which opened doors of independence, access, opportunity, and equity for millions of Americans with differing abilities.

In Congress, Democrats have put forward commonsense gun safety laws that would prevent violent and dangerous individuals with mental disabilities from purchasing firearms. However, the Republican-led Congress would not allow even a vote on such legislation.

President Obama took a series of limited steps within his authority, one of which was this rule, whose aim has been to prevent those who shouldn't have guns from obtaining them. I believe that, absent action from Congress to enhance our background check system, this rule represents an imperfect but necessary step.

It is imperfect because it stigmatizes the disability community unfairly and needs a stronger appeals process to protect the rights of those who fall under its purview. I disagree with the premise that having a mental disability that precludes independent management of one's finances correlates with a heightened risk of violence. I have read the rule and recognize that it was written in a narrow way so that it applies only to those with severe mental illnesses.

I've had many discussions over the past several days with leaders in the disability community. I've grappled with the very difficult questions this resolution poses and ultimately decided that, given these circumstances, the best step right now is to oppose this resolution.

I look forward to working closely with the disability community and gun safety advocates to push for Congress to take up legislation that keeps all Americans safe from gun violence while protecting the rights of those with differing abilities.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, I rise in strong opposition to this misguided resolution that will only imperil the lives of more Americans.

In 2007, this body passed the National Instant Criminal Background Check System Improvement bill with a unanimous voice vote.

We all agreed that the background check system needed better information, especially after dangerous individuals slipped through the cracks and were able to purchase guns they never should have been allowed to buy in the first place.

Like Jared Loughner, who killed six people in Arizona who were at a grocery store to meet our colleague Gabby Giffords.

He passed background checks even though he had a history of drug use and disturbing behavior that should have been in the system.

So the Obama Administration, at Congress's direction wrote this rule to make sure that federal mental health records make their way into the background check system, so that it can effectively deny purchases to individuals who are already prohibited from buying guns.

And let's be clear about what we're talking about.

This rule only affects those with very severe, long-term mental disorders, and who have been identified by doctors and psychologists as severely mentally disabled.

It does not paint disability recipients with a broad brush.

8.8 million Americans receive Social Security disability benefits, yet SSA estimates only 75,000 would meet the criteria under this rule. That is less than one percent.

Let's also be clear: this resolution is an attempt to hamstring our federal agencies and to keep them from improving the background check system.

Rather than work with a new administrator to improve the rule, the Majority would rather have no rule at all because this bill not only repeals this background check improvement rule, it also prohibits the federal government from issuing a similar rule in the future.

We've got it backwards. We shouldn't be repealing gun safety rules, we should be strengthening them. Gun violence is an epidemic in this country and we have done literally nothing in Congress about it since Republicans took the majority in the House in 2011.

I urge my colleagues to oppose this bill.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I strongly oppose this bill that uses dangerous procedure to advance dangerous policy to erode our important firearms background check system and undermine public safety.

In response to the tragic mass shooting at Virginia Tech, the National Instant Criminal Background Check System Improvement Amendment Act was passed by Congress unanimously and signed into law by President Bush because everyone agreed that we need federal and State agencies to submit relevant information to maintain an accurate, effective system.

This bill directly undermines public safety by permanently blocking a federal agency from submitting records to this critical safeguard system.

I know the high cost of gun violence on families and communities. I know that policy makers have an obligation to address public safety carefully and responsibly. Reasonable people can disagree about whether the rule by the Social Security Administration struck the right balance between the threshold and process reporting to the background system. While opponents have raised some concerns about whether there is sufficient due process in this rule, the solution is not to block the rule entirely. Rather, the solution is to fix it.

Therefore, I oppose this CRA because it would permanently prohibit the Social Security Administration from ever reporting individuals to this critical safety system, which is an extreme, dangerous, irresponsible, and irreversible action that threatens the safety of our communities.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 71, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

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

A recorded vote was ordered.

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

DISAPPROVING A RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. CHAFFETZ. Mr. Speaker, pursuant to House Resolution 74, I call up the joint resolution (H.J. Res. 37) disapproving the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 74, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 37

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Defense, the General Services Administration, and the National Aeronautics and Space Administration relating to the Federal Acquisition Regulation (published at 81 Fed. Reg. 58562 (August 25, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.J. Res. 37.

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

There was no objection.

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

Mr. Speaker, I rise today in strong support of the resolution.

During the past 8 years, the number of newly issued regulations and the costs of those regulations have surged. By the prior administration's own estimates, Federal regulations promulgated over the last 10 years alone have imposed a cost of more than $100 billion annually on American taxpayers.

H.J. Res. 37, which we are considering today under the Congressional Review Act procedures, represents an important step toward rolling back this tsunami of rules. Once a CRA resolution of disapproval for a rule is enacted, agencies cannot reissue the rule or any substantially similar rules in the future.

H.J. Res. 37 revokes the Fair Pay and Safe Workplaces rule, otherwise known as the blacklisting rule.

I want to thank Chairwoman FOXX for her leadership on this resolution of

disapproval. I also want to recognize my fellow original cosponsors, Mr. CHABOT and Mr. MITCHELL, for their leadership on this issue as well.

I want to highlight the impact of this rule on the Federal acquisition system as well as contractors. This rule requires Federal contractors to report violations and alleged violations of 14 Federal labor laws and undefined equivalent State labor laws for the previous 3 years. Contractors must collect and report this information every time they submit a proposal for a contract and then every 6 months during the contract performance. Then Federal contract officers consult with their agency's newly created agency labor compliance adviser before determining if a contractor is eligible for a contract award.

There are a number of reasons this rule should be revoked. The Federal acquisition system is already a very complex, inefficient system. This contractor blacklisting rule is exactly the type of requirement an already complex Federal acquisition system does not need. The rule adds another contractor clause to an increasingly long list of clauses in every Federal contract. It slows down a process that already has trouble delivering goods and services in a timely manner. It increases the burden on Federal contract officers who have to review and assess the significant volume of information and take on the role of labor law experts.

The rule imposes significant costs on contractors, which means the government, which ultimately means the taxpayers. The rule itself is estimated to cost contractors and subcontractors more than $458 million in the first year and $413 million in the second year of its implementation. Some experts believe the government underestimated these costs.

The cost to establish a new information collection, reporting, and assessment system to comply with the rule would be prohibitively expensive for most contractors, especially the small contractors. Mr. Speaker, this is where the rubber meets the road. It is these small contractors.

In fiscal year 2016, the Federal Government spent more than $470 billion contracting for goods and services. We need to be looking for ways to reduce, not increase, spending in this area.

The rule discourages competition and reduces access to innovation. The last thing we need to do for the Federal acquisition system is to discourage competition and innovation, particularly for first time participants who want to join the Federal marketplace. There are already so many barriers to entry, particularly for these small businesses. So think about the small business at home. They want to compete for these Federal contractors. They may be a very small organization.

Even after we pass the resolution of disapproval, there are still rules, there are still laws, and there are still a lot of burdens that they have to deal with. But I want to cite some Bloomberg data about the number of first time Federal vendors. We have fallen to a 10-year low—down 24 percent in 2007 to only 13 percent in 2016.

What that means is the big are probably getting bigger, but the small guy, the mom, the pop, and the woman who is starting a new business and wants to compete for these Federal contracts don't have a fighting chance. For the Federal Government to put more burdens on there, especially things that haven't been substantiated, is just not fair, and it is just not right.

