

minute and to revise and extend his remarks.)

Mr. BEYER. Mr. Speaker, I rise today to bring our attention to an increasingly urgent problem: ocean acidification.

About 25 percent of manmade carbon dioxide emissions are absorbed by our oceans. This is the great carbon sink, which helps buffer the amount of CO₂ in our atmosphere. This absorption is making our waters more acidic, which has a damaging effect on the ability of shellfish to build their shells.

Ocean acidification has already cost the United States shellfish industry millions in lost profits and jobs. I am deeply concerned because the Chesapeake Bay has been identified as a main hotspot for rapid ocean acidification. Nitrogen pollution from agricultural and sewage runoff into the bay are key culprits exacerbating the effects of acidification.

The clearest solution to address this problem is to reduce the amount of carbon dioxide emissions entering our waters. Therefore, I ask my colleagues to stand with the Safe Climate Caucus in supporting efforts to reduce carbon dioxide emissions.

We need to support the EPA's proposed carbon rules for power plants, and we need to protect our ecosystems, and we need to protect the long-term viability of our coastal economies.

DETERGENT POISONING AND CHILD SAFETY ACT

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

Ms. SPEIER. Mr. Speaker, this looks like it could be candy for kids, but it is not. These are detergent packs that we use in our dishwasher or in our washing machines.

Last year, the National Poison Data System received 17,230 calls involving children who are exposed to chemicals in these packs. They bite into them, or they squirt them into their eyes. These are concentrated packs, and so they do much more damage—in fact, even burning the esophagus. 769 of these children had to go to the hospital, and one child died.

I am introducing, along with Senator DICK DURBIN, the Detergent Poisoning and Child Safety Act to require that companies that produce these detergent packs provide more child-resistant packaging.

This is a consumer issue that should be addressed, and I urge my colleagues to join with me.

BRING BACK OUR GIRLS

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

Ms. WILSON of Florida. Hear ye, hear ye. Wake the town and tell the people that ISIS and Boko Haram are teaming up for terror. Boko Haram

plus ISIS equals a “marriage from hell,” says CNN.

Mr. Speaker, Boko Haram has courted ISIS for months, but this is the first time that the intelligence community has acknowledged that ISIS has responded to the overtures in a way that could pave the road for the two to collaborate.

We cannot forget the people of Nigeria. We cannot forget our school girls who were kidnapped. We cannot forget those awful unions between ISIS and Boko Haram.

Mr. Speaker, we must continue to tweet to keep the reports of corruption, election shenanigans, and sheer terror in the national spotlight.

Tweet #bringbackourgirls and #joinrepwilson.

Tweet, tweet, tweet.

IT'S MORNING IN AMERICA

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

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, while Congress was away last week, we had another strong jobs report. You might even say, as former President Reagan used to say, “It's morning in America,” in his famous ad.

In February, the economy added another 295,000 private sector jobs, and the unemployment rate edged down to 5.5 percent. That means that there have been 12 straight uninterrupted months of private sector job growth of over 200,000 jobs a month. That is the first time that has happened since 1977.

Inflation remains tame; gas prices are low; the dollar is strong, and by many measures, the economy's performance under the Obama administration has been stronger than the economy under former President Reagan.

Though I suspect that some may find it unusual to compare President Obama and President Reagan, their efforts are good news for the economy and good news for America.

□ 1230

REJECT HOUSE REPUBLICAN BUDGET

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

Mr. JEFFRIES. Mr. Speaker, congressional Democrats are trying to move the country forward, but the House Republican budget is designed to turn back the clock.

Instead of trying to take a balanced approach to dealing with our Nation's fiscal problems, the House Republican budget seeks to balance itself on the backs of working families, middle class folks, senior citizens, young Americans, college students, the poor, the sick, and the afflicted. Instead of trying to promote progress for everyone, the House Republican budget seeks to

enact policies designed to simply benefit the privileged few.

It is a regressive, a retrograde, and an irresponsible Republican budget, and it should be soundly rejected. It does not add a single middle class job. It does not increase a single middle class paycheck. It does not help a single middle class family send its child to college. Mr. Speaker, I am urging that the House soundly reject this reckless Republican budget.

COMMUNICATION FROM THE CHAIR OF THE COMMITTEE ON THE JUDICIARY

The SPEAKER pro tempore (Mr. LOUDERMILK) laid before the House the following communication from the Chair of the Committee on the Judiciary:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 17, 2015.

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

DEAR MR. SPEAKER: This is to notify you pursuant to Rule VIII of the Rules of the House of Representatives, that the Committee on the Judiciary has received a subpoena, issued by the United States District Court for the District of Massachusetts, for documents in a civil case.

After consultation with the Office of General Counsel regarding the subpoena, I have determined that compliance is not consistent with the privileges and rights of the House.

Sincerely,

BOB GOODLATTE,
Chairman.

SECRET SCIENCE REFORM ACT OF 2015

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill, H.R. 1030.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 138 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. 1030.

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

□ 1233

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. 1030) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, with Mr. GRAVES of Louisiana 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 Texas (Mr. SMITH) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

H.R. 1030, the Secret Science Reform Act, requires the Environmental Protection Agency to base its regulations on unbiased, publicly accessible science that can be verified. Why would anyone want to hide this information from the American people?

This is essentially the same bill that was introduced in the last Congress by the former Environment Subcommittee chairman, DAVID SCHWEIKERT, and it passed with bipartisan support last November.

We must make sure that Federal regulations are based on science that is available for independent review. Many Americans are unaware that some of the EPA's most expensive and burdensome regulations, such as its proposed ozone rules, are based on data that not even the EPA has seen. The EPA contracts out scientific research to third parties whom the EPA relies upon to justify its regulations, but if independent scientists ask for details, the Agency claims that it doesn't have the data, and so results cannot be verified.

This is "trust me" science, which should make us suspicious, and it clearly conflicts with this administration's promise to be the most transparent in history. This bill ensures that the decisions that affect every American are based on independently verified, unbiased scientific research instead of on secret data that is hidden behind closed doors.

The Secret Science Reform Act does not weaken privacy laws. In fact, it states that nothing in the bill will supersede privacy laws. It does not give the EPA any new authority to take private information and make it public. The Secret Science Reform Act simply prohibits the Agency from relying on nonpublic data that cannot be verified by independent scientists. The bill requires the EPA to use data that is available to the public when the Agency writes its regulations. This allows independent researchers to evaluate the studies that the EPA uses to justify its regulations. This is the scientific method.

How can we believe claims by the government about the costs and benefits of regulations if the science that allegedly justifies them cannot be verified by independent experts? What does the EPA want to hide?

This bill does not require the EPA to pay to disseminate the data it relies on publicly. Unfortunately, the CBO's old cost estimate on a previous bill ignores this point. If a third party has researched data that it believes the EPA

should rely on in its rulemaking, that third party should make it publicly available so that the EPA and other scientists can check its work. There is nothing in the bill that compels the EPA to shoulder this cost, which is where the CBO went wrong in scoring the cost of this bill. The EPA has received over \$8 billion this year. Billions of hard-earned taxpayer dollars have been spent by the EPA, and taxpayers deserve to know whether it went to good science or to politically correct science.

Today, we have an opportunity to set a new course and let the American people see the data. The EPA should use sound science based on public data, not secret data hidden from the American people. This bill also will help the EPA focus its resources on the best possible science. That, in turn, will ensure a healthier, happier, and more prosperous future for all Americans. The days of "trust me" science are over. An open government that is accountable to the people is essential to protect Americans from excessive government control. The EPA has a responsibility to be open and transparent with the people it serves and whose money it uses.

If you support the right of the people to see the EPA's data, then support this bill and help the administration keep its promise to be open and honest with the American people. In God we trust. All others, especially the EPA, must use public data, not secret science.

Mr. Chairman, I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise in strong opposition to H.R. 1030, the Secret Science Reform Act of 2015.

First off, I would like to dispel the falsehood that the EPA relies on secret science. They do not. They rely upon tens of thousands of peer reviewed, publicly published research studies. The kind of science that Republicans call "secret" actually consists of research studies published in prestigious scientific journals like *Science*, the *New England Journal of Medicine*, the *Annals of Epidemiology*, the *American Journal of Respiratory and Critical Care Medicine*, and many more.

Moreover, it is not a secret that the EPA uses these studies. In all of the regulatory actions the EPA takes, they publish exhaustive information about exactly what science the Agency is relying upon to establish the scientific underpinnings of the regulations. These are public documents that are easily located on the Internet.

So what is the secret?

What my Republican colleagues are calling "secret" is actually confidential, personal health information from research study participants. Some of this information is protected from disclosure by law, and other information is protected by agreements between the

study participants and the researchers. The disclosure of this kind of information would be a major breach of faith with the hundreds of thousands of research participants who volunteer to enter these types of public health studies.

That said, I don't actually think that my Republican colleagues want this personal health information to be publicly disclosed. If they did want that, it would be terribly hypocritical since they have been repeatedly bashing the Obama Web site healthcare.gov for disclosing far less information to third-party vendors.

I think that the real motivation here is to prevent the EPA from using these public health studies altogether, because if the EPA cannot rely upon these public health studies, then it will be much more difficult for the EPA to justify its protections for public health. The effect of this is that certain public health regulations will be almost impossible to update regardless of what new things the health sciences tell us about pollution and its effects on public health.

Mr. Chairman, I think it is sad that today the Science Committee is on the floor of this House of Representatives putting forth a bill that will force a public health agency to ignore science. That is why some of our premier scientific organizations, such as the American Association for the Advancement of Science, the Union of Concerned Scientists, the American Statistical Association, and others, have expressed their concerns about this bill. It would be nice, when we debate bills which are supposedly about science, if we actually listened to the concerns of the scientific community instead of ignoring them, as the majority has done here.

Likewise, some of the Nation's premier public health organizations, like the American Lung Association, the American Thoracic Society, and the American Public Health Association, among others, have come out in opposition to this bill.

Again, when dealing with issues of public health, it would be nice to occasionally listen to what the public health experts have to say instead of ignoring their voices, like the majority has done here.

Finally, a number of well-known environmental groups have registered opposition to this legislation, including the Natural Resources Defense Council, the League of Conservation Voters, and Greenpeace, among others. There was a time not too long ago when the views of these groups would have mattered to some of my Republican colleagues. Not too many years ago, the then-Republican chairman of the Science Committee, Sherry Boehlert, made clear that we need to be good stewards of the environment we are leaving for future generations.

I want to believe that some of my Republican colleagues still believe that. However, legislation like the bill before us today makes me fear that what

we are left with is a majority party which ignores science, ignores public health, and ignores environmental damage—all for the sake of polluting industries that have endorsed the majority's actions here today.

Now, I don't begrudge these companies for supporting legislation that helps their bottom lines. It is expected. What concerns me is that this Congress no longer looks at the industry's request with a critical eye. We simply rubberstamp them without any regard for our Nation's scientific experts, health experts, or environmental experts and their concerns.

Mr. Chairman, I include some of these letters in the RECORD today because Congress should care about these experts and what they have to say.

MARCH 16, 2015.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: We are writing to express our opposition to H.R. 1030, the Secret Science Reform Act of 2015, and H.R. 1029, the EPA Science Advisory Board Reform Act of 2015. Our organizations are dedicated to saving lives and improving public health.

Science is the bedrock of sound regulatory decision making. The best science underscores everything our organizations do to improve health. We strongly believe in a transparent and open regulatory process. A vital element of research is patient confidentiality. Physicians and researchers have earned the trust of their patients by steadfastly maintaining patient confidentiality. Patient confidentiality is a clear legal and ethical obligation.

