

centuries of hardship, foreign invasion, and domestic despotism.

As we have seen recently in Iraq and Syria, millions are now caught up in the middle of sectarian violence and conflict and end up paying the ultimate price for it.

The bedrock of our Nation's establishment was freedom of religion. But what many experience today, even here in the United States, is the subjugation of religious beliefs by a government or military decree. A people cannot be free without religious liberty.

So, Mr. Speaker, again, I welcome all those who are here for the summit, and I commend them for their enduring fight for religious freedom.

**PROVIDING FOR CONSIDERATION OF H.R. 5078, WATERS OF THE UNITED STATES REGULATORY OVERREACH PROTECTION ACT OF 2014, AND PROVIDING FOR CONSIDERATION OF H. RES. 644, DISAPPROVAL OF THE ADMINISTRATION'S FAILURE TO NOTIFY CONGRESS BEFORE RELEASING INDIVIDUALS FROM GUANTANAMO BAY**

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 715 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

**H. RES. 715**

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5078) to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as 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 in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 644) condemning and disapproving of the Obama administration's failure to comply with the lawful statutory requirement to notify Congress before releasing individuals detained at United States Naval Station, Guantanamo Bay, Cuba, and expressing national security concerns over the release of five Taliban leaders and the repercussions of negotiating with terrorists. The amendments to the resolution and the preamble recommended by the Committee on Armed Services now printed in the resolution shall be considered as adopted. The resolution, as amended, shall be considered as read. The previous question shall be considered as ordered on the resolution and preamble, as amended, to adoption without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. BLACK). The gentleman from Utah is recognized for 1 hour.

□ 1230

Mr. BISHOP of Utah. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purpose of debate only.

**GENERAL LEAVE**

Mr. BISHOP of Utah. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which they may revise and extend their remarks.

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

There was no objection.

Mr. BISHOP of Utah. Madam Speaker, this resolution provides for a structured rule for consideration of H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act of 2014, and makes in order three amendments, all from Democrats, for floor consideration.

It provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the House Committee on Transportation and Infrastructure.

In addition, this resolution provides for a closed rule for consideration of House Resolution 644, which condemns the administration's clear failure to follow the law requiring 30 days' advance congressional notification if any terrorist detainees at Guantanamo are to be released and condemning this administration's policy of selectively negotiating with terrorists to secure the release of an Army staff sergeant.

The rule provides for 1 hour of general debate, equally divided between the chairman and ranking member of the Armed Services Committee.

While these are separate issues, the two separate pieces of legislation covered under this rule, unfortunately,

share one common theme: the practice of this administration to stretch the law.

As Bill Veeck used to say when he was running his baseball team, he doesn't break the rules, he just tests their elasticity. This administration has tested the elasticity from some of these rules and laws to the point where they have broken, and it is an overreach of the authority under the law.

Madam Speaker, let me talk for just a second about H.R. 5078 that deals with the Clean Water Act. This is a bipartisan bill. It was passed in the committee by a voice vote supported by many State and local governments and has largely been ignored by this administration as the administration seeks to go around Congress and attempt to revise administrative rules asserting a Federal stranglehold on private enterprise and job creation.

One may want to know why the U.S. economy is still in a Jimmy Carter-like malaise situation after 6 years with this administration. Just taking a look at the underlying issue of this bill finds an answer: the administration wants more rulemaking authority, more regulations, and a stronger Federal stranglehold on what you and I can and can't do, what business owners can and can't do, and what farmers can or can't do with their own property.

Clearly, when the Clean Water Act was passed, it specified that the primary responsibility for water issues were to lay with the States. It is very clear when they came up with the concept of navigable waters of the United States, the Federal Government had a jurisdictional interest in interstate water regulations, but not intrastate.

Twice the Supreme Court of the United States has ruled against the agencies that have been managing the Clean Water Act and saying simply that they overstretched their authority, they stretched their limits, and they stretched what is the power given to them under this particular act.

Now, unfortunately, we see an administration that is trying to move around that. Two Congresses—the 110th and the 111th—had legislation that was introduced to try and change these provisions of the Clean Water Act. Both times they were met with strong bipartisan opposition which didn't go anywhere.

Now, the administration, with much of their work done in closed-door session without local input, are trying to draft a proposed administrative rule that takes the Supreme Court decisions—it misconstrues their decisions and manipulates their decisions, so that, in effect, it turns the cases that we are attempting to put limitations on what the Clean Water Act authorized the government to do and use that as a justification for the Agency to broaden its jurisdiction and increase the controls it has over waters of the United States and individuals. In so doing, it actually harms people.

Overregulation seems to be one of this administration's hallmark. This

bill, in a bipartisan manner, will address the proper way to go about modifying the Clean Water Act and its relation to Federal power, such that it will not further stifle jobs, economic growth, or hurt people, while it still protects the environment.

The rule before us is still a good bill. It deals with two vitally important pieces of legislation. I urge their adoption, and I reserve the balance of my time.

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

I thank my friend, the gentleman from Utah (Mr. BISHOP), for yielding me the customary 30 minutes for debate.

We are back here, and this is our first legislation after a lengthy recess, and the fact of the matter is that, after next week, we will be on yet another lengthy recess headed into the November 4 election.

When we began this session, the 113th Congress, the Speaker of the House commented—and I won't bother to quote him, I will just summarize briefly what he said—that this would be the most open legislative period that we have seen.

Ironically, today, dealing with these two pieces of legislation in this particular rule, we are seeing one portion of it structured, and for the 74th time—count them, 74 times—we are dealing with a closed rule.

What that means, America, is that your Representatives here in the House of Representatives, on the subject of legislation dealing with House Resolution 644, having released Taliban prisoners in exchange for Sergeant Bergdahl, your Representatives will not be able to amend that legislation, and the general debate period will be the only time that a limited number of Members, in 1 hour, will have an opportunity to speak to the issue.

I think that is wrong, as I think that most of the closed rules previous to this 74th have been wrong. Let me hasten to add, when Democrats were in the majority—and I remember being here in 1993 and hearing on the radio that Democrats were doing closed rules, I had not come to Congress, I didn't understand that dynamic, and Democrats did closed rules as well.

I don't think that is right. I think this body should operate openly. Even if it takes time for us to have Members who choose to come down and debate legislation, I think they should have that opportunity.