□ 1445

The rule duplicates existing labor enforcement mechanisms to hold contractors accountable and, therefore, I believe, is not necessary.

Revoking this rule will not leave Federal contractors free to violate labor laws. To the contrary, the Department of Labor has significant oversight and investigation resources to enforce the Federal labor law.

Further, if there is a bad-apple contractor not complying with the law, contract officers already have the authority to refer contractors for suspension and disbarment.

This rule raises due process and First Amendment concerns. One of the most disturbing parts of the rule is that contractors would be required to report alleged violations—not confirmed—just the alleged violations of the 14 Federal labor laws, and the undefined equivalent of State labor laws.

It deprives contractors of their legal rights to challenge such allegations. The reporting requirement covers nonfinal administrative merits determinations without regard to the severity of the alleged violation.

Contractors would have to disclose National Labor Relations Board complaints, OSHA citations, EEOC nonfinal letters of determination, even though these cases have not been adjudicated and the record is incomplete.

Contractors challenged this rule in Federal Court, and the judge, in granting a preliminary injunction for the rule, found this reporting requirement could also impact contractors' First Amendment rights. The judge said that the rule could result in compelled speech by requiring contractors to report allegations that would cause a reputational harm, particularly if after adjudication the allegation is found to be without merit.

This rule increases costs, complexity, and reduces competition in the Federal acquisition system. We are having trouble getting new entrants in to compete as contractors, and, therefore, I urge the support of the passage of H.J. Res. 37.

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

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

Mr. Speaker, I rise in strong opposition to this resolution which would disapprove of the Fair Pay and Safe Workplaces rule that was finalized in August of 2016.

The Federal Acquisition Regulation requires Federal contractors to be ''responsible,'' to have a satisfactory record of integrity, and business ethics.

The Fair Pay and Safe Workplaces rule would require Federal contractors to self-report on violations of 14 fundamental Federal labor and nondiscrimination laws.

This includes laws like the Occupational Safety and Health Act, or OSHA; the Fair Labor Standards Act; the Family and Medical Leave Act; and the Civil Rights Act.

These Federal laws apply to all businesses in the United States, and a vast majority of Federal contractors comply with them as well. Unfortunately, studies by the GAO, the Center for American Progress, and others show that there are a few bad apples that consistently violate these fundamental Federal labor laws, yet continue to be awarded Federal contracts.

That is just plain wrong. Americans' tax dollars should not go to contractors who persistently and willfully violate such laws.

It also puts contractors who do obey the law at an unfair disadvantage because they willingly bear the cost of compliance to provide safe and fair workplaces.

The Fair Pay and Safe Workplaces rule would also improve the effectiveness and efficiency of the Federal acquisition process by promoting healthy and productive workplaces.

As the final rule notes, ''Contractors that consistently adhere to labor laws are more likely to have workplace practices that enhance productivity and increase the likelihood of timely, predictable, and satisfactory delivery of goods and services.''

This rule should be a win-win. It helps the Federal Government ensure compliance with fundamental labor and nondiscrimination laws and, at the same time, improve the efficiency of the Federal contracting process.

I urge our Members to vote ''no'' on this ill-conceived disapproval resolution.

Mr. Speaker, I ask unanimous consent that the gentleman from Virginia (Mr. BOBBY SCOTT), the ranking member of the Committee on Education and the Workforce, be allowed to control the time on this side.

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

There was no objection.

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

Mr. CHAFFETZ. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from North Carolina (Ms. FOXX), the lead sponsor of the joint resolution and the chair of the committee.

Ms. FOXX. Mr. Speaker, I thank the chairman of the Oversight and Government Reform Committee for yielding time.

Mr. Speaker, we are here today to stand up for workers, taxpayers, and small businesses.

We all agree employers who do business with the Federal Government should be held to high standards, and their employees deserve strong protections. That is why for decades the Federal Government has had a system in place to deny contracts to employers who violate Federal labor laws.

Time and again, Republicans in Congress urged the Obama administration to enforce the current system to ensure workers receive fair pay and safe workplaces.

Instead, the previous administration did the exact opposite. It went in search of a problem that doesn't exist. It took its eye off the ball, and we are here today to demand better.

The Obama blacklisting rule empowers government agencies to deny employers Federal contracts for alleged violations of various Federal labor laws and similar State laws. That is right. Under this rule, bureaucrats can determine employers are guilty until proven innocent, and then deny them the ability to do business with the Federal Government.

This is one important reason why a Federal district judge recently blocked implementation of the rule because it would have a chilling effect on the due process rights of American citizens. But that is not the only reason why we are here today. Rather than streamline the procurement process to better protect taxpayers and workers, the Obama administration added new layers of red tape on to a system plagued by delays and inefficiencies. Simply put, this rule is a bureaucratic nightmare. It turns our already complex Federal procurement process into a convoluted regulatory maze.

Despite what our Democrat colleagues will claim, this rule will actually hurt workers by making a system designed for their protection less efficient. Law-abiding small-business owners, the backbone of our Nation's economy, will be less inclined to bid on Federal contracts.

As a result, we will see less competition in the Federal contracting process. With less competition, hardworking taxpayers will be forced to pay more for goods and services provided to the U.S. Government.

Perhaps most concerning is the threat this rule poses to our national security. Higher costs and a delayed contracting process will jeopardize the resources our Armed Services depend on to keep our Nation safe. With men and women currently stationed in harm's way, this is simply unacceptable.

If workers, taxpayers, and small businesses stand to lose, then who stands to gain?

The answer is Big Labor. Union leaders often file frivolous legal complaints to gain leverage against employers. This is just one more partisan rule that stacks the deck in favor of union leaders.

The facts are clear: this rule is fatally flawed. It is not in the best interest of workers, small-business owners, our military or hardworking taxpayers. It is also unnecessary, but you don't have to take my word for it.

Last October, our colleagues in the Congressional Progressive Caucus—Representatives KEITH ELLISON and RAÚL GRIJALVA said: ''The Department of Labor has full authority under current law to hold Federal contractors accountable.''

I could not agree more. In fact, that is what Republicans have been saying all along.

I urge my colleagues to stand up for workers, small-business owners, taxpayers, and our national security by supporting this commonsense resolution. Then let's work together to ensure existing policies are enforced and workers have the protections they deserve.

Mr. CHAFFETZ. Mr. Speaker, I ask unanimous consent that the gentlewoman from North Carolina (Ms. FOXX) be permitted to control the remainder of my time.

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

There was no objection.

Ms. FOXX. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Before I address the disapproval resolution, I just want to acknowledge the important role Federal contractors have in meeting the needs of the Federal Government. Employment and critical services in many districts, including my own, are heavily reliant on Federal contractors, including those who serve a critical role for our Nation, supporting the needs of the military, the Coast Guard, Homeland Security, and many others.

That said, it is imperative that contractors are bidding on a level playing field when they compete for contracts. Unfortunately, this resolution would effectively reward contractors who cut corners, endanger the rights of their workers, and, studies show, compromise quality.

Although most Federal contractors obey labor laws, studies by the GAO, the Senate HELP Committee, and others document that Federal contractors with histories of serious, willful, and repeated violations of labor employment and nondiscrimination laws continue to be rewarded with Federal contracts.

