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4 MARKUP OF H.R. 367, THE REGULATIONS FROM THE EXECUTIVE IN

5 NEED OF SCRUTINY ACT OF 2013

6 Thursday, April 11, 2013

7 House of Representatives

8 Committee on the Judiciary

9 Washington, D.C.

10 The committee met, pursuant to call, at 10:13 a.m., in  
11 Room 2141, Rayburn Office Building, Hon. Bob Goodlatte  
12 [chairman of the committee] presiding.

13 Present: Representatives Goodlatte, Coble, Smith,  
14 Chabot, Bachus, Issa, Forbes, King, Franks, Gohmert, Jordan,  
15 Poe, Chaffetz, Marino, Gowdy, Amodei, Labrador, Farenthold,  
16 Holding, Collins, DeSantis, Rothfus, Conyers, Nadler, Scott,

17 Watt, Lofgren, Jackson Lee, Cohen, Johnson, Pierluisi, Chu,  
18 Deutch, Gutierrez, Bass, Richmond, DelBene, Garcia, and  
19 Jeffries.

20       Staff present: Shelley Husband, Staff Director;  
21 Branden Ritchie, Deputy Chief of Staff/Chief Counsel;  
22 Allison Halataei, Parliamentarian; Daniel Flores, Counsel;  
23 Kelsey Deterding, Clerk; Perry Apfelbaum, Minority Staff  
24 Director; Danielle Brown, Minority Parliamentarian; and  
25 James Park, Minority Counsel.

26

27 Chairman Goodlatte. Good morning. The Judiciary  
28 Committee will come to order. A working quorum is present,  
29 and without objection, the chair is authorized to declare a  
30 recess at any time.

31 Pursuant to notice, I now call up H.R. 367 for purposes  
32 of markup. And the clerk will report the bill.

33 Ms. Deterding. H.R. 367, a bill to amend Chapter 8 of  
34 Title 5, United States Code, to provide that major rules of  
35 the executive branch shall have no force or effect unless a  
36 joint resolution of approval is enacted into law.

37 Chairman Goodlatte. Without objection, the bill is  
38 considered as read and open for amendment at any point.

39 [The information follows:]

40

41 Chairman Goodlatte. And I will begin by recognizing  
42 myself and the ranking member for opening statements.

43 Economic growth is the key to recovery of job creation,  
44 the success of Main Street businesses, and the hope of  
45 America's global competitiveness. With robust economic  
46 growth, America can solve a host of the problems that  
47 confront us, from high unemployment to fading American  
48 competitiveness.

49 America's current growth rate, however, is anemic. In  
50 2010, real GDP increased only 2.4 percent. In 2011, the  
51 rate of growth shrank to 1.8 percent. Growth in the 4th  
52 quarter of 2012 was an abysmal four-tenths of a percent  
53 according to the Bureau of Economic Analysis' most recent  
54 estimate. For the year 2012, the rate of growth was a  
55 stagnant 2.2 percent.

56 Employment figures are no better. In March 2013, real  
57 unemployment was mired at 13.8 percent. Nominal  
58 unemployment was 7.6 percent. The labor force participation  
59 rate fell to a level not seen since the Carter  
60 Administration, and the economy created only 88,000 new jobs  
61 in March. If monthly job creation were to remain at that

62 level, it would literally mean that Americans would never  
63 recover the level of employment they enjoyed before the  
64 recession.

65 Behind these figures are millions upon millions of  
66 struggling American faces, many who have been living without  
67 work for many, many months. Economic experts have said that  
68 this represents not just a lingering economic downturn, but  
69 a jobs depression. Other figures paint a picture still  
70 bleaker. The number of small businesses being created, the  
71 primary source of new jobs, has declined. America's  
72 national debt is skyrocketing. Record levels of Americans  
73 are on food stamps. The number of Americans on social  
74 security disability is at record levels, too. Many say this  
75 is because millions are turning to disability claims to  
76 substitute for unemployment insurance.

77 Everyone knows it has been this way for far too long,  
78 but the Obama Administration, instead of fixing the problem,  
79 knows only one response: increase taxes, increase spending,  
80 and increase regulations. The results painfully demonstrate  
81 a simple truth: America cannot tax, spend, and regulate its  
82 way to economic recovery, economic growth, and durable

83 prosperity for the American people.

84       The Judiciary Committee has broad jurisdiction over one  
85 of the 3 major strands of the economic knot that the Obama  
86 Administration has tied. That strand is the Federal  
87 regulatory system, a system that every day places more and  
88 more obstacles in the path of economic growth and the  
89 recovery of jobs.

90       It is my intention as chairman to do everything that the  
91 Judiciary Committee can to achieve real regulatory reform  
92 and help provide the growth and recovery America needs. The  
93 REINS Act is one of the simplest, clearest, and most  
94 powerful measures we can adopt to further that purpose. The  
95 level of new major regulations of the Obama Administration  
96 has issued and plans to issue is without modern precedent.  
97 Testimony before the Judiciary Committee this term and  
98 during the 112th Congress has plainly shown the connection  
99 between skyrocketing levels of regulation and declining  
100 levels of jobs and growth.

101       The REINS Act responds by requiring an up or down vote  
102 by the people's representatives in Congress before any new  
103 major regulation can be imposed on our economy. It does not

104 prohibit new major regulation. It simply establishes the  
105 principle of no major regulation without representation. By  
106 restoring to members of Congress, who are accountable to the  
107 American people, the responsibility for America's costliest  
108 regulatory decisions, the REINS Act provides Congress and  
109 ultimately the people with a much needed tool to check the  
110 one-way cost ratchet turned by Washington's regulatory  
111 bureaucrats.

112 During the 112th Congress, the Judiciary Committee  
113 originated a number of regulatory reform bills that the  
114 House passed on a bipartisan basis. The REINS Act was one  
115 of them. I encourage all the members of the committee to  
116 support the REINS Act and work to assure that it is passed  
117 on an even greater bipartisan basis in the 113th Congress.

118 And now it is my pleasure to recognize the ranking  
119 member of the committee, the gentleman from Michigan, Mr.  
120 Conyers.

121 Mr. Conyers. Thank you, Chairman Goodlatte, and members  
122 of the committee. This is a critical issue in which I would  
123 like to pose almost the opposite point of view in terms of  
124 what H.R. 367 really does. REINS is the acronym for

125 Regulations from the Executive in Need of Scrutiny Act, and  
126 I am in the process of keeping a memo on all of the titles  
127 that are incredible. This adds another one to the list,  
128 because, in my view, and I think this may be developed here  
129 today, we, through H.R. 367, threaten to undermine public  
130 health and safety by making it nearly impossible for new  
131 regulations to take effect.

132 It is a bill in search of a solution, in search of a  
133 problem that Congress already has the tools to review both  
134 major and non-major rules under a law called the  
135 Congressional Review Act of 1996.

136 Now, the proponents, including my friend, the chairman,  
137 claim that it would encourage job creation, and that may be  
138 the most inaccurate comment that we will hear today at this  
139 hearing. This legislation is based on the false assumption  
140 that regulations inhibit job creation, even though there is  
141 no credible evidence supporting such an assertion.

142 As Bruce Bartlett, senior policy analyst in the Reagan  
143 and the George H.W. Bush Administrations, has pointed out,  
144 no hard evidence is offered for this claim. It is simply  
145 asserted as self-evident and repeated endlessly throughout



146 the conservative echo chamber. And I will ask unanimous  
147 consent to include in the record the *New York Times* article  
148 written by Bruce Bartlett.

149 [The information follows:]

150

151       Mr. Conyers. The majority's own witness at a  
152 legislative hearing held in the last Congress debunked the  
153 myth that regulations stymie job creation. Christopher  
154 DeMuth with the American Enterprise Institute, a  
155 conservative think tank, stated "The employment effects of  
156 regulation, while important, are indeterminate." And if we  
157 are really serious about creating jobs, we would be focusing  
158 on those measures that would actually achieve this goal.

159       For example, President Obama, during the last Congress,  
160 presented his American Jobs Act, which is a comprehensive  
161 bill that would cut payroll taxes for qualifying employers,  
162 fund a work program to provide employment for low income  
163 youth and adults, and fund various infrastructure  
164 construction projects, including modernizing schools. But  
165 our House leadership chose to ignore this worthy initiative  
166 and, of course, my measure, H.R. 1000, the Humphrey-Hawkins  
167 21st Century Full Employment and Training Act that would  
168 fund a national program of public service employment, job  
169 training opportunities, and hiring incentives for  
170 employment.

171       And so we are working from the point of view that full

172 employment is the number domestic goal of this Congress, and  
173 that is what I will be working on. And unfortunately, we  
174 will probably not hear as much about that today as I would  
175 like. And so, I am unable to support this measure, and I  
176 would return any unused time, and thank the chairman.

177 Chairman Goodlatte. I thank the gentleman.

178 And now it is my pleasure to recognize the chairman of  
179 the Subcommittee on Regulatory Reform, Commercial, and  
180 Antitrust Law, and the co-sponsor of this bill, the  
181 gentleman from Alabama, Mr. Bachus, for his opening  
182 statement.

183 Mr. Bachus. Thank you, Mr. Chairman. I want to commend  
184 you and Representative Todd Young of Indiana for introducing  
185 this bill, and you for holding this markup.

186 Regulations help to implement policies Congress has  
187 established by statute, so there is a place for regulation.  
188 When issued, they should be reasonable, they should set  
189 clear rules of the road for businesses, and they should  
190 provide benefits to the public that are greater than the  
191 costs.

192 Now, you heard the ranking member, who I have great

193     respect for, describe this as a bill in search of a  
194     solution. That is sort of a turn on the old expression "a  
195     solution in search of a problem." Well, let me say this:  
196     this bill is a solution, and we have found the problem. And  
197     the problem is excessive regulation, \$11,000 cost per  
198     American worker. That is a tremendous cost, and that is the  
199     problem that this bill addresses.

200             Today's regulatory system fails the test of benefitting  
201     the public greater than the cost. The cost excessive  
202     regulation imposes and the uncertainty it creates are  
203     choking the American economy and preventing the recovery of  
204     American job growth and global competitiveness. Excessive  
205     regulation especially harms small businesses that generate  
206     most new jobs in our economy. In fact, in every recession  
207     to date, except the last recession, new businesses, small  
208     businesses, have created two-thirds of the new jobs. They  
209     are not doing this in that recovery.

210             The Small Business Administration, not the Republican  
211     Party, not the majority, has confirmed that small businesses  
212     pay a disproportionate share of the Federal regulatory  
213     burden, and excessive regulations are impairing small

214 business formation and growth. Indeed, the cost of  
215 regulatory compliance, as I said, has been translated to  
216 \$11,000 per worker. Imagine how much better off we would be  
217 if they could put that \$11,000 or a part of that back in  
218 their businesses and hire workers.

219 And not a Republican, not a Democrat, but Federal  
220 Reserve Chairman Ben Bernanke himself expressed concern  
221 about the impact and cost of excessive regulations on small  
222 businesses during his recent Humphrey-Hawkins testimony last  
223 month. And I am going to quote him: "We all agree that the  
224 burden of regulation falls particularly heavy on small  
225 community banks, which don't have the resources to manage  
226 those regulations very effectively."

227 The REINS Act helps to relieve the burden on small  
228 businesses and everyday Americans by requiring that  
229 Congress, not unelected Washington bureaucrats, decide what  
230 new major regulatory burden should be imposed on the  
231 American people. You only have to read Article 1 of the  
232 Constitution to see that it was the Congress, the  
233 legislative branch and not the bureaucracy, that was  
234 assigned this task.

235        This legislation makes sure the American people have a  
236        say in approving the most costly decisions that affect their  
237        lives and their livelihoods. This reform could not be  
238        timelier. American workers and businesses are facing a  
239        historic regulatory tsunami. Unless Congress intervenes and  
240        passes the REINS Act and other important regulatory reforms,  
241        the increasing tide of major Federal regulation will  
242        continue to destroy jobs, harm communities, and weaken  
243        opportunity and the ability of American workers to provide  
244        for their families.

245        In conclusion, our forefathers designed our Federal  
246        system of government to include an important system of  
247        checks and balances. The REINS Act is common sense  
248        legislation that follows the dictates of Article 1, 2, and 3  
249        of our Constitution. I invite all my colleagues to work  
250        together to help ensure it becomes law during this Congress,  
251        and restore a sense of balance established in the  
252        Constitution.

253        Thank you, Mr. Chairman.

254        Chairman Goodlatte. Thank you, Mr. Bachus. And the  
255        ranking member of the Subcommittee on Regulatory Reform,

256 Commercial, and Administrative Law, the gentleman from  
257 Tennessee, Mr. Cohen, has not yet joined us. So I will  
258 yield to the ranking member of the full committee for the  
259 purpose of putting his statement in the record, if you want.

