

REPLACE ACA EXCHANGES AND MEDICAID EXPANSION

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

Mr. MARSHALL. Madam Speaker, I rise today to support our President's plan to replace the Affordable Care Act, but I want to stop and salute my colleague, my neighbor to the north, General DON BACON, and the great State of Nebraska. As I tell people, I have never met a bad person from Nebraska yet. General BACON continues to represent his State in a great manner, and I appreciate his friendship.

Madam Speaker, I rise to support the President's plan to replace the ACA exchanges and Medicaid expansion. This is simply in a death spiral right now. It is not working in Kansas. It is not working in the country. We cannot afford to go in that direction.

I am committed to helping those with long-term health issues, as well as those that get insurance outside the workplace, to truly find quality, affordable health care. We are not going to turn our backs on anybody. We are going to ensure there is a quality transition time for all patients.

REPEAL OBAMACARE

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

Mr. JOHNSON of Louisiana. Madam Speaker, we are excited today about the renewal of the American spirit. One big step in that renewal is the repeal of ObamaCare.

The ACA is failing and the American people are suffering because of it. Premiums have skyrocketed and healthcare decisions are no longer being made by patients and doctors but by out-of-touch Washington bureaucrats often motivated by their own self-interests.

In my State of Louisiana alone, some insurance providers have projected rates to increase as much as 41 percent in 2017. There is nothing about that number that is affordable, and many are choosing to forego healthcare coverage altogether, rather than suffer under the weight of the new, increased costs.

Some would suggest that a higher cost should imply a higher quality of care, but even that is not true under our current system. In many areas across the United States, ObamaCare has removed nearly all competition in the marketplace and has left consumers with only one or two providers to choose from, further removing patient choice from the process.

Patient-centered care is critical to a productive healthcare system, and Republicans in Congress have been working tirelessly to create a plan that benefits all Americans. Quality, affordable health care is within our reach. Contrary to what many in the media would have you believe, we will not pull the

rug out from under the American people. Our focus is protecting patients, and what we are offering is a real solution to the disaster that is ObamaCare.

KEEPING OUR PROMISES

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

Mr. ARRINGTON. Madam Speaker, we have a new era that has dawned on American politics. Our citizens are demanding that we don't conduct our business as usual.

These are times that call for bold leadership and bold action. Over the last couple of years, my observation is that we don't need new solutions. We have reforms for immigration, reforms for regulations, reforms for our Tax Code. What we need is courage: courage to act, courage to keep our promises, as our President said last night, and finish what we started.

ObamaCare is a disaster, to repeat what the President said. The facts are undisputable. This isn't a situation where we have a leaky roof in need of repair. We are on faulty foundation, and it is shifting under our feet. If we don't act swiftly and decisively, the house will collapse.

Leadership is about courage. Leadership is about keeping our promises. We all owe it to the American people to act accordingly.

READY FOR GROWTH AND INNOVATION

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

Mr. ALLEN. Madam Speaker, I rise today in support of the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act, or the SCRUB Act.

This legislation establishes a commission to review existing Federal regulations and report to Congress those that should be repealed to reduce unnecessary costs to the economy—kind of like a regulation report card.

Federal rules and regulations have sucked the life out of our small businesses for the last 8 years. Unlike some lawmakers, I have the unique experience of having operated a business under Obama-era rules and regulations. Let me tell you that it was very difficult. Our struggles were not an isolated event. Georgians and Americans across the country bore those same burdens.

We are ready for growth and innovation and an environment that encourages an economy like we have never seen before. The SCRUB Act is a solid step forward in restoring life to the American small-business community.

I urge my colleagues to support this legislation.

PROVIDING FOR CONSIDERATION OF H.R. 1004, REGULATORY INTEGRITY ACT OF 2017, AND PROVIDING FOR CONSIDERATION OF H.R. 1009, OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 156 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 156

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1004) to amend chapter 3 of title 5, United States Code, to require the publication of information relating to pending agency regulatory actions, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. All points of order against provisions in the bill are waived. No amendment to the bill shall be in order except those printed in part A of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1009) to amend title 44, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to review regulations, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 115-4. That amendment in the nature of a substitute shall be considered as read. All points of order

against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The gentleman from Texas is recognized for 1 hour.

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

GENERAL LEAVE

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

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

There was no objection.