Madam Speaker, there is a lot that we could be doing this September. Americans need good-paying jobs. The working poor who are making the minimum wage deserve to make a living wage. We have recently seen demonstrations in 100 cities where people working at \$7.35 or \$8 an hour are demonstrating, saying, "Give me a chance."

While the economy may be, as my good friend from Utah says, in a Car-

ter-like malaise, Wall Street is in a mushroom boom, and somehow or other, the rich are getting richer, and the poor are getting poorer, and the middle class is slipping into the lower class.

Something is wrong with that picture, and we can do better as a society. I defy anybody to tell me that if you are a mother or father and you have one child and you work 8 hours a week at \$7.35 an hour anywhere in the United States of America, how do you provide adequate child care, how do you provide the necessary food for your child, and how do you provide the necessary medical services?

I don't believe that anybody believes that that can be done with such a limited amount of resources for a family.

Americans who have lost their jobs through no fault of their own—companies moving all over the world to avoid paying taxes in the United States of America—I believe that those people need help keeping food on the table.

We find students in our country, young people that work here on Capitol Hill, and their brothers and sisters who are graduating from elite institutions, online institutions, for-profit institutions, and State universities throughout this country are faced with crushing debt that keeps them from entering the housing market, keeps them from starting a family, or opening a small business.

I know everybody agrees that women deserve equal pay for equal work, but are we doing any of those things here? No. We are discussing a waterways issue that isn't going to go anywhere fast, and everybody here knows that.

We are discussing the condemnation of the President's administration about a measure that I believe most of us would have done pretty much the same thing, about whether or not there was going to be a 30-day notice to the House of Representatives.

No, we are not dealing with the family situations that exist in this country as it pertains to poverty, we are not dealing at all with equal pay for equal work for women, while the resolution, I repeat, condemns President Obama's administration for action to ensure the safe return of an American soldier, Sergeant Bowe Bergdahl; yet I know my friends on the other side of the aisle celebrate Sergeant Bergdahl's return because this resolution even says it right there in the text.

Here is the quote:

Now, therefore, be it resolved that the House of Representatives expresses relief that Sergeant Bergdahl has returned safely to the United States.

I have been taught and all of us here believe, when our military is in harm's way, we have had for years—and more recently, we have made ourselves gender perfect, but for years, we say we leave no man behind, we leave no soldier behind.

I have been on missions with Republicans and Democrats in this particular body in places far away from here, in

Korea, where we were looking for the remains of American soldiers to bring them home.

Now, I don't know Bowe Bergdahl, and I certainly don't know his family, but as a citizen of this country, I do know this: five old men in Guantanamo that were exchanged—and yes, indeed, they were former members of organizations that would do us harm, but they are not likely to return to the battlefield at their age.

If so, then old people like me need to be in the war, and probably, we wouldn't have so many in the first place. Are their minds going to be utilized? That may very well be the case, but I don't think all five of them put together were worth as much as one American soldier, Bowe Bergdahl.

Toward that end, I defy anybody to tell me that the Bergdahl family and those of us who believe that we should leave no soldier behind are not pleased. We send our soldiers into harm's way under the American flag, we assure them that they will not be left behind, and President Obama and Defense Secretary Hagel made good on that promise.

Now, I am sorry that you object to how we secured the safe return of one of our soldiers, but you don't get to have it both ways. Instead of bringing bills to the floor that would help our students, that would help those struggling to find jobs, that would help women get the pay they deserve, or help small business owners, we get this resolution which allows that you can have it both ways. We are glad he is home, but we are not glad about how you brought him here.

Let me say, hurriedly, too that I think President Obama should have given the 30 days' notice. I for one know that this matter in the intelligence community was debated previously, but I don't think anybody believes that we should have left young Mr. Bergdahl behind, and what would we be doing if we were standing here talking about he died in captivity and we had that slight window of opportunity to bring him home.

□ 1245

Madam Speaker, the plan for the next 2 weeks is to stoke up the base. These are message measures. That is all they are. It is just saying something so you can go home to your base and argue: Look what we did. We condemned the Obama administration. We repealed health care 52 times.

You aren't passing laws and you aren't doing anything in a cooperative way, institutionally, to allow both sides to have input to measures that are needed in this country in order for us to go forward.

Thursday we will pass a continuing resolution and then we will hear a whole lot of sound and fury signifying exactly nothing but nonsense.

Welcome back, my friends, to Congress.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I agree with my friend from Florida that significant issues need to be addressed on this floor. Nothing is more significant than the future of our water rights, which does impact the economy, especially for areas of interest where that is significant, like agriculture. Because of that, I am glad to yield 3 minutes to the gentleman from Georgia (Mr. COLLINS).

Mr. COLLINS of Georgia. Madam Speaker, I rise in strong support of this rule and the underlying legislation.

This rule will expand the regulatory jurisdiction of the EPA and Corps and, in turn, place more restrictions on landowners who will fall under this new umbrella of jurisdiction.

It has been said many times from others that our side is, at best, uncaring about the environment and, at worst, we actually want to make the environment terrible. I think what we have got to deal with here is the Clean Water Act has provided a good parameter and needs to be continued to work because it has a clear direction and a clear parameter of how you bring in bodies of water and what is under that jurisdiction.

I think what has happened here and what is a concern that I have heard from my constituents especially in north Georgia, and all over the country as I have traveled in the past few weeks talking in different parts of the country, is about what is the actual role in dealing with this waters of the USA and what are we taking jurisdiction from.

This is not just an agricultural issue, Madam Speaker. This is also an internal issue for the rural and urban areas, because what is being talked about here is taking under consideration navigable waterways that have never been thought of in my part of the world, many times, as any more than a dry ditch, and they will simply say: We are not dealing with dry ditches. In fact, a dry ditch will not be uncovered. However, there is a caveat that basically says that when water from that dry ditch flows into another waterway, then it could be considered navigable. And I don't know about anybody else, Madam Speaker, but in my part of the world, I have never seen a ditch run uphill and stop. A ditch is running to somewhere.

This is simply a landgrab that takes land away from owners who could use this land in very productive and very carefully thought-out ways in their own localities and States, and actually takes it away. This is nothing more, frankly, than a landgrab that is based on a desire to put political agendas ahead of property owners. That is why I support the rule and I will support the underlying bill dealing with the Waters of the USA Act.