260 Mr. Conyers. Thank you. I would rather put it in the  
261 record. There are a number of amendments, and we are  
262 running against the clock.

263 This is the statement of Steve Cohen of Memphis, the  
264 ranking subcommittee member, and I ask unanimous consent to  
265 enter it into the record.

266 Chairman Goodlatte. Without objection, it will be made  
267 a part of the record.

268 [The information follows:]

269

270 Mr. Conyers. Thank you.

271 Chairman Goodlatte. And I thank the gentleman.

272 And the gentleman's comments remind me that we do plan  
273 to move forward with this legislation and complete it today,  
274 so no one will have to come back tomorrow, or tomorrow  
275 morning, or whenever. And so we anticipate taking a break  
276 for lunch, and we anticipate votes in the early afternoon,  
277 but we will return until the measure is completed and  
278 reported out of the committee.

279 And we will now open it up to amendments. Are there any  
280 amendments? The gentleman from Georgia, Mr. Collins, is  
281 recognized.

282 Mr. Collins. Thank you, Mr. Chairman. I have an  
283 amendment at the desk.

284 Chairman Goodlatte. The clerk will report the  
285 amendment.

286 Ms. Deterding. Amendment to H.R. 367, offered by Mr.  
287 Collins of Georgia, page 5, line --

288 Chairman Goodlatte. Without objection, the amendment is  
289 considered as read.

290 [The amendment of Mr. Collins follows:]

291



292 Chairman Goodlatte. And the gentleman is recognized for  
293 5 minutes to explain his amendment.

294 Mr. Collins. Thank you, Mr. Chairman. This amendment  
295 makes a technical correction to the bill related to  
296 operational date. This is necessary to comport the bill  
297 with the changes made by the Rules Committee in the last  
298 Congress.

299 This amendment also requires that the report submitted  
300 to Congress on a proposed major rule to include an  
301 assessment of whether the major rule imposes any new limits  
302 or mandates on the private sector activity. In this current  
303 economic climate, it is important that careful consideration  
304 is given to major rules, and a part of this careful  
305 consideration should include an analysis on how the proposed  
306 major rule would impact the private sector. There is  
307 nothing in the other reporting requirements in the bill that  
308 would accurately achieve this goal of this amendment.

309 In addition, this amendment does not add undue burden or  
310 delay the rulemaking process. It simply ensures that due  
311 consideration is given by the agencies to analyze the impact  
312 on the private sector.

313           Mr. Chairman, I believe this is a straightforward,  
314 common sense amendment, and I would urge my colleagues to  
315 support it. And I thank the chairman and yield back.

316           Chairman Goodlatte. I thank the gentleman.

317           Mr. Conyers. Mr. Chairman?

318           Chairman Goodlatte. The chair recognizes the gentleman  
319 from Michigan.

320           Mr. Conyers. Thank you. I, of course, rise in  
321 opposition to the amendment that would add the requirement  
322 that the General Accounting Office submit to committees of  
323 jurisdiction an assessment of whether a major rule imposes  
324 any new limits or mandates on the private sector. I oppose  
325 the amendment, of course, because, among other things, the  
326 amendment requires that the GAO assess whether a major rule  
327 imposes new limits or mandates on private sector activity.  
328 This is far too vague a requirement.

329           What constitutes a new limit, a new mandate, or a  
330 private sector activity? The terms are not defined in the  
331 bill, nor is there cross-reference to any existing statute  
332 that would assist the GAO in determining what it is supposed  
333 to be assessing. So there is vague terminology.

334           Most new or revised rules impose some kind of limit or  
335   mandate on the private sector in some form. What more is  
336   the GAO supposed to add to that assessment, particularly  
337   given that the regulatory effect impact analysis  
338   requirements already exist?

339           And finally, the additional requirement assessment does  
340   nothing to address the fundamental concern I have with this  
341   bill, which is that it would undermine agencies' ability to  
342   do precisely the job that we have asked them to do, namely  
343   to protect the health, welfare, and safety of the American  
344   people. Please join me in opposing this amendment.

345           And I yield back the remainder of my time.

346           Chairman Goodlatte. I thank the gentleman, and I  
347   recognize myself in support of the amendment.

348           Congress should always be vigilant against unnecessary  
349   new limits or mandates on private sector activity. That is  
350   especially so now as our economy struggles to recover and  
351   produce new jobs. Regulatory agencies, however, may not  
352   make full disclosures to Congress about such limitations and  
353   mandates when they submit new major rules for Congress'  
354   approval.

355           The amendment makes sure that the Government  
356   Accountability Office provides Congress with additional  
357   independent information about private sector limits and  
358   mandates when new major regulations are submitted. With  
359   that information in hand, Congress can make the best  
360   informed judgments about whether to approve major new  
361   regulations.

362           The amendment also includes a helpful, technical  
363   correction that clarifies the deadline by which the GAO may  
364   submit to Congress its reports on new major regulations.

365           I thank the gentleman, and I urge my colleagues to  
366   support the amendment.

367           Who seeks recognition? The gentleman from Florida is  
368   recognized, Mr. Garcia.

369           Mr. Garcia. Mr. Chairman, while I oppose the underlying  
370   bill, I will say that I agree with the amendment, and I  
371   think it goes in the right direction of what we want to.

372           I have challenged my friends on the other side of the  
373   aisle, but as a freshman I have got more than enough time to  
374   sit down and figure out what regulatory action we need. The  
375   underlying bill would undercut some of the basic ways that

376 the Federal government and all governments -- State  
377 government, municipal government, city government --  
378 functions. Nonetheless, I understand what the gentleman is  
379 trying to do, and I support the amendment while I do not  
380 support the underlying bill.

381 Chairman Goodlatte. The question occurs on the  
382 amendment.

383 Those in favor, will say aye.

384 Those opposed, no.

385 In the opinion of the chair, the ayes have it, and the  
386 amendment is agreed to.

387 Are there other amendments?

388 The chair recognizes the gentleman from Iowa, Mr. King.

389 Mr. King. Mr. Chairman, I would like to take up 3.

390 Chairman Goodlatte. The clerk will report the  
391 amendment.

392 Ms. Deterding. Amendment to H.R. 367, offered by Mr.

393 King of Iowa, page 20, after line 12, insert --

394 Chairman Goodlatte. Without objection, the amendment is  
395 considered as read.

396 [The amendment of Mr. King follows:]

397

398 Chairman Goodlatte. For what purpose does the gentleman  
399 from Nevada seek recognition?

400 Mr. Amodei. Thank you, Mr. Chairman. I seek  
401 recognition to reserve a point of order.

402 Chairman Goodlatte. The gentleman reserves a point of  
403 order on the amendment.

404 The chair recognizes the gentleman from Iowa, Mr. King,  
405 for 5 minutes to explain his amendment.

406 Mr. King. Thank you, Mr. Chairman.

407 I would like to first discuss with the committee some of  
408 the history of the underlying bill and the concept that is  
409 in this amendment. And that is, I have long been working on  
410 an effort to try to hold the Congress accountable for the  
411 regulations that are promulgated by the executive branch.  
412 And I think only one time have we actually gone back and  
413 reconsidered those rules.

414 So the burden of regulation on business is onerous as  
415 you have said in your opening remarks. As I started a  
416 construction business back in 1975, our trade association  
417 identified 43 different agencies that regulated my trade.  
418 No business in America is in compliance with all Federal

419 regulations, and yet Congress is not held accountable to  
420 review these regulations.

421       So I put together a bill several years ago that was  
422 framed along the same lines as the REINS Act. I would point  
423 out that I am also an original co-sponsor of the REINS Act,  
424 and not only do I compliment the current proponents of it,  
425 but I compliment also Jeff Davis for his work that he did on  
426 this relentlessly from Kentucky.

427       But there is something that is missing, and that is that  
428 the rules that are in place today and the rules that would  
429 go into place until the REINS Act might take effect if we  
430 should pass this into law, are essentially grandfathered in  
431 perpetuity from the scrutiny of the REINS Act. And so what  
432 I have in this amendment, King 3, introduces this concept of  
433 retroactive review, and that concept means that we would  
434 require the agencies, and this is part of a bill that I have  
435 drafted and introduced. But it requires the agencies to  
436 submit 10 percent of their regulations to Congress each year  
437 for 10 years, and over that period of 10 years, then all of  
438 the regulations would then be reviewed by Congress,  
439 requiring an up or down vote, 10 percent a year for 10

440 years. They have to select their rules, but at the end of  
441 the 10-year period of time, whatever that last gap was, they  
442 would have to bring back before Congress. So it sunsets the  
443 major rules at the end of 10 years.

444 That is the scope of my amendment. It introduces a  
445 concept of retroactive review. I think it is a very  
446 important discussion that this committee has to have that as  
447 good as the REINS Act is, it leaves in place the  
448 grandfathering of existing rules, whether they are major or  
449 whether they are not major rules. So that is the substance  
450 of my amendment.

451 And I would then yield the balance of my time.

452 Chairman Goodlatte. I thank the gentleman. Would the  
453 gentleman yield to me?

454 Mr. King. I would happily yield to the chairman.

455 Chairman Goodlatte. I thank the gentleman for yielding,  
456 and I appreciate very much his amendment and his comments.  
457 They are very important observations about the regulatory  
458 rulemaking process and ways to improve it.

459 However, as the gentleman knows, the bill that was  
460 introduced by the gentleman from Indiana only covers



461 prospective amendments, and, therefore, the bill would not  
462 be germane. If the gentleman would consider withdrawing the  
463 amendment, I would encourage him to pursue the objective in  
464 the future, but unfortunately it will not be with regard to  
465 this legislation. And the chair could avoid any ruling on  
466 the matter if the gentleman would withdraw the amendment.

467 Mr. King. Reclaiming my time and avoiding the eventual  
468 insistence of the gentleman from Nevada on his point of  
469 order, I would happily ask consent to withdraw the  
470 amendment, Mr. Chairman.

471 Chairman Goodlatte. I thank the gentleman. The  
472 amendment is considered withdrawn.

473 And the chair recognizes Mr. King again for another  
474 amendment.

475 Mr. King. Thank you, Mr. Chairman. I would like to  
476 offer --

477 Chairman Goodlatte. Before the gentleman proceeds, let  
478 me just notify all members, as we announced at the beginning  
479 of the year, amendments that are introduced prior to the  
480 markup by the deadline -- I think it is 24 hours prior --  
481 are being considered first as a recognition of those that

482 met the guideline. And all amendments that have been  
483 introduced will be considered, but first we are going to  
484 take those amendments.

485 So the gentleman from Iowa is recognized.

486 Mr. King. Thank you, Mr. Chairman. I would like to  
487 take up amendment, King number 1, please.

488 Chairman Goodlatte. The clerk will report the  
489 amendment.

490 Ms. Deterding. Amendment to H.R. 367, offered by Mr.  
491 King of Iowa, page 3, strike line 17 --

492 Chairman Goodlatte. Without objection, the amendment is  
493 considered as read.

494 [The amendment of Mr. King follows:]

495

496 Chairman Goodlatte. And the gentleman is recognized for  
497 5 minutes to explain his amendment.

498 Mr. King. Thank you, Mr. Chairman. This is a  
499 relatively simple amendment, and it comes out of the  
500 definition of major rules that is underlying REINS Act,  
501 major rules being those rules that have \$100 million or more  
502 impact on our economy.

503 And as I mentioned in my previous statement, there are  
504 many, many small businesses, and there are many, many rules  
505 -- I do not know that we have them all counted -- that  
506 affect businesses in a lot of different ways. And so, for  
507 us to set a standard that a rule that has less than \$100  
508 million impact is going to have no real scrutiny by this  
509 Congress, I think is a gap of our oversight  
510 responsibilities. I think we should be examining every rule  
511 that is promulgated by the executive branch, and published,  
512 and has the force and effect of law.

513 So this amendment simply strikes the word "major" in  
514 many places in the bill, wherever it comes up and references  
515 the \$100 million component, and reduces it down to all rules  
516 would come under scrutiny of this Congress rather than just

517 major rules coming under scrutiny of this Congress. And I  
518 would urge the committee to consider a big step.

519 And I yield to the chairman or the balance of my time  
520 back to the chairman.

521 Chairman Goodlatte. If the gentleman would yield, the  
522 chair very much appreciates the gentleman's objective here  
523 as well. The concern that we have is that this amendment  
524 would impose an overwhelming burden on the Congress. So if  
525 the gentleman would withdraw his amendment, I would be happy  
526 to work with him to see whether there is more that can be  
527 done moving to the floor on whether there is more  
528 legislation that would be covered than what is covered by  
529 this amendment, more regulations.

530 But I think the amendment as drafted would not be one  
531 that the committee could advisably send to the floor of the  
532 House because it would, quite frankly, impose an  
533 overwhelming burden on the Congress to try to review every  
534 single amendment, every single regulation proffered by any  
535 agency of the government, which the gentleman knows is in  
536 the many thousands each year. We are trying to focus on the  
537 major regulations with the major impact.