□ 1230

Mr. SESSIONS. Madam Speaker, I rise today in support of the rule. It is a fair rule that enables thoughts and ideas from both sides of the aisle to be considered on the House floor today. It enables us to proceed with the work that the American people have sent us here to accomplish. It is of great measure of the work that we are doing today. We had an extensive and long committee hearing at the Committee on Rules yesterday with witnesses from both sides of the aisle, Republicans and Democrats, who felt strongly about the issues and ideas that were before them and the ideas which will be presented on the floor of the House of Representatives today, the underpinning of which are entitled to give the American people a better shot at a better life not only from a business perspective, economic development, but also the creation of jobs in the United States of America.

Madam Speaker, I also rise in support of the underlying legislation con-

tained in this rule. These bipartisan initiatives will enhance transparency, provide for a check on Federal agencies, and I believe help create a better process in the Federal Government for the people we serve, which are the people of this great Nation.

Congress enacted the Administrative Procedure Act in 1946 to ensure that the public had an opportunity to provide expertise, opinions, and other comments during the rulemaking process that takes place in the administration. It was designed to provide guarantees of due process in administrative procedures for self-governing American citizens who have to live under these rules that are promulgated by those unelected and not necessarily known by the American people.

The Administrative Procedure Act, known as the APA, as it is commonly referred to, was designed to require agencies to keep the public informed of the information and ideas, procedures, and rules, and to provide a means for public participation in the rulemaking process that would take place here in Washington, D.C.

Unfortunately, as is too often the case, Federal bureaucrats over years and previous administrations have exploited the broad language of the Administrative Procedure Act to focus the rulemaking process solely for special interest reasons. Sometimes it is groups, sometimes it is ideas, and sometimes it is against the voices of the average American who wishes to participate in this process. This clearly was not the APA's legislative intent and reflects yet another encroachment on Congress' Article I powers which are enshrined in the United States Constitution.

This shift away from the intent of the Administrative Procedure Act, known as the APA, has meant that most agency deliberations are carried out without a record or even a public review of those decisions that are made. Additionally, and possibly more troubling, agencies have undermined the purpose and the spirit of the notice-and-comment process by actively campaigning in support of their ideas using government resources and processes to that advantage.

The clearest example of this abuse can be found recently and numerous at the Environmental Protection Agency, known as the EPA. After issuing the waters of the United States notice of proposed rulemaking, the EPA undertook a public campaign utilizing social media platforms to solicit support for what was, at the time, a promulgated rule. Following this abuse, the GAO issued a report finding that the EPA violated propaganda and anti-lobbying provisions concerning the use of their fiscal year 2014 and 2015 appropriations.

The Regulatory Integrity Act of 2017 helps ensure transparency in the rulemaking process by prohibiting Federal agencies from anonymously issuing statements for propaganda purposes, in

other words, an agency lobbying for itself, its ideas, as opposed to the public comment period, final rulemaking, and then issues and ideas being discussed with and by the people of the country. Specifically, H.R. 1004 requires agencies to make available online information about public communications on pending regulatory actions.

Further, H.R. 1004 requires that agencies "expressly disclose that the Executive agency is the source of the information to the intended recipients."

Why is this important?

This is important because too many times information is provided without the basis of the facts behind it. It is opinion, Mr. Speaker. When members of the public see information that is provided, a source should be behind that information.

Further, H.R. 1004 prohibits agencies from "soliciting support for or promoting . . . pending agency regulatory action." A simple concept of transparency and, I believe, professionalism that both sides of the aisle should not only demand, but also welcome from any executive agency, regardless of who is in the White House. It is in the best interest of the American public, and transparency and honesty related to that should be above reproach. Unfortunately, this has also not been the instance, as there are abuses and overreach by Federal agencies and unelected bureaucrats.

Presidents of both parties have required a centralized review of regulations since the 1970s. This has largely been handled by the Office of Information and Regulatory Affairs, or OIRA, as it is commonly referred to. Every President since President Ronald Reagan has required a centralized review of regulations at OIRA so that an agency can do cost-benefit analysis of regulatory actions, which means there is a centralized process for the administration to look at what they do.

In 1993, President Bill Clinton put into place Executive Order 12866 to designate OIRA as the repository of expertise concerning regulatory issues. The executive order limited OIRA's review of regulations to only significant rules changes, those that have an annual effect on the economy of \$100 million or more. This office is responsible for reviewing the regulatory actions at both the proposed and final rulemaking stages. Unfortunately, lately, agencies have blatantly ignored the principles of the executive order from President Clinton, Executive Order 12866, and other governing authorities, including those requiring State, local, and tribal consultation in the rulemaking process have been ignored.