For context, it is important to know that contracting rules already require agencies to determine whether or not a prospective contractor is responsible before awarding a contract. Amongst the criteria considered is whether or not the contractor has ''a satisfactory record of integrity and business ethics,'' and ''a satisfactory performance record.''

As previous speakers have noted, violations can already be considered. However, contracting officers don't have access to a list of those violations until this rule is issued, nor are contracting officers required to review a bidder's labor violations history.

The rule implementing the executive order on Fair Pay and Safe Workplaces does not add any extra layers of review. Rather, it would fill that data gap by requiring contractors to disclose whether they have violations of 14 longstanding labor laws, including the Fair Labor Standards Act, OSHA, Vietnam Era Veterans Readjustment Assistance Act, and nondiscrimination laws.

It only applies to contracts over $500,000, so we are not talking about mom-and-pop operations. But if listing those violations of fair pay and safe workplace laws constitutes an administrative burden, more the reason to make them be listed.

They are to be disclosed. And although we have heard about allegations, and although some violations may not be final, the only thing that has to be disclosed are those violations for which there has been an agency determination. That is, an allegation is made, it is investigated, and the company has been found to be in violation. It may be on appeal or whatnot, but there has at least been an agency determination of guilt.

The rule requires contracting officers to focus on whether such violations are serious, repeated, willful or pervasive. The rule helps bring those contractors with a history of violations into compliance by way of labor compliance agreements so they can continue to be considered for contracting opportunities while they improve their records.

Some have mislabeled this rule as the ''blacklisting rule,'' but this suggestion and characterization ignores the rules' meaningful compliance provision. The reality is that this rule would, according to the nonpartisan Congressional Research Service, encourage agency contract officials to push bidders with serious labor law violations ''to enter into labor compliance agreements'' rather than to disbar or suspend them.

I want to point out that a coalition of 20,000 construction contractors submitted testimony to the Small Business Committee where they wrote: ''Employers—primes and subs have more rights, remedies and redress for non-responsibility determinations based on lack of integrity or business ethics under the executive order than the current Federal Acquisition Regulation procedures specifically provide.''

Now, this testimony suggests that the rules are far more contractor-friendly than the detractors have characterized.

It would be premature to dismantle this rule because it hasn't even been put into effect because it has been under a court injunction. Further, repealing the rule under the CRA would bar future consideration of substantially similar rules unless Congress enacts subsequent enabling legislation.

So the bottom line is that there are winners and there are losers if this legislation passes. The winners, if this legislation passes, would be companies who willfully, and repeatedly, and pervasively violate labor laws. The winners would be the contractors who cut corners and gain an unfair competitive advantage over law-abiding contractors.

□ 1500

The losers will be workers who are employed by Federal contractors. They will be more susceptible to wage theft, unfair working conditions, and unsafe workplaces run by unscrupulous contractors. Losers will be the law-abiding contractors who lose contracts because they abide by the laws protecting their workers.

This is why the Fair Pay and Safe Workplaces rule enjoys support from a widespread number of businesses, veterans, civil rights, and labor organizations from the Easterseals to Paralyzed Veterans of America, to the Leadership Conference on Civil Rights and the International Brotherhood of Teamsters. That is why I oppose this legislation.

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

Ms. FOXX. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT), the chair of the Committee on Small Business.

Mr. CHABOT. Mr. Speaker, I rise today in strong support of H.J. Res. 37. I want to commend my colleague from North Carolina (Ms. FOXX) for her leadership in sponsoring this measure. I am proud to be a cosponsor.

The blacklisting rule is a textbook example of executive overreach that became standard operating procedure during the previous administration. Instead of using the existing suspension and debarment system to deal with bad actors, the Obama administration imposed an unnecessary regulation that placed significant burdens on all Federal contractors, even though they admitted that ''the vast majority of Federal contractors play by the rules.''

This kind of action—failing to enforce existing rules and then imposing a burdensome, redundant regulatory scheme—is exactly what frustrates the American people about Washington. We all want bad actors to be held accountable, but this rule is unnecessary red tape that punishes everyone for the actions of a few.

As chairman of the Committee on Small Business, I am concerned that we already have 100,000 fewer small businesses doing business with the Federal Government than we did back in 2012. So in the second term of the Obama administration, we lost 100,000 small businesses doing business with the Federal Government across the country. That means we have less competition, and that is bad for job creators and it is bad for taxpayers alike because, when there is less competition, we pay more, so the tax dollars that we send here to Washington are not used as efficiently as they ought to be.

The Committee on Small Business held several hearings and roundtables on this rule over the last 2 years, heard directly from small businesses, and examined the Obama administration's rule very closely. What we found was quite alarming.

The blacklisting rule would force innocent small businesses to settle unproven claims, disclose commercially sensitive information to their competitors, and report information the Federal Government already has. So we are going through this whole process, and the Federal Government has already got it; but they are not competent enough to use what they have already got, so they want to put it on the contractor to do even more. It makes no sense.

Ultimately, this rule will result in small businesses being blacklisted from participating in Federal contracting based on accusations—just accusations—where they may ultimately be found innocent. They didn't do anything wrong, yet they are barred from doing business with the government. Again, it makes no sense.

I urge my colleagues to support H.J. Res. 37. Passage of this joint resolution will undo a duplicative and unnecessary regulation that harms small business, hurts competition, and prevents taxpayers from getting the best bang for their buck.

I again want to thank the chairwoman for her leadership in pushing this forward. I urge my colleagues to support it.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I rise in strong opposition to congressional Republicans' attempt to repeal Fair Pay and Safe Workplaces protections for Federal contract workers.

We all know President Trump is no fan of transparency. He has steadfastly refused to disclose his own tax returns, so it is no surprise that he and the Republicans would oppose disclosure of labor, employment, civil rights, and nondiscrimination law violations by bidders for Federal contracts.

What I really don't understand is why Members of Congress would ask American taxpayers to subsidize companies that routinely violate our labor laws. Voting for this resolution actually rewards companies that discriminate, stiff their employees on pay, or cut corners on safety, and it puts responsible businesses that play by the rules at a disadvantage.

This resolution harms women. Women make up the majority of low-wage workers. Fair Pay and Safe Workplaces protections ensure that our tax dollars do not support sexual harassment and sex discrimination on the job, regular occurrences especially for low-wage working women.

This resolution harms veterans, including disabled veterans. Repeal means that we won't know whether a contract bidder routinely violates section 503 of the Rehabilitation Act, which Paralyzed Veterans of America, Disabled American Veterans, and Vets First say is ''necessary to prevent discrimination in the workplace and during the hiring process.''

This resolution also harms older workers. To quote AARP: '' . . . age discrimination in the workplace persists as a serious and pervasive problem. The Fair Pay and Safe Workplaces Executive Order is the first executive order since 1964 addressing the obligation of those who receive federal contracts not to discriminate on the basis of age.''

If you don't want your taxpayer dollars to be used to undermine Fair Pay and Safe Workplaces protections, then all Members should oppose this resolution.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to our distinguished colleague from Michigan (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, I rise today in support of H.J. Res. 37. I am proud to join Chairwoman FOXX and Chairmen CHAFFETZ and CHABOT as an original cosponsor.

H.J. Res. 37 would void the Fair Pay and Safe Workplaces rule, commonly known as the blacklisting rule. The blacklisting rule is an additional layer of Federal bureaucracy that crushes the ability of small and midsize companies to compete for Federal contracts and adversely impacts timing and efficient procurement while massively increasing costs.