538       Mr. King. Reclaiming my time, with the purposes of the  
539 chairman's suggestion in mind, I would point out also that I  
540 would think there would be far fewer rules if the rule  
541 makers understood Congress was going to scrutinize them all.

542       So not conceding the point on the amendment itself, but  
543 I would still recognize the chairman's point and ask  
544 unanimous consent to withdraw my amendment.

545       Chairman Goodlatte. I thank the gentleman. And the  
546 gentleman's observations are well taken. And I would also  
547 point out that we are working on a reform the Administrative  
548 Procedures Act, and some of the gentleman's ideas would be  
549 welcome and possibly incorporated into work on that  
550 legislation.

551       So I thank the gentleman, and without objection, his  
552 amendment will be considered withdrawn.

553       Mr. Conyers. Mr. Chairman.

554       Chairman Goodlatte. I recognize the gentleman from  
555 Michigan.

556       Mr. Conyers. I have an amendment at the desk and ask  
557 that it be reported.

558       Chairman Goodlatte. We will take the ranking member's

559 amendment out of order, and then we will come back to the  
560 final amendment that was introduced prior --

561 Mr. Conyers. Oh, I am --

562 Chairman Goodlatte. No, that is fine. We will go  
563 ahead.

564 So the clerk will report the gentleman from Michigan's  
565 amendment.

566 Ms. Deterding. Amendment to H.R. 367, offered by Mr.  
567 Conyers of Michigan, page 18, line 7, insert after "means  
568 any rule" --

569 Chairman Goodlatte. Without objection, the amendment  
570 will be considered as read.

571 [The amendment of Mr. Conyers follows:]

572

573 Chairman Goodlatte. And the gentleman from Michigan is  
574 recognized to explain his amendment.

575 Mr. Conyers. Thank you. I do appreciate the fact that  
576 there are limits to where we are going to take the REINS  
577 Act. At least we are not going to consider in the Congress  
578 every single resolution. We could just introduce an  
579 amendment to tie up the Congress. This is all we would be  
580 doing here on out. I appreciate the chairman's restraint in  
581 saying only major amendments.

582 Now, my amendment would exempt the reach of this ill-  
583 conceived measure to all proposed rules that protect public  
584 health and safety. This amendment would exempt the reach of  
585 this bill from all proposed rules that protect public health  
586 and safety, because protecting the health and safety of our  
587 citizens is one of the core responsibilities of government.  
588 And Congress delegates its authority to Federal agencies in  
589 order to more effectively meet this responsibility.

590 And so the REINS Act would effectively stop major rules  
591 from going into effect, including those that are needed to  
592 protect public health and safety. And so what we are saying  
593 is that at least in the logic of this bill, we would not

594 want to have health and safety rules going through this  
595 inane process in which the Congress would be reviewing major  
596 health and safety rules.

597 And so it is a very simple proposal. It would not  
598 eliminate the main features that we oppose, but what it  
599 means in practical terms is that we would no longer be able  
600 to not respond to pressing health and safety problems.  
601 Regulations that could be undermined by this bill include  
602 the proposed rule issued last week by the Consumer Product  
603 Safety Commission that would strengthen safety standards for  
604 infant and toddler carriers and reduce the risk of injuries.

605 So I ask the Committee on Judiciary to join me in this  
606 very modest limitation of the effects of the REINS bill.  
607 And I would note not surprisingly that more than 70 consumer  
608 groups, environmental organizations, and labor unions all  
609 strenuously oppose the bill. In a letter sent to members of  
610 the committee, these groups urged members to oppose the  
611 REINS Act because it represents the most radical threat to  
612 our government's ability to protect the public from harm in  
613 generations.

614 And so I ask unanimous consent, Mr. Chairman, to enter



615 that letter into the record. And I yield back the balance  
616 of my time.

617 Chairman Goodlatte. Without objection, the letter will  
618 be made a part of the record.

619 [The information follows:]

620

621 Chairman Goodlatte. And I thank the gentleman for his  
622 amendment. I will recognize myself in response.

623 I appreciate the gentleman's comments, but there are  
624 limits to my restraint. And I oppose the amendment which  
625 would carve a particular class of regulations out of the  
626 REINS Act approval procedures.

627 The REINS Act is neutral to a regulation subject. It  
628 applies equally to all new major regulations and picks no  
629 winners or losers. All it requires is that Congress accept  
630 accountability for decisions to impose the economic burden  
631 of major regulations on our economy.

632 If an improved regulation destroys jobs and growth, the  
633 voters will be able to assign the blame where it belongs,  
634 with Congress. If the regulation works well, the voters  
635 will also know where to assign the credit. By shielding  
636 Congress from accountability for these decisions, the  
637 amendment tries to shift the blame for bad results to  
638 unelected agency officials who are immune from the voters'  
639 views.

640 Federal regulations already impose an enormous burden on  
641 small business and the American people every year, largely

642 because no one is accountable enough to the electorate for  
643 costly regulatory decisions. It is high time for Congress  
644 to accept the accountability itself for all new major  
645 regulations, and accordingly, I urge my colleagues to oppose  
646 this amendment.

647 The question is on the amendment.

648 Those in favor will say aye.

649 Those opposed, no.

650 In the opinion of the chair, the noes have it, and the  
651 amendment is not agreed to.

652 Mr. Conyers. Could we have a record vote on this?

653 Chairman Goodlatte. A record vote is requested. The  
654 clerk will call the roll.

655 Ms. Deterding. Mr. Goodlatte?

656 Chairman Goodlatte. No.

657 Ms. Deterding. Mr. Goodlatte votes no.

658 Mr. Sensenbrenner?

659 [No response.]

660 Ms. Deterding. Mr. Coble?

661 [No response.]

662 Ms. Deterding. Mr. Smith?

663 [No response.]

664 Ms. Deterding. Mr. Chabot?

665 Mr. Chabot. No.

666 Ms. Deterding. Mr. Chabot votes no.

667 Mr. Bachus?

668 Mr. Bachus. No.

669 Ms. Deterding. Mr. Bachus votes no.

670 Mr. Issa?

671 [No response.]

672 Ms. Deterding. Mr. Forbes?

673 [No response.]

674 Ms. Deterding. Mr. King?

675 Mr. King. No.

676 Ms. Deterding. Mr. King votes no.

677 Mr. Franks?

678 Mr. Franks. No.

679 Ms. Deterding. Mr. Franks votes no.

680 Mr. Gohmert?

681 Mr. Gohmert. No.

682 Ms. Deterding. Mr. Gohmert votes no.

683 Mr. Jordan?

684 [No response.]

685 Ms. Deterding. Mr. Poe?

686 Mr. Poe. No.

687 Ms. Deterding. Mr. Poe votes no.

688 Mr. Chaffetz?

689 [No response.]

690 Ms. Deterding. Mr. Marino?

691 Mr. Marino. No.

692 Ms. Deterding. Mr. Marino votes no.

693 Mr. Gowdy?

694 [No response.]

695 Ms. Deterding. Mr. Amodei?

696 Mr. Amodei. No.

697 Ms. Deterding. Mr. Amodei votes no.

698 Mr. Labrador?

699 [No response.]

700 Ms. Deterding. Mr. Farenthold?

701 [No response.]

702 Ms. Deterding. Mr. Holding?

703 Mr. Holding. No.

704 Ms. Deterding. Mr. Holding votes no.

705 Mr. Collins?

706 Mr. Collins. No.

707 Ms. Deterding. Mr. Collins votes no.

708 Mr. DeSantis?

709 Mr. DeSantis. No.

710 Ms. Deterding. Mr. DeSantis votes no.

711 Mr. Rothfus?

712 Mr. Rothfus. No.

713 Ms. Deterding. Mr. Rothfus votes no.

714 Mr. Conyers?

715 Mr. Conyers. Aye.

716 Ms. Deterding. Mr. Conyers votes aye.

717 Mr. Nadler?

718 [No response.]

719 Ms. Deterding. Mr. Scott?

720 Mr. Scott. Aye.

721 Ms. Deterding. Mr. Scott votes aye.

722 Mr. Watt?

723 Mr. Watt. Aye.

724 Ms. Deterding. Mr. Watt votes aye.

725 Ms. Lofgren?

726 Ms. Lofgren. Aye.

727 Ms. Deterding. Ms. Lofgren votes aye.

728 Ms. Jackson Lee?

729 Ms. Jackson Lee. Aye.

730 Ms. Deterding. Ms. Jackson Lee votes aye.

731 Mr. Cohen?

732 [No response.]

733 Ms. Deterding. Mr. Johnson?

734 Mr. Johnson. Aye.

735 Ms. Deterding. Mr. Johnson votes aye.

736 Mr. Pierluisi?

737 Mr. Pierluisi. Aye.

738 Ms. Deterding. Mr. Pierluisi votes aye.

739 Ms. Chu?

740 Ms. Chu. Aye.

741 Ms. Deterding. Ms. Chu votes aye.

742 Mr. Deutch?

743 Mr. Deutch. Aye.

744 Ms. Deterding. Mr. Deutch votes aye.

745 Mr. Gutierrez?

746 Mr. Gutierrez. Aye.

747 Ms. Deterding. Mr. Gutierrez votes aye.

748 Ms. Bass?

749 [No response.]

750 Ms. Deterding. Mr. Richmond?

751 Mr. Richmond. Aye.

752 Ms. Deterding. Mr. Richmond votes aye.

753 Ms. DelBene?

754 Ms. DelBene. Aye.

755 Ms. Deterding. Ms. DelBene votes aye.

756 Mr. Garcia?

757 Mr. Garcia. Aye.

758 Ms. Deterding. Mr. Garcia votes aye.

759 Mr. Jeffries?

760 [No response.]

761 Chairman Goodlatte. The gentleman from California, Mr.

762 Issa.

763 Mr. Issa. How am I recorded?

764 Ms. Deterding. Not recorded, sir.

765 Mr. Issa. No.

766 Ms. Deterding. Mr. Issa votes no.

767 Chairman Goodlatte. The gentleman from North Carolina,



768 Mr. Coble.

769 Mr. Coble. No.

770 Ms. Deterding. Mr. Coble votes no.

771 Chairman Goodlatte. The gentleman from South Carolina,

772 Mr. Gowdy.

773 Mr. Gowdy. No.

774 Ms. Deterding. Mr. Gowdy votes no.

775 Chairman Goodlatte. The gentleman from Tennessee, Mr.

776 Cohen.

777 Mr. Cohen. Thank you, Mr. Chair. I vote aye.

778 Ms. Deterding. Mr. Cohen votes aye.

779 Chairman Goodlatte. The gentlewoman from California,

780 Ms. Bass.

781 Ms. Bass. Aye.

782 Ms. Deterding. Ms. Bass votes aye.

783 Chairman Goodlatte. The clerk will report.

784 Ms. Deterding. Mr. Chairman, 15 members voted aye, 16

785 members voted nay.

786 Chairman Goodlatte. And the amendment is not agreed to.

787 Mr. Conyers. Mr. Chairman, may I ask to put in the

788 record the American Association for Justice letter of April

789 10th?

790 Chairman Goodlatte. Without objection, the letter will  
791 be made a part of the record.

792 [The information follows:]

793

794 Mr. Conyers. Thank you.

795 Chairman Goodlatte. And the gentleman from Iowa, Mr.

796 King is recognized.

797 Mr. King. Thank you, Mr. Chairman. I would like to

798 take up King number 4.

799 Chairman Goodlatte. The clerk will report the

800 amendment.

801 Ms. Deterding. Amendment to H.R. 367, offered by Mr.

802 King of Iowa, page 21, after --

803 Chairman Goodlatte. Without objection, the amendment

804 will be considered as read.

805 [The amendment of Mr. King follows:]

806

807 Chairman Goodlatte. And the gentleman is recognized for  
808 5 minutes to explain his amendment.

809 Mr. King. Thank you, Mr. Chairman. I would like to  
810 announce to the committee my amendment is germane and  
811 benign.

812 [Laughter.]

813 Mr. King. And so it is something that I think all of us  
814 will be able to support. We are interested in knowledge,  
815 and this amendment requests a Government Accountability  
816 Office study of the rules and their effect on our economy.  
817 It has 4 simple points to it.

818 Before I go to those points, though, Mr. Chairman, I  
819 would ask unanimous consent to introduce into the record the  
820 bill that I referenced in the previous discussion, H.R.  
821 6333, the Sunset Act, which is the foundation for a number  
822 of the amendments that I have offered here today.

