

this effort in making this happen and, hopefully, being fruitful in adjusting the Endangered Species Act.

#### URGING NATO ALLIES TO HONOR FINANCIAL COMMITMENTS

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

Mr. BISHOP of Michigan. Mr. Speaker, I rise today with grave concern regarding the security of our world.

Recently, the House passed the National Defense Authorization Act, which included my amendment urging our NATO allies to step up and participate in the cost of their own defense. President Trump was correct to raise this issue at the NATO summit in Brussels.

America's commitment to our NATO allies is absolutely ironclad—it always has been—but for too long, the United States has shared an unequal financial burden in contributing to the global and regional security that NATO provides.

In 2014, each member country agreed to spend a minimum of 2 percent of their GDP on defense, but currently, only 5 of 29 member countries meet this threshold. With new challenges from an increasingly belligerent Russian state, instability across the Middle East and North Africa, and emerging cybersecurity threats around the world, it is time for our allies to honor their commitments.

As negotiators continue to finalize the NDAA conference report, I urge the inclusion of my amendment that passed the House to ensure our allies pull their own weight in support of our collective defense, which will strengthen NATO and help achieve peace through our collective commitment.

#### DISPARAGING NATO ALLIES IS NOT PRODUCTIVE

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

Mr. CONNOLLY. Mr. Speaker, we just heard my friend from Michigan talk about how NATO allies have to live up to their obligations.

NATO allies have been living up to their obligations. In fact, article V of NATO has only been invoked once, and it was on behalf of the United States by our NATO allies.

The way to get NATO working is not to blow up a NATO summit, and it is not to disparage NATO allies—allies of half a century. Now we see that same wrecking ball strategy in the United Kingdom, our oldest ally on the face of the Earth.

This is no way to conduct foreign policy. It is destructive, and it will hurt the United States' interests that have been served long by our allies and by NATO in particular.

I hope the President of the United States comes to his senses and under-

stands talking discretely is far better than blowing it up.

#### UNFUNDED MANDATES INFORMATION AND TRANSPARENCY ACT OF 2017

##### GENERAL LEAVE

Ms. FOXX. 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.R. 50.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 985 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. 50.

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

□ 0915

##### 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. 50) to provide for additional safeguards with respect to imposing Federal mandates, and for other purposes, with Mr. MAST 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.

General debate shall not exceed 1 hour, equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform.

The gentlewoman from North Carolina (Ms. FOXX) and the gentleman from Virginia (Mr. CONNOLLY) each will control 30 minutes.

The Chair recognizes the gentleman from North Carolina.

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

Mr. Chairman, in 1995, Congress passed the Unfunded Mandates Reform Act, or UMRA, to prevent the imposition of burdensome and costly Federal unfunded mandates. Over the course of this Congress, the Oversight and Government Reform Committee has developed a record that clearly shows UMRA has fallen short of its original goals.

Last year, the committee sought input on UMRA and received several hundred responses from Governors, State legislators, and county officials regarding the impact of Federal laws and regulations.

Too often, State and local governments are confronted with the rotten choice of raising taxes on their residents or cutting services residents depend on in order to comply with Federal mandates. Unfunded federal mandates strain State and local budgets, and subvert the principles of American federalism.

Federal agencies treat States as servants to their regulatory whims, rather

than as partners to consult before imposing new, burdensome mandates.

In an April 2017 hearing, a Kentucky county executive testified that Federal agencies treat their responsibilities under UMRA as an exercise to "check a box," rather than an opportunity to engage in a meaningful intergovernmental partnership.

H.R. 50, the Unfunded Mandates Information and Transparency Act, is designed to solve these problems. It will improve the quality of regulatory and legislative analysis and close the current loophole which allows an agency to bypass UMRA analysis by not issuing a notice of proposed rulemaking.

According to the nonpartisan Government Accountability Office, 35 percent of major rules are issued without a notice of proposed rulemaking. That means more than one-third of the regulations with the greatest impact on the economy are excluded from UMRA's cost-benefit and other analyses.

H.R. 50 also expands the definition of direct costs to ensure economic analysis considers foregone profits, costs passed on to consumers, and behavioral changes.

Requiring Federal regulatory agencies and the Congressional Budget Office to include all anticipated costs in cost estimates will help ensure that analyses are complete and provide an accurate description of the full effects of regulations and legislation.

H.R. 50 enhances transparency, accountability, and communication between the Federal Government and State, local, Tribal, or private sector partners. It requires Federal agencies to engage in a more thorough regulatory process by codifying key provisions of President Clinton's Executive Order 12866. These principles were reaffirmed by President Obama in Executive Order 13563 and are consistent with President Trump's executive orders on regulatory reform.

Under UMRA, agencies are required to consult with State, local, and Tribal governments when developing significant regulatory mandates. H.R. 50 extends this requirement to the private sector, which is similarly burdened by unfunded Federal regulatory mandates.

The bill also requires independent agencies like the Consumer Product Safety Commission, the National Labor Relations Board, and the Federal Communications Commission to comply with UMRA.

Finally, H.R. 50 extends judicial review to help ensure agencies carefully consider the least costly and least burdensome regulatory alternative, giving courts the authority to stay regulations for noncompliance with UMRA. These changes are critical to achieving what Congress set out to do when UMRA was passed in 1995.

Requiring greater transparency and improving analysis prior to imposing Federal mandates is not a partisan goal. State and local governments headed by Republicans and Democrats

alike are affected by unfunded Federal mandates.

Businesses throughout the country have invested time and resources to comply with Federal mandates. With such a sweeping impact, any decision to impose a Federal mandate should, at a minimum, be transparent and based on the most comprehensive and accurate information available.

It is for this reason that our bill is supported by a vast coalition of non-partisan, nonprofit organizations made up of United States State and local government officials.

Mr. Chairman, I include in the RECORD letters from these coalitions, which includes the United States Conference of Mayors, the National League of Cities, the International City/County Management Association, the National Association of Counties, the Council of State Governments, the National Conference of State Legislatures, and the National Governors Association.

NFIB,

Washington, DC, March 14, 2018.

Hon. VIRGINIA FOXX,  
House of Representatives,  
Washington, DC.

DEAR REPRESENTATIVE FOXX: On behalf of the National Federation of Independent Business (NFIB), the nation's leading small business advocacy organization, I am writing in support of H.R. 50, the Unfunded Mandates Information and Transparency Act of 2017. This legislation makes critical improvements to the regulatory review process.

In a recent NFIB National Small Business Poll, almost half of small businesses surveyed viewed regulation as a "very serious" (25 percent) or "somewhat serious" (24 percent) problem. Additionally, 51 percent of small business owners reported an increase in the number of regulations impacting their business over the previous three years.

H.R. 50 requires that federal agencies abide by explicit criteria when assessing potential impacts of regulatory actions, and further stipulates that the cumulative impacts of the regulatory burden be considered. The legislation enhances Congressional authority in regulatory oversight, requiring agencies to review existing regulations upon the request of a committee chair or ranking member. In addition, the legislation transfers authority under the current unfunded mandates law from the Office of Management and Budget (OMB) to OMB's Office of Information and Regulatory Affairs (OIRA), whose staff is better equipped to handle such work.

Thank you for leading on this important legislation. We look forward to working with you on reforming the regulatory process as the 115th Congress moves forward.

Sincerely,

JUANITA D. DUGGAN,  
President & CEO, NFIB.

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, March 14, 2018.

Hon. TREY GOWDY,  
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 GOWDY AND RANKING MEMBER CUMMINGS: The U.S. Chamber of Com-

merce supports H.R. 50, the "Unfunded Mandates Information and Transparency Act of 2017."

The Unfunded Mandates Reform Act of 1995 (UMRA) requires agencies to undertake a qualitative and quantitative assessment of the anticipated costs and benefits of the federal mandate before promulgating a final rule. For rules costing over \$100 million, UMRA requires the agency to identify and consider a reasonable number of regulatory alternatives and select the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. Alternatively, the head of the agency must publish with the final rule an explanation of why the least costly, most cost-effective, or least burdensome method of achieving the rule's objectives was not chosen.

However, agencies routinely engineer the regulatory process to avoid UMRA's requirements. The Government Accountability Office has found that many statutes and final rules containing significant unfunded mandates were enacted or published without being identified as federal mandates at or above UMRA's thresholds. Worst of all, there is no mechanism to obtain meaningful judicial review for UMRA violations, so agencies can easily get away with skirting the law's requirements.

H.R. 50 would fix many of these problems. It would close loopholes that agencies use to circumvent UMRA and provide for enhanced stakeholder participation, meaningful UMRA oversight, and judicial review. The bill would also enhance the ability of Congress to identify unfunded mandates in legislation it considers. The Chamber urges you to vote in favor of this bipartisan legislation, and to report it to the full House as expeditiously as practicable.

Sincerely,

NEIL L. BRADLEY.

MARCH 13, 2018.

Re The Unfunded Mandates Information and Transparency Act (H.R. 50/S. 1523).

Hon. RON JOHNSON,  
Chairman, Senate Committee on Homeland, Security and Governmental Affairs, Washington, DC.

Hon. TREY GOWDY,  
Chairman, House Committee on Oversight and Government Reform, Washington, DC.

Hon. CLAIRE MCCASKILL,  
Ranking Member, Senate Committee on Homeland Security and Governmental Affairs, Washington, DC.

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

DEAR SENATORS JOHNSON AND MCCASKILL AND REPRESENTATIVES GOWDY AND CUMMINGS: On behalf of the Big 7, a coalition of national organizations representing state and local officials, we applaud your efforts to make improvements to the Unfunded Mandates Reform Act (UMRA) of 1995. Monitoring federal regulations and planning for unfunded mandates continues to be one of the most pressing issues for state and local leaders. In particular, we support strengthening the required analysis of pending legislation and your call for a strong regulatory look-back process. This additional information is critical for improving both the legislative and regulatory processes.

As you know, UMRA was designed to limit the imposition of unfunded federal mandates on state, local, and tribal governments by requiring the Congressional Budget Office and regulatory agencies to provide a qualitative and quantitative assessment of the anticipated costs of legislation and certain regula-

tions, respectively. As UMRA begins its third decade, the goal of curbing "the practice of imposing unfunded Federal mandates on State and local governments" is even more important.

