Act.

This amendment promotes job growth by ensuring small businesses have fair and accurate credit scores to obtain competitive interest loans. This amendment enables the appropriate Federal agencies, such as the Federal Reserve, the Federal Trade Commission, and the Consumer Financial Protection Bureau, to issue regulations necessary to protect consumers and to promote small businesses.

The Fair Credit Reporting Act, also known as FCRA, is an important piece of legislation that protects the accuracy, fairness, and the privacy of information collected at credit bureaus. It gives consumers the right to view and challenge the information in their respective credit reports. Although this legislation was originally passed well over 40 years ago, this issue has remained in the forefront of public consciousness, and in 2003 we had provisions that were added to deal with identity theft.

The Fair Credit Reporting Act requires that consumer reporting agencies, also known as CRAs, ensure that they provide up-to-date information and remove negative information after 10 years. These requirements mandated by the Fair Credit Reporting Act provide entrepreneurs with fair credit scores and enable them to seek competitive loans to start or expand small businesses.

There are 28.6 million small businesses in the United States, and small businesses create two out of every three jobs in this country. In the State of California that I represent, small businesses employ more than 50 percent of the State's 16 million workers and represent 90 percent of the job growth for higher income.

With that, Madam Chair, I reserve the balance of my time.

Mr. MCHENRY. Madam Chair, I rise in opposition.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

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

I would say to my colleagues that the Fair Credit Reporting Act should not be singled out for special treatment.

This bill is about creating jobs; and the American people know, as we know, and as rational people looking at the process of regulation know, that higher regulation out of Washington means lower job growth. In particular, what this amendment would do is further constrict access to credit. Furthermore, this bill does not inhibit any individual from getting their free credit report or from having access to their credit report.

What this bill prevents, however, is an agency like the CFPB, which is a very powerful agency with an unconfirmed director. The President went around the process that the Senate has outlined for Senate confirmation. It's a very controversial appointment. They've taken these powers, and they can write very costly and expensive rules. Those costly rules inhibit credit opportunity for Americans, if not done correctly. We've seen some actions already out of this agency that raise great concerns that it's going to be very costly to small banks and to small businesses.

Let's avoid that. Let's reject this amendment. Let's create jobs by passing this bill.

With that, I reserve the balance of my time.

Ms. RICHARDSON. Madam Chair, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from California has 3 minutes remaining.

Ms. RICHARDSON. Madam Chair, in relation to the comments that have been made, I'd like to speak to why the fair credit reporting agencies would be exempted in this particular amendment.

When you consider that we're national representatives—and rational legislators do know, I would say, and I think small business owners are aware, that without capital, without the ability to have appropriate credit scores and not to be able to extend that, not to be able to get appropriate capital to have your business to be successful, there are no jobs. There is no thriving economy. That's why, in fact, this Agency should be exempted.

The statistics are clear: small businesses are the key to our economic recovery and our continued growth. Relieving the financial burdens of small businesses stabilizes the uncertainty and encourages critical job growth. Entrepreneurs and small businesses are the engines of innovation and economic growth, and the small businesses in my district are at the forefront of that innovation.

It would be wrong and counterproductive to limit the Federal Government's ability to support small businesses when they need it most. I urge my colleagues to join me in supporting Richardson Amendment No. 9 and reaffirming our commitment and this Nation's commitment that when businesses need the assistance, when they, in fact, can qualify for the assistance, that improper reporting or old reporting certainly shouldn't hinder their ability to have that vibrant business.

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

Mr. MCHENRY. Madam Chair, I would say in closing that the Fair Credit Reporting Act should not be singled out for special treatment, nor should the Consumer Financial Protection Bureau be singled out for special treatment. We should not treat the CFPB rulemaking powers differently than any other Federal agency dealt with under this legislation before us.

Let me also say to my colleagues that it's very important to note that law enforcement actions will continue. Bad actors can continue to be rooted out, regardless of this legislation. That power is still given to the CFPB and other law enforcing agencies across the government. Furthermore, consumers will continue to have access to their credit reports, and this amendment doesn't address a consumer's ability to get that credit report.

Furthermore, let's create jobs by eliminating regulations that inhibit job growth. Let's roll back this uncertainty and give the American people a level of certainty and some expectation of the regulatory framework they have to work under. That's the way we help small businesses be able to take that risk, be able to get that access to credit so they can create jobs, and maybe even keep the doors open and the lights on.

With that, I urge my colleagues to reject this amendment and pass the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. RICHARDSON).

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

Ms. RICHARDSON. Madam 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 California will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. CONNOLLY OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 112–616.

Mr. CONNOLLY of Virginia. Madam 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:

Page 5, strike lines 4 through 7 and insert the following:

(3) CONGRESSIONAL ACTION.—With respect to any submission by the President under this subsection—

(A) Congress shall give expeditious consideration to the submission by taking appropriate action not later than the end of a 7-day period beginning on the date on which the submission is received; and

(B) in the case that Congress fails to act upon the submission during such period, section 102(a) shall not apply.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. CONNOLLY of Virginia. Madam Chairman, my simple amendment would clarify the congressional procedure for acting on the President's written congressional waiver request as provided for in the bill.

Based on their remarks today, it appears my friends on the other side of the aisle view the availability of congressional waivers as sufficient to ensure commonsense, popular safeguards such as rules benefiting veterans with catastrophic injuries, assisting students with loan debt, or providing families with peace of mind that the peanut butter their children eat will not poison them.

□ 1940

So they are not blocked by this bill's arbitrary across-the-board moratorium action on significant rulemaking actions because there is a waiver provision.

Yet for all of the emphasis on the importance of these congressional waivers, this bill, H.R. 4078, only provides vague, unclear guidance concerning how such actions would proceed on the President's waiver requests. H.R. 4078 only specifies that Congress shall give each submission by the President ''expeditious consideration'' and take ''appropriate legislative action'' without defining these terms in statute. Anyone who has watched this 112th Congress here in the House knows that they shouldn't put undue faith in terms like ''expeditious consideration.''

Republican claims to the contrary notwithstanding, as currently written, the congressional waiver provisions seem designed to spur effective talking points, not exactly an efficient process for considering Presidential submissions.

My simple amendment ensures that if the President requests a necessary and urgent waiver, such as the flexibility for the Department of Labor to issue a rule protecting coal miners from black lung disease, expeditious consideration shall not take longer than 1 week. This simple amendment takes no position on the wisdom of the given waiver request. It simply requires the Congress, whether it decides to approve or disapprove a President's request, to do so within 7 days.

As the numerous amendments filed by my colleagues demonstrate, the majority of the President's waiver requests will address noncontroversial, yet critically important, rules that protect our Nation's veterans, families, workers, environment, and economy. By supporting this perfecting amendment, Members will ensure that no American is endangered because of congressional inaction.

I reserve the balance of my time.

Mr. GRIFFIN of Arkansas. I rise in opposition to the amendment.

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

Mr. GRIFFIN of Arkansas. As I have said with regard to the other amendments that we have discussed here tonight, Madam Chair, there are several exemptions in the bill, and there is also the waiver, as the gentleman from Virginia has discussed.

Now, before I get to the waiver, I would like to point out that, unless I'm missing something, I think that the safety of peanut butter that I and my 2-year-old and my 4-year-old eat—I like crunchy; they like creamy—I think it's already regulated. And if it's not, we certainly make provision for that to happen. I, like the gentleman from Virginia, want to make sure people are protected. I happen to also be a veteran, and I certainly want to see veterans taken care of.

I want to make it clear that our bill does not go back and repeal regulations that are finalized and in place. What it does is it says, let's take a deep breath; let's have a time-out; and let's allow the many small businesses and other job creators in this country an opportunity to catch up.

We've heard a lot about small businesses tonight. And I will point out once again that the premier small business organization in this country is the NFIB, and they support the bill.

Now, with regard to the gentleman from Virginia's amendment, the Regulatory Freeze for Jobs Act will put a moratorium on unnecessary regulations that will cost the economy $100

million or more until the economy recovers. But even the administration admits that regulations can kill jobs and hinder economic growth, although this doesn't seem to have prevented them from issuing more and more of these most costly regulations.

Title I of the bill is carefully drafted to allow the President to issue certain necessary regulations during the moratorium period, such as regulations that implement trade agreements, for national security, for criminal and civil rights laws, the enforcement of those laws, and for an imminent threat to health or safety or other emergency. For any necessary regulation not covered by one of these exceptions, we have the congressional waiver that the gentleman from Virginia referred to. Under it, the President can ask permission for Congress to make the regulation, to approve it. This is entirely appropriate, since the Constitution vests in Congress ''all legislative powers.''

But this amendment could totally undermine the moratorium by allowing the President to swamp Congress with waiver requests. If Congress doesn't act on each request within 7 days—and the amendment doesn't specify whether this is calendar, session, or legislative days—then the waiver is deemed granted. With its track record of dramatically increasing the regulatory burden on the economy, this administration has shown that it cannot be trusted not to abuse the process this amendment would create. For these reasons, I oppose the amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. May I inquire of the Chair how much time is left on this side.

The Acting CHAIR. The gentleman from Virginia has 2½ minutes remaining.

Mr. CONNOLLY of Virginia. I yield 2 minutes to the gentleman from Maryland (Mr. CUMMINGS), the distinguished ranking member of the Oversight and Government Reform Committee.

Mr. CUMMINGS. Madam Chair, I support the amendment offered by Mr. CONNOLLY.

The congressional waiver provision in this underlying bill is a farce. It requires the President to ask Congress its permission to issue a regulation and then wait for both Houses of Congress to approve the waiver. Give me a break. That could take months in the best case, but the more likely scenario is that it would never happen at all—and everybody knows that.

By adopting this amendment, we can ensure that the President can truly issue regulations when needed. Under this amendment, the waiver provision in the underlying bill will be changed so that if Congress doesn't act within 7 days on a waiver request submitted to it by the President, the waiver would be granted.

Let me be clear: under this amendment, Congress would still have the opportunity to object to a regulation when necessary. This amendment simply ensures that Congress' failure to act doesn't prevent the President from issuing needed regulations.

The majority claims that the congressional waiver provision in the underlying bill will ensure that the President can still issue important regulations. If the majority really intends to give the President that flexibility, they will adopt this amendment.

I hope my colleagues will join me in supporting this amendment.

Mr. GRIFFIN of Arkansas. I would just point out, Madam Chair, that the part of the bill that the gentleman from Maryland calls ''a farce,'' the Founding Fathers might refer to it as ''balance of powers.'' And that's what we're trying to do here, allow Congress to share in the process since we are the source of all legislative power. That is just another reason that I oppose this amendment.

I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Of course I know my friend from Arkansas knows his history. That was the whole battle of Federalist versus anti-Federalist. The Federalists won out. That's how the Constitution of the United States got adopted, a more powerful government to help the union of the States.

Madam Chairman, I will close by simply noting the irony of opposing any kind of finite time limit. The very organization cited by my friend from Arkansas, NFIB, screams the loudest about uncertainty. Yet here we are, going to have expeditious consideration that could take weeks or months here in this body, and we're not going to put a finite time limit to give them the predictability and the certainty that they say they want. I think it's the minimum required in this legislation if we really mean to effectuate change.

I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. 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 of Virginia. Madam 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.

AMENDMENT NO. 11 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 112–616.

Mr. POSEY. Madam 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:

Page 6, line 14, insert after the period the following: ''Such award shall be paid out of the administrative budget of the office in the agency that took the challenged agency action.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

Madam Chair, today in Washington, bureaucrats are able to craft and enforce rules that cost our economy billions of dollars while remaining aloof to the consequences of their actions. There remains a disconnect between those who write these rules in the comfort of the Beltway, generating reams of red tape, and the actions taken by the courts or Congress to delay or roll back those same rules.

When a regulator has overreached, they have wrongfully robbed American citizens of their benefits, of their labor, and their means of productivity. Today there is really no penalty for those who overreach. I believe regulators should be more prudent and measured when drafting and issuing rules and regulations.

□ 1950

My amendment simply calls agency bureaucrats to account when they exceed their delegated authority.

Section 104 of the underlying bill permits a court to award reasonable attorney's fees and costs to a small business when they prevail in a suit against an agency that has exceeded their statutory regulatory authority.

My amendment takes this as a step further by requiring any attorney's fees and costs be paid out of the administrative budget of the particular office that is found to have exceeded that authority. I believe this will give regulators greater pause before they issue regulations and will cause them to double-check to make sure that they are on solid ground. When an agency overreaches, what they are fundamentally doing is denying an American citizen their right to pursue opportunity, create jobs, or enjoy the benefits of their labor.

In a sense, they are basically robbing someone of their opportunity. Outside of the regulatory environment, when someone takes property that belongs to someone else, there are criminal sanctions if we catch them doing it. In the regulatory environment, however, the best that an American citizen can expect from the Federal Government is ''I'm sorry,'' and that's at best.

We change that in this bill. With the adoption of my amendment, we change that for the particular regulators that exceed their authority. If adopted, this amendment will give more certainty to the regulatory process, and it ensure regulators are more prudent when drafting regulations. We make sure that any damages are not paid out of the agency slush fund but, rather, out of the administrative budget of the offending office. That brings personal and government accountability to the

regulatory process, something that's desperately needed. Now they will have some skin in the game, so to speak.

I urge my colleagues to support this good amendment, and I reserve the balance of my time.

Mr. NADLER. Madam Chair, I rise to claim the time in opposition.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. I strongly oppose the Posey amendment because it makes even worse an already deeply problematic provision.

Under title I of this bill, a court is required to award attorney's fees and costs to a ''substantially prevailing small business'' in any civil action to challenge an agency's compliance with the moratorium. That provision further states that a small business can be substantially prevailing in the meaning of the bill even in the absence of a final judgment in its favor ''if the agency that took the significant regulatory action changes its position after the civil action is filed.''

There are two problems with this. First, it doesn't matter if the agency's change in position had absolutely nothing to do with the civil action. A court would still have to award attorney's fees to a small business that challenges an agency's compliance with the moratorium in court, even if the change in policy had nothing to do with the lawsuit.

Bad as this provision already is, the Posey amendment makes it worse by requiring that any award of attorney's fees and costs be taken out of the defendant agency's budget. Agencies are already straining under diminishing financial and staff resources, thanks in no small part to the budget priorities of this House during this Congress. Further debilitating agencies by taking fee awards out of their budgets—even under circumstances when their change in position had nothing to do with the underlying lawsuit—further damages agencies' ability to do what Congress tasked them with doing, namely, protecting public health and safety.

What this amendment says is, if an agency has a regulation which, in its judgment, it must issue to protect the public health and safety and a small business sues to stop that, and even if the small business doesn't prevail, if there is any change in the agency's position, and even if that change in position has nothing to do with the subject of the lawsuit by the small business, it must pay attorney's fees. And, under this amendment, it must pay attorney's fees out of its own budget. That is dangerous because it will debilitate the agencies that we task with protecting the public health and safety.

Second of all, it is self-defeating. If you are the agency and you know if you are going to change your position in any way you're going to have the pay the attorney's fees out of your own budget, better don't change. Fight the lawsuit. Don't give in. Fight the small business because you may win; while, if you change your position in any way, if you compromise, if you say, you know, they don't have that great of a case but we can accommodate them by making a small change—no, then you have to pay attorney's fees out of our own budget. So don't accommodate them. Don't comprise with them. Don't make the change. Fight them to the bitter end. That doesn't help the small business, and it certainly doesn't help the American people who need these agencies to police the marketplace and to protect the public health and safety. So it defeats its own purpose. It is just wrong on so many levels.

I reserve the balance of my time.

Mr. POSEY. Madam Chair, how much time do I have?

The Acting CHAIR. The gentleman has 2 minutes remaining.

Mr. POSEY. I yield 1 minute to the gentleman from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Madam Chair, I rise in support of this amendment. If an agency improperly makes a regulation during the moratorium period, as written, the Freeze Act would allow a small business that successfully challenges the action to collect attorney's fees. The gentleman from Florida's amendment would strengthen this provision by ensuring that any attorney's fees awarded under title I come out of the agency's budget and not from the general Federal Treasury through, for example, the judgment fund. If an office or agency defies the law and tries to make a regulation that should be subject to the Freeze Act, then that particular office or agency should bear the consequences of forcing a small business to go to court to vindicate its rights.

For these reasons, I support the amendment.

Mr. NADLER. How much time do I have remaining?

The Acting CHAIR. The gentleman has 2 minutes remaining.

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

Again, we oppose the bill to start with because we shouldn't have a moratorium on rules that are intended to protect the public health and safety that may be necessary.

But second of all, this amendment is self-defeating because if a small business sues the agency, two things. Number one, let's assume that the agency thinks that the small business' suit has some merit, not enough to win the case, but some merit. Under this amendment, the agency cannot compromise, cannot say, You're right; we'll make this change, because the moment it makes a change, even a minor change, then it is no longer the prevailing party. The small business, under the definition of the bill, is the prevailing party and will get attorney's fees, and the attorney's fees come out of the budget—maybe the small budget—of the agency. So rather than yielding in any way, rather than compromising with the small business, fight them. Fight them tooth and nail. That's what this amendment says to the agency. It is, on its own terms, silly and self-defeating, and I urge its defeat.

I yield back the balance of my time.

Mr. POSEY. Let me tell anyone who may not have ever seen a war with an agency over agency rules before, they dig in and they fight to the death anyway, whether it's coming out of their budget or not. I've seen them lose at three levels with a private citizen and go after them yet a fourth time because their pockets are bottomless and they hope they can break the back of a citizen like that.