The blacklisting rule requires Federal contractors to report violations, including alleged violations of 14 Federal labor laws and equivalent State laws, over the previous 3 years. Contractors have to collect that information from all of their subcontractors, and they are liable for that information, placing a huge administrative burden on those contractors. Also, not only when they bid for the contract, but every 6 months, they must renew that information.

Federal contract officers—by the way, there are over 37,000 of them, an amazing number—would then be required to consult with newly created labor compliance advisers. Yes, it creates more bureaucrats.

The final rule, itself, estimates costs for contractors and subcontractors of more than $458 million in the first year—a half a billion dollars—and more than $413 million in the second year. Amazing costs. This compliance cost is catastrophic for small and midsize businesses.

Those who deny workers basic protections are already protected by the suspension and debarment process. The blacklisting rule is simply another bureaucratic hoop. In 2015, nearly 1,000 suspensions and 2,000 debarments were undertaken. Put simply, the suspension and debarment system has worked to protect workers and government.

Moreover, the rule requires contractors and subcontractors to report on alleged labor law violations and violations that have not been fully adjudicated. A business could be deemed ineligible for a Federal contract, or blacklisted, because the contractor reported alleged labor law violations while still exercising their legal right to pursue adjudication. That is antithetical to our Constitution.

H.J. Res. 37 will remove a regulation that raises serious due process concerns, duplicates existing enforcement mechanisms, increases the cost of Federal contracting, and expands the Federal bureaucracy.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentlewoman from Oregon (Ms. BONAMICI), the vice ranking member of the Committee on Education and the Workforce.

Ms. BONAMICI. Mr. Speaker, I rise today in opposition to H.J. Res. 37.

President Obama's Fair Pay and Safe Workplaces rule reinforces employment protections and laws that help veterans, individuals with disabilities, older Americans, minorities, and LGBTQ workers. It protects workers in our country so they receive a fair day's pay for a fair day's work.

This rule was passed in response to discovering that billions of taxpayer dollars went to companies that violated Federal workplace laws. A contractor who cheats workers out of their pay, endangers their safety at work, or engages in discriminatory practices should be required at least to disclose this information when bidding for Federal contracts. Taxpayer dollars should not support the exploitation of workers. That is just common sense.

The resolution before us would also remove critical protections for workers that allow them to access our judicial system. The Fair Pay and Safe Workplaces rule bans forced arbitration in workplace discrimination and sexual assault cases for contracts of $1 million or greater, a policy already in place at the Department of Defense that was enacted with broad bipartisan support in 2010. Workers deserve the opportunity to have their day in court to seek justice for their sexual assault and discrimination claims.

I oppose this resolution to disapprove of these protections because it gives serial law violators a free pass at the cost of workers' safety, and it disadvantages the law-abiding contractors in Oregon and across the country who follow our Nation's laws.

H.J. Res. 37 before us today would reward unlawful and discriminatory conduct. I urge my colleagues to oppose it.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. WALBERG), the chairman of the Subcommittee on Health, Employment, Labor, and Pensions.

Mr. WALBERG. Mr. Speaker, I thank the gentlewoman for yielding and for introducing this legislation and sponsoring it. I rise today in support of H.J. Res. 37.

We all agree that bad actors who deny workers basic protections and violate the Fair Labor Standards Act should not be rewarded with government contracts funded by taxpayer dollars. However, the Department of Labor's rule effectively blacklists Federal contractors for alleged violations and would require contractors to defend themselves against these allegations without being entitled to a formal hearing.

The Federal District Court has already ruled that the Department of Labor rule violates contractors' due process rights. Additionally, this rule is unnecessary because the Department of Labor already has significant oversight and investigation capabilities to assess contractor compliance with Federal labor laws.

This rule supersedes agencies' existing authority to hold contractors accountable under the current suspension and disbarment system. My question is why don't they use it?

Misguided regulatory policies, like the blacklisting rule, don't stop bad actors, but they do end up adding new layers of redundant bureaucratic red tape, harming employers and older workers, disabled workers, female workers, minority workers, and workers, in general, alike.

I urge my colleagues to support the resolution of disapproval and roll back this duplicative and unnecessary rule.

Mr. SCOTT of Virginia. Mr. Speaker, can you advise both sides how much time is remaining.

The SPEAKER pro tempore. The gentleman from Virginia has 17½ minutes remaining. The gentlewoman from North Carolina has 12½ minutes remaining.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. NORCROSS), a member of the Committee on Education and the Workforce.

Mr. NORCROSS. Mr. Speaker, I include in the RECORD two letters from organizations that have long led the fight for workers' rights: the AFL–CIO and the International Brotherhood of Teamsters.

AFL–CIO,
February 1, 2017.

DEAR REPRESENTATIVE: The AFL–CIO urges you to oppose the Congressional Review Act resolution of disapproval of the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay and Safe Workplaces regulations implement the common-sense proposition that companies wanting to receive lucrative taxpayer-funded government contracts should comply with the law and respect workers' rights. The Executive Order and implementing regulations establish a process for reviewing the records of companies bidding for federal business and ensuring that companies that receive this business comply with the law and respect workers' rights. The regulations improve the contracting process and establish more fairness, so that companies that respect workers' rights do not have a competitive disadvantage when competing against companies that cheat by misclassifying their workers as independent contractors, ignoring health and safety hazards, or engaging in wage theft. Repealing these regulations will remove an important incentive for companies to pay their workers what they are due, protect their health and safety, and comply with the law.

The regulations are needed because the current procurement system does an inadequate job screening prospective contractors and their compliance (or non-compliance) with the law. According to the U.S. Government Accountability Office, federal contracts have been awarded to companies with significant records of violating wage and hour, health and safety, and other worker protection laws. A report by the Committee on Health, Education, Labor and Pensions similarly found that the government regularly awards federal contracts to companies with significant violations of worker protection laws.

Wiping out these regulations using the Congressional Review Act is a draconian and unnecessary act. If Congress adopts this resolution, agencies will be forever barred from adopting similar regulations in the future. This is overkill. If Congress has concerns about aspects of the regulations, it can work with the Trump Administration to modify those provisions through the regular rulemaking process. Congress should not use the blunt instrument of the CRA to wipe out the rules and prevent their adoption in the future.

Sincerely,
WILLIAM SAMUEL, *Director.*
Government Affairs Department.

[From the International Brotherhood of Teamsters, Feb. 2, 2017]

ROLL BACK OF 'FAIR AND SAFE WORKPLACES' WILL HURT WORKERS, REWARD BAD ACTORS

HOFFA STATEMENT OF LEGISLATION AIMED AT RESCINDING EXECUTIVE ORDER

WASHINGTON.—The following is a statement from Teamsters General President James P. Hoffa on the House of Representative's consideration of legislation later today that would roll back the Fair Pay and Safe Workplaces executive order issued by President Obama in 2014 and instituted last year.

''Federal government contractors receive taxpayer dollars to provide a service or product. And as part of that agreement, they should be expected to follow the law when it comes to the workplace and their employees. When they don't, they hurt working families, they gain unfair advantage over companies that play by the rules, and they should be held accountable for their actions.