A past report by the White House Office of Management and Budget stated federal regulations and unfunded mandates cost states, cities and the general public between \$44 and \$62 billion each year. With many states and local governments facing revenue restrictions and growing local financial burdens, the federal government should avoid imposing any new unfunded mandates. Moreover, federal regulatory agencies should work more closely with state and local governments and other stakeholders during the rule-making process to gather input and identify practical solutions.

We commend you for your leadership in advocating the enactment of this legislation, and we look forward to working with you and your staff to ensure its passage.

Sincerely,

DAVID ADKINS,  
CEO and Executive  
Director, The Council of State Governments.

MATTHEW D. CHASE,  
Executive Director,  
National Association of Counties.

SCOTT PATTISON,  
Executive Director,  
National Governors Association.

CLARENCE ANTHONY,  
CEO and Executive  
Director, National League of Cities.

MARC OTT,  
Executive Director,  
International City/County Management Association.

WILLIAM T. POUND,  
Executive Director,  
National Conference of State Legislatures.

TOM COCHRAN,  
CEO and Executive  
Director, The U.S. Conference of Mayors.

Ms. FOXX. Mr. Chairman, H.R. 50 ensures the commonsense goals Congress intended when enacting UMRA in 1995 are in fact realized and improved upon. I thank the bipartisan group of Members who cosponsored and support this bill.

Mr. Chairman, I encourage all Members to support H.R. 50, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM,  
Washington, DC, June 25, 2018.

Hon. STEVE WOMACK,  
Chairman, Committee on the Budget, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: On March 15, 2018, the Committee on Oversight and Government Reform ordered reported H.R. 50, the Unfunded Mandates Information and Transparency Act of 2017, with an amendment, by recorded vote. The bill was referred primarily to the Committee on Oversight and Government Reform, with additional referrals to the Committees on Budget, Rules, and the Judiciary.

I ask you allow the Committee on the Budget to be discharged from further consideration of the bill to expedite floor consideration. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Budget represented on the conference committee. Finally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE BUDGET,  
Washington, DC, June 26, 2018.

Hon. TREY GOWDY,  
*Chairman, Committee on Oversight and Government Reform,*  
Washington, DC.

DEAR CHAIRMAN GOWDY: Thank you for your letter regarding H.R. 50, the Unfunded Mandates Information and Transparency Act of 2017.

The bill contains provisions that fall within the jurisdiction of the Committee on the Budget. In order to expedite House consideration of H.R. 50, the Committee on the Budget will forgo action on the bill. This is being done with the understanding that it does not in any way prejudice the Committee with respect to its jurisdictional prerogatives on this or similar legislation. I also ask that the Committee on the Budget be appropriately consulted and involved as this bill or similar legislation moves forward so that the Committee may address any remaining issues that fall within its jurisdiction. The Committee on the Budget also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation. I also request that you include this letter and your response as part of your committee's report on H.R. 50 and in the Congressional Record during floor consideration.

Thank you for your attention to these matters. I look forward to working with you as this bill moves through the Congress.

Sincerely,

STEVE WOMACK,  
*Chairman, Committee on the Budget.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, June 27, 2018.

Hon. PETE SESSIONS,  
*Chairman, Committee on Rules,*  
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On March 15, 2018, the Committee on Oversight and Government Reform ordered reported H.R. 50, the Unfunded Mandates Information and Transparency Act of 2017, with an amendment, by recorded vote. The bill was referred primarily to the Committee on Oversight and Government Reform, with additional referrals to the Committees on Budget, Rules, and the Judiciary.

I ask you allow the Committee on Rules to be discharged from further consideration of the bill to expedite floor consideration. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on Rules represented on the conference committee. Fi-

nally, I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Thank you for your consideration of my request.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON RULES,  
Washington, DC, June 27, 2018.

Hon. TREY GOWDY,  
*Chairman, Committee on Oversight and Government Reform, Washington, DC.*

DEAR CHAIRMAN GOWDY: Thank you for your letter on H.R. 50, the Unfunded Mandate and Information Technology Act of 2017, which your Committee ordered reported on March 15, 2018.

Because of your willingness to consult with my committee regarding this matter, I will waive consideration of the bill by the Rules Committee. By agreeing to waive its consideration of the bill, the Rules Committee does not waive its jurisdiction over H.R. 50. In addition, the Committee on Rules reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask your commitment to support any request by the Committee on Rules for conferees on H.R. 50 or related legislation.

I also request that you include this letter and your response as part of your Committee's report on the bill and in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

PETE SESSIONS,  
*Chairman, House Committee on Rules.*

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, June 28, 2018.

Hon. BOB GOODLATTE,  
*Chairman, Committee on the Judiciary, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 50, the Unfunded Mandates Information and Transparency Act of 2017. As you know, on March 15, 2018, the Committee on Oversight and Government Reform ordered reported the bill with an amendment, by recorded vote. The bill was referred primarily to the Committee on Oversight and Government Reform, with additional referrals to the Committees on Budget, Rules, and the Judiciary.

I thank you for allowing the Committee on the Judiciary to be discharged from further consideration of the bill to expedite floor consideration. This discharge in no way affects your jurisdiction over the subject matter of the bill, and it will not serve as precedent for future referrals. In addition, should a conference on the bill be necessary, I would support your request to have the Committee on the Judiciary represented on the conference committee.

I would be pleased to include this letter and any response in the bill report filed by the Committee on Oversight and Government Reform, as well as in the Congressional Record during floor consideration, to memorialize our understanding.

Sincerely,

TREY GOWDY.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON THE JUDICIARY,  
Washington, DC, June 28, 2018.

Hon. TREY GOWDY,  
*Chairman, Committee on Oversight and Government Reform, Washington, DC.*

DEAR CHAIRMAN GOWDY: I write with respect to H.R. 50, the "Unfunded Mandates Information and Transparency Act." As a result of your having consulted with us on provisions within H.R. 50 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I forego any further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 50 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation and that our committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 50 and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during floor consideration of H.R. 50.

Sincerely,

BOB GOODLATTE,  
*Chairman.*

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

Mr. Chairman, I appreciate the opportunity to speak on H.R. 50, the Unfunded Mandates Information and Transparency Act.

We have seen this bill before. It was a bad idea then, it is a bad idea now.

Proponents of this bill, as we have just heard, may argue that regulations are burdensome and costly—and sometimes they are—but, in fact, the benefits of agency regulations far outweigh the costs.

The most recent draft report of the Trump administration's own Office of Management and Budget on the benefits and costs of regulations found that the estimated annual benefits of rules between 2006 and 2016, which covers nearly all of the regulations during the previous administration, were between \$219 billion and \$695 billion. Those are the benefits, the value of benefits.

By contrast, it said that the cost of those same rules were estimated at between somewhere around \$59 billion and \$88 billion. The benefits far outweigh the cost to the American public.

This bill will impose numerous requirements that will slow down the regulatory process and give regulated industry an unfair advantage over public health organizations, doctors, scientists, and ordinary Americans when new rules are made.

The Unfunded Mandates Reform Act was important in helping to strike a balance between the need for Federal regulations and the burden those regulations placed on State and local governments. I know that. I was the head

of a very large local government. Congress should endeavor to strike, however, a similar balance with mandates on the private sector, without putting our fingers on the scale for the very industries that need regulations, as this bill does.

Under this bill, agencies would be required to consult with impacted entities in the private sector on a proposed rule before the rule is even made available to the public, giving a very unfair advantage to the industries to be regulated. Agencies should consult with industry on proposed rules, of course. Regulated corporations, however, should never been given an explicit and unfair preference over other stakeholders, particularly the American families and consumers these rules are designed to protect.

Drug manufacturers, for example, should not get to influence an opioid safety regulation before public health experts. The energy industry should not get to weigh in on a regulation before those citizens whose air and water quality would be affected are heard from.

This bill would also significantly expand in almost a sweeping way judicial review under the Unfunded Mandates Reform Act.

UMRA currently prohibits a court from delaying or invalidating a rule based on an agency's compliance with UMRA. This bill would eliminate that restriction.

This bill would also allow judges to second-guess agency experts by evaluating the adequacy of agency analyses, including cost-benefit estimates, giving broad new power to the judiciary to get into the rulemaking process and, in some cases, perhaps, to substitute themselves for regulatory agencies. This is something I don't believe we want to see.

The bill would also require an agency to conduct a retrospective cost-benefit analysis of any existing rule if requested by the chairman or ranking member of the committee. This provision would require agencies to conduct analyses on potentially thousands of rules, diverting unnecessary time and attention away from fulfilling their missions. That is designed, basically, to preclude new rulemaking from happening at all.

H.R. 50 would also repeal the exemption that is currently in UMRA for independent agencies. As a result, the independence of agencies like the Securities and Exchange Commission and the Consumer Product Safety Commission could be compromised because the Office of Management and Budget would now have a role in shaping rules those agencies issue.

The bottom line is that regulation can make our air cleaner to breathe, our water safer to drink—by the way, we are reminded of that right now here in Washington, D.C., where we have a water boil advisory—the products we use safer, and provide protections that are critical for a healthy economy.

H.R. 50 would impose new roadblocks that would make it harder to provide those protections for the public we serve.

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

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

Mr. Chairman, we have often heard that the most dangerous words or the most dangerous phrase in the English language is, "We are from the Federal Government, and we are here to help." I agree with that.

Everywhere I go in my district, I hear from people. It isn't the laws that we pass, it's the regulations that implement those laws that are the biggest problems.

Unfortunately, many of our colleagues on the other side of the aisle believe that government bureaucrats are the smartest people in the world. In fact, they are smarter than the majority of the American people who make this country great.

We absolutely do not want to do away with all rules and regulations. We want safe food. We want safe drinking water. We want all those things that help make this country great, but we want to bring some common sense and some transparency to the regulatory process. That is what H.R. 50 does.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentlewoman for her leadership on this issue.

Mr. Chairman, I rise today in support of H.R. 50, the Unfunded Mandates Information and Transparency Act.

One of the laws of physics states: For every action in nature, there is an equal and opposite reaction. The same thing happens in our economy.

□ 0930

Well, I can confidently say that, for every action made in Washington, D.C.'s bloated bureaucracy, there is going to be an unfunded mandate for private businesses and State, local, and Tribal businesses to grapple with.