You know, what make this country unique is we believe we get our rights from God. We believe in inalienable human rights here, and we give rights to government. Government doesn't give us rights. We give rights to our government. And we're charged with administering the rights that were given to our government here in Congress. And we give the administration, we give the agencies the right to write rules, specific rules. We don't allow them, without our authority and beyond the scope of their authority, to abuse citizens, to steal their productivity, their labor, and the benefits that they've worked hard for. And that's what the agencies have done. We have asked them not to do it. They've reformed the Administrative Procedures Act a number of times. The agencies just don't get the message. They see it as their goal and their destiny to be the boss.

Congress is supposed to have dominion over the bureaucrats, and this is one of the ways that we're going to enforce that dominion. We don't let the fox run the henhouse.

I yield back the balance of my time.

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

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

Mr. POSEY. 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 Florida will be postponed.

□ 2000

AMENDMENT NO. 12 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 112–616.

Mr. NADLER. Madam Chair, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, insert after ''guidance'' the following: ''(other than a rule or guidance regarding the safety of a civilian nuclear power plant)''.

Page 19, after line 25, insert the following new subsection:

(d) EXCEPTION.—The provisions of this title shall not apply in the case of a consent decree or settlement agreement pertaining to a civilian nuclear power plant.

Page 65, line 17, strike ''section (p)'' and insert ''sections (p) and (q)''.

Page 66, after line 5, insert the following:

''(q) EXCEPTION FOR CERTAIN PROJECTS.—This subchapter does not apply in the case of any project that pertains to the safety of a civilian nuclear power plant.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. Madam Chair, I yield myself 4½ minutes.

Madam Chair, I rise in support of my amendment, which would exempt rules to protect nuclear power plant safety from titles I, III, and V of the bill.

It is rare that the premise of an entire week of legislative work on the House floor is wrong, but, here we are here. We are told this is ''regulatory week,'' during which House Republicans are supposedly working to see that the yoke of oppressive government regulation is thrown off and the American entrepreneur is freed to grow his or her business and increase jobs. In thinking about this view, I am reminded of a famous line in Shakespeare's MacBeth, ''It is a tale told by an idiot, full of sound and fury, signifying nothing.''

We have heard, and will continue to hear, a lot of sound and fury this week on the House floor, but just like all the other regulatory bills the House has passed this year, what we pass this week will die in the Senate as well. So all of that talk will signify nothing. Like health care repeal, on which we have taken 33 votes, this, too, is a tremendous waste of time.

More importantly, there is no evidence to support the position that overregulation is the major cause of our slow economic growth and high unemployment rate. According to the Economic Policy Institute, ''economy-wide studies do not find a significant decline in employment from regulatory policies.''

The real culprit of our slow growth and high unemployment is reduced aggregate demand. Do not just take my word for it—this is what economists and business are saying. The Wall Street Journal surveyed dozens of economists last July, and it found that the ''main reason U.S. companies are reluctant to step up hiring is scant demand.''

The National Federation of Independent Business found that when business owners with declining sales were asked the cause, 45 percent said declining sales. Only 10 percent said higher taxes and regulations.

If all of this is true, why are we here making it harder for the government to enact protective rules and regulations to protect the public health and safety?

Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush administrations, suggests an answer. He has said:

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.

Let us look at what the bill that this canard has brought us would do. To me, it seems like Frankenstein. It's put together from various different pieces that do not fit together, and it is very frightening. For example, the underlying bill would block all and any major efforts to protect public health, safety, the environment and so on until the unemployment rate falls below the arbitrary figure of 6 percent; and the bill would impose needless costs on the government and make protecting health and welfare that much more difficult by putting impediments to agreeing to consent decrees and settlements. What all this means is that the most potentially dangerous industries, like nuclear power, the safety of the American public would be put at serious risk by this bill.

My amendment would attempt to make this Frankenstein bill slightly less of a horror show by exempting the issue of nuclear power plant safety from three sections of the bill.

The dangers of nuclear power are well known. One accident can doom millions of people. Because of the almost unimaginable disaster that could happen at a nuclear power plant, regulations to prevent accidents or meltdowns in advance are critically important. The underlying bill would make it harder for the Nuclear Regulatory Commission to adopt such rules or policies, thereby putting millions of lives at risk.

Hampering the ability of the NRC to require safety measures like those necessary to prevent a meltdown in the event of an earthquake or an act of terrorism could be devastating. My amendment would free the NRC from the burdens of this bill and allow it to promulgate those rules and regulations necessary to protect us from the disaster of a nuclear catastrophe such as those that occurred at Chernobyl in Russia or at Fukushima in Japan.

I urge everyone to approve the amendment, and I reserve the balance of my time.

Mr. ROSS of Florida. Madam Chair, I rise in opposition to the amendment.

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

Mr. ROSS of Florida. Madam Chair, this amendment would unnecessarily exempt regulations from title I and consent decrees and settlement agreements contained in title III. Title I already contains adequate exceptions for necessary covered regulations. Agencies do not yet need another loophole to make regulations by consent decree or settlement agreement.

As to title V, the part of the bill that was formerly known as the Responsibly and Professionally Invigorating Development Act, also known as the RAPID Act, this amendment would block needed construction projects from breaking ground.

Unemployment is stuck above 8 percent and millions of Americans are looking for work. The March 2011 Project No Project study identified 351 energy projects, including nuclear projects, that, if approved, could generate $1.1 trillion for the economy and 1.9 million jobs.

I appreciate that the gentleman is concerned about the safety of nuclear power, but this act does not require agencies to approve or deny any particular project or permit application, nor would any agency ever act on a permit application before all of the relevant review and analysis has been completed; rather, the act establishes a reasonable timetable for agencies to follow when conducting environmental review and making permitting decisions. This will give job creators and investors confidence that the process will not drag on indefinitely.

The act is consistent with the administration's own guidance and rhetoric and with the President's Jobs Council's recommendations. It builds upon bipartisan legislation that passed the 109th Congress, which has dramatically reduced the time it takes to prepare environmental impact statements for transportation projects. In short, the road to economic recovery runs through permit streamlining.

For these reasons, I oppose the amendment, and I reserve the balance of my time.

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

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. NADLER. Madam Chair, first of all, we're dealing with nuclear regulatory authority, with nuclear power plants, and we're not dealing with small businesses. We are dealing with very large businesses. Secondly, we're dealing with permits for construction or modification of a nuclear power plant.

Because of the disaster at Fukushima, hopefully, we learned from experience, it may very well be that the Nuclear Regulatory Commission will want to put out new regulations or modify old ones in light of what we have learned from what the Japanese didn't do right, and this would say that they could not promulgate any such regulation as long as unemployment is above 6 percent. As long as unemployment is above 6 percent, we must continue to risk all of our lives. That makes no sense.

Second of all, yes, we want to do environmental streamlining. Well, what this bill says—and this would apply to this, too—is that if an environmental

impact statement takes longer than a certain number of days, forget about it. But it's the sponsor, not the Nuclear Regulatory Agency, the sponsor that controls the timing of the EIS.

So if you've got a terrible project which you know is an environmental disaster, all you have to do, under this bill, is to slow-walk the EIS because you control it, and then you don't have to worry about any environmental consequences. That's backwards, it's upside down, and it risks the public safety.

I urge the adoption of this amendment, and I yield back the balance of my time.

Mr. ROSS of Florida. Madam Chair, let's look at this. If the sponsoring agency decides to hold back and there is a presumption or approval, who better to have the onus of having to prove that it should not be built than those who fail to act as opposed to those who are ready to act?

The one thing that we found out is that the regulatory environment is so burdensome that whatever recovery our country attempts to pursue right now is being strangled. Polls show it. A Gallup poll on February 15 of 2012 among 85 percent of U.S. small business owners who are not hiring, nearly 46 percent of these cited being worried about new government regulations. Small business owners cite complying with government regulations as their most important problem.

It is overwhelming that we have placed in the hands of bureaucratic agencies unaccountable authority that is strangling the business recovery of this country. This bill as it is, without this amendment, will allow for the streamlining and 4½ years of the permitting process, and the permitting process will allow us to invest private capital to create private sector jobs.

With that, I urge opposition to this amendment and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

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

Mr. NADLER. Madam 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 New York will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 112–616.

Mr. MCKINLEY. Madam 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:

Page 8, line 5, strike ''$100,000,000'' and insert ''$50,000,000''.

Page 8, line 25, strike ''$100,000,000'' and insert ''$50,000,000''.

Page 27, line 18, strike ''$100,000,000'' and insert ''$50,000,000''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

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Mr. MCKINLEY. Madam Chairman, I rise today to offer an amendment that will add more clarity and accountability to the regulatory process.

Under this bill, Congress will require additional analysis and reporting on all government regulations affecting the economy by $100 million or more annually. This amendment simply reduces this threshold of $100 million to $50 million.

In FY 2011, nearly 4,000 rules were published in the Federal Register; only 83 of these rules were classified as having an annual effect on the economy of $100 million or more. This represents only 2.1 percent of all the rules published. Thus far in 2012, 2,071 rules have been published, and 51 of these have been projected to have an annual effect on the economy of $100 million or more, equating to just 2.4 percent.

According to the Small Business Administration, the cumulative burden of regulations exceeds more than $1 trillion annually on our economy, costing more than $10,000 per household. Regulations are clearly impacting our economy by this astounding $1 trillion amount each year, and nearly 98 percent of these rules have virtually no economic analysis or oversight.

We have more than 23 million Americans underemployed or unemployed. This political maneuvering in rulemaking has to stop. The American people sent us here to improve the economy and help them get back to work, but not to allow the promulgation of more questionable, job-hindering regulations.

When I served in the West Virginia legislature in the eighties and early nineties, no regulations were adopted until the legislature approved them—not just a few here and there, but every single regulation came before the legislature for approval, significant or otherwise.

Not conducting analysis and reports on nearly 98 percent of all government agencies' proposed regulations confounds and confronts our job creators with potentially excessive and burdensome rules.

Madam Chairman, as a reminder, in 1995, Congress passed the Job Creation and Wage Enhancement Act, which dealt with lowering the regulatory threshold from $100 million to $50 million, just as this amendment would do today. That bill passed the House by a vote of 277–141, including many Members who are present here today.

Madam Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chairman, I rise in opposition to the amendment.

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

Mr. CUMMINGS. I yield myself such time as I may consume.

I strongly oppose the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY), which would make a very dangerous bill even more devastating to the American people. If implemented, this amendment would broaden the scope of this legislation to impede the issuance of even more rules than are impeded by the underlying bill itself.

By lowering the threshold at which a ''significant regulatory action'' is measured from rules that have an annual cost to the economy of $100 million or more to just $50 million or more, the legislation would prevent the implementation of important rules whose benefits far outweigh their costs.

One of the things that we do not zero in on with regard to this legislation overall—and we saw it in our committee—is the cost-benefit analysis. I think it's very, very significant, when you think about the fact that there are certain regs which save lives, many which protect our constituents with regard to their pocketbooks, all kinds of things. Sometimes when you just look at the cost of a business coming in and complaining, as opposed to balancing it with regard to benefits, sometimes I think things get out of balance.

The amendment clearly illustrates why Cass Sunstein believes a moratorium on the issuance of regulations is such a bad idea. As he stated at an Oversight Committee hearing last September, he said:

A moratorium would not be a scalpel or a machete, it would be more like a nuclear bomb, in the sense that it would prevent regulations that cost very little, and have very significant economic or public health benefits.

This amendment only increases the size of the bomb we are dropping.

Just one example of a pending regulation that would be halted by this amendment is the Securities and Exchange Commission's proposed rule implementing a section of the Dodd-Frank Act to reduce the purchase of ''conflict minerals''—minerals whose sale by combatants in the Democrat Republic of Congo is known to fund the human rights abuses perpetrated by these combatants.

Dodd-Frank requires the SEC to issue a rule directing publicly held companies to disclose whether any of four metals—gold, tantalum, tungsten or tin—used in the products they produce came from Central Africa, where trade in these commodities has funded years of civil war. The SEC issued a proposed rule in December 2010, but has delayed finalizing the rule in response to fierce business opposition and business lobbying. This proposed rule is estimated to cost industry $71 million per year.

The benefits of this rule cannot be quantified, simply cannot. By ensuring

that publicly traded companies in the United States track the supply chain of minerals and disclose whether their purchases are financing armed groups responsible for committing atrocities—killing people, rapes, hurting people—this proposed rule will save lives and help prevent sexual and gender-based violence. Adopting this amendment would prohibit the issuance of this regulation intended to help quell international violence and help end a humanitarian crisis.

We simply cannot put financial profit, as I said a few minutes ago, above our moral obligation to protect the most vulnerable among us. So, ladies and gentlemen, I urge Members to oppose this incredibly dangerous amendment, and I reserve the balance of my time.

Mr. MCKINLEY. Again, Madam Chairman, I just respectfully disagree with the comments made, recognizing, again, that this House has already spoken on this matter of reducing it from 100 to 50.

The real issue here is whether or not we want to have 98 percent of the rules that are being promulgated to go without oversight and review. It's time that we get this under control and allow more of our people to get back to work.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I hope that the body will vote against this amendment.

I yield back the balance of my time.

Mr. MCKINLEY. Madam Chairwoman, I just encourage my colleagues to support this amendment and, once it's adopted, to support the piece of legislation that's so needed.

I yield back the balance of my time.

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

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

Mr. MCKINLEY. Madam 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 West Virginia will be postponed.

AMENDMENT NO. 14 OFFERED BY MR. SCHWEIKERT

The Acting CHAIR. It is now in order to consider amendment No. 14 printed in part B of House Report 112–616.

Mr. SCHWEIKERT. Madam 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:

Page 8, line 10, insert after the period the following: ''In determining the annual cost to the economy under this paragraph, the Administrator shall take into account any expected change in revenue of businesses that will be caused by such regulatory action, as well as any change in revenue of businesses that has already taken place as businesses prepare for the implementation of the regulatory action.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Arizona (Mr. SCHWEIKERT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

□ 2020

Mr. SCHWEIKERT. Madam Chairman, my amendment hopefully is deemed to be somewhat simple, as this piece of legislation moves forward, trying to make sure that definition of cost from the regulatory environment, is properly, shall we say, a proper box is built for it. So the amendment in many ways is very simple.

The costs to organizations, a business, a business concern—as rules are being promulgated, that business is spending money to get into compliance. Those costs should also be calculated and put into the cost to the economy calculation.

Secondly, as the calculations are being built, it should also—the calculations should take a look at what it did to the revenues of organizations, because those revenues are what are used to hire people, to grow, to expand the economy and, actually, ultimately, expand the tax base.

So the amendment's very simple. It basically says, as the calculations are being made for cost of regulations, okay, let's actually add them up in a fashion where we actually acquire the real cost.

Madam Chairman, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I rise to claim time in opposition.

The Acting CHAIR (Ms. HAYWORTH). The gentleman from Maryland is recognized for 5 minutes.

Mr. CUMMINGS. I yield myself such time as I may consume.

I strongly oppose the amendment offered by the gentleman from Arizona (Mr. SCHWEIKERT), which would make an already ambiguous bill even harder to implement. The amendment proposes to define the term ''annual cost to the economy'' as including ''any expected change in revenue of businesses'' caused by such regulation, including any change in revenue as a result of preparing for the implementation of the regulation.

Imagine the consequences of this amendment. If it would cost a business any additional funds to ensure that baby formula does not contain toxic substances, that business could block a regulation requiring those safety measures. Is that really how we want to run our country?

The truth is that businesses routinely blame regulations for costs they already incur. For example, power companies routinely blame the EPA for the fact that high-cost coal plants struggle to compete in today's market with lower-cost natural gas plants. Despite the fact that many of these coal plants are shut down because they are uncompetitive, some repeatedly blame EPA regulations for forcing their closings.

The intention of this amendment appears to be to give businesses a veto over any regulation they oppose just by claiming that it's implementation somehow affects their bottom line. Since it would be virtually impossibility for OMB to confirm or deny such claims, they would be irrefutable.

Now, I do believe that the cost of regulations imposed on industry should be one of many factors considered when we compare the overall costs and benefits of a rule. But these costs should not be the overriding factor to be considered, as this amendment would require.

The amendment is just another example of the misguided effort to put business' profits before the health and safety of the American people. Therefore, I urge Members to oppose this unworkable and harmful amendment.

I reserve the balance of my time.

Mr. SCHWEIKERT. Reclaiming my time, Madam Chairman, and I appreciate the gentleman from Maryland's comments. But he hit one part there, and that is you do believe that the costs to industry, to business, to job creators should be calculated. It's just the debate here is how they should be weighted and how ultimately, I assume, how they should be documented.

All I'm trying to accomplish here with this amendment is a couple of very simple mechanics, those costs that go into the preparatory to be in compliance with the newly promulgated rule should be calculated, and that the calculation of the cost in the net revenues, gross revenues, to a job-creating industry should also be part of that calculation.

And part of this was the bill is—I obviously fully support it, but I thought actually creating a little tighter definition of many of the types of costs that happen in a regulatory environment. I mean, obviously we will have a separation on the view of does it stymie regulation.

I'm from the view that I truly believe one of the great hindrances to economic growth, to job growth in this country is the substantial growth of our regulatory environment.

Okay, if we're going to run legislation that says regulations that exceed a certain cost, you know, are held till employment reaches a certain level, why not make sure we're calculating those appropriately?

Madam Chairman, with that, I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, I stand on my arguments, and I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 15 OFFERED BY MR. GEORGE MILLER OF CALIFORNIA

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 112–616.

Mr. GEORGE MILLER of California. Madam Chair, I seek to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 10, insert after the period the following: ''Such term does not include a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace.''.

Page 10, after line 13, insert the following:

(c) ADDITIONAL EXCEPTION.—Section 202 shall not apply to a rule that would prevent or reduce deaths or injuries caused by explosions and fires related to the ignition of combustible dusts in the workplace.

