won't be in session, I rise today to register my appreciation for the staff members who allow me to serve the people of the Fourth District of North Carolina.

The current political and media environment is not always an easy one for congressional staff to operate in, yet, every year, the staffers working in my North Carolina district offices help thousands of constituents navigate Federal agencies. They reach out to local businesses, governments, and other organizations, and help constituents access needed support.

In Washington, D.C., our office staff researches thousands of pieces of legislation. They help me communicate with hundreds of thousands of constituent communications, and help welcome constituents to Washington. And they join me in meetings with constituent groups and local and State representatives and universities and businesses—every imaginable group.

So the list of tasks is long, but all of them help ensure that the people of the Fourth District of North Carolina have a voice in the people's House. Simply put, these staff members that serve all of us represent the very best of public service. I and the people of North Carolina are grateful for their service.

Mr. Speaker, in recognition of their dedication and diligence, I would like to include in the CONGRESSIONAL RECORD the names of each of my staff currently employed in my office:

Nadia Alston, Katelynn Anderson, Sonia Barnes, Nora Blalock, Bayly Hassell, Asher Hildebrand, James Hunter, Lawrence Kluttz, Tracy Lovett, Sean Maxwell, Neel Mandavilli, Dave Russell, Samantha Schifrin, Anna Tilghman, Justin Wein, Leigh Whittaker, and Robyn Winneberger.

I am grateful, Mr. Speaker, for the effort that these staff members continue to put forth and for the opportunity that Employee Appreciation Day gives me and others to honor their service.

HONORING THE 23RD ANNUAL VERA HOUSE WHITE RIBBON CAMPAIGN

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

Mr. KATKO. Mr. Speaker, I rise today to speak out against domestic violence and sexual abuse. As a former Federal prosecutor for 20 years, I have seen firsthand how domestic violence affects people of all ages, races, religions, and socioeconomic backgrounds.

According to the National Coalition Against Domestic Violence, nearly 20 people per minute are physically abused by an intimate partner. We must work together to end this abuse.

Central New York is home to Vera House, an organization that works to prevent and respond to domestic and sexual abuse. Yesterday, Vera House kicked off its 23rd Annual White Ribbon Campaign in central New York. This campaign raises awareness for the need to put an end to domestic violence and sexual abuse.

This month, thousands of central New Yorkers will be wearing a white ribbon like I have on today, or a white wristband, to stand in solidarity against domestic and sexual violence.

I urge my House colleagues to join me in wearing a white ribbon to demonstrate a personal pledge to work towards preventing violence against men, women, and children.

□ 0915

REGULATORY INTEGRITY ACT OF 2017

GENERAL LEAVE

Mr. MITCHELL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1004.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 156 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. 1004.

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

□ 0916

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. 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, with Mr. SIMPSON 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 Michigan (Mr. MITCHELL) and the gentleman from Maryland (Mr. RASKIN) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

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

H.R. 1004 is sponsored by Representative TIM WALBERG, my colleague from Michigan. Cosponsors include Representative FARENTHOLD, Representative MEADOWS, Representative GOSAR, and myself.

I rise today in support of H.R. 1004, the Regulatory Integrity Act of 2017.

Every year, agencies promulgate thousands of new regulations and impose billions of dollars in regulatory costs on the American public. Those rules are conceived of, developed, written, and imposed by unelected agency officials—bureaucrats.

In return for the authority to issue regulations, Congress and the American people require two simple things from agencies. First, agencies must inform the public about their intended regulatory actions—early and accurately—to provide ample time for thoughtful feedback and consideration from the public. Second, we want the agencies to listen to what the public has to say about the proposed regulatory action.

Making sure the public has an opportunity to participate in this process is key. The public comment period is an essential part of upholding our democratic values. It ensures Americans have a voice heard in the Federal Government's regulatory process.

H.R. 1004 helps preserve and strengthen the integrity of the public comment process in several ways. First, the bill defines the parameters of how an agency should communicate when asking for and offering a proposal and asking for public feedback. H.R. 1004 requires the agency to identify itself in communications on the proposal. Imagine that. We ask them to identify themselves. The agency must clearly state whether it is accepting comments or considering alternatives.

Most importantly, agency communications during this process must use a neutral, unbiased tone. This bill requires agencies to do only what you would expect them to do if the request for feedback was genuine and sincere. This bill will uphold the purpose and value of the notice and comment process enshrined in the Administrative Procedures Act.

When issuing new regulations, agencies must provide notice of the regulation and accept comments from the public before finalizing the regulation. Often, regulated entities, small businesses, and subject-matter experts can provide new insights and perspectives agency officials simply do not have and do not understand. The notice and comment period allows the public to provide valuable insight to the agencies to help them make better regulations, more effective regulations, and minimize the adverse impacts.

However, not every agency takes this opportunity to really listen to the public. Often, agencies develop a proposed regulation and assume it is the end of the story. In effect, agencies reduce the notice and comment process to checking the box.

A perfect example, unfortunately, is when EPA developed the waters of the United States rule, known as WOTUS, EPA's behavior during the notice and comment period indicated that the EPA had little interest in listening to the public. Quite the contrary.

EPA used Thunderclap, an online social media platform, to disseminate government-sourced messages through unaffiliated individuals to encourage the public to provide positive comments. They did not identify themselves and used a third party to source comments that would support their

perspective. The goal was clearly to pad the administrative record with positive feedback rather than soliciting genuine input in an effort to measure the rule's effect on the public.

In fact, the Government Accountability Office found the EPA undertook a covert propaganda campaign by soliciting social media comments in support of their proposed rule. Let me say that again: a covert propaganda campaign.

GAO also told EPA to report this violation to the President and Congress because the agency's appropriations were not available for those prohibited purposes. They spent taxpayer money—our money—on something that was prohibited.

H.R. 1004, the Regulatory Integrity Act of 2017, seeks to shine a light on how agencies are communicating about pending regulatory actions. This bill simply tells agencies they need to keep to the facts and avoid soliciting support when they ought to be soliciting comments.

H.R. 1004 also establishes transparency requirements for the agency in how it communicates to the public. The bill requires agencies to post on their website some basic information about each communication about a pending regulatory action. For each communication, the public will be able to see a copy of the communication, the intended audience, the method of communication, and the date it was issued—simple transparency expectations. Additionally, H.R. 1004 requires agencies to post information online about each of their regulatory actions.

Mr. Chairman, the Regulatory Integrity Act will bring integrity back to the rulemaking process with transparency and simple guidelines for effective and appropriate communication.

The Regulatory Integrity Act is a good, bipartisan bill. This bill received support in the previous Congress, and the House of Representatives passed the bill last Congress.

On February 14, 2017, the Committee on Oversight and Government Reform approved this bill without amendment.

I thank Congressman WALBERG for his leadership on this issue. I urge my colleagues to support this bill.

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

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

Mr. Chairman, I am delighted to be with my distinguished colleague from Michigan on this legislation, which is part of a package of bills brought forward by the majority, which we believe undermine the ability of Federal agencies to effectively promote the public interest.

To begin with, it is quite clear that this legislation is unnecessary. Current law already bans the use of agency funds for ''publicity or propaganda purposes.'' Current law also currently bars agency employees from grassroots lobbying campaign designed to pressure Members of Congress to support or to oppose agency proposals.

So, at the very least, all of this is duplicative, which wouldn't be so bad just to add another level of red tape and legislation, except for this: If you look at the legislation, under Restriction, part 2, it says:

''Any public communication issued by an Executive agency that refers to a pending agency regulatory action, other than an impartial communication that requests comment on or provides information regarding the pending agency regulatory action, may not—

''(A) directly advocate, in support of or against the pending agency regulatory action, for the submission of information to form part of the record of review for the pending agency regulatory action. . . .''

So let's parse that for a moment. What they are saying is that the agency may not directly advocate to the public: Please tell us whether you are for or against this regulation and why.

They are not trying to prevent a viewpoint-specific propaganda intervention by the agency. This would actually stifle the ability of the agency to solicit anybody's point of view to go out on Facebook and ask, ''What is your position about this,'' and to use social media to solicit the public's input.

So although the legislation masquerades as an attempt to promote government transparency, it actually radically undercuts government transparency and the ability of the agencies to solicit the widest possible input.

It also says that the agency may not appeal to the public or solicit a third party to undertake advocacy in support of or against the pending agency regulatory action.

Now, I would have no problem if what they were trying to do is simply restate the current ban on one-sided propaganda inquiries by an agency to get one side to come out and support or oppose an agency rulemaking, but that is already against the law.

What they are trying to do is to cut off the ability of the agency to solicit any public input on all sides of the issue.

Why would we place that kind of duct tape over the Administrative Procedure Act?

Well, one thought, if you look at this proposal in the context of everything else they have brought forward this week, they want to try to reduce everything to a cost-benefit analysis. That is, what would the cost to polluters be? What would the cost to the violators of the public interest be?

They never look at what the benefit to the public is of the regulations, and they want to do it behind closed doors and then prevent the agencies from going out and aggressively soliciting the input of the public on all sides of the issue.

So we don't see what the need for this proposal is. We believe that it will have a severely chilling effect on the ability of agencies to do their job. They continually talk about one case, the WOTUS case, the waters of the United States case, where I cheerfully and readily admit that the agency went too far in terms of campaigning for its proposal. But they were called on that. The GAO already determined that they ran afoul of the prohibitions.

So they have one case which was dealt with completely legitimately within the law, and they have not cited another case.

I would gladly yield my time to my distinguished colleague from Michigan if he can invoke one other case where there was a problem or explain why the resolution of this problem was not sufficient in this case, because I think everybody understood that the agency had gone too far. It was dealt with. The problem is over.

So now we have a so-called cure, which is far worse than the underlying disease because the so-called cure is going to stifle and chill the ability of every Federal agency in the United States Government to go out and aggressively solicit public input. That is what we want in the agency process.

Now, yesterday, they just voted to create a new roving supercommission that would pore through the rules of all the different Federal agencies and bring back a package and then ask us to give a thumbs up or a thumbs down so they can just more readily dismantle public regulation.

Let's be very clear about it. We're talking about regulation that protects clean air. They rejected an amendment that would carve out the Clean Air Act from that bill. We're talking about regulation that protects clean water. We're talking about regulation that protects the purity of our food and our drugs. We're talking about regulations that advance our interests in a clean environment and reduces greenhouse gas emissions.

So it seems like they want to put the whole Federal regulatory process into a straitjacket, prevent the public from being involved, and prevent the agencies from going out and soliciting public input. That doesn't sound like giving government back to the people. That sounds like giving government over to billionaires, special interests, and big corporate powers that have all the lobbyists in Washington and know how to get things done behind closed doors.

Mr. Chair, I invite my distinguished colleague from Michigan to address any of the questions I have if there are any examples that he can provide of problems that would yield the need for such a dramatic shutdown on the ability of agencies to solicit public input.

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

Mr. MITCHELL. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. WALBERG), who is my colleague and good friend.

□ 0930

Mr. WALBERG. Mr. Chairman, I thank my colleague for leading this floor debate today.