In 1995, Congress passed the Unfunded Mandates Reform Act to help stop the burden of these costly Federal unfunded mandates. However, over the last 23 years, many unfunded mandates have slipped through the cracks due to loopholes or failed analyses, costing taxpayers more of their hard-earned money.

As a small-business owner for more than 40 years, I am a strong advocate for scrutinizing every tax dollar spent and holding agencies accountable.

As Dr. Foxx mentioned of her travels in her district and my travels in my district, for the last 500 days since this administration and this President took office, it is like somebody flipped on the light switch. More jobs are being created; wages are rising; and the economy is growing.

Jobs are being created. There are more jobs available today than there are people seeking jobs.

H.R. 50 does this. It closes loopholes in the current law, strengthens analysis requirements to identify harmful Federal mandates, and requires detailed assessments of authorized funding levels.

Mr. Chair, I encourage all my colleagues to join me in supporting H.R. 50 today.

Mr. CONNOLLY. Mr. Chair, before I recognize Mr. CUMMINGS, the distinguished ranking member of our committee, I do want to say, it is the same old thing: Oh, this is just common-sense. Of course we favor sensible regulation that protects our air and water.

Really. The same crowd that says that is witnessing the dismantlement of regulations and, frankly, the defenestration of the regulatory agencies charged with that mission, like the EPA. The late, lamented Administrator of the EPA has set about on a wrecking ball mission at EPA, and I don't hear my Republican friends speaking up, decrying that, and defending those regulations to protect the public.

This is a pig in a poke. My colleagues should not support it.

Mr. Chair, I yield 6 minutes to the gentleman from Maryland (Mr. CUMMINGS), the distinguished ranking member of the Committee on Oversight and Government Reform.

Mr. CUMMINGS. Mr. Chair, I thank the gentleman from Virginia, the vice ranking member of the Oversight and Government Reform Committee, for yielding time and for doing such a phenomenal job on our committee.

Mr. Chair, I rise in strong opposition to H.R. 50, the Unfunded Mandates Information and Transparency Act. This legislation would obstruct the regulatory process with new requirements that would make it more difficult to promulgate regulations that protect the health and safety of Americans.

This bill also would give regulated companies the ability to weigh in on rules before other stakeholders. That is simply not right.

Under this bill, gun manufacturers could influence a gun safety rule before child safety experts.

Under this bill, banks could shape rules related to obtaining lines of credit before consumer advocates.

Under this bill, a coal company could weigh in on a clean air rule before doctors, scientists, and other public health experts.

This is a gross distortion of how this process should work, and it would put the interests of polluters and other corporate offenders ahead of the American people. I simply say that we are better than that.

This bill also must be viewed in the context of the broader assault on regulations underway by President Trump and his allies in Congress. Using the Congressional Review Act, Republicans in Congress have repealed 16 health, safety, environmental, and consumer protection rules.

They repealed a rule that prevented individuals with severe mental illnesses from gaining access to guns. Give me a break.

They repealed the stream protection rule, which required monitoring of streams and groundwater for toxic contaminants dumped by coal mining companies. Yes, they did that, too.

They repealed the fair pay and safe workplaces rule, which required that American tax dollars be spent only on companies that comply with the workplace health, safety, and civil rights laws by which all private businesses must abide.

The bill before us today is yet another attack on regulations, one that Republicans have passed many times before but have never been able to enact.

This bill would amend the Unfunded Mandates Reform Act, which was enacted as part of Newt Gingrich's Contract with America. Even in the context of the extreme agenda of the Contract with America, Congress included several limitations in the Unfunded Mandates Reform Act. This bill would repeal those limitations.

This bill also would put independent agencies in jeopardy of political interference. The Unfunded Mandates Reform Act currently exempts independent agencies from its reporting requirements. This bill would remove that exemption.

That means independent regulatory agencies like the Securities and Exchange Commission and the Consumer Product Safety Commission would have to submit their rules to the Office of Management and Budget for review, which could undermine their independence.

Section 12 of the bill would require an agency to perform a retrospective review, including an additional cost-benefit analysis of any existing rule, if requested by the chairman or ranking member of a committee. The Congressional Research Service found that there is a tenable argument that section 12 is unconstitutional.

CRS said: "It could be argued that imbuing certain Members with the authority to demand that an agency prepare a report under section 12 is an action of sufficient legislative character and effect as to trigger the bicameralism and presentment requirements of Article I."

These flaws are reason enough to oppose this bill, but the most important reason is that we rely on agency rulemaking to protect our children, protect our workers, and protect our economy.

The Coalition for Sensible Safeguards, a group of more than 160 good government, labor, scientific, faith, health, and community organizations, sent a letter to Congress strongly opposing this bill. Here is just a portion of what the letter said: "The costs of deregulation should be obvious by now. The Wall Street economic collapse, various food and product safety recalls, and numerous environmental disasters

demonstrate the need for a regulatory system that protects the public, not corporate interests."

Mr. Chair, I urge my colleagues to oppose this bill.

Ms. FOXX. Mr. Chair, I yield myself such time as I may consume.

Mr. Chairman, I would like to point out that independent agencies need oversight as much as any other agencies. They already submit regulatory products to the Office of Management and Budget and the Office of Information and Regulatory Affairs, OIRA, including information collection requests under the Paperwork Reduction Act.

The Administrative Conference of the United States has recommended greater oversight of independent agencies for decades. The American Bar Association did the same in 1990 and reaffirmed the need in 2016 saying: "We strongly urge you to bring the independent regulatory commissions within the requirements for cost-benefit analysis and retrospective review of rules currently reflected in Executive Order 12866 and Executive Order 13563."

I want to point out that both of these executive orders were promulgated by Democrat Presidents.

In 2011, Sally Katzen, OIRA Administrator under the Clinton administration, urged expanded oversight of independent agencies. She wrote: "Our concern is that independent agencies are not typically engaged in the analysis that has come to be expected as a form of governmental best practices for regulatory agencies."

This bill simply requires independent agencies to undertake the same cost-benefit analysis and reporting requirements as other regulatory agencies. There is no threat to their independence.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Chair, I thank the gentlewoman for yielding time to me, and I thank our ranking member, again, for trying to work together.

Again, I respectfully support H.R. 50, the Unfunded Mandates Information and Transparency Act of 2017. This is an issue that I have been working on since the 1990s in the State legislature. In fact, I was the author of house bill 66 when the Democrats controlled the Governorship, the House, the Senate, and the State legislature. I was able to pass the first unfunded mandates bill in the State of Texas.

This particular issue in Congress started in 1995 under the Clinton administration. Again, with a Republican Congress working together, the Congress passed the Unfunded Mandates Reform Act in 1995.

This legislation was designed to prevent the Federal Government from imposing unfunded mandates on States and local governments, or private businesses, without policymakers or the public knowing the cost of such policies.

This legislation ensured public awareness of the financial burden of

Federal mandates on small-business owners and on State and local governments. However, this unfunded mandates bill has not been amended since 1995, and some of those changes are necessary to preserve and improve the act's initial purpose.

This bill closes some of the loopholes by removing independent agency reporting exemptions, setting forth detailed assessment criteria, and allowing judicial review of agency assessments.

My district has a number of rural and underserved communities that need many resources. Imposing unfunded mandates on these kinds of communities makes life even more difficult for hardworking Americans to access basic needs, such as water infrastructure, sanitary water, and adequate living conditions.

Additionally, this bill requires that Federal agencies consult with the private sector when issuing regulations. What is wrong with consultation? Again, it allows recourse for companies, if agencies do not comply.

As a former small-business owner, I know the challenges of opening a business; the challenges of keeping a business open, including finding the resources and funds to get started; and how to keep a business running, especially on a tight budget.

Higher costs for these entrepreneurs make it more difficult for them to start and maintain a business, which means blunted economic growth for communities that need it the most, like the ones I represent in south Texas.

This bill restores and provides a framework to provide clarity to small business and local governments, and allows workers and entrepreneurs to freely pursue their dreams.

The bottom line is this: This bill will create more certainty for our Nation's businesses, including the small-business owners and the entrepreneurs who invest in the future, and allow more Americans to achieve the dream of business ownership.

I encourage my colleagues from both parties to support it.

The CHAIR. The time of the gentleman has expired.

Ms. FOXX. Mr. Chair, I yield the gentleman from Texas an additional 30 seconds.

Mr. CUELLAR. Mr. Chair, I thank Chairwoman FOXX for introducing this legislation and encourage both sides of the aisle to support it.

I understand this is a process. Hopefully, as we go along, after this bill passes, we will work this out in the Senate.

Mr. CONNOLLY. Mr. Chair, I yield myself such time as I may consume.

My friend from Texas is right. This will certainly provide a lot more clarity for private enterprise. I am not sure it is the kind of clarity we want, because they are going to get their nose into the business of rulemaking to serve their interests.

□ 0945

There are rules that could not have been enacted if H.R. 50 had been law. For example, after the Deepwater Horizon explosion that killed 11 crew members and set off the worst oil spill in American history, the Department of the Interior finalized a rule in 2016 to tighten controls in blowout preventers and calling for rig operators to have third parties certify that the safety devices worked under extreme conditions. That rule would have been precluded because of the provisions of this bill.

The sanitary transportation of human and animal food, this rule establishes requirements for parties engaged in the transportation of food, including food for animals, to use sanitary transportation practices. That would have been precluded.

The corporate average fuel economy standards to regulate miles-per-gallon number of light-duty vehicles such as sedans, minivans, and any vehicle that weighs less than 10,000 pounds would have been precluded.

The long-term care facilities arbitration agreements ban nursing homes and assisted living facilities from forcing patients and their families into private arbitration to resolve disputes. We protected the interests of consumers and their families at a time of need. That rule would have been precluded, too.

So that may be the reason why the Coalition for Sensible Safeguards, 150 organizations, have come together to oppose this bill. It is not in the public interest.

Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. CLAY), a distinguished member of the Oversight and Government Reform Committee. It gives me great pride to recognize my dear friend.

Mr. CLAY. Mr. Chairman, let me thank my colleague from Virginia for yielding as well as for his leadership on the Oversight and Government Reform Committee.