Page 10, line 14, strike ''(c)'' and insert ''(d)''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from California (Mr. GEORGE MILLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. GEORGE MILLER of California. Madam Chair, my amendment would allow the Occupational Health and Safety Administration to continue efforts to prevent combustible dust and fire explosions in the workplace. Combustible dust explosions threaten lives, limbs, jobs and property across this country. And it's abundantly clear that Federal regulatory action is needed, but the bill before us today threatens to block that action.

Beginning in 2003, the Chemical Safety Board investigated three major explosions caused by combustible dust in North Carolina, Kentucky and Indiana, where 14 workers lost their lives. As part of its investigation, the board identified hundreds of other combustible dust fires and explosions, causing at least 119 fatalities and 718 injuries over 15 years. The board recommended that OSHA issue rules to protect against these hazards because the existing OSHA protections were inadequate.

The investigators were not alone. Family members have also asked that action be taken.

Tammy Miser of Kentucky testified before Congress how her brother, Shawn Boone, was killed in a metal dust fire in an aluminum wheel plant in Huntington, Indiana, in 2003.

She told us how Shawn suffered from this horrific event. She said that Shawn did not die instantly. He laid on the smoldering floor after the explosion while aluminum dust burned through his flesh and muscle tissue. His breaths burned his internal organs as the blast took his eyesight.

Shawn was still conscious and asking for help when the ambulance took him. He lived for a number of hours before he finally succumbed to his injuries.

Shawn wasn't the first to die at work this way, and he hasn't been the last.

It's been more than 4 years since the Imperial Sugar explosion in Georgia. That explosion killed 13 workers. It caused hundreds of millions of dollars in damage. The tragedy was the result of unchecked accumulation of sugar dust that ignited and caused a chain of explosions, and Port Wentworth sugar refinery was leveled.

These workplace explosions have not stopped. There have been 23 major combustible dust fires or explosions that have killed 15 and injured 35 since that Imperial Sugar explosion in Georgia.

The response of OSHA has been to begin the development of a rule to reduce the risk of combustible dust explosions. That rule should be allowed to go forward, and this bill threatens the opportunity of that bill to go forward.

I reserve the balance of my time.

□ 2030

Mr. LANKFORD. I rise in opposition to the amendment.

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

Mr. LANKFORD. While I can certainly, certainly empathize and have tremendous compassion for the families involved and for the individuals involved in this, OSHA has been working through this rule since 2009. It has been in the advanced rulemaking phase for a very long time. The struggle they have is this large one-size-fits-all approach. Even under the passage of this particular bill, OSHA has some great options.

Option No. 1 for them: to narrow their rulemaking. They're doing a large one-size-fits-all to try to cover all types of dust, all types of factories, all types of places. If they were to narrow their rule to specific types of places, they would be well under the $100 million limit.

The second rule they have is very clear: that this bill, itself, already sets in an exemption for health and safety. Clearly, this would be within those guidelines of health and safety. The President could do an executive order and pass that and then allow them to move forward, or he could come back to Congress.

The thought that only the folks at OSHA are compassionate about issues like this fails even the most modest of tests. Obviously, people who are within Congress are also compassionate to the needs here. If a regulation comes that deals with a problem in a commonsense manner that can function, certainly Congress would be able to approve that, and certainly a President is going to have tremendous compassion for the health and safety of individuals if they're able to come up with a regulation that clearly deals with this.

So, while I have tremendous compassion for these families and look forward to OSHA's completing what they have been stalling on for 3 years, this bill already deals with this, and this exception is not needed in addition to this.

I reserve the balance of my time.

Mr. GEORGE MILLER of California. So, as for these workers who work in these dangerous conditions around all kinds of dust that explode on a moment's notice—without any notice, in fact—they should rely on the idea that we would all be compassionate here.

The subcommittee that reported this legislation asked people in the industry, and they immediately targeted this standard.

This won't be about the compassion of Members of Congress. This will be about the interests and the lobbying by the special interests to keep this dust standard from going into effect. It will not meet the requirement of imminent danger because it happens all the time. We have about 18 of these a year. It happens all the time. People are killed all of the time in different settings and with different dust. This isn't about one size fits all. This is about dust that explodes and kills people and burns them to death on the job. It destroys the workplace, and in some cases it's never rebuilt and the jobs are never brought back. In other cases, as in one of these cases, the employer is now saying, Give us this dust standard. Give us this dust standard.

The workers in this country have a right to rely on the law to protect them, not on some notion of this committee or of this Congress' sense of compassion and of whether it will be invoked on that given day or not against the lobbying efforts by these industries.

It's about the law that protects workers and their families—workers who get up and go to work every day, whose families hope they get to come home at night, but it doesn't happen for a lot of workers. In these industries with combustible dust, it happens over and over and over again. They get killed on the job. I've been here a long time working on combustible dust. Let me tell you, the industry doesn't say, Ah, gee, we've killed enough people. Let's all just kind of hold hands and see if we can come up with something.

It's complicated. You must do it right. It's based upon science. It's based upon research so that you can isolate the dust so the explosions don't happen.

But this legislation suggested by the committee notices in the committee that this is one of the regulations that they would target. They can use the old conundrum ''one size fits all.'' Do you know what? If you're working around combustible dust, you want the dust that you have taken care of. So maybe we can whittle it down. We'll take care of some of the dust but not all of the dust because we can get under the $100 million rule.

What are you talking about? These are the lives of the American people. These are the lives of working people. This is an interesting notion you have.

It just doesn't fit in the workplace. It just doesn't fit in the daily lives of these people who are threatened by these horrible, horrible, horrific incidents that take place usually through no fault of the workers. Other decisions were made about not keeping the plant clean. Other decisions were made about not installing equipment that could mitigate this under the old standards.

That's the reason we need the law, the reason the workers in this country need the law—not some expression of compassion late at night in an empty Chamber of Congress. Tell them to rely on that, that one night in an empty Chamber of Congress the proponent of the legislation said, We'll be compassionate when this comes to the floor. We understand this. We'll grant you a waiver. We'll figure it out.

The ACTING CHAIR. The time of the gentleman has expired.

Mr. GEORGE MILLER of California.

* * *

The ACTING CHAIR. The time of the gentleman has expired.

The gentleman from Oklahoma is recognized.

Mr. LANKFORD. How unfortunate to have the implication that Members of Congress, including myself—I have workers in my district who live with this same thing—would not have compassion for people in our districts. OSHA has not completed this regulation. They have delayed this. They've had multiple options. They need to complete their work. There is a work safety issue that's here.

As it is currently, the bill stands up strong for worker safety. It allows any exception for worker safety currently in this bill. So, while exceptions are pursued to add additional things into this bill, the bill, itself, already contains those things.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GEORGE MILLER).

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

Mr. GEORGE MILLER of California. Madam 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 California will be postponed.

AMENDMENT NO. 16 OFFERED BY MS. WOOLSEY

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 112–616.

Ms. WOOLSEY. Madam 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:

Page 8, line 10, insert after the period the following: ''Such term does not include a rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines.''.

Page 10, after line 13, insert the following:

(c) ADDITIONAL EXCEPTION.—Section 202 shall not apply to a rule that would prevent or reduce the number of workers suffering electrocutions or other fatalities associated with working on high voltage transmission and distribution lines.

Page 10, line 14, strike ''(c)'' and insert ''(d)''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Madam Chair, I rise today to offer an amendment to titles I and II of H.R. 4078.

My amendment would exempt a proposed worker safety rule from the ''regulatory freeze'' and the prohibition on so-called ''midnight rules.'' This OSHA rule would update 40-year-old protections for those working around high-voltage transmission and distribution lines and equipment, which would bring them into the 21st century. If this amendment is not adopted, Madam Chair, many workers will be needlessly electrocuted or burned from electrical hazards—at least until unemployment drops to 6 percent.

Are we really going to make workers wait until the jobless rate is 6 percent before getting protections for workers against burns from high-voltage electric arcs that run as hot as 35,000 degrees? If we are, they will be waiting a long time, because this Republican majority shows absolutely no interest in passing a jobs bill.

Is it fair, Madam Chair, to make these workers wait for 6 percent unemployment before their employers have to assess and provide safe minimum distances from high-voltage lines? Is it morally defensible to make workers wait for a full economic recovery before they get simple protections like rubber-insulated sleeves so that their arms aren't blown apart from having contact with high-voltage wires?

Certainly not.

Unless the bill sponsor is aware of some new scientific discovery, 35,000 degrees feels just as hot no matter how many Americans are out of work. Shock at 14,000 volts of electricity does the same damage whether unemployment is 8 percent or 6 percent. Yet this bill seems to assume lethal hazards are somehow less lethal during tougher economic times. Even worse, this bill implies that preventable electrocutions are somehow acceptable whenever unemployment is high.

□ 2040

This is irresponsible, if not unethical.

With that, I reserve the balance of my time.

Mr. LANKFORD. I rise in opposition to the amendment.

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

Mr. LANKFORD. I thank my colleague for bringing this up, but this again is something that is obviously dealt with already in the text of the bill. As we anticipated, there would be issues like this. On page 3, line 23 of the bill, it actually states the President has the ability, by executive order, in dealing with any significant regulatory action to go ahead and waive this, if it's necessary, because of an imminent threat to health or safety or other emergency.

This is already dealt with in the bill itself. While we do need to be able to deal with this, and obviously the vast majority of electricity providers are very attentive to their workers, including the companies that are in my district, and take great pride in how they care for the health and safety of the workers that are on those lines and that are out there in very dangerous situations, it is a very important thing to them. We have the ability already within this bill to be able to address that. For that reason, I would oppose this.

With that, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chair, each year, 74 electrical workers covered under this rule are killed on the job. Another 444 are severely injured. OSHA is authorized to regulate a hazard when the risk of fatality is more than 1 in a 1,000. The fatality rate for workers covered under this OSHA rule is 14 times that level. Full compliance would eliminate 79 percent of these fatalities and injuries.

Madam Chair, the one-size-fits-all approach of this bill will block a commonsense, cost-effective rule that produces an estimated $4 in benefits for every dollar in cost. OSHA's proposed update would provide an estimated $100 million in savings every single year.

While the authors of this bill argue that the President can seek a waiver from Congress to allow the rule, I'm not buying it. As we saw with the so-called ''comma bill'' proposed by Mr. SENSENBRENNER a number of years ago, it took three sessions of Congress just to fix a harmless typo. We all know that when a special interest wants to stop something around here, there are countless ways to win. If this bill is not amended, Madam Chair, Congress will be sentencing scores of workers every year to preventible electrocutions and to burns.

I ask for adoption of this amendment, and I reserve the balance of my time.

Mr. LANKFORD. Madam Chair, one quick statement.

This particular rule is unique in a lot of our conversation because it's already gone through the process. Currently, the OIRA office has, in fact, had it for the last 30 days. They could issue this at any point. This is right at that point that it's going to be released. It wouldn't even fall underneath this bill. Obviously, we pass this bill tonight, we send it over to the Senate, it works

through the process. OIRA can release this at any point that they choose to.

While I again have tremendous compassion for the workers that are on the lines, and I have tremendous respect for electric companies around the country and how they take care of their workers, this particular rule has already gone through the process, it already sits in OIRA, and it would not apply to them. With that and also with the knowledge that we have the exceptionary built in for safety, I would choose to oppose this and continue to do that.

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

Ms. WOOLSEY. Madam Chair, the gentleman from the other side of the aisle is not correct on this. If the President signed the bill, the regulation would be stopped.

In closing, Madam Chair, the adoption of my amendment will save the lives of Americans who work in some of the most dangerous conditions imaginable. It is ridiculous and it's downright cruel to tell these men and women who risk electrocution everyday that OSHA will only step in to help them when the jobless rate reaches some arbitrary level. Whether unemployment is 6 or 8 or 10 percent, whether the economy is strong or weak, we need to protect our workers.

I ask for Members to support my amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

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

Ms. WOOLSEY. Madam 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 California will be postponed.

AMENDMENT NO. 18 OFFERED BY MS. WATERS

The Acting CHAIR. It is now in order to consider amendment No. 18 printed in part B of House Report 112–616.

Ms. WATERS. I have an amendment at the desk that is made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 67, line 24, strike ''shall—'' and insert ''shall, subject to appropriations made specifically for such purpose pursuant to paragraph (7)—''.

Page 69, line 3, insert '', subject to appropriations made specifically for such purpose pursuant to paragraph (7),'' after ''shall''.

Page 71, line 7, insert '', subject to appropriations made specifically for such purpose pursuant to paragraph (7),'' after ''shall''.

Page 75, line 22, strike the close quotation mark and following period and after such line insert the following:

''(7) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2013.

''(B) COVERED EXPENSES.—Funds appropriated pursuant to this paragraph shall be for any costs incurred by the Commission in carrying out the requirements of this subsection, including any costs of litigation related to the requirements of this subsection.''.

Page 77, line 4, strike ''shall'' and insert ''shall, subject to appropriations made specifically for such purpose pursuant to paragraph (3),''.

Page 77, line 15, insert '', subject to appropriations made specifically for such purpose pursuant to paragraph (3),'' after ''shall''.

Page 78, line 22, strike the close quotation mark and following period and after such line insert the following:

''(3) AUTHORIZATION OF APPROPRIATIONS.—

''(A) IN GENERAL.—There is authorized to be appropriated to carry out this subsection such sums as may be necessary for fiscal year 2013.

''(B) COVERED EXPENSES.—Funds appropriated pursuant to this paragraph shall be for any costs incurred by the Commission in carrying out the requirements of this subsection, including any costs of litigation related to the requirements of this subsection.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WATERS. Madam Chair, my amendment authorizes such appropriations as may be necessary to allow our financial regulators to carry out the activities required under title VI and VII of this legislation. The purpose of the amendment is that if we're having our regulators undertake new and perhaps even duplicative economic analysis functions, we should provide them with the resources to do so.

Madam Chairman, we know that the majority has tried to shortchange our Federal regulators in terms of appropriations, particularly when we contrast their funding with the new responsibility entrusted to them after the financial crisis. Let's consider the SEC, one of the cops on the beat for Wall Street.

This agency is tasked with enforcing our securities laws. They protect investors and make sure firms are held to account when they create toxic financial instruments. The fiscal year 2013 Republican budget proposal calls for funding the SEC at almost $200 million less than what the President has requested and what the Senate Appropriations Committee has provided in their funding bill. This is just another part of an onslaught of cuts to the SEC's budget that Republicans have proposed and that we've been fighting against over the last few years.

The SEC's funding has been erratic. After significant increases in the early half of the decade, the agency was forced to reduce staff. During this period of inconsistent funding, trading volume more than doubled. Since 2003, the number of investment advisers has grown by roughly 50 percent and funds that they manage have increased nearly 55 percent. The SEC's 3,800 employees currently oversee approximately 35,000 entities, including thousands of investment advisers, mutual funds, broker/dealers, and public companies.

With all this responsibility, my colleagues on the other side of the aisle want to spread the commission even thinner with new duplicative cost-benefit requirements that open the agency up to constant litigation, and they want to do this while at the same time refusing to devote additional resources to the agency. The result is that the SEC would be forced to divert resources away from other key functions of the commission, including, perhaps, prosecuting wrongdoers who violate our security laws.

Madam Chair, I reserve the balance of my time.

□ 2050

Mr. SCHWEIKERT. Madam Chairman, I rise in opposition to the amendment.

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

Mr. SCHWEIKERT. And to my friend from California, she has always been a passionate and very articulate in the battle for resources for the regulators.

But I'm going to stand here in opposition to this amendment for a couple of very simple reasons. One, this is already the job they're supposed to be doing with the money they have, this cost-benefit analysis. And we can talk about that further.

But also, as you work through the amendment, I have great concern for the law of unintended consequences, and that is, in a weird way, subsidizing and incentivizing bad cost-benefit analysis. In the amendment, it basically says, if you end up in litigation over your cost-benefit analysis, there should be an appropriation, an unspecified amount of money that the appropriators should send you for that litigation. So if you do a really bad job in your cost-benefit analysis and you get sued, you actually get more money that is supposed to be appropriated to you.

The sort of constant thing I focus on a lot is that law of unintended consequences of, does it actually create an incentive to draw down more cash for the agency, for the litigation? And the way you get to the litigation is the quality of the work that was done in the cost-benefit analysis.

So there are two primary issues: A, this is what the agencies are supposed to be doing; and B, in the design of the amendment, I actually have a concern that ultimately, it may incentivize the very thing we're trying to stop.

And with that, Madam Chairwoman, I reserve the balance of my time.

Ms. WATERS. Madam Chair, my amendment also addresses title VII of the bill, which relates to the Commodity Futures Trading Commission. The CFTC is the cop on the beat that

we tasked to regulate much of the derivatives market under the Wall Street Reform Act. And the CFTC is the agency that cracked down on Barclays when they manipulated a key interest rate benchmark, the Libor, in order to benefit their derivatives trade.

This bill also imposes new cost-benefit requirements on the CFTC. While the requirements on this agency aren't as onerous as the ones imposed on the SEC, I think it is inappropriate to spread the CFTC any thinner when Republicans have proposed to cut the CFTC's funding by 12 percent relative to last year and 40 percent relative to what the Senate provided.

As CFTC Chairman Gary Gensler said last month, the result of proposed House funding cuts ''is to effectively put the interests of Wall Street ahead of those of the American public by significantly underfunding the agency Congress tasked to oversee derivatives—the same complex financial instruments that helped contribute to the most significant economic downturn since the Great Depression.''

Finally, I disagree with the claim that more cost-benefit analyses can solve every regulatory question we face. In fact, I think that these economic analyses often offer a false sense of precision and fail to capture things that aren't easily quantifiable, things like avoiding the next financial crisis and protecting overall market integrity.

I would urge my colleagues to support my amendment, which makes compliance with the new requirements under the underlying bill contingent on them receiving sufficient appropriations to carry out these functions.