The Secret Science Reform Act of 2015 will compel the U.S. Environmental Protection Agency to either ignore the best science by prohibiting the agency from considering peer-reviewed research that is based on confidential patient information or force EPA to publicly release confidential patient information, which would violate federal law. This is an untenable outcome that would completely undermine the ability of the EPA to perform its responsibilities under the Clean Air Act and myriad other federal laws. The legislation will not improve EPA's actions; rather, it will stifle public health protections.

The kind of information disclosure envisioned in this legislation exceeds that required by peer-reviewed journals. We believe much of the intent of this legislation is already achieved through the current peer-review process required by all academic journals. The vast majority of peer-reviewed journals require manuscript authors to register any trial using human subjects with clinicaltrials.gov. This public registry collects key information on the study population, research goals and methods that allow outside reviewers and scientists to either challenge or attempt to reproduce study results. Additionally, the peer-review process and publication of results invites the broader scientific community to debate study findings. Trial registry and manuscript publications are only part of the process by which scientific endeavors operate in a transparent environment.

Private organizations, public charities, research universities, the National Institutes of Health, the Centers for Disease Control and Prevention, the Centers for Medicare and Medicaid Services, the Department of Veterans Affairs, corporations and many other entities conduct medical research. Many of these organizations compile large longitudinal data sets that track patients over a period of time. These data serve as the basis of many studies that permit epi-

demiologists to track disease and risk factor information for large patient populations.

The published peer-reviewed information from such data often inform regulatory decision making at the EPA and other federal agencies as well as future research. Not only do these data inform regulatory action, they help inform efforts to educate the public about the magnitude of a disease, risk factors and steps individuals can take to improve their health. In order for EPA to set the most appropriate standards, it must be informed by the best information.

Understanding the impact of air pollution on human health and the magnitude of harm caused by pollution at specific levels helps the agency meet its obligations under the Clean Air Act. Absent these data, it is unclear upon what basis the agency could make sound decisions.

H.R. 1029, The EPA Science Advisory Board Reform Act of 2015 will also undermine the scientific basis for EPA policy, specifically by compromising the integrity of the panel that reviews that science. EPA's Science Advisory Board (SAB) is composed of independent scientific and technical experts who are tasked with evaluating the science and providing advice that EPA uses to inform its decision making. The current law provides for balanced panels and experts with diverse backgrounds.

This legislation would impose a hiring quota on the SAB that would require ten percent of members to be selected for qualifications other than their scientific expertise. This bill will compromise not only the scientific integrity of the SAB, but also its independence, as the quota would open the door for representatives of the regulated industries to serve on the board.

Further, the bill will also, in some cases, prohibit SAB members from participating when their own research is involved—even indirectly. This requirement could block participation of the "best and the brightest" researchers in a particular field at the very time their expertise is needed to accurately inform the regulatory process.

Finally, the SAB is currently governed by the Federal Advisory Committee Act and already has a public comment system in place. H.R. 1029 would add on the burdensome requirement that the SAB respond to individual comments in writing, a requirement that could be so time-consuming as to render the board unable to carry out its function.

We urge the U.S. House of Representatives to stand up for sound science and public health protections, and vote NO on both H.R. 1030 and H.R. 1029.

Sincerely,

HAROLD WIMMER,
National President &
CEO,

American Lung Association;

GEORGES C. BENJAMIN, MD,
Executive Director,

American Public Health Association;

JEFFREY LEVI, PHD,
Executive Director,
Trust for America's Health;

STEPHEN C. CRANE, PHD,
MPH,
Executive Director,
American Thoracic Society;

TONYA WINDERS,
President & CEO,
Allergy & Asthma Network.

MARCH 16, 2015.

Hon. KEVIN MCCARTHY,
House Majority Whip,
Washington, DC.

DEAR REPRESENTATIVE MCCARTHY: As leading U.S. science, engineering, and academic

institutions, we are writing to once again express our concerns regarding the Secret Science Reform Act of 2015 (H.R. 1030). We encourage you and your colleagues to take additional time to evaluate the unintended consequences of this bill before passing it on the House floor.

The research community is concerned about how some of the key terms in the bill could be interpreted or misinterpreted, especially terms such as "materials," "data," and "reproducible." Would the Environmental Protection Agency (EPA) be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the agency address research that combines both public and private data?

With respect to reproducibility of research, some scientific research, especially in areas of public health, involves longitudinal studies that are so large and of great duration that they could not realistically be reproduced. Rather, these studies are replicated utilizing statistical modeling. The same may be true for scientific data from a one-time event (e.g., Deepwater Horizon Gulf oil spill) where the data are gathered in real time. We could foresee a situation in which the EPA would be constrained from making a proposal or even disseminating public information in a timely fashion.

Finally, the legislation could impose additional uncompensated burdens of cost and effort on those recipients of federal research grants where the research results are expected to be "relied on to support a covered action." The bill is not clear on whether it is the EPA's or the research institution's responsibility to cover the costs associated with sharing and archiving this information.

The Office of Science and Technology Policy (OSTP) is working with federal agencies to establish access to data policies that relate "to the dissemination and long-term stewardship of the results of unclassified research, including digital data and peer-reviewed scholarly publications." Agencies are beginning to issue their data access policies, and given the complexities associated with access to research data as outlined above we suggest that Congress wait to review the agency policies before imposing new statutory requirements.

American Anthropological Association, American Association for the Advancement of Science, American Chemical Society, American Geophysical Union, American Geosciences Institute, American Meteorological Society, American Society for Microbiology (ASM), American Society of Agronomy, American Society of Civil Engineers, Association of American Geographers, Association of American Universities, Association of Public and Land-grant Universities (APLU), Biophysical Society, Brown University, Consortium for Ocean Leadership, Consortium of Social Science Associations.

Cornell University, Crop Science Society of America, Duke University, Ecological Society of America, Entomological Society of America, Harvard University, Massachusetts Institute of Technology, National Council for Science and the Environment, Society for Conservation Biology, Soil Science Society of America, Stanford University, The Ohio State University, The University of Texas at Austin, University of California System, University of California, Riverside, University of Maryland, University of Michigan, University of Oregon, University of Pennsylvania.

FEBRUARY 25, 2015.

Hon. LAMAR SMITH,
Chairman, House Science, Space, and Technology Committee, House of Representatives, Washington, DC.

Hon. EDDIE BERNICE JOHNSON,
Ranking Member, House Science, Space, and Technology Committee, House of Representatives, Washington, DC.

DEAR CHAIRMAN SMITH AND RANKING MEMBER JOHNSON, As president of the American Statistical Association, with 19,000 members, I write regarding the "Secret Science Reform Act of 2015." We generally applaud the idea that researchers and federal agencies strive to make data available to others—under strict pledges to maintain confidentiality of data provided by individuals and establishments where necessary—and to encourage reproducible research. Access to data and reproducibility of research are crucially important for science to advance.

While the bill's intent is to make data more widely available, we have several concerns and urge the bill be revised significantly before further consideration. Our concerns include those voiced by others last year (especially the American Association for the Advancement of Science) that the bill's statements do not account for the complexities common to the scientific process on research that involves biological materials or physical specimens not easily accessible, combinations of public and private data, longitudinal data collected over many years that are difficult to reproduce, and data from one-time events that cannot be replicated. The bill as written could have far-reaching consequences that would ultimately hamper or undermine the scientific process generally and EPA's work specifically. We also agree with the point that it would be prudent to see the EPA's data access policy—in accordance with the America COMPETES Reauthorization Act of 2010—expected later this year before further action on the Secret Science Reform Act of 2015.

Our nation should be striving for transparency in government and, as noted above, data accessibility, but these goals also must be balanced with the necessity to protect individuals' and businesses' privacy. The bill's language of "publicly available" except when "superseding any nondiscretionary statutory requirement" acknowledges this balance, but that language is vague and may be insufficient to protect individuals and businesses. In particular, some data sets may not fall under "prohibited by law," yet the data are still collected under a pledge to protect the identifiability and confidentiality of the reported values. For example, the government, as well as private and nonprofit sectors, routinely collects data—including private business information and private health information—under strict pledges to protect confidentiality. In some studies, this is backed up with penalties for violating those pledges. Such data should not be publicly available to every person who might ask for them. Rather, data subjects' confidentiality should be protected, for example by policies and procedures that provide data access to trusted users (i.e., approved users committed to appropriate protections of the confidentiality of study participants) while discouraging breaches of confidentiality and/or by data redaction techniques developed in the statistical and computer science communities. Under the current wording, a choice may have to be made between maintaining data confidentiality and issuing needed regulations.

To emphasize the challenges and importance of confidentiality protection, we note that simple but necessary de-identification methods—like stripping names and other personally identifiable information (PII)—

often do not suffice to protect confidentiality. Statisticians and computer scientists have repeatedly shown that it is possible to link individuals to publicly available sources, even with PR removed. Thus, allowing unrestricted public access without appropriate controls could result in unintended disclosures. These could cause significant harm to the advancement of science and the federal government—especially the federal statistical system—as people may be less willing to provide their data if highly publicized breaches occur.

In short, any requirements for making data available should carefully consider the complexities, challenges, and potential ramifications. We hope you will address these concerns, which would require major modifications to the bill. We would be happy to be of any assistance.

Sincerely,

DAVID MORGANSTEIN,
President, American Statistical Association.

Ms. EDDIE BERNICE JOHNSON of Texas. Before closing, I would simply note that the Congressional Budget Office has scored this bill.

To quote the CBO:

The CBO estimates that implementing H.R. 1030 would cost about \$250 million a year for the next few years.

As we prepare to debate the budget resolution and fiscal policy next week, I cannot fathom why so-called fiscal conservatives could support a bill that will increase bureaucracy at the EPA at a cost of a quarter-billion dollars a year. For a whole host of reasons, this is a bad bill, and I strongly oppose this legislation.

Mr. Chairman, I reserve the balance of my time.

□ 1245

Mr. SMITH of Texas. Mr. Chair, I yield myself 30 seconds before yielding to the gentleman from Oklahoma.

I want to point out that this bill has been endorsed by the U.S. Chamber of Commerce, the American Farm Bureau, Small Business and Entrepreneurship Council, and The Center for Regulatory Solutions.

I want to call all Members' attention to the actual language of the bill itself. If they will look on page 2, they will find out that this bill does protect privacy, and it does so specifically. It prevents the EPA from releasing confidential information, and it clarifies that this bill does not supersede any privacy laws. In fact, the EPA Administrator, herself, wrote this in a recent letter:

The Agency's efforts ultimately resulted in the Center for Disease Control reaching the conclusion that all the research data could be provided without the need for de-identification, and further, the National Academy of Sciences has said the same thing. We are happy to stand with them.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. BRIDENSTINE), who is also the chairman of the Subcommittee on Environment of the Committee on Science, Space, and Technology.

Mr. BRIDENSTINE. Mr. Chairman, I thank our chairman for his leadership on this very important bill.

I think it is highly appropriate that we ask our colleagues on the other side

of the aisle to actually read the bill. If they did, they would find out that it prevents the EPA from releasing any confidential information. It prevents the EPA from releasing any confidential information. The idea that you are using or that somebody on this floor would use confidential information, they are hiding behind that in an effort to hide the actual science.

My children are in elementary school. They are required to show their work. If they don't show their work, their integrity could be questioned, which would be appropriate, by the way. Mr. Chairman, is it too much to ask for the EPA to follow the same guidelines I give my children in elementary school? Show your work. We need to see it. This is an Agency, as the chairman noted, that is funded by taxpayers at a level of \$8 billion a year. This is also an Agency that promulgates rules that cost the economy hundreds of millions, if not billions, of dollars every year, as well.