Mr. Chairman, I rise today in support of my bipartisan bill, H.R. 1004, the Regulatory Integrity Act of 2017.

Regardless of the chatter that I believe simply confuses what we want to do in good government, this bill, H.R. 1004, is a good government transparency bill that is simple in nature and seeks to preserve the integrity of the regulatory process; specifically, the public comment period.

Whether it is EPA or the Department of Labor or any other agencies or departments, they have their purpose, but they have to follow the law. The public comment period is an essential part of upholding our democratic values because it ensures that Americans will have their voices heard in the Federal Government's regulatory process.

Agencies must take the comment period seriously. Unfortunately, we have seen instances where agencies seem to believe that the regulatory process is simply a perfunctory act that the agency must undertake in order to reach a prearranged outcome.

This became abundantly clear during the EPA's Waters of the U.S., or WOTUS, rulemaking process. During that process, Mr. Chairman, the EPA undertook a campaign to solicit support and artificially inflate the positive reaction to the WOTUS rule. The EPA used the skewed results as evidence of public support.

Mr. Chairman, I include in the RECORD two letters coming from the National Association of Home Builders and the Michigan Farm Bureau to attest to this problem.

NATIONAL ASSOCIATION OF HOME BUILDERS,
Washington, DC, February 14, 2017.

Hon. TIMOTHY WALBERG,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE WALBERG: On behalf of the 140,000 members of the National Association of Home Builders (NAHB), I am writing to express NAHB's strong support for H.R. 1004, the Regulatory Integrity Act of 2017. This legislation would force agencies to follow an open and transparent federal regulatory rulemaking process by making all aspects of a rulemaking publicly available and preventing federal agencies from illegally influencing the public in order to generate support for a rulemaking.

Federal agencies are prohibited, by law, from engaging in lobbying, grassroots, and propaganda activities designed to advance a policy agenda. However, in recent rulemakings, the Environmental Protection Agency (EPA) has ignored these restrictions and used social media platforms to perpetuate propaganda campaigns that advance their rulemakings. These actions only support the notion that the agency is not interested in a transparent and fair rulemaking process.

An excellent example of this is when the EPA created a social media campaign on Twitter, Facebook, and YouTube to counter opposition to its ''Waters of the US'' rulemaking. The agency concealed the fact that its social media messages were coming from within the EPA and deceptively engaged in lobbying efforts designed to kill legislation that was not favorable to their proposed rulemaking. In December 2015, the Government Accountability Office released a report outlining how the EPA participated in covert propaganda and grassroots lobbying and condemned the agency for violating federal law. Federal agencies must respect and uphold the law, and the passage of H.R. 1004 will help to ensure that federal agencies are not lobbying against America's small businesses.

For these reasons, NAHB urges the House Oversight and Government Reform Committee to support H.R. 1004, the Regulatory Integrity Act of 2017, in order to bring transparency and neutrality to the regulatory process.

Thank you for giving consideration to our views.

Sincerely,

JAMES W. TOBIN III.

MICHIGAN FARM BUREAU,
Lansing, Michigan, February 13, 2017.

Hon. JASON CHAFFETZ,
Chairman, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

Hon. ELIJAH CUMMINGS,
Ranking Member, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN CHAFFETZ AND RANKING MEMBER CUMMINGS: Michigan Farm Bureau strongly supports the Regulatory Integrity Act of 2017. The bill is a step in the right direction to hold government agencies accountable and for citizens to maintain trust in the government that serves them. Introduced by Rep. Tim Walberg, the bill is scheduled to come before the House Oversight and Government Reform Committee later this week.

Last year, we heard about an EPA grant being used to fund whatsupstream.com in the state of Washington. This initiative used the following billboard message: ''Unregulated agriculture is putting our waterways at risk'' to urge the public to contact state elected officials. In a similar campaign, GAO issued a legal opinion that EPA violated federal lobbying laws by funding advocacy efforts on the Waters of the United States (WOTUS) rule. Michigan farmers are frustrated when they read about federal agencies trying to sway the public in a way that promotes their own proposed rule before all stakeholders have had a chance to weigh in the rule's merits. These examples only undermine the trust our members place in the agencies meant to serve and protect our citizens.

We believe it is critical that Congress pass the Regulatory Integrity Act of 2017. We urge all members of the Committee to support this bill.

Sincerely,

JOHN KRAN,
Associate National Legislative Counsel.

Mr. WALBERG. The nonpartisan Government Accountability Office concluded the EPA overstepped and issued a report saying the EPA violated the law and undertook ''covert propaganda'' and grassroots lobbying during the process.

My bill simply seeks to preserve the spirit and purpose of the regulatory process by simply telling agencies that they need to keep to the facts and not solicit support when they ought to be soliciting constructive comments.

H.R. 1004 simply requires an agency to; one, identify itself as the source of information; two, clearly state whether the agency is accepting public comments or considering alternatives; and, three, and most importantly, speak about the regulations in a neutral, unbiased tone.

People need to have the confidence that the Federal agencies, regardless of whether it is a Republican or Democrat administration, are open to their insights an constructive criticism.

H.R. 1004 will restore the integrity to our regulatory process by ensuring agencies are honestly asking for feedback, constructive criticism, and dialogue about how to improve upon the agency's existing thoughts, not advocating for a predetermined outcome.

Mr. Chairman, this is a bipartisan issue. This bill passed the House last Congress with bipartisan support. In fact, a similar version was offered by my colleague, Representative PETERSON from Minnesota, as an amendment to H.R. 5 earlier this year. That amendment was approved with strong bipartisan support.

So, once again, I urge my colleagues to support the Regulatory Integrity Act.

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

Again, the advocates for the legislation returned to this one single case, which we all agree about. The GAO ruled that the EPA ran afoul of the prohibition on propaganda and on campaigning.

So the law worked there. The GAO blew the whistle on that. They shouldn't be coming out on one side of an issue and running a propaganda campaign. The government should not be engaged in propaganda. We all agree to that.

This legislation does something completely different. This legislation, rather than just saying a good day's work to the GAO for blowing the whistle, it says: Now we are going to tell all the Federal agencies and departments that have been out soliciting public input on all sides of issues, saying there is a regulation that has come up about clean air, about clean water, about food, about drugs, about the disposal of nuclear waste, about radioactive materials, and it tells them you can't do that anymore. You can't go out and solicit public input.

It places a complete chill on the ability of the government to go out and invite public participation in our government. Why? They keep returning to one case where the GAO blew the whistle where everybody agrees they were out of bounds.

A flag was thrown on the play, but now they want to use that in order to essentially impose a gag rule on Federal agencies across the land who are doing our work. The much reviled regulation that the agencies are engaged in is an attempt to flesh out the laws that we pass in this body because we don't want to be setting all of the particular rules about exactly how many pollutants can be in this water, in this

stream, in this river, in this creek, and so on, because we are not scientific experts on how many pollutants can be put into the air here and there. So it is delegated to government agencies.

But when they go through the Administrative Procedure Act and they have a rule and comment process, they should be able to go out and invite the public to participate.

Again, I invite my distinguished and thoughtful colleagues on the other side to cite one other case. Can they cite one case where the GAO did not blow the whistle? Can they cite some other litany of examples where there has been a real problem with government agencies being overzealous where it has not been corrected by the GAO?

The silence is deafening.

They have used the example of one problem that was caught, that was corrected, in order to try to demolish the ability of Federal agencies to go out and solicit the public's input.

To me, that is a familiar experience now, because I have been in the House of Representatives for just 2 months, and, in the committees I serve on, we continue to vote on bills where we have not had a single public hearing. We are not hearing from any of the groups.

I have a letter here objecting to this legislation that has been signed by the AFL–CIO, AFSCME, American Association for Justice, American Association of University Women, Americans for Financial Reform, Asbestos Disease Awareness Organization, Autistic Self Advocacy Network, BlueGreen Alliance, Center for Biological Diversity, Clean Water Action, Consumer Action, Consumer Federation of America, Consumers for Auto Reliability and Safety, Demand Progress, Earthjustice, Economic Policy Institute, Environment America, Environmental Working Group, Food & Water Watch, Greenpeace, Homeowners Against Deficient Dwellings, Institute for Agriculture and Trade Policy, International Union of United Automobile, Aerospace, and Agricultural Implement Workers, League of Conservation Voters, National Association of Consumer Advocates, and on and on and on.

I would like to have heard from these people in this process, but it seems like all we are getting from the other side is an attempt to have a curtain of darkness fall over all public process. We would like to have hearings. We want groups to be involved. But these people were not invited to testify. They didn't have a chance to opine on this.

Mr. Chair, in general, the problem here is that, rather than making government more transparent, we are making government more opaque. Rather than making government more open, we are making government more closed. Rather than reaching out to the public and inviting it into the rulemaking process, we are shutting the door and closing the blinds on it.

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

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

Mr. Chairman, one thing is clear to me, even as a freshman: we need to correct the record here.

My colleague from the minority suggests that somehow, magically, the GAO just determined they were the police officer, they cried foul, they stopped them.

Let's be clear about this. First, the GAO intervened because they were asked to do so by Chairman INHOFE. They investigated after the chairman asked them to look into it because of the concerns; not in advance, not because they found it independently, but because it was such a significant and egregious action that the chairman of the committee said: We need to look at this. And they did so.

Second, it was after the fact. What they found was that it was so extraordinarily egregious, they actually cited them for inappropriately spending taxpayer money.

Now, let's talk about what they did. We talk about chilling communication. Knowingly, why would you put out something on a social media site such as Thunderclap sourcing messages, not identifying yourself, if for any other purpose but to create propaganda? Why would you do that?

H.R. 1004 simply requires—and I will repeat them, because the minority seems to have a problem understanding this—the agency identified itself in its communication on a proposal: hello, this is the EPA. We are talking about this problem.

They make clear they are accepting public comments for and against: What do you think about it; what are the problems; will this work? Imagine that concept.

They require that agencies provide feedback on the comments that is genuine and sincere and not have already written the final bill—as my colleagues says, the perfunctory process.

That is what it requires. I have a difficult time understanding how that chills input from the public. And to be absolutely blunt with you, if it chills a few bureaucrats from deciding what they think is best rather than what this body believes is best, or, frankly, what the courts believe is best, then we have achieved our objective here today.

So, again, I urge my colleagues to support this bill.

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

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

Mr. Chairman, I think we are finally having some light here on the subject.

My distinguished colleague and fellow freshman from Michigan is most concerned about what did take place in the Waters of the United States case. He praises the GAO for responding to Senator INHOFE's inquiry.

We all agree that the GAO determined that the EPA ran afoul of existing prohibitions in law on propaganda, on taking a side in an issue. A flag was called on the play and the problem was dealt with.

If you find a kid shoplifting a candy bar, and you catch him, you remove him from the store, you tell him not to do it again. You don't then go pass a law saying that anybody under 18 cannot enter any commercial establishment in the country. The law worked in that specific case.

But, you see, they have taken a sledgehammer to a mosquito, and the mosquito was already killed. So now what they are busting up is the ability of agencies across the country simply to use the social media to go out and to solicit and invite public input into the rulemaking process. What are we afraid of?