I reserve the balance of my time.

Mr. SCHWEIKERT. My two arguments still stand. But there is one other point. And I actually have a little bit of information here.

According to the inspector general of the CFTC, the commission regularly employs a ''stripped down'' type of cost-benefit analysis that has ''proved perilous for financial market regulators.'' In the past, they've used a stripped-down methodology.

So in many ways, what we're doing here in the overall legislation is saying, here's the box, you are supposed to be doing this, it's already part of your budget. And as I spoke earlier, in the design of the amendment, I have a fear of the unintended consequences that you are almost incentivizing; that when the litigation happens, the agency actually ends up getting more money.

And with that, Madam Chairwoman, I yield back the balance of my time.

Ms. WATERS. In closing, this bill adds duplicative new rules. SEC is already held to account on cost-benefit analysis. Proxy access was overturned. The bill opened CFTC up to new industry lawsuits.

I would ask for an ''aye'' vote on my amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

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

Ms. WATERS. Madam 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 California will be postponed.

AMENDMENT NO. 19 OFFERED BY MR. FITZPATRICK

The Acting CHAIR. It is now in order to consider amendment No. 19 printed in part B of House Report 112–616.

Mr. FITZPATRICK. Madam 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:

Page 71, line 12, add at the end the following: ''In reviewing any regulation (including, notwithstanding paragraph (6), a regulation issued in accordance with formal rulemaking provisions) that subjects issuers with a public float of $250,000,000 or less to the attestation and reporting requirements of section 404(b) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7262(b)), the Commission shall specifically take into account the large burden of such regulation when compared to the benefit of such regulation.''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Pennsylvania (Mr. FITZPATRICK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. FITZPATRICK. Madam Chair, the amendment I'm offering tonight would require the SEC, when reviewing regulations, to consider the burden of applying section 404(b) of Sarbanes Oxley to companies with a public float of less than $250 million. Simply put, this amendment requires regulators to consider the cost of a specific regulation which hinders job creation in my district and across the Nation.

Section 404(b) requires audits of a public company's internal controls. While this sounds innocuous, the cost of external audits can be staggering. Those costs are exponentially more burdensome on smaller companies. Currently, the law extends the auditing requirement to any company with a public float of $75 million or more, and that number has been widely criticized as too low and adds an extremely costly burden on small and growing companies.

Recognizing that burden on emerging growth companies, the House overwhelmingly passed, as part of the JOBS Act, an exemption from 404(b) for companies with up to $1 billion in revenue for 5 years after their initial public offering.

This amendment would merely require the SEC to consider the burden of section 404(b) when reviewing their regulations and would not change current law. This amendment would apply to all companies and would not discriminate based on when a company issued their IPO.

Congress and the SEC have appropriately recognized that all companies are not the same, and smaller companies should be exempt from certain regulations. This amendment asks that the SEC consider these costs on smaller companies.

If companies are priced out of being able to go public, it restricts capital formation and job creation. For those companies that still choose to go public, resources that could otherwise be used to hire and grow are being sucked away by unproductive compliance costs.

Madam Chair, Synergy Pharmaceuticals is a New York-based company that does their entire R&D in Doylestown Borough in my district. They have 10 employees in their Doylestown research facility and 10 employees in New York. These are good-paying jobs, but by most definitions, this is a small company. In fact, their market capitalization exceeds even the increased threshold of $250 million that this bill references, which is why some have advocated exempting companies with a public float as high as $500 million or $1 billion.

I reached out to their chief scientific officer and their chief financial officer to discuss this issue with them, and their comments were very instructive. I heard that 404(b) was one of the most significant regulatory burdens they face. In their words, ''It hurts.''

It was not the direct costs of external audits or the person they had to hire internally to deal with these requirements but the time that was spent and the efforts that were wasted. According to them, hours and even days worth of time was spent finding ways to document and justify their procedures for something as menial as where the checkbook was kept.

What would they do with the extra money if they didn't have to spend it on compliance? The answer I got was that there is no question it would go directly into research and development.

I ask my colleagues, where is this money more productively used: in documenting how the checkbook is stored at night or hiring research assistants in communities like Doylestown and in New York?

Madam Chairman, entrepreneurial companies like Synergy are those we are counting on to create wealth and jobs and restore America's vibrant economy. Their story is not unique, particularly in industries like biotechnology. This Congress recognized the importance of decreasing the regulatory burden on small and emerging companies in a strong bipartisan manner just a few months ago with the JOBS Act. This amendment is an extension of that effort, and I encourage my colleagues to support it.

I reserve the balance of my time.

Mr. FRANK of Massachusetts. I rise in opposition, Madam Chair.

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

□ 2100

Mr. FRANK of Massachusetts. Madam Chair, I yield myself 3 minutes.

This is an effort to exempt companies under $250 million. Now the JOBS Act, which was recently passed with broad support, said that a start-up company for its first 5 years would be exempt from this. This now would do away with that 5-year restriction without having had the kind of committee consideration that it seems to me it ought to have. It does it in this way, and I differ with my colleague from Pennsylvania when he says that it doesn't change the law. If it didn't change the law, they wouldn't offer it. He's not up here at 9 p.m. just to get exercise. It changes the law in a very significant way and sets a very bad precedent.

The underlying legislation to which this would be an amendment requires a cost-benefit analysis. This cooks the books. This is not content to let it be an unbiased cost-benefit analysis; but it says, it instructs the SEC to take into account the heavy burdens—and let me get the exact words—the large burden of such regulation. In other words, it's an effort to tip the scales of the very cost-benefit analysis.

And we know that, by the way, as to intent because the original version of this amendment was just a straight exemption of 250. But for parliamentary reasons, because that's not this committee's jurisdiction, it had to be redone. So if the gentleman really wanted to just exempt everybody under 250 from Sarbanes Oxley forever, as opposed to a 5-year exemption for a start-up, he had to amend it.

So he amended it in a way, as I said, that unfortunately impugns the integrity of the cost-benefit analysis because it puts a thumb on the scales. It says, oh, the cost-benefit analysis here should take into account the large burden. Well, it is already supposed to do it. Adding this is an instruction to the SEC essentially to find that they should be exempt.

We have had a rash of Chinese companies buying small American companies and converting them and people investing in them and getting taken. And the problem is that Chinese accounting is very opaque. What this bill would do is to prevent the United States authorities from applying Sarbanes Oxley to protect those investors.

I don't doubt that there is a very good company—I agree there is a very good company in his district, although he says it is above the limit. But you can't legislate for just one good company. This is part of this nostalgia for a time when we had no regulation.

Sarbanes Oxley has improved the integrity of our capital markets. It has improved the confidence of investors. We did exempt small start-ups, so for the first 5 years as a start-up, up to $250 million, they didn't have to do this. This says, in effect, by instructing the SEC to find that the cost outweighs the benefit no matter what, this gives a permanent exemption de facto for companies up to 250, which would include people who might be scamming, in the case of the Chinese companies. And as I said, it sets a bad precedent.

If we are going to have cost-benefit analysis, and I think that can be overdone, let's have it in an honest and open way. Let's not put the thumb in the scales, as this does, by instructing the SEC, in effect, to find that the cost always outweighs it.

I reserve the balance of my time.

Mr. FITZPATRICK. Madam Chair, I yield the balance of my time to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Chair, I rise in strong support of Mr. FITZPATRICK's amendment.

Madam Chair, unemployed Americans are crying out for more jobs, urging Congress to review rules and regulations that stifle innovation, economic growth, and job creation. Overly burdensome regulations are hurting business expansion, which is why we are debating this bill this evening. Overly burdensome regulations is also why I introduced H.R. 3213, the Small Company Job Growth and Regulatory Relief Act, to expand Sarbanes Oxley 404(b) exemptions for companies with a public float of less than $350 million.

Supporters of increasing the current $75 million exemptions from Sarbanes Oxley 404(b) for small companies would save duplicative audit costs, which hinder many companies from going public. Going public provides opportunities for companies to raise needed capital in order to expand, reinvest, and create jobs.

Providing a permanent exemption for Sarbanes Oxley for companies with a public float of $250 million or less just makes good sense. I strongly encourage my colleagues to support this amendment.

Mr. FRANK of Massachusetts. I guess I am in a position of being disagreeable to some of my friends on the committee. The gentleman from Tennessee cited the company that's about to go public, but they're already exempted.

The jobs bill that we passed and was signed into law exempts start-ups for the first 5 years until they go public, so this has no relevance to the start-ups.

It has relevance to companies that have been in existence for more than 5 years as public companies. Again, we have got an exemption already for the first 5 years. And it says, in effect, don't give us this unbiased cost-benefit analysis. We'll tell you what cost-benefit analysis does.

And as to IPOs, I will insert into the RECORD an article by Mr. Davidoff in the The New York Times talking about the advantages we have in IPOs these days; how the soccer team from England came here to do an IPO because our corporate governance laws are more favorable to them in allowing different classes of stock.

I'm sorry to see this continuing repudiation of the legacy of George W. Bush. I know he's not going to come to the convention. But, gee, everything's being torn down. George Bush signed Sarbanes Oxley. Oxley, by the way, is Mike Oxley, my predecessor as chairman of our committee. George Bush was very proud of Sarbanes Oxley. It's an accounting requirement, and what this does is to take another chunk out of that regulation.

Now, maybe we hear different people. My friends say the American people are crying out for an end of regulation. Every indication I have of public opinion is that people are tired of irresponsibility by a few, not everybody, but they are tired of people being scammed. And, in fact, the notion that what we need in the financial area is less regulation is an odd one. It comes from people, I guess, who just slept through the last few years, didn't see the crisis we had because Sarbanes Oxley, of course, itself came about after Enron.

So I would align myself with President Bush. I think he got this one right. I think Mike Oxley got this one right. Yes, for start-ups and for people about to go public, they have a $250 million exemption. But to give a permanent exemption to companies at $250 million and above is a mistake. And don't, please, start monkeying with cost-benefit analysis.

I yield back the balance of my time.

[From the New York Times, July 10, 2012]

IN MANCHESTER UNITED'S I.P.O., A PREFERENCE FOR AMERICAN RULES

(By Steven M. Davidoff)

Manchester United, the English soccer team with an adoring fan base in Europe and Asia, is filing to go public in the United States.

But the initial public offering is not a reflection of Americans' increasing love of soccer. Instead, it is a reflection of American regulators' light touch.

I'm not kidding. The United States, which has long been criticized for its harsh rules surrounding I.P.O.'s, is now the place where foreign companies go to avoid regulation.

Manchester United may be the world's most popular soccer club, with 659 million fans according to the team's own estimates. In 2005, the American businessman Malcolm Glazer and his family bought control of the team, loading it up with hundreds of millions of dollars in debt. Now, the company is selling shares to raise money and reduce its debt, which stands at about $655 million.

But the Glazers do not want to give up voting control since, among other reasons, Manchester United fans appear eager to buy back the team from the still-unpopular family. In 2010, a prominent group of Manchester United fans were said to have tried to form a consortium to repurchase the club. The Glazers have uniformly given the same response: the team is not for sale. Now, the Glazers are venue-shopping for their stock.

They passed over the Hong Kong Stock Exchange because it would not give the team a waiver to allow two classes of shares, with different voting rights. The London Stock Exchange also does not allow such share structures, perhaps the reason this natural home was skipped over by the Glazers.

Manchester United declined to comment for this article.

The Singapore Exchange seemed more amenable to the Glazers' plan to list Manchester United and keep control through a dual-class structure. But after the exchange delayed final signoff on the dual-class shares and the Asian markets cooled, the Singapore plans were derailed, according to an article in Reuters.

The soccer team has recently found a home for its stock in the United States. Manchester United filed the papers this month for its initial public offering on the New York Stock Exchange, and the Glazers are taking advantage of the country's willingness to be more flexible when it comes to shareholder rights. Manchester United is proposing a corporate structure that would give the Glazers shares with 10 votes apiece. Public investors would receive one vote for each share.

While the Securities and Exchange Commission tried to ban this type of dual-class voting stock in the 1980s, a federal appeals court struck down the rules. Since then, the structure has become increasingly common. Facebook, LinkedIn and Google all have dual-class shares. The New York Times also has a dual-class voting structure. In 2011, 28 offerings featured dual-class structures that gave greater voting rights to certain shareholders, according to the research firm Dealogic.

The Manchester United offering is a case study in how the American markets have evolved toward deregulation in the past decade.

The company is a beneficiary of the newly enacted Jumpstart Our Business Start-Ups Act, known as the JOBS Act, designed to help private companies raise capital and go public. Although the team was founded in 1878, the JOBS Act classifies Manchester United as an emerging growth company since it has less than $1 billion in revenue. As such, the company, which is incorporated in the Cayman Islands, does not face the same hurdles as American businesses.

The JOBS Act builds on earlier efforts by the S.E.C. to loosen the rules governing I.P.O.'s of foreign companies. Under pressure from stock exchanges and other market players, the agency has exempted foreign issuers like Manchester United from large parts of American securities laws.

Manchester United will not need to file quarterly reports, report material events, file proxy statements or disclose extensive compensation information, all of which American companies must do. Under a different S.E.C. rule adopted in 2008, Manchester United also does not need to report financials under the generally accepted accounting principles used in the United States, but can instead rely on international financial reporting standards.

Because Manchester United will be a controlled company, it does not need to follow the New York Stock Exchange rules adopted in 2003 that require a public company to have a board composed mainly of independent directors. The board of Manchester United will have four directors, two of Malcolm Glazer's sons and two executives of the company.

The legal environment, which investment bankers and lawyers have long argued deterred I.P.O.'s, also appears to be more conducive. This may be because securities litigation reforms put in place by Congress and the Supreme Court have meant fewer cases in recent years. Even after the financial crisis, only 16 companies on the Standard & Poor's 500 were subject to this type of litigation in 2011, the lowest number since 2000, according to the Stanford Securities Class Action Clearinghouse.

It's all a bit unsettling.

After the enactment of the Sarbanes-Oxley Act in 2002, critics claimed that the new regulation was driving away foreign companies, although at least one academic study rebutted this claim. But as regulators have slowly loosened the rules, the American markets are attracting foreign issuers seeking watered-down rules.

This does not mean that this deregulation is wrongheaded.

The JOBS Act and other initiatives may not have been designed to attract the likes of Manchester United, but such I.P.O.'s do provide work for investment bankers, lawyers and the exchanges. They also build up American prestige by bringing well-known foreign companies to the United States.

At the same time, the deregulation effort means lower compliance costs for businesses. Presumably, that extra money can be invested, bolstering the economy.

The question is whether deregulation is worth the price.

I have little sympathy for investors who buy Manchester United shares. The risks are mainly disclosed.

The bigger question is whether lowering the bar for foreign issuers will come back to haunt the American markets.

Even before the JOBS Act, Chinese companies took advantage of new S.E.C. rules and started going public en masse in the United States. While some of the I.P.O.'s have worked out, there are now more than 100 newly public Chinese companies facing accusations of fraud by either investors or regulators.

The risk is that American exchanges will become more like London's Alternative Investment Market, a lightly regulated stock exchange that has fostered some spectacular flops. If so, investors may lose faith in American markets, and the United States may end up sacrificing long-term stature for short-term gain.

Either way, the next time someone calls the American markets overregulated, you might want to point them to the Manchester United I.P.O.—and remind them that the English soccer club came to the United States to avoid more burdensome foreign rules.

This post has been revised to reflect the following correction:

Correction: July 12, 2012.

The Deal Professor column on Wednesday, about the soccer team Manchester United's public offering in the United States, misstated the year that the Sarbanes-Oxley Act was enacted. It was 2002, not 2001.

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

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

Mr. FRANK of Massachusetts. Madam 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 Pennsylvania will be postponed.

AMENDMENT NO. 20 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 20 printed in part B of House Report 112–616.

Mr. POSEY. Madam 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 title VI the following (and conform the table of contents accordingly):

SEC. 604. INTERPRETIVE GUIDANCE NULL AND VOID.

Notwithstanding any other provision of law, no interpretive guidance issued by the Securities and Exchange Commission on or after the effective date of this Act relating to ''Commission Guidance Regarding Disclosure Related to Climate Change'', affecting parts 211, 231, and 249 of title 17, Code of Federal Regulations (as described in Commission Release Nos. 33–9106; 34–61469; FR–82), or any successor thereto, may take effect, and such guidance shall have no force or effect with respect to any person on or after February 2, 2010.

SEC. 605. OTHER SEC ACTION PROHIBITED.

(a) FURTHER GUIDANCE RELATED TO CLIMATE CHANGE.—The Commission may not issue any interpretive guidance with respect to disclosures related to climate change on or after the effective date of this Act.

(b) VOLUNTARY SUBMISSIONS.—The Commission may not issue any interpretive guidance that would establish any requirements with respect to the content of or format for any disclosures related to climate change voluntarily submitted by any entity to the Commission on or after the effective date of this Act.

(c) CIVIL AND ADMINISTRATIVE ACTIONS.—No civil or administrative action or proceeding pertaining to disclosures related to climate change may be initiated by the Commission on or after the date of the enactment of this Act and any such actions or proceedings pending on such date shall be terminated.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as to—

(1) prohibit the Commission from issuing interpretive guidance with respect to disclosures related to non-anthropogenic or natural climate variability observed over comparable time periods; or

(2) terminate an administrative action or proceeding pertaining to such disclosures.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

Madam Chair, my amendment stops the Securities and Exchange Commission from pursuing an agenda on climate change and keeps its focus, instead, on its core mission of protecting investors.

In recent years, we've seen the Madoff and Stanford Ponzi schemes bilk people out of over $70 billion. Many of these victims live in our districts. They are shocked and outraged that such a travesty could happen.