In my home State of Oklahoma, in Tulsa, Oklahoma, with the Clean Power Plan going forward and now new regulations on ozone, we are looking at the cost of electricity going up. We are looking at the cost of doing business going up.

By the way, when the cost of electricity goes up, it doesn't hurt me; it hurts the poor. This is a war on the poor. If we are going to punish poor people in my district, I would like to see the science behind it. I think it is perfectly appropriate that we have perfect transparency as it relates to the science behind the EPA.

The Secret Science Reform Act is a very simple bill. It simply makes the EPA show its work, as my children do in elementary school. It is not truly sound science unless the results can be replicated, and this bill would allow others to test the results and to challenge the assumptions of the EPA.

If we are truly for good science, for sound science, we must pass this bill. I encourage my colleagues to vote for it.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield 5 minutes to the gentleman from the State of Oregon (Ms. BONAMICI), who is the ranking member of the Subcommittee on Environment.

Ms. BONAMICI. Mr. Chairman, I would like to thank Ms. JOHNSON for yielding.

Mr. Chair, I rise in strong opposition to H.R. 1030, the Secret Science Reform Act of 2015, a short bill, which I have read, with a long list of problems.

I want to start by applauding the sponsors of the bill for their focus on and goal of transparency. It is something our constituents care about and deserve. But transparency is something that we should accomplish through collaboration and with input from the scientific community. This bill, on the contrary, is opposed, for good reason, by research institutions and scientists from across the country.

Mr. Chairman, we received a lot of feedback from outside groups, and I am

going to place into the RECORD after my remarks some letters we have received from groups opposing H.R. 1030 from organizations like the American Association for Justice, Public Citizen, the National Physicians Alliance, the International Society for Environmental Epidemiology, and others.

Instead of working together to find a solution that increases transparency and access to federally funded research, the Secret Science Reform Act instead has the potential, in the long term, to compromise the health and well-being of Americans, and here is why: the Secret Science Reform Act, which looks simple on its face, will actually encumber, if not eradicate, the EPA's ability to perform its most fundamental duty: protecting Americans from significant risks to their health and to the environment.

Because H.R. 1030 would require that the EPA rely only on studies that are publicly available online in a manner that is sufficient for independent analysis and substantial reproduction of research results, the act will prevent the agency from considering the best and most relevant science.

The EPA relies on peer-reviewed science conducted by the brightest minds at our Nation's universities and other research organizations. Large cohort peer review studies, such as the American Cancer Society and Harvard Six Cities studies, which made an association between air pollution and mortality, are vital to the Agency's implementation of the Clean Air Act.

Let me be clear: the EPA does publicly disclose which studies it relies on to support its regulatory actions. For good reason, it doesn't make the raw data from these studies publicly available. This bill before us today, if adopted, would make it virtually impossible to use many reports and other sources of scientific data, such as those I mentioned earlier.

First, in many cases, the EPA cannot compel the release or disclosure of information of which it is not the custodian. Second, confidentiality requirements or other legal prohibitions on the sharing of certain types of data, like health information, would preclude studies from consideration simply because they conform to common ethical and legal standards.

Additionally, this act perpetuates the incorrect notion that the science relied on by the EPA is somehow hidden. This misconception is based on conflating the meanings of "secret" and "confidential." One thing should be made very clear: none of the information used by the EPA is secret. Some information might be confidential—if it includes, for example, the personal health information of millions of Americans—as it should be.

My colleagues supporting this bill argue that the data could be de-identified to protect confidentiality and privacy and concerns about disclosure of personal health information are unfounded, but according to a letter from

the American Statistical Association, de-identification methods like stripping names and other personally identifiable information do not often suffice to protect confidentiality. Statisticians and computer scientists have repeatedly shown how easy it is to be re-identify an individual using social media and public records.

The Secret Science Reform Act will have chilling consequences for the EPA and for every American who wants to enjoy clean air and clean water. Let's bring back common sense and work together. I strongly urge my colleagues on both sides of the aisle to oppose this legislation and let the EPA go back to protecting the public health of all Americans.

FEBRUARY 24, 2015.

Hon. SUZANNE BONAMICI,
Ranking Member, Subcommittee on Environment, Committee on Science, Space and Technology, House of Representatives, Washington, DC.

DEAR REPRESENTATIVE BONAMICI: As the 114th Congress gets underway and your Committee considers its work ahead, I am writing on behalf of the International Society for Environmental Epidemiology to respectfully request a reevaluation of previously introduced and House-passed legislation regarding access to research data.

Last November, the House of Representatives passed H.R. 4012, the Secret Science Reform Act of 2014, a bill that our Society strongly opposed. Had it become law, H.R. 4012 would have prevented the EPA from proposing, finalizing, or disseminating regulations or assessments unless all underlying data were reproducible and made publicly available. In so doing, the legislation would have barred EPA from considering much of the best available science investigating the effects of the chemical, physical and microbial environment on human health, because many of the related findings are based on confidential data, such as private medical information. Neither H.R. 4012, nor its companion, S. 2613, were considered in the Senate.

Our members support the sharing of epidemiological data when its purpose is to advance scientific knowledge and when data sharing protects the confidentiality of study subjects. We have participated in some of the largest data sharing efforts to advance scientific knowledge, and our Society has promulgated transparent procedures that protect patient confidentiality for assuring unbiased reanalysis of epidemiological data sets. Moreover, our members are developing and have applied new approaches to data sharing that both increase transparency and protect confidential information, with the objective of promoting rigorous evaluation of study results by other analysts.

We would welcome the opportunity to discuss our work with you and how we are sharing data for reanalysis and the advancement of science, while also protecting subjects' confidentiality. Furthermore, should legislation similar to H.R. 4012 and S. 2613 be introduced in the 114th Congress, we would appreciate the opportunity to share our strong concerns over the bill's likely impact on the privacy of individual study participants and on the scientific enterprise and human health.

The International Society for Environmental Epidemiology is an international organization with members from more than 60 countries. Topics addressed by ISEE members include environmental exposures, health effects, methodology, environment-

gene interactions, and ethics and law. We thank you for your time and look forward to working with Congress in the future.

Sincerely,

FRANCINE LADEN, SC.D.,
President, International Society for Environmental Epidemiology.

FEBRUARY 25, 2015.

Hon. LAMAR SMITH,
Chair, Committee on Science, Space, and Technology, Rayburn House Office Building, Washington, DC.

Hon. EDDIE BERNICE JOHNSON,
Ranking Member, Committee on Science, Space and Technology, Rayburn House Office Building, Washington, DC.

DEAR CHAIR AND RANKING MEMBER: We are writing in strong opposition to H.R. 1030, the Secret Science Reform Act of 2015. The American Association for Justice (AAJ), formerly the Association of Trial Lawyers of America (ATLA) with members in United States, Canada and abroad, is the world's largest trial bar. It was established in 1946 to safeguard victims' rights, strengthen the civil justice system, promote injury prevention and foster public health and safety of numerous individuals who have been harmed by unsafe chemicals. AAJ is an advocate for strong chemical safety regulation and healthy environment, in combination with a strong civil justice system in order to protect the health and wellbeing of all Americans. In this capacity, AAJ robustly objects to the Secret Science Reform Act of 2015.

This legislation would severely limit the science that the Environmental Protection Agency (EPA) can consider while implementing public protections; upending numerous environmental statutes and longstanding Agency practices and is severely overbroad. In fact, the Secret Science Reform Act of 2015 may make it impossible for the EPA to regulate at all. The EPA would no longer be able to use most health studies including peer-reviewed research as a result of the limitation on using data that is not "publicly available". Many accurate and reliable health studies contain personal health data that is currently and rightfully protected. Under the Secret Science Act, however, these studies would be erroneously excluded from use by the EPA, substantially narrowing the science the EPA may rely when considering public safeguards.

In addition, H.R. 1030 will also restrict the use of new and innovative science and well as long-term exposure studies. Oftentimes the newest and most innovative science and data may not be publicly available. However, this shouldn't mean that the EPA is precluded from using it. Lastly, many of EPA's standards rely on long-term exposure studies that assess the link between diseases and pollutants; or on meta analyses that combine many different studies. If the Secret Science Act of 2015 becomes law these studies may also be barred from EPA use because they will be unable to be "substantially reproduced". The end result of this legislation is that the EPA will no longer be able to rely on the best science in order to protect American health and the environment.

We urge you to oppose the Secret Science Reform Act of 2015. This bill would seriously inhibit the EPA from protecting human health and the environment through its improper limitation on the use of sound science.

Sincerely,

LINDA LIPSEN,
Chief Executive Officer, American Association for Justice.

MARCH 2, 2015.

DEAR REPRESENTATIVE: The undersigned individuals and organizations working on

public health and science-informed regulation strongly oppose the H.R. 1029 the EPA Science Advisory Board Reform Act of 2015 and H.R. 1030, the Secret Science Reform Act of 2015, to be considered by the House of Representatives this week.

Both bills would severely undermine the ability of the Environmental Protection Agency (EPA) to use the best available scientific evidence when making decisions regarding the protection of public health and safety and the environment.

When very similar bills were up for a vote in the House last November, the Administration issued veto threats for both bills. The Administration stated that the Secret Science Reform Act would “greatly impede the EPA’s ability to use science to protect public health and the environment,” and warned that the EPA Science Advisory Board Reform Act would “weaken the scientific independence and integrity of the SAB.”

The erroneously named Secret Science Reform Act would tie the EPA’s hands by restricting the information it can use to develop protective regulations. The EPA could only regulate based on publicly available scientific data. This restriction would block the agency’s use of many different types of public health data, such as those for which public release would violate privacy protections, or data from corporations that are designated as confidential business information. It also would restrict the use of scientific data that is not “reproducible.” This provision seems to adopt a very narrow view of scientific information solely based on laboratory experiments. As major scientific societies including the American Association for the Advancement of Science (AAAS) have noted, such a restriction would eliminate the use of most epidemiological and public health data, such as those regarding the public health impacts of air pollution, because these data are collected in long-term studies following individuals longitudinally.

Not only do privacy concerns arise, but such studies are not inherently reproduced in the way a laboratory experiment or a clinical trial may be. It would be unethical to deliberately expose adults or children to air pollution merely to determine whether the increased rates of asthma and heart attacks caused by such exposures can be duplicated, or to encourage teenagers to smoke to re-assess the toxic effects of tobacco.

The EPA Science Advisory Board Reform Act would greatly weaken the EPA’s advisory process, making it far more likely that recommendations from its independent Science Advisory Board (SAB) will be dominated by corporate special interests. This bill opens the door to increased corporate influence on the Board, by encouraging the EPA to accept more SAB panelists with corporate ties.

The bill’s overly broad restriction on SAB members with subject-matter expertise is equally counterproductive, and goes far beyond the common-sense limits imposed by the National Academies. Unlike the 2014 bill, the 2015 bill does appear to permit SAB experts with published, peer-reviewed research, to address those topics on which they have credentials, provided that their expertise is publicly disclosed. But the language in the bill is so vague that it raises many questions. Generally, experts have developed their knowledge base over time, and not purely through peer-reviewed publications. How is an expert supposed to make that distinction? What happens if a scientist relies on expertise that is not specifically permitted in the bill? Will there be legal ramifications? Clearly, scientific experts will think twice before joining the SAB if it means they will have to consult their lawyers before they give advice.