823 Chairman Goodlatte. Without objection, the gentleman's  
824 bill will be entered into the record.

825 [The information follows:]

826

827           Mr. King. Thank you, Mr. Chairman.

828           This amendment, King number 4, as I said, it requires a  
829 Government Accountability Office study of the rules. And  
830 among that study, really there are only 4 components to it,  
831 pretty simple. One are the number of rules that exist  
832 within all the Federal registry, the number of major rules  
833 so that we will be able to separate the effect of the REINS  
834 Act, those rules that are \$100 million and more, and those  
835 rules that are less, so this Congress gets a handle on it,  
836 all the rules and the major rules separated from them, and  
837 then an estimation of the economic cost of these rules. And  
838 that sum total, of course, would be the rules all added up.  
839 We would ask the GAO to deliver that back to this Congress  
840 within one year of enactment.

841           And I might even suggest that gathering that information  
842 perhaps a little more than a year from now would help us put  
843 together a constructive perspective on the impact of rules  
844 on our economy, the burden that we have on American business  
845 especially, and American employers.

846           But I would suggest also that one of the arguments that  
847 I have been making here in this committee today goes beyond

848 the discussions that we have had. And I have, and I think  
849 every one of us have had constituents come to us and plead  
850 with us to get some relief from the executive branch's  
851 overburden of the rules that are imposed upon good, solid  
852 law abiding American citizens. When they go sit at the desk  
853 of a bureaucrat who is writing a rule, that bureaucrat often  
854 is inside the beltway with the mentality that somebody from  
855 out in the hinterlands is coming in not knowing the policy  
856 and not knowing what the purpose of the rules are.

857 I am going to suggest that bureaucrats do not know how  
858 it affects real people outside the beltway. And if those  
859 bureaucrats that are writing this massive number of rules,  
860 if they understand that we would be in a position in this  
861 Congress to hear from our constituents and bring a rule or a  
862 group of rules, that all rules if they come back before the  
863 United States Congress for a debate, if we can separate a  
864 rule out, if we can force a vote on it, every bureaucrat  
865 would thereafter listen more closely to our constituents.  
866 And that is an underlying concept of what I have discussed  
867 here with regard to the REINS Act.

868 And certainly I support the REINS Act as being an

869 original co-sponsor. I would urge adoption of my amendment,  
870 which is simply a GAO study to count the rules, separate the  
871 major rules from the total rules, calculate the economic  
872 costs, and get it back to this Congress in a year.

873 That is my summary of the request on the report, Mr.  
874 Chairman. I would urge its adoption and yield back the  
875 balance of my time.

876 Chairman Goodlatte. I thank the gentleman.

877 Mr. Conyers. Mr. Chairman?

878 Chairman Goodlatte. The chair recognizes the gentleman  
879 from Michigan for 5 minutes.

880 Mr. Conyers. I rise in opposition to the amendment. It  
881 has been described as germane and benign, and that is half  
882 right. It is germane, but it certainly is not benign.

883 To put this kind of a burden on the General Accounting  
884 Office without any assurances that they would have the  
885 resources or finance to do the things that we keep ordering  
886 them to do. Here we have a very exciting requirement. Let  
887 us study and submit a report on how many rules were in  
888 effect as of the enactment date of this measure, and how  
889 many major rules were in effect on such date, and the total

890 economic impact of those rules.

891 Now, this is a serious amendment, and as I said, the  
892 only thing I can find in this amendment to compliment the  
893 author on is that it is germane. Please join me in  
894 opposition to this amendment.

895 And I return the balance of my time.

896 Mr. Scott. Would the gentleman yield?

897 Mr. Conyers. Yes, I would.

898 Mr. Scott. Would the gentleman yield? I would just  
899 point out that on line 12, it says a total estimated  
900 economic cost, but it does not suggest that you also  
901 calculate the societal savings, such as savings in health  
902 care, or avoided accidents, and things like that, to show  
903 the benefit of the proposed rules. And that absence, I  
904 think, would suggest that we should defeat the amendment.

905 And I yield back.

906 Mr. Conyers. Thank you. I yield back, Mr. Chairman.

907 Chairman Goodlatte. I thank the gentleman.

908 The chair recognizes himself for 5 minutes.

909 The amendment is germane, it is helpful, and I support  
910 the amendment. The number and cumulative burden of existing



911 regulations, including major and non-major regulations, is a  
912 big reason why our economy is failing to produce the kind of  
913 job creation and recovery America needs.

914 The study is a worthy one that will help Congress to  
915 assess reforms directed at existing regulations. This would  
916 include reforms that could be incorporated in the future  
917 into the REINS Act or other regulatory reform legislation.

918 I thank the gentleman, and I urge my colleagues to  
919 support the amendment.

920 The question is on the amendment. All those in favor  
921 will say aye.

922 Those opposed, no.

923 In the opinion of the chair, the ayes have it, and the  
924 amendment is agreed to.

925 Are there further amendments?

926 For what purpose does the gentleman from North Carolina  
927 seek recognition?

928 Mr. Watt. Mr. Chairman, I have an amendment at the  
929 desk. I actually have two amendments at the desk. And in  
930 light of the fact that I suspect the disposition on both  
931 will be the same, I would just move that they be considered

932 en bloc.

933 Chairman Goodlatte. Without objection, the two  
934 amendments of the gentleman from North Carolina will be  
935 considered en bloc.

936 And the clerk will report both amendments.

937 Ms. Deterding. Amendment to H.R. 367 --

938 Mr. Watt. I ask unanimous consent the amendments be  
939 considered as read.

940 Chairman Goodlatte. Without objection, the amendments  
941 will be considered as read.

942 [The amendments of Mr. Watt follow:]

943

944 Chairman Goodlatte. And the gentleman is recognized for  
945 5 minutes to explain his amendments.

946 Mr. Watt. Thank you, Mr. Chairman. And I think Mr.  
947 Garcia made an important point earlier in debate on an  
948 earlier amendment that most people do not realize that no  
949 government can operate without regulations, either State,  
950 local, or Federal. And quite often when constituents come  
951 to my office and complain about the amount and volume of  
952 regulations and the fact that regulators are bureaucrats  
953 running our government, I explain to them that the only  
954 thing that would be worse than that is if Congress  
955 considered every potential ramification of a piece of  
956 legislation as opposed to punting a lot of these difficult  
957 issues over to people who actually have some expertise.

958 And in no place is this illustrated better than in the  
959 Dodd-Frank Wall Street Reform and Consumer Protection Act  
960 and in the creation of the Consumer Financial Protection  
961 Bureau, which was done in that act. Mr. Bachus on your side  
962 of the aisle was the ranking member of the Financial  
963 Services Committee when this legislation was considered and  
964 passed.

965           And what we did in a number of cases, because we did not  
966 understand how to draw the lines between which derivatives,  
967 or collateralized debt obligations, or sophisticated  
968 securitization devices were good and which ones were bad, is  
969 that we set some general rules and allowed the people who  
970 would listen to the industry and arguments on all sides, and  
971 try to draw balances that were delicate to do that instead  
972 of trying to write into the legislation itself every detail  
973 that needed to be addressed.

974           And so it is important that we allow the process to run  
975 its course because it was actually the absence of  
976 regulations and enforcement that resulted in the substantial  
977 meltdown of our economy. Mr. Scott just made an excellent  
978 point: you cannot look at just the negatives of regulations  
979 or laws. You have to look at the benefits of them. If we  
980 had had the benefits of regulations and effective  
981 regulations, our economy would not be in the ditch that it  
982 has been in for the last several years.

983           So what this amendment does is exempt the rules that  
984 will be written under Dodd-Frank Wall Street Reform and  
985 Consumer Protection Act, and exempt the rules that would be

986 adopted by the Consumer Financial Protection Bureau for the  
987 protection of consumers.

988 Now, let me address, while I have the floor here,  
989 another argument that I think is very specious, that somehow  
990 regulations are creating the job loss in this country. What  
991 I hear more from my constituents, on the business community  
992 in particular, is that the uncertainty that is being created  
993 by the like of regulations and laws is making it impossible  
994 for them to move forward.

995 And what this bill is going to do is add to the level of  
996 uncertainty by delaying the adoption of rules in the  
997 economic area by having the regulators punt back to us the  
998 very things that we have punted to them in the first place  
999 to be experts on. So we have got this vicious cycle going.  
1000 We tell the regulators we need you --

1001 Mr. Chairman, could I ask for 2 additional minutes since  
1002 I consolidated these two amendments?

1003 Chairman Goodlatte. The gentleman makes a good point.

1004 Mr. Watt. I could have gotten 10 minutes to do it.

1005 Chairman Goodlatte. Without objection, the gentleman is  
1006 recognized for 2 additional minutes.

1007       Mr. Watt. All right, thanks.

1008       So here is what we did in Dodd-Frank. We said this is  
1009 too complicated for us to do it, so we are going to punt it  
1010 to the regulators. Then we punted it to the regulators, and  
1011 now this bill says the regulators have got to punt it back  
1012 to us for us to evaluate it, which prolongs the process of  
1013 getting to a certainty for the business community to be able  
1014 to have a set of rules and regulations that they are  
1015 adopting.

1016       This is the same thing that happened with us in the  
1017 economy when we failed to do the debt ceiling bill. When we  
1018 sit here and then turn around and blame unemployment on the  
1019 private sector or on the regulations, we are the ones that  
1020 are creating the uncertainty in our economy when we pass  
1021 legislation of this kind.

1022       So I think what we would like to do, and I hope Mr.  
1023 Bachus in particular would agree with me, is let the rules  
1024 go forward, be drawn up. If we find that there is some  
1025 problem, we have the authority to go back and legislate and  
1026 change the rules of the road and change what we delegated to  
1027 these regulators. We do not have to do it on a

1028 micromanagement basis, case by case by case. We can look at  
1029 the impact of what they are doing, and we can change the  
1030 law. That is what we are here for.

1031 So, Mr. Chairman, I just think this is not a good idea,  
1032 the underlying legislation. And if we are going to do it,  
1033 at least let us exempt the rules that are under the  
1034 regulation of the other committee that I happen to be a  
1035 member of. And that is what these two amendments would do.

1036 I yield back.

1037 Chairman Goodlatte. I thank the gentleman.

1038 For what purpose does the gentleman from Alabama seek  
1039 recognition?

1040 Mr. Bachus. To vigorously oppose this amendment.

1041 Chairman Goodlatte. The gentleman is recognized for 5  
1042 minutes with the option to seek renewal for 2 more.

1043 Mr. Bachus. Mr. Chairman, I do not know if there is a  
1044 member of this committee that has not been contacted by  
1045 their hometown banks or credit unions with a complaint about  
1046 Dodd-Frank. Dodd-Frank was the most massive change in our  
1047 financial system in the history of this country. And in  
1048 most cases, what it did was take away the ability of lenders

1049 and borrowers to make an agreement as to how much money  
1050 would be loaned and at what interest rate, and put those  
1051 decisions in the hands of regulators.

1052 Now, go back to our Constitution that reserves certain  
1053 powers to the people. Did we ever think that under our  
1054 Constitution the decision to loan money would be vested in  
1055 Federal regulators? Think of this. This is money that the  
1056 bank or the financial institution, it is their money. They  
1057 are going to loan it. Who should make a decision on whether  
1058 to loan or not? Should a Federal regulator actually say, as  
1059 they have done many times under Dodd-Frank, you cannot loan  
1060 that money?

1061 Now, sometimes when you loan that money, it is not paid  
1062 back. But again, when it is not paid back, whose obligation  
1063 is it to intervene? Is it the obligation of the government  
1064 to come in when money is not paid back and bail out the  
1065 financial institution? I do not think so.

1066 One of the promises of Dodd-Frank that even Chairman  
1067 Bernanke and almost every member of the Federal Reserve,  
1068 including just the other day Jeffrey Lacker of the Federal  
1069 Reserve, president of the Richmond branch of the Federal



1070 Reserve, said Dodd-Frank statutorily establishes bailouts,  
1071 taxpayer bailouts.

1072 Now, after what happened in 2008, and what happened in  
1073 2008? Well, the biggest problem was subprime lending, and  
1074 the largest 3 subprime lenders were not regulated by the  
1075 Federal government. We solved that problem before Dodd-  
1076 Frank when we passed the tough subprime lending bill. But  
1077 interestingly enough, just to tell you about what regulation  
1078 can and cannot do, Mr. Watt and I both pointed to North  
1079 Carolina as a model subprime lending law by the State of  
1080 North Carolina. But interestingly enough, the defaults in  
1081 North Carolina were almost as great in the high growth area  
1082 as anywhere else. So even a tough law there did not do much  
1083 good.

1084 He talks about the Consumer Financial Protection Bureau.  
1085 You know, they are going into banks today, and they are  
1086 looking not for fraud or misrepresentation, but in many  
1087 cases, they are looking at the term, not whether something  
1088 is usurious, but they are going in and telling them they  
1089 have to charge fees for certain things. Or one of the  
1090 things that Dodd-Frank did, it pretty much ended free

1091 checking. I would say that we have an obligation.