One would think that after such embarrassments, the SEC would do whatever it could to focus its finite resources on stopping the next Ponzi scheme. At the very minimum, it would make sense for the SEC to appear to get serious in safeguarding the public from fraud and corruption.

However, early in 2010, the SEC issued an interpretative guidance for companies to disclose the impact global climate change might have on their businesses. The SEC published this controversial guidance over the objections of dissenting commissioners. This

was done without direction from Congress and outside the traditional rulemaking process.

There are no laws in the United States explicitly addressing climate change. The guidance is inappropriate considering the SEC has bigger priorities.

I don't have to tell my colleagues that climate change is a controversial and an unresolved issue. From a securities perspective especially, climate change information on a disclosure is highly speculative, and dubious at best. If allowed to proceed, it invites all kinds of compliance costs and confusion down the road. And guess who will ultimately pay all those costs? Our constituents, the American public.

□ 2110

Importantly, my amendment does not stop companies from mentioning bona fide weather and environmental risks in disclosures. And if a company really wants to weigh in climate change for some reason, they're free to volunteer that information. It just keeps the SEC focused on what they're supposed to be doing, and that is protecting people and not forcing unrelated agendas down their throats.

I urge my colleagues to support the amendment and reserve the balance of my time.

Mr. CUMMINGS. Madam Chairman, I rise to claim time in opposition.

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

Mr. CUMMINGS. I yield myself such time as I may consume.

Madam Chairman, Federal securities law requires financial disclosures by public companies for the benefit of shareholders and investors. The Securities and Exchange Commission provides detailed guidance on how to interpret and comply with these disclosure requirements, which are intended to ensure that potential investors fully understand a security before they purchase it.

The SEC recently provided guidance on existing rules that require companies to disclose the impact that business or legal developments related to climate change could have on a company's bottom line. They want investors to know about this.

These disclosures help investors understand how climate change affects a company's operations and their potential investments in the company. This amendment seeks to prevent this guidance from taking place. It seeks to keep investors in the dark.

Rules discussed in the SEC's guidance are clearly needed, and the SEC's guidance will help publicly traded companies understand how key areas of climate change—such as new legislation or international accords—could affect what they need to disclose to the public. This guidance is also intended to help companies explain how the physical impacts of climate change could affect their performance.

In issuing this guidance, the SEC did not opine on the science of climate change. The guidance seeks to help companies assess the possibility that events related to climate change may materially affect their bottom lines and trigger public disclosure requirements. This guidance is prudent and serves to benefit both the investor and the company.

Ironically, with this amendment, my friends on the other side of the aisle who proclaim the value of transparency are acting to hurt investors by denying them important information. This amendment would also harm Wall Street by preventing the SEC from issuing clear guidance to help publicly traded firms understand what they need to disclose on this topic to ensure full compliance with the law. It provides them certainty.

So I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

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

The Acting CHAIR. The gentleman from Florida has 3 minutes remaining.

Mr. POSEY. The gentleman's points about disclosure are on point. They simply don't apply to what this amendment does. It does not deny required disclosure of risks. Let me be clear, thousands and thousands of American families were devastated by Madoff, by Stanford, MF Global and the like. People lost their homes, people lost their cars, people lost their children's education funds, and people lost their lifelong retirement savings. I could go on and on forever, but we have a limited amount of time.

The job of the SEC is to protect those people. The job of the SEC is to protect honest people from dishonest corporations and persons. It's not to impose other agendas on the American public. It's not to talk about the environmental stewardship of corporations. If a corporation dealing with securities does not disclose a significant environmental risk, then they're going to be liable for that failure to disclose. But it's not the SEC's job to talk about their stewardship.

The SEC knew for a decade—a decade—a full 10 years—over 10 years—that Madoff was stealing from people; and they refused to take any action for over a decade, and over $70 billion evaporated. People's lives were devastated. People died. People died. There are dead people because of what Madoff did. And the SEC didn't lift a finger. They were too busy doing other things.

Now, here we intend to put SEC back on the job and focus on what they're supposed to do: protect honest people from dishonest people.

I reserve the balance of my time.

Mr. CUMMINGS. When we had the SEC come before our committee, I made it very clear that I thought more could have been done with regard to Madoff, and I think it was extremely unfortunate what happened. But, again, that does not mean that we shouldn't provide clarity over all subjects which may affect investors. And that's what we're talking about here.

I'm going to rely on my argument, but I'm going to also yield to my good friend, Mr. FRANK from Massachusetts.

Mr. FRANK of Massachusetts. I thank the gentleman for yielding.

The gentleman says the SEC wasn't on the Madoff thing for many years. That's true. I have to say that, while I supported the Bush administration on Sarbanes Oxley, I am critical of their administration of the SEC. For almost all of that time, we had an SEC that was not inclined to enforce. And I do not think the current SEC, under a very good chairman, Mary Schapiro, with a much more vigorous approach ought to be taxed for the failures that were ideologically driven by the previous SEC.

So I don't think it is valid to say, well, because they didn't catch Madoff—the SEC during the Bush administration reflected an unfortunate philosophy of non-regulation, of ceding to the company more autonomy than they should have, and it is not a good basis on which to legislate going forward.

I thank the gentleman for yielding.

Mr. CUMMINGS. I reserve the balance of my time.

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

The Acting CHAIR. The gentleman from Florida has 1 minute remaining.

Mr. POSEY. I have endured about all I care to, and I think a large percentage of the people in this Chamber and a lot of people in this country have endured about all the finger-pointing and blame that they can endure. I don't care who shot John. I don't care who was in charge of the SEC before. The point of this bill is to keep the SEC focused on protecting investors.

I reserve the balance of my time.

Mr. CUMMINGS. Madam Chair, how much do I have remaining?

The Acting CHAIR. The gentleman from Maryland has 1 minute remaining.

Mr. CUMMINGS. I yield 30 seconds to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. First of all, a large percentage of the people in this room would be too; but, secondly, the fact is that the gentleman from Florida is who started pointing fingers. When I talked about who was in charge of the SEC, all of a sudden he is above any criticism. But he's the one who impugned the SEC. He's the one who said that the SEC sat and did nothing under Madoff. So, if you're going to accuse the agency, then it becomes relevant as to who was running it. I didn't raise the issue of who was to blame and who was at fault. I was simply responding to my committee colleague from Florida.

I thank the gentleman.

Mr. POSEY. Very poetic, but it's off point.

The amendment wants SEC to focus on protecting honest people from dishonest corporations and people, nothing more, nothing less, and nothing else.

I reserve the balance of my time.

Mr. CUMMINGS. Let me be clear, the SEC has the responsibility to disclose the information that investors need, and this is one of those areas. We want to protect investors with everything we have. I think this amendment flies in the face of that, and I would hope that the body would vote against the amendment.

I yield back the balance of my time.

Mr. POSEY. Madam Chairman, I appreciate the comments; and, once again, I implore my colleagues to support this good amendment to keep the SEC on task.

Their job is to protect investors from dishonest people and dishonest corporations; and with the passage of this amendment, we will do that.

I yield back the balance of my time.

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

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

Mr. CUMMINGS. Madam 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 Florida will be postponed.

□ 2120

AMENDMENT NO. 21 OFFERED BY MRS. MALONEY

The Acting CHAIR. It is now in order to consider amendment No. 21 printed in part B of House Report 112–616.

Mrs. MALONEY. Madam 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:

Page 76, after line 14, insert the following new section (and conform the table of contents accordingly):

SEC. 604. EFFECTIVE DATE.

This title, and the amendments made by this title, shall not take effect until the date on which the Chairman of the Securities and Exchange Commission certifies to the Congress that implementing the provisions of this title, and the amendments made by this title, will not divert resources from the Commission's mission to protect investors, maintain fair, orderly, and efficient markets, and facilitate capital formation.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from New York (Mrs. MALONEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY. Madam Chair, I yield myself such time as I may consume.

My amendment concerns title VI of the bill and the enhanced cost-benefit analysis that it requires. The amendment very simply requires that title VI of the underlying bill needs to basically get in line behind all the critical and previously assigned responsibilities Congress has given to the SEC to keep consumers, investors, and our financial system safe.

My amendment would require the Chair of the SEC to certify that the Commission can perform its core mission of protecting investors and do the job it was created to do—safely maintain efficient markets and promote access to capital—before it diverts any of its resources to carry out the new requirements of title VI in this bill.

The financial reforms we enacted 2 years ago gave the SEC critical new tools to oversee a multitrillion-dollar market and to help ensure that we do not get ourselves into another financial crisis. And the reforms we previously enacted require the SEC to conduct extensive rulemakings and to complete a number of critical reports.

Unfortunately, this Congress has chosen to underfund the SEC and hamper its ability to provide the required oversight of the financial industry. The SEC is now facing a $195 million shortfall this year alone. They are also operating on a budget that is a 12 percent cut from what the President requested.

The SEC needs every dollar it now gets just to carry out its core mission: to protect investors, to implement Dodd-Frank, and to provide enforcement. I do not believe that it would be responsible on the part of this Congress to require that already strained resources be diverted from the SEC's core mission in order to comply with the new burdens of this title.

The Congressional Budget Office has made it quite clear that additional resources would have to be used to carry out the provisions of this title. Imposing these new and severe burdens on the SEC's cost-benefit analysis process would ensure that the SEC would be hard-pressed to carry out its fundamental regulatory functions. The SEC would have difficulty protecting investors even when it has identified harmful practices.

The SEC is already required to conduct a cost-benefit analysis, and recent court cases prove that, if the process has been insufficient, the SEC must start over.

Last year, for example, the SEC proposed a rule on proxy access to give shareholders more of a say into the activities of companies. The Court of Appeals for the District of Columbia very directly stated that their cost-benefit analysis had been inadequate. That represents a very real and a very effective existing check on the SEC's authority. But title VI of this bill will effectively shut down the SEC's rulemaking process altogether by requiring significant resources be directed to burdensome new requirements.

So I believe that before we hobble an agency that keeps consumers, investors, and our financial sector safe, it would be wise to require that the Chair of the SEC must certify that it will still be able to carry out its core mission before this provision can go into effect—also, because we already have a cost-benefit analysis.

In the wake of all the cost, the pain, and the dislocation of the Great Recession, we should not now cripple the SEC's ability to do its real job, that of protecting investors and our financial markets.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SCHWEIKERT. Madam Chairman, I rise in opposition to the amendment.

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

Mr. SCHWEIKERT. To my friend from New York, this is sometimes one of those amusing moments you get where we're both referring to the same litigation as part of our arguments against my side and for her amendment and somewhat making the point that, in that proxy rule litigation, demonstrating that the SEC actually didn't do the proper job. And actually, that's what the court stood up and told them.

One of the reasons—and maybe this is just the classic fundamental different view of what the Agency should be doing to ultimately protect investors and the economy and working towards capital formation—is you would think the Chairman of the SEC, instead of moving this to the bottom of the ranking, it would be at the very, very top. You would think, actually, in many ways you'd want to rewrite this amendment, at least from my view, flip it, saying one of the very first things the Chairman of the SEC does is come in and say, Hey, we did an appropriate, detailed cost-benefit analysis for this new rule and regulation, and here's the impact it has on the economy; here's the impact it has on job creation.

If we stand here repeatedly and say how much we care about jobs and economic growth, I would think that would be the order you would want to be pursuing. In many ways, this amendment—actually, not in many ways, it's what the amendment does—it actually does just the reverse. It lowers that to the bottom of that ranking.

With that, Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. May I inquire how much time remains on both sides?

The Acting CHAIR. Each side has 30 seconds remaining.

Mrs. MALONEY. In response to my friend on the other side of the aisle, regulations did not cause the Great Recession; it did not cause the loss of jobs. What caused the loss of jobs was the lack of regulation and the lack of enforcement, and certainly large swaths of the economy that were not regulated at all that brought on the Great Recession.

It was the regulations that Dodd-Frank has put in place, and restoring

the strength to the SEC to protect investors and to protect our economy, and putting hurdles and additional expenses in front of the SEC when they don't even have the money to enforce the new laws and things they have to do. They're very overburdened. So this is a reasonable amendment, and I urge its passage.

I yield back the balance of my time.

Mr. SCHWEIKERT. Madam Chairwoman, just one quick comment I'll throw in there.

I'm part of the belief system that one of the great burdens right now in economic growth and to sort of that next generation of what's the next world of jobs that will be coming into our economy—how are we going to form the capital, how are we going to see what our future looks like—is actually, in many ways, what we're debating here. I do believe the massive growth in the regulatory environment over the last couple of years is stymying that next generation.

There is one point I also want to make. Think of the last decade. I'm doing this somewhat from memory, but I think a decade ago the SEC's budget was about $300 million. Today, I believe it's $1.35 billion. So it's up $1.05 billion in 10 years, to give you some sense of how much massive increase has been moved into the regulatory body.

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

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MALONEY).

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

Mrs. MALONEY. Madam Chairman, 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 New York will be postponed.

AMENDMENT NO. 22 OFFERED BY MR. MANZULLO

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part B of House Report 112–616.

Mr. MANZULLO. Madam 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:

TITLE VIII—ENSURING HIGH STANDARDS FOR AGENCY USE OF SCIENTIFIC INFORMATION

SEC. 801. REQUIREMENT FOR FINAL GUIDELINES.

(a) IN GENERAL.—Not later than January 1, 2013, each Federal agency shall have in effect guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by such agency.

(b) CONTENT OF GUIDELINES.—The guidelines described in subsection (a), with respect to a Federal agency, shall ensure that—

(1) when scientific information is considered by the agency in policy decisions—

(A) the information is subject to well-established scientific processes, including peer review where appropriate;

(B) the agency appropriately applies the scientific information to the policy decision;

(C) except for information that is protected from disclosure by law or administrative practice, the agency makes available to the public the scientific information considered by the agency;

(D) the agency gives greatest weight to information that is based on experimental, empirical, quantifiable, and reproducible data that is developed in accordance with well-established scientific processes; and

(E) with respect to any proposed rule issued by the agency, such agency follows procedures that include, to the extent feasible and permitted by law, an opportunity for public comment on all relevant scientific findings;

(2) the agency has procedures in place to make policy decisions 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 decision; and

(3) the agency has in place procedures to identify and address instances in which the integrity of scientific information considered by the agency may have been compromised, including instances in which such information may have been the product of a scientific process that was compromised.

(c) APPROVAL NEEDED FOR POLICY DECISIONS TO TAKE EFFECT.—No policy decision issued after January 1, 2013, by an agency subject to this section may take effect prior to such date that the agency has in effect guidelines under subsection (a) that have been approved by the Director of the Office of Science and Technology Policy.

(d) POLICY DECISIONS NOT IN COMPLIANCE.—A policy decision of an agency that does not comply with guidelines approved under subsection (c) shall be deemed to be arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law.

(e) DEFINITIONS.—For purposes of this section:

(1) AGENCY.—The term ''agency'' has the meaning given such term in section 551(1) of title 5, United States Code.

(2) POLICY DECISION.—The term ''policy decision'' means, with respect to an agency, an agency action as defined in section 551(13) of title 5, United States Code, (other than an adjudication, as defined in section 551(7) of such title), and includes—

(A) the listing, labeling, or other identification of a substance, product, or activity as hazardous or creating risk to human health, safety, or the environment; and

(B) agency guidance.

(3) AGENCY GUIDANCE.—The term ''agency 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 on an interpretation of a statutory or regulatory issue.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Illinois (Mr. MANZULLO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

□ 2130

Mr. MANZULLO. Madam Chair, I yield myself 2 minutes.

Today I'm offering a commonsense, bipartisan amendment to H.R. 4078 with my good friend from North Carolina, MIKE MCINTYRE. This amendment would codify some of the administration's own policies regarding scientific integrity.

In March of 2009, President Obama announced a new policy on scientific integrity. This amendment requires agencies to follow their own scientific integrity guidelines.

It's important to consider that the nature of Federal regulations has been changing, with more and more decisions being made without developing formal, final agency actions. Instead, we see more and more major policy changes being made through the issuance of guidelines of the development of agency listings. The agencies will tell affected private parties that these guidelines or listings are not really regulations because they're not final actions. But the impact in the marketplace sure can be pretty final.

The Manzullo-McIntyre amendment codifies the requirement that the Director of OSTP require each agency to develop guidelines to maximize the quality, objectivity, utility, and integrity of scientific information used by Federal agencies.

The amendment requires appropriate peer preview, the disclosure of scientific studies used in making decisions, and an opportunity for stakeholder input. It also requires Federal agencies to give the greatest weight to information based upon reproducible data that is developed in accordance with the scientific method.

Further, it deems agency actions that do not follow such procedures to be arbitrary and subject to challenge by affected stakeholders. I would hope that my colleagues consider this amendment as an objective, bipartisan attempt at improving the regulatory process.

I reserve the balance of my time.

Mr. CUMMINGS. I rise to claim time in opposition to the amendment.

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

Mr. CUMMINGS. On first read, Madam Chair, this amendment may sound like a good idea. However, it's true effect would be to put the Director of the Office of Science and Technology Policy in charge of deciding whether any agency in the entire executive branch can make policy decisions.

The amendment says that no policy decision issued by any agency after the end of this year can take effect until that agency's guidelines on scientific integrity have been approved by the Director of the Office of Science and Technology Policy.

I agree that agencies should have strong guidelines on scientific integrity. In fact, agencies are already required to have such guidelines in place under a memo issued by President Obama. However, it's not realistic to expect that the Office of Science and Technology Policy could approve guidelines for every agency by January 1, 2013.

The amendment would undermine the integrity of science in the Federal Government by jeopardizing the ability of agencies to use our best science to

protect Americans' health and safety. Specifically, the amendment would block any ''listing, labeling, or other identification of a substance, product, or activity as hazardous, or creating risk to human health, safety or the environment.''