Justice Brandeis said that sunshine is the great disinfectant. We want the public involved. We want the public's engagement.

So, again, I invite my thoughtful colleagues on the other side to cite one case of an agency doing this that was not dealt with by the GAO. I can cite you countless examples of cases where Federal agencies have gone online to invite public input in a completely objective and neutral way. Now we are creating a chill over that process because of this ban on soliciting advocacy from the public on either side of the issue.

So I simply don't get it, and I am puzzled why they continually talk about one case which was happily resolved under existing law.

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

□ 0945

Mr. MITCHELL. Mr. Chairman, I have no further speakers on the bill.

I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I include in the RECORD several letters opposing the bill.

COALTION FOR
SENSIBLE SAFEGUARDS,
February 28, 2017.

Re House floor vote of H.R. 1004, the Regulatory Integrity Act.

DEAR REPRESENTATIVE: The Coalition for Sensible Safeguards (CSS), an alliance of over 150 labor, scientific, research, good government, faith, community, health, environmental, and public interest groups, strongly oppose H.R. 1004, the Regulatory Integrity Act.

The bill is a brazen attack on the public's right to know by micro-managing the type of information that agencies are allowed to communicate to all of us when taking actions to protect the public, our economy, and the environment. An open government that prioritizes democratic public participation requires agencies to be able to effectively convey information to the public and make agency policy positions clear to the public. This bill will make our government less open and less democratic and should therefore be rejected.

H.R. 1004 will significantly inhibit federal agencies' ability to engage and inform the public in a meaningful and transparent way regarding its work on important science-based rulemakings that will greatly benefit the public. As a result, the bill will lead to

decreased public awareness and participation in the rulemaking process in direct contradiction of the Administrative Procedure Act and agencies' authorizing statutes, which specifically provide for broad stakeholder engagement.

Substantial ambiguities in the bill threaten to create uncertainty and confusion among agencies about what public communications are permissible, and thus risks discouraging them from keeping the public apprised of the important work that they do on its behalf. In an era when agencies should be increasingly embracing innovative 21st century communications technologies needed to reach the public, including social media, H.R. 1004 sends exactly the wrong message.

The legislation strictly prohibits agencies from issuing ''public communications'' that ''emphasize the importance'' of a particular agency action unless the communication has the ''clear purpose of informing the public of the substance or status'' of the particular action. The legislation applies to a wide swath of regulatory actions including rulemakings, guidance, policy statements, directives and adjudications.

While H.R. 1004 assumes that the distinction between informing the public of an agency action and emphasizing the importance of that action is self-evident, in practice the distinction is anything but clear. As a result, agencies are likely to avoid any public communications that risk running afoul of this ambiguous prohibition, no matter how informative the communication might be for the public.

For example, various executive orders and statutes compel agencies to conduct cost-benefit analysis on their pending rulemakings, and thus to determine whether the rule's benefits outweigh its costs. As currently written, the Regulatory Integrity Act could potentially prohibit an agency from communicating the results of such an analysis when it concludes that a particular rule generates net benefits. After all, that conclusion is tantamount to declaring that the rule makes society better off on balance. Instead, the agency would likely be forced to simply share the basic information that they had conducted a cost-benefit analysis of the regulation without being able to share the further crucial information that the regulation's benefits exceeded the costs. Given that many of the bill's sponsors enthusiastically endorse the expanded use of cost-benefit analysis in the rulemaking process, these kinds of arbitrary prohibitions on communications concerning cost-benefit analysis seem especially peculiar.

Agencies would encounter this problematic scenario when deciding to share vital information, such as:

How many lives would be saved by a regulation;

How much property damage would be averted;

How much money consumers would save; and

Any of the other myriad public benefits that regulations are designed to provide.

The stark absence of any clear bright-lines in the legislation delineating what is and what is not prohibited public communications is sure to have a chilling effect on agencies, with the predictable result that agencies will be less willing to share crucial information with the public and that the public will be less informed about government activities.

H.R. 1004 also will severely impede, rather than enable, agency use of new communication technologies, most notably social media platforms, to reach the public. Regulatory experts and scholars agree that agencies should be using social media forums and platforms.

Agencies will find it difficult, if not impossible, to communicate with the public through social media under H.R. 1004 since the bill prevents any usage of social media that both conveys information about a regulatory action but also promotes the importance of that action.

For example, the U.S. Department of Interior operates a Twitter and Instagram account that is very popular with the public because it regularly features photos of beautiful landscapes and wildlife from national parks across the United States. Under the Regulatory Integrity Act, the Department might be prohibited from posting such photos on Twitter and Instagram because they are not solely informational in nature and could be interpreted as promoting the importance of the department's work in environmental and wildlife preservation.

Enactment of H.R. 1004 will lead to less transparency in the government, make it more difficult for agencies to use new communication technologies popular with the public, and generally chill agency communications with the public on important matters due to the lack of any bright-line standards for agencies to follow.

We strongly urge you to oppose H.R. 1004, the Regulatory Integrity Act.

Sincerely,

ROBERT WEISSMAN,
President,
Public Citizen Chair.

LEAGUE OF CONSERVATION VOTERS,
Washington, DC, February 27, 2017.

Re Oppose H.R. 998, 1004, & 1009—Assaults on Environmental Safeguards in the Guise of ''Regulatory Reform.''

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of our millions of members, the League of Conservation Voters (LCV) works to turn environmental values into national, state, and local priorities. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to vote NO on H.R. 998, the SCRUB Act, H.R. 1004, the Regulatory Integrity Act, and H.R. 1009, the OIRA Insight, Reform, And Accountability Act. LCV joins our partners in the Coalition for Sensible Safeguards—an alliance of consumer, public health, labor, good government, environmental, and scientific groups—in strongly opposing this trio of extreme bills that have far-reaching and damaging consequences for vital public health and environmental safeguards.

H.R. 998, the SCRUB Act, would jeopardize critical environmental safeguards that have been in place for decades and would make it extremely difficult to develop new standards in response to threats to public health and the environment. This legislation creates a regulatory review commission that would disregard the public benefits of environmental safeguards and only consider the costs to industries. By creating a misguided ''cut-go'' system for safeguards, this bill would result in key public health protections being eliminated.

H.R. 1004, the Regulatory Integrity Act, would significantly hinder communications between federal agencies and the public and would discourage agencies from using social media platforms. This legislation would reduce government transparency and would leave the public less informed about government activities. The vague guidelines about what public communications are allowed would result in agencies being less willing to share key information with the public.

H.R. 1009, the OIRA Insight, Reform, And Accountability Act, would endanger clean air and clean water protections by opening them up to more litigation. The bill would effectively rewrite dozens of laws in which Congress mandated that agencies prioritize public health, safety and the preservation of clean air and water over concerns about industry profits.

LCV urges you to REJECT H.R. 998, 1004, & 1009 and will strongly consider including votes on these bills in the 2017 Scorecard.

Sincerely,

GENE KARPINSKI,
President.

GOOD MORNING EVERYONE: I am writing to express the opposition of the American Association for Justice (AAJ) to the three anti regulation bills that will be voted on on the House floor this week. The Searching for and Cutting Regulations that are Unnecessarily Burdensome Act of 2017 (SCRUB Act); The Regulatory Integrity Act of 2017; and the OIRA Insight, Reform, and Accountability Act all impede the ability of federal agencies to appropriately protect the health, safety and well-being of the American public. As a result, we urge your boss to vote NO on all three bills. See below and attached for additional information on each bill. Please let us know if you have any questions or concerns.

SARAH ROONEY,
Director of Regulatory Affairs,
American Association for Justice.

H.R. 998, THE SCRUB ACT

The SCRUB Act would establish a new regulatory review commission charged with identifying duplicative and/or redundant regulations to repeal. In addition, the bill provides for a blanket percentage reduction in the cumulative regulatory cost to industry without adequately considering the benefits bestowed upon the public by these same regulations. Under the severe SCRUB Act regulatory cost considerations, targeted regulations could be repealed even when the benefits of these rules are significant, appreciated by the public, and far outweigh the costs.

The SCRUB Act also contains entirely ineffective cut-go provisions. Under the bill's cut-go provisions, an agency would be required to remove an existing regulation of equal or greater cost from its cut-go list before it can issue a new regulation. As a result of these provisions, agencies will be unable to respond to any emerging hazard with any new public regulatory protections or guidance.

H.R. 1004, THE REGULATORY INTEGRITY ACT OF 2017

The Regulatory Integrity Act of 2017 significantly limits the types of communications federal agencies can have with the public regarding pending regulatory actions and prohibits agencies from soliciting support for its regulatory actions. These inappropriately restrictive provisions have two goals: stymieing important public protections and preventing the public from knowing about the positive impact pending regulations may provide.

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

Lastly, the OIRA Insight, Reform, and Accountability Act creates yet another duplicative and unnecessary commission to provide for the repeal of regulations, while also providing for numerous additional hurdles in the regulatory review process. It would codify the numerous burdensome regulatory review requirements and make them subject to judicial review which would provide for extensive challenge and delay of important protections. More concerning, this bill would

severely damage the impact of dozens of Congressionally passed public interest laws that require agencies to prioritize public health and safety and protecting the environment and instead focus on cost to industry. It also would make federal agency science much more vulnerable to judicial review. Lastly, the bill would effectively undermine Congressionally chartered independent agencies by putting them under the influence of the Office of the President.

Mr. RASKIN. Mr. Chairman, I thank my colleague for his thoughtful presentation and thank the Chair for his indulgence.

I yield back the balance of my time.

Mr. MITCHELL. Mr. Chairman, I will make my statement brief. As you know, I believe in a little bit of brevity around here. Let me suggest that we have talked at length on the content of the bill and the intent of the bill. Let me suggest that my colleague may have used the wrong example or analogy because we all know, where there is one mosquito, there is more. Where there is one, there is more. At this point in time, this bill says we are going to take care of his mosquitoes. With all due respect, I ask my colleagues to support the bill, as I believe it puts the transparency required in rulemaking that will require agencies to disclose they are asking for comments and who is making the comment. It is one more step in getting the government accountable to the people rather than accountable to itself.

Mr. Chairman, I urge adoption of the bill, and 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. The bill shall be considered as read.

The text of the bill is as follows:

H.R. 1004

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Integrity Act of 2017''.

SEC. 2. PUBLICATION OF INFORMATION RELATING TO PENDING REGULATORY ACTIONS.

(a) AMENDMENT.—Chapter 3 of title 5, United States Code, is amended by inserting after section 306 the following new section:

''§ 307. Information regarding pending agency regulatory action

''(a) DEFINITIONS.—In this section:

''(1) AGENCY REGULATORY ACTION.—The term 'agency regulatory action' means guidance, policy statement, directive, rule making, or adjudication issued by an Executive agency.

''(2) PUBLIC COMMUNICATION.—The term 'public communication'—

''(A) means any method (including written, oral, or electronic) of disseminating information to the public, including an agency statement (written or verbal), blog, video, audio recording, or other social media message; and

''(B) does not include a notice published in the Federal Register pursuant to section 553 or any requirement to publish pursuant to this section.