1092 And let us talk about the Consumer Financial Protection  
1093 Bureau. There are only 2 Federal agencies where the  
1094 director of that agency has the sole power to write a rule  
1095 and enforce that rule without any intervention of the  
1096 Congress. Now, I do not know if the members of this  
1097 committee know what those two agencies are. One of them is  
1098 the EPA. The EPA director can basically, whatever he says  
1099 is the law. There is no commission. There is no bipartisan  
1100 commission.

1101 The House actually passed the Consumer Financial  
1102 Protection Bureau. It passed a bipartisan commission. The  
1103 Senate, on the other hand, changed that and ordered a  
1104 director. And guess what? The director of that agency was  
1105 appointed as a recess appointment when the Senate was not in  
1106 recess. And the Supreme Court has already ruled that a  
1107 similar appointment --

1108 Chairman Goodlatte. Without objection, the gentleman  
1109 from Alabama is recognized for an additional 90 seconds.

1110 Mr. Bachus. So there are 2 agencies to me that need  
1111 more oversight than any, and those are the 2 agencies where,

1112 in fact, we do not have any power of appropriation. We do  
1113 not appropriate their money. And when they issue a rule, we  
1114 are powerless without at least this amendment to say  
1115 anything about it, and that is as far as a departure from  
1116 Article 1. And the idea that the government can decide who  
1117 you loan money to and actually compel you in certain cases  
1118 to loan money to someone you may not want to loan money to,  
1119 to me is just a great loss of our freedom.

1120 But if there is one agency that needs this bill is the  
1121 Consumer Financial Protection Bureau, which is the most  
1122 powerful body we have ever created. And they have been  
1123 given sole discretion. And let me tell you, every member of  
1124 the Financial Services Committee opposed giving them that  
1125 type of power.

1126 Mr. Cohen. Will the gentleman yield for a question?

1127 Chairman Goodlatte. The time of the gentleman has  
1128 expired.

1129 The chair will recognize the gentleman for 5 minutes.

1130 Mr. Cohen. Thank you, Mr. Chairman. Mr. Bachus, we  
1131 share a concern about community banks. You brought it up in  
1132 our subcommittee. Is there a way that Mr. Watt's amendment

1133 could be limited to larger banks and the community banks not  
1134 have this burden put on them, and just find a way to address  
1135 the community bank issues?

1136 Mr. Bachus. Well, I will tell you that I think 80  
1137 percent of the problem is with the community banks and the  
1138 credit unions. I will say this, though. With the larger  
1139 institutions, I think the bailout authority, taxpayer  
1140 bailout, is the big problem. So if we exempted the large  
1141 institution, we would be exempting our ability to review  
1142 bailouts.

1143 In fact, there are several sections of the Dodd-Frank  
1144 which allow the Federal government to fund bailouts of  
1145 creditors or counterparties. And, yeah, the American  
1146 people, they are tired of this too big to fail. And, I  
1147 mean, I understand what you are saying, and I have sympathy  
1148 with it. And I had not thought about it before Mr. Watt's  
1149 amendment, but this may actually allow us, give us one more  
1150 lever in stopping another bailout.

1151 And the American people do not believe in too big to  
1152 fail, nor too small to save. They do not believe when  
1153 somebody risks their money, if they make a profit, that

1154 company keeps the money. If they have a loss, the taxpayers  
1155 come in and subsidize. Or as some of my Democratic  
1156 colleagues and I have agreed, you privatize the profits, you  
1157 socialize the losses. People made bets. If they won the  
1158 bets, they were paid millions of dollars. They lost those  
1159 bets, the American people had to step forward. They did not  
1160 have to, but because most of us fought those bailouts.

1161 Mr. Cohen. So is the answer then, yes, we could make an  
1162 amendment and --

1163 Mr. Bachus. Well, I would say this. Because of the too  
1164 big to fail, it just takes it off the hook. I think we  
1165 ought to look at all of it. I do not think Congress ought  
1166 to abdicate its Article 1 obligations in any way. And, I  
1167 mean, I know it has been hundreds of years since our  
1168 Constitution, but to ever conceive that we as members of the  
1169 legislative branch would say we should not undertake the  
1170 review of the executive branch's execution of our orders to  
1171 see if we feel like they have complied.

1172 In fact, in many cases, I think we know of cases where  
1173 the regulators went further than we authorized. And we have  
1174 said, hey, we did not intend for that to happen.

1175           I mean, I can tell you, every day some financial  
1176 institution or developers, real estate, realtors, come in my  
1177 office and say, you know, that under Dodd-Frank -- this was  
1178 3,200 pages. I mean, it is probably 10 times bigger than  
1179 any other financial statute we have ever passed, and it is  
1180 an absolute disaster. Go home and talk to your community  
1181 banker and ask him, number one, did he cause the financial  
1182 crisis or the credit unions. They will tell you no. Is he  
1183 affected by Dodd-Frank? Yes.

1184           Mr. Cohen. Thank you, sir. I was just trying to help  
1185 the community banker like you are, and I thank you for your  
1186 response.

1187           Mr. Bachus. And, I mean, we do both agree that this has  
1188 been a terrible, costly statute for our community bankers.  
1189 These are Main Street bankers. And they are disappearing  
1190 every day. They are throwing in the towel and saying I  
1191 cannot comply with these regulatory costs. If there is ever  
1192 a reason why we need this legislation, it is Dodd-Frank.

1193           Chairman Goodlatte. The gentleman yields back? The  
1194 gentleman yields back.

1195           The chair recognizes himself in opposition to the

1196 amendment. The purpose of the REINS Act is to enable the  
1197 Congress with major pieces of regulation to be able to look  
1198 to see if that regulation reflects the intent of the  
1199 Congress in passing the original legislation and for the  
1200 Congress to be informed by that regulatory process. What  
1201 they learn about the cost of that regulation, the burden of  
1202 the regulation, or whether the regulation needs to be  
1203 enhanced in some other way because it does not accomplish  
1204 its purpose, is the purpose of the REINS Act, enabling the  
1205 Congress to review that.

1206       There is absolutely no doubt that the Dodd-Frank  
1207 legislation and the Consumer Financial Protection Bureau  
1208 created by that legislation is a prime example of where the  
1209 Congress should be taking that look. Another area is with  
1210 the Affordable Care Act. The former speaker of this House  
1211 famously said you have to pass the legislation to find out  
1212 what is in it. And that is perhaps the best single sentence  
1213 explanation for why we need the REINS Act. When you pass  
1214 legislation and after you pass it you find out what is in  
1215 it, you find out the impact of it, that is the time for the  
1216 Congress to step back in and say, you know what, that is not

1217 what we intended. And that is the purpose of the REINS Act,  
1218 and that is why I must oppose the amendment offered by my  
1219 good friend from North Carolina.

1220 And I yield back.

1221 Mr. Conyers. Mr. Chairman.

1222 Chairman Goodlatte. The chair recognizes the gentleman  
1223 from Michigan, Mr. Conyers.

1224 Mr. Conyers. May I remind the committee that there are  
1225 2 amendments connected to the Watt proposal? One would  
1226 exempt the Consumer Financial Protection Bureau from the  
1227 effects of this bill and for very important reasons. The  
1228 home foreclosure crisis of 2008, the ensuing recession of  
1229 which we are slowly trying to get out of, stem from the fact  
1230 that the regulators under a previous Administration lacked  
1231 the direction, resources, and authority to confront highly  
1232 reckless behavior, particularly on Wall Street, and  
1233 particularly the lending and financial services industries.

1234 The other Watt amendment that we are considering exempts  
1235 the bills from the Dodd-Frank Reform Act. Now, this is a  
1236 bill that was able to get past the Congress, including the  
1237 House, and was designed to ensure that the largest financial



1238 institutions could no longer put the rest of the Nation in  
1239 economic jeopardy.

1240 On that point, I would yield to the author of both these  
1241 amendments, Mr. Watt.

1242 Mr. Watt. I thank the gentleman for yielding. And I am  
1243 actually not going to prolong and belabor this point. I  
1244 think Mr. Bachus helped me to make a very important point.  
1245 Half of the people on the Judiciary Committee went to sleep  
1246 when I was in my first 8 minutes. The other half of the  
1247 committee went to sleep when Mr. Bachus was in his 12 or 15  
1248 minutes, however many minutes you gave him.

1249 And it illustrates an important point about  
1250 jurisdictions of committees. And, you know, we spent months  
1251 on the Dodd-Frank legislation in Financial Services, and 90  
1252 percent of the time 90 percent of the committee did not know  
1253 what we were talking about. And so this is a preview of  
1254 what you are going to get when and if the REINS Act passes,  
1255 and these regulations come back to the floor, and you ask  
1256 435 members of the House who have no background to evaluate  
1257 where the lines ought to be drawn that we could not decide  
1258 where to draw them. If we could have decided where to draw

1259     them, I guarantee you Dodd-Frank would be millions of pages  
1260     long rather than the size that it is because we would have  
1261     written the regulations into the legislation itself. The  
1262     reason you do this, as I tried to point out in the original  
1263     debate, was that you delegate these decisions to people who  
1264     have expertise to make the fine distinctions, who understand  
1265     the nuances.

1266             And you are setting yourself up under the REINS Act to  
1267     have 90 percent of the people asleep on the floor debating  
1268     about whether a rule about derivatives makes sense or not,  
1269     who do not have a clue what a derivative is. And you just  
1270     heard the best illustration of it right here.

1271             There is no way we ought to be having this discussion in  
1272     the Judiciary Committee, and I am going to submit to you  
1273     that there is no way we ought to be having this discussion  
1274     on the floor of the House. That is just not the way our  
1275     government can work.

1276             So I appreciate the gentleman yielding to me. You know,  
1277     I am not going to try to correct all of the history  
1278     rewriting that my good friend has done in his comments. I  
1279     think you see the problem that you are creating if this bill

1280 passes.

1281 And I yield back to Mr. Conyers.

1282 Chairman Goodlatte. I thank the gentleman, and the  
1283 chair wants to make very clear that we are trying to be  
1284 scrupulously fair. The gentleman received 7 minutes. The  
1285 gentleman from Alabama received 7 minutes. And the  
1286 gentleman from Tennessee was exceedingly generous in giving  
1287 Mr. Bachus the additional time that he had.

1288 The chair now recognizes the gentleman from Texas. And  
1289 if the gentleman would yield to me for 30 seconds, I would  
1290 appreciate that.

1291 Mr. Poe. I move to strike the last word, and I will  
1292 yield to the chairman.

1293 Chairman Goodlatte. I thank the gentleman. And I just  
1294 want to say that the idea that the Congress would write  
1295 millions of pages is scary, and I do not think the Congress  
1296 would. But it is a lot less scary to me for the Congress  
1297 to, as elected representatives of the people who can be held  
1298 accountable, to look at the details of regulations after  
1299 they are written, which is what this provides for, than it  
1300 would be to have an unelected bureaucrat in the case of the

1301 director of the Consumer Financial Services Board, that has  
1302 absolutely no check and balance whatsoever. And it is one  
1303 of many reasons why I voted against that legislation the  
1304 first time.

1305 And I thank the gentleman for yielding, and I yield back  
1306 to him his time.

1307 Mr. Poe. Thank you, Mr. Chairman. I have long since  
1308 personally thought that Congress for years, even before I  
1309 got here, passes legislation and then tells the unelected  
1310 bureaucrats, you handle it, we do not want to be accountable  
1311 for what you do. And that has happened for all kinds of  
1312 reasons, some political, some not.

1313 And because of that, the elected representatives have  
1314 bequeathed our responsibility for law making of the country  
1315 to the bureaucrats. We have done that. They have accepted  
1316 that responsibility, and they make regulations. That is  
1317 what regulators do. They go to work. They regulate the  
1318 country. And in my opinion, they are unaccountable.

1319 Just one statistic. In 2008, the Small Business  
1320 Administration said that it cost \$1.75 trillion for  
1321 businesses to comply with Federal regulations. That is just

1322 a number. I do not how many zeroes a trillion has. But in  
1323 the same year, the United States brought in income tax  
1324 revenue from corporations and individuals less than that  
1325 money. So it is costing more to regulate the country than  
1326 what we bring in income taxes by individuals and by the  
1327 corporations. It seems like that is a bit out of whack.

1328 Congress, I think we have the responsibility to fix  
1329 that, make sure regulators regulate where they should, and  
1330 should not regulate where we think they should not regulate.  
1331 That is our responsibility, not the regulators.

1332 So I would oppose the gentleman's amendments, and I  
1333 would support the underlying bill.

1334 Mr. Nadler. Mr. Chairman?

1335 Chairman Goodlatte. For what purpose does the gentleman  
1336 from New York seek recognition?

1337 Mr. Nadler. Strike the last word.

1338 Chairman Goodlatte. The gentleman is recognized for 5  
1339 minutes.

1340 Mr. Nadler. Thank you. I will not take 5 minutes. I  
1341 just want to make a comment about what we just heard a  
1342 moment ago.