According to a policy center at George Mason University, agencies usually satisfy 60 percent or less of the requirements called for in the regulatory analysis, meaning that certain times we have found the executive branch did not even follow the well-known processes that are there to protect the people who they are trying to

provide services to. Mr. Speaker, we believe that is partially why we are here today, to clarify and correct these problems.

For example, between 2000 and 2013, 98 percent of the Environmental Protection Agency's final rules contained no estimated compliance costs. That means that the agency chose not to follow the process that is prescribed by the executive order. Additionally, the EPA routinely justifies its regulatory activities by claiming benefits from matters unrelated to the underlying legislation. Mr. Speaker, you can well see why there is consternation not only among people in the United States, but uncertainty with business that is attempting to follow the well-understood rules and regulations and the processes that go therein only to find out that our government chooses not to follow the rules and regulations that they should be following.

H.R. 1009 codifies the requirement for OIRA to conduct a review of significant regulations to ensure the regulations are consistent with applicable law and the principles set forth in the executive order. It also establishes new transparency measures such as requiring increased disclosure when extending review time, explanations about regulations that are dropped from the unified agenda, and a redline of changes that agencies make to regulations while it is under review by OIRA.

OIRA review is important to provide a double check on agencies to ensure not only compliance with the law, but the well-understood proposals that are made by agencies and the processes that they expect to understand in that process. That is why the main tenets of the underlying legislation have been supported by Presidents in the past, Members of Congress in the past, and even the judiciary that should expect that processes and procedures are followed properly.

Mr. Speaker, I would like to take a note, if I can, and add into the RECORD a Statement of Administration Policy that came from one of our former colleagues, now the Director of the OMB, the Honorable Mick Mulvaney. Mr. Mulvaney, in his new duties as the Director of the OMB, provided his first Statement of Administration Policy. It is concerning exactly the act that we are speaking about. I would like to congratulate the young Director of the OMB for his ascension to not only an important role, but helping the United States Congress to clarify for the American people that which is in their best interest.

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

STATEMENT OF ADMINISTRATION POLICY

H.R. 998—SEARCHING FOR AND CUTTING REGULATIONS THAT ARE UNNECESSARILY BURDENSOME (SCRUB) ACT

(Rep. Smith, R-MO, and three cosponsors)

H.R. 1004—REGULATORY INTEGRITY ACT OF 2017

(Rep. Walberg, R-MI, and eight cosponsors)

H.R. 1009—OIRA INSIGHT, REFORM, AND ACCOUNTABILITY ACT

(Rep. Mitchell, R-MI, and four cosponsors)

The Administration is committed to reducing regulatory burden on all Americans. On January 30, 2017, President Trump signed Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs, which provides for repeal of two regulations for every new one issued. This historic step accelerates the retrospective review process to make common-sense reforms to regulations across the Federal Government. Legislation is helpful where it amends agencies' regulatory processes to ensure they are transparent, and appropriately balance costs and benefits.

Each of these bills would address different aspects of the regulatory process. The SCRUB Act, H.R. 998, addresses the numerous outdated, duplicative, and otherwise unnecessary regulations that have accumulated throughout government. The Regulatory Integrity Act of 2017, H.R. 1004, would restrict the use of agency funds to advocate on behalf of regulations, and the OIRA Insight, Reform, and Accountability Act, H.R. 1009, would codify specific executive branch regulatory review procedures.

The Administration supports the SCRUB Act, the Regulatory Integrity Act, and the OIRA Insight, Reform, and Accountability Act. The Administration looks forward to working with the Congress on technical and other amendments to these bills.

The Administration appreciates the efforts of the Congress to rationalize the regulatory system and looks forward to continuing to work together to reform the regulatory process.

Mr. POLIS. Mr. Speaker, I thank the gentleman for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Mr. Speaker, today I rise in opposition to the rule and both underlying bills, H.R. 1009, the OIRA Insight, Reform, and Accountability Act; and H.R. 1004, the Regulatory Integrity Act.