Mr. Chairman, I rise today to once again strongly oppose H.R. 50. I consider it a misguided bill that will cost American consumers, potentially, millions more in tax dollars, while making it easier for bad actors and certain industries to continue their abusive practices as they attempt to stonewall appropriate regulation.

Make no mistake: H.R. 50 is a frontal assault on the Nation's health, safety, and environmental protections, and it would erect new barriers to give selected industries a built-in advantage to evade or eliminate vital rules that protect the American people.

For instance, this bill would require agencies to consult with private sector entities "as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rulemaking process."

Now, I agree that Federal agencies should consult with regulated industries regarding proposed rules, but they

should not receive an insider, prewired advantage in the regulating and rule-making process over other stakeholders.

H.R. 50 would also expand judicial review under UMRA and would allow a court to review the inadequacy or failure of an agency to prepare a written statement under UMRA. UMRA currently prohibits courts from using the law to stay, invalidate, or otherwise affect an agency rule. H.R. 50 would eliminate this prohibition.

I thought the majority strongly opposed judicial activism, but perhaps that only applies to protecting the President.

We don't have to choose between protecting the health, welfare, and safety of Americans and promoting economic growth, job creation, and innovation. We can do both. H.R. 50 advances neither of these worthy goals, and that is why I urge my colleagues to reject this deeply flawed act that will stack the deck against the American consumer.

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

Mr. CONNOLLY. Mr. Chairman, may I ask how much time I have left.

The CHAIR. The gentleman from Virginia has 12½ minutes remaining.

Mr. CONNOLLY. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. WATSON COLEMAN), a distinguished member of the Oversight and Government Reform Committee. It gives me great pleasure to recognize my distinguished colleague.

Mrs. WATSON COLEMAN. Mr. Chairman, I thank the gentlemen from Virginia for yielding to me and for his leadership on this issue.

Mr. Chairman, I rise today in opposition of H.R. 50, the misleadingly named Unfunded Mandates Information and Transparency Act, which passed out of the Oversight and Government Reform Committee on a strictly partisan vote.

This dangerous bill is an attempt to weaken consumer protections, give private industry an unfair advantage, and erect unnecessary barriers to the regulatory process. Ultimately, this bill is designed to prioritize the interests of private businesses over the interests of the consumers these rules are designed to protect.

H.R. 50 also slows the regulatory process by using litigation today to delay the approval of rules. The existing Unfunded Mandates Reform Act of 1995 prohibits courts from using the law to stay, enjoin, invalidate, or otherwise affect an agency rule. H.R. 50 would fundamentally change that law by eliminating this prohibition, giving regulated businesses the ability to abuse a gratuitously expanded judicial review and tie up rules that would otherwise protect real people in courts for years.

While it has been very popular in this Congress to attack regulations as uniformly bad, the reality is that many of these rules are crucial to protecting our air and water, preventing dan-

gerous financial practices, and ensuring the safety of food and drugs—to put it more simply, to protect Americans from corporations whose only motivation is to maximize their profit. Enacting this legislation would put these vital rules at risk.

H.R. 50 is a very harmful bill. I want to urge all of my colleagues to vote against it on the House floor today.

Ms. FOXX. Mr. Chairman, I reserve the balance of my time and allow the gentleman from Virginia to close.

Mr. CONNOLLY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I thank my friend from North Carolina. I appreciate her fervor, and I know she is sincere in her convictions with respect to this legislation and to the underlying issues.

As someone who came from local government, coming here to Congress, running one of the biggest local governments in the United States, I certainly am sympathetic to the purposes of the Unfunded Mandates Reform Act, and I supported many of those provisions.

This goes too far. This isn't just an UMRA improvement. This is gutting, wholesale, the regulatory process that provides enormous benefits, and we know that from the OMB itself in terms of the benefits versus the cost of rulemaking to protect the public.

Where we can make improvements, great, but gutting it, giving the regulated industries an inside opportunity to shape or block those regulations before the public ever even sees them, expanding, in a great way, the role of the judiciary to second-guess and subvert the role of rulemaking agencies in the executive branch, I think, does raise constitutional issues, as Mr. CUMMINGS said, that sooner or later will have to be addressed.

So I think this is a very flawed piece of legislation, despite the good intentions of my friend from North Carolina. I urge all of my colleagues to vote "no" on something that is simple, neat, but wrong, as H.L. Mencken once said.

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

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

Mr. Chairman, we have heard time and again of the burdens the Federal Government imposes on State, local, and Tribal governments. We have also heard from businesses throughout the country, both large and small, that have to forego investments in employees and infrastructure in order to comply with these mandates.

Congress passed the Unfunded Mandates Reform Act in 1995 to require the Federal Government to think twice before imposing unfunded mandates. And let me say, that bill passed, I believe, with unanimous support from both the House and the Senate. If not unanimous, it was overwhelming, over 400 votes in the House and, I believe, 98 votes in the Senate.

Of course, in the 23 years since passage, the bureaucrats in the Federal

Government have found ways around many of those requirements. As I pointed out in my opening remarks, the GAO has reported that 35 percent, more than one-third of major rules, are issued without a notice of proposed rulemaking so that the public has no idea what is coming out in the rule-making in advance. It is time to make sure UMRA works as Congress intended.

Again, I am fascinated sometimes by my colleagues on the other side of the aisle who don't want to take responsibility for our actions and want to give over the running of the entire government to the executive branch. It makes absolutely no sense to me. I am not sure why some run for office if they don't want to take on their responsibilities.

Legislative and regulatory decisions should be made in consideration of all of the available information, not just part of it. The government should consider every option before imposing unnecessary burdens on the States, localities, and even private enterprise.

H.R. 50 closes UMRA's loopholes and enhances transparency, accountability, and communication between the Federal Government and State, local, Tribal, and private sector partners.

We do not do away with all rule-making. We do not want to make food, water, housing, all those things that are regulated for the good of the American people, we don't want to do away with those. We simply want to have more transparency and understand the cost of the regulations.

H.R. 50 codifies bipartisan regulatory principles, enhances required analysis, adds independent agencies to the cost-benefit analysis requirements, extends judicial review to hold agencies accountable, and improves stakeholder consultation.

I urge adoption of the bill, and I yield back the balance of my time.

The Acting CHAIR (Mr. JOHNSON of Louisiana). All time for general debate has expired.

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

The amendment recommended by the Committee on Oversight and Government Reform, printed in the bill, shall be considered as adopted. The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

#### H.R. 50

*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 "Unfunded Mandates Information and Transparency Act of 2017".

#### SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to improve the quality of the deliberations of Congress with respect to proposed Federal mandates by—

(A) providing Congress and the public with more complete information about the effects of such mandates; and

(B) ensuring that Congress acts on such mandates only after focused deliberation on their effects; and

(2) to enhance the ability of Congress and the public to identify Federal mandates that may impose undue harm on consumers, workers, employers, small businesses, private property owners, and State, local, and tribal governments.

#### SEC. 3. PROVIDING FOR CONGRESSIONAL BUDGET OFFICE STUDIES ON POLICIES INVOLVING CHANGES IN CONDITIONS OF GRANT AID.

Section 202(g) of the Congressional Budget Act of 1974 (2 U.S.C. 602(g)) is amended by adding at the end the following new paragraph:

"(3) ADDITIONAL STUDIES.—At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall conduct an assessment comparing the authorized level of funding in a bill or resolution to the prospective costs of carrying out any changes to a condition of Federal assistance being imposed on State, local, or tribal governments participating in the Federal assistance program concerned or, in the case of a bill or joint resolution that authorizes such sums as are necessary, an assessment of an estimated level of funding compared to such costs."

#### SEC. 4. CLARIFYING THE DEFINITION OF DIRECT COSTS TO REFLECT CONGRESSIONAL BUDGET OFFICE PRACTICE.

Section 421(3) of the Congressional Budget Act of 1974 (2 U.S.C. 658(3)(A)(i)) is amended—

(1) in subparagraph (A)(i), by inserting "incur or" before "be required"; and

(2) in subparagraph (B), by inserting after "to spend" the following: "or could forgo in profits, including costs passed on to consumers or other entities taking into account, to the extent practicable, behavioral changes,".

#### SEC. 5. EXPANDING THE SCOPE OF REPORTING REQUIREMENTS TO INCLUDE REGULATIONS IMPOSED BY INDEPENDENT REGULATORY AGENCIES.

Paragraph (1) of section 421 of the Congressional Budget Act of 1974 (2 U.S.C. 658) is amended by striking "but does not include independent regulatory agencies" and inserting "except it does not include the Board of Governors of the Federal Reserve System, the Federal Open Market Committee, or the Consumer Financial Protection Bureau".

#### SEC. 6. AMENDMENTS TO REPLACE OFFICE OF MANAGEMENT AND BUDGET WITH OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

The Unfunded Mandates Reform Act of 1995 (Public Law 104-4; 2 U.S.C. 1511 et seq.) is amended—

(1) in section 103(c) (2 U.S.C. 1511(c))—

(A) in the subsection heading, by striking "OFFICE OF MANAGEMENT AND BUDGET" and inserting "OFFICE OF INFORMATION AND REGULATORY AFFAIRS"; and

(B) by striking "Director of the Office of Management and Budget" and inserting "Administrator of the Office of Information and Regulatory Affairs";

(2) in section 205(c) (2 U.S.C. 1535(c))—

(A) in the subsection heading, by striking "OMB"; and

(B) by striking "Director of the Office of Management and Budget" and inserting "Administrator of the Office of Information and Regulatory Affairs"; and

(3) in section 206 (2 U.S.C. 1536), by striking "Director of the Office of Management and Budget" and inserting "Administrator of the Office of Information and Regulatory Affairs".

#### SEC. 7. APPLYING SUBSTANTIVE POINT OF ORDER TO PRIVATE SECTOR MANDATES.

Section 425(a)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 658d(a)(2)) is amended—

(1) by striking "Federal intergovernmental mandates" and inserting "Federal mandates"; and

(2) by inserting "or 424(b)(1)" after "section 424(a)(1)".