I rise also in support of our underlying bill, as well. And we have got to understand that the law clearly states the President shall notify Congress of any release of Guantanamo Bay detain-

ees. It clearly states this. And if changing or breaking that law isn't enough, the President released five of the most dangerous detainees held at Guantanamo Bay. These Taliban leaders have orchestrated plans to engage in hostilities against Americans and in association with al Qaeda. By his own admission, there is the possibility that these detainees would return to the fight.

As someone who has been in that fight over the past 10 years and has been over there, they do not need any help. They do not need their poster heroes coming back to them and giving them support, even though they have been off the battlefield. This was wrong.

My friend from Florida says they are message bills.

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

Mr. BISHOP of Utah. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. COLLINS of Georgia. Madam Speaker, let's be sort of open and transparent, which is what the American people want here. There is not a bill that hits the floor of this House that is not a message bill. It sends a message of the priorities of the Congress. It sends a message of the priorities of the people that we represent. Yes, they are messaging bills. They are messaging bills for Florida. They are messaging bills for Georgia. They are messaging bills for the American people. What happened in this instance is the message was loud and clear from the executive office, saying: I don't care what the law says, I am going to do it anyway.

That is a bad message, Mr. President, and we need to stop it.

The SPEAKER pro tempore. The Chair would request that Members refrain from engaging in personalities toward the President.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume, and I am glad to know that I am personality enough to be recognized.

I understand the passion of my young friend. I also understand an awful lot about the waterways in Georgia and Florida and other areas of the United States of America, and I appreciate his concern.

The message bill that I get from these measures allows that, when we know something is not going to pass the United States Senate and reach a President's desk, then what we are doing in the final analysis is just addressing measures so that we can go to the electorate and claim that we did something when, in fact, we did not. And it is just that simple.

Many of the measures that we have dealt with over the course of the 113th Congress have been just that—measures that were designed to reach the base of the party. And that is a prerogative, but it is not good legislating, and I will stand by that throughout the

remainder of this debate and any others that I participate in.

I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I appreciate the comments that were made by the gentleman from Florida just recently, except that I would take exception to the idea that anything that we should bring to this floor has to be generated and has to be passed by the Senate.

I reject the idea that we have to get permission from that body to discuss things here on the floor, and if they allow it to go forward, then, and only then, would we bring something to the floor, because this rule will bring a significant piece of legislation that has to be addressed dealing with a potential rule and regulation that deals with the waters of the United States that could have enormous consequences—enormous consequences not only for the economy of this country, but also for individuals who use the water and live with that water.

We have the potential of actually doing something positive by stopping a bad rule from going into effect by changing its direction and saying that only Congress should be the one that would change those concepts. Unfortunately, if we don't do that, we end up hurting people. And that is why I want this rule to go forward and I want the underlying bill to go forward on water, because we have to stop hurting people.

Let me give you a story of an old farmer in northern Utah I met when I was first elected. He was a very kindly gentleman because, in his entire ordeal with the Federal Government, I never heard him say an unkind word. I, on the other hand, will spend quite a few years in purgatory about what I was saying about this situation not only verbally but inside my head.

This gentleman had a problem because he was renting a farm that had been a family farm since the 1800s. He was a sugar beet farmer, which, parenthetically, I have to note for the record, is a root crop that cannot be grown in a wetlands.

Nonetheless, his farm was watered by irrigation that came from a valid right that came from a creek that was diverted by a ditch. Around 1905, the creek was diverted to a higher level on the farm so that it would run there, and the old waterbed became vacant. It became part of his sugar beet farm. The water then went through a ditch that irrigated that particular area.

Well, as the farmer for over 80 years, his family was growing sugar beets on this creekbed. As the gentleman's siblings left the farm and his kids didn't want to take it over, this land became his inheritance that would provide for his retirement and an inheritance for his kids to pass on.

It came to the point where it was rezoned by the local community for commercial property, and the company gave him a very decent offer to try and

buy his old farm. This was back in 1993. But what it would require is to actually fill up the old riverbed and run a pipe underneath the property so the water would go from the original point over to the neighbors.

Everything was great until the Army Corps of Engineers came by and one Army regulator saw them irrigating the land, which was now used to grow hay and not sugar beets, and declared that, since water was now pooled in this land, it was a wetland. His recognition was that it was a wetland. Now, the fact that no water reached that land if the ditch was shut off didn't stop him from saying: This now is a wetland, and I get to regulate it under the Clean Water Act as waters of the United States.

So the soil and conservation service came in and conducted tests. They drilled 22 holes 8 feet or longer to find out that under the topsoil is a level of clay, so no water would ever percolate up onto this land. The only way you got water there is if you opened the ditch to let water come back. Nonetheless, the Army Corps regulator still said: I declare this to be a wetland, and I have jurisdiction over it under the Clean Water Act regulations that we have.

The guy tried to prove his point by putting in a pipe that shows that if you actually ran the water past this area, nothing actually pooled on this land, to which he was threatened with jail time if he did not take the pipe that he owned off the land that he owned from the water right that he owned, actually take that away.

We said: Look, no water actually appears there normally. You go out there and you can break a shovel trying to dig up this wetland. How long will it take before you recognize the fact that this is not a generating wetland?

The regulator said: Well, you know, we are in a drought cycle. So maybe in 7 to 15 years, if no water appears on that land, we will actually not declare this a wetland and allow the owner of the land to actually sell his property for his retirement and his inheritance.

My predecessor started this case. I met the man as I was early elected. Finally, after 10 years of haggling with the regulators of the United States over what is or is not waters of the United States, he simply got tired of doing it. He sold his land at one-quarter of the value that a neighboring piece of property got for the same size but had not been declared as wetlands by a single regulator in the United States.

Now, why is this bill so significant? Because this bill, if not put in some kind of parameters and checks, allows the Federal Government to hurt people. It gives them the power and authority to hurt people. Indeed, the direction that this proposed rule is going would not limit the control the agencies have over people's lives. It would significantly expand it. That is why it is so significant.

It is important for Congress to simply say: No, we will no longer make rules in this country simply by agencies deciding to expand their own control where they have a terrible track record and they actually hurt people. We will say: If you are going to expand it, it has got to be done by Congress—specifically by Congress—and not by rulemaking authority of some agency of the Federal Government.