''That's what the Fair Pay and Safe Workplaces executive order that took effect last August ensures. There is nothing controversial about it. Lawmakers should want workers to receive the paychecks they earn, be safe on the job and not be discriminated against.

''Taxpayer money should not be handed to companies that blatantly violate labor and workplace laws. If elected representatives are as truly interested in standing up for workers as they claim, they will stop efforts to overturn rules that protect employee pay and ensure workers can provide for their families.''

Founded in 1903, the International Brotherhood of Teamsters represents 1.4 million hardworking men and women throughout the United States, Canada and Puerto Rico.

Mr. NORCROSS. Mr. Speaker, before entering public office, I was an electrician. I used to work on top of bridges doing very dangerous work. Imagine climbing 150 feet up over

water. But over the course of that career, three times, there were gentlemen I worked with who never went home, never clocked out, never went home to see their wife or their children.

Every day, 13 Americans are killed on the job; they didn't go home to see their wife, their children, their husband. Sometimes accidents are unavoidable, but many, many times they aren't, and that is what we are talking about here.

□ 1515

The rule doesn't talk about hurting companies. We are talking about basic information, the same information that everybody in this room would ask if they were building an addition on their house. You would want to know, if you were spending $10,000, whether or not that contractor had any violations, did he finish the job, were people killed on the job. But when we are spending $81 billion of the American taxpayer, somehow we don't want to know that. If you go for a loan, they want to know what your background is, even if you had given it ten times before. If you are going to college, they certainly want to know your background.

So what we are talking about here is simple transparency. It is not just about workplace safety. It is about giving a free pass for something that they did wrong. Let me repeat that. Something that contractors did wrong. If they did nothing wrong, they have nothing to fear. That is why I stand in opposition to this rule.

When I vote against this legislation, I want everybody in this room to think about 13 men and women who aren't going home tonight, who wouldn't have to tell anybody that they were killed on their jobs.

Ms. FOXX. Mr. Speaker, I yield 2 minutes to the gentleman from Alabama (Mr. BYRNE), my distinguished colleague.

Mr. BYRNE. Mr. Speaker, I appreciate the chairwoman for yielding, and for her leadership on our committee.

I rise today to offer my strong support for H.J. Res. 37. This legislation is about protecting our Nation's workers, small businesses, and taxpayers.

As a former labor and employment attorney, I have seen the maze that businesses must jump through in order to become a Federal contractor. Well, this rule would only make things that much harder for them.

This regulation, due to the price of compliance, could force small- and medium-sized businesses, who can't afford to hire a massive legal team, out of being able to get contracts with the Federal Government.

This rule will add subjectivity to the Federal procurement process and deprive contractors of due process rights. As an attorney, I take that threat very seriously.

We should be in the business of supporting policies to make it easier for these kinds of businesses to get new work, not harder.

Now, Mr. Speaker, I know my colleagues on the other side say this is just about punishing bad actors. But this rule would require Federal contractors to disclose even alleged violations of wrongdoing, regardless of whether or not there is any credibility to the claims. Right now, there are effective policies in place to prevent bad actors and contractors that break the law from receiving government contracts.

This could be especially damaging for employers who are the target of union organizing campaigns, or in a situation where a competitor files a claim in an effort to gain a competitive advantage. It elevates the risk of frivolous complaints and the loss of business.

Instead of muddying the water and making it harder for our Nation's small- and medium-sized businesses, let's use the current framework, not a new burdensome regulation, to enforce the law and hold any bad actors accountable.

I hope my colleagues will join me in supporting this resolution to block an overreaching and counterproductive rule.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), the ranking member on the Subcommittee on Workforce Protections.

Mr. TAKANO. Mr. Speaker, I thank the gentleman from Virginia for yielding.

Mr. Speaker, I rise today in opposition to overturning the Fair Pay and Safe Workplaces rule under the Congressional Review Act. Undoing this rule would once again allow unethical Federal contractors to collect billions of dollars from taxpayers while stealing from, endangering, and discriminating against their employees.

Right outside this building, on January 20, President Trump promised to give power back to the people and empower everyday Americans. I do not understand how allowing Federal contractors to hide records of wage theft, safety violations, and discrimination keeps that promise.

I am particularly concerned with what repealing this rule will mean for our Nation's veterans. Because Federal contractors are encouraged to employ the men and women who have served, they will be greatly affected if we let companies off the hook for repeatedly violating workplace laws.

In addition, President Obama's executive order helps to guarantee that Federal contractors comply with longstanding law that protects veterans and people with disabilities from discrimination in the workplace. It also encourages contractors to recruit, hire, promote, and retain these individuals.

This is why the Paralyzed Veterans of America wrote a letter to the Speaker and minority leader asking that they oppose this resolution to ensure fair and safe working conditions for our veterans. PVA was also joined in a separate letter by Vietnam Veterans of America and disability advocates, including Easterseals, the American Association of People with Disabilities, and dozens more opposing the resolution we are debating today.

Mr. Speaker, I include in the RECORD both letters.

PARALYZED VETERANS OF AMERICA,
Washington, DC, January 30, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Democratic Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: Paralyzed Veterans of America urges you to reject a Congressional Review Act (CRA) disapproval resolution of the 2016 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities. PVA is the nation's only Congressionally-chartered veterans' service organization solely dedicated to representing veterans with spinal cord injuries and/or diseases.

Disapproving this rule will weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers. The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies that want to do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please ensure that veterans and other individuals with disabilities are not denied fair and equal employment opportunities by voting against the CRA resolution of disapproval of the Federal Acquisition Regulation published at 81 Fed. Reg. 58562.

Thank you for your consideration.

Sincerely,

CARL BLAKE,
Associate Executive Director.

CONSORTIUM FOR CITIZENS WITH DISABILITIES,
February 1, 2017.

Hon. PAUL RYAN,
Speaker of the House of Representatives, House of Representatives, Washington, DC.

Hon. NANCY PELOSI,
Democratic Leader, House of Representatives, Washington, DC.

DEAR SPEAKER RYAN AND DEMOCRATIC LEADER PELOSI: The undersigned members of the Consortium for Citizens with Disabilities (CCD) and our allies urge you to reject a Congressional Review Act (CRA) disapproval resolution of the 2016 Federal Acquisition Regulation rule designed to reduce employment discrimination against people with disabilities and veterans, including those with service-connected disabilities.

CCD is the largest coalition of national organizations working together to advocate for Federal public policy that ensures the self-determination, independence, empowerment, integration and inclusion of children and adults with disabilities in all aspects of society.

Disapproving this rule would weaken important nondiscrimination and affirmative hiring provisions intended for people with disabilities and veterans. For more than four decades, individuals with disabilities and veterans have been protected by federal laws against discrimination in employment with employers that do business with the federal government. In addition, these landmark laws (Rehabilitation Act of 1973 and Vietnam Era Veterans' Readjustment Assistance Act of 1974) have required large federal contractors to take affirmative action to recruit, hire, promote, and retain these individuals, who traditionally face higher unemployment rates than their peers. The Federal Acquisition Regulation (81 Fed. Reg. 58562)—that is being targeted by this CRA resolution of disapproval—simply ensures that companies that want to do business with the federal government disclose whether they have been in violation of these longstanding requirements.

Please help ensure individuals with disabilities and veterans have a fair shot at employment by voting against the CRA resolution of disapproval of the Federal Acquisition Regulation published at 81 Fed. Reg. 58562.