Under this amendment, for example, the FDA could not alert the public about a defective drug, the Department of Homeland Security could not implement safety measures to screen for terrorists, and the Nuclear Regulatory Commission could not recommend an evacuation zone if there was a nuclear accident.

This amendment, I'm sure, is well-intentioned, but the way it has been drafted makes it dangerous. I urge my colleagues to vote against it.

I reserve the balance of my time.

Mr. MANZULLO. I yield 2 minutes to the gentleman from North Carolina (Mr. MCINTYRE).

Mr. MCINTYRE. Madam Chairman, I rise to speak in favor of the amendment that Congressman MANZULLO and I have introduced to improve H.R. 4078, the Red Tape Reduction and Small Business Job Creation Act.

Our amendment would make a sensible and needed adjustment to our Nation's regulatory policy by requiring that Federal agencies develop guidelines to maximize the quality and integrity of scientific information used in the regulatory process. This is a goal not only supported by many Members of Congress from both sides of the aisle, but also by the administration.

In March of 2009, the President issued a memorandum directing the Office of Science and Technology to require Federal departments and agencies to develop procedures for restoring scientific integrity to government decision-making.

At the beginning of last year, the President issued Executive Order 13563, which stated that each agency ''shall ensure the objectivity of any scientific and technological information and process used to support the agency's regulatory actions.''

Our amendment, which is based on bipartisan legislation that Congressman MANZULLO and I introduced earlier this year, builds on the President's action, has bipartisan support, and codifies the requirement that the Director of the Office of Science and Technology compel each Federal agency to develop guidelines regarding the scientific information used by Federal agencies.

Additionally, this amendment would clarify that scientific information be supported by peer review, when appropriate, ensure that scientific studies used in decision-making be disclosed to the public, and require an opportunity for stakeholder input. This is just common sense.

It requires Federal agencies to give the greatest weight to information based on reproducible data that is developed in accordance with the scientific method.

Finally, this would provide grounds for any agency's actions that violate these integrity guidelines, that they have to be deemed arbitrary and subject to challenge by the affected stakeholders. This commonsense amendment requires maximizing the quality and integrity of scientific information used in the regulatory process, and I encourage my colleagues to adopt this bipartisan amendment.

Mr. CUMMINGS. I continue to reserve the balance of my time.

Mr. MANZULLO. How much time do I have?

The Acting CHAIR. The gentleman has 1 minute remaining.

Mr. MANZULLO. I yield that 1 minute to the gentleman from Tennessee (Mr. FINCHER).

Mr. FINCHER. Madam Chairman, I rise in strong support of Mr. MANZULLO's amendment, which urges the Federal Government to develop scientific integrity policies when a Federal agency implements a rule or regulation. Science should be at the heart of Federal agency decision-making.

Right now, the pork producers in my State and others in agriculture are fighting the FDA's concerns regarding antibiotic use in animals when there is no scientific evidence behind those concerns. This is why I had originally introduced House Resolution 98 last year, which would send a bipartisan, commonsense message to the Food and Drug Administration to rely on scientific fact in its development of rules and regulations.

Mr. MANZULLO's amendment goes further, guiding all agencies on a path towards scientific integrity, not just the FDA.

I would like to remind my colleagues that Americans are constantly facing the challenge of widespread and needless interventions in their life. Why let this continue through our agencies' misuse of science?

I urge my colleagues to support the Manzullo amendment.

Mr. CUMMINGS. Madam Chairman, after hearing the arguments of the other side, I'm going to rest on what I've already said. I think I've made it abundantly clear why this is not an appropriate amendment.

With that, I hope that the House will vote against it. I yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT NO. 23 OFFERED BY MRS. LUMMIS

The Acting CHAIR. It is now in order to consider amendment No. 23 printed in part B of House Report 112–616.

Mrs. LUMMIS. Madam 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 after title VII the following new title (and conform the table of contents accordingly):

TITLE VIII—TRACKING THE COST TO TAXPAYERS OF FEDERAL LITIGATION

SEC. 801. SHORT TITLE.

This title may be cited as the ''Tracking the Cost to Taxpayers of Federal Litigation Act''.

SEC. 802. MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (c)(1), by striking '', United States Code''; and

(2) by striking subsections (e) and (f) and inserting the following:

''(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman in a timely manner all information necessary for the Chairman to comply with the requirements of this subsection. The report shall be made available to the public online.

''(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

''(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

''(f) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

''(1) The name of each party to whom the award was made.

''(2) The name of each counsel of record representing each party to whom the award was made.

''(3) The agency to which the application for the award was made.

''(4) The name of each counsel of record representing the agency to which the application for the award was made.

''(5) The name of each administrative law judge, and the name of any other agency employee serving in an adjudicative role, in the adversary adjudication that is the subject of the application for the award.

''(6) The amount of the award.

''(7) The names and hourly rates of each expert witness for whose services the award was made under the application.

''(8) The basis for the finding that the position of the agency concerned was not substantially justified.

''(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.''.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended by adding at the end the following:

''(5)(A) The Chairman of the Administrative Conference of the United States shall report annually to the Congress on the amount

of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this paragraph. The report shall be made available to the public online.

''(B)(i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

''(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

''(C) The Chairman of the Administrative Conference shall include and clearly identify in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

''(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

''(ii) the amount of the award of fees and other expenses; and

''(iii) the statute under which the plaintiff filed suit.

''(6) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

''(A) The name of each party to whom the award was made.

''(B) The name of each counsel of record representing each party to whom the award was made.

''(C) The agency involved in the case.

''(D) The name of each counsel of record representing the agency involved in the case.

''(E) The name of each judge in the case, and the court in which the case was heard.

''(F) The amount of the award.

''(G) The names and hourly rates of each expert witness for whose services the award was made.

''(H) The basis for the finding that the position of the agency concerned was not substantially justified.

''(7) The online searchable database described in paragraph (6) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

''(8) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information necessary for the Chairman to carry out the Chairman's responsibilities under this subsection.''.

(c) CLERICAL AMENDMENT.—Section 2412(e) of title 28, United States Code, is amended by striking ''of section 2412 of title 28, United States Code,'' and inserting ''of this section''.

The Acting CHAIR. Pursuant to House Resolution 738, the gentlewoman from Wyoming (Mrs. LUMMIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wyoming.

□ 2140

Mrs. LUMMIS. Madam Chairman, I have two amendments made in order under this rule. I will offer this amendment. However, thanks to those I've been working with across the aisle, I intend not to offer my second amendment.

Thank you, Mrs. MALONEY.

The Equal Access to Justice Act, or EAJA, was originally passed in 1980 by a Congress concerned that everyday citizens could not afford to challenge the Federal Government in court when they had been wronged by government regulations. As originally designed, EAJA would reimburse small businesses, seniors and veterans for successfully challenging the Federal Government in court when no other law provided for that reimbursement.

It was a good idea then, and it remains a good idea today. For 15 years, the law has worked mostly as intended; but over time, cracks in the system have formed. In updating EAJA, it has become necessary to repair those cracks and to ensure EAJA's viability into the future. Three issues need to be resolved:

First, we need to ensure that our Nation's veterans, seniors, and small businesses have access to qualified attorneys. Right now, EAJA puts up unnecessary roadblocks to these legitimate users;

Second, we need to close loopholes that have allowed EAJA to be exploited by those dissatisfied with the reimbursements provided for them in the Nation's environmental laws;

Finally, we must reinstate tracking and reporting requirements so that Congress and every American has an accurate accounting of how much taxpayer money we spend to reimburse attorneys.

All three of those issues are addressed in H.R. 1996, the Government Litigation Savings Act; but this amendment, the one we are debating right now, only addresses the third issue—the transparency gap in EAJA.

As the recently released GAO report made clear, there is a severe lack of information on these payments. While we don't need that data to know exactly what has been happening with EAJA in recent years, going forward we need robust tracking as a management tool to ensure that EAJA works as intended. The tracking and reporting of EAJA payments is the part of the Government Litigation Savings Act that has broad agreement.

I greatly appreciate the work that the chairman of the Judiciary Committee and the ranking member of the Judiciary Committee have put into this issue. We've come a long way on this, and the bill has benefited from constructive input from both sides of the aisle. We must continue to work together on providing a fair market rate for lawyers who represent veterans, seniors and small businesses, as well as on instituting a reasonable eligibility standard. Both of these issues require further deliberation, and I am hopeful that the chairman and ranking member will commit to working with me to further update EAJA as I am committed to working with them.

In the meantime, let's pass this transparency amendment, which is the third leg of the three-pronged need to address the EAJA issues. This is the one on which we all agree, this third issue of transparency.

Madam Chairman, I reserve the balance of my time.

Mrs. MALONEY. I rise in support of the gentlelady's amendment.

The Acting CHAIR. Without objection, the gentlewoman from New York is recognized for 5 minutes.

There was no objection.

Mrs. MALONEY. Thank you, Madam Chair.

This is one of two amendments that Mrs. LUMMIS has submitted. She has indicated that she will not be offering her other amendment, and we are very pleased as we had some serious concerns about that amendment.

This amendment I am supporting, though, would require Federal agencies to gather valuable data, and it would require the Administrative Conference of the United States to issue a report based on that data. This report would help taxpayers and Congress determine where taxpayer funds flow under the Equal Access to Justice Act.

This amendment has merit. We should have mechanisms in place to track where taxpayer money goes, and the reports this amendment requires will help Congress conduct more thorough oversight over Federal agencies.

There are still some concerns that some have raised about the extent to which the data will be made public. This data could include names of Social Security claimants and veterans who bring claims under EAJA, and this may have a chilling effect on those claimants.

We are willing to work with Mrs. LUMMIS to address these concerns. Mrs. LUMMIS, herself, has raised more specific concerns with how EAJA has been used and urges Congress to amend the act. The committee held a hearing and marked up her bill. The reported bill contained several needed improvements to address many of our concerns on this side of the aisle. We thank her for working with us on these changes. The bill still needs some more work, and we will continue to work with her to address all of our concerns. I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mrs. LUMMIS. I thank the gentlelady from New York.

Madam Chairman, I wish to yield the balance of my time to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. I rise in support of this amendment as well. I am grateful for the bipartisan cooperation and for

getting a chance to find more transparency as well as how the Equal Access to Justice Act of 1980 is being implemented. Unfortunately, it seems that some special interest groups, particularly some environmental groups, of late are abusing EAJA. They're financing lawsuits to advance a special agenda.

This amendment does shine light on who is receiving attorneys' fees under EAJA by revising and improving EAJA's reporting requirements, which have not been revised in many years. American taxpayers do deserve to know how their money is being spent by the Federal Government, regardless of what the interest group is and where it is coming from, and to know to what extent the financing is being used to advance any kind of ideology.

For these reasons, I do support this amendment, and I am grateful for the bipartisan support.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wyoming (Mrs. LUMMIS).

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 24 will not be offered.

AMENDMENT NO. 25 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 25 printed in part B of House Report 112–616.

Mr. POSEY. Madam 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:

Page 8, line 10, after the period insert the following:

If meeting that definition, such term includes any requirement by the Secretary of the Treasury, except to the extent provided in Treasury Regulations as in effect on February 21, 2011, that a payor of interest make an information return in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986, and

(2) which is paid—

(A) to a nonresident alien, and

(B) on a deposit maintained at an office within the United States.

The Acting CHAIR. Pursuant to House Resolution 738, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

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

The Florida International Bankers Association has reported to me that, over the past several months, they have seen as much as $300 million leaving United States banks for overseas banks.

Why is this money leaving the United States, and what can we do to stop the hemorrhaging?

The adoption of this amendment will stop the hemorrhaging of hundreds of millions of dollars—soon to be billions of dollars if this amendment is not adopted. This is according to the studies on earlier, scaled-back proposals by the Internal Revenue Service.

For nearly 100 years, the United States has had in place a policy that encourages foreigners to put their money in our banks in the United States. We have told them that the United States is a welcoming and safe place for their deposits. Earlier this year, apparently clueless about the financial conditions we were in as a Nation, the IRS finalized a new rule to take effect in January 2013 that basically sends the message to law-abiding foreign depositors that U.S. banks don't want their money. Under this rule, the United States would no longer provide these law-abiding depositors with the confidentiality that they've had and that they need.

The new IRS rules would impose cumbersome new reporting requirements for law-abiding foreign depositors and for foreign depositors who live in nations where corruption is rampant. They will simply withdraw their money from the United States institutions and put their money to work in other nations around the world. This is bad for the United States economy.

There has been strong bipartisan opposition to the IRS proposal. The entire Florida delegation—all 25 members, every Republican and every Democrat—wrote the Treasury last year, asking them to withdraw the regulation. Bipartisan letters have gone to the Internal Revenue Service urging them to withdraw the regulation, and bipartisan legislation has been filed in the House and in the Senate to stop the regulation.

Each day Congress refuses to act, deposits are leaving the United States for Singapore, Panama, the Bahamas, the Cayman Islands, and elsewhere. This money will not return to the United States once it leaves. Most importantly for our communities, this capital will not be available to our small businesses and families when they need it to build in America. The new regulation will harm the U.S. economy, and we must stop its implementation.

□ 2150

Ironically, this same regulation from the IRS was rejected about 8 years ago when the bureaucrats at the IRS thought it was a good idea then. A strong bipartisan effort in Congress led to the IRS withdrawal of the rule, and we must do that again today.

If you share my commitment to economic recovery and believe that the United States should be a welcoming place for foreign depositors who want to put their money to work in the United States, then I urge you to join in support of this amendment. Please vote ''yes.''

I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Chair, I rise to oppose the amendment.

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

Mr. FRANK of Massachusetts. Madam Chair, I yield myself 2 minutes.

I understand that the banks in America don't like this because they would like to continue to be a place where people can come from other countries or send their money from other countries and not have it reported back home. The problem is that in America, we suffer a much greater loss right now from Americans who evade their taxes. Most Americans don't. But taxes being parked in the Cayman Islands, which was just mentioned and elsewhere, are a problem. We passed in 2010 a bill to try and get money owed to the United States paid to the United States. That requires the cooperation of other governments.

Members are aware of the negotiations with Switzerland and other tax havens. What this says is: we the United States want you to help us collect taxes owed to us, but we won't do the same. It is the tax evaders' bill of rights. The gentleman from Florida says they're law abiding citizens. Most of them probably are. How does he know they all are? Why do people in the Cayman Islands want to put money in American banks? Maybe they are perfectly good reasons. Maybe they want to come visit their money some day.

The fact is that people who send money to other countries include people who evade taxes. What this says to the United States is we basically are going to have to abandon the effort to collect taxes owed to us in foreign countries because we are telling the foreign countries we will not cooperate with them. We have tax treaties that we're pursuing. This basically aborts that.

Americans who want to send their money elsewhere and not pay taxes, they like this idea. With regard to the American banks, people have said they'll send their money elsewhere. The notion that we should compete in a race to the bottom, the notion that we should match other countries in an absence of rules is a philosophy that gets us in trouble. I believe that if we work hard, we will get a number of countries that will work with us on this. That's the essential point.

If Members favor a vigorous effort by the United States Government to recover taxes owed to us from elsewhere, they should reject this amendment.

I reserve the balance of my time.

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

The Acting CHAIR. The gentleman from Florida has 2 minutes remaining.

Mr. POSEY. This is not just about banks. This is about jobs, this is about mortgages, this is about the economy, and this is about our communities prospering. Information can be shared today on a case-by-case basis. If the IRS suggests to you otherwise, it's just not true.

There's a common misperception. Let's not forget how fortunate we are to live in the United States of America.

Too often, too many people forget this, it seems. We live under a stable government and a relatively stable economy compared to some of the other countries we receive deposits from. Many nonresident deposits come from countries where the governments themselves are very unstable, where their personal security or their property are major concerns. It's very probable that the depositor's personal bank account information could be leaked to unauthorized persons in their home country—to governments, criminals, or terrorist groups—which could make the depositors and their families targets of extortion, kidnappings, and other potentially fatal criminal activities. Imagine living with that over your shoulder every day.

Assurance from the IRS bureaucrats that your information is safe won't calm those fears. Our Pentagon has been hacked. I asked the Secretary of the Treasury if we would stand personally liable for any breaches that would cause a loss of life or harm to people whose information was betrayed. They said they would not be willing to do that.

With that, I reserve the balance of my time.

Mr. FRANK of Massachusetts. I yield myself the balance of my time.

The Acting CHAIR. The gentleman is recognized for 3 minutes.

Mr. FRANK of Massachusetts. In fact, we suffer more from taxes evaded in the U.S., I believe, than the money we have here. The point, however, is—and I will submit the comments from the Department of the Treasury—we will not be sending this to countries with which we don't have a tax treaty. There are strong statutory and regulatory requirements that prevent this information from being sent to countries that abuse it.

Maybe Members think that's not strong enough. If the gentleman from Florida would like to submit legislation to strengthen those statutory requirements to make it clear that some countries qualify and some don't—for example, I'm informed Venezuela today would not qualify for obvious reasons, because of the brutal, corrupt nature of that government.

So the question is, because some governments would abuse it, should we protect every tax evader who wants to use the United States as a haven from having their money reported, at the price of not getting cooperation ourselves? That doesn't mean everybody puts their money here as a tax evader. If you're not a tax evader, then there's no problem with having this reported. As far as the Pentagon being hacked, yeah, people have been hacked. If the IRS was going to be hacked, a lot more would have happened.

The fact is that the security of tax returns in America is one of the best things about our government. Administrations of both parties from time immemorial have protected the security of tax returns. We have a very good record as a government. We shouldn't just denigrate it with no basis in protecting the integrity of tax returns. People have filed tax returns and have had great privacy in them. This is the central point, because some of the banks would like to get this money and not care whether people are tax evaders or not.

The gentleman says we can do it case by case. That's an impossible task, case by case to decide. Then the IRS becomes more intrusive. Do you want to do a frisk of each individual to decide whether he or she has his returns done? Case by case is the way you destroy privacy.