These two bills that would be debated under this rule were both reported out of the House Committee on Oversight and Government Reform without a single Democratic vote. So these are not bipartisan bills. They were reported out of committee only by Republicans. The bills threaten transparency, undermine the independent authority of government agencies, and weaken the separation of powers between our three branches of government at a time in our history when we need it the most.

I sat in this Chamber last night as President Trump spoke about fixing healthcare and immigration systems, but we haven't seen those plans yet. Instead, all we have seen are these kinds of not-bipartisan bills that don't accomplish a lot.

Now, these two bills claim to offer accountability and integrity in the rulemaking process, but when you look past their title, you see what they really are is just another backdoor attack

on American workers, an attack on our environment and protecting our public health.

First with regard to H.R. 1009, much has been said since the start of this Congress about the importance of our checks and balances in our system. We have a new President who isn't shy about blurring the lines of separation between the executive, legislative, and even the judicial branches of government. He publicly condemned a judge based on his ethnicity in a private case. He also attacked a judge who struck down his order on immigration. I find it troubling to be debating a bill that would make government agencies even more dependent on the judgment of the White House when many of us question the judgment of the gentleman currently occupying the Oval Office.

Under current law, independent agencies, like the Environmental Protection Agency, the Consumer Financial Protection Bureau, Federal Communications Commission, and many others don't need approval from the administration to move forward with a new rule or regulation. Misleadingly characterized as simplifying the existing executive order, what this bill would actually do is require all rules made by independent government agencies to be sent to the White House, centralizing the power of the White House and the power of the President.

□ 1245

This bill effectively mandates improper influence by the White House.

In addition, the bill repeals language that exempts rules considered to be lifesaving from having to undergo a full review process.

If those reasons weren't enough to dissuade my colleagues from voting in favor of this rule, let me briefly discuss the unlimited review window this bill would create to derail and delay important rules. Frankly, important provisions like this are the reasons why the American people, often rightfully, accuse the government of waste, fraud, and abuse.

By giving the Office of Information and Regulatory Affairs unlimited time to review rules, Congress would effectively allow the White House to bury rules in red tape and paperwork, the very red tape and paperwork and bureaucracy that the American people are frustrated with. This bill is a recipe to make government less efficient rather than more efficient. It would grind the rulemaking process to a halt by burying the very limited staff of the White House under a whole array of rules from independent agencies that, with no timeline, would simply sit in the White House either going nowhere or being studied by committee after committee after committee. Perhaps, after several years, they will see the light of day after even more bureaucrats have had the chance, at your taxpayer expense, to read those rules.

My colleagues on the other side of the aisle claim that this bill makes the

Office of Information and Regulatory Affairs somehow more accountable by Congress by authorizing the statute, but that is not the case. This bill, like many other bills we have seen in this Congress, frankly, is a solution in search of a problem.

I don't disagree that the rulemaking process should be simplified, but there is a collaborative, bipartisan way to do that. This bill does not represent that idea. If passed, H.R. 1009 would reduce the ability of independent government agencies to work effectively, create additional paperwork and bureaucracy, and transfer significant power and authority to the White House and the President.

Frankly, this bill is a serious threat on our checks and balances at a time we need it the most. I urge my colleagues on both sides of the aisle to take that into account when voting on the rule and the bill today.

The second bill under this rule is H.R. 1004, the so-called Regulatory Integrity Act. It is another example of Republican attacks on health and safety protections.

The Regulatory Integrity Act of 2017 requires executive agencies to provide extensive and, often, gratuitous information on their websites related to any pending regulatory action they are seeking to make. Again, it is difficult to find a Member of this body who doesn't believe that we want more transparency, more accountability, and more streamlining of regulations. Of course, those are priorities for the country. This bill does not do that.

I don't believe an outright attack on our rulemaking process meant to protect our health, meant to protect people from fraud and abuse, and giving yet more hoops for agency officials to jump through in doing the job that Congress has asked them to do, in no way is that the correct way to go about increasing transparency in government. This bill makes it more difficult for all of the agencies that we have set up, that we have directed, to do their job; to protect the American public.

The new reporting requirements that are included in this bill will distract agencies from their core missions of keeping Americans safe and, again, bury them under mounds and mounds of additional paperwork requirements. Many of these agencies have seen their budgets cut by the Republicans, and the reporting requirements will take up even more of their very limited capacity that they have under the budget constraints they operate at.