Even worse, the bill requires the SAB to remain in an endless loop soliciting public comment about the “state of the science” touching on every major advisory activity it undertakes and responding to nearly every comment before moving forward, without being limited by any time constraints. At best, the SAB will be reduced to busy work. At worst, the SAB’s assessments will address the concerns of corporations, not the desires of citizens for science-informed regulation that protects public health.

These bills together will greatly impede the ability of EPA, and potentially other agencies, to utilize the best available science, independently reviewed, to inform regulations crucial to public health and the environment.

We strongly urge you to vote No on The Secret Science Reform Act and the EPA Science Advisory Board Reform Act.

Sincerely,

Center for Science and Democracy at the Union of Concerned Scientists; Annie Appleseed Project; Breast Cancer Action; Center for Medical Consumers; Institute for Ethics and Emerging Technologies; Jacobs Institute of Women’s Health; National Center for Health Research; National Physicians Alliance; Our Bodies Ourselves; Public Citizen; Woodymatters; John H. Powers, MD, Associate Clinical Professor of Medicine; The George Washington University School of Medicine; University of Maryland School of Medicine.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds before yielding to the gentleman from Texas.

I would like to call Members’ attention to page 1, line 12 of this bill. Again, it is only two pages long. I hope everybody will take the time to read it. Line 12 of the first page points out that the Administrator of the EPA shall use the best available science. Once again, the bill actually calls upon the Administrator to use the best available science.

The question is: Why does the EPA want to hide this science? Why does it want to hide this data? Why won’t it let the American people see this data? That is the question of the hour.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. WEBER), who is the chairman of the Subcommittee on Energy of the Committee on Science, Space, and Technology.

Mr. WEBER of Texas. I thank the gentleman.

Mr. Chair, I rise today in strong support of H.R. 1030, the Secret Science Reform Act of 2015.

Last December, the EPA proposed a new regulation that is widely predicted to be the costliest regulation in U.S. history—I repeat, the costliest U.S. regulation in history. It would actually cost our economy \$140 billion per year, according to the National Association of Manufacturers—manufacturers, you know, those who manufacture or make things.

I like to say the things that make America great are the things that America makes. Likewise, in these hard economic times, more Americans will make it in America when more things are made in America.

Therefore, regulations that hamper manufacturing should really be scruti-

nized, and regulations that have such a big impact on our economy should not be based on secret science in order to sell it to the American people. Unfortunately, the EPA has prevented outside researchers from accessing the data behind recent regulatory decisions. The public is just supposed to trust the EPA. Apparently, their policy is trust, but evade your eyes; we want a policy that says trust, but verify.

It is long past time that Congress increases transparency into the EPA’s regulatory process. The Secret Science Reform Act would prohibit the EPA from proposing or finalizing regulations based upon science that is not transparent or available for independent review. Our constituents have a right to know whether EPA’s regulations are based on sound science and have the stated benefits the Agency claims they have.

The legislation is simple, it is straightforward, and it is a message that government bureaucrats cannot propose costly regulations without the transparency that the American people deserve. We want more Americans and more American companies to make it in America.

I want to thank Chairman SMITH for bringing this important legislation to the floor today.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 4 minutes to the gentleman from Illinois (Mr. FOSTER), a scientist.

Mr. FOSTER. Mr. Chairman, I am disappointed to be here once again speaking out against the Secret Science Reform Act. There are many problems that our Nation faces that we need to tackle—growing income inequity, a badly broken immigration system, and underinvestment in Federal research and development—so I am having a hard time understanding why congressional leaders think that this body, composed largely of lawyers and career politicians, should devote its attention to telling scientists how to conduct their research.

We have heard many of these same politicians declare proudly, “I am not a scientist,” as they excuse their ignorance on issues like climate change or the effectiveness of vaccines, yet they want to rewrite the rules for standards of research for EPA scientists.

As a scientist myself, as well as a manufacturer, one who started a business that now provides hundreds of manufacturing jobs in the United States and has kept those jobs in the Midwest and understands what is important for manufacturing to succeed in the United States, I always value the input of experts over political rhetoric.

So what have the experts said about the Secret Science Reform Act?

Today a letter was introduced into the RECORD from the American Association for the Advancement of Science, signed by 35 groups representing scientific organizations and research universities. In the letter, they state:

The research community is concerned about how some of the key terms in this bill could be interpreted or misinterpreted, especially terms such as “materials,” “data,” and “reproducible.”

Would the Environmental Protection Agency be excluded from utilizing research that involved physical specimens or biological materials that are not easily accessible? How would the Agency address research that combines both public and private data?

These are all important questions that were not addressed when this bill was proposed last Congress and still remain unaddressed today. So I continue to stand alongside thousands of my colleagues in science in opposition to the Secret Science Reform Act. These are the standards that should be set by scientists and not by Washington politicians.

Mr. SMITH of Texas. Mr. Chairman, I yield myself 30 seconds before yielding to the gentleman from Georgia.

Mr. Chairman, I almost feel like we ought to take a 5-minute recess and allow everybody a chance to read the bill, which, again, is only two pages long.

There is nothing in this bill that tells scientists how to conduct their science. All the bill does is to say that the data should be publicly available and should be independently verified and let the American people see it—nothing more, nothing less. That is why, according to a public opinion poll, 90 percent of the American people support this bill.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. LOUDERMILK), who happens to be chairman of the Subcommittee on Oversight of the Committee on Science, Space, and Technology.

Mr. LOUDERMILK. I thank the chairman for the opportunity to speak on this very important bill.

Mr. Chair, as I stand in the Chamber here, this historic Chamber, all around the top of the wall here are engraved images of great lawgivers who have influenced this Nation and the great institutions of government we have. As the Prime Minister of Israel pointed out, Moses is in the back, who gave us the natural laws our Founders referred to, but over my right shoulder, just above the rostrum, is the image of Thomas Jefferson.

□ 1300

Thomas Jefferson wrote about another set of laws and rights that are given to us. He also wrote 27 grievances—27 violations—of either the natural law that Moses wrote about or the natural rights of men that he wrote about in the Declaration of Independence. These were grievances against the King of England for violations against the natural laws or the natural rights of men.

The 10th grievance, ironically, that he wrote about can also be seen as a warning to where we are today in this Nation. The 10th grievance says that:

The King has erected a multitude of new offices and sent hither swarms of officers to harass the people and eat out their substance.

What Jefferson was talking about was the multitude of regulations and regulatory agencies that the King of England had instituted here on the continent of North America.

Over the past decades, we have seen a rampant growth not only in the number of Federal agencies that have regulatory authority over Americans, but the scope of the regulations, that they have impacted our very lives. Every moment of your day is in some way impacted by regulation—and I argue overregulation—by the Federal Government.

As we speak here today, the EPA is considering a decrease in the amount of acceptable ozone in our atmosphere, which is questionable. Many scientists have said that that level of ozone that they are trying to achieve is unachievable. Even some of the most remote areas of our Nation would not even be able to achieve that. These are areas that don't have any type of industry or significant population.

The National Black Chamber of Commerce testified in a committee hearing the other day that this level of ozone in the regulation the EPA is trying to impose would have significant impact on the economy, especially small business owners and minority business owners. Most of their small businesses are in metropolitan areas. This overregulation is eating out the substance of Americans.

The Small Business & Entrepreneurship Council recently testified that the average American pays \$14,974 in hidden taxes. These are taxes because of regulation by the Federal Government. That is \$14,000 a year average Americans are spending out of their own pocket because of overregulation. Much of this is because of questionable science that is hidden and not transparent. That is 23 percent of their income.

The CHAIR. The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Chairman, I yield the gentleman an additional 30 seconds.

Mr. LOUDERMILK. Thank you, Mr. Chairman.

While this bill would not fix the overreach of this administration in their regulation, it will bring transparency—that the American people have a right to know that when their rights and their liberties are being restricted by government, that it is substantiated and it is sound science.

I fully support this measure. It is one of the most important ones, I believe, that we will do in this Congress.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding.

Mr. Chairman, for the second time in a 6-month period, we are considering legislation specifically designed to delay implementation of EPA regulations and prevent the EPA from using the best available scientific data.

I know my friends on the other side of the aisle don't like the EPA, and they don't believe in sound science—they have made that very clear during the time that they have the majority—but this so-called Secret Science Reform Act is a dangerous attack on the EPA's ability to use the best available science to protect public health and our environment.

Peer reviewed scientific research from our world class universities informs EPA rulemaking. To limit access to this research—and open the doors to industry-manipulated data—is just plain wrong.

I have cosponsored an amendment offered by my good friend JOE KENNEDY to allow the EPA to continue relying upon peer reviewed scientific data. Boy, what a radical idea. This commonsense amendment will ensure the EPA has access to the valuable research necessary to make sound decisions about our public health and environment.

Mr. Chairman, there isn't “secret science,” just science that my Republican colleagues do not like. The contempt for science demonstrated by the Republican majority in this House is troublesome. Putting profits of a particular industry ahead of the safety and well-being of our citizens by rigging the data is dangerous.

People might wonder: Why are we debating this bill here today? Well, I would suggest you follow the money, follow where the political campaign contributions are going.

The notion that we, in this House, would disregard sound science and instead open the doors for profitmaking industries to come in and dictate what the rules and regulations are with regard to the safety and well-being of our citizens is just plain dangerous.

I urge my colleagues, at the very least, support the Kennedy amendment and defeat the underlying legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BABIN), who is a hard-working member of the Science Committee.

Mr. BABIN. I thank the chairman for yielding.

Mr. Chairman, it is time to end the era of secret science within the Environmental Protection Agency. This bill before us, H.R. 1030, does just that.

As the Representative of a very diverse district in Texas with timber; agricultural interests; four ports, including the Port of Houston; and more petrochemical plants than any other in the United States, I rise in strong support of this bill.

I cosponsored this bill because I believe that the American people deserve a greater level of accountability from the EPA and less bureaucratic regulation and dodging the facts. Let the facts speak for themselves.

Transparency is one of the fundamental tenets of science. I have a biology degree. I have had plenty of science, chemistry, and physics—I am a

dentist—medicine. If they have the facts, there is no need to hide them.

The EPA spends about \$8 billion a year in taxpayer money, and I believe that the taxpayers of the United States have a right to know just how their hard-earned money is being spent.

As new sets of data are created, I hope that this level of transparency will encourage researchers, companies, and nonprofits towards a greater level of openness.

The President committed that his administration would be the most transparent administration in history. Unfortunately, I believe this administration has fallen short of this goal. This bill is necessary to ensure that the American people have transparency in the Environmental Protection Agency.

When the EPA overreaches, it costs Americans their jobs by putting U.S. workers at a competitive disadvantage. We need transparency and accountability so that American workers and their families are protected.

Let's put an end to "secret science." H.R. 1030 does exactly this, and I call on my colleagues to join me in voting for this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I yield 3 minutes to the gentlewoman from Massachusetts (Ms. CLARK).

Ms. CLARK of Massachusetts. Mr. Chairman, this will be the second time that I have cosponsored an amendment to the Secret Science Reform Act with Representatives KENNEDY and MCGOVERN.

I have spoken in opposition to this bill before, but so long as the House continues to consider antisense legislation that endangers public health, I will continue to point out why it is dangerous.

As written, the Secret Science Reform Act prohibits the EPA from considering any science that is not publicly available in its rulemaking process. A great deal of important research, particularly related to public health, is based on sensitive personal information that this bill would exclude from consideration.

This limit poses an impossible choice for the EPA: disregard critical research—even when it has been subject to rigorous evaluation and peer review—or violate the privacy of volunteers.