#### SEC. 8. REGULATORY PROCESS AND PRINCIPLES.

Section 201 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531) is amended to read as follows:

##### "SEC. 201. REGULATORY PROCESS AND PRINCIPLES.

"(a) IN GENERAL.—Each agency shall, unless otherwise expressly prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments and the private sector (other than to the extent that such regulatory actions incorporate requirements specifically set forth in law) in accordance with the following principles:

"(1) Each agency shall identify the problem that it intends to address (including, if applicable, the failures of private markets or public institutions that warrant new agency action) as well as assess the significance of that problem.

"(2) Each agency shall examine whether existing regulations (or other law) have created, or contributed to, the problem that a new regulation is intended to correct and whether those regulations (or other law) should be modified to achieve the intended goal of regulation more effectively.

"(3) Each agency shall identify and assess available alternatives to direct regulation, including providing economic incentives to encourage the desired behavior, such as user fees or marketable permits, or providing information upon which choices can be made by the public.

"(4) If an agency determines that a regulation is the best available method of achieving the regulatory objective, it shall design its regulations in the most cost-effective manner to achieve the regulatory objective. In doing so, each agency shall consider incentives for innovation, consistency, predictability, the costs of enforcement and compliance (to the government, regulated entities, and the public), flexibility, distributive impacts, and equity.

"(5) Each agency shall assess both the costs and the benefits of the intended regulation and, recognizing that some costs and benefits are difficult to quantify, propose or adopt a regulation, unless expressly prohibited by law, only upon a reasoned determination that the benefits of the intended regulation justify its costs.

"(6) Each agency shall base its decisions on the best reasonably obtainable scientific, technical, economic, and other information concerning the need for, and consequences of, the intended regulation.

"(7) Each agency shall identify and assess alternative forms of regulation and shall, to the extent feasible, specify performance objectives, rather than specifying the behavior or manner of compliance that regulated entities must adopt.

"(8) Each agency shall avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies.

"(9) Each agency shall tailor its regulations to minimize the costs of the cumulative impact of regulations.

"(10) Each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

“(b) REGULATORY ACTION DEFINED.—In this section, the term ‘regulatory action’ means any substantive action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including advance notices of proposed rulemaking and notices of proposed rulemaking.”.

**SEC. 9. EXPANDING THE SCOPE OF STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.**

(a) IN GENERAL.—Subsection (a) of section 202 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532) is amended to read as follows:

“(a) IN GENERAL.—Unless otherwise expressly prohibited by law, before promulgating any general notice of proposed rulemaking or any final rule, or within six months after promulgating any final rule that was not preceded by a general notice of proposed rulemaking, if the proposed rulemaking or final rule includes a Federal mandate that may result in an annual effect on State, local, or tribal governments, or to the private sector, in the aggregate of \$100,000,000 or more in any 1 year, the agency shall prepare a written statement containing the following:

“(1) The text of the draft proposed rulemaking or final rule, together with a reasonably detailed description of the need for the proposed rulemaking or final rule and an explanation of how the proposed rulemaking or final rule will meet that need.

“(2) An assessment of the potential costs and benefits of the proposed rulemaking or final rule, including an explanation of the manner in which the proposed rulemaking or final rule is consistent with a statutory requirement and avoids undue interference with State, local, and tribal governments in the exercise of their governmental functions.

“(3) A qualitative and quantitative assessment, including the underlying analysis, of benefits anticipated from the proposed rulemaking or final rule (such as the promotion of the efficient functioning of the economy and private markets, the enhancement of health and safety, the protection of the natural environment, and the elimination or reduction of discrimination or bias).

“(4) A qualitative and quantitative assessment, including the underlying analysis, of costs anticipated from the proposed rulemaking or final rule (such as the direct costs both to the Government in administering the final rule and to businesses and others in complying with the final rule, and any adverse effects on the efficient functioning of the economy, private markets (including productivity, employment, and international competitiveness), health, safety, and the natural environment).

“(5) Estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

“(A) the future compliance costs of the Federal mandate; and

“(B) any disproportionate budgetary effects of the Federal mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities, or particular segments of the private sector.

“(6)(A) A detailed description of the extent of the agency's prior consultation with the private sector and elected representatives (under section 204) of the affected State, local, and tribal governments.

“(B) A detailed summary of the comments and concerns that were presented by the private sector and State, local, or tribal governments either orally or in writing to the agency.

“(C) A detailed summary of the agency's evaluation of those comments and concerns.

“(7) A detailed summary of how the agency complied with each of the regulatory principles described in section 201.

“(8) An assessment of the effects that the proposed rulemaking or final rule are expected to have on private property owners, including the use and value of affected property.”.

(b) REQUIREMENT FOR DETAILED SUMMARY.—Subsection (b) of section 202 of such Act is amended by inserting “detailed” before “summary”.

**SEC. 10. ENHANCED STAKEHOLDER CONSULTATION.**

Section 204 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1534) is amended—

(1) in the section heading, by inserting “AND PRIVATE SECTOR” before “INPUT”;

(2) in subsection (a)—

(A) by inserting “, and impacted parties within the private sector (including small business),” after “on their behalf”;

(B) by striking “Federal intergovernmental mandates” and inserting “Federal mandates”;

(3) by amending subsection (c) to read as follows:

“(c) GUIDELINES.—For appropriate implementation of subsections (a) and (b) consistent with applicable laws and regulations, the following guidelines shall be followed:

“(1) Consultations shall take place as early as possible, before issuance of a notice of proposed rulemaking, continue through the final rule stage, and be integrated explicitly into the rulemaking process.

“(2) Agencies shall consult with a wide variety of State, local, and tribal officials and impacted parties within the private sector (including small businesses). Geographic, political, and other factors that may differentiate varying points of view should be considered.

“(3) Agencies should estimate benefits and costs to assist with these consultations. The scope of the consultation should reflect the cost and significance of the Federal mandate being considered.

“(4) Agencies shall, to the extent practicable—

“(A) seek out the views of State, local, and tribal governments, and impacted parties within the private sector (including small business), on costs, benefits, and risks; and

“(B) solicit ideas about alternative methods of compliance and potential flexibilities, and input on whether the Federal regulation will harmonize with and not duplicate similar laws in other levels of government.

“(5) Consultations shall address the cumulative impact of regulations on the affected entities.

“(6) Agencies may accept electronic submissions of comments by relevant parties but may not use those comments as the sole method of satisfying the guidelines in this subsection.”.

**SEC. 11. NEW AUTHORITIES AND RESPONSIBILITIES FOR OFFICE OF INFORMATION AND REGULATORY AFFAIRS.**

Section 208 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1538) is amended to read as follows:

**“SEC. 208. OFFICE OF INFORMATION AND REGULATORY AFFAIRS RESPONSIBILITIES.**

“(a) IN GENERAL.—The Administrator of the Office of Information and Regulatory Affairs shall provide meaningful guidance and oversight so that each agency's regulations for which a written statement is required under section 202 are consistent with the principles and requirements of this title, as well as other applicable laws, and do not conflict with the policies or actions of another agency. If the Administrator determines

that an agency's regulations for which a written statement is required under section 202 do not comply with such principles and requirements, are not consistent with other applicable laws, or conflict with the policies or actions of another agency, the Administrator shall identify areas of non-compliance, notify the agency, and request that the agency comply before the agency finalizes the regulation concerned.

“(b) ANNUAL STATEMENTS TO CONGRESS ON AGENCY COMPLIANCE.—The Director of the Office of Information and Regulatory Affairs annually shall submit to Congress, including the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives, a written report detailing compliance by each agency with the requirements of this title that relate to regulations for which a written statement is required by section 202, including activities undertaken at the request of the Director to improve compliance, during the preceding reporting period. The report shall also contain an appendix detailing compliance by each agency with section 204.”.

**SEC. 12. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.**

The Unfunded Mandates Reform Act of 1995 (Public Law 104-4; 2 U.S.C. 1511 et seq.) is amended—

(1) by redesignating section 209 as section 210; and

(2) by inserting after section 208 the following new section 209:

**“SEC. 209. RETROSPECTIVE ANALYSIS OF EXISTING FEDERAL REGULATIONS.**

“(a) REQUIREMENT.—At the request of the chairman or ranking minority member of a standing or select committee of the House of Representatives or the Senate, an agency shall conduct a retrospective analysis of an existing Federal regulation promulgated by an agency.

“(b) REPORT.—Each agency conducting a retrospective analysis of existing Federal regulations pursuant to subsection (a) shall submit to the chairman of the relevant committee, Congress, and the Comptroller General a report containing, with respect to each Federal regulation covered by the analysis—

“(1) a copy of the Federal regulation;

“(2) the continued need for the Federal regulation;

“(3) the nature of comments or complaints received concerning the Federal regulation from the public since the Federal regulation was promulgated;

“(4) the extent to which the Federal regulation overlaps, duplicates, or conflicts with other Federal regulations, and, to the extent feasible, with State and local governmental rules;

“(5) the degree to which technology, economic conditions, or other factors have changed in the area affected by the Federal regulation;

“(6) a complete analysis of the retrospective direct costs and benefits of the Federal regulation that considers studies done outside the Federal Government (if any) estimating such costs or benefits; and

“(7) any litigation history challenging the Federal regulation.”.

**SEC. 13. EXPANSION OF JUDICIAL REVIEW.**

Section 401(a) of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1571(a)) is amended—

(1) in paragraphs (1) and (2)(A)—

(A) by striking “sections 202 and 203(a)(1) and (2)” each place it appears and inserting “sections 201, 202, 203(a) (1) and (2), and 205 (a) and (b)”;

(B) by striking “only” each place it appears;

(2) in paragraph (2)(B), by striking “section 202” and all that follows through the period at the end and inserting the following: “section 202, prepare the written plan under section 203(a) (1) and (2), or comply with section 205 (a) and (b), a court may compel the agency to prepare such written statement, prepare such written plan, or comply with such section.”; and

(3) in paragraph (3), by striking “written statement or plan is required” and all that follows through “shall not” and inserting the following: “written statement under section 202, a written plan under section 203(a) (1) and (2), or compliance with sections 201 and 205 (a) and (b) is required, the inadequacy or failure to prepare such statement (including the inadequacy or failure to prepare any estimate, analysis, statement, or description), to prepare such written plan, or to comply with such section may”.