Thank you for your consideration.

Sincerely,

American Association of People with Disabilities, American Foundation for the Blind, Association of University Centers on Disabilities (AUCD), Autistic Self Advocacy Network, Bazelon Center for Mental Health Law, Center for Public Representation, Disability Power & Pride, Easterseals, Goodwill Industries International, Institute for Educational Leadership, National Association of State Head Injury Administrators, The National Council on Independent Living, National Disability Rights Network, National Down Syndrome Congress, Special Needs Alliance, Paralyzed Veterans of America, The Advocrat Group, The Arc of the United States, United Cerebral Palsy, United Spinal Association, Vietnam Veterans of America [VVA].

Mr. TAKANO. Mr. Speaker, the Federal Government, which spends billions of dollars contracting with private companies every year, has an obligation to demonstrate and promote responsible behavior. We should not be in the business of working with contractors who repeatedly violate our Nation's labor laws, particularly when they harm the veterans who have served our Nation so bravely.

Repealing this rule sends the wrong message to employers, the wrong message to veterans, and the wrong message to hardworking Americans who deserve to be treated with respect in the workplace.

Ms. FOXX. Mr. Speaker, I include in the RECORD a list of organizations supporting this disapproval resolution.

LETTERS IN SUPPORT OF H.J. RES. 37

Society for Human Resource Management (SHRM).

Other Stakeholders (19 signatories): Aerospace Industries Association, American Council of Engineering Companies, American Foundry Society, American Hotel & Lodging Association, American Trucking Association, Associated Builders and Contractors, Inc., Associated General Contractors, College and University Professional Association for Human Resources (CUPA–HR), HR Policy Association, Independent Electrical Contractors, Information Technology Alliance for the Public Sector, International Foodservice Distributors Association, National Association of Manufacturers, National Defense Industrial Association, Professional Services Council, Society for Human Resource Management, The Coalition for Government Procurement, U.S Chamber of Commerce, WorldatWork.

Ms. FOXX. I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. ESPAILLAT), a member of the Committee on Education and the Workforce.

Mr. ESPAILLAT. Mr. Speaker, I would like to thank my colleague and ranking member of the Education and the Workforce Committee, Mr. SCOTT, for yielding.

I stand here in opposition to this resolution, which looks to undo rules that provide safety and fairness in the workplace.

The Fair Pay and Safe Workplaces rule speaks for itself. It ensures that contractors entrusted with taxpayer dollars cannot exploit their workers and that repeated lawbreakers do not get a competitive advantage. This standard does not impose extra regulations on contractors. It simply requires that they follow the law.

These laws make sure women are paid the same wages for the same work. They make sure that employers are paying a fair rate for overtime work. They protect employees with disabilities. And they protect workers who are victims of sexual assault or sexual harassment by ensuring those individuals have an opportunity to be heard.

A 2013 Senate report found that government contractors are often among the worst violators of the workplace safety, wage, and hour laws. Nearly one in three companies with the worst safety and wage violations are Federal contractors. Americans working for Federal contractors lose up to $2.5 billion each year to violations of minimum wage laws alone. This is unacceptable and exactly why this order was executed—to protect workers.

We have a duty to our constituents, and this rule rightfully asks the Federal Government to take another look at contractors who have violated labor laws before awarding a contract. By upholding this order, we can continue to ensure that taxpayers get a fair deal for their money, something my Republican colleagues certainly should be in favor of.

Some Republicans will claim that this order creates a so-called blacklist by preventing companies from receiving Federal contracts. However, the opposite is true. The order, in fact, provides new tools for contractors to come into compliance with the law. This order is in the interest of the people and our constituents who we were sent here to represent. Rolling back these protections would demonstrate that we would rather side with employers who cut legal corners by not paying a fair wage than with our constituents who work day in and day out to provide for their families.

Not only will rescinding this rule hurt our constituents, but it would also hurt law-abiding companies by forcing them into unfair competition with companies that cut corners and knowingly violate the law. As we look to invest in our country's infrastructure, I cannot think of a more important time to ensure that employees working for Federal contractors are treated fairly. This rule is an important safeguard that protects employees, and its rollback will be a disgrace.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. Mr. Speaker, I thank the ranking member for yielding.

Mr. Speaker, I rise in opposition to this resolution and the complete dismantlement of the Fair Pay and Safe Workplaces executive order.

Among other worker protection benefits, President Obama's Fair Pay and Safe Workplaces executive order prohibits Federal contractors from using forced arbitration clauses in employment contracts involving civil, sexual assault, and harassment disputes. It directs companies with Federal contracts of $1 million or more not to require their employees to enter into pre-dispute arbitration proceedings for disputes arising out of title VII of the Civil Rights Act or from sexual assault or harassment cases, except when valid contracts already exist.

This existing order built upon existing policy that was successfully implemented at the Department of Defense, the largest Federal contracting agency, and it will help improve contractors' compliance with labor laws.

Simply put, Mr. Speaker, the Fair Pay and Safe Workplaces executive order required Federal contractors to give employees their day in court. By doing away with this order, the new administration is subjecting workers to forced arbitration, which is a private and fundamentally unfair process.

Unlike the court system, which was developed through centuries of jurisprudence, forced arbitration does not provide important procedural guarantees of fairness and due process that are the hallmark of our courts. There are no requirements that witnesses testify under oath or affirmation, rules of evidence and procedure are not relied upon, the caselaw that has been developed over centuries is not used as precedent, and arbitration proceedings are often secretive, sealed, and there is no meaningful right to appeal.

Behind closed doors and shrouded in secrecy, forced arbitration enables employers to conceal wrongdoing from the public and to undermine employee rights.

Since 2007, I have championed the Arbitration Fairness Act, which would eliminate forced arbitration clauses in employment, consumer, and civil

rights cases. The executive order took us one step closer.

Americans deserve better than private, unaccountable tribunals that adjudicate disputes, mostly in favor of the employer. Equal access to justice for all should not be an aspiration but a guarantee for all Americans.

I ask my colleagues to oppose H.J. Res. 37.

Ms. FOXX. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of the time.

Mr. Speaker, I just want to restate a couple of provisions.

One is this underlying regulation only applies to contracts in excess of $500,000. As previously stated, this information that is to be disclosed can already be considered in contracting. This regulation makes it available so it can be considered.

It is not just allegations. We are talking about agency determinations after an investigation.

Now, the regulation requires consideration of the fact of whether or not a determination is final or whether it is on appeal. That is to be considered. But not all violations in the fullest of time are to be considered at all. Only those that are serious, repeated, willful, or pervasive violations of fair pay and safe workplace violations are to be considered.

And so for the people who are not blacklisted, the guilty are encouraged to participate in labor compliance agreements so they can continue to receive contracts while they improve their records.

□ 1530

In closing, Mr. Speaker, let us recall who the winners and losers are if this resolution of disapproval passes. The winners will be the unscrupulous contractors who cut corners and compromise the safety of their workers. The losers will be the workers, who are the most susceptible to wage theft and unfair working conditions, and the law-abiding contractors who face unfair competition.

Mr. Speaker, I include in the RECORD three letters: one from The Leadership Conference on Civil and Human Rights, another from the American Industrial Hygiene Association, and, finally, one from a coalition of 134 business, labor, and civil society groups which stand in opposition to this resolution of disapproval.