Our amendment ensures that this will not happen. It simply provides that the EPA may rely on any peer reviewed scientific publication when making rules, even if all of the underlying data is not publicly available. This will protect the scientific integrity of the EPA's process without endangering the privacy of Americans who participate in scientific research.

Mr. Chairman, I include two letters in opposition to H.R. 1030 for the RECORD. One is from the Union of Concerned Scientists and the other is from a coalition of environmental organizations, including the Sierra Club and Clean Water Action.

UNION OF CONCERNED SCIENTISTS,

March 2, 2015.

DEAR REPRESENTATIVE: The Union of Concerned Scientists, with 450,000 members and supporters throughout the country, strongly opposes H.R. 1030, the Secret Science Reform Act of 2015, scheduled for a vote in the House of Representatives this week. The legislation represents a solution in search of a problem, and would greatly impede the agency's mission to protect public health and the environment.

As you know, this bill is nearly identical to the bill that the Committee reported out last November. That bill received a veto threat from the Administration, which noted that it would prevent the Environmental Protection Agency from protecting public health and safety and the environment, "if the data supporting [its] decisions cannot, for legitimate reasons, be made publicly available."

It appears that the language changes in the 2015 version of this bill were made to obscure the drafters' true intent, making it more difficult to discern that it would cripple the ability of the EPA to regulate based on information supplied by industries that is designated confidential, or on public health and medical data where the privacy of patients must be protected.

The EPA already makes the data, methodology, and peer-reviewed research it relies on in its rule-making processes as transparent as possible. Moreover, the additional restrictions imposed by this proposed bill would make it almost impossible to base public protections on the best available scientific information. In particular, if enacted, the language appears to indicate that the agency would be inhibited by the following challenges:

The EPA wouldn't be able to use most health studies. The agency would likely be prevented from using any study that uses personal health data. The confidentiality of such data is usually protected by institutional review boards (IRB); thus, the data could not be made publicly available as demanded. Since many EPA rules are health-based standards, this rule would severely restrict the ability of the agency to base rules on science.

The EPA wouldn't be able to draw from industry data sources. The agency would be prevented from using data provided by industry to the agency. Since information from industry sources is often not publicly available, a law requiring as such would prevent the agency from utilizing industry data, a source of information that often provides otherwise unknown data to inform EPA rule-making.

The EPA wouldn't be able to use new and innovative science. New scientific methods and data may be restricted by intellectual property protections or industry trade secret exemptions. This proposed bill would limit EPA's ability to rely on the best available science including novel approaches that may not yet be publicly available.

Long-term and meta-analyses would be unavailable. Many of EPA's health-based standards rely on long-term exposure studies that assess the link between chronic diseases/mortality and pollutants; or on meta-analyses that include many different studies and locations to provide a more robust look at the science. In HR 4012, the provision that studies be conducted "in a manner that is sufficient for independent analysis and substantial reproduction of research" may prevent use of these vital studies by the EPA, as it is unclear whether such spatially and temporally comprehensive studies would be considered "sufficient for substantial reproduction."

I strongly urge you to oppose H.R. 1030, the Secret Science Reform Act of 2015. The pro-

posed bill would inhibit the EPA's ability to carry out its science-based mission to protect human health and the environment. It does not deserve your or this Congress's support.

Sincerely,

ANDREW A. ROSENBERG, PH.D.,

Director, Center for Science and Democracy, Union of Concerned Scientists.

MARCH 16, 2015.

DEAR REPRESENTATIVE: On behalf of our millions of members and supporters we strongly urge you to oppose the "Secret Science Reform Act of 2015" (HR), the "EPA Science Advisory Board Reform Act of 2015". Collectively, these misleadingly named bills would radically diminish EPA's ability to protect public health. Under these bills, EPA would be required to ignore significant science; the Scientific Advisory Board would be required to ignore conflicts of interest; and enforcement officials would be required to ignore pollution emitted in violation of the law. These bills are broadly written and would have damaging impacts far in excess of what their sponsors will admit.

The "Secret Science Reform Act is based on a faulty premise. Its notion of "secret science," based on claims about studies of fine soot pollution conducted almost two decades ago, is unfounded despite lengthy congressional inquiries. The bill would deny EPA the ability to rely upon peer-reviewed medical studies that involve commitments to patient confidentiality, when the agency carries out its statutory responsibilities to safeguard public health and the environment. Further, this bill would effectively amend numerous environmental statutes by forbidding EPA to use certain kinds of studies in setting health standards. It would also make it impossible for EPA to use many kinds of economic models it routinely relies on because those models are proprietary. This marks a radical departure from longstanding practices. Its end result would be to make it much more difficult to protect the public by forcing EPA to ignore key scientific studies.

Science Advisory Board bill would attack EPA's scientific process in a different way. The worst provision would mandate allowing the participation of scientists with financial conflicts of interest, as long as those conflicts are disclosed. This is inconsistent with a set of nearly universally accepted scientific principles to eliminate or limit financial conflicts. This bill would significantly weaken the content and credibility of the Scientific Advisory Board (SAB) reviews—a textbook example of making a government program function poorly to the benefit of polluting industries and at the expense of public health and independent science. The bill will add unnecessary new burdens on the SAB, distorting its mission and altering its process with no benefit to EPA or the public. The bill also significantly broadens the scope of the SAB and creates a comment process that will add needless delay to the Board's work. The result would be further stalling and undermining of important public health, safety, and environmental protections.

This legislation will obstruct the implementation and enforcement of critical environmental statutes, undermine the EPA's ability to consider and use science, and jeopardize public health. For these reasons, we urge you to oppose these bills.

Sincerely,

BlueGreen Alliance, Center for Effective Government, Clean Water Action, Defenders of Wildlife, Earthjustice, Environmental Defense Fund, Friends of the Earth, Greenpeace, League of Conservation Voters, Natural Resources Defense Council, Physicians for Social

Responsibility, Sierra Club, Union of Concerned Scientists.

Ms. CLARK of Massachusetts. I urge my colleagues to vote “yes” on the Kennedy amendment and “no” on the underlying bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. SCHWEIKERT), who is a former chairman of the Environment Subcommittee of the Science Committee.

Mr. SCHWEIKERT. I thank Chairman SMITH for yielding, and to all my friends, I miss all of you, but are we having that sense of déjà vu all over again? Have you ever started listening to a debate and you are starting to think: Are we discussing two completely separate pieces of legislation here?

Mr. Chair, this isn't that complicated. So far, I have got to tell you, this debate—and this is going to be a little harsh—has been absolutely intellectually vacuous because we are not saying things that are true. Let's try one more time—no, Madam Ranking Member, you are not. So let's try it one more time.

What does the piece of legislation do? It is public policy made by public data, public data by public policy. Why is that so terrifying to the left? This concept of, well, there's personal medical records used for part of this—there are. That is why this White House, 3 or 4 years ago, did a series of memos instructing how to do the deidentification of personal data.

If you really object to that, then I am sure you are going to stand up and start saying that the FDA, the CFPB, all the others that get personal data, you don't want them to touch that either. Come on, a little intellectual consistency here, let's try it.

Something I chose not to do when we ran this bill last time—and I am going to do this time—is that I will submit at a later time into the RECORD a handful of memos coming from my office from when this body was controlled by the Democrats and there was a Republican in the White House.

The Democrats were demanding this of the White House—and a series of senior Democrat officials—demanding this type of disclosure to make public policy. I think that would be sort of amusing to put into the public record, so folks can see how duplicitous this argument has started to become.

Now, back to sort of an underlying principle that I embraced—and I hope all those who actually are not at war with science and want to embrace the complete aggregation of information—is that we need to walk away from this arrogance that there is a small subset in our society that absolutely knows everything.

Because the fact of the matter is you put up a study today and a handful of smart folks at KENNEDY'S—do you represent MIT? Sorry. That is where all the really smart kids are, right?

But people like Arizona State, the next smartest school in the Nation,

why can't they take that data set and bounce it up against studies they are doing? Why can't an industry group, why can't an environmental group, why can't an academic group, why can't someone who just really likes statistics?

What you are basically saying is all information, all knowledge, is housed in a tiny population and the rest of the world be damned.

There is a crowdsourcing concept of refining, and here is where I am fascinated that the left hasn't caught on. This bill, this piece of legislation may come back to us and say: EPA, you are actually not doing enough.

It could actually come back and say: When we make the data public, when we bounce it up against other data sources, when we do other latitudinal studies, we may find we are not doing enough. We may find there is a much better way to do a regulation set.

I would think, actually, in the modern world, where we know information is providing us so many opportunities, why aren't we embracing that? Why has that become partisan?

□ 1315

There are actually also a couple of other things that have been said from behind the microphone across the aisle that we need to, one more time, restate honestly.

What if a data set is provided by industry?

One of the biggest complaints in the past said, Well, if a Republican President had a Republican EPA and they used industry data to set up a regulation what? That falls under this same piece of legislation. That also is disclosed. All data that is used to create public policy is public.

Why does this terrify the left so much, public policy by public data and public data by public policy, and then the opportunity for everyone who takes an interest in this to be able to refine it and make it better and make it more efficient and more healthy for our families, for our environment, for our economy, instead of a small, arrogant population controlling all knowledge and all information?

The CHAIR. The Chair will remind Members to address their remarks to the Chair.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I am prepared to close, so I reserve the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have no further requests for time, so I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself such time as I may consume.

First of all, I would like to thank Science Committee member and Environment Subcommittee Chairman DAVID SCHWEIKERT for his great efforts on this particular subject. Our goal is

to help advance not just any science, but the best science.

Costly environmental regulations should only be based upon data that is available to independent scientists and the public and that can be verified. H.R. 1030, the Secret Science Reform Act of 2015, gives independent scientists an opportunity to validate the studies EPA uses to make new regulations.

In 2012, the President's own science adviser testified that, “absolutely, the data on which regulatory decisions are based should be made available to the committee and should be made public.”

The chair of EPA's Science Advisory Board testified that EPA's advisers recommend “that literature and data used by EPA be peer reviewed and be made available to the public.”

Let me repeat. The chair of EPA's own Science Advisory Board said the data EPA relies upon should be public.

And a recent poll from the Institute for Energy Research found that 90 percent of Americans agree that studies and data used to make Federal Government decisions should be public.

Relying on public data prevents the manipulation of scientific evidence. So this bill is no different from any other sunshine law, such as the Freedom of Information Act.

It doesn't roll back the laws that protect the air we breathe and the water we drink; it simply requires the EPA to use the best available science when it makes new regulations.

In other words, the EPA should rely upon good science, not science fiction.

The bill does not change or repeal critical privacy laws that prevent the EPA from releasing confidential information. It does not give the EPA any new authority to take private information and make it public. In fact, it prohibits that.

In a democratic society, regulations should not be based upon undisclosed data. Maybe in Putin's Russia, but not in the United States of America. Undisclosed data rightfully raises a lot of suspicions.

Actually, this bill is more than just about data. It is about an agency that apparently doesn't trust the American people. The EPA thinks it knows better than the American people what is good for them.

It is time to change that mindset. It is time to restore faith in our government and return the power to the people. It is time for honesty, and it is past time to ensure that the EPA bases their regulations on data that is public. The American people deserve to see the data.

Let us not forget the President also asked for this. H.R. 1030 ensures the speedy implementation of President Obama's Executive Order 13536, to give the public access to federally funded science.

This bill supports the administration's commitment to open science, but now they threaten to veto it. It makes you wonder what the administration is

trying to hide and whether you can believe what they say.