1343           The regulators do regulate. That is the job that we  
1344   have delegated to them. And they have to, and we cannot do  
1345   that job because, frankly, society is just too complex. Mr.  
1346   Scott told me a moment ago about when he was in the Virginia  
1347   Delegate Assembly and they were considering legislation  
1348   about whether a septic tank should be 40 or 50 feet from a  
1349   tree. And he thought, you know, that is not the expertise  
1350   of a legislator necessarily. And I said, well, depending on  
1351   what kind of septic tank, what kind of tree. You need a  
1352   regulator for that.

1353           And in the bills that we have passed, we have delegated  
1354   specific decisions on specific questions to EPA or to  
1355   different -- you know, what level of mercury. We are not  
1356   competent really to say what level of mercury is toxic and  
1357   whatnot. We delegate that to people who specifically spend  
1358   all their time on that question of expertise on that  
1359   question. I just picked that out of the air. There are a  
1360   lot of other questions I could have picked up.

1361           If we disagree with a regulation that is issued, it is  
1362   always our prerogative to come back and in legislation  
1363   overrule it. But to say that we have to approve in advance

1364 every major regulation, you know perfectly well we do not  
1365 have the time or the ability to do that. We do not have the  
1366 time and ability to do what we do now. We certainly do not  
1367 have the time or the ability to go through thousands or god  
1368 knows how many regulations there are and devote any  
1369 expertise or any competence to it.

1370 If someone has a specific complaint about a specific  
1371 regulation, either saying that the regulatory agency has  
1372 exceeded the authority that we have delegated to them or  
1373 that they have exercised it within their prerogative that we  
1374 have delegated it, but unwisely, then they can come to  
1375 Congress and we can consider that. And that is our current  
1376 system, and it serves us well.

1377 And that is the way we have to do it because to go any  
1378 further would just load us up where on specific questions  
1379 where we may not have the expertise, and we certainly do not  
1380 have the time and the ability, which is why we set up these  
1381 regulatory agencies in the first place.

1382 I will yield. I will yield to the gentleman.

1383 Mr. Conyers. Thank you. I want to make it clear at  
1384 this hearing that the problem that we are trying to deal

1385 with in H.R. 367 is already on the books, and it is called  
1386 the Congressional Review Act of 1996 that gives Congress the  
1387 tools to review both major and non-major rules. And under  
1388 this act, we do not need to repeat this, and that is why I  
1389 think both of the Watt proposals to exclude from this  
1390 measure both Dodd-Frank and the Consumer Financial  
1391 Protection Act are very logical and rational exclusions to a  
1392 measure which we think is unnecessary in the first place.

1393 And I thank the gentleman for yielding.

1394 Mr. Nadler. And I will reclaim the time, and I will  
1395 simply say that I hope that we will not add too many  
1396 millions more pages no this amendment to the record. I  
1397 attempted to, but we will not move the question on the  
1398 amendment.

1399 Mr. Chabot. Mr. Chairman?

1400 Chairman Goodlatte. For what purpose does the gentleman  
1401 from Ohio seek recognition?

1402 Mr. Chabot. Move to strike the last word.

1403 Chairman Goodlatte. The gentleman is recognized for 5  
1404 minutes.

1405 Mr. Chabot. I will yield to the gentleman from Alabama.



1406           Mr. Bachus. Thank you. Let me go back. I think Mr.  
1407 Watt said something I think is very true, and that is that  
1408 many members of this committee, they either were not here in  
1409 Congress in 2008, or if they were here, they were not  
1410 sitting on the Financial Institutions Committee.

1411           But just to refresh everyone's mind, what was the first  
1412 failure in 2008 that precipitated a bailout? Was it a  
1413 failure of a private institution? No, it was a failure of a  
1414 government-sponsored enterprise, Fannie and Freddie, Fannie  
1415 Mae, Freddie Mac, \$165 billion.

1416           And believe you me, leading up to 2008 there were  
1417 several lending practices --

1418           Mr. Nadler. Would the gentleman yield for a second?

1419           Mr. Bachus. Yes.

1420           Mr. Nadler. It is my recollection that Fannie and  
1421 Freddie were private, no longer government-sponsored  
1422 enterprises, but were private companies at that point. Am I  
1423 not correct?

1424           Mr. Bachus. Well, did we bail them out? They are GSEs.  
1425 Do you know what stands for?

1426           Mr. Nadler. Yeah, they are formerly --

1427 Mr. Bachus. Government-sponsored enterprise?

1428 Mr. Nadler. But they were no longer GSEs. They are no  
1429 longer now, and they were no longer then.

1430 Mr. Bachus. Secretary Paulson told us that he felt like  
1431 there was an implied guarantee in that --

1432 Mr. Nadler. Well, there was an implied guarantee for  
1433 AIG and for Goldman Sachs, too. But the fact is that Fannie  
1434 and Freddie were no longer government-owned enterprises at  
1435 that point.

1436 Mr. Bachus. Reclaiming my time, I do not think anybody  
1437 thinks that Goldman Sachs, and I do not know who else you  
1438 mentioned, are government-sponsored enterprises. We put  
1439 \$165 billion. Every Republican in the House voted no.

1440 But what led up to the bailout of Fannie and Freddie,  
1441 which by far is the greatest cost --

1442 Mr. Watt. Would the gentleman yield just for a second?

1443 Mr. Bachus. No, I will not yield. I let the gentleman  
1444 talk. I did not interrupt him.

1445 What happened before that, Fannie and Freddie did two  
1446 things. They kept relaxing their lending standards and they  
1447 lent money, and this was a government-sponsored enterprise,

1448 to people who had bad credit, without any down payment. But  
1449 they did something even more significant, and it was the  
1450 subprime lending that got us into underwriting standards  
1451 that were basically adopted by Fannie and Freddie that got  
1452 us into the trouble.

1453 But what else did they do? They bought 80 percent of  
1454 the mortgage-backed securities. They were the ones that  
1455 bought all these what we now refer to as toxic assets. They  
1456 guaranteed them. They securitized them. They were the ones  
1457 that allowed Countrywide and these other institutions to  
1458 package these things and pawn them off.

1459 Now, something else happened in 2008, too, before  
1460 leading up to that. In the wisdom of our Federal  
1461 regulators, they said to the community banks, you have to  
1462 have so much capital, cash or equivalence. Now, we will,  
1463 because we want to finance Fannie and Freddie, we will let  
1464 you buy stock in Fannie and Freddie. I do not know if you  
1465 all recall that. We will let you buy stock, and we will  
1466 count that as cash. You can count that as cash.

1467 Well, in 2008 when Fannie and Freddie failed, the  
1468 community banks, the majority of which were holding this

1469 stock which the Federal regulators encouraged them to hold  
1470 by saying we will let you count that as cash, that  
1471 evaporated. That immediately evaporated. That money was  
1472 gone. And that is just another reason that we need every  
1473 tool in our arsenal to check Federal regulators. And too  
1474 big to fail, it first started in 1984 with the bailout of  
1475 Continental Illinois, but it took on a vengeance in 2008.

1476 And let me say this. Peter Lawson, American Enterprise  
1477 Institute, testified before our committee just a few months  
1478 ago, and he said, now, if you do not think Dodd-Frank is  
1479 determining who is too big to fail and who is not, why do  
1480 you think we actually under Dodd-Frank --

1481 Chairman Goodlatte. The time of the gentleman has  
1482 expired.

1483 Mr. Bachus. Well, I will just say it was SIFIs,  
1484 significantly important financial institutions. There is  
1485 your indication of what they plan to do.

1486 Chairman Goodlatte. For what purpose does the gentleman  
1487 from Virginia seek recognition?

1488 Mr. Scott. Mr. Chairman, move to strike the last word.

1489 Chairman Goodlatte. The gentleman is recognized for 5

1490 minutes.

1491 Mr. Scott. Mr. Chairman, the bill is unworkable even to  
1492 the point where if you just read the definitions, the rules  
1493 promulgated to affect the bill, put the bill in effect,  
1494 would be subject to the rule. The bill could not go into  
1495 effect until you passed the rules. What is a major rule?  
1496 What is an annual effect on the economy of \$100 million?  
1497 You have to have rules and regulations to help define that.

1498 I yield to the gentleman from North Carolina.

1499 Mr. Watt. Mr. Chairman, and I do not want to belabor  
1500 this. I just want to correct the record. Mr. Nadler said  
1501 Fannie and Freddie were not government-sponsored  
1502 enterprises. They still were government-sponsored  
1503 enterprises. I do want that to be clear in the record. But  
1504 government-sponsored enterprises had private shareholders, a  
1505 private board of directors, a private sector management, one  
1506 foot in the public sector, one foot in the private sector.

1507 So I am sure you all are interested in those kinds of  
1508 details. I hope you are ready to understand all of those  
1509 kinds of details when we start looking at the regulations  
1510 that go to be reviewed by you under this legislation. That

1511 is the original point that I wanted to make.

1512 I yield back. I appreciate the gentleman allowing me to  
1513 correct the record.

1514 Chairman Goodlatte. The question occurs on the  
1515 amendment.

1516 Mr. Nadler. Mr. Chairman.

1517 Chairman Goodlatte. All those in favor, say aye.

1518 Those opposed, no.

1519 In the opinion of the chair, the noes have it, and the  
1520 amendment --

1521 Mr. Watt. Mr. Chairman, I ask for a recorded vote.

1522 Chairman Goodlatte. The amendment is en bloc. I want  
1523 to make that clear. We are voting for --

1524 Mr. Watt. I ask for a recorded vote on the amendments  
1525 en bloc.

1526 Chairman Goodlatte. The gentleman has asked for a  
1527 recorded vote, and it will be on the gentleman's 2  
1528 amendments considered en bloc. The clerk will call the  
1529 roll.

1530 Ms. Deterding. Mr. Goodlatte?

1531 Chairman Goodlatte. No.

1532 Ms. Deterding. Mr. Goodlatte votes no.  
1533 Mr. Sensenbrenner?  
1534 [No response.]  
1535 Ms. Deterding. Mr. Coble?  
1536 Mr. Coble. No.  
1537 Ms. Deterding. Mr. Coble votes no.  
1538 Mr. Smith?  
1539 [No response.]  
1540 Ms. Deterding. Mr. Chabot?  
1541 [No response.]  
1542 Ms. Deterding. Mr. Bachus?  
1543 Mr. Bachus. No.  
1544 Ms. Deterding. Mr. Bachus votes no.  
1545 Mr. Issa?  
1546 [No response.]  
1547 Ms. Deterding. Mr. Forbes?  
1548 [No response.]  
1549 Ms. Deterding. Mr. King?  
1550 Mr. King. No.  
1551 Ms. Deterding. Mr. King votes no.  
1552 Mr. Franks?

1553 Mr. Franks. No.

1554 Ms. Deterding. Mr. Franks votes no.

1555 Mr. Gohmert?

1556 Mr. Gohmert. No.

1557 Ms. Deterding. Mr. Gohmert votes no.

1558 Mr. Jordan?

1559 [No response.]

1560 Ms. Deterding. Mr. Poe?

1561 Mr. Poe. No.

1562 Ms. Deterding. Mr. Poe votes no.

1563 Mr. Chaffetz?

1564 Mr. Chaffetz. No.

1565 Ms. Deterding. Mr. Chaffetz votes no.

1566 Mr. Marino?

1567 Mr. Marino. No.

1568 Ms. Deterding. Mr. Marino votes no.

1569 Mr. Gowdy?

1570 Mr. Gowdy. No.

1571 Ms. Deterding. Mr. Gowdy votes no.

1572 Mr. Amodei?

1573 Mr. Amodei. No.



1574 Ms. Deterding. Mr. Amodei votes no.  
1575 Mr. Labrador?  
1576 [No response.]  
1577 Ms. Deterding. Mr. Farenthold?  
1578 Mr. Farenthold. No.  
1579 Ms. Deterding. Mr. Farenthold votes no.  
1580 Mr. Holding?  
1581 Mr. Holding. No.  
1582 Ms. Deterding. Mr. Holding votes no.  
1583 Mr. Collins?  
1584 Mr. Collins. No.  
1585 Ms. Deterding. Mr. Collins votes no.  
1586 Mr. DeSantis?  
1587 Mr. DeSantis. No.  
1588 Ms. Deterding. Mr. DeSantis votes no.  
1589 Mr. Rothfus?  
1590 Mr. Rothfus. No.  
1591 Ms. Deterding. Mr. Rothfus votes no.  
1592 Mr. Conyers?  
1593 Mr. Conyers. Aye.  
1594 Ms. Deterding. Mr. Conyers votes aye.