''(3) RULE MAKING.—The term 'rule making' has the meaning given that term under section 551.

''(b) INFORMATION TO BE POSTED ONLINE.—

''(1) REQUIREMENT.—The head of each Executive agency shall make publicly available in a searchable format in a prominent location either on the website of the Executive agency or in the rule making docket on Regulations.gov the following information:

''(A) PENDING AGENCY REGULATORY ACTION.—A list of each pending agency regulatory action and with regard to each such action—

''(i) the date on which the Executive agency first began to develop or consider the agency regulatory action;

''(ii) the status of the agency regulatory action;

''(iii) an estimate of the date of upon which the agency regulatory action will be final and in effect; and

''(iv) a brief description of the agency regulatory action.

''(B) PUBLIC COMMUNICATION.—For each pending agency regulatory action, a list of each public communication about the pending agency regulatory action issued by the Executive agency and with regard to each such communication—

''(i) the date of the communication;

''(ii) the intended audience of the communication;

''(iii) the method of communication; and

''(iv) a copy of the original communication.

''(2) PERIOD.—The head of each Executive agency shall publish the information required under paragraph (1)(A) not later than 24 hours after a public communication relating to a pending agency regulatory action is issued and shall maintain the public availability of such information not less than 5 years after the date on which the pending agency regulatory action is finalized.

''(c) REQUIREMENTS FOR PUBLIC COMMUNICATIONS.—

''(1) IN GENERAL.—Any public communication issued by an Executive agency that refers to a pending agency regulatory action—

''(A) shall specify whether the Executive agency is considering alternatives;

''(B) shall specify whether the Executive agency is accepting or will be accepting comments; and

''(C) shall expressly disclose that the Executive agency is the source of the information to the intended recipients.

''(2) RESTRICTION.—Any public communication issued by an Executive agency that refers to a pending agency regulatory action, other than an impartial communication that requests comment on or provides information regarding the pending agency regulatory action, may not—

''(A) directly advocate, in support of or against the pending agency regulatory action, for the submission of information to form part of the record of review for the pending agency regulatory action;

''(B) appeal to the public, or solicit a third party, to undertake advocacy in support of or against the pending agency regulatory action; or

''(C) be directly or indirectly for publicity or propaganda purposes within the United States unless otherwise authorized by law.

''(d) REPORTING.—

''(1) IN GENERAL.—Not later than January 15 of each year, the head of an Executive agency that communicated about a pending agency regulatory action during the previous fiscal year shall submit to each committee of Congress with jurisdiction over the activities of the Executive agency a report indicating—

''(A) the number pending agency regulatory actions the Executive agency issued public communications about during that fiscal year;

''(B) the average number of public communications issued by the Executive agency for each pending agency regulatory action during that fiscal year;

''(C) the 5 pending agency regulatory actions with the highest number of public communications issued by the Executive agency in that fiscal year; and

''(D) a copy of each public communication for the pending agency regulatory actions identified in subparagraph (C).

''(2) AVAILABILITY OF REPORTS.—The head of an Executive agency that is required to submit a report under paragraph (1) shall make the report publicly available in a searchable format in a prominent location on the website of the Executive agency.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 3 of title 5, United States Code, is amended by adding after the item relating to section 306 the following new item:

''307. Information regarding pending agency regulatory action.''.

The CHAIR. No amendment to the bill shall be in order except those printed in part A of House Report 115–21. Each such amendment may be offered only in the order printed in the report, 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.

AMENDMENT NO. 1 OFFERED BY MS. JACKSON LEE

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 115–21.

Ms. JACKSON LEE. 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 3, after line 17, insert the following new paragraph (and redesignate subsequent paragraphs accordingly):

''(2) PROPAGANDA; PUBLICITY; ADVOCACY.—The terms 'propaganda', 'publicity', and 'advocacy' mean information, statements, or claims (or using such information, statement, or claim, as applicable) that—

''(A) are not widely accepted in the scientific community; or

''(B) are beliefs or assertions that are unsupported by science or empirical data.''.

The CHAIR. Pursuant to House Resolution 156, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. I yield myself such time as I may consume.

Mr. Chairman, I thank the Chair and the managers of the bill, in this instance Mr. RASKIN and his collaborator, the Republican manager as well. I thank them for their very thoughtful discussion. I also want to indicate that this regulation does have a perspective of excessiveness on a matter that can be confined to instructions to the agencies that have the responsibility of implementing the laws that we pass here in the United States Congress.

My amendment improves the present underlying bill by making clear that

communication of information statements or claims that are generally accepted by the scientific community or supported by empirical data is not restricted by this bill.

H.R. 1004 directs each Federal agency to make information regarding their regulatory actions publicly available in a searchable format on a prominent website. That information would have to include the date a regulation was considered, its current status, an estimate of when the regulation will be final, and a brief description of the regulation. In addition, agencies will be required to track the details of all public communications about pending regulatory actions.

But it further provides that:

''Any public communication issued by an Executive agency that refers to a pending agency regulatory action, other than an impartial communication that requests comment on or provides information regarding the pending agency regulatory action,'' among other things, ''may not—be directly or indirectly for publicity or propaganda purposes within the United States. . . .''

I want to make sure that if an agency is telling the truth, then that agency is not going to be charged, as was said by Mr. RASKIN, using a sledgehammer, that they can't make those communications. Take, for example, someone claiming that global warming is a hoax, but, if you read the facts, you will find out that a landmark 2013 study assessed 4,000 peer-reviewed papers by 10,000 climate scientists that gave an opinion on the cause of climate change. It showed 97 percent of the authors attributed climate change to manmade causes. That may be a simple statement made by an agency based on science and empirical study. That should not be prohibited.

The Jackson Lee amendment will protect Federal agency employees who might otherwise be ostracized, marginalized, discriminated against, wrongfully terminated or mistreated, or the whole regulation process imploded for statements made even though the statement is externally valid, logical, rooted in fact, or supported by empirical data, although contrary to an administration's political agenda. I want this to be straight up. I want these agency representatives to do what is right, so I ask my colleagues to support the Jackson Lee amendment.

Mr. Chair, I wish to thank the Chair and Ranking Member of the Rules Committee for making the Jackson Lee Amendment in order.

I also wish to thank Chairman CHAFFETZ and Ranking Member CUMMINGS for their work in bringing the legislation before us to the floor.

Mr. Chair, thank you for this opportunity to explain the Jackson Lee Amendment to H.R. 1004.

The Jackson Lee Amendment improves H.R. 1004 by making clear that Communication of information, statements or claims that are generally accepted by the scientific community or supported by empirical data is not restricted by the bill.

H.R. 1004 directs each federal agency to make information regarding their regulatory actions publicly available in a searchable format on a prominent website.

That information would have to include the date a regulation was considered, its current status, an estimate of when the regulation would be final, and a brief description of the regulation.

In addition, agencies would be required to track the details of all public communications about pending regulatory actions.

H.R. 1004 further provides that ''any public communication issued by an Executive agency that refers to a pending agency regulatory action, other than an impartial communication that requests comment on or provides information regarding the pending agency regulatory action, among other things, may not ''be directly or indirectly used for publicity or propaganda purposes within the United States unless otherwise authorized by law.''

Thus, in addition to requiring each federal agency to make information regarding regulatory action publicly available and accessible online, H.R. 1004 places restrictions on the type and quality of communications agencies may make.

This vague phrase—''publicity or propaganda purposes''—creates substantial uncertainty and confusion as to what public communications are permissible, and risks discouraging agencies from keeping the public apprised of the important work they do on its behalf.

The Jackson Lee Amendment will protect federal agency employees who might otherwise be ostracized, marginalized, discriminated against, wrongfully terminated, or mistreated for statements made even though the statement is externally valid, logical, rooted in fact, or supported by empirical data, although contrary to an administration's political agenda.

Under the Jackson Lee Amendment, for example, a communication that human activity is a major contributor to climate change is not propaganda because it is an assertion supported by an overwhelming consensus of the scientific community.

On the other hand, a claim that there is 'widespread voter fraud' in presidential elections could be considered propaganda, because there is no reliable and statistically significant empirical data to support such a claim.

Federal agencies' ability to engage and inform the public in a meaningful and transparent way regarding their work on important science-based rulemakings that will greatly benefit the public is a public good that we must nurture and protect.

While propaganda may corrupt information or ideas by an interested party in a tendentious way in order to encourage particular attitudes and responses, information, supported by facts or empirical evidence, on the other hand, does not.

The Jackson Lee Amendment safeguards the legitimacy and transparency of communications issued by federal agencies, ensuring that the information disseminated to the public is accurate and reliable.

I urge my colleagues to preserve the bedrock principles of empirical research, scientific method, and free inquiry that are indispensable to free societies by voting for the Jackson Lee Amendment.

[From cnbc.com, February 17, 2017]

MURRAY ENERGY CEO CLAIMS GLOBAL WARMING IS A HOAX, SAYS 4,000 SCIENTISTS TELL HIM SO

(By Tom DiChristopher)

Murray Energy Chairman and CEO Robert Murray on Friday claimed global warming is a hoax and repeated a debunked claim that the phenomenon cannot exist because the Earth's surface is cooling.

Murray appeared on CNBC's ''Squawk Box'' to discuss Republicans' rollback of an Obama-era rule that would have restricted coal mining near waterways. President Donald Trump signed the measure on Thursday in front of Murray and a group of Murray Energy workers.

Murray Energy is the country's largest coal miner. Many of its mines are in Appalachia, a region that would suffer some of the biggest impacts of the rule. Murray also successfully sued to delay implementation of the Clean Power Plan, which would regulate planet-warming carbon emissions from power plants.

Asked about the economic analysis behind President Barack Obama's energy regulations, Murray said, ''There's no scientific analysis either. I have 4,000 scientists that tell me global warming is a hoax. The Earth has cooled for 20 years.''

It was not immediately clear who the 4,000 scientists Murray referenced are.

Asked for clarification, a spokesperson for Murray Energy sent links to the Manhattan Declaration on Climate Change, which says ''human-caused climate change is not a global crisis,'' and the Global Warming Petition Project, a list of science degree holders who don't think humans cause climate change.

Murray's claim that there is no scientific analysis behind climate change is not true.

A landmark 2013 study assessed 4,000 peer-reviewed papers by 10,000 climate scientists that gave an opinion on the cause of climate change. It showed 97 percent of the authors attributed climate change to manmade causes.

His second claim that Earth is cooling is also false.

Temperatures were the warmest on record last year, according to NASA and the National Oceanic and Atmospheric Administration. It was the third year in a row global average temperatures set a record.

''The planet's average surface temperature has risen about 2.0 degrees Fahrenheit (1.1 degrees Celsius) since the late 19th century,' a change driven largely by increased carbon dioxide and other human-made emissions into the atmosphere,'' NASA and NOAA said.

Climate change skeptics sometimes point to cool land temperatures to dispute global warming. Scientists have repeatedly noted that water covers 70 percent of the Earth's surface, so it is highly misleading to cast temperatures on land as a representation of global-scale temperatures.