If you support this administration's promise to be the most transparent in history and want to make the EPA's data public, then support H.R. 1030.

Mr. Chairman, finally, there are three questions that those who are opposed either can't answer or won't answer:

One, what is the EPA hiding?

Two, why won't they make the data public?

And three, why doesn't the EPA trust the American people?

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

The CHAIR. All time for general debate has expired.

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

It shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 114-11. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1030

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 "Secret Science Reform Act of 2015".

SEC. 2. DATA TRANSPARENCY.

Section 6(b) of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4363 note) is amended to read as follows:

"(b)(1) The Administrator shall not propose, finalize, or disseminate a covered action unless all scientific and technical information relied on to support such covered action is—

"(A) the best available science;

"(B) specifically identified; and

"(C) publicly available online in a manner that is sufficient for independent analysis and substantial reproduction of research results.

"(2) Nothing in the subsection shall be construed as—

"(A) requiring the Administrator to disseminate scientific and technical information; or

"(B) superseding any nondiscretionary statutory requirement.

"(3) In this subsection—

"(A) the term 'covered action' means a risk, exposure, or hazard assessment, criteria document, standard, limitation, regulation, regulatory impact analysis, or guidance; and

"(B) the term 'scientific and technical information' includes—

"(i) materials, data, and associated protocols necessary to understand, assess, and extend conclusions;

"(ii) computer codes and models involved in the creation and analysis of such information;

"(iii) recorded factual materials; and

"(iv) detailed descriptions of how to access and use such information.

"(4) The Administrator shall carry out this subsection in a manner that does not exceed \$1,000,000 per fiscal year, to be derived from amounts otherwise authorized to be appropriated."

The CHAIR. No amendment to that amendment in the nature of a substitute shall be order except those

printed in part B of House Report 114-37. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MS. EDWARDS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 114-37.

Ms. EDWARDS. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, lines 21 through 24, amend paragraph (4) to read as follows:

"(4) There are authorized to be appropriated to the Administrator to carry out this subsection \$250,000,000 for each of fiscal years 2016 through 2019."

The CHAIR. Pursuant to House Resolution 138, the gentlewoman from Maryland (Ms. EDWARDS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Maryland.

Ms. EDWARDS. Mr. Chairman, I rise in support of my amendment to H.R. 1030, the so-called Secret Science Reform Act.

Let me just say first that I am opposed to the bill and the underlying premise that there is not good science, good research, and good data being gathered by the EPA.

Unfortunately, this bill would force the EPA to choose between protecting our health and environment and maintaining the privacy of patient medical records and the confidentiality of business records.

But my amendment highlights one issue that, to me, makes a mockery of this entire effort. The bill, as written, currently gives the EPA only \$1 million per year to carry out the provisions in the bill.

It wouldn't be so bad except that the Congressional Budget Office estimates the cost of the bill to be \$250 million per year to implement the bill.

I know, Mr. Chairman, that you perhaps think that you did not hear me correctly. But to put this disparity in some perspective, the Congressional Budget Office is estimating that implementing this bill would cost 25,000 percent more than the majority is providing.

Now I understand why the majority is doing this. They don't want to pass legislation that costs anything to implement. It wouldn't be fiscally conservative.

Now, I am not a math major, but simple math tells me that if a bill is \$1 million in the text but costs \$250 million to implement, you are asking the EPA to undertake \$250 million of work with \$1 million—not exactly fiscally or legislatively conservative or sound.

More importantly, it forces the Agency into an untenable position. They must either ignore the requirements of this legislation because the majority isn't providing them with the resources to carry them out, or they can comply with the requirements for—and Mr. Chairman, hold your breath—they could comply with the requirements for 1½ days. That is what the funding would allow: \$1 million, 1½ days, and then shut down all of the covered actions under the bill.

So I know we think it might be laughable, except that it is true. But if the majority really believes in the premise behind this legislation, which I do not, then the majority should provide the Agency with the \$250 million annually that, at a minimum, the Agency would need to carry out this bill.

Those are not my estimates. Those are the estimates of the independent Congressional Budget Office.

I am opposed to the bill for a number of reasons, and most likely, my colleagues on the other side of the aisle would disagree with me on those points. However, I have a hard time believing that any responsible Member of Congress who supports fiscal conservatism would consciously support a bill that is guaranteed, absolutely guaranteed to cause failure.

So I urge my colleagues to support my amendment and not allow this bill to move forward with an unfunded mandate to the Agency.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I do thank my colleague, the gentlewoman from Maryland, for her amendment, but I must oppose it.

This amendment would allow the Environmental Protection Agency to continue its practice of hiding data from the American people.

This amendment is based upon what appears to be a misreading of the bill that has resulted in an inaccurate score by the Congressional Budget Office. In fact, the statutory language directly contradicts the CBO's analysis, and here is why.

For its analysis, CBO assumed that the bill requires the EPA to collect and disseminate the underlying data of the science it relies upon. Through some unknown calculation, CBO then came up with a \$250 million price tag for the collection and dissemination of the data.

However, the bill does not require the collection and dissemination of information. It simply says that the EPA must use data that is public and available to independent scientists.

The bill itself states that there is no requirement for the EPA to disseminate scientific and technical information. Again, I urge my colleagues to read the bill.

So let me say it again. This bill does not require the EPA to disseminate information. It simply says that, when the EPA decides to regulate, it needs to rely on the best available science that is publicly available for independent verification and review.

So the CBO is way off base—not for the first time—and, therefore, so is this amendment.

CBO's cost estimate also contradicts the clear statutory bill language, which reads: "The Administrator shall carry out this subsection in a manner that does not exceed \$1 million per fiscal year to be derived from amounts otherwise authorized to be appropriated."

When the CBO says that under this legislation the EPA will have to spend hundreds of millions of dollars to collect and disseminate new data, that is clearly inconsistent with the language and intent of the bill. So the CBO's cost estimate is meaningless.

But let's assume that the EPA decides it must collect and disseminate the data itself. EPA has an \$8 billion budget. It spends more than \$20 million of taxpayer money every day to issue regulations that cost taxpayers tens of billions of dollars every year. And the President has asked Congress for an increase of \$50 million for the Agency this year.

Surely the EPA can base its rules on science that is transparent and available to everyone, and do it with funds from its already massive budget. A Federal agency that spends over \$8 billion a year in taxpayer money should be able to afford to honor the public's right to know.

This amendment would allow the EPA to continue business as usual and would ignore congressional intent and statutory language. For these reasons, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. EDWARDS. Mr. Chairman, so we know that the EPA's jurisdiction is to make sure that we have clean water and clean air. That is sort of the basics of it.

And now we are hearing from the majority, Mr. Chairman, that not only do they not believe the science and they think it is secret, they also don't believe the Congressional Budget Office.

But for the fact that we cannot pick and choose which numbers we believe out of the Congressional Budget Office, the fact is that the Congressional Budget Office, not just this year but in the last term as well, said that this bill would cost American taxpayers \$250 million if the Agency were implementing it according to the legislative language. So I don't think that the majority should be allowed to pick and choose its science or pick and choose its numbers.

The Congressional Budget Office, in fact, has said that this bill would cost \$250 million to implement, more than 25,000 times the amount that is authorized in the language, and I think it is

unacceptable for us to just denigrate the EPA, say that it is engaged in secret science, and then tell them that we want you to implement a bill without providing the resources that it takes to do it.

Mr. Chairman, I yield as much time as she may consume to the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), my colleague and the ranking Democrat on the committee.

□ 1330

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chair, I want to thank the gentlelady, and I fully support her amendment.

EPA normally relies upon approximately 50,000 scientific studies each year to support these actions. The Congressional Budget Office estimated that if EPA were to cut the amount of studies they considered in half, it would still cost the Agency roughly \$250 million annually to comply with this legislation.

This bill will effectively require EPA to pay more in order to do less, yet my colleagues are only providing EPA with \$1 million annually to comply with the provisions of this bill.

This forces EPA into a lose-lose situation. Either drastically limit the amount of science used to protect the public health and the environment or spend hundreds of millions of dollars per year ensuring that the job is done right.

I think this legislation is seriously misguided.

Ms. EDWARDS. Mr. Chairman, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman I really don't know why it is so difficult to read this bill. It is only two pages long. And those who are concerned about the cost ought to recognize—or I hope they have realized and seen—that the bill this year reads differently than the bill last year.

And what I would like to do is read to those who are opposed who raised the cost issue. Look at lines 17 and 18 of page 1 and lines 1 and 2 of page 2. They read as follows: "Nothing in the subsection shall be construed as requiring the Administrator to disseminate scientific and technical information."

I hope that allays their concerns. But it is always nice to hear my colleagues on the other side of the aisle so concerned about the cost of legislation.

Mr. Chairman, contrary to the CBO estimate, H.R. 1030 does not require the EPA to disseminate information. It requires the EPA to base their regulations on data that is public so that all Americans are better informed about the regulations that affect their daily lives.

Americans deserve all the facts, and they deserve all the data. They have the right to know if the regulations they are forced to live under are justified by sound science.

The EPA spends over \$8 billion a year. Surely it can base its rules on

science that is transparent and available to everyone.

For these reasons, I oppose the amendment.

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

The CHAIR. The question is on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS).

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

Ms. EDWARDS. Mr. Chairman, I demand a recorded vote.

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

AMENDMENT NO. 2 OFFERED BY MR. KENNEDY

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 114-37.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill, add the following:

SEC. 3. ENSURING THE USE OF THE BEST SCIENCE.

Nothing in this Act shall prevent the Administrator of the Environmental Protection Agency from considering or relying upon any peer-reviewed scientific publication even if such publication is based on data that is prohibited from public disclosure.

The CHAIR. Pursuant to House Resolution 138, the gentleman from Massachusetts (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. KENNEDY. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, I echo the comments of my colleagues about the importance of transparency that we have heard over the course of this debate. An open government with transparent rules and regulations is at the very core of our democracy. But I am discouraged and disappointed that we are having this debate yet again, especially on a bill that undermines science even more dramatically than last year's version.

When this country's greatest minds come together to tackle our greatest problems, we are a stronger nation. Whether we are talking about achievements in cancer treatment or clean water, science makes us healthier, more innovative, and more competitive. Unfortunately, the bill we are considering today takes science off the table for the EPA, the very Agency entrusted with keeping our air clean, our water safe, and our homes clear of toxic substances.

The bill before us leaves EPA with unworkable standards, prohibiting it from using certain studies simply because they include information that, by law, cannot be made public, such as people's personal health records.

My amendment does a very simple thing. It fixes that oversight by clarifying that the EPA should use the most

reliable scientific information available, regardless of whether that can be publicly disclosed.

The Congressional Budget Office estimates that the EPA relies on about 50,000 scientific studies every year. As written, H.R. 1030 would drastically shrink this number. The bill before us could even prohibit the EPA from using other government-funded research, like NIH studies that link toxic substances to premature births or CDC research on mitigating the impact of natural disasters on public health.

Furthermore, there are several protections in place already to ensure the science the EPA uses is properly vetted and credited. First, any and all studies go through a significant peer review process, including an independent analysis. Second, Mr. Chairman, the Office of Science and Technology Policy is already working to ensure that all publicly funded research is available online. Third, public comment periods allow for anyone, an individual or organization, to submit evidence supporting or opposing a proposed regulation. However, this bill would actually put limits on the public comment period.

Mr. Chairman, this legislation jeopardizes our clean air, our clean water, and the health of our families. I urge the House to accept my amendment to clarify that the EPA may use the most reliable science available.