That is the significance of this piece of legislation. That is why this legislation has to come to the floor. That is why we are not wasting time.

This is not a message issue. This is something where people are being harmed by the agencies of the Federal Government, and Congress must exert its rightful role in trying to rein in these agencies and trying to write the laws so these agencies will not simply abuse people because they have the power to abuse people.

I am sorry, Madam Speaker, but I consider that to be significant. I consider that to be our responsibility. If the Senate doesn't want to take up that responsibility, if the Senate wants to still abuse people, then that can be their prerogative, but it should not limit what we do here in the House in speaking out for our constituents.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I am very pleased to yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), my good friend.

Mr. CONNOLLY. I thank my good friend from Florida.

I listened to my friend from Utah and I heard him make reference to fact that he thought he might be spending some time in purgatory. I just want him to know that I rise in support of him. I want to help him expiate whatever transgressions he has committed and lessen that time in purgatory by opposing this rule. I think that is how we ought to begin.

Madam Speaker, here we go again. Should it surprise any of us that the most antienvironmental House majority is once again engaging in science suppression and denial simply because they don't like the findings and where they take us?

□ 1300

Apparently, the narrative is environmental regulations and rulemaking can only be abuse. My friend from Utah used that word. That is the choice: "Do you like being abused or not?" And I find that not only something I have to reject, but I don't think that is, in fact, the choice we face at all.

I think environmental regulation, since we adopted rigorous standards in 1970 under the Richard Nixon administration, a Republican President, actually has served the American public, by and large, very well, the story my friend from Utah tells about the farmer, the sugar beet farmer, notwithstanding.

There may be anecdotes that are compelling and where, indeed, Federal

regulators abuse their authority. That does not characterize rulemaking, and it can't serve as a substitute for protecting, not abusing, the American public and its environmental safety.

We have all grown accustomed to repeated efforts here on the floor to gut important environmental safeguards that protect public health.

All told, my friends on the other side of the aisle have had something like 200 votes to block action to address climate change, to halt efforts to reduce air and water pollution, to undermine protections for public lands, coastal areas, and the ecology. The bill that will be before us if this rule passes is more of the same.

What really should alarm the American public is the House majority's effort to suppress and openly reject science. They have done it in denying climate change. They have done it in opposing commonsense protections against mercury, lead, and arsenic. And today they want to throw out the scientific findings of the proposed clean waterways rule and prohibit them from being used moving forward.

Where does that end?

This know-nothing kind of approach fails the public we are sworn to protect and serve and again abandons the model of environmental leadership going back to the Republican days of Teddy Roosevelt.

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

Mr. HASTINGS of Florida. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. CONNOLLY. I thank my friend.

We, as elected officials, have to recognize the valuable role science must play in making good public policy—not anecdotes, science. I think Neil deGrasse Tyson said it best when he said: "The good thing about science is that it's true whether you believe in it or not."

Let's have science inform our public policymaking and our legislation. I urge my colleagues to reject this rule and the underlying repeat legislation.

Mr. BISHOP of Utah. I appreciate my friend from Virginia's effort to try and save my mortal soul. You failed.

Whether it is one person or multiple people being abused, abuse is wrong and, unfortunately, we have two Supreme Court decisions that have said the same thing: the agencies abuse their authority. It is time for Congress to step in.

Madam Speaker, I am happy to yield 3 minutes to my good friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Madam Speaker, the two bills that this rule brings before the House today are critical. I have a resolution here adopted by the County Commissioners' Court and Judge of San Augustine County, and they state the obvious:

Be it resolved that San Augustine County strongly opposes the proposed new rule to define waters of the United States in that it increases the need for burdensome and costly

permitting requirements, infringes on private property rights, and circumvents the legislative process, thus, the will of the people.

Be it further resolved that Congress, not Federal agencies, make the laws, and therefore any such change in jurisdictional power of the Federal Government should only occur as a result of the passage of Federal legislation.

We have a power grab in this administration. It goes on and on. That is why it is so critical to take up this bill, to rein in the EPA in this effort at an oligarchy, or actually, a monarchy, where we just have rules spoken into law, or breathed into law in bureaucratic back rooms, taking private property rights away.

This needs to be dealt with on the floor, and that is what this House Republican majority is trying to do.

Now, when it comes to the Taliban Five, it was very clear from the GAO conclusion that "when DOD failed to notify specified congressional committees at least 30 days in advance of its transfer of Guantanamo Bay detainees to Qatar, DOD used appropriated funds in violation of section 8111 of the law."

The law goes on, in part, and says that none of the funds appropriated or otherwise made available in the act may be used to transfer any individuals detained at the United States Naval Station Guantanamo Bay.

We also find out here, I have seen, today, that the Taliban brothers over in Afghanistan and Pakistan, one with the Taliban Five that have been released, are saying they support and are brothers with the Islamic State that is cutting off the heads of American citizens.

There is no question that the five murdering and complicit murderers that were released back to the Taliban will kill Americans again. They will be complicit in killing Americans again even if their hands don't actually do that.

So the question I have, and I will yield to anybody that wants to answer it: What do you call somebody who breaks the law to let lawbreaking complicit murderers go free? What do you call somebody that breaks the law to release murderers?

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

Mr. BISHOP of Utah. I yield the gentleman an additional minute.

Mr. GOHMERT. I am glad to yield to anybody that has an answer.

Madam Speaker, hearing none, the listener, those who have ears to hear, should take note. This is a serious violation. It is not merely an administrative mistake. This has and will cost American lives in violation of United States law. It is time we reined in the lawbreakers.

Mr. HASTINGS of Florida. Madam Speaker, I would advise my colleague from Utah that I have no additional speakers, and I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am pleased now to yield 2 minutes

to the gentleman from Kansas (Mr. HUELSKAMP) to talk about this significant issue.

Mr. HUELSKAMP. Madam Speaker, I appreciate the time from my colleague from Utah, and thank you for the opportunity to be here today.

I was at the Kansas State Fair this past weekend, and the number one issue at the fair was this particular rule coming out of the EPA. I stopped by the booth of the Kansas Farm Bureau, I heard it as I walked through the streets of the state fair: "Ditch the rule." And that is what we are trying to do here, to make certain that EPA regulators can't go in the backyards, the farm ponds, the road ditches, every place there might be a drop of water.