Land also heats and cools more quickly than the ocean, The Weather Channel noted while debunking a recent Breitbart News article that was widely found to have cherry-picked data to cast doubt on climate change.

Ms. JACKSON LEE. Mr. Chairman, I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. FARENTHOLD. Mr. Chairman, I appreciate my colleague from Texas seeking to make this better, but I am going to have to oppose this amendment. It is confusing, unnecessary, and

overly restrictive on agencies. This amendment would create a single definition of three different words: propaganda, publicity, and advocacy. Those are different words. Under this amendment, publicity, advocacy, and propaganda would mean making a statement not widely accepted by the scientific community. Are we going to create a test of two out of three dentists agree? It is going to be difficult to do. I mean, it could be anything. Is it propaganda for me to say I love my wife? I only know a couple of scientists, there is not going to be a broad, general consensus in the scientific community about that, but it is certainly not propaganda. It is a statement of my feeling.

Publicity and propaganda and advocacy are different words. They don't mean the same thing, and they certainly don't have the definition my friend from Texas is suggesting. Check out the dictionary. You can do it on your smartphone. These definitions that are proposed in this amendment are unworkable. I urge my colleagues to oppose this amendment.

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

Ms. JACKSON LEE. Mr. Chairman, I have no doubt that my good friend from Texas loves his wife. I would also suggest to him that there might be a number of individuals who are experts that would be able to confirm that, certainly those who are around him, and they might be able to say that that is not propaganda or publicity, and, therefore, his statement stands.

But when you are talking about thousands upon thousands of executive agency staff, servants of the United States Government wanting to do what is right, and you come down with this massive, oppressive document that says here is what you have to do, but don't do propaganda and don't do publicity, there should be a determination or a standard that says if it is based in fact, you have no problem, that is information that you can disseminate in order to edify those who may be wanting to comment by edifying the particular regulatory scheme or structure that you are putting forward for comment.

Why should my friends on the other side be afraid of good, strong information to make the input valuable so that if I am dealing with a clean air regulation that I am able to hear from those who are for and against, but I can provide documentation, scientific documentation about the quality of air pollution, why this regulatory scheme is appropriate. I ask my colleagues, again, to support the Jackson Lee amendment.

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

Mr. FARENTHOLD. Mr. Chairman, I come back to the purpose of this bill: we want our regulatory agencies to be neutral. They propose a rule, they have done the research, and they have done the science. They wouldn't be proposing it if they didn't believe that it needed to be done. Where they crossed the line is using taxpayer money to go out and promote and advocate for it. The idea behind public comments, the whole thought behind public input is to get a diversity of ideas, but, if the solicitations seeking that comment are biased, or if the agency is advocating it, it potentially suppresses the other side. We want to get both sides of the matter.

Let's look at the actual definition of propaganda. I googled it while Ms. JACKSON LEE was just speaking. Propaganda is information, especially of a biased or misleading nature used to promote a particular cause or point of view. Advocacy is another one that has a definition. It is public statements for or a recommendation of a particular cause or policy. So those definitions basically say you are pushing a point of view. We don't want to limit those.

The definition and the purpose behind this legislation is to make our agencies fair about seeking comment and fair about listening to those comments. We don't want the agencies going into this with preconceived notions and advocating it. We want the public comment to work the way the public comment is supposed to work. The scientific community, whether they are for it or against it, can weigh in in those public comments, and the public and the agency will know what their consensus is based on the fair comments fairly solicited. So again, I urge opposition to this amendment.

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

Ms. JACKSON LEE. How much time is remaining on both sides?

The CHAIR. The gentlewoman from Texas has 30 seconds remaining. The gentleman from Texas has 1½ minutes remaining.

Ms. JACKSON LEE. Mr. Chairman, let me say to the gentleman that what we are suggesting is that propaganda can be confusing. I want truth and honesty, and I want our agencies to be able to reach out and to help the American people. Therefore, my amendment says that if by chance they say something but it has facts or empirical evidence, it is not propaganda, it is not publicity, they can go forward and protect our water, they can protect our health, they can protect our air. Why are we hiding on this floor?

I ask my colleagues to support the Jackson Lee amendment. It only makes this bill more refined as to how we can help the American people pass a regulatory scheme that enhances local communities and cities. That is why we need the Jackson Lee amendment.

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

Mr. FARENTHOLD. Mr. Chairman, in closing, the purpose of the underlying legislation here is to make sure we have a fair process and the Federal Government isn't pushing a point of view, it is listening to all sides. This amendment takes that away. For that reason, I urge opposition.

I yield back the balance of my time.

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

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

Ms. JACKSON LEE. 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 Texas will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. FARENTHOLD

The Acting CHAIR (Mr. HULTGREN). It is now in order to consider amendment No. 2 printed in part A of House Report 115–21.

Mr. FARENTHOLD. Mr. Chairman, as the designee of the gentleman from Indiana (Mr. MESSER), I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 24, strike ''; and'' and insert a semicolon.

Page 5, line 2, strike the period at the end and insert ''; and''.

Page 5, after line 2, insert the following new clause:

''(v) if applicable, a list of agency regulatory actions issued by the Executive agency, or any other Executive agency, that duplicate or overlap with the agency regulatory action.''.

The Acting CHAIR. Pursuant to House Resolution 156, the gentleman from Texas (Mr. FARENTHOLD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. FARENTHOLD. Mr. Chairman, this is a simple transparency measure that adds a disclosure requirement under the underlying bill. Understanding which regulations are duplicative or overlapping allows the public to be better informed as they participate in the rulemaking process. We want to know what is going on as members of the public. Too many times agencies develop regulations without consideration or coordination with other Federal agencies, State and local governments, or, in some cases, even the public. They issue proposed rules that are unnecessary, duplicative, or overcomplicated.

This simple amendment helps draw the public's attention to potential areas of concern while the rule is still in the proposed phase of rulemaking. I urge my colleagues to support this amendment.

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

Mr. RASKIN. Mr. Chairman, I claim the time in opposition to the amendment.

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

Mr. RASKIN. Mr. Chairman, I do want to express my opposition to this amendment because it is perfectly duplicative, and it does nothing to cure

the very serious deficiencies in the underlying bill. Executive Order 13563, which was issued by President Obama, requires each agency to ''periodically review existing significant regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed, so as to make the agency's regulatory program more effective or less burdensome in achieving the regulatory objectives.''

Because there is little doubt that this executive order covers the review and elimination of duplicative and overlapping regulatory actions, there is no need for the additional reporting requirements that this amendment would redundantly impose. More importantly, this amendment simply fails to address the profound flaws in the underlying bill. It fails to provide the bright lines for what an agency can communicate to the public safely within the stringent new guidelines. It fails to eliminate the unnecessarily burdensome and onerous requirements in the bill that seem to have no purpose but to reduce the amount of information agencies would be able to release to the public and invite from the public.

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The amendment fails to eliminate the prohibition against agencies making public communications that directly advocate for or oppose the submission of public comments or expert analysis of a pending rule. The amendment fails to remove the serious impediments this bill places in the way of agency use of social media platforms. Most importantly, the amendment does nothing to cure the serious chilling effect that the bill would have on agency communications and the negative effects that this imposition would have on the ability of agencies to educate millions of Americans about the costs and benefits of a particular regulation and to invite their input into the rulemaking process.

Because the amendment does nothing to improve the flaws of this bill and is duplicative of work that agencies are already required to do, I urge all Members to oppose this amendment.

I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, I think my colleague across the aisle actually makes the case for me. The executive branch already requires that this work be done by the agencies.

Leaving behind the constitutional authority of this body to direct that happen in the nature of executive orders that can be changed by the next executive, this actually codifies a good part of the executive order that is already in place, so the agencies wouldn't have to do any work.

What this does add, however, to that executive order and why it is so important is it adds a transparency requirement. An agency is required to look to see what regulations are out there that may be duplicative under the executive order. This requires them to tell us about it. Why would they want to hide from the American people that they are creating a duplicative regulation?

This is a simple transparency amendment that improves the quality of the underlying bill, improves the amount of information accessible to the public, and holds executive branch agencies accountable to make sure they are not putting unnecessary and duplicative burdens on the American people.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. RASKIN. Mr. Chairman, I rise only to note the remarkable irony of the gentleman making an argument for the reduction of duplicative regulations by adding another duplicative regulation.

I reserve the balance of my time.

Mr. FARENTHOLD. Mr. Chairman, we are simply codifying an executive order here, as the gentleman pointed out, but we are adding one more thing. We are adding transparency to it so the American people know what these alphabet soups of government agencies are up to and give us, as watchdogs in Congress, or private organizations or a member of the public with internet access the ability to see how the CFR is expanding and expanding with more and more duplicative Federal rules.

I yield back the balance of my time.

Mr. RASKIN. Mr. Chairman, this redundant and duplicative and, again, chilling amendment will only add more red tape, divert the time of agency officials to produce more paperwork that is unnecessary, and point us right back to the central flaw of the legislation.

My distinguished opponents have mobilized all of one case to demonstrate the necessity of this legislation, and it was a case which was properly resolved by the GAO, and everybody agrees to it. So I understand the urge to get up and say we need more legislation to do what we have already been able to accomplish under existing law, I understand that everybody wants to make a point about the righteousness of legislative change, but sometimes we just don't need another law. The law works as it was. We don't need another law.

And again, I am just impressed by the irony of saying we need another law to eliminate excessive and redundant regulation when the current law already does it. It is almost like a caricature of what we do here in Congress.

I yield back the balance of my time.

Mr. MESSER. Mr. Chair, my amendment is simple.

It would require an executive agency to report any new rule or regulatory action that would duplicate or otherwise overlap with existing agency rules and regulations.

So much of government's excess is created by unelected officials who wield enormous influence over our everyday lives.

Last year, Federal agencies issued 18 rules and regulations for every one law that passed Congress.

That is a grand total of 3,853 regulations in 2016 alone. In 2015, Federal regulations cost the American economy nearly $1.9 trillion —T, trillion dollars—in lost growth and productivity.

Think about that for a second. A $1.9 trillion tax, a government burden on the American people. That means lost jobs, stagnant wages, and decreasing benefits for workers.

When the House passed the REINS Act in January, I offered an amendment to require at least 1 rule be overturned for every new rule finalized by the executive branch.

President Trump recently took that one step further by issuing an executive order which required at least 2 rules be overturned for every new rule.

My amendment builds on those initiatives by requiring any agency issuing a duplicative regulation to indicate as much when making the online disclosure required by the underlying bill.

The truth is, the federal government is all too often a fountain of unnecessary regulations.

And while some may debate the merits of any given regulation, few would agree the federal government should issue identical iterations of the same regulation multiple times over.

Mr. Speaker, it is past time we stop bureaucratic abuse and shift the balance of power from government back to the people, where it belongs.

That can start today by passing the Regulatory Integrity Act and putting our government on a path to reduce the amount of red tape that our businesses and the American people deal with every day.

Mr. Speaker, I would like to thank my colleague from Michigan for his hard work on this commonsense legislation.

I urge my colleagues to support my amendment and the underlying bill.