Here's the fundamental point. We are making efforts to collect taxes owed to us by people who have hidden the money elsewhere, and we know that's been a problem. This would make it impossible to do that with any efficiency. As I said, there are very clear statements of policy against sending this information to Venezuela, against sending it to other places where it wouldn't be secure. This is the question: Are we going to allow American standards, in trying to impose taxes that are legitimately owed here, to be eroded by other countries?

The gentleman mentioned the Cayman Islands. I don't want the Cayman Islands to set the standard for American tax collection. The gentleman mentioned that the Cayman Islanders are sending money here. I don't want the Cayman Islanders and their desire to get shelter to be setting the standard for American tax collection practices, for the need of America to do the right thing.

Those people who are lawfully investing money will not be frightened by this, and America's ability to get taxes owed to us would be destroyed by this amendment.

DEPARTMENT OF THE TREASURY
Internal Revenue Service
26 CFR Parts 1 and 31
[TD 9584]
RIN 1545—BJ01
Guidance on Reporting Interest Paid to Nonresident Aliens

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations regarding the reporting requirements for interest that relates to deposits maintained at U.S. offices of certain financial institutions and is paid to certain nonresident alien individuals. These regulations will affect commercial banks, savings institutions, credit unions, securities brokerages, and insurance companies that pay interest on deposits.

Background

On January 7, 2011, the Treasury Department and the IRS published a notice of proposed rulemaking (REG 146097–09) (the 2011 proposed regulations) in the Federal Register (76 FR 1105, corrected by 76 FR 2852, 76 FR 20595, and 76 FR 22064) under section 6049 of the Internal Revenue Code (Code). The 2011 proposed regulations withdrew proposed regulations that had been issued on August 2, 2002 (67 FR 50386) (the 2002 proposed regulations). The 2002 proposed regulations would have required reporting of interest payments to nonresident alien individuals that are residents of certain specified countries. The 2011 proposed regulations provide that payments of interest aggregating $10 or more on a deposit maintained at a U.S. office of a financial institution and paid to any nonresident alien individual are subject to information reporting.

Written comments were received by the Treasury Department and the IRS response to the 2011 proposed regulations. A public hearing on the 2011 proposed regulations was held on May 18, 2011, at which further comments were received. All comments were considered and are available for public inspection at http://www.regulations.gov or upon request. After consideration of the written comments and the comments provided at the public hearing, the 2011 proposed regulations are adopted as revised by this Treasury decision.

Explanation and Summary of Comments

Objectives of This Regulatory Action

The reporting required by these regulations is essential to the U.S. Government's efforts to combat offshore tax evasion for several reasons. First it ensures that the IRS can, in appropriate circumstances, exchange information relating to tax enforcement with other jurisdictions. In order to ensure that U.S. taxpayers cannot evade U.S. tax by hiding income and assets offshore, the United States must be able to obtain information from other countries regarding income earned and assets held in those countries by U.S. taxpayers. Under present law, the measures available to assist the United States in obtaining this information include both treaty relationships and statutory provisions. The effectiveness of these measures depends significantly, however, on the United States' ability to reciprocate.

The United States has constructed an expansive network of international agreements, including income tax or other conventions and bilateral agreements relating to the exchange of tax information (collectively referred to as information exchange agreements), which provide for the exchange of information related to tax enforcement under appropriate circumstances. These information exchange relationships are based on cooperation and reciprocity. A jurisdiction's willingness to share information with the IRS to combat offshore tax evasion by U.S. taxpayers depends, in large part, on the ability of the IRS to exchange information that will assist that jurisdiction in combating offshore tax evasion by its own residents. These regulations, by requiring reporting of deposit interest to the IRS, will ensure that the IRS is in a position to exchange such information reciprocally with a treaty partner when it is appropriate to do so.

Second, in 2010, Congress supplemented the established network of information exchange agreements by enacting, as part of the Hiring Incentives to Restore Employment Act of 2010 (Pub. L. 111–147), provisions commonly known as the Foreign Account Tax Compliance Act (FATCA) that require overseas financial institutions to identify U.S. accounts and report information (including interest payments) about those accounts to the IRS. In many cases, however, the implementation of FATCA will require the cooperation of foreign governments in order to overcome legal impediments to reporting by their resident financial institutions. Like the United States, those foreign governments are keenly interested in addressing offshore tax evasion by their own residents and need tax information from other jurisdictions, including the United States, to support their efforts. These regulations will facilitate intergovernmental cooperation on

FATCA implementation by better enabling the IRS, in appropriate circumstances, to reciprocate by exchanging information with foreign governments for tax administration purposes.

Finally, the reporting of information required by these regulations will also directly enhance U.S. tax compliance by making it more difficult for U.S. taxpayers with U.S. deposits to falsely claim to be nonresidents in order to avoid U.S. taxation on their deposit interest income.

International Standard for Transparency and Information Exchange

Under the international standard for transparency and exchange of information, which is reflected in the Organisation for Economic Cooperation and Development (OECD) Model Agreement on Exchange of Information on Tax Matters, the OECD Model Tax Convention, and the United Nations Model Double Tax Convention between Developed and Developing Countries, exchange of tax information cannot be limited by domestic bank secrecy laws or the absence of a specific domestic tax interest in the information to be exchanged. Accordingly, under this global standard a country cannot refuse to share tax information based on domestic laws that do not require banks to share the information. In addition, under the global standard, a country cannot opt out of information exchange based on the fact that the country does not itself need the information to enforce its own tax rules. Thus, even countries that do not impose income taxes, and therefore do not have tax enforcement concerns, have entered into information exchange agreements to provide information about the accounts of nonresidents.

Comments Regarding Confidentiality and Improper Use of Information

Some comments on the 2011 proposed regulations expressed concerns that the information required to be reported under those regulations might be misused. For example, comments expressed concern that deposit interest information may be shared with a country that does not have laws in place to protect the confidentiality of the information exchanged or that would use the information for purposes other than the enforcement of its tax laws. These comments further suggested that these concerns could affect nonresident alien investors' decisions about the location of their deposits.

The Treasury Department and the IRS believe that the concerns raised by the comments are addressed by existing legal limitations and administrative safeguards governing tax information exchange. As discussed herein, information reported pursuant to these regulations will be exchanged only with foreign governments with which the United States has an agreement providing for the exchange and when certain additional requirements are satisfied. Even when such an agreement exists, the IRS is not compelled to exchange information, including information collected pursuant to these regulations, if there is concern regarding the use of the information or other factors exist that would make exchange inappropriate.

First, information reported pursuant to these regulations is return information under section 6103. Section 6103 imposes strict confidentiality rules with respect to all return information. Moreover, section 6103(k)(4) allows the IRS to exchange return information with a foreign government only to the extent provided in, and subject to the terms and conditions of an information exchange agreement. Thus, the IRS can share the information reported under these regulations only with foreign governments with which the United States has an information exchange agreement. Absent such an agreement, the IRS is statutorily barred from sharing return information with another country, and these regulations cannot and do not change that rule.

Second, consistent with established international standards, all of the information exchange agreements to which the United States is a party require that the information exchanged under the agreement be treated and protected as secret by the foreign government. In addition, information exchange agreements generally prohibit foreign governments from using any information exchanged under such an agreement for any purpose other than the purpose of administering, collection and enforcing the taxes covered by the agreement. Accordingly, under these agreements, neither country is permitted to release the information shared under the agreement or use it for any other law enforcement purposes.

Third, consistent with the international standard for information exchange and United States law, the United States will not enter into an information exchange agreement unless the Treasury Department and the IRS are satisfied that the foreign government has strict confidentiality protections. Specifically, prior to entering into an information exchange agreement with another jurisdiction, the Treasury Department and the IRS closely review the foreign jurisdiction's legal framework for maintaining the confidentiality of taxpayer information. In order to conclude an information exchange agreement with another country, the Treasury Department and the IRS must be satisfied that the foreign jurisdiction has the necessary legal safeguards in place to protect exchanged information and that adequate penalties apply to any breach of that confidentiality.

Finally, even if an information exchange agreement is in effect, the IRS will not exchange information on deposit interest or otherwise with a country if the IRS determines that the country is not complying with its obligations under the agreement to protect the confidentiality of information and to use the information solely for collecting and enforcing taxes covered by the agreement. The IRS also will not exchange any return information with a country that does not impose tax on the income being reported because the information could not be used for the enforcement of tax laws within that country.

In addition, the IRS has options regarding the appropriate form of exchange. For example, the IRS might exchange information with another jurisdiction only upon specific request. In the case of specific exchange requests, the IRS evaluates the requesting country's current practices with respect to information confidentiality. The IRS also requires the requesting country to explain the intended permitted use of the information and justify the relevance of that information to the permitted use. Alternatively, in appropriate circumstances, the IRS might exchange certain information on an automatic basis. The IRS currently exchanges deposit interest information on an automatic basis with only one jurisdiction (Canada). The IRS will not enter into a new automatic exchange relationship with a jurisdiction unless it has reviewed the country's policies and practices and has determined that such an exchange relationship is appropriate. Further, the IRS generally will not enter into an automatic exchange relationship with respect to the information collected under these regulations unless the other jurisdiction is willing and able to reciprocate effectively.

The Treasury Department and the IRS believe that the legal and administrative safeguards described in the preceding paragraphs regarding the use of information collected under these regulations should adequately address the concerns identified by the comments and, therefore, these regulations should not significantly impact the investment and savings decisions of the vast majority of nonresidents who are aware of and understand these safeguards and existing law and practice. Nevertheless, to enhance awareness and further address concerns, these final regulations revise the 2011 proposed regulations to require reporting only in the case of interest paid to a nonresident alien individual resident in a country with which the United States has in effect an information exchange agreement pursuant to which the United States agrees to provide, as well as receive, information and under which the competent authority is the Secretary of the Treasury or his delegate.

For this purpose, the Treasury Department and the IRS will publish a Revenue Procedure contemporaneously with these final regulations specifically identifying the countries with which the United States has in force such an information exchange agreement. The Revenue Procedure will be updated as appropriate. With respect to any calendar year, payors will only be required to report interest on deposits maintained at an office within the United States and paid to a nonresident alien individual who is a resident of a country identified in the Revenue Procedure as of December 31 of the prior calendar year as being a country with which the United States has in effect such an information exchange agreement. To address any potential burden associated with reporting on this basis, the final regulations provide that for any year for which the information return under §1.6049–4(b)(5) is required, a payor may elect to report interest payments to all nonresident alien individuals.

As previously discussed, the identification of a country as having an information exchange agreement with the United States does not necessarily mean that the information collected under these regulations will be reported to such foreign jurisdiction. As an additional measure to further increase awareness among concerned nonresidents regarding the IRS' use of information collected under these regulations, the Revenue Procedure also will include a second list identifying the countries with which the Treasury Department and the IRS have determined that it is appropriate to have an automatic exchange relationship with respect to the information collected under these regulations. This determination will be made only after further assessment of a country's confidentiality laws and practices and the extent to which the country is willing and able to reciprocate.

In addition, in response to comments, and given the information exchange practices described in the preceding paragraphs and the information that will be available in the Revenue Procedure, these final regulations eliminate the requirement in the 2011 proposed regulations for financial institutions to include in the information statement provided to nonresident alien individuals a statement informing the individual that the information may be furnished to the government of the country where the recipient resides. In addition, these final regulations clarify that a payor or middleman may rely on the permanent residence address provided on a valid Form W–8BEN, ''Beneficial Owners Certificate of Foreign Status for U.S. Tax Withholding'', for purposes of determining the country of residence of a nonresident alien to whom reportable interest is paid unless the payor or middleman knows or has reason to know that such documentation of the country of residence is unreliable or incorrect. The final regulations also modify

§31.3406(g)–1 of the proposed regulations to clarify that, consistent with the backup withholding rules generally, a payment of interest described in §1.6049–8(a) is not subject to withholding under section 3406 if the payor may treat the payee as a foreign person, without regard to whether the payor reported such interest (although a payor may be subject to penalties if it fails to report as required). As under the prior regulations requiring the reporting of interest paid to Canadian nonresident alien individuals, the final regulations define interest subject to reporting to mean interest paid on deposits as defined under section 871(i)(2)(A) (including deposits with persons carrying on a banking business deposits with certain savings institutions, and certain amounts held by insurance companies under agreements to pay interest thereon).

The Acting CHAIR. The time of the gentleman from Massachusetts has expired. The gentleman from Florida has 30 seconds remaining.

Mr. POSEY. I don't know how many deadbeat taxpayers are in Venezuela or Cuba or Iran, but I think it's ludicrous to think that we would want to put American investments in other countries. We're looking at, according to the Mercatus Center at George Mason, a possible capital flight of $88 billion, and this is opposed to maybe, at the high side estimating, we'll recover $800 million from tax cheats, hopefully. That's just not a good percentage. That's not a good investment. That's bad business in any sense of the word.

I urge my colleagues to vote in favor of a good commonsense bill that will help our economy recover and help America stay strong.

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

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

Mr. FRANK of Massachusetts. Madam 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 Florida will be postponed.

□ 2200

Mr. LANKFORD. Madam Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. POSEY) having assumed the chair, Ms. HAYWORTH, 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. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent, had come to no resolution thereon.

OMISSION FROM THE CONGRESSIONAL RECORD OF TUESDAY, JULY 24, 2012, AT PAGE H5198

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today between 1 and 5 p.m. on account of attending a memorial service for her former chief of staff.

Mr. REYES (at the request of Ms. PELOSI) for today on account of medical reasons.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 710. An act to amend the solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system, Committee on Energy and Commerce.

ENROLLED BILL SIGNED

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today after 5 p.m. on account of a personal matter.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today after 1 p.m. through July 26 on account of completing her ongoing medical treatment in Houston, Texas.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

ADJOURNMENT

Mr. LANKFORD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 26, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

7069. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Pasteuria spp. (Rotylenchulus reniformis nematode)-Pr3; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0805; FRL-9353-5] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7070. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Synchronizing the Expiration Dates of the Pesticide Applicator Certificate with the Underlying State or Tribal Certificate [EPA-HQ-OPP-2011-0049; FRL-9334-4] (RIN: 2070-AJ00) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7071. A letter from the Secretary, Department of Defense, transmitting the Department's report on the policies and practices of the Navy for naming vessels of the Navy; to the Committee on Armed Services.

7072. A letter from the Under Secretary, Department of Defense, transmitting request of an extension to deliver the report on the current and future military strategy of Iran; to the Committee on Armed Services.

7073. A letter from the Principal Deputy, Department of Defense, transmitting a letter authorizing Brigadier General Richard M. Clark, United States Air Force, to wear the insignia of the grade of major general; to the Committee on Armed Services.

7074. A letter from the Secretary, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General Thomas J. Owen, United States Air Force, and his advancement on the retired list in the grade of lieutenant general; to the Committee on Armed Services.

7075. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to the Socialist Republic of Vietnam pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

7076. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Interim Final Temporary Rule on Retail Foreign Exchange Transactions [Release No.: 34-67405; File No. S7-30-11] (RIN: 3235-AL19) received July 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7077. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Further Definition of ''Swap'', ''Security-Based Swap'', and ''Security-Based Swap Agreement''; Mixed Swaps; Security-Based Swap Agreement Recordingkeeping [Release No.: 33-9338; 34-67453; File No. S7-16-11] (RIN: 3235-AK65) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7078. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Consolidated Audit Trail [Release No.: 34-67457; File No. S7-11-10] (RIN: 3235-AK51) received July 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7079. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regional Haze State Implementation Plan [EPA-R03-OAR-2010-0002; FRL-9695-5] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7080. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Regional Haze [EPA-R05-OAR-2011-0598; FRL-9683-6] received July 3, 2012, pursuant to

5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7081. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze State Implementation Plan [EPA-R03-OAR-2012-0144; FRL-9695-4] received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7082. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Canada (Transmittal No. 06-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

7083. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

7084. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2917); to the Committee on Foreign Affairs.

7085. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, as amended, certification regarding the proposed transfer of major defense equipment (Transmittal No. RSAT-12-2990); to the Committee on Foreign Affairs.

7086. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled ''District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 2nd Quarter of Fiscal Year 2012'', pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

7087. A letter from the Executive Director, Access Board, transmitting the Board's annual report for FY 2011 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

7088. A letter from the Management Analyst, Department of Agriculture, transmitting the Department's ''Major'' final rule — Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado (RIN: 0596-AC74) received July 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7089. A letter from the Acting Assistant Secretary, Indian Affairs, Department of the Interior, transmitting the annual report on the Contract Support Costs of Self-Determination Awards, pursuant to Public Law 93-638, section 106(c); to the Committee on Natural Resources.

7090. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Closure of the Delmarva Access Area [Docket No.: 120330235-2014-01] (RIN: 0648-BC04) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7091. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Exempted Fishery for the Southern New England Skate Bait Trawl Fishery [Docket No.: 110901554-2178-02] (RIN: 0648-BB35) received July 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

7092. A letter from the Director, Administrative Office of the United States Courts, transmitting a report on applications for delayed-notice search warrants and extensions during fiscal year 2011; to the Committee on the Judiciary.

7093. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's ''Major'' final rule — Changes to Implement the Supplemental Examination Provisions of the Leahy-Smith America Invents Act and to Revise Reexamination Fees [Docket No.: PTO-P-2011-0075] (RIN: 0651-AC69) received June 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7094. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's ''Major'' final rule — Transitional Program for Covered Business Method Patents-Definitions of Covered Business Method Patent and Technological Invention [Docket No.: PTO-P-2011-0087] (RIN: 0651-AC75) received July 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7095. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's ''Major'' final rule — Changes to Implement Inter Partes Review Proceedings, Post-Grant Review Proceedings, and Transitional Program for Covered Business Method Patents [Docket No.: PTO-P-2011-0083] (RIN: 0651-AC71) received June 23, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7096. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Department's quarterly report from the Office of Privacy and Civil Liberties for the second, third, and fourth quarters of FY 2011 and for the first and second quarters of FY 2012; to the Committee on the Judiciary.