As many of us know, this bill was born out of a 2015 GAO study that determined that the Environmental Protection Agency had violated certain restrictions during the rulemaking process for waters of the U.S. To me, the fact that that determination was made by an independent government agency is proof that our oversight process works. If there is a bipartisan bill we can do to implement best practices, I think that we could have strong Demo-

cratic support for that. This bill does not do that.

Republicans are ignoring the fact that the GAO also concluded that "the agency complied with the applicable requirements," and were so concerned with providing the public with opportunities to comment that the EPA and Army Corps of Engineers conducted over 400 meetings across the country. If this bill passes the House, the ability of agencies to do those kinds of outreach efforts and stakeholder involvement efforts would be limited. It would be limited by vast and unnecessary additional work, red tape, and bureaucratic reporting requirements that would be mandated under this bill with the same limited resources they have today. I think that it would be better use of their limited resources to do those kinds of field opportunities across the country, giving American stakeholders and people involved the opportunity to testify about how those rules affect them.

The most immediate and certain effect of this bill would be to virtually prohibit agencies from disclosing to the public any benefits that agency actions would have in protecting the American people. If an agency is no longer allowed to explain how the rulemaking process would benefit and protect the American people, the public, of course, would view this as some sort of burdensome regulation. Perhaps that is the goal of this bill from a propaganda perspective.

Finally, this bill will ban agencies from soliciting support for their regulations, seemingly forgetting that current law already does this. If there is need to clarify it again, we can certainly do so in a bipartisan way.

This unsettling trend of trying to, in fact, regulate regulations actually leads to additional bureaucracy and paperwork. It is a disservice to American workers and families, to our environment, and to many Americans who don't know if they can make their rent or have health insurance at the end of the month. It is a disservice to the thousands of military and civilian workers no longer able to seek employment in the Federal Government and a disservice to so many American children and adults.

The fact that we are even considering these bills illustrates that the priorities in Congress are not in line with the priorities of the people that we represent. I have not heard an outcry from my constituents on any of these issues. I hear about health care. I hear about immigration reform, improving our schools, making college more affordable, not that we need more administrative hurdles to the rulemaking process. I haven't heard it once from a single constituent at 51 townhalls I had last session.

The passage of this bill will put a significant administrative burden on government agencies that issue rules to protect Americans. It would limit the ability of the agencies that we set up

under our authorizing statutes to do their job: to protect the health and safety of the American people.

I urge my colleagues to reject this rule and reject these bills.

I reserve the balance of my time.

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

I appreciate the gentleman's thoughtful observations on this rule and on the bills. I will acknowledge that yesterday at the Rules Committee there was a vigorous discussion—I thought, professional on both sides—where there was an idea about the intent of this bill and what it would, in essence, lay off on the administration, or any administration, in trying to make sure that they complied with the law.

I will tell you that our Appropriations chairman, as well as the Appropriations Committee, would be able to deal effectively with this if they believed they needed more money in order to accomplish these efforts. But I think that transparency is an important issue, and I think that our authorizing and appropriating committees will understand that, as they deal with agencies, a better dialogue, whether it be Republican or Democrat in office, needs to be able to deal with Congress, provide us information, provide the American people with information, and be forthright about the decisions that they are going to make.

I think that the new Director of the OMB, the Honorable Mick Mulvaney, responded in his advice back—meaning the statement of administrative policy that directly took on this issue—that he looked forward to not only working with Congress on their needs, but also complying with the spirit of the law. I believe, Mr. Speaker, that what we are doing today is providing information to a brand-new administration and saying to a brand-new administration that it is okay if you have your ideas about those issues that you would wish to take up, but you have to be forthright about what you are doing. You have to provide information not only to Congress, but the American people; and when you propose changes or rules, you have to be honest and forthright in doing that.

It may be a little bit more money, but this Congress will stand behind this. And I believe that the new Trump administration, at least through my conversations with our new President and the head of OMB, they intend for across the government, across a new administration to attempt to be forthright and direct about what they are doing and why we are doing it. Now, more than ever, whether you are a Republican or Democrat or not—you could be a person back home—you are entitled to try and clarify and ask information. That is what we are doing.

Mr. Speaker, I yield 10 minutes to the gentleman from Washington (Mr. NEWHOUSE), a member of the Rules Committee, who served his State honorably as their agriculture commissioner.

Mr. NEWHOUSE. Mr. Speaker, I would like to thank my good friend from Texas (Mr. SESSIONS), the chairman of the Committee on Rules, for yielding me this time.