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

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

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

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

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 115–21.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, after line 12, insert the following new subsection:

(c) APPLICABILITY.—Section 307 of title 5, United States Code, as added by subsection (a), does not apply to any communication that is protected under the First Amendment to the Constitution.

The Acting CHAIR. Pursuant to House Resolution 156, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, with all good intentions of the underlying bill, the Regulatory Integrity Act

of 2017, which has a very distinguished name, I am really concerned, and my colleague should be concerned, of the chilling effect of this particular legislation. Let me tell you what the problem is.

My good friend from Texas Mr. FARENTHOLD, Congresswoman JACKSON LEE, and Professor RASKIN will not be bending over the shoulder of some hardworking public servant for the Federal Government trying to interpret what this new law means. Can I speak? Can I send information out? What a chilling effect. What a First Amendment violation this legislation might entail.

Take, for example, Chairman Pai of the FCC. He decided to publish the full text of proposals and regulations that the public would otherwise never see until after they had been finalized and approved. Suppose he was then charged with a violation of this bill? Chilling effect, undermining the public's ability to even understand what a very important agency such as the FCC is doing.

My amendment simply states that nothing in this bill shall be interpreted to prohibit any communication that is protected under the First Amendment to the United States Constitution. For those of us who love the Constitution, that is the First Amendment, and it is a simple, simple statement. Your freedom of speech is protected because it enables people to obtain information from a diversity of sources, makes decisions, and communicates those decisions to the government.

Let me recite a 1927 case from Justice Louis Brandeis, Whitney v. California. There is a joy in reading it because he wrote and said: ''Freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth.''

The Framers of the Constitution knew, to quote Justice Brandeis: ''that order cannot be secured merely through fear of punishment for its infraction; that it is hazardous to discourage thought, hope and imagination; that fear breeds repression; that repression breeds hate.''

The question is: Some worker who is responsible for this, what will they think?

I ask my colleagues to support the Jackson Lee amendment that indicates the First Amendment will not be chilled.

Mr. Chair, I wish to thank the Chair and Ranking Member of the Rules Committee for making the Jackson Lee Amendment in order.

I also wish to thank Chairman CHAFFETZ and Ranking Member CUMMINGS for their work in bringing the legislation before us to the floor.

Mr. Chair, thank you for this opportunity to explain this Jackson Lee Amendment to H.R. 1004.

The Jackson Lee Amendment is simple and straightforward.

It simply states that ''nothing in the bill shall be interpreted to prohibit any communication that is protected under the First Amendment to the U.S. Constitution.''

The amendment is necessary because not only does H.R. 1004 direct that certain information be made publicly available by agencies regarding their regulatory actions, the legislation also imposes restrictions on the type and quality of communications that can be made by agencies and agency personnel.

Mr. Chair, it is useful to explain briefly why the First Amendment's protection of speech is central to the effective functioning of the American political system.

Freedom of speech and a vibrant and robust democracy are inextricably intertwined.

Freedom of speech enables people to obtain information from a diversity of sources, make decisions, and communicate those decisions to the government.

The First Amendment also provides American people with a ''marketplace of ideas.''

Rather than having the government establish and dictate the truth, freedom of speech enables the truth to emerge from diverse opinions.

In Whitney v. California (1927), Justice Louis Brandeis wrote that ''freedom to think as you will and to speak as you think are means indispensable to the discovery and spread of political truth.''

Free speech facilitates democratic governance because it is only through talking that we encourage consensus and form a collective will.

Over the long run, free speech improves our public decision-making because just as we Americans generally believe in free markets in economic matters, we also generally believe in free markets when it comes to ideas, and this includes governmental affairs.

Freedom of speech strengthens public confidence in the American governmental system of checks and balances.

Speech is thus a means of empowering people, through which they learn, grow, and share; correct errors; and remedy violations of the public trust.

Mr. Chair, the framers of the Constitution knew, to quote Justice Brandeis again in Whitney v. California:

> that order cannot be secured merely through fear of punishment for its infraction;
>
> that it is hazardous to discourage thought, hope and imagination;
>
> that fear breeds repression;
>
> that repression breeds hate;
>
> that hate menaces stable government[.]

Free societies like the United States accept that openness fosters resiliency and that free debate dissipates more hate than it stirs.

Not only does freedom of speech serve the ends of democracy, it is also an indelible part of human personality and human dignity.

In the words of Justice Thurgood Marshall in the 1974 case Procunier v. Martinez:

> The First Amendment serves not only the needs of the polity but also those of the human spirit—a spirit that demands self-expression.

Freedom of speech is intimately connected to the human desire to think, imagine, create, wonder, inquire, and believe.

While freedom of speech is not unlimited, the American tradition is to view such limits with caution and skepticism and to embrace freedom of speech as a transcendent constitutional value.

In Branzburg v. Hayes, 408 U.S. 665 (1972), Justice Douglas reminded us that:

> effective self-government cannot succeed unless the people are immersed in a steady, robust, unimpeded, and uncensored flow of opinion and reporting which are continuously subjected to critique, rebuttal, and reexamination.

In other words, Mr. Chair, freedom of speech is fundamental to the American identity and psyche.

And that is why I have proposed the Jackson Lee Amendment to ensure that nothing in H.R. 1004 shall be interpreted to prohibit any communication that is protected under the precious First Amendment to the U.S. Constitution.

I urge my colleagues to support the Jackson Lee amendment.

I reserve the balance of my time.

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

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

Mr. FARENTHOLD. Mr. Chairman, this amendment is unnecessary and confusing. As I am sure my colleague from Texas (Ms. JACKSON LEE) knows, the Constitution is the supreme law of the land.

The First Amendment applies to everybody in this country. We couldn't write a law that infringes upon the First Amendment and have it withstand scrutiny by the Supreme Court or under the Constitution, and I certainly wouldn't support a law that did this.

The underlying legislation is designed to stop public agencies from using your taxpayer dollars and my taxpayer dollars for promoting one side of an issue. It is not designed to chill any Federal employees of First Amendment rights.

In fact, the Supreme Court, in 1994, in Waters v. Churchill, held that public employees do have a right to free speech. We are not going to be leaning over people's necks seeing what they are putting on their personal Twitter accounts, but we are going to say that, if you are a government agency spending taxpayer dollars to promote a point of view on something before your agency, that is a no-no. That is what this underlying legislation does.

Ms. JACKSON LEE's amendment is simply unnecessary because we can't suppress the First Amendment rights even if we want to. And we do not—I say do not—ever want to violate the Constitution and interfere with people's First Amendment rights. And, listen, I agree with the underlying intent of my colleague's amendment. Simply, we can't do it.

Unfortunately, this amendment is not only unnecessary, it could be harmful. If we say First Amendment protections apply in this law, are we going to have to go out and in every law we pass, put in something that says the First Amendment applies? Come on. We already know the First Amendment applies because the Constitution is the supreme law of the land.

So it creates unnecessary confusion that could ultimately harm people's

First Amendment rights. Can you see the lawsuits? Well, Congress didn't say in there it protected my First Amendment right. So we would have to go and rewrite every law on the books.

The Constitution is there and it works. It is an unnecessary amendment. So I hope my clarification that the First Amendment applies assuages the concerns of the gentlewoman from Texas and she withdraws the amendment. If she doesn't, however, I am going to have to oppose it as unnecessary and potentially confusing to the entire body of law of this country.

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

Ms. JACKSON LEE. Mr. Chair, how much time is remaining?

The ACTING CHAIR. The gentlewoman from Texas has 2½ minutes remaining. The gentleman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE. Well, let me say this.

Mr. Chair, first of all, before I yield to the gentleman from the great State of Maryland, the reason why we need my amendment is because this deals with speech. This regulatory bill deals with speech, what you can say and what you cannot say.

So this is not a reflection that we need this in every legislative initiative. I would love for it to be there. But this is a bill that deals with what our agencies can say. And if the Chairman of the FCC put out all of these proposals specifically so that the public could see, just think if this bill unclarified what the protection of the First Amendment reiterated, his speech would be chilled.

I am delighted to yield 30 seconds to the distinguished gentleman from Maryland (Mr. RASKIN).

Mr. RASKIN. Mr. Chair, a regime of fear has descended on the Federal workforce, and I have got 88,000 Federal employees in my district.

If they insist on this legislation—unnecessary, redundant, confusing, and chilling—at the very least, we must pass the gentlewoman's amendment to say that it does not trench on the First Amendment rights of our citizens who are simply exercising in a viewpoint-neutral, in a content-neutral way the determination of the agencies to solicit public input.

You say you support on your side the input of the public. You say you support the intent of the amendment. Let's accept the amendment, and let's all embrace the First Amendment together.

Mr. FARENTHOLD. I would just like to point out that Commissioner Pai's release of that information would not be prohibited under this bill. It is not advocacy. It is releasing facts. So it would not be prohibited.

Again, the First Amendment already applies to every law that we make in this body and every law we have made. The Constitution trumps what we do here.

So, with that, I continue to argue that this amendment is unnecessary and potentially confusing, and I reserve the balance of my time.

Ms. JACKSON LEE. Again, Mr. Chair, can the Chair tell us the time remaining.

The ACTING CHAIR. The gentlewoman from Texas has 1¼ minutes remaining. The gentleman from Texas has 2 minutes remaining.

Ms. JACKSON LEE. Mr. Chair, let me indicate that the gentleman just argued my point. Clarity is what we need. My amendment provides clarity.

Again, what does this bill do? This bill tells Federal employees about their speech: what level of speech, containing speech, how much speech, what they can say, what is propaganda, what is publicity. Therefore, I think it is important to avoid the chilling effect on public servants who are doing the task on behalf of the American people.

Being the American people's defendant, I believe that we should, in fact, have this language. In Branzburg v. Hayes, Justice Douglas reminded us that an effective self-government cannot succeed unless the people are immersed in a steady, robust, unimpeded, and uncensored flow of opinion and reporting which are continuously subjected to critique, rebuttal, and reexamination. That is the protection of the First Amendment.

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

Mr. FARENTHOLD. Mr. Chair, I think the utmost clarity is in the First Amendment. I am going to read it here.

''Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people to peaceably assemble, and to petition the Government for a redress of grievances.''

□ 1015

That applies to everything we do, every law we make. This amendment is unnecessary, and I urge opposition.

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

Ms. JACKSON LEE. Mr. Chair, I am prepared to close, and I yield myself the balance of my time.

Let me reemphasize: Clarity in the First Amendment cannot be a bad thing. This bill kills speech. Let's clarify that that speech is protected by the First Amendment to not chill the hard work of our hardworking Federal employees trying to provide for the safety and security of the American people.

I ask my colleagues to support the Jackson Lee amendment, and I yield back the balance of my time.

Mr. FARENTHOLD. Mr. Chair, at the risk of sounding repetitious, the First Amendment applies to all we do in this body. This amendment is unnecessary.

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

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

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

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

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

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 115–21 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Ms. JACKSON LEE of Texas.

Amendment No. 2 by Mr. FARENTHOLD of Texas.