THE LEADERSHIP CONFERENCE ON
CIVIL AND HUMAN RIGHTS,
Washington, DC, January 31, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the civil and human rights of all persons in the United States, we write in strong opposition to the use of the Congressional Review Act (CRA) to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order.

The Fair Pay regulations represent a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Fair Pay regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. They also encourage companies applying for federal contracts to comply with federal civil rights laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

We urge you to oppose any attempts to roll back the protections that stem from the Executive Order on Fair Pay and Safe Workplaces. The Order and implementing regulations provide strong protections against the federal government contracting with employers that routinely engage in discrimination based on race, sex, age, or disability, violate workplace health and safety protections, withhold wages, or commit other labor violations. If you have any questions, please feel free to contact June Zeitlin, Director of Human Rights Policy.

Sincerely,

WADE HENDERSON,
President & CEO.
NANCY ZIRKIN,
Executive Vice President.

AIHA PROTECTING WORKER HEALTH
January 31, 2017.

EXPRESSING CONCERN FOR WORKER HEALTH & SAFETY RELATED TO H.J.RES. 37 ''DISAPPROVING THE FINAL RULE SUBMITTED BY THE DEPARTMENT OF DEFENSE, THE GENERAL SERVICES ADMINISTRATION, AND THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION RELATING TO THE FEDERAL ACQUISITION REGULATION''

DEAR US REPRESENTATIVES: On behalf of the American Industrial Hygiene Association (AIHA), I am writing to express our concern with H.J.Res. 37, which would overturn a final rule that amended the Federal Acquisition Regulation to implement Executive Order 13673 ''Fair Pay and Safe Workplaces'', and is currently scheduled for consideration this week on the House floor under Suspension of the Rules. While the final rule and Executive Order address many topics, our concerns are limited to those areas dealing with worker health and safety, as these are the subjects in which AIHA and its members possess unique expertise and knowledge.

Instead of a blanket repeal of this rule, AIHA encourages you to engage with occupational and environmental health and safety professionals, and others in a constructive dialogue that examines how best to improve worker health, safety, and socioeconomic prosperity—all of which are closely linked. As currently drafted, H.J.Res. 37 threatens to slow progress towards healthier and safer workplaces; as such, we encourage you to oppose its passage.

Founded in 1939, AIHA is the premier association of occupational and environmental health and safety professionals. AIHA's 8,500 members play a crucial role on the front line of worker health and safety every day. Our members represent a cross-section of industry, private business, labor, government and academia.

Thank you for your consideration of AIHA's concerns and recommendations. AIHA looks forward to working with you to help protect worker health and safety. Please feel free to contact Mark Ames, AIHA's Director of Government Relations.

Respectfully,

LAWRENCE SLOAN, CAE,
Chief Executive Officer, AIHA.

JANUARY 31, 2017.

Hon. PAUL RYAN,
Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Minority Leader,
Washington, DC.

DEAR SPEAKER RYAN AND MINORITY LEADER PELOSI: On behalf of the undersigned organizations, we write in strong opposition to the use of the Congressional Review Act (CRA) to repeal the regulations implementing the Fair Pay and Safe Workplaces Executive Order. We are organizations dedicated to protecting workers, eliminating workplace discrimination and protecting access to justice. The Fair Pay regulations represent a much-needed step forward in ensuring that the federal contractor community is providing safe and fair workplaces for employees by encouraging compliance with federal labor and civil rights laws, and prohibiting the use of mandatory arbitration of certain disputes.

Employers that have the privilege of doing business with the federal government also have a responsibility to abide by the law. The Fair Pay regulations are crucial because they help ensure that federal contractors behave responsibly and ethically with respect to labor standards and civil rights laws. They also encourage companies applying for federal contracts to comply with federal labor and employment laws such as the Fair Labor Standards Act (which includes the Equal Pay Act), Title VII of the Civil Rights Act, the Americans with Disabilities Act of 1990 and the Occupational Safety and Health Act, and their state law equivalents. The Executive Order also bans contractors from forcing employees to arbitrate claims under Title VII of the Civil Rights Act as well as claims of sexual harassment and sexual assault.

We ask you to stand with American workers and oppose any attempts to roll back the protections that stem from the Executive Order on Fair Pay and Safe Workplaces. They provide strong protections against the federal government contracting with employers that routinely violate workplace health and safety protections, engage in age, disability, race, and sex discrimination, withhold wages, or commit other labor violations. These protections should not be repealed.

Sincerely,

9to5 California, 9to5 Colorado, 9to5 Georgia, 9to5 Wisconsin, 9to5, National Association of Working Women, A Better Balance, A. Phillip Randolph Institute, AFL-CIO, African American Ministers In Action, AJ Rosen & Associates LLC, Alaska Wilderness League, Alliance to End Slavery & Trafficking, Amalgamated Transit Union, American Association for Access, Equity and Diversity, American Association of People with Disabilities, American Association of University Women (AAUW), American Civil Liberties Union, American Federation of State, County and Municipal Employees, American Federation of Teachers.

Americans for Democratic Action, Arkansans Against Abusive Payday Lending, Bazelon Center for Mental Health Law, Bend the Arc Jewish Action, BlueGreen Alliance, Brazilian Worker Center, Brotherhood of Locomotive Engineers and Trainmen—Wyoming State Legislative Board, Business and Professional Women/Florida (BPW/FL), Business and Professional Women/St. Petersburg-Pinellas (BPW/SPP), California Employment Lawyers Association, Catalyst, Center for Justice & Democracy, Center for Law and Social Policy, Coalition of Labor Union Women, Coalition on Human Needs, Coalition to Abolish Slavery & Trafficking, Communications Workers of America, Demand Progress, Demos, Economic Policy Institute Policy Center.

Equal Pay Today, Equal Rights Advocates, Family Equality Council, Family Values @ Work, Farmworker Association of Florida, Feminist Majority, Fight for $15, Food & Water Watch, Friends of the Earth, Futures Without Violence, Gender Justice, Good Jobs Nation, Health Justice Project, Hindu American Foundation, Human Rights Campaign, Institute for Science and Human Values, Inc., Interfaith Worker Justice, International Association of Machinists and Aerospace Workers, International Brotherhood of Teamsters.

International Federation of Professional and Technical Engineers, IFPTE, International Union of Bricklayers and Allied Craftworkers, International Union, United Automobile, Aerospace & Agricultural Implement Workers of America (UAW), Jobs With Justice, Jobs with Justice of East Tennessee, Knox Area Workers' Memorial Day Committee, Labor Council for Latin American Advancement, Labor Project for Working Families in Partnership with Family Values @ Work, Lambda Legal, Lawyers Committee for Civil Rights Under Law, The Leadership Conference on Civil and Human Rights, Main Street Alliance, Make the Road New York, MassCOSH—Massachusetts Coalition for Occupational Safety & Health, MomsRising.org, NAACP, National Alliance for Fair Contracting, National Asian Pacific American Women's Forum, National Association of Consumer Advocates.

National Association of Human Rights Workers, National Association of Social Workers, National Bar Association, National Black Justice Coalition, National Center for Law and Economic Justice, National Center for Lesbian Rights, National Center for Transgender Equality, National Consumer Law Center (on behalf of its low income clients), National Council of Jewish Women, National Council of La Raza, National Disability Rights Network, National Education Association, National Employment Law Project, National Employment Lawyers Association, National Fair Housing Alliance, National Guestworker Alliance, National Health Law Program, National Immigration Law Center, National Organization for Women, National Urban League.