This is a radical redefinition from the EPA, unelected, of course, trying to redefine the current language of the Clean Water Act. It is so radical, Madam Speaker, that a Congress controlled by the other side of the aisle even refused to authorize these changes, so the EPA is trying to do an end run, as they have done on numerous other accounts, trying, again, to rewrite clear law in reference to navigable waters.

In western Kansas, where I farm, and where I have most of my constituents, they are worried. What kind of place have we come to in this country in which average ordinary Americans, whom we work for, whom the EPA claims to work for, are worried about those regulators?

The State of Kansas will continue to regulate these issues. The EPA does not need additional authority. They have stepped well beyond the bounds of the authority we have given them as a Congress.

I would encourage my colleagues to allow us to proceed, to move forward on this rule, and then get to the underlying bill, which is to ditch the rule from the EPA.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Madam Speaker, I thank my colleague from Utah for his leadership on this and many other natural resource issues.

All across Oregon, farmers and ranchers and other property owners are walking around their land wondering what the EPA will regulate under the proposed rule to expand its Clean Water Act jurisdiction.

Ranchers in eastern Oregon wonder about their stock ponds. Wheat growers in Columbia Basin worry about an intermittent stream adjacent to a field. Fruit growers in Hood River and onion growers in Ontario are concerned about their irrigation ditches.

This proposed rule is based on faulty science. It underestimates the tremendous harm it poses to our rural economies, so it is no wonder people are concerned.

At a town hall meeting I had in Grants Pass Saturday morning, three of them, 30 people there, this was their number one issue. They are involved in real estate. They are very, very upset, very concerned about what this could do.

Further, this regulatory overreach by the EPA blatantly ignores Congress' repeated rejection of similar legislative efforts to expand jurisdiction of the Clean Water Act.

Of course, we shouldn't be that surprised. The EPA has tried this before. They have been rebuked by the Supreme Court, twice in fact, in 2001 and 2006.

The EPA says this new rule was meant to "clarify" the scope of the Clean Water Act, but I have heard across my district how the vague language in this proposal actually creates more uncertainty, not less, more red tape, not less. And for our farmers and ranchers, property owners, and other Oregonians and others that utilize our water and resources, it is a huge threat.

I have long opposed expansion of this authority, whether through legislation or administrative rulemaking. Detrimental action of this size and scope should not be pushed by anyone, much less by unelected bureaucrats.

The economies of rural Oregon and other communities around the country face enough obstacles already. The broken Federal forest policies have strangled our communities, often leaving only agriculture to grow jobs and combat unemployment rates that now are still in double digits.

We don't need agencies in Washington erecting more hurdles and creating more uncertainty as our farmers and ranchers work to feed the world and create jobs in rural communities. It is time to ditch this rule.

So I applaud Mr. SOUTHERLAND from Florida for writing this bill, and I appreciate Chairman SHUSTER for helping to bring it to the floor. I urge its passage to stop yet another regulatory overreach by a Federal agency out of control, threatening jobs, threatening private property rights, threatening rural communities and our way of life.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am proud to yield 2 minutes to the gentleman from California (Mr. CALVERT) because if anyone can be considered an expert on water issues in the United States, it is the chairman of the Subcommittee on Interior Appropriations, as well as a former member of the Natural Resources Committee.

Mr. CALVERT. Madam Speaker, there is a clear sense in my district, and I believe around the country, that the constant expansion of the Federal Government and its bureaucratic red tape is holding back our economy.

One the worst offenders of government is the overreach of the EPA. The proposed rule they jointly released

with the Army Corps attempts to regulate waters that were never intended to be covered under the Clean Water Act, and would grant them authority over streams on land even when the water beds have been dry, in some cases, for hundreds of years. This is a serious threat to both private property rights and our economy.

As the chairman of the Interior Appropriations Subcommittee, I have worked along with our subcommittee members to try to rein in EPA's regulatory overreach.

The fiscal year 2015 bill prohibits the EPA from changing the definition of navigable waters. It is absolutely critical that we uphold the Federal-State partnership and prevent the administration from finalizing a rule that results in the biggest land grab in the history of our country.

So we need to support this rule to bring this important legislation to the floor. And I certainly hope that all the Members will support it.

Mr. HASTINGS of Florida. Madam Speaker, I continue to reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I am pleased to yield 2 minutes to the gentleman from Alabama (Mr. ROGERS).

□ 1315

Mr. ROGERS of Alabama. I thank the chairman.

Madam Speaker, I rise today in strong support of the rule and passage of H.R. 5078, the Waters of the United States Regulatory Overreach Protection Act of 2014.

This legislation would stop another unlawful regulatory overreach by the EPA which, in this case, would expand the definition of the waters of the United States. We have all seen that this administration believes it can bypass Congress to create laws through executive rulemaking, and it is flatout wrong.

The administration's proposed rule could have damaging effects on American property rights, particularly those in Alabama's largest economic sector, agriculture. Expanding the role of the EPA, as this proposed rule does, to enforce almost all bodies of water, including puddles, small ponds, and ditches, will have a profound and, I fear, a very negative impact on those who produce our Nation's food and fiber.

As we approach the 227th anniversary of the ratification of the U.S. Constitution, I want to remind my colleagues that the Constitution created three separate but equal branches of government. The Congress writes the laws, not the executive branch.

This is an issue the Congress of elected officials must address, not unelected bureaucrats in Washington. I urge my colleagues to stand for common sense and support H.R. 5078.

Mr. HASTINGS of Florida. Madam Speaker, does my friend have additional speakers?

Mr. BISHOP of Utah. The only one to hear from now is I.

Mr. HASTINGS of Florida. With that, I am prepared to close, and the only one he has to hear from is I, so we will speak to each other right about now.

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

Madam Speaker, I would have thought—and I was at home over the past month—that when we came back here that we would be most immediately discussing matters pertaining to Iraq and the threat from ISIL and Ukraine and the ongoing matters.

I guess I could twist myself into understanding how the particular measure in dealing with the release of prisoners from Guantanamo in exchange for the life of Sergeant Bowe Bergdahl could have some relationship to terrorism at large, but this morning, while I normally do not look at television in the early hours, as I am not a fan of listening to the talking heads, I have to come here and listen to their heads talk.