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

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. JACKSON LEE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 180, noes 234, not voting 15, as follows:

[Roll No. 122]

AYES—180

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Correa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch

Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
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

NOES—234

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costa
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOT VOTING—15

Boyle, Brendan F.
Brown (MD)
Chu, Judy
Gallego
Hudson
Johnson (GA)
Johnson, E. B.
Jordan
McGovern
Nadler
Rush
Scott, David
Taylor
Wittman
Young (AK)

□ 1038

Messrs. ABRAHAM, POSEY, THOMAS J. ROONEY of Florida, ROTHFUS, LUETKEMEYER, and WESTERMAN changed their vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BROWN of Maryland. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted "yea" on rollcall No. 122.

AMENDMENT NO. 2 OFFERED BY MR. FARENTHOLD

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 263, noes 145, not voting 21, as follows:

[Roll No. 123]

AYES—263

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bera
Bergman
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (IN)
Brownley (CA)
Buchanan
Buck
Bucshon
Budd
Burgess
Bustos
Byrne
Calvert
Carbajal
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Conaway
Cook
Cooper
Correa
Costa
Costello (PA)
Cramer
Crawford
Crist
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Delaney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gabbard
Gaetz
Gallagher
Gallego
Garrett
Gibbs
Gohmert
Gonzalez (TX)
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Green, Gene
Griffith
Grothman
Guthrie
Gutiérrez
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Himes
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
Kihuen
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kuster (NH)
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
Lieu, Ted
Lipinski
LoBiondo
Loebsack
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Moulton
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nolan
Nunes
O'Halleran
O'Rourke
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peters
Peterson
Pittenger
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Ruiz
Russell
Rutherford
Sanford
Scalise
Schneider
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Suozzi
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Walz
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (IA)
Zeldin

NOES—145

Adams
Aguilar
Barragán
Beatty
Beyer
Blumenauer
Blunt Rochester
Bonamici
Brady (PA)
Brown (MD)
Butterfield
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Garamendi
Green, Al
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Kaptur
Kelly (IL)
Kennedy
Khanna
Kildee
Kilmer
Krishnamoorthi
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McNerney
Meeks
Meng
Moore
Napolitano
Neal
Norcross
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Richmond
Rohrabacher
Roybal-Allard
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano

Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Titus
Tonko
Torres
Tsongas
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOT VOTING—21

Bass
Boyle, Brendan F.
Brooks (AL)
Comstock
Fitzpatrick
Hudson
Johnson, E. B.
Jordan
Keating
Marchant
McGovern
Nadler
Poe (TX)
Rice (NY)
Rogers (KY)
Rush
Scott, David
Taylor
Waters, Maxine
Wittman
Young (AK)

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1043

Mr. HIMES changed his vote from ''no'' to ''aye.''

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FITZPATRICK. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted ''yea'' on rollcall No. 123.

AMENDMENT NO. 3 OFFERED BY MS. JACKSON LEE

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 189, noes 232, not voting 8, as follows:

[Roll No. 124]

AYES—189

Adams
Aguilar
Barragán
Beatty
Bera
Beyer
Bishop (GA)
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Correa
Costa
Courtney
Crist
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Duncan (TN)
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hollingsworth
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Jones
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Murphy (FL)
Napolitano
Neal
Nolan
Norcross
O'Halleran
O'Rourke
Pallone
Panetta
Pascrell
Payne
Pelosi
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tiberi
Titus
Tonko
Torres
Tsongas
Upton
Vargas
Veasey
Vela
Velázquez
Visclosky
Walz
Wasserman Schultz
Waters, Maxine
Watson Coleman
Welch
Wilson (FL)
Yarmuth

NOES—232

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Dunn
Ellison
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
Kind
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Maloney, Carolyn B.
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Tenney
Thompson (PA)
Thornberry
Tipton
Trott
Turner
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—8

Bass
Hudson
Johnson, E. B.
Jordan
Nadler
Rush
Taylor
Wittman

ANNOUNCEMENT BY THE ACTING CHAIR

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

□ 1050

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, during rollcall vote No. 124, on H.R. 1004, I mistakenly recorded my vote as ''no'' when I should have voted ''yes.''

The Acting CHAIR (Mr. FLEISCHMANN). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HULTGREN) having assumed the chair, Mr. FLEISCHMANN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, and, pursuant to House Resolution 156, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

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

The question is on the amendment.

The amendment was agreed to.

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

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

MOTION TO RECOMMIT

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

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

Ms. JAYAPAL. Mr. Speaker, I am opposed.

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

The Clerk read as follows:

Ms. Jayapal moves to recommit the bill H.R. 1004 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendments:

Page 6, line 13, after ''Executive agency'' insert the following: ''or the President of the United States''.

Page 6, line 17, after ''regulatory action,'' insert the following: ''or that refers to a business in which the President has an equity interest,''.

Page 7, line 1, after ''regulatory action'' insert the following: ''or business''.

Mr. FARENTHOLD. Mr. Speaker, I reserve a point of order against the motion.

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

The gentlewoman from Washington is recognized for 5 minutes.

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

Simply put, Mr. Speaker, this amendment restricts the President from making public statements to promote his own business interests in the same way that the bill restricts statements by agencies on pending rules. If we intend to hold agencies accountable for their statements, we should certainly be willing to hold the President of the United States to those same standards. Donald Trump's enormous web of business interests and conflicts of interest make it clear that it is necessary to explicitly expand this restriction to the President.

It is deeply disturbing, Mr. Speaker, that the President has refused to release his tax returns or create a blind trust for the proceeds of his assets. Numerous U.S. Presidents have placed their financial holdings into a blind trust that is managed by a trustee without any input from the President. This allows for the President to minimize any conflicts of interest and any suggestion that the Presidency of the United States is being used for his own personal profits.

This President, however, has avoided those calls for him to sell his assets or place them into a blind trust. Instead, documents obtained through public records requests show that President Trump has moved the assets over, just in name, to his son and a longtime employee, but that Trump himself, the President of the United States, is the sole beneficiary of all of those trusts.

In other words, there is no wall erected between his businesses and his Presidency, and anyone who wants to buy influence can simply do so openly. His entire Presidency can be seen as a promotion of his business interests and be used by domestic and foreign governments to curry favor and produce benefit to his personal empire.

Trump Tower in D.C. is one example of this. The building, which is leased to him by the Federal Government, stipulates in its lease that ''any elected official of the Government of the United States'' may not derive any benefit from that agreement. At 12:01 p.m. on Inauguration Day, Trump was in violation of this clause. That lease should be terminated effective immediately.

Just last week, the Kuwaiti Embassy held its annual event to celebrate the country's national day at the President's D.C. hotel. The event was initially scheduled to take place at the Four Seasons, and, in fact, a ''save the date'' went out with the Four Seasons location. But Kuwait canceled that reservation just a few days after the election, and moved the event to the President's hotel after that happened.

These are not isolated instances. They constitute a pattern of conflicts of interest every time a foreign government holds a reception or rents a room at a Trump property, a problem so important to this country that it was put into the Emoluments Clause of the Constitution of the United States of America.

The American people should also be deeply concerned about conflicts of interest at the President's Mar-a-Lago resort. On January 1, 2017, just 2 months after the election of Donald Trump, the exclusive resort doubled its membership initiation fee from $100,000 to $200,000. When Trump took Japanese Prime Minister Shinzo Abe there, it created even more free publicity for the resort as several social media posts were made throughout the weekend.

Conducting government affairs in public settings not only has serious national security concerns, but indicates that anyone who wants to be a member of the club will have access to the President of the United States, and the President will personally profit off of their membership.

Mr. Speaker, the American people have a right to know what the entire web of conflicts of interest are, but we have yet to get this information because we have not received—we have yet to get any information from this President, his tax returns, or any of the documents that help us to ensure that he is complying with the Constitution of the United States of America, that document that he swore to uphold and protect, so that we can make sure that he is not using the highest office of this land to profit.

□ 1100

The American people have the right to demand that this President put their interests first rather than his own business interests.

I urge all of my colleagues to pass this motion to recommitment and demand that we uphold our Constitution, protect this democracy and the duty of this President to work not for the business interests, but for we the people.

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

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

Mr. FARENTHOLD. Mr. Speaker, I withdraw my point of order.

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

Mr. FARENTHOLD. Mr. Speaker, I claim the time in opposition.

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

Mr. FARENTHOLD. Mr. Speaker, as a great supporter of transparency, this bill is designed to promote transparency in executive branch agencies.

Unfortunately, I think the motion to recommit would actually be violative of the Constitution. The President and the executive branch agencies we are seeking to regulate under this law are creations of Congress administered by the executive branch.

The Presidency is created by the Constitution, and it is my belief that it would be unconstitutional to pass this motion to recommit. For that reason alone, I urge my colleagues to oppose it.

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

Ms. JAYAPAL. 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 of the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 189, noes 232, not voting 8, as follows:

[Roll No. 125]

AYES—189

Adams	Delaney	Kihuen
Aguilar	DeLauro	Kildee
Barragán	DelBene	Kilmer
Bass	Demings	Kind
Beatty	DeSaulnier	Krishnamoorthi
Bera	Deutch	Kuster (NH)
Beyer	Dingell	Langevin
Bishop (GA)	Doggett	Larsen (WA)
Blumenauer	Doyle, Michael F.	Larson (CT)
Blunt Rochester	Ellison	Lawrence
Bonamici	Engel	Lawson (FL)
Boyle, Brendan F.	Eshoo	Lee
Brady (PA)	Espaillat	Levin
Brown (MD)	Esty	Lewis (GA)
Brownley (CA)	Evans	Lieu, Ted
Bustos	Foster	Lipinski
Butterfield	Frankel (FL)	Loebsack
Capuano	Fudge	Lofgren
Carbajal	Gabbard	Lowenthal
Cárdenas	Gallego	Lowey
Carson (IN)	Garamendi	Lujan Grisham, M.
Cartwright	Gonzalez (TX)	Luján, Ben Ray
Castor (FL)	Gottheimer	Lynch
Castro (TX)	Green, Al	Maloney, Carolyn B.
Chu, Judy	Green, Gene	Maloney, Sean
Cicilline	Grijalva	Matsui
Clark (MA)	Gutiérrez	McCollum
Clarke (NY)	Hanabusa	McEachin
Clay	Hastings	McGovern
Cleaver	Heck	McNerney
Clyburn	Higgins (NY)	Meeks
Cohen	Himes	Meng
Connolly	Hoyer	Moore
Conyers	Huffman	Moulton
Cooper	Jackson Lee	Murphy (FL)
Correa	Jayapal	Napolitano
Costa	Jeffries	Neal
Courtney	Johnson (GA)	Nolan
Crowley	Johnson, E. B.	Norcross
Cuellar	Jones	O'Halleran
Cummings	Kaptur	O'Rourke
Davis (CA)	Keating	Pallone
Davis, Danny	Kelly (IL)	Panetta
DeFazio	Kennedy	Pascrell
DeGette	Khanna	

Payne
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rosen
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Schrader
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sinema
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
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

NOES—232

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cook
Costello (PA)
Cramer
Crawford
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (PA)
Newhouse
Noem
Nunes
Olson
Palazzo
Palmer
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOT VOTING—8

Crist
Hudson
Jordan
Nadler
Pelosi
Rush
Taylor
Wittman

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

□ 1107

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HUDSON. Mr. Speaker, on rollcall No. 109 through 113, 118, 119, 122, 124, and 125, I was unable to cast my vote in person due to an unexpected illness. Had I been present, I would have voted "nay."