I would also like to thank my colleagues from Massachusetts, Congressman JIM MCGOVERN and KATHERINE CLARK, and the ranking member of the committee for their support of this amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. SMITH of Texas. Mr. Chairman, first of all, I want to thank my colleague and friend from Massachusetts for offering this amendment, but I must oppose it.

The gentleman's amendment implies that the bill does something that, in fact, it does not. The amendment also creates a loophole the EPA Administrator could easily exploit.

First, by stating that nothing in the act prevents the EPA from considering or relying upon peer reviewed science, the amendment appears to imply that the bill would do otherwise. This is simply not true.

The EPA, through its implementation of the Information Quality Act, is already required to rely on peer reviewed information. Nothing in this legislation changes that.

What this bill would accomplish—and what the gentleman's amendment would undermine—is to ensure that the science the EPA relies upon is publicly available and verifiable.

Independent scientists don't have an opportunity to examine the assumptions and methodologies that EPA re-

lies upon when it makes public regulations. It is time for the EPA to show its work and come out into the daylight. Peer review alone is not a sufficient check. Peer reviewers are not always provided the underlying data, and the quality of peer review is highly variable.

The simple premise behind H.R. 1030 is that public policy should be backed up by public data. Peer review alone does not allow independent scientists to verify the EPA's claims.

This amendment would destroy the purpose of the bill and provide the EPA Administrator with permission to disregard the basic principles of transparency and accountability that are provided by H.R. 1030. For these reasons, I oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY. Mr. Chairman, if I could inquire into the time that I have remaining.

The CHAIR. The gentleman from Massachusetts has 2 minutes remaining.

Mr. KENNEDY. Mr. Chairman, I want to begin by thanking the chairman of the committee, my friend from Texas, for his friendship and for the work that he has been doing. I know that we share the same goal of having a transparent government and a transparent enforcement mechanism. Unfortunately, I think he and I have come to disagree on the underlying impact of my amendment and the underlying bill itself.

The EPA—the goal of this amendment is to make sure that they are able to rely on the most sound, reliable information available. We heard from the gentlewoman from Maryland (Ms. EDWARDS), my colleague, earlier that there are already constraints put in place by this legislation that limit the EPA from doing so should this bill pass.

My amendment takes up that same challenge and tries to make sure that when we are making rules and regulations that are going to impact our society that we are using the best data that is available. All of that data and all of those studies must be peer reviewed. There is a process which the EPA goes through that is publicly available and not actually under any sort of challenge because the underlying bill here doesn't say that that peer review process is flawed.

So if we take it as given, then, that that peer review process is sound and is strong and can be relied upon, then the issue is the underlying data. And what we have seen here is an effort to try to ensure that, yes, the analysis and the method for the inquiry is actually available, but the underlying data that can contain people's personal health records, that can contain personally identifiable information is kept private to not expose people to the dissemination of data that they never even knew was going to be publicly available.

That is the sole point of this amendment: to ensure that our government is

using information for the highest and best use as we promulgate rules and regulations that are going to impact the American people—nothing less, nothing more.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, let me just say to my friend from Massachusetts that I appreciate his comments and his friendship as well. While we agree on many things, we do happen to disagree on this one amendment.

Let me also say that I wish he was still a member of the Science Committee, and he would be welcomed back any time.

Mr. Chairman, the gentleman's amendment would allow the EPA to continue to hide the data it says justifies its regulations.

Peer review does not allow independent scientists to verify the EPA's claims. It is not a sufficient check to ensure that the EPA uses the best science available.

H.R. 1030 promotes the fundamental principles of transparency and accountability. This amendment would make it harder to achieve that goal.

Giving independent scientists an opportunity to examine the data that the EPA relies upon when it makes public regulations will ensure transparency and accountability.

Public policy should be backed up by public data. Peer review alone will not give the American people all the facts.

Americans deserve access to this data. They have the right to know if the regulations paid for with their tax dollars are based upon the best science available.

For these reasons, I oppose the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY).

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

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

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

ANNOUNCEMENT BY THE CHAIR

The CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part B of House Report 114-37 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. EDWARDS of Maryland.

Amendment No. 2 by Mr. KENNEDY 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 MS. EDWARDS

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Maryland (Ms. EDWARDS) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 164, noes 254, not voting 14, as follows:

[Roll No. 122]

AYES—164

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

NOES—254

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

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

NOT VOTING—14

Fudge	Kelly (IL)	Schock
Graves (MO)	Luetkemeyer	Scott, Austin
Hinojosa	Payne	Smith (WA)
Hurd (TX)	Roskam	Young (IN)
Kaptur	Sanchez, Loretta	

□ 1408

Messrs. FLORES, DUFFY, WALBERG, ABRAHAM, MILLER of Florida, WALZ, and YOUNG of Alaska changed their vote from “aye” to “no.”

Mrs. WASSERMAN SCHULTZ, Mrs. TORRES, and Messrs. ISRAEL and PASCRELL changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. HURD of Texas. Mr. Chair, on rollcall No. 122 I was unavoidably detained. Had I been present, I would have voted “no.”

AMENDMENT NO. 2 OFFERED BY MR. KENNEDY

The CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. KENNEDY) 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 CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 184, noes 231, not voting 17, as follows:

[Roll No. 123]

AYES—184

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

NOES—231

Abraham	Bilirakis	Bridenstine
Aderholt	Bishop (MI)	Brooks (AL)
Allen	Bishop (UT)	Brooks (IN)
Amash	Black	Buchanan
Amodel	Blackburn	Buck
Babin	Blum	Bucshon
Barletta	Bost	Burgess
Barr	Boustany	Byrne
Barton	Brady (TX)	Calvert
Benishke	Brat	Carter (GA)

Carter (TX)	Jenkins (WV)	Renacci
Chabot	Johnson (OH)	Ribble
Chaffetz	Johnson, Sam	Rice (SC)
Clawson (FL)	Jolly	Rigell
Coffman	Jones	Roby
Cole	Jordan	Roe (TN)
Collins (GA)	Joyce	Rogers (AL)
Collins (NY)	Katko	Rogers (KY)
Comstock	Kelly (PA)	Rohrabacher
Conaway	King (IA)	Rokita
Cook	King (NY)	Rooney (FL)
Costello (PA)	Kinzinger (IL)	Ros-Lehtinen
Cramer	Kline	Ross
Crawford	Knight	Rothfus
Crenshaw	Labrador	Rouzer
Culberson	LaMalfa	Royce
Curbelo (FL)	Lamborn	Russell
Davis, Rodney	Lance	Ryan (WI)
Denham	Latta	Salmon
Dent	LoBiondo	Sanford
DeSantis	Long	Scalise
DesJarlais	Love	Schweikert
Diaz-Balart	Lucas	Sensenbrenner
Duffy	Luetkemeyer	Sessions
Duncan (SC)	Lummis	Shimkus
Duncan (TN)	MacArthur	Shuster
Ellmers (NC)	Marchant	Simpson
Emmer (MN)	Marino	Smith (MO)
Farenthold	Massie	Smith (NE)
Fincher	McCarthy	Smith (NJ)
Fitzpatrick	McCaul	Smith (TX)
Fleischmann	McClintock	Stefanik
Fleming	McHenry	Stewart
Flores	McKinley	Stivers
Forbes	McMorris	Stutzman
Fortenberry	Rodgers	Thompson (PA)
Fox	McSally	Thornberry
Franks (AZ)	Meadows	Tiberi
Garrett	Meehan	Tipton
Gibbs	Messer	Trott
Gohmert	Mica	Turner
Goodlatte	Miller (FL)	Upton
Gosar	Miller (MI)	Valadao
Gowdy	Moolenaar	Wagner
Granger	Mooney (WV)	Walberg
Graves (GA)	Mullin	Walden
Graves (LA)	Mulvaney	Walker
Griffith	Murphy (PA)	Walorski
Guinta	Neugebauer	Walters, Mimi
Guthrie	Newhouse	Weber (TX)
Hardy	Noem	Webster (FL)
Harper	Nugent	Wenstrup
Harris	Nunes	Westerman
Hartzler	Olson	Westmoreland
Heck (NV)	Palmer	Whitfield
Hensarling	Paulsen	Williams
Herrera Beutler	Pearce	Wilson (SC)
Hice, Jody B.	Perry	Wittman
Hill	Pittenger	Womack
Hudson	Pitts	Woodall
Huelskamp	Poe (TX)	Yoder
Huizenga (MI)	Poliquin	Yoho
Hultgren	Pompeo	Young (AK)
Hunter	Posey	Young (IA)
Hurd (TX)	Price, Tom	Zeldin
Hurt (VA)	Ratcliffe	Zinke
Issa	Reed	
Jenkins (KS)	Reichert	

NOT VOTING—17

Ashford	Holding	Sanchez, Loretta
Frelinghuysen	Kaptur	Schock
Fudge	Loudermilk	Scott, Austin
Graves (MO)	Palazzo	Smith (WA)
Grothman	Payne	Young (IN)
Hinojosa	Roskam	

□ 1412

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GROTHMAN. Mr. Chair, on rollcall No. 123 I was detained. Had I been present, I would have voted "no."

Mr. LOUDERMILK. Mr. Chair, on rollcall No. 123 I was unavoidably detained. Had I been present, I would have voted "no."

The CHAIR. The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

The CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOODALL) having assumed the chair, Mr. GRAVES of Louisiana, 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. 1030) to prohibit the Environmental Protection Agency from proposing, finalizing, or disseminating regulations or assessments based upon science that is not transparent or reproducible, and, pursuant to House Resolution 138, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the amendment in the nature of a substitute.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

Mr. TAKAI. Mr. Speaker, I have a motion to recommit at the desk.

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

Mr. TAKAI. I am opposed.

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

The Clerk read as follows:

Mr. Takai moves to recommit the bill H.R. 1030 to the Committee on Science, Space, and Technology with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end the following new section:
SEC. 3. PROTECTING TAXPAYERS FROM SCIENCE PROMOTED BY POLLUTING COMPANIES.

Under the amendment made by section 2, the Environmental Protection Agency shall not rely on advice from any scientist whose primary source of research funds comes from corporations or individuals convicted of major environmental crimes, including the release of toxic pollutants into safe drinking water, refusal to clean up Superfund waste sites, or violations from the release of air pollutants that endanger human health and safety.

Mr. SCHWEIKERT (during the reading). Mr. Speaker, I reserve a point of order.

The SPEAKER pro tempore. A point of order is reserved.

The Clerk will read.

The Clerk continued to read.

The SPEAKER pro tempore. The gentleman from Hawaii is recognized for 5 minutes in support of his motion.

Mr. TAKAI. Mr. Speaker, this is the final amendment to the bill, which will not kill the bill or send it back to committee. If adopted, the bill would immediately proceed to final passage, as amended.

Mr. Speaker, this amendment is simple. It would prohibit the EPA from relying on advice from any scientist whose primary source of research funding comes from corporations or indi-

viduals convicted of major environmental crimes. The Democratic motion to recommit would help ensure the integrity and the independence of the EPA's scientific review process by prohibiting the reliance on advice from those who are funded by the biggest abusers of our environment.

H.R. 1030, the Secret Science Reform Act, would impose arbitrary, unnecessary, and expensive requirements that would seriously impede the EPA's ability to use science to protect public health and the environment, as required under an array of environmental laws, while increasing uncertainty for businesses and States. This bill would stack the cards in favor of industry-backed data studies rather than the most reliable studies. In doing so, it will prevent the EPA from using the best data possible to make decisions.