Toward that end, I did hear this morning the Speaker of the House of Representatives in his daily briefing on the subject of ISIL. All of us anticipate tomorrow that President Obama will speak to the issue and will give us greater clarity as needed, with reference to the administration's approach to dealing with this particular subject.

I raise it for the reason that I may not get an opportunity to speak further on the floor today or the subject may not be at hand in the continuing resolution, although it may be, since funding is going to be an issue.

I was distressed to hear when the Speaker was asked—you could not hear the queries from four media representatives, but in each instance, his statement was that they were waiting for a strategy from the administration. I don't think we need to wait for a strategy from the administration.

What I get a little bit tired of is hearing people say that the administration needs a strategy—and they do—without having a strategy of their own. It would be similar to health care. We went through all of that business in trying to repeal the Affordable Care Act, and we didn't have a measure come forward from my friends in the majority offering what their plan is.

It is easy enough for us here on the House of Representatives' floor and in our respective offices in air-conditioned conditions to talk about very complicated matters around the world and then talk about somebody else's needing a strategy when, in fact, we don't have one. The Speaker said it—and I heard it eight times—that the President needed to have a strategy, but he refused to say that he has a strategy.

We have a responsibility. Senator KAINE, I, and several others did request that we be called back into session, so that we could discuss this particular matter and give forth the necessary

dialogue for authorization to be followed.

Madam Speaker, we are here for 2 weeks, essentially, to finish a continuing resolution. The rest of the time, we will spend dealing with—and I repeat—messaging bills that won't go anywhere. That is what I mean when I say a messaging bill: you know it isn't going to pass, and when you know it isn't going to pass, all you are doing, whether you consider it significant or not, is offering up a message for your base. You are entitled, but let's not kid anybody about what we are doing.

We need to stop calling this Congress the least productive ever because that implies that the Congress did something, in some kind of way or another, but not enough.

In reality, this Congress—and this House specifically—far from being unproductive, has actively been destructive and obstructive and detrimental to the interests of hardworking Americans, repeatedly trying to undo the fixes to our broken health care system, quite frankly, and offering none; defunding programs that help Americans who have fallen on hard times, not even passing measures to extend unemployment insurance; refusing to move on immigration reform and then casting aspersions when all of us know that our immigration system is broken.

Yet we here in the House of Representatives in this instance—not in the Senate, which did pass a bipartisan measure—will not even put an immigration measure on the floor. No matter who said that they would do something when, I am saying that all you have to do is put it on the floor, and I promise you that we could pass immigration reform.

Yet we refuse to address climate change, and all of the naysayers—I spoke to a group that produced energy, along with one of my Republican colleagues and one of my Democratic colleagues, during the break. During that period of time, I said, "Do you know something? Something is happening here. You can call it science, or you can call it anything you want, but something is happening here."

Madam Speaker, the gentlewoman was not here earlier, and I am in closing, but I am happy to yield 1 minute to the gentlewoman from Texas (Ms. JACKSON LEE), if there is something she wishes to add.

Ms. JACKSON LEE. I thank the gentleman for his courtesy, for his time, and for his very eloquent words.

Very quickly, Madam Speaker, as I indicated in the Rules Committee, what poor timing for a resolution, in the midst of a crisis with ISIS, to be able to criticize the President for using his constitutional powers, and now, in a debate on ISIS, why he isn't doing something. The American people are confused. This is the wrong time for the wrong resolution. It has no purpose.



I am grateful that Sergeant Bergdahl is home. We don't leave our soldiers behind. We looked at the heinous killing of our two precious journalists. Now, we are asking for the great leadership of this administration, which it has been doing, but this resolution is wrong.

It is misdirected in law, and it is conflicting with law, and we have already addressed the question. I am not condemning the administration. I believe that this resolution should be pulled off the floor.

Madam Speaker, I rise in opposition to the rule governing debate of H. Res. 644, and the underlying resolution.

I oppose the resolution because at bottom it is nothing more than another partisan attack on the President and will make it difficult for this body and the Administration to find the common ground and goodwill needed to devise and support policies needed to address the real threats and challenges facing our country, particularly the threat posed by ISIS.

H. Res. 644, a resolution disapproving of the Obama administration's failure to provide Congress with 30 days advance notice before making the transfer of certain Guantanamo detainees that secured the release of an American soldier, U.S. Army Sgt. Bowe Bergdahl.

Sgt. Bergdahl's health was poor and rapidly deteriorating at the time his release from captivity was secured by his Commander-in-Chief, President Obama, who speaking for the nation, said on June 3, 2014 in response to critics of his decision:

The United States has always had a pretty sacred rule, and that is: we don't leave our men or women in uniform behind. Regardless of the circumstances, we still get an American soldier back if he's held in captivity. Period. Full stop.

Madam Speaker, the resolution condemns the Obama Administration for failing to comply with the 30-day advance notice requirement imposed by Section 1034 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113–66; 10 U.S.C. 801 note) and section 8111 of the Department of Defense Appropriations Act, 2014 (Public Law 113–76).

I disagree for several reasons. First, as Defense Secretary Hagel testified before the House Armed Services Committee on June 11, 2014, "this was not simply a detainee transfer, but a military operation with very high risk and a very short window of opportunity that we didn't want to jeopardize—both for the sake of Sergeant Bergdahl, and our operators in the field who put themselves at great risk to secure his return."

As a military operation, rather than a routine transfer of detainees, the President had the constitutional authority as Commander-in-Chief to authorize this sensitive military operation for which time was of the essence.

The resolution put forward by the House majority assumes that the provisions of Section 1034 of National Defense Authorization Act trump the President's constitutional authority under Article II if the two are in conflict. This clearly is an erroneous assumption since Article VI of the Constitution makes clear that the Constitution is the supreme law of the land and prevails in the event of a conflict with federal or state law. See, e.g., *INS v. CHADHA*, 462 U.S. 919 (1983) (federal law conferring

"legislative veto" power to be exercised by only House of Congress held unconstitutional).