7097. A letter from the General Counsel, National Tropical Botanical Garden, transmitting a letter informing of a delay in the submission of the annual audit; to the Committee on the Judiciary.

7098. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Effective Date for the Water Quality Standards for the State of Florida's Lakes and Flowing Waters [EPA-HQ-OW-2009-0596; FRL-9691-3] (RIN: 2040-AF41) received July 3, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. FOXX: Committee on Rules. House Resolution 741. Resolution providing for further consideration of the bill (H.R. 4078) to provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent (Rept. 112–623). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. THOMPSON of California (for himself, Mr. LEVIN, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. DOGGETT, Mr. LARSON of Connecticut, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Ms. BERKLEY, and Mr. CROWLEY):

H.R. 6182. A bill to amend the Internal Revenue Code of 1986 to extend and expand the credit for qualifying advanced energy projects, and for other purposes; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. JOHNSON of Georgia, and Mr. SCOTT of Virginia):

H.R. 6183. A bill to protect cyber privacy, and for other purposes; to the Committee on the Judiciary.

By Mr. AMODEI:

H.R. 6184. A bill to quitclaim surface rights to certain Federal land under the jurisdiction of the Bureau of Land Management in Virginia City, Nevada, to Storey County, Nevada, to resolve conflicting ownership and title claims, and for other purposes; to the Committee on Natural Resources.

By Mrs. ADAMS (for herself, Mr. SENSENBRENNER, Mr. SCOTT of Virginia, Mr. COBLE, Mr. JOHNSON of Georgia, Mr. POE of Texas, Mr. NADLER, Mr. GOWDY, and Mr. AMODEI):

H.R. 6185. A bill to improve security at State and local courthouses; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOORE (for herself, Mr. BACHUS, Ms. WATERS, and Mrs. BIGGERT):

H.R. 6186. A bill to require a study of voluntary community-based flood insurance options and how such options could be incorporated into the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. HIMES (for himself and Ms. LEE of California):

H.R. 6187. A bill to establish a research program under the Congressionally Directed Medical Research Program of the Department of Defense to discover a cure for HIV/AIDS; to the Committee on Armed Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARNAHAN (for himself, Mr. HONDA, Mr. RANGEL, Ms. WOOLSEY, Mr. KISSELL, Mr. FILNER, Ms. NORTON, and Mr. MCGOVERN):

H.R. 6188. A bill to amend title 38, United States Code, to grant family of members of the uniformed services temporary annual leave during the deployment of such members, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 6189. A bill to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs; to the Committee on the Judiciary.

By Mr. BURGESS (for himself, Mr. ROSS of Arkansas, Mr. BARTON of Texas, Mr. PITTS, Mr. CARTER, and Mr. MATHESON):

H.R. 6190. A bill to direct the Administrator of the Environmental Protection Agency to allow for the distribution, sale,

and consumption in the United States of remaining inventories of over-the-counter CFC epinephrine inhalers; to the Committee on Energy and Commerce.

By Mr. DEUTCH:

H.R. 6191. A bill to establish programs in the executive branch to permit the labeling of certain products that do not contain any carcinogens as ''Cancer-Free'', and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. EMERSON:

H.R. 6192. A bill to extend certain of the supplemental agricultural disaster assistance programs through fiscal year 2012 and to continue to fund such assistance through the Agricultural Disaster Relief Trust Fund; to the Committee on Agriculture, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK of Massachusetts:

H.R. 6193. A bill to extend the special immigrant religious professionals program; to the Committee on the Judiciary.

By Mr. GINGREY of Georgia (for himself, Mr. LUCAS, Mr. WHITFIELD, Mr. WALDEN, Mr. TERRY, Mr. SOUTHERLAND, Mr. ROONEY, Mrs. SCHMIDT, Mrs. ELLMERS, Mr. CONAWAY, Mr. COSTA, and Mr. BISHOP of Georgia):

H.R. 6194. A bill to ensure the viability and competitiveness of the United States agricultural sector; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. RANGEL, Mr. MORAN, and Mr. FARR):

H.R. 6195. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mr. TURNER of New York, and Mr. BURTON of Indiana):

H.R. 6196. A bill to eliminate the backlog in performing DNA analyses of DNA samples collected from convicted child sex offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6197. A bill to amend the Federal Election Campaign Act of 1971 to eliminate certain contribution limitations, to require political committees to post information on contributions received by the committees on the websites of such committees, and for other purposes; to the Committee on House Administration.

By Mrs. MALONEY (for herself and Mr. KUCINICH):

H.R. 6198. A bill to protect the civil rights of victims of gender-motivated violence and to promote public safety, health, and regulate activities affecting interstate commerce by creating employer liability for negligent conduct that results in an individual's committing a gender-motivated crime of violence against another individual on premises controlled by the employer, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POE of Texas (for himself, Mr. GARRETT, Mr. HUIZENGA of Michigan, Mr. PITTS, Mr. GOHMERT, Mr. WILSON of South Carolina, Mr. RIBBLE, Mr. RIGELL, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. CULBERSON, Mr. DESJARLAIS, Mr. WALBERG, Mr. STUTZMAN, Mr. GRAVES of Georgia, Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. GOWDY, Mr. JORDAN, Mr. BURTON of Indiana, Mr. ROSS of Florida, Mr. BURGESS, Mr. SOUTHERLAND, and Mr. CAMPBELL):

H.R. 6199. A bill to provide for limitations on the domestic use of drones in investigating regulatory and criminal offenses, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mr. FRANK of Massachusetts, Mr. JONES, Mr. COURTNEY, and Mr. KEATING):

H.R. 6200. A bill to strengthen Federal consumer protection and product traceability with respect to commercially marketed seafood, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Ways and Means, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York (for herself, Mr. KING of New York, Mr. BISHOP of New York, Mr. ISRAEL, and Mr. ACKERMAN):

H.R. 6201. A bill to authorize the Secretary of the Interior to conduct a study of alternatives for commemorating Long Island's aviation history, including a determination of the suitability and feasibility of designating parts of the study area as a unit of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. MCDERMOTT (for himself, Ms. LEE of California, Mr. HONDA, Mr. RANGEL, and Mr. STARK):

H.R. 6202. A bill to amend the Internal Revenue Code of 1986 to establish the Coal Mitigation Trust Fund funded by the imposition of a tax on the extraction of coal, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEHAN (for himself, Mr. BARLETTA, Mr. GERLACH, Mr. NUGENT, and Mr. TIBERI):

H.R. 6203. A bill to require each owner of a dwelling unit assisted under the section 8 rental assistance voucher program to remain current with respect to local property and school taxes and to authorize a public housing agency to use such rental assistance amounts to pay such tax debt of such an owner, and for other purposes; to the Committee on Financial Services.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, and Mr. CAPUANO):

H.R. 6204. A bill to amend the Investment Advisers Act of 1940 to require certain investment advisers to pay fees to help cover the costs of inspecting and examining investment advisers under such Act; to the Committee on Financial Services.

By Mrs. ROBY:

H.J. Res. 116. A joint resolution proposing an amendment to the Constitution of the United States which requires (except during time of war and subject to suspension by Congress) that the total amount of money expended by the United States during any fiscal year not exceed the amount of certain revenue received by the United States during such fiscal year and not exceed 20 percent of the gross domestic product of the United States during the previous calendar year; to the Committee on the Judiciary.

By Mr. PETERS (for himself, Mr. JONES, and Ms. RICHARDSON):

H. Res. 740. A resolution expressing support for the designation of March 13 as ''K-9 Veterans Day'', in order to recognize the service and improve the treatment of military working dogs; to the Committee on Armed Services.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. THOMPSON of California:

H.R. 6182.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Sections 7 & 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. CONYERS:

H.R. 6183.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3.

By Mr. AMODEI:

H.R. 6184.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mrs. ADAMS:

H.R. 6185.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Ms. MOORE:

H.R. 6186.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. HIMES:

H.R. 6187.

Congress has the power to enact this legislation pursuant to the following:

Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. CARNAHAN:

H.R. 6188.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. ''All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives.''

By Mr. CONYERS:

H.R. 6189.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 18.

By Mr. BURGESS:

H.R. 6190.

Congress has the power to enact this legislation pursuant to the following:

The attached legislation falls within Congress' authority to regulate interstate commerce as found in Article I, Section 8, clause 3 of the U.S. Constitution, which provides the authority for the Congress to ''To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.'' The epinephrine inhalers at issue in the attached legislation are regulated by the federal Food and Drug Administration (FDA), and the propellant at issue is regulated by the Environmental Protection Agency. The product further falls within the subject matter of an international treaty known as the Montreal Protocol on Substances that Deplete the Ozone Layer, of which the U.S. is a signatory.

By Mr. DEUTCH:

H.R. 6191.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8, Clause 3 of the United States Constitution, which grants Congress the power to regulate commerce among the several States.

By Mrs. EMERSON:

H.R. 6192.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article I, Section 8, Clause 3.

By Mr. FRANK of Massachusetts:

H.R. 6193.

Congress has the power to enact this legislation pursuant to the following:

clause 3 of section 8 of article I of the Constitution; clause 18 of section 8 of article I of the Constitution; section 5 of Amendment XIV to the Constitution.

By Mr. GINGREY of Georgia:

H.R. 6194.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 that states, ''To regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes''

By Mr. KING of New York:

H.R. 6195.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. KING of New York:

H.R. 6196.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1:

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6197.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the U.S. Constitution, which grants Congress the authority to make laws governing the time, place, and manner of holding Federal elections.

By Mrs. MALONEY:

H.R. 6198.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

The Congress shall have Power to to regulate Commerce with foreign Nations, and among the several States, and with Indian Tribes.

By Mr. POE of Texas:

H.R. 6199.

Congress has the power to enact this legislation pursuant to the following:

The Fourth Amendment to the United States Constitution.

By Mr. MARKEY:

H.R. 6200.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

By Mrs. MCCARTHY of New York:

H.R. 6201.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MCDERMOTT:

H.R. 6202.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article 1 of the United States Constitution

By Mr. MEEHAN:

H.R. 6203.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause I.

By Ms. WATERS:

H.R. 6204.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. ROBY:

H.J. Res. 116.

Congress has the power to enact this legislation pursuant to the following:

Article 5:

''The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. GOSAR, Mr. SCHWEIKERT, and Mr. JORDAN.

H.R. 178: Mr. BARBER.

H.R. 181: Ms. BONAMICI, Mr. HINOJOSA, and Mr. BARBER.

H.R. 186: Mr. HINOJOSA.

H.R. 210: Mr. ANDREWS.

H.R. 288: Mr. GRIJALVA.

H.R. 360: Mr. CHABOT.

H.R. 374: Mr. MICA.

H.R. 458: Mr. TONKO, Mr. SMITH of Washington, Mr. NADLER, Mr. COURTNEY, Ms. SCHWARTZ, Ms. CHU, Mr. DEUTCH, Mr. CAPUANO, Mr. PASCRELL, Ms. PINGREE of Maine, Ms. HAHN, Ms. LORETTA SANCHEZ of California, Mr. FARR, Mr. SABLAN, Mr. DINGELL, Mr. PETERS, and Mr. CLEAVER.

H.R. 733: Mr. SCHRADER.

H.R. 816: Mrs. MYRICK.

H.R. 835: Mr. RIVERA.

H.R. 1092: Ms. BONAMICI and Mr. HINOJOSA.

H.R. 1265: Mr. LATOURETTE and Mr. NEUGEBAUER.

H.R. 1322: Mr. MCINTYRE, Mr. CLAY, and Mr. FILNER.

H.R. 1370: Mr. BARROW and Mr. SENSENBRENNER.

H.R. 1489: Mr. BLUMENAUER.

H.R. 1506: Mr. MARKEY.

H.R. 1546: Mr. SESSIONS.

H.R. 1549: Mr. RIVERA.

H.R. 1639: Mr. PASCRELL.

H.R. 1648: Mr. LIPINSKI.

H.R. 1675: Mr. BACA.

H.R. 1775: Mr. FLORES, Mr. CULBERSON, and Mr. GERLACH.

H.R. 1956: Mr. MILLER of Florida.

H.R. 1984: Ms. DEGETTE.

H.R. 2016: Mr. BUTTERFIELD, Mr. CLAY, Mr. CROWLEY, Mr. BOSWELL, Mr. NADLER, Mr. COURTNEY, Ms. SCHWARTZ, and Mr. SABLAN.

H.R. 2108: Mr. BILBRAY.

H.R. 2168: Mr. JOHNSON of Illinois.

H.R. 2198: Mr. LATOURETTE.

H.R. 2221: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT, and Ms. HAYWORTH.

H.R. 2310: Mr. BISHOP of New York and Mr. CLAY.

H.R. 2335: Mr. ROKITA.

H.R. 2404: Mr. DOLD.

H.R. 2479: Ms. PINGREE of Maine.

H.R. 2481: Ms. MCCOLLUM.

H.R. 2524: Mr. DAVIS of Illinois and Mr. GRIMM.

H.R. 2541: Mr. LANDRY.

H.R. 2545: Mr. LOEBSACK.

H.R. 2554: Mr. MARKEY.

H.R. 2622: Mr. SENSENBRENNER.

H.R. 2637: Mr. DOGGETT.

H.R. 2672: Mr. KIND.

H.R. 2695: Mr. LOEBSACK and Mr. GIBSON.

H.R. 2730: Mr. TOWNS.

H.R. 2794: Mr. CLEAVER and Mr. DOGGETT.

H.R. 2985: Mr. HERGER.

H.R. 3036: Mr. MEEKS.

H.R. 3102: Mr. GRIJALVA.

H.R. 3308: Mr. GOSAR.

H.R. 3316: Mr. CLAY.

H.R. 3337: Mr. BOSWELL.

H.R. 3423: Mr. BUTTERFIELD.

H.R. 3432: Mr. ROTHMAN of New Jersey.

H.R. 3461: Mr. ALEXANDER.

H.R. 3506: Mr. HOLT.

H.R. 3594: Mr. AUSTIN SCOTT of Georgia and Mr. LOBIONDO.

H.R. 3803: Mr. LOBIONDO and Mr. TIPTON.

H.R. 4103: Mr. FARR and Mr. ROTHMAN of New Jersey.

H.R. 4160: Mr. RIGELL.

H.R. 4215: Mr. LIPINSKI.

H.R. 4221: Mr. ELLISON.

H.R. 4373: Mr. WITTMAN.

H.R. 4385: Mrs. LUMMIS, Mr. RIGELL, Mr. RIBBLE, Mr. BRADY of Texas, Mr. DESJARLAIS, and Mr. HECK.

H.R. 5186: Mr. WATT.

H.R. 5684: Mr. CARNEY, Mr. RICHMOND, and Mr. YARMUTH.

H.R. 5707: Mr. FILNER.

H.R. 5741: Mr. RIGELL and Mrs. BONO MACK.

H.R. 5742: Mr. MICHAUD.

H.R. 5796: Mr. DENT and Mr. MURPHY of Connecticut.

H.R. 5822: Mr. BURTON of Indiana.
H.R. 5879: Mr. FORTENBERRY.
H.R. 5943: Mr. HINOJOSA and Mr. OLVER.
H.R. 5959: Mr. FILNER.
H.R. 5961: Mr. HASTINGS of Washington and Mr. JONES.
H.R. 6012: Mr. BILBRAY.
H.R. 6047: Mr. DUNCAN of Tennessee.
H.R. 6066: Mr. LANCE.
H.R. 6088: Mr. GOODLATTE.
H.R. 6112: Mr. DUNCAN of Tennessee.
H.R. 6120: Mr. GRIJALVA.
H.R. 6124: Ms. HOCHUL.
H.R. 6136: Mr. GIBSON.
H.R. 6138: Mr. FILNER, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. ROYBAL-ALLARD.
H.R. 6140: Mr. LATTA, Mr. STEARNS, Mr. CANSECO, Mr. BISHOP of Utah, and Mr. CRAVAACK.
H.R. 6147: Mr. KLINE, Mr. DANIEL E. LUNGREN of California, and Mr. GALLEGLY.
H.R. 6149: Mr. RYAN of Ohio, Mr. CRITZ, Mr. GENE GREEN of Texas, and Mr. CONYERS.
H.R. 6150: Ms. SPEIER, Ms. RICHARDSON, Mr. GRIJALVA, Mr. RANGEL, Ms. NORTON, Mr. BRADY of Pennsylvania, and Ms. DELAURO.
H.R. 6156: Mr. GRIMM, Mr. MULVANEY, Mr. BOUSTANY, and Mr. ROKITA.
H.R. 6164: Mr. BROUN of Georgia, Mr. FLAKE, Mrs. MILLER of Michigan, Mrs. MYRICK, and Mrs. BLACK.
H.R. 6175: Ms. SPEIER.
H.J. Res. 112: Mr. AMASH, Mr. DUNCAN of Tennessee, Mrs. BLACK, and Mr. WESTMORELAND.
H. Con. Res. 107: Mr. MICHAUD.
H. Con. Res. 116: Ms. KAPTUR, Mr. JOHNSON of Ohio, and Mr. FORTENBERRY.
H. Res. 111: Mr. CLEAVER, Ms. WILSON of Florida, and Mrs. NOEM.
H. Res. 506: Ms. SPEIER.
H. Res. 623: Mr. HERGER.
H. Res. 725: Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, and Mr. FARR.
H. Res. 729: Mrs. MCCARTHY of New York, Mrs. LOWEY, and Mr. STARK.