I am certainly in favor of the Regulatory Integrity Act of 2017, which I think will provide necessary transparency in the regulatory process by requiring agencies to post all public comments issued during a proposed rulemaking, which sounds simple enough. I cosponsored this legislation because I strongly believe, and I firmly believe, the public comment process is critical to ensure Federal regulations are drafted to protect the American people and not to punish them.

Unfortunately, far too often, agencies either ignore or fail to incorporate the public's input and suggestions when proposing and finalizing these important rules. Many regulatory actions impose billions of dollars in compliance and other costs on industries, on consumers, on small businesses, on farmers, and on families while bureaucrats ignore the meaningful input, suggested improvements, and the real concerns being voiced by the very people that will be most affected by their actions.

Mr. Speaker, this measure requires more transparency and accountability of Federal agency communications about proposed and pending regulations. Agencies like the Environmental Protection Agency have continually violated Federal laws and appropriations restrictions that prohibit the use of Federal funds for lobbying, advocacy, and propaganda efforts.

I know many are aware of the EPA's unlawful social media campaign advocating for the waters of the United States rule, the WOTUS rule; however, an even more egregious example recently occurred in my own home State of Washington. The EPA-funded What's Upstream campaign used grant awards to fund a website, radio ads, and billboards depicting dead fish and polluted water, alleging that farmers and the agriculture industry were responsible. The website helped visitors email their State legislators to advocate for 100-foot stream buffer zones around farms and other agricultural operations, despite prohibitions against such advocacy.

As a lifelong farmer, I have got to tell you, Mr. Speaker, I was insulted by the blatant lies this campaign had spread about farmers; and as a Member of Congress, I am outraged that the EPA continues to award grant funding to the entities responsible for this, I think, despicable and deceitful antifarmer campaign. I believe Congress must ensure Federal agencies follow the law to prevent future libelous campaigns like What's Upstream from ever receiving another cent of taxpayer dollars.

H.R. 1004 prohibits lobbying in support of proposed rules and requires agencies to track the details of all public communications about pending regu-

latory actions, while establishing clear standards for prohibited activities. This will guarantee that both the public and Congress understand how Federal agencies communicate with the public about pending regulations, and these reasonable restrictions will support transparency and accountability across the Federal Government.

Mr. Speaker, agencies should consider comments from the public and incorporate reasonable changes so that proposed Federal regulations can be revised and refined using that valuable public feedback before they are finalized. However, too often, Federal bureaucrats simply go through the motions and end up ignoring the public's input while they happily flout Federal law and create campaigns designed to garner support for their preferred proposals. Federal agencies must not treat their proposed regulations as final. By doing so, they are ignoring the voice and the will of the American people.

I urge my colleagues to support this important rule and the underlying bill; then, together, we can return transparency, we can return accountability, and we can return public input to the Federal rulemaking process once and for all.

□ 1300

Mr. POLIS. I would like to inquire if the gentleman from Texas (Mr. SESSIONS) has any remaining speakers?

Mr. SESSIONS. Mr. Speaker, as a matter of fact, I do not have additional speakers. I would wish to not only close myself, but to present a little bit more information. I would allow the gentleman, if he were prepared to offer his close, I would do the same.

Mr. POLIS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we are all deeply concerned over the reports from our intelligence community regarding foreign interference in our most recent election. When we defeat the previous question, I will offer an amendment to the rule to bring up bipartisan legislation, H.R. 356, the Protecting Our Democracy Act, which would create an independent commission to investigate the foreign interference in our 2016 election.

This is not a partisan matter. Both Democrats and Republicans have called for this investigation and a full accounting for the American people. Frankly, the American people deserve to know what happened, and Congress has the responsibility to get to the bottom of it.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. ROGERS of Kentucky). Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. POLIS. Mr. Speaker, when I was back in my district earlier this year,

again, I didn't have a single constituent raise issues over regulatory reform. I did have people ask if we can have a full accounting of foreign interference with our more recent election, and, if we defeat the previous question, that will give us an opportunity to do that.

I urge my colleagues to vote "no" and defeat the previous question. I will also urge them to vote "no" on the rule, and "no" on the underlying bills.