#### SEC. 14. REAUTHORIZATION.

*Section 109 of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1516) is amended to read as follows:*

#### “SEC. 109. AUTHORIZATION OF APPROPRIATIONS.

*“There are authorized to be appropriated to the Congressional Budget Office \$1,500,000 for each of fiscal years 2018 through 2024 to carry out the provisions of this title.”.*

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in House Report 115-812. Each such further 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 MRS. WATSON COLEMAN

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115-812.

Mrs. WATSON COLEMAN. 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:

Strike section 5.

The Acting CHAIR. Pursuant to House Resolution 985, the gentlewoman from New Jersey (Mrs. WATSON COLEMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New Jersey.

Mrs. WATSON COLEMAN. Mr. Chairman, my amendment simply strikes a section of H.R. 50 that subjects independent agencies to the reporting requirements of the Unfunded Mandates Reform Act, also known as UMR.

The Office of Management and Budget, which is charged with implementing the President's priorities across the executive branch, is responsible for overseeing the implementation of H.R. 50.

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This bill expands OMB's role by requiring them to guarantee that each agency complies with the act's requirements, which puts the independent

agencies in jeopardy of political interference.

The independence of regulatory agencies, like the Federal Communications Commission and the Consumer Product Safety Commission, who are responsible for protecting public health and safety, would be severely compromised. The aptly named independent agencies are entitled to operate with more autonomy than Cabinet agencies and without undue influence from Presidential administrations.

This is particularly troubling considering this administration's track record on weakening States' rights by gutting Federal public protections and blocking States from adopting stronger State level standards and protections.

Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Chairman, I thank my good friend for her thoughtful amendment.

This amendment would significantly improve an already bad bill by exempting the independent agencies, who should not be brought under the penumbra of this bill at all. It will absolutely cut their independence and make them subject to the rulemaking and the supervision of the OMB in a way that Congress never intended. That is why they are independent agencies.

Mr. Chairman, I urge my colleagues to adopt this thoughtful amendment, and I thank my good friend from New Jersey for her leadership on this matter.

Mrs. WATSON COLEMAN. Mr. Chairman, I reserve the balance of my time.

Ms. FOXX. Mr. Chairman, I claim the time in opposition to the gentlewoman's amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Chairman, this amendment would strike a key provision of H.R. 50, requiring independent agencies to comply with UMR.

The purpose of H.R. 50 is to require comprehensive analysis before agencies impose unfunded mandates on State, local, or Tribal governments and the private sector.

Regulations must be fully analyzed and imposed only after impacted parties have been consulted. That should be the case whether the regulations come from a Cabinet department or an independent agency.

From fiscal year 1997 to fiscal year 2016, independent agencies issued 275 major rules. Those rules imposed significant costs on our economy and often included mandates on State, local, and Tribal governments and the private sector, just the same as rules that came from non-independent agencies.

Because independent agencies are excluded from UMR, excluded from regulatory process requirements in Executive Order No. 12866, and excluded from review by the Office of Information and

Regulatory Affairs, few independent agencies conduct cost-benefit analyses.

In FY 2016, independent agencies issued 18 major regulations, but only a third of those rules included monetized cost analysis and not one rule included any analysis of monetized benefits.

The cost-benefit analyses required by UMR are essential for a transparent and accountable regulatory system, and eliminating section 5 would be inconsistent with the intent of H.R. 50. This bill seeks to close loopholes, not preserve them.

Mr. Chairman, I urge Members to oppose this amendment, and I reserve the balance of my time.

Mrs. WATSON COLEMAN. Mr. Chairman, can you tell me how much time I have remaining?

The Acting CHAIR. The gentlewoman from New Jersey has 3 minutes remaining.

Mrs. WATSON COLEMAN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, supporters of this bill will falsely claim that the provision in H.R. 50 will close a loophole that will make independent agencies accountable to the public.

But I want to make it clear that this provision will only give presidents greater control over independent agencies and will create needless uncertainty in the decision-making process of independent regulatory agencies.

It is also unclear how reducing the independence of these agencies addresses unfunded mandates. Instead, it is clear that the real goal is simply to undermine their independence. For these reasons, I urge my colleagues to support this amendment and remove this harmful provision.

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

Ms. FOXX. Mr. Chairman, the real goal of this bill is to require transparency on the part of independent agencies and not to have a nefarious impact on those independent agencies.

Mr. Chairman, I urge a “no” vote on this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. WATSON COLEMAN).

The amendment was rejected.

AMENDMENT NO. 2 OFFERED BY MR. RASKIN

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115-812.

Mr. RASKIN. 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 14, after line 4, insert the following new paragraph:

“(4) A record of any consultation with any non-Federal party during the development of regulatory proposals containing a significant Federal mandate shall be posted on the website of the agency within five days after the consultation. Any comments submitted

by a non-Federal party shall be posted on the website of the agency within five days after the date of submission to the agency.

Page 14, line 5, strike “(4)” and insert “(5)”.

Page 14, line 15, strike “(5)” and insert “(6)”.

Page 14, line 17, strike “(6)” and insert “(7)”.

The Acting CHAIR. Pursuant to House Resolution 985, the gentleman from Maryland (Mr. RASKIN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. RASKIN. Mr. Chairman, I rise in support of my amendment, which is offered in conjunction with the primary sponsor of H.R. 50, Representative VIRGINIA FOXX, who I know has worked very hard on this legislation. I am glad that Ms. FOXX has embraced the amendment because it does improve the legislation.

The amendment would require the website post within 5 days of any consultations that an agency has with non-Federal parties during the development of regulatory proposals containing a significant Federal unfunded mandate, as well as the website posting of any comments submitted by non-Federal parties on such proposals within 5 days of their submission.

I am delighted that we have converged around this question of transparency in the regulatory process. Public rules should serve the public, so the public should know what the ingredients are, what the discussions are that are going into the preparation and the development of public regulations.

This is a consensus amendment, which is all about sunlight and scrutiny.

The idea of agency interaction with interested parties on Federal mandates is a good one. In this case, I only wish that the bill required far broader and more inclusive consultation.

As it stands in the legislation, early consultation is only required with affected “parties within the private sector including small businesses” and “State, local, and Tribal governments,” which are already covered under the Unfunded Mandate Reform Act.

The bill still operates in a slanted way. It does not require early consultations with representatives of other affected parties, like veterans, farmers, law enforcement officers, community associations, religious groups, and so on.

I have told the sponsor that I think it is a mistake to keep it this narrow, and I only wish the Rules Committee had, in its wisdom, accepted my second amendment so we could address that shortcoming. But having said that, I appreciate the strong incorporation of the language on transparency and disclosure, and I wish that, at least in the future, that we can be more flexible about placing all affected regulatory parties on the same plane.

I thank Representative FOXX for her support on this amendment, and I ask that all of my colleagues support it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Mr. Chairman, I thank my friend from Maryland for yielding.

Mr. Chairman, I rise in support of this amendment. It is a thoughtful addition. Certainly, more transparency is a good thing.

But, as Mr. RASKIN suggests, it doesn’t change the underlying fact that this is a flawed bill. It doesn’t change the fact that it guts independent agencies. It doesn’t change the fact that it broadly expands the role of the judiciary in an executive branch rulemaking process. It doesn’t change the fact that it basically gives unilateral authority to the chairman and ranking member here in Congress to block rules, period. And it doesn’t change the fact that it gives the private sector an unprecedented role in rulemaking a priority in a way that is absolutely against consumer interests.

I know my friend from Maryland understands that, so I thank him for his thoughtful amendment.

Mr. RASKIN. Mr. Chairman, I thank Mr. CONNOLLY for those remarks. I agree with that. I think there was an opportunity here where we could have gotten the whole committee together, but the bill does remain way too narrow in terms of addressing just part of the affected regulatory community and not the rest of it, and there is no reason to do it like that.

Mr. Chairman, I am glad that we have an amendment on transparency in the process that takes place, and I yield back the balance of my time.

Ms. FOXX. Mr. Chairman, I ask unanimous consent to claim the time in opposition to this amendment, although I am not opposed to it.

The Acting CHAIR. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Chairman, I am pleased to support this amendment.

This amendment requires a record of any consultation with a non-Federal party and requires agencies to post any comments submitted by a non-Federal party to their website within 5 days.

Transparency is a bipartisan priority and is a key feature of many regulatory process requirements.

For instance, the Administrative Procedures Act generally requires Federal agencies to publish their proposed rules in the Federal Register for all to see and to give the public an opportunity to comment. Rulemaking dockets and public comments are increasingly available for public inspection online.

Groups, such as the Administrative Conference of the United States, have recommended that records of consultations and ex parte communications be disclosed and made a part of the rule-making docket.

H.R. 50 seeks to introduce greater transparency in the regulatory process, and this amendment is consistent with that split.

I thank the gentleman from Maryland for offering the amendment and for working with me to expand its application and increase transparency.

Mr. Chairman, I urge Members to support this amendment, and I yield back the balance of my time.

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

The amendment was agreed to.

The Acting CHAIR. The Chair understands that amendment No. 3 will not be offered.

AMENDMENT NO. 4 OFFERED BY MR. CONNOLLY

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115-812.

Mr. CONNOLLY. 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 19, after line 7, insert the following new section:

**SEC. 15. SUNSET OF UNFUNDED MANDATES REFORM ACT AND CONGRESSIONAL BUDGET ACT AMENDMENTS IF GDP GROWTH FAILS TO INCREASE AT AVERAGE ANNUAL RATE OF 5 PERCENT OR MORE.**

If the real gross domestic product of the United States fails to increase at an average annual rate of 5 percent or more for the first 4 calendar quarters occurring after the date of the enactment of this Act, as released by the Bureau of Economic Analysis of the Department of Commerce, then the amendments made by this Act to the Unfunded Mandates Reform Act of 1995 (Public Law 104-4; 2 U.S.C. 1511 et seq.) and the Congressional Budget Act of 1974 (2 U.S.C. 602 et seq.) are repealed.

The Acting CHAIR. Pursuant to House Resolution 985, the gentleman from Virginia (Mr. CONNOLLY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, this is a simple, clear amendment to the Unfunded Mandates Information and Transparency Act. This amendment seeks to establish a performance-based sunset mechanism stipulating that, in the event that the annual rate of real GDP growth remains below 5 percent over the first four quarters occurring after the date of enactment, then the statutory changes made by H.R. 50 are repealed because the bill will have proved to have been ineffective.