National Women's Law Center, National Youth Employment Coalition, Oxfam America, Paralyzed Veterans of America, The National Partnership for Women & Families, People's Action, Policy Matters Ohio, PowHer New York, Pride at Work, Progressive Congress Action Fund, Public Citizen, Public Justice, Public Justice Center, Restaurant Opportunities Centers United, Retail, Wholesale & Department Store Union, Santa Clara County Wage Theft Coalition, Sargent Shriver National Center on Poverty Law, Service Employees International Union (SEIU), Sierra Club, South Florida Interfaith Worker Justice.

Southwest Women's Law Center, Sugar Law Center for Economic & Social Justice, The American Association for Justice, The Consumer Voice, The Maryland Consumer Rights Coalition, UltraViolet, Union of Concerned Scientists, Unite Here, United Steelworkers, UWUA—Utility Workers Union of America, The Voter Participation Center, Washington State Labor Council, AFL-CIO, WisCOSH, Inc., Women Employed, Women's Voices for the Earth, Workplace Fairness, Women's Voices Women Vote Action Fund.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to vote ''no'' on this resolution of disapproval.

I yield back the balance of my time.

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

In closing, I thank my colleagues—Chairman CHAFFETZ, Chairman CHABOT, and Representative MITCHELL—for joining us in this important effort as well as to thank my colleagues who came and spoke on this resolution.

Workers deserve strong protections. The best way to ensure fair pay and safe workplaces is to enforce the existing suspension and debarment system. It is also important to remind my colleagues of what the Congressional Progressive Caucus said:

> The Department of Labor has full authority under current law to hold Federal contractors accountable.

It is clear we don't need more layers of red tape to prevent bad actors from receiving taxpayer-funded contracts. Creating a bureaucratic maze would only make a system less efficient that is designed to protect workers. Furthermore, the blacklisting rule would undermine the ability of small businesses to compete for Federal contracts, would increase costs for taxpayers, and would jeopardize the resources of our Armed Forces—the ones they need to keep this country safe.

I urge my colleagues to block this harmful rule and vote ''yes'' on H.J. Res. 37.

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

Mr. SMITH of Texas. Mr. Speaker, I rise today in support of House Joint Resolution 37, which annuls a poorly-written regulation put in place by the Obama administration.

We need to clean up the regulations that the previous administration imposed upon American business. We need to reform them, and ensure that they serve a useful purpose. This is especially important for the Department of Defense and NASA.

The regulation in question does not allow contractors to exercise their right of due process. Rather than letting our legal system provide justice, American companies could be blacklisted by contracting agencies if ''preliminary determinations'' had been made against them.

This is not how our justice system works. Perhaps that is why this regulation was halted by a nationwide injunction.

We should protect American workers. The regulation we strike today was poorly crafted, and it would ultimately do America's workforce more harm than good.

As Chairman of the Science Committee, I know that such a regulation would impede NASA from carrying out its mission of exploration and place an unnecessary cost on taxpayers by diminishing competition.

NASA should not be hampered by such unnecessary regulations and needs to focus its resources on the challenges of outer space exploration.

The Federal procurement process cannot afford to be bogged down with defective regulations. Congress must clean up how our government does business to ensure that it is just and efficient.

I encourage my colleagues to support this important legislation.

Mrs. CAROLYN B. MALONEY of New York. Mr. Speaker, we often tell young people that if they work hard and play by the rules, their efforts will be rewarded.

Yet this unjust resolution fails to put our federal government's money where its mouth is.

It will ensure that our tax dollars continue to go to companies that fail to live up to their end of this bargain.

Time and again, reports have cited the glaring frequency with which serial labor law violators receive federal contracts.

In the mid-1990s, GAO identified dozens of companies of violating core workplace protections, like the National Labor Relations Act and the Occupational Safety and Health Act.

And these abuses have continued. Reports in 2010 and 2013 again found that companies with significant labor citations continued to receive federal contracts.

The Fair Pay and Safe Workplaces rule makes certain that our agencies have the information about these violations they need to protect American workers and safeguard our tax dollars.

It makes clear that companies who violate our landmark labor protections, who deny overtime pay or family leave, and who deny workers' rights to organize are not rewarded for repeatedly flouting the law.

It also ensures that workers who have been discriminated against or sexually harassed can have their day in court. They cannot be forced into arbitration.

Our procurement laws already ask that tax dollars only go to responsible contractors, with ''a satisfactory record of integrity''.

Serial labor law violators do not meet this test.

What's more, numerous studies have found that contractors with better compliance records also perform better.

So let's not brush around the edges; this is not about safeguarding tax dollars.

This vote is about allowing labor abuses to go rewarded.

I cannot stand for that. I urge my colleagues to vote no.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 74, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

RECORDED VOTE

Mr. SCOTT of Virginia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on passage will be followed by a 5-minute vote on passage of H.J. Res. 40.

The vote was taken by electronic device, and there were—ayes 236, noes 187, not voting 9, as follows:

[Roll No. 76]

AYES—236

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
Correa
Costa
Costello (PA)
Cramer
Crawford
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
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
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
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
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.
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
Taylor
Tenney
Thompson (PA)
Thornberry
Tiberi
Tipton
Trott
Turner
Upton
Valadao
Wagner
Walberg
Walden
Walorski
Walters, Mimi
Weber (TX)
Webster (FL)
Wenstrup
Westerman
Williams
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IA)
Zeldin

NOES—187

Adams
Aguilar
Barragán
Bass
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
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Courtney
Crist
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)
Gottheimer
Green, Al
Green, Gene
Grijalva
Gutiérrez
Hanabusa
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
Murphy (FL)
Nadler
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
Ros-Lehtinen
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

NOT VOTING—9

Clark (MA)
Hastings
Jones
Mulvaney
Peterson
Price, Tom (GA)
Rush
Walker
Zinke

□ 1556

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

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

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 428, RED RIVER GRADIENT BOUNDARY SURVEY ACT

Mr. SESSIONS. Mr. Speaker, this afternoon, the Rules Committee issued an announcement outlining the amendment process for H.R. 428, the Red River Gradient Boundary Survey Act.

The amendment deadline has been set for Monday, February 6, at 3 p.m. Amendments should be drafted to the bill as introduced and which can be found on the Rules Committee website.

Mr. Speaker, please be advised, if there are any questions, Members may contact me or any member of the Rules Committee staff.

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE SOCIAL SECURITY ADMINISTRATION

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on passage of the joint resolution (H.J. Res. 40) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Social Security Administration relating to Implementation of the NICS Improvement Amendments Act of 2007, on which a recorded vote was ordered.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 180, not voting 17, as follows:

[Roll No. 77]

AYES—235

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 (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
Costello (PA)
Cramer
Crawford
Cuellar
Culberson
Curbelo (FL)
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
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
Hudson
Huizenga
Hultgren
Hunter
Hurd
Issa
Jenkins (KS)
Jenkins (WV)
Johnson (LA)
Johnson (OH)
Johnson, Sam
Jordan
Joyce (OH)
Katko
Kelly (MS)
Kelly (PA)
Kind
King (IA)
Kinzinger
Knight
Kustoff (TN)
Labrador
LaHood
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)