1595 Mr. Nadler?

1596 Mr. Nadler. Aye.

1597 Ms. Deterding. Mr. Nadler votes aye.

1598 Mr. Scott?

1599 Mr. Scott. Aye.

1600 Ms. Deterding. Mr. Scott votes aye.

1601 Mr. Watt?

1602 Mr. Watt. Aye.

1603 Ms. Deterding. Mr. Watt votes aye.

1604 Ms. Lofgren?

1605 [No response.]

1606 Ms. Deterding. Ms. Jackson Lee?

1607 Ms. Jackson Lee. Aye.

1608 Ms. Deterding. Ms. Jackson Lee votes aye.

1609 Mr. Cohen?

1610 Mr. Cohen. Aye.

1611 Ms. Deterding. Mr. Cohen votes aye.

1612 Mr. Johnson?

1613 Mr. Johnson. Aye.

1614 Ms. Deterding. Mr. Johnson votes aye.

1615 Mr. Pierluisi?

1616 Mr. Pierluisi. Aye.

1617 Ms. Deterding. Mr. Pierluisi votes aye.

1618 Ms. Chu?

1619 Ms. Chu. Aye.

1620 Ms. Deterding. Ms. Chu votes aye.

1621 Mr. Deutch?

1622 Mr. Deutch. Aye.

1623 Ms. Deterding. Mr. Deutch votes aye.

1624 Mr. Gutierrez?

1625 [No response.]

1626 Ms. Deterding. Ms. Bass?

1627 Ms. Bass. Aye.

1628 Ms. Deterding. Ms. Bass votes aye.

1629 Mr. Richmond?

1630 Mr. Richmond. Aye.

1631 Ms. Deterding. Mr. Richmond votes aye.

1632 Ms. DelBene?

1633 Ms. DelBene. Aye.

1634 Ms. Deterding. Ms. DelBene votes aye.

1635 Mr. Garcia?

1636 Mr. Garcia. Aye.

1637        Ms. Deterding.   Mr. Garcia votes aye.

1638        Mr. Jeffries?

1639        Mr. Jeffries.   Aye.

1640        Ms. Deterding.   Mr. Jeffries votes aye.

1641        Chairman Goodlatte.   Are there other members who wish to

1642 be recorded?

1643        The gentleman from Ohio?

1644        Mr. Chabot.   Am I recorded?

1645        Ms. Deterding.   Not recorded.

1646        Mr. Chabot.   No.

1647        Ms. Deterding.   Mr. Chabot votes no.

1648        Chairman Goodlatte.   Any other member who wishes to be

1649 recorded?

1650        If not, the clerk will report.

1651        Ms. Deterding.   Mr. Chairman, 17 members voted nay, 15

1652 members voted aye.

1653        Chairman Goodlatte.   And the amendment is not agreed to.

1654        Mr. Cohen.   Mr. Chairman, I believe I have an amendment

1655 at the desk.

1656        Chairman Goodlatte.   We will do that.

1657        The clerk will report the amendment of the gentleman

1658 from Tennessee, Mr. Cohen.

1659 Ms. Deterding. Amendment to H.R. 367 --

1660 Mr. Cohen. I would ask unanimous consent that the  
1661 amendment be considered as read.

1662 Chairman Goodlatte. Without objection, the amendment  
1663 will be considered as read.

1664 [The amendment of Mr. Cohen follows:]

1665

1666 Chairman Goodlatte. And the gentleman from Tennessee is  
1667 recognized for 5 minutes to explain his amendment.

1668 Mr. Cohen. Thank you, Mr. Chair.

1669 This is a very simple, bipartisan amendment. It would  
1670 exempt from the REINS Act congressional approval for any  
1671 proposed rule for which OMB says that the benefit to society  
1672 will exceed the cost.

1673 Proponents of the REINS Act always argue, and I  
1674 understand that, that the cost of regulation is a problem,  
1675 but they do not mention the countervailing benefit. And I  
1676 am sure that the people that are for the REINS Act are the  
1677 benefits of regulations, just against the detraction when it  
1678 costs more than it is really worth.

1679 This amendment would acknowledge that when the benefit  
1680 of the rule exceeds its cost, that it is to society's  
1681 benefit that the rule be put into effect without unnecessary  
1682 delay. And I am sure that could be unanimously accepted.

1683 The benefits of regulation generally do outweigh its  
1684 costs, but during our 3 hearings on the subcommittee, we  
1685 heard from distinguished witnesses, 3 specifically, that the  
1686 benefits routinely outweigh their costs, according to the

1687 cost benefit analysis done by OMB under both Administrations  
1688 of President Obama and President Bush.

1689 Sally Katzen, a former administrator of OIRA, testified  
1690 the numbers are striking. According to OMB, the benefits  
1691 from the regulations from a 10-year period from Clinton  
1692 through Bush to Obama ranged from \$128 billion to \$616  
1693 billion. Even if you used OMB's highest estimate of costs  
1694 and lowest estimate of benefits, the worst possible case  
1695 scenario, the regulations issued over these past 10 years  
1696 would have had a net benefit of \$73 billion to our society.  
1697 That is a 10-year time frame that encompasses Clinton, Bush,  
1698 and Obama.

1699 We heard from David Goldston, a former Republican House  
1700 committee chief of staff who testified Administrations under  
1701 both parties have reviewed the aggregate impact of  
1702 regulations and found their benefits to have exceeded their  
1703 costs. Their testimony is bolstered by OMB's 2012 graph  
1704 report to Congress, which notes that the net benefits of  
1705 regulation through the third Fiscal Year of the Obama  
1706 Administration exceeded \$91 billion.

1707 So given the bipartisan recognition that the benefits of

1708 regulation routinely outweigh its costs, and to most  
1709 surgically temper this bill and make sure it gets to what we  
1710 really want to get, which is when the benefits do not  
1711 outweigh the costs, and not overburden government, it seems  
1712 fair that this rule would be just accepted as part of the  
1713 bill, and that we would accept that any time we have a net  
1714 benefit, that it would not have to go through this  
1715 cumbersome process and immediately try to help benefit the  
1716 American people.

1717       So I urge us to bipartisanly accept it.

1718       Mr. Conyers. Would the gentleman yield?

1719       Mr. Cohen. Yes, sir.

1720       Mr. Conyers. I would like to commend the gentleman from  
1721 Tennessee in requiring that we at least examine the benefits  
1722 of a regulation as well as the cost of the regulation. It  
1723 seems like an obvious starting point, and would make a bill  
1724 at its core unacceptable less unacceptable.

1725       Mr. Cohen. Thank you, sir. I feel warm wind coming  
1726 from the right. It just needs to kind of get over that  
1727 gulf, but I think it is going to.

1728       Chairman Goodlatte. I appreciate the gentleman's



1729 amendment. We are going to recess for lunch and come back  
1730 and have further discussion about the amendment. So the  
1731 chair would advise members to return by 1:00 p.m., and we  
1732 will take up this discussion and vote on his amendment at  
1733 that time.

1734 [Whereupon, at 11:50 a.m., the committee recessed, to  
1735 reconvene at 1:19 p.m. the same day.]

1736 Chairman Goodlatte. The committee will reconvene.

1737 When we recessed, the gentleman from Tennessee, Mr.

1738 Cohen's amendment was before the committee, and the  
1739 gentleman had given his remarks. And he seeks recognition?

1740 Mr. Cohen. Yes, I sometimes get kind of time warped and  
1741 think I am back in the Tennessee senate, but can we just do  
1742 this by voice vote and acclimation and get it over with?

1743 Chairman Goodlatte. Yes, absolutely.

1744 But let me give my --

1745 Mr. Cohen. That is an aye. I mean, we all agree to it.

1746 Chairman Goodlatte. Absolutely. We can do it by  
1747 negation.

1748 Mr. Cohen. No. No, no, no, no.

1749 [Laughter.]

1750 Chairman Goodlatte. All right. Well, the chair  
1751 recognizes himself for 5 minutes.

1752 I oppose the good gentleman from Tennessee's amendment.  
1753 This amendment, too, carves a particular class of  
1754 regulations out of the REINS Act's approval procedures. But  
1755 Congress should be accountable for all decisions to impose  
1756 new major regulations on our economy. If regulations of  
1757 this or any other kind make sense, they will win approval.  
1758 Either way, it is Congress that should make the decision  
1759 whether to impose them, not unaccountable agency officials.

1760 And I urge my colleagues to oppose the amendment.

1761 And the question is on the amendment.

1762 Those in favor, will say aye.

1763 Those opposed, no.

1764 In the opinion of the chair, the noes have it, and the  
1765 amendment is not agreed to.

1766 Mr. Cohen. I would have to ask for a roll call because  
1767 I kind of --

1768 Chairman Goodlatte. Because you didn't get affirmation?

1769 Mr. Cohen. Well, I just thought it would be a unanimous  
1770 kind of deal.

1771 Chairman Goodlatte. The gentleman requested a recorded  
1772 vote, and the clerk will call the roll.  
1773 Ms. Deterding. Mr. Goodlatte?  
1774 Chairman Goodlatte. No.  
1775 Ms. Deterding. Mr. Goodlatte votes no.  
1776 Mr. Sensenbrenner?  
1777 [No response.]  
1778 Ms. Deterding. Mr. Coble?  
1779 Mr. Coble. No.  
1780 Ms. Deterding. Mr. Coble votes no.  
1781 Mr. Smith?  
1782 Mr. Smith. No.  
1783 Ms. Deterding. Mr. Smith votes no.  
1784 Mr. Chabot?  
1785 [No response.]  
1786 Ms. Deterding. Mr. Bachus?  
1787 Mr. Bachus. No.  
1788 Ms. Deterding. Mr. Bachus votes no.  
1789 Mr. Issa?  
1790 Mr. Issa. No.  
1791 Ms. Deterding. Mr. Issa votes no.

1792 Mr. Forbes?

1793 [No response.]

1794 Ms. Deterding. Mr. King?

1795 [No response.]

1796 Ms. Deterding. Mr. Franks?

1797 Mr. Franks. No.

1798 Ms. Deterding. Mr. Franks votes no.

1799 Mr. Gohmert?

1800 [No response.]

1801 Ms. Deterding. Mr. Jordan?

1802 [No response.]

1803 Ms. Deterding. Mr. Poe?

1804 Mr. Poe. No.

1805 Ms. Deterding. Mr. Poe votes no.

1806 Mr. Chaffetz?

1807 Mr. Chaffetz. No.

1808 Ms. Deterding. Mr. Chaffetz votes no.

1809 Mr. Marino?

1810 Mr. Marino. No.

1811 Ms. Deterding. Mr. Marino votes no.

1812 Mr. Gowdy?

1813 [No response.]

1814 Ms. Deterding. Mr. Amodei?

1815 [No response.]

1816 Ms. Deterding. Mr. Labrador?

1817 [No response.]

1818 Ms. Deterding. Mr. Farenthold?

1819 Mr. Farenthold. No.

1820 Ms. Deterding. Mr. Farenthold votes no.

1821 Mr. Holding?

1822 [No response.]

1823 Ms. Deterding. Mr. Collins?

1824 [No response.]

1825 Ms. Deterding. Mr. DeSantis?

1826 [No response.]

1827 Ms. Deterding. Mr. Rothfus?

1828 Mr. Rothfus. No.

1829 Ms. Deterding. Mr. Rothfus votes no.

1830 Mr. Conyers?

1831 Mr. Conyers. Aye.

1832 Ms. Deterding. Mr. Conyers votes aye.

1833 Mr. Nadler?

1834 Mr. Nadler. Aye.

1835 Ms. Deterding. Mr. Nadler votes aye.

1836 Mr. Scott?

1837 Mr. Scott. Aye.

1838 Ms. Deterding. Mr. Scott votes aye.

1839 Mr. Watt?

1840 Mr. Watt. Aye.

1841 Ms. Deterding. Mr. Watt votes aye.

1842 Ms. Lofgren?

1843 [No response.]

1844 Ms. Deterding. Ms. Jackson Lee?

1845 [No response.]

1846 Ms. Deterding. Mr. Cohen?

1847 Mr. Cohen. Yes.

1848 Ms. Deterding. Mr. Cohen votes aye.

1849 Mr. Johnson?

1850 Mr. Johnson. Aye.

1851 Ms. Deterding. Mr. Johnson votes aye.

1852 Mr. Pierluisi?

1853 Mr. Pierluisi. Aye.

1854 Ms. Deterding. Mr. Pierluisi votes aye.

1855 Ms. Chu?

1856 Ms. Chu. Aye.

1857 Ms. Deterding. Ms. Chu votes aye.

1858 Mr. Deutch?

1859 [No response.]

1860 Ms. Deterding. Mr. Gutierrez?

1861 [No response.]

1862 Ms. Deterding. Ms. Bass?

1863 [No response.]

1864 Ms. Deterding. Mr. Richmond?

1865 [No response.]