If the promise of deregulation and gutting the protection of the American people is greater economic growth, then let’s test that theory.

This amendment sets up a real-world measurement and a sunset mechanism that supporters and opponents can support. It features the flexibility to ensure an appropriate response to the impact of H.R. 50 on America’s economic

growth over the year following enactment.

If the Unfunded Mandates Information and Transparency Act, by lessening the independence of independent regulatory agencies and by strengthening the influence of the private sector to be regulated in the Federal rule-making process, does, in fact, spur economic growth, we should hold the policy accountable. During the Obama administration—a time when President Obama's critics believed that overregulation was inhibiting the economy from growing and stunting recovery after the Great Recession, quarterly growth contradicted them. Quarterly growth of real GDP was at least 5 percent once and over 4 percent 11 times.

In fact, in 2014, when Congress last considered, but did not enact, this bill and the supposed hobnail boot of government was on the neck of our economy, GDP actually grew at an annual rate of 4.6 percent and 5.2 percent in the second and third quarters, respectively, of that year.

The provisions of H.R. 50 would make it harder for Federal agencies to safeguard air and water quality, the safety of food and consumer products, and the health and welfare of all Americans, all in the name of spurring economic growth. Therefore, it follows, if it fails to spur that promised economic growth and achieve an average annual growth of 5 percent over the year following the enactment of the law, then the statutory changes made by this bill should be repealed because they failed. Anything less would be a bad deal for the American public.

Finally, I would note that, according to the preliminary estimate of the Congressional Budget Office, this amendment would not increase direct spending or reduce revenues, and I strongly urge my colleagues to adopt it.

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

□ 1015

Ms. FOXX. Mr. Chairman, I claim the time in opposition to the gentleman's amendment.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Chairman, this amendment would repeal H.R. 50 if GDP remains below 5 percent over the first four quarters after enactment.

H.R. 50 is not intended to raise the GDP. It is intended to ensure the Federal Government does not impose costs on State, local, and Tribal governments and the private sector without consulting those entities that are impacted by the regulation. The GDP does not reflect how a given regulatory mandate affects a particular government or private sector industry.

However, this amendment would tie the GDP to the future of the entire bill. H.R. 50 gives the private sector an opportunity to give Federal agencies information about how to craft reasonable and effective regulation. After all,

State, local, and Tribal governments and private sector entities are often in the best position to anticipate how a proposed regulation will affect their operations.

H.R. 50 will help to ensure regulations that impose unfunded mandates are adequately analyzed in order to make these mandates the most effective and least burdensome they can be.

I urge Members to oppose this amendment, and I yield back the balance of my time.

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

The amendment was rejected.

The Acting CHAIR. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MOONEY of West Virginia) having assumed the chair, Mr. JOHNSON of Louisiana, 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. 50) to provide for additional safeguards with respect to imposing Federal mandates, and for other purposes, and, pursuant to House Resolution 985, he reported the bill, as amended by that resolution, back to the House with a further 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

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

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

Mrs. BEATTY. I am opposed.

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

The Clerk read as follows:

Mrs. Beatty moves to recommit the bill H.R. 50 to the Committee on Oversight and Government Reform with instructions to report the same back to the House forthwith with the following amendment:

Add at the end of the bill the following:

#### SEC. 15. STOPPING SEXUAL PREDATORS, DOMESTIC VIOLENCE, AND RAPE.

This Act, and the amendments made by this Act, shall not apply to, limit, or restrict any Federal agency mandate or action, the purpose of which is to—

(1) protect students and children from a person who has been convicted in any court of a sex offense against a minor;

(2) prevent domestic violence by stopping persons from harassing, stalking, or threatening a spouse, a family member, an intimate partner, or a child of an intimate partner;

(3) prevent rape or sexual assault; or

(4) require criminal background checks for school or other employees through a search

of the National Crime Information Center, the Federal Bureau of Investigation's Integrated Automated Fingerprint Identification System, or the National Sex Offender Public Website.

Ms. FOXX (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from Ohio is recognized for 5 minutes.

Mrs. BEATTY. 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.

Mr. Speaker, I want to echo all the concerns that my colleagues have expressed with the underlying bill here today. This bill would add unnecessary obstacles to inhibit the ability of the Federal Government to protect the health, the safety, and the security of the American people.

I understand that Democrats and Republicans have traditionally disagreed on the values of those protections, even though the public overwhelmingly supports them, whether it is keeping our air and our water clean, guarding workers against exploitation, or so many other things. But I would hope that one area where we can agree on is that this Congress, this government, should do everything possible to protect the safety of our children and those most vulnerable without adding unnecessary burdens like those mandated in this bill.

Let me connect the dots for the public to know. As it stands, Mr. Speaker, this bill would just add more hoops for Federal agencies to jump through and, actually, would make them less responsive to addressing problems like sexual assault and domestic violence.

The amendment contained in this motion would fix this problem by exempting from the bill's additional requirements any agency action that is meant to, and I want to be real clear:

One, protect students and children from someone who has been convicted of a sexual offense against a minor. We have far too many cases before us.

Two, prevent domestic violence against a family member or an intimate partner. Mr. Speaker, I have counseled far too many women who have been abused.

Three, prevent rape or sexual assault.

Four, require criminal background checks for school or other employees.

Since the last time this Chamber considered this bill, we have seen a reckoning in this country when it comes to sexual assault, with the rise of the Me Too movement, millions of women, or a half million women right here in Washington, D.C., on our Capitol Grounds marching. This issue is in the forefront of national discussion, and for good reasons, Mr. Speaker.

No aspect of our society, including this very Congress, has been immune.

As the dialog on this issue continues, we should not hamstring Federal efforts to address what is so clearly a systemic problem in this country.

This amendment would also cover the issue of human trafficking. I am very proud of my bipartisan work that I have done on trafficking, and some of my most stalwart partners on this issue come from the other side of the aisle. I would hope that they, too, would recognize that we need the ability to institute the strongest possible protections.

Earlier this year, Mr. Speaker, the House overwhelmingly passed a new law that has had an immediate impact on stemming online trafficking. As successful as the law has been, traffickers continue to adapt and find ways to exploit our children and the most at risk. This bill will make it harder for Federal agencies to respond to these new realities.

There is no cost-benefit analysis that can properly weigh the importance of protecting children who have been trafficked, who have been sexually assaulted or abused. There is no congressionally mandated report or stakeholder consultation that could reach any conclusion other than we should do everything possible to prevent domestic violence.

On behalf of all of those who have been victims of domestic violence or sexual assault, or for those who we can prevent from becoming victims, I urge, Mr. Speaker, my colleagues today to support this amendment.

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

Ms. FOXX. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore (Mr. JOHNSON of Louisiana). The gentleman from North Carolina is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, we, on our side of the aisle, join our colleague in stating our absolute abhorrence to domestic violence and sexual assault in this country. None of us want to see any incidents of sexual assault, domestic violence, or assault on children, obviously.

What we are concerned about, and what this bill can help do, is to help our local police and law enforcement have better opportunities to help to fight these terrible, terrible situations. I thank our colleague for her leadership in working with us on this side of the aisle and with all of us who have had a bipartisan effort on sex trafficking and sexual assault.

But, Mr. Speaker, I oppose the motion to recommit. We have been analyzing, debating, and voting on this bill to update the unfunded mandates reform for years. When UMR was enacted 23 years ago, it was an important step to analyze the burdens of Federal legislation and regulations on State and local governments. But now it needs an update.

H.R. 50 would close loopholes in UMR, enhance transparency and ac-

countability, and increase communication with State and local governments.

Mr. Speaker, if the State and local governments didn't have to spend so much money on unnecessary things, perhaps they would be able to do more on the issues my colleague brought up.

Mr. Speaker, this is a bipartisan bill with a bipartisan amendment from the committee and a bipartisan amendment from the floor. Let's not let a bipartisan motion stop a fix to decades-old problems in all our districts, unfunded mandates.

H.R. 50 is good for State and local governments, the Federal Government, businesses, and, most importantly, it is good for the public. I urge my colleagues to oppose the motion to recommit. I support the underlying bill, and 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 yeas appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on:

Passage of the bill, if ordered; and

Agreeing to the Speaker's approval of the Journal, if ordered.

The vote was taken by electronic device, and there were—yeas 180, nays 219, not voting 29, as follows:

[Roll No. 327]

YEAS—180

Adams  
Aguilar  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blum  
Blumenauer  
Blunt  
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  
Cooper  
Correa  
Costa  
Courtney

Crist  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael F.  
Engel  
Eshoo  
Español  
Esty (CT)  
Evans  
Foster  
Frankel (FL)  
Fudge  
Gabbard  
Gallego  
Garamendi  
Gomez  
Gonzalez (TX)  
Gottheimer  
Green, Al  
Green, Gene  
Grijalva  
Gutiérrez  
Hastings  
Heck  
Higgins (NY)

Himes  
Huffman  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kihuen  
Kildee  
Kilmer  
Kind  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee  
Levin  
Lewis (GA)  
Lieu, Ted  
Lipinski  
Loebach  
Lowenthal  
Lujan Grisham, M.  
Luján, Ben Ray  
Lynch  
Maloney  
Malone, Carolyn B.  
Maloney, Sean  
Matsui

McCollum  
McGovern  
McNerney  
Meeks  
Meng  
Murphy (FL)  
Nadler  
Napolitano  
Neal  
Nolan  
Norcross  
O'Halleran  
O'Rourke  
Pallone  
Panetta  
Pascarella  
Payne  
Pelosi  
Peters  
Peterson  
Pingree  
Pocan  
Polis

Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Richmond  
Rosen  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Ryan (OH)  
Sánchez  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schrader  
Scott (VA)  
Scott, David  
Serrano  
Shea-Porter  
Sherman  
Sinema

Sires  
Smith (WA)  
Soto  
Suzuki  
Swallow (CA)  
Takano  
Thompson (CA)  
Titus  
Tonko  
Torres  
Tsongas  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