But even if it were less clear whether a conflict existed between a federal law and the President's authority as Commander-in-Chief, as Justice Robert Jackson pointed out 62 years ago in the famous "Steel Seizure Case," *Youngstown Sheet and Tube Co. v. Sawyer*, 343 U.S. 579, 640 (1952), it does not automatically follow that the President has "broken the law" if he relies upon his claimed constitutional authority:

[B]ecause the President does not enjoy unmentioned powers does not mean that the mentioned ones should be narrowed by a niggardly construction. Some clauses could be made almost unworkable, as well as immutable, by refusal to indulge some latitude of interpretation for changing times. I have heretofore, and do now, give to the enumerated powers the scope and elasticity afforded by what seem to be reasonable, practical implications instead of the rigidity dictated by a doctrinaire textualism.

Additionally, Madam Speaker, it should be pointed out that the constitutionality of Section 1035, the statutory provision which the resolution asserts the President has violated, has never been upheld by any court, and certainly not upheld against a challenge that it impermissibly infringes upon the President's duty as Commander in Chief to protect the lives of Americans abroad and to protect U.S. servicemembers.

The Administration strongly objected to the inclusion of Section 1035 in the National Defense Authorization Act for 2014, on the ground that it unwisely and inappropriately interferes with the Executive Branch's ability to manage detainees in a time of armed conflict.

Indeed, the President has informed Congress of his objection to the inclusion of these and similar provisions in prior versions of the Defense Authorization and Defense Appropriations Act in law, and it is interesting to note that they only began to be inserted after President Obama assumed the office.

Madam Speaker, not only is the resolution before us ill-conceived and unwise, its timing could not be worse.

There are only a few days left before the Congress adjourns. We need to devote all our time on addressing the real problems facing the American people, like raising the minimum wage, making college more affordable, passing immigration reform, and responding to the threat to the security of the nation and the homeland by ISIS.

Madam Speaker, the threat posed by ISIS is serious and real and the President has reached out to Congress to work with him to develop a unified and international response to meet the threat.

And tomorrow evening, the President will address the nation on the nature of the ISIS threat and the actions the United States will take to protect the security of the nation and the homeland.

In the midst of this international crisis, it does not help or strengthen our country for the House to be debating a partisan resolution condemning the President and Commander-in-Chief.

In concluding, let me quote again Defense Secretary Hagel:

The options available to us to recover Sergeant Bergdahl were few, and far from perfect. But they often are in wartime, and especially in a complicated war like we have

been fighting in Afghanistan for 13 years. Wars are messy and full of imperfect choices.

In the decision to rescue Sergeant Bergdahl, we complied with the law, and we did what we believed was in the best interests of our country, our military, and Sergeant Bergdahl.

The President has constitutional responsibilities and authorities to protect American citizens and members of our armed forces. That's what he did. America does not leave its soldiers behind.

We made the right decision, and we did it for the right reasons—to bring home one of our people.

I hold to the beliefs of the role of Congress in any declaration of war and the value and purpose of the Administration adhering to the rules of consultation with Congress. In this instance the administration explained its reasoning and Congress already through committee hearings expressed its disagreement. This resolution is nothing but political and wholly without purpose and just simply wrong.

Madam Speaker, we should not waste this precious time remaining on matters intended to score political points or to hold the current President to standards we never applied to his predecessors.

I urge all Members to join me in opposing the rule and the underlying resolution.

Mr. HASTINGS of Florida. Continuing, Madam Speaker, my friends in the majority shut the government down. I didn't think that was helpful. The matter of not dealing with immigration reform and climate change, I don't think, makes our country better. Their attempts to mold a conservative utopia can never work outside the pages of novels.

This is a House whose leadership judges success not by how it has improved the lives of families in this country, but how successful it was to thwart the President of the United States. This is a body that would rather be trapped in gridlock than to go about the business of the country.

So we will live through these next 2 weeks, and then we will return to our districts. What will we tell our constituents that we accomplished in the House of Representatives in the 113th Congress? We will tell them that we condemned the President for refusing to leave an American prisoner of war behind.

How far are we going to follow an extreme fringe minority down this path into poverty? We have got 2 weeks. Once again, House Republicans are proving that they would rather put partisan politics and petty intrigue first and discredit the President than to govern responsibly and address the many challenges facing our Nation.

Madam Speaker, I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, in closing, historically, the wise use of water has made the desert bloom, but much of my time and some of the most egregious problems that I face deal with the overreach of executive agencies when it comes to water. To claim that their tactics are arbitrary and capricious would be overly generous.

The bottom line is the Supreme Court has twice said that the executive branch agencies have overreached their authority. Twice there was legislation to try to expand that authority, which failed miserably, and now what the Supreme Court said they could not do and what Congress would not grant them to do, the agencies are trying to accomplish by creating a rule to give them powers that they ought not to have.

That—I am sorry, Madam Speaker—is simply wrong. The reason it is wrong is that it hurts people. People trying to live their lives find themselves frustrated by executive agency overreach.

That is why Congress must indeed pass not only this resolution and rule, but also the underlying bill, and it must move forward to make sure that Congress controls these issues in the future, not an executive branch agency. I have to reiterate that this rule is fair, and the underlying legislation is appropriate.

With that, Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

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

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

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 229, nays 179, not voting 23, as follows:

[Roll No. 484]

YEAS—229

Aderholt	Crawford	Harris
Amash	Crenshaw	Hartzler
Amodei	Culberson	Hastings (WA)
Bachmann	Daines	Heck (NV)
Bachus	Denham	Hensarling
Barber	Dent	Herrera Beutler
Barletta	DeSantis	Holding
Barr	Diaz-Balart	Hudson
Barton	Duffy	Huelskamp
Benishek	Duncan (SC)	Huizenga (MI)
Bentivolio	Duncan (TN)	Hultgren
Bilirakis	Ellmers	Hunter
Bishop (UT)	Farenthold	Hurt
Black	Fincher	Issa
Blackburn	Fitzpatrick	Jenkins
Boustany	Fleischmann	Johnson (OH)
Brady (TX)	Fleming	Johnson, Sam
Bridenstine	Flores	Jolly
Brooks (AL)	Forbes	Jordan
Brooks (IN)	Fortenberry	Joyce
Brown (GA)	Fox	Kelly (PA)
Buchanan	Franks (AZ)	King (NY)
Burgess	Frelinghuysen	Kingston
Byrne	Gardner	Kinzinger (IL)
Calvert	Garrett	Kline
Camp	Gerlach	Labrador
Campbell	Gibbs	LaMalfa
Capito	Gibson	Lamborn
Carter	Gingrey (GA)	Lance
Chabot	Gohmert	Lankford
Chaffetz	Goodlatte	Latham
Clawson (FL)	Gowdy	Latta
Coble	Granger	LoBiondo
Coffman	Graves (GA)	Long
Cole	Graves (MO)	Lucas
Collins (GA)	Griffin (AR)	Luetkemeyer
Collins (NY)	Griffith (VA)	Lummis
Conaway	Grimm	Marchant
Cook	Guthrie	Marino
Costa	Hall	Massie
Cotton	Hanna	McAllister
Cramer	Harper	McCarthy (CA)