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. RASKIN. 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 246, noes 176, not voting 7, as follows:

[Roll No. 126]

AYES—246

Abraham
Aderholt
Allen
Amash
Amodei
Arrington
Babin
Bacon
Banks (IN)
Barletta
Barr
Barton
Bergman
Biggs
Bilirakis
Bishop (GA)
Bishop (MI)
Bishop (UT)
Black
Blackburn
Blum
Bost
Brady (TX)
Brat
Bridenstine
Brooks (AL)
Brooks (IN)
Buchanan
Buck
Bucshon
Budd
Burgess
Byrne
Calvert
Carter (GA)
Carter (TX)
Chabot
Chaffetz
Cheney
Coffman
Cole
Collins (GA)
Collins (NY)
Comer
Comstock
Conaway
Cook
Cooper
Correa
Costa
Costello (PA)
Cramer
Crawford
Crist
Cuellar
Culberson
Curbelo (FL)
Davidson
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Donovan
Duffy
Duncan (SC)
Duncan (TN)
Dunn
Emmer
Farenthold
Faso
Ferguson
Fitzpatrick
Fleischmann
Flores
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gaetz
Gallagher
Garrett
Gibbs
Gohmert
Goodlatte
Gosar
Gottheimer
Gowdy
Granger
Graves (GA)
Graves (LA)
Graves (MO)
Griffith
Grothman
Guthrie
Gutiérrez
Harper
Harris
Hartzler
Hensarling
Herrera Beutler
Hice, Jody B.
Higgins (LA)
Hill
Holding
Hollingsworth
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jones
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
King (IA)
King (NY)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
LaMalfa
Lamborn
Lance
Latta
Lewis (MN)
LoBiondo
Long
Loudermilk
Love
Lucas
Luetkemeyer
MacArthur
Marchant
Marino
Marshall
Massie
Mast
McCarthy
McCaul
McClintock
McHenry
McKinley
McMorris Rodgers
McSally
Meadows
Meehan
Messer
Mitchell
Moolenaar
Mooney (WV)
Mullin
Murphy (FL)
Murphy (PA)
Newhouse
Noem
Nunes
O'Halleran
Olson
Palazzo
Palmer
Panetta
Paulsen
Pearce
Perry
Peterson
Pittenger
Poe (TX)
Poliquin
Posey
Ratcliffe
Reed
Reichert
Renacci
Rice (SC)
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rokita
Rooney, Francis
Rooney, Thomas J.
Ros-Lehtinen
Rosen
Roskam
Ross
Rothfus
Rouzer
Royce (CA)
Russell
Rutherford
Sanford
Scalise
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smucker
Stefanik
Stewart
Stivers
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walker
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—176

Adams
Aguilar
Barragán
Bass
Beatty
Bera
Beyer
Blumenauer
Blunt Rochester
Bonamici
Boyle, Brendan F.
Brady (PA)
Brown (MD)
Brownley (CA)
Bustos
Butterfield
Capuano
Carbajal
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu, Judy
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Courtney
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Demings
DeSaulnier
Deutch
Dingell
Doggett
Doyle, Michael F.
Ellison
Engel
Eshoo
Espaillat
Esty
Evans
Foster
Frankel (FL)
Fudge
Gabbard
Gallego
Garamendi
Gonzalez (TX)
Green, Al
Green, Gene
Grijalva
Hanabusa
Hastings
Heck
Higgins (NY)
Himes
Hoyer
Huffman
Jackson Lee
Jayapal
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Khanna
Kihuen
Kildee
Kilmer
Kind
Krishnamoorthi
Kuster (NH)
Langevin
Larsen (WA)
Larson (CT)
Lawrence
Lawson (FL)
Lee
Levin
Lewis (GA)
Lieu, Ted
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham, M.
Luján, Ben Ray
Lynch
Maloney, Carolyn B.
Maloney, Sean
Matsui
McCollum
McEachin
McGovern
McNerney
Meeks
Meng
Moore
Moulton
Napolitano
Neal
Nolan
Norcross
O'Rourke
Pallone
Pascrell
Payne
Perlmutter
Peters
Pingree
Pocan
Polis
Price (NC)
Quigley
Raskin
Rice (NY)
Richmond
Rohrabacher
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez
Sarbanes
Schakowsky
Schiff
Schneider
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Soto
Speier
Suozzi
Swalwell (CA)
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

NOT VOTING—7

Hudson
Jordan
Nadler
Pelosi
Rush
Taylor
Wittman

□ 1114

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HUDSON. Mr. Speaker, on rollcall No. 114 through 117, 120, 121, 123, and 126, I was unable to cast my vote in person due to an unexpected illness. Had I been present, I would have voted "Yea."

Mr. WITTMAN. Mr. Speaker, I missed votes on Thursday, March 2, 2017. Had I been present, I would have voted "Nay" on rollcall No. 122, "Yea" on rollcall No. 123, "nay" on rollcall No. 124, "nay" on rollcall No. 125 and "Yea" on rollcall 126.

LEGISLATIVE PROGRAM

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

Mr. HOYER. Mr. Speaker, I rise for the purpose of inquiring of the majority leader the schedule for the week to come, I yield to the gentleman from California (Mr. MCCARTHY), the majority leader and my friend.

(Mr. MCCARTHY asked and was given permission to revise and extend his remarks.)

Mr. MCCARTHY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, on Monday, no votes are expected in the House.

On Tuesday, the House will meet at noon for morning-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30.

On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business.

On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Mr. Speaker, the House will consider a number of suspensions next week, a complete list of which will be announced by close of business tomorrow.

In addition, the House will consider several reform bills straight from our Better Way agenda:

First, the Fairness in Class Action Litigation and Further Asbestos Claim Transparency Act, sponsored by Chairman BOB GOODLATTE, which ensures that only similarly injured parties can be in the same class for purposes of a class action suit, as well as requires public disclosure of reports on the receipt and disposition of claims for injuries based on exposure to asbestos.

Next, H.R. 725, the Innocent Party Protection Act, sponsored by Representative KEN BUCK, which establishes a uniform standard for determining whether a defendant has been fraudulently joined to a lawsuit.

And third, H.R. 720, the Lawsuit Abuse Reduction Act, sponsored by Chairman LAMAR SMITH, which restores accountability to our legal system by penalizing lawyers for filing baseless lawsuits.

Our Federal litigation system is plagued with broken rules that unnecessarily harm American businesses and consumers. With these measures, we will follow through on our pledge to take on trial lawyers and crack down on lawsuit abuse through meaningful litigation reform.

Finally, Mr. Speaker, the House will consider the Fiscal Year 2017 Department of Defense Appropriations bill, sponsored by Chairman RODNEY FRELINGHUYSEN.

Mr. HOYER. I thank the gentleman for that information.

The gentleman mentions the Defense Appropriations bill is going to be brought forward. It is my understanding that the text was just introduced this morning. Is that accurate?

Mr. MCCARTHY. Yes.

Mr. HOYER. Do you know when it will be marked up?

I yield to the gentleman from California.

Mr. MCCARTHY. I thank the gentleman for yielding.

We passed this bill last year, working together with others. You will see the bill reposted, and we will vote on it next week.

Mr. HOYER. Is the majority leader not aware of whether there will be a markup on the bill or will it come directly to the floor through the Rules Committee?

Mr. MCCARTHY. It will come straight to the floor.

Mr. HOYER. The gentleman just indicated that this will be the bill that we passed last year.

Mr. MCCARTHY. This bill reflects the 2017 NDAA, which passed with 375 votes in the House and 92 votes in the Senate.

Mr. HOYER. So I am correct, then, that the bill will be the same bill that we passed last year? Is that accurate?

Mr. MCCARTHY. It is not the exact same, but it reflects the work of the NDAA. It is a bipartisan agreement. It is also—you will find as soon as it is posted to read all the way through it—a reflection of the 2017 NDAA bill.

Mr. HOYER. The majority leader may not know, and I certainly understand that. We will see what differences might exist. If there are any substantive changes in the bill, we would hope that it would be subjected to a hearing or at least a markup.

But the gentleman believes there is no substantive change. Is that accurate?

Mr. MCCARTHY. That is very accurate. This is a bipartisan, bicameral agreement based upon the 2017 NDAA bill, which, if you watched, had 375 votes in the House, 92 in the Senate.

As you know as well as I do, and we have talked many times together about this, we cannot continue to have our military continue further with just the CR. If you have a continuing resolution, you now are saying that you have to fund what was last year. You can't go through with what the future needs without putting together the appropriations process. And this is what we are going through right now.

Mr. HOYER. I thank the majority leader for that observation.

I agree with the majority leader that subjecting the Defense Appropriations or any other appropriation is not a tenable or appropriate policy to pursue.

The gentleman knows we were for an omnibus being passed in 2016, as an omnibus was passed in 2015, which, therefore, gives the administrators of any agency or Secretaries of any agency the opportunity to have the ability to plan over a period of time longer than months.

So I certainly agree. But very frankly, I want to tell the majority leader, on our side of the aisle we are very, very concerned that privilege will be accorded to the defense bill.

Can the majority leader tell me whether or not we intend to adopt and pass, in the regular order, individual bills—the Labor-Health bill, the Interior bill, the Agriculture bill, et cetera, et cetera—in a similar manner? That means considering them on their merits discretely, separately, individually.

I yield to the gentleman from California.

Mr. MCCARTHY. I thank the gentleman for yielding.

The gentleman knows we are working, in part, under the continuing resolution short-term; but it is my intention, once we pass the FY 2017 defense bill, I will keep Members updated on the further floor schedule of appropriations bills. It would be my goal to continue to pass the rest of the appropriations bills.

Mr. HOYER. I appreciate that, Mr. Leader, if that is your goal; and I hope that, in fact, we can pursue that goal. Very frankly, we believe that the scenario is being set up to take care of the defense bill.

I voted for the defense bill. I was one of those people. I intend to vote for the defense bill next week when it comes to the floor, if, in fact, as the gentleman represents, it is substantively the same as the bill that we have already adopted.

What I am concerned about and what Members on my side of the aisle are very concerned about is that the remaining nondefense discretionary spending bills will be substantially altered from that which we would have passed in December of last year in the 2017.

Of course, we were 4 months late doing that—or 3 months late, at least: October, November, and December. But I am hopeful, Mr. Leader, that those bills will, in fact, be considered discretely so that the American public can see us vote on those bills and on the priorities that are incorporated in those bills.

Mr. Leader, it appears that the majority has stalled somewhat in their efforts in a path forward on repeal of the ACA. President Trump's address on Tuesday, it seems to me, didn't offer many details. He does say, however, that everybody is going to be covered—everybody—with better health care,