Think about 50 years of tobacco-backed studies that lied about the effects of cigarette smoking in order to avoid labeling, regulation, and fines. That is the type of data that this bill wants the EPA to rely on to make decisions about our environment—industry-backed data that shifts the favor to polluters, climate deniers, and those who do not have the best interests of public health and our environment in mind. This amendment would make sure that this data does not come from corporations or individuals who show disregard for our environmental laws, which is the main reason the EPA exists in the first place.

Consequences of H.R. 1030 could include the public release of industry-funded studies and data intended to bias the body of scientific evidence that the EPA is allowed to consider towards a particular industry position. For example, research that shows arsenic, mercury, or benzene is not bad for you could be in the majority of studies the EPA is allowed to base its recommendations and regulations on.

Unfortunately, Republicans will claim that this bill increases the EPA's transparency and accountability by ensuring that its regulations are based on public data that can be verified and reproduced. In reality, this bill would prevent the EPA from functioning effectively and from using the most relevant scientific data, including data that is legally protected from public disclosure.

An effort to limit the scope of science that can be considered by the EPA does not strengthen scientific integrity but undermines it. The EPA relies on peer reviewed scientific research from our universities as the backbone of its mission to protect public health and our environment. This amendment ensures that this data does not come from sources that routinely break our environmental laws. Because clinicians and researchers are legally prohibited from making the data publicly available, if this bill becomes law, the EPA would be forced to ignore this valuable research when protecting the public.

At no point does this bill make the public safer, which is the fundamental function of government. The Secret Science Reform Act would only reduce the science available to the EPA on some of the most important decisions it makes.

Mr. Speaker, over 30 of the most respected groups that are dedicated to scientific and health research have opposed this bill, and I urge my colleagues to do the same. However, before doing so, I urge my colleagues to vote for this commonsense amendment to this bill.

Again, all this amendment does is prohibit the EPA from relying on advice from any scientist whose primary source of research funding comes from corporations or individuals convicted of major environmental crimes. This ensures the integrity and independence of the EPA's scientific review process by prohibiting advice from those who are funded by the biggest abusers of our environment.

I urge my colleagues to vote in favor of the Democratic motion to recommit, and I yield back the balance of my time.

Mr. SCHWEIKERT. Mr. Speaker, I withdraw my reservation of a point of order.

The SPEAKER pro tempore. The reservation of the point of order is withdrawn.

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

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

Mr. SCHWEIKERT. Mr. Speaker, to the gentleman from Hawaii, whom I have not actually had the chance to make friends with yet, you are actually hitting on one really good point: If there is data being used by bad actors, shouldn't we all know it?

The way the EPA operates right now with their keeping their data sets secret, none of you are going to get to know that. That is actually what this piece of legislation fixes. If there is going to be data of groups that are bad actors—industries that you consider dodgy—wouldn't it be a wonderful thing to have that data available for everyone, whether you be on the right or whether you be on the left, so it can be refined by sunshine? so it can be reviewed and meshed up against other data sets?

If you believe that making information public refines it, if you believe public policy should be made by public data and public data should be available in the making of public policy, you like this piece of legislation.

What is so fascinating in the debate we have had this time and last year is that I have a number of memos, demand letters, threats of subpoenas from when the left in this body was in both the majority and the minority, but there was a Republican President who was demanding this type of legislation. Let's try something new around here: a little bit of intellectual consistency.

Do you believe the public—the researchers, the scientists, those who are academics, those who just have an interest in the subject area—should have the right to touch the data, to model it, to stress it, to put it up against other data sets and see if we are doing what is best for our environment? Are we doing it the best way? Is there a better way? Is there a more efficient way? Is there a more cost-effective way? That is what this bill accomplishes, and I have no idea why my brothers and sisters on the left are so fearful of that.

As I yield back, I beg all of my fellow Members here to vote “yes” on this legislation but to vote “no” on this motion to recommit.

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

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

There was no objection.

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

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

RECORDED VOTE

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

A recorded vote was ordered.

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

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 239, not voting 12, as follows:

[Roll No. 124]

AYES—181

Adams
Aguilar
Ashford
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar

Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
DeSaulnier
Deutch
Dingell
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Gabbard
Gallego
Garamendi
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Himes
Honda
Hoyer

Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Jones
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loebbeck
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern

McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascarella
Pelosi
Perlmutter
Peters
Peterson
Pingree
Pocan
Polis
Price (NC)
Quigley

Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sires
Slaughter
Speier
Swalwell (CA)

Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—239

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

Fox
Franks (AZ)
Frelinghuysen
Garrett
Gibbs
Gibson
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Griffith
Grothman
Guinta
Guthrie
Hanna
Hardy
Harper
Harris
Hartzler
Heck (NV)
Hensarling
Herrera Beutler
Hice, Jody B.
Hill
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurd (TX)
Hurt (VA)
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (OH)
Johnson, Sam
Jolly
Jordan
Joyce
Katko
Kelly (PA)
King (IA)
King (NY)
Kinzinger (IL)
Kline
Knight
Labrador
LaMalfa
Lamborn
Lance
Latta
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
Lummis
MacArthur
Marchant
Marino
Massie
McCarthy

McCaul
McClintock
McHenry
McKinley
McMorris
Rodgers
McSally
Meadows
Meehan
Messer
Mica
Miller (FL)
Miller (MI)
Moolenaar
Mooney (WV)
Mullin
Mulvaney
Murphy (PA)
Neugebauer
Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Rohy
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema

Smith (MO) Turner Westmoreland
Smith (NE) Upton Whitfield
Smith (NJ) Valadao Williams
Smith (TX) Wagner Wilson (SC)
Stefanik Walberg Wittman
Stewart Walden Womack
Stivers Walker Woodall
Stutzman Walorski Yoder
Thompson (PA) Walters, Mimi Yoho
Thornberry Weber (TX) Young (AK)
Tiberi Webster (FL) Young (IA)
Tipton Wenstrup Zeldin
Trott Westerman Zinke

NOT VOTING—12

Castor (FL) Kaptur Schock
Fudge Payne Scott, Austin
Graves (MO) Roskam Smith (WA)
Hinojosa Sanchez, Loretta Young (IN)

□ 1432

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. SMITH of Texas. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 241, noes 175, not voting 16, as follows:

[Roll No. 125]

AYES—241

Abraham Denham Hurd (TX)
Aderholt Dent Hurt (VA)
Allen DeSantis Issa
Amash DesJarlais Jenkins (KS)
Amodei Diaz-Balart Jenkins (WV)
Ashford Dold Johnson (OH)
Babin Duffy Johnson, Sam
Barletta Duncan (SC)
Barr Duncan (TN)
Barton Ellmers (NC)
Benishek Emmer (MN)
Bilirakis Farenthold
Bishop (MI) Fincher Kelly (PA)
Bishop (UT) Fitzpatrick King (IA)
Black Fleischmann King (NY)
Blackburn Fleming Kinzinger (IL)
Blum Flores Kline
Bost Forbes Knight
Boustany Fortenberry Labrador
Brady (TX) Foxx LaMalfa
Brat Franks (AZ) Lamborn
Bridenstine Frelinghuysen Lance
Brooks (AL) Garrett Latta
Brooks (IN) Gibbs LoBiondo
Buchanan Gohmert Long
Buck Goodlatte Loudermilk
Bucshon Gosar Love
Burgess Gowdy Lucas
Byrne Granger Luetkemeyer
Calvert Graves (GA) Lummis
Carter (GA) Graves (LA) MacArthur
Carter (TX) Griffith Marchant
Chabot Grothman Marino
Chaffetz Guinta Massie
Clawson (FL) Guthrie McCarthy
Coffman Hanna McCaul
Cole Hardy McClintock
Collins (GA) Harper McHenry
Collins (NY) Harris McKinley
Comstock Hartzler McMorris
Conaway Heck (NV) Rodgers
Cook Hensarling McSally
Costa Herrera Beutler Meadows
Costello (PA) Hice, Jody B. Meehan
Cramer Hill Messer
Crawford Holding Mica
Crenshaw Hudson Miller (FL)
Cuellar Huelskamp Miller (MI)
Culberson Huizenga (MI) Moolenaar
Curbelo (FL) Hultgren Mooney (WV)
Davis, Rodney Hunter Mullin

Mulvaney
Murphy (PA) Neugebauer
Neugebauer Newhouse
Noem
Nugent
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Pitts
Poe (TX)
Poliquin
Pompeo
Posey
Price, Tom
Ratcliffe
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)

Adams
Aguliar
Bass
Beatty
Becerra
Bera
Beyer
Bishop (GA)
Blumenauer
Bonamici
Boyle, Brendan F.

Brady (PA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clever
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DeBene
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Farr
Fattah
Foster

Fudge
Graves (MO)
Himes
Hinojosa

Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney (FL)
Ros-Lehtinen
Ross
Rothfus
Rouzer
Royce
Russell
Ryan (WI)
Salmon
Sanford
Scalise
Schweikert
Sensenbrenner
Sessions
Shinkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Stefanik
Stewart
Stivers
Stutzman
Thompson (PA)

NOES—175

Frankel (FL)
Gabbard
Gallego
Garamendi
Gibson
Graham
Grayson
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hahn
Hastings
Heck (WA)
Higgins
Honda
Hoyer
Huffman
Israel
Jackson Lee
Jeffries
Johnson (GA)
Johnson, E. B.
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larsen (WA)
Larsen (CT)
Lawrence
Lee
Levin
Lewis
Lieu, Ted
Lipinski
Loeb sack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney,
Carolyn
Maloney, Sean
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Meng
Moore
Moulton

NOT VOTING—16

Kaptur
Pascrell
Payne
Peters

Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Westmoreland
Whitfield
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin
Zinke

Murphy (FL)
Nadler
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Rangel
Rice (NY)
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Sherman
Sinema
Sires
Slaughter
Speier
Swalwell (CA)
Takai
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman
Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

Schock Smith (WA) Walker
Scott, Austin Van Hollen Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1439

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. WALKER. Mr. Speaker, on rollcall No. 125 I was unavoidably detained. Had I been present, I would have voted "yes."

Stated against:

Mr. VAN HOLLEN. Mr. Speaker, on March 18, 2015, I was unavoidably detained and missed one vote. Had I been present, I would have voted "no" on rollcall No. 125.

Mr. HIMES. Mr. Speaker, I was unable to be present to cast my vote on passage of H.R. 1030—The Secret Science Reform Act. I wish the record to reflect my intentions had I been able to vote. Had I been present for rollcall No. 125, I would have voted "no."

HOUR OF MEETING ON TOMORROW

Mr. COLLINS of Georgia. 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 gentleman from Georgia?

There was no objection.

NATIONAL AGRICULTURE DAY

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

Mr. NEWHOUSE. Mr. Speaker, as a third-generation farmer from Washington State, I am amazed by the level of progress our Nation's agricultural community has made, even in just my lifetime. It is because of this great progress that today we celebrate March 18 as National Agriculture Day.

Few people realize that during the 1960s the average American farmer fed 25 people. Today it is 144 people. The difference is that today our farmers are growing more disease- and pest-resistant crops that require less water and pesticides and better conserve our natural resources. Advancements in technology and technique have allowed our farmers to continue the long-held tradition of caring for the land they use and the people they grow for.

On National Agriculture Day, please join me in recognizing our farming community and the essential role they continue to fill in feeding our Nation and the world.

PAYING TRIBUTE TO DR. WILLIAM E. "BRIT" KIRWAN UPON HIS RETIREMENT AS CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND

(Mr. HOYER asked and was given permission to address the House for 1