Just so no one is here under any illusions, Republicans do currently control the House, and the Senate, and the White House. Frankly, they have the ability to set the agenda, and they could use that agenda to advance real reforms like infrastructure, or tax reform, or fixing our broken immigration system, repairing broken roads and bridges. Today, instead, we are debating something so obscure that I don't think the American people know what OIRA does or how to pronounce it; another bill that has to deal with whether regulations are seen and signed off on by the staffers in the White House; and two bills that don't do anything but undermine the separation of powers, undermine the authority of this institution, the United States Congress, and make it harder for public agencies to do the job that we have instructed them to do to keep the American people safe.

For these reasons, Mr. Speaker, I urge my colleagues to defeat the previous question so we can bring up H.R. 356, the Protecting Our Democracy Act, and oppose the underlying legislation.

I yield back the balance of my time.

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

Mr. Speaker, the debate today has been fair and above board. I want to congratulate and thank the gentleman from Colorado not only for his service on the Rules Committee, but his service today in announcing not just his party's policies and ideas on this, but also his own, as he brings a vast business experience not only to Congress and to the Rules Committee, but to serve the people of his congressional district.

However, with that said, Mr. Speaker, I think that this will be overwhelming success on a bipartisan basis today, and the reason why is, because what we are doing is in the best interest of the American people.

We are doing this because the American people want and need an opportunity, as they petition their government, to know that they were heard, for their issues and ideas to be seen. And I would think now more than ever, especially if it were a prior administration, we would be accused of trying to jam down their throats something that we saw that was trying to put an undue burden on another administration. But, in fact, we are not.

And so the thoughts and ideas today should be—regardless of the administration, regardless whether you completely agree, or somewhat disagree,

we would want that government, that agency to be able to operate with the confidence of the American people. And that means that they are not there for their own purposes, or special interests, or for them to skew facts or information that might be provided to the American people, but, in fact, were opinions as opposed to something that was reasonably gained as a result of a scientific fact or information that was based on facts of the case.

Mr. Speaker, the regulatory state in this country has grown exponentially and, really, to unprecedented levels. Unelected bureaucrats have exceeded their authority, they are creating regulations, they are negatively impacting the marketplace, which causes a problem for me back home, and Members of Congress back home, as businesses talk about following rules and regulations rather than the marketplace, and trying to add employees and to turn the cash register.

Accordingly, the American Action Forum, when totaling all available regulatory costs reported by executive agencies, the Obama administration imposed more than \$600 billion in regulatory costs from 2009 to 2014. That is \$600 billion worth of regulatory costs imposed on the American people by unelected bureaucrats that have increasingly become unaccountable, not only to economic growth, but also to the American people, and I believe to Congress.

Other studies have produced the same conclusion and it is this: that runaway regulations have a disastrous effect on the United States economy, impacting not only job creation, but also the effective opportunity for the free enterprise system to exist.

Federal agencies should exist to serve the American people. And as such, they should heed and respect their views and comments, while staying within the parameters of laws passed by lawmakers or ensuring the rulemaking process is transparent and free of propaganda.

Mr. Speaker, we appreciate you allowing us time to debate this on behalf of the American people today. This rule and the underlying legislation will provide an important check on the regulatory state that we find exists today in the United States, and to return transparency, responsiveness, and, I believe, honest dignity to the American people that we serve, for this overreaching process. I urge my colleagues to support this rule and the underlying legislation.

The material previously referred to by Mr. POLIS is as follows:

AN AMENDMENT TO H. RES. 156 OFFERED BY
MR. POLIS

At the end of the resolution, add the following new sections:

SEC. 3. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 356) to establish the National Commission on Foreign Inter-

ference in the 2016 Election. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 4. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

THE VOTE ON THE PREVIOUS QUESTION: WHAT
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amend-

ment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

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

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

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

SEARCHING FOR AND CUTTING
REGULATIONS THAT ARE UN-
NECESSARILY BURDENSOME ACT

The SPEAKER pro tempore (Mr. NEWHOUSE). Pursuant to House Resolution 150 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 998.

Will the gentleman from Kentucky (Mr. ROGERS) kindly take the chair.

□ 1309

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 998) to provide for the establishment of a process for the review of rules and sets of rules, and for other purposes, with Mr. ROGERS of Kentucky (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, February 28, 2017, amendment No. 7 printed in House Report 115-20 offered by the gentleman from Illinois (Mr. KRISHNAMOORTHY) had been disposed of.

AMENDMENT NO. 8 OFFERED BY MS. BONAMICI

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 115-20.

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