NAYS—219

Abraham  
Aderholt  
Allen  
Amash  
Amodel  
Arrington  
Babin  
Bacon  
Banks (IN)  
Barr  
Barton  
Bergman  
Biggs  
Bilirakis  
Bishop (MI)  
Bishop (UT)  
Blackburn  
Bost  
Brady (TX)  
Brat  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cloud  
Coffman  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Comstock  
Conaway  
Cook  
Costello (PA)  
Cramer  
Crawford  
Culberson  
Curbelo (FL)  
Curtis  
Davidson  
Davis, Rodney  
Denham  
DeSantis  
DesJarlais  
Diaz-Balart  
Donovan  
Duffy  
Duncan (SC)  
Duncan (TN)  
Dunn  
Emmer  
Estes (KS)  
Faso  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Fox  
Frelinghuysen  
Gaetz  
Gallagher  
Gianforte  
Gibbs  
Gohmert  
Goodlatte

Gosar  
Gowdy  
Granger  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Griffith  
Grothman  
Guthrie  
Handel  
Harris  
Hartzler  
Hensarling  
Herrera Beutler  
Hice, Jody B.  
Higgins (LA)  
Hill  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hultgren  
Hunter  
Hurd  
Jenkins (KS)  
Jenkins (WV)  
Johnson (LA)  
Johnson (OH)  
Johnson, Sam  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Knight  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lesko  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Messer  
Mitchell  
Moolenaar  
Mooney (WV)  
Newhouse  
Noem  
Norman  
Nunes  
Olson

Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Pittenger  
Poe (TX)  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Rohy  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Ros-Lehtinen  
Roskam  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuster  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

## NOT VOTING—29

Barletta	Kinzing	Rooney, Thomas
Black	Kustoff (TN)	J.
Cheney	Lofgren	Sewell (AL)
Ellison	Lowey	Simpson
Garrett	Marchant	Speier
Hanabusa	McEachin	Stewart
Harper	Moore	Stivers
Hoyer	Moulton	Thompson (MS)
Issa	Mullin	Walz
Jones	Perlmutter	Waters, Maxine

□ 1052

Messrs. GROTHMAN, GRAVES of Georgia, WALDEN, DAVIDSON, WALBERG, SMITH of Nebraska, GOODLATTE, and BISHOP of Utah changed their vote from “yea” to “nay.”

Ms. JAYAPAL, Messrs. KRISHNAMOORTHY, HIGGINS of New York, Ms. WASSERMAN SCHULTZ, Messrs. CICILLINE, RUSH, Mrs. NAPOLITANO, and Ms. PELOSI changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

## RECORDED VOTE

Mr. CONNOLLY. 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 230, noes 168, not voting 30, as follows:

[Roll No. 328]

AYES—230

Abraham	Correa	Graves (MO)
Aderholt	Costa	Griffith
Allen	Costello (PA)	Grothman
Amash	Cramer	Guthrie
Amodei	Crawford	Handel
Arrington	Cuellar	Harris
Babin	Culberson	Hartzler
Bacon	Curbelo (FL)	Hensarling
Banks (IN)	Curtis	Herrera Beutler
Barr	Davidson	Hice, Jody B.
Barton	Davis, Rodney	Higgins (LA)
Bergman	Denham	Hill
Biggs	DeSantis	Holding
Bilirakis	DesJarlais	Hollingsworth
Bishop (MI)	Diaz-Balart	Hudson
Bishop (UT)	Donovan	Hultgren
Blackburn	Duffy	Hunter
Blum	Duncan (SC)	Hurd
Bost	Duncan (TN)	Jenkins (KS)
Brady (TX)	Dunn	Jenkins (WV)
Brat	Emmer	Johnson (LA)
Brooks (AL)	Estes (KS)	Johnson (OH)
Brooks (IN)	Faso	Johnson, Sam
Buchanan	Ferguson	Jordan
Buck	Fitzpatrick	Joyce (OH)
Bucshon	Fleischmann	Katko
Budd	Flores	Kelly (MS)
Burgess	Fortenberry	Kelly (PA)
Byrne	Fox	King (IA)
Calvert	Frelinghuysen	King (NY)
Carter (GA)	Gaetz	Knight
Carter (TX)	Gallagher	Labrador
Chabot	Gianforte	LaHood
Cloud	Gibbs	LaMalfa
Coffman	Gohmert	Lamborn
Cole	Goodlatte	Lance
Collins (GA)	Gosar	Latta
Collins (NY)	Gottheimer	Lesko
Comer	Gowdy	Lewis (MN)
Comstock	Granger	LoBiondo
Conaway	Graves (GA)	Long
Cook	Graves (LA)	Loudermilk

Love	Pittenger	Smith (NE)
Lucas	Poe (TX)	Smith (NJ)
Luetkemeyer	Poliquin	Smith (TX)
MacArthur	Posey	Smucker
Marino	Ratcliffe	Stefanik
Marshall	Reed	Suozzi
Massie	Reichert	Taylor
Mast	Renacci	Tenney
McCarthy	Rice (SC)	Thompson (PA)
McCaul	Roby	Thornberry
McClintock	Roe (TN)	Tipton
McHenry	Rogers (AL)	Trott
McKinley	Rogers (KY)	Turner
McMorris	Rohrabacher	Upton
Rodgers	Rokita	Valadao
McSally	Rooney, Francis	Wagner
Meadows	Ros-Lehtinen	Walberg
Messer	Roskam	Walden
Mitchell	Ross	Walker
Moolenaar	Rothfus	Walorski
Mooney (WV)	Rouzer	Walters, Mimi
Mullin	Royce (CA)	Weber (TX)
Murphy (FL)	Russell	Webster (FL)
Newhouse	Rutherford	Wenstrup
Noem	Sanford	Westerman
Norman	Scalise	Williams
Nunes	Schrader	Wilson (SC)
O'Halleran	Schweikert	Wittman
Olson	Scott, Austin	Womack
Palazzo	Sensenbrenner	Woodall
Palmer	Sessions	Yoder
Paulsen	Shimkus	Yoho
Pearce	Shuster	Young (AK)
Perry	Sinema	Young (IA)
Peterson	Smith (MO)	Zeldin

## NOES—168

Adams	Foster	Meng
Aguilar	Frankel (FL)	Nadler
Barragán	Fudge	Napolitano
Bass	Gabbard	Neal
Beatty	Gallego	Norcross
Bera	Garamendi	O'Rourke
Beyer	Gomez	Pallone
Bishop (GA)	Gonzalez (TX)	Panetta
Blumenauer	Green, Al	Pascrell
Blunt Rochester	Green, Gene	Payne
Bonamici	Grijalva	Pelosi
Boyle, Brendan F.	Gutiérrez	Peters
Brady (PA)	Hastings	Pingree
Brown (MD)	Heck	Pocan
Brownley (CA)	Higgins (NY)	Polis
Bustos	Himes	Price (NC)
Butterfield	Huffman	Quigley
Capuano	Jackson Lee	Raskin
Carbajal	Jayapal	Rice (NY)
Cárdenas	Jeffries	Richmond
Carson (IN)	Johnson (GA)	Rosen
Cartwright	Johnson, E. B.	Roybal-Allard
Castor (FL)	Kaptur	Ruiz
Castro (TX)	Keating	Ruppersberger
Chu, Judy	Kelly (IL)	Rush
Cicilline	Kennedy	Ryan (OH)
Clark (MA)	Khanna	Sánchez
Clarke (NY)	Kihuen	Sarbanes
Clay	Kildee	Schakowsky
Cleaver	Kilmer	Schiff
Clyburn	Kind	Schneider
Cohen	Krishnamoorthi	Scott (VA)
Connolly	Kuster (NH)	Scott, David
Cooper	Lamb	Serrano
Courtney	Langevin	Shea-Porter
Crist	Larsen (WA)	Sherman
Crowley	Larson (CT)	Sires
Cummings	Lawrence	Smith (WA)
Davis (CA)	Lawrence (FL)	Soto
Davis, Danny	Lee	Swalwell (CA)
DeFazio	Levin	Takano
DeGette	Lewis (GA)	Thompson (CA)
Delaney	Lieu, Ted	Titus
DeLauro	Lipinski	Tonko
DeBene	Loeb	Torres
Demings	Loeb	Tsongas
DeSaulnier	Lujan Grisham, M.	Vargas
Deutch	Lujan, Ben Ray	Veasey
Dingell	Lynch	Vela
Doggett	Maloney	Velázquez
Doyle, Michael F.	Carolyn B. Maloney	Visclosky
Engel	Maloney, Sean	Wasserman
Eshoo	Matsui	Schultz
Españat	McCollum	Watson Coleman
Esty (CT)	McGovern	Welch
Evans	McNery	Wilson (FL)
	Meeks	Yarmuth

## NOT VOTING—30

Cheney	Garrett
Ellison	Hanabusa

Harper	Marchant	Simpson
Hoyer	McEachin	Speier
Huizenga	Moore	Stewart
Issa	Moulton	Stivers
Jones	Nolan	Thompson (MS)
Kinzing	Perlmutter	Walz
Kustoff (TN)	Rooney, Thomas J.	Waters, Maxine
Lofgren	Sewell (AL)	
Lowey		

□ 1059

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HUIZENG. Mr. Speaker, I rise today regarding missed votes due to meeting with a constituent. Had I been present for rollcall vote No. 328, H.R. 50 Unfunded Mandates Information and Transparency Act of 2017, I would have voted “yea.”

## PERSONAL EXPLANATION

Mr. SIMPSON. Mr. Speaker, for personal reasons, I was unable to vote this morning.

Had I been present, I would have voted “nay” on rollcall No. 327, and “yea” on rollcall No. 328.

## THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

## REPORT ON H. CON. RES. 128, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2019

Mr. WOMACK, from the Committee on the Budget, submitted a privileged report (Rept. No. 115-816) on the concurrent resolution (H. Con. Res. 128) establishing the budget for the United States Government for fiscal year 2019 and setting forth appropriate budgetary levels for fiscal years 2020 through 2028, which was referred to the Union Calendar and ordered to be printed.

## ADJOURNMENT FROM FRIDAY, JULY 13, 2018, TO MONDAY, JULY 16, 2018

Mr. WOMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday, July 16, 2018, when it shall convene at noon for morning-hour debate and 2 p.m. for legislative business.

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

There was no objection.

## HONORING PENSKE RACING/WILL POWER

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