McCaul	Reed	Smith (NJ)
McClintock	Reichert	Smith (TX)
McHenry	Renacci	Southerland
McIntyre	Ribble	Stewart
McKeon	Rice (SC)	Stivers
McKinley	Rigell	Stockman
McMorris	Roby	Stutzman
Rodgers	Roe (TN)	Terry
Meadows	Rogers (AL)	Thompson (PA)
Meehan	Rogers (KY)	Thornberry
Messer	Rogers (MI)	Tiberi
Mica	Rohrabacher	Tipton
Miller (FL)	Rokita	Turner
Miller (MI)	Rooney	Upton
Mullin	Ros-Lehtinen	Valadao
Mulvaney	Roskam	Wagner
Murphy (PA)	Ross	Walberg
Neugebauer	Rothfus	Walden
Noem	Royce	Walorski
Nugent	Runyan	Weber (TX)
Nunes	Ryan (WI)	Webster (FL)
Olson	Salmon	Wenstrup
Owens	Sanford	Westmoreland
Palazzo	Scalise	Whitfield
Paulsen	Schock	Williams
Pearce	Schweikert	Wilson (SC)
Perry	Scott, Austin	Wittman
Peterson	Sensenbrenner	Wolf
Petri	Sessions	Womack
Pittenger	Shimkus	Woodall
Pitts	Shuster	Yoder
Pompeo	Simpson	Yoho
Posey	Sinema	Young (AK)
Price (GA)	Smith (MO)	Young (IN)
Rahall	Smith (NE)	

NAYS—179

Barrow (GA)	Grayson	Neal
Bass	Green, Al	Negrete McLeod
Beatty	Green, Gene	Nolan
Becerra	Grijalva	O'Rourke
Bera (CA)	Gutiérrez	Pallone
Bishop (GA)	Hahn	Pascrell
Bishop (NY)	Hanabusa	Pastor (AZ)
Blumenauer	Hastings (FL)	Payne
Bonamici	Heck (WA)	Pelosi
Brady (PA)	Higgins	Perlmutter
Braley (IA)	Himes	Peters (CA)
Brown (FL)	Hinojosa	Peters (MI)
Brownley (CA)	Holt	Pingree (ME)
Bustos	Honda	Pocan
Butterfield	Horsford	Polis
Capps	Hoyer	Price (NC)
Capuano	Huffman	Quigley
Cárdenas	Israel	Rangel
Carney	Jackson Lee	Richmond
Carson (IN)	Jeffries	Roybal-Allard
Cartwright	Johnson (GA)	Ruiz
Castor (FL)	Johnson, E. B.	Ruppersberger
Castro (TX)	Kaptur	Ryan (OH)
Chu	Keating	Sánchez, Linda
Clay	Kelly (IL)	T.
Cleaver	Kennedy	Sanchez, Loretta
Clyburn	Kildee	Sarbanes
Cohen	Kilmer	Schakowsky
Connolly	Kind	Schiff
Conyers	Kirkpatrick	Schneider
Cooper	Kuster	Schrader
Courtney	Langevin	Schwartz
Crowley	Larsen (WA)	Scott (VA)
Cuellar	Larson (CT)	Scott, David
Cummings	Levin	Serrano
Davis (CA)	Lewis	Shea-Porter
Davis, Danny	Lipinski	Sherman
DeFazio	Loeb sack	Sires
DeGette	Lofgren	Slaughter
Delaney	Lowenthal	Smith (WA)
DeLauro	Lowe	Speier
DelBene	Lujan Grisham	Swalwell (CA)
Deutch	(NM)	Takano
Doggett	Lujan, Ben Ray	Thompson (CA)
Doyle	(NM)	Thompson (MS)
Duckworth	Maffei	Titus
Edwards	Maloney, Sean	Tonko
Ellison	Matheson	Tsongas
Engel	Matsui	Van Hollen
Enyart	McCarthy (NY)	Vargas
Eshoo	McCollum	Veasey
Esty	McDermott	Vela
Farr	McGovern	Visclosky
Fattah	McNerney	Walz
Foster	Meeks	Wasserman
Frankel (FL)	Michaud	Schultz
Fudge	Miller, George	Waters
Gabbard	Moore	Waxman
Gallego	Moran	Welch
Garamendi	Murphy (FL)	Wilson (FL)
Garcia	Napolitano	Yarmuth

NOT VOTING—23

Bucshon	Gosar	Miller, Gary
Cassidy	Jones	Nadler
Cicilline	King (IA)	Nunnelee
Clark (MA)	Lee (CA)	Poe (TX)
Clarke (NY)	Lynch	Rush
Davis, Rodney	Maloney	Sewell (AL)
DesJarlais	Carolyn	Tierney
Dingell	Meng	Velázquez

□ 1352

Ms. FRANKEL of Florida, Messrs. MORAN, BARROW, and COHEN changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RODNEY DAVIS of Illinois. Madam Speaker, on rollcall No. 484 I was unavoidably detained. Had I been present, I would have voted “yes.”

Mr. BUCSHON. Madam Speaker, on rollcall No. 484, had I been present, I would have voted “yes.”

Mr. KING of Iowa. Madam Speaker, on rollcall No. 484, I was not present to vote. Had I been present, I would have voted “yes.”

## WATERS OF THE UNITED STATES REGULATORY OVERREACH PROTECTION ACT OF 2014

GENERAL LEAVE

Mr. SHUSTER. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 5078.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 715 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. 5078.

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

□ 1356

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. 5078) to preserve existing rights and responsibilities with respect to waters of the United States, and for other purposes, with Mr. POE of Texas in the chair.

The Clerk read the title of the bill.

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

The gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chair, I yield 2 minutes to the Congressman from Florida (Mr. SOUTHERLAND), who is the original sponsor of H.R. 5078, the