1866 Ms. Deterding. Ms. DelBene?

1867 [No response.]

1868 Ms. Deterding. Mr. Garcia?

1869 [No response.]

1870 Ms. Deterding. Mr. Jeffries?

1871 Mr. Jeffries. Aye.

1872 Ms. Deterding. Mr. Jeffries votes aye.

1873 Chairman Goodlatte. The gentleman from Iowa?

1874 Mr. King. No.

1875 Ms. Deterding. Mr. King votes no.

1876 Chairman Goodlatte. The gentleman from Florida?

1877 Mr. DeSantis. No.

1878 Ms. Deterding. Mr. DeSantis votes no.

1879 Chairman Goodlatte. The gentlewoman from Washington?

1880 Ms. DelBene. Aye.

1881 Ms. Deterding. Ms. DelBene votes aye.

1882 Chairman Goodlatte. The clerk will report.

1883 Mr. Cohen. Mr. Chairman, was my "very aye" recorded as

1884 one aye or two ayes?

1885 Chairman Goodlatte. The gentleman's aye was recorded

1886 only once.

1887 Mr. Cohen. I would like to have it recorded three

1888 times. Take four. That sounds like Stan Getz. That was

1889 take five.

1890 [Laughter.]

1891 Ms. Jackson Lee. How am I recorded?

1892 Chairman Goodlatte. The gentlewoman from Texas?

1893 Ms. Deterding. Not recorded.

1894 Ms. Jackson Lee. Aye.

1895 Ms. Deterding. Ms. Jackson Lee votes aye.

1896 Chairman Goodlatte. The gentleman from Texas?



1897 Mr. Gohmert. No.

1898 Ms. Deterding. Mr. Gohmert votes no.

1899 Chairman Goodlatte. The clerk will report.

1900 Mr. Johnson. Mr. Chairman, how am I recorded? I

1901 believe I voted aye, but it is possible that I wanted to

1902 vote --

1903 Mr. Cohen. Very aye.

1904 Mr. Johnson. -- very aye. If there is a way of being

1905 able to do that, it would -- if that is in order, I would

1906 move. I would so move.

1907 Chairman Goodlatte. The gentleman's request is not in

1908 order, and the clerk will report.

1909 Ms. Deterding. Mr. Chairman, 14 Members voted nay; 11

1910 Members voted aye.

1911 Chairman Goodlatte. And the amendment is not agreed to.

1912 Mr. Scott. Mr. Chairman, parliamentary inquiry?

1913 Chairman Goodlatte. The gentleman from Virginia will

1914 state his parliamentary inquiry.

1915 Mr. Scott. Is it the practice of this committee to

1916 allow members to add their vote to a roll call if it does

1917 not change the outcome of a vote?

1918 Chairman Goodlatte. It is not.

1919 Ms. Jackson Lee. Mr. Chairman, I have an --

1920 Chairman Goodlatte. For what purpose does the  
1921 gentlewoman from Texas seek recognition?

1922 Ms. Jackson Lee. Mr. Chairman, I have an amendment at  
1923 the desk, please.

1924 Chairman Goodlatte. The clerk will report the  
1925 amendment.

1926 Ms. Deterding. Amendment to H.R. 367, offered by Ms.  
1927 Jackson Lee of Texas. Page 18, line --

1928 Chairman Goodlatte. Without objection, the amendment  
1929 will be considered as read.

1930 [The amendment of Ms. Jackson Lee follows:]

1931

1932 Chairman Goodlatte. And the gentlewoman is recognized  
1933 for 5 minutes to explain her amendment.

1934 Ms. Jackson Lee. Thank you very much, Mr. Chairman.

1935 There was a very vigorous discussion earlier today  
1936 regarding Dodd-Frank, and because of the enthusiasm of Mr.  
1937 Watt, I won't pursue that extended debate. But what I will  
1938 say is that I think the argument spoke more to the reason  
1939 why we must be careful with this kind of legislation.

1940 My amendment is narrowly drawn and refers to our concern  
1941 for our children. The gist of the amendment is, in fact,  
1942 that the regulations ensuring the safety of products used or  
1943 consumed by children under the age of 2 should be exempted.

1944 The reason raised in the Dodd-Frank -- and I will just  
1945 make one clear statement -- is that consumers needed to be  
1946 protected. In the instance of children, they need to be  
1947 protected.

1948 This amendment does not have anything to do with food  
1949 inspectors and regulatory scheme of inspecting food, but  
1950 just recently I experienced the shutdown of a food  
1951 processing plant in Houston inspected by those from the Food  
1952 and Drug Administration under a regulatory structure. It

1953 was to save lives.

1954       So my amendment is in support of a report released by  
1955 the U.S. Consumer Product Safety Commission, December 2011,  
1956 entitled Nursery Product-Related Injuries and Deaths among  
1957 Children under the Age of 5. It presents a terrifying  
1958 picture of the avoidable harm babies and small children will  
1959 be exposed to if we continuously subject amendments that  
1960 impact children to congressional intervention.

1961       I do think, and I think we should all come together,  
1962 Republicans and Democrats, to note that there are some  
1963 regulatory burdens, and there is a responsibility of the  
1964 Congress to intervene in instances where there is a major  
1965 deficit and not benefit. But in the instance of regulations  
1966 that we have an overall opportunity to review through the  
1967 regular oversight that we give to agencies in the executive,  
1968 no matter what President is in office, I think that the  
1969 REINS Act dangerously approaches an undermining of the  
1970 structure of safety for Americans and particularly our  
1971 children.

1972       In 2010, there were an estimated 81,700 emergency room  
1973 treated injuries associated with nursery products involving

1974 children under 5. Infant carriers and car seats, cribs and  
1975 mattresses, strollers and carriages, and high chairs were  
1976 involved in about 70 percent of the injuries.

1977 On average during the period of 2006 to 2008, there were  
1978 101 deaths each year invoking nursery products in children  
1979 under the age of 5, mostly involving cribs and mattresses,  
1980 bassinets, cradles, playpens, infant carriers, car seats,  
1981 all of which are regulated, all of which are improved  
1982 because of the regulatory scheme to protect these children.  
1983 The most common cause of death were choking, strangulation,  
1984 and drowning.

1985 A massive intervention by Congress when positive  
1986 regulations are being implemented will, in fact, delay the  
1987 implementation and, in fact, give us less safety for our  
1988 children. That is why we need the expertise of  
1989 administrative agencies to promulgate and enforce  
1990 regulations to protect the public health and safety by  
1991 keeping dangerous products off the market.

1992 I urge my colleagues to consider a balance here. That  
1993 if we pass the REINS Act, why would we not have an exemption  
1994 that makes sense. Consumer protection is our obligation and

1995 responsibility and certainly amongst our children.

1996 I do know that there are in talking to some Members  
1997 about regulations dealing with physicians and reporting  
1998 practices, reporting is one thing, and we could find common  
1999 ground. But the idea of a regulation that truly intervenes  
2000 and puts a wall and they stand in the gap that impacts the  
2001 lives of our children and babes under the age of 5, and in  
2002 the instance of my amendment, I would argue, Mr. Chairman,  
2003 that this is an amendment that is worthy of an exception.

2004 And I would ask my colleagues thoughtfully to support  
2005 the Jackson Lee amendment.

2006 Mr. Conyers. Would the gentlelady yield to me?

2007 Ms. Jackson Lee. I would be happy to yield to the  
2008 gentleman.

2009 Mr. Conyers. I thank you very much because you have  
2010 located this special vulnerability of young people to be  
2011 very critical if protecting public health and safety is to  
2012 mean anything. And so, I want to commend the gentlelady  
2013 from Texas and let her know that this is an issue that she  
2014 has raised in a very limited way. This amendment is very  
2015 carefully crafted to apply only to children of a very tender

2016 age.

2017 And so, this exemption from the bill is one that I think  
2018 should appeal to many members on the committee. And I thank  
2019 the gentlelady.

2020 Ms. Jackson Lee. Thank the gentleman for his support.

2021 Chairman Goodlatte. The chair recognizes himself for 5  
2022 minutes.

2023 I oppose the amendment. Once again, the amendment tries  
2024 to shield Congress from accountability for the economic  
2025 impact of new major regulations on our economy. There is no  
2026 good reason for Congress to hide from accountability for the  
2027 most important decisions that affect our economy.

2028 More than any one kind of regulation, the American  
2029 people want a Congress that will listen to the voters and  
2030 stand up to its responsibility for Washington's decisions.  
2031 That is particularly true for decisions to impose new major  
2032 regulations that impact parental choices and ways to protect  
2033 child safety.

2034 This amendment would, in fact, prevent Congress from  
2035 being able to improve upon regulations that are offered by  
2036 an unaccountable Government agency that the gentlewoman

2037 noted in her remarks doesn't always do the job that she  
2038 expects it to do with regard to child safety. So having the  
2039 Congress, the elected representatives of the people, able to  
2040 stand up and say that that regulation fulfills the intent of  
2041 the Congress, a Congress that is responsive to parents and  
2042 others who are concerned about child safety, is an amendment  
2043 that should be defeated as a part of a bill that should be  
2044 passed.

2045 And I urge my colleagues to oppose the amendment.

2046 Ms. Jackson Lee. Would the gentleman yield? Would the  
2047 gentleman yield?

2048 Chairman Goodlatte. I would be happy to yield to the  
2049 gentlewoman from Texas.

2050 Ms. Jackson Lee. Let me thank my friend and the  
2051 chairman. We have served on this committee for a very long  
2052 time. Great respect for the institution, but let me remind  
2053 the chairman, though I know that he is going to be engaged  
2054 in regular order, and this is not under a regulatory scheme.  
2055 But we have been decades in trying to reform the immigration  
2056 system, this Congress. When I say "Congress," the entity,  
2057 not the particular year, 113th Congress.



2058           We have been years doing gun legislation. We are years  
2059 trying to do a budget. My point I just want to make, Mr.  
2060 Chairman, is that it is not about accountability for  
2061 congresspersons and elections. What it is about is a more  
2062 effective tool to immediately get in and solve the problem  
2063 of a dangerous issue, product that may be impacting our  
2064 children.

2065           And I am only asking for a narrow exception, and I would  
2066 be grateful to amend it to have Congress have oversight  
2067 after the fact. But to let the safety resolution get out to  
2068 protect the children for the numbers of deaths that we have  
2069 seen through these products, these innovative products.

2070           Mothers, new mothers are always looking for these new  
2071 trinkets. They are innocent. They get them for their  
2072 children, and they come in and find them choked or something  
2073 devastating has happened.

2074           I would ask that this is a more important standard and  
2075 matrix for the safety of a baby than to worry about  
2076 Congress' intervention or oversight, which I would welcome  
2077 an amendment, Mr. Chairman, to say that they would have  
2078 immediate oversight after the implementation is in process

2079 and in place to save the lives of babies.

2080 I yield back to the chairman. I ask for a vote on the  
2081 amendment.

2082 Chairman Goodlatte. Reclaiming my time, I would respond  
2083 to the gentlewoman that the writing of regulations is an  
2084 important responsibility for any Government agency, and it  
2085 is important that the Congress exercise its oversight  
2086 responsibility to make sure the agency gets it right. That  
2087 may mean that the agency writes a very good regulation which  
2088 the Congress takes no action. It could also mean that the  
2089 agency writes a regulation that doesn't protect children or  
2090 may even endanger children if they don't understand the  
2091 circumstances under which their regulations will impact the  
2092 daily lives of parents and children.

2093 And I oppose the amendment because I think that the  
2094 Congress, the elected representatives of the people need to  
2095 be responsive, and I do not believe that any Government  
2096 agency should exercise powers that are not granted to them.  
2097 So that is why we are working very hard and diligently on  
2098 things like immigration reform. We don't want to see the  
2099 executive branch assuming powers that it doesn't actually

2100 have and, in this case, may be not properly exercising those  
2101 powers.

2102 So I oppose the amendment. There are about 5 minutes  
2103 remaining in the vote.

2104 The gentleman from New York is seeking recognition. So  
2105 we will not have an opportunity to vote on this before the  
2106 vote.

2107 Okay. Well, we will go ahead and vote on this amendment  
2108 then.

2109 Ms. Jackson Lee. Mr. Chairman, may I ask for a yes vote  
2110 on the amendment and --

2111 Chairman Goodlatte. We got that.

2112 The question is on the amendment offered by the  
2113 gentlewoman from Texas.

2114 All those in favor, will say aye.

2115 Those opposed, no.

2116 Ms. Jackson Lee. Roll call.

2117 Chairman Goodlatte. In the opinion of the chair, the  
2118 noes have it.

2119 A recorded vote is requested, and the clerk will call  
2120 the roll.

2121 Ms. Deterding. Mr. Goodlatte?

2122 Chairman Goodlatte. No.

2123 Ms. Deterding. Mr. Goodlatte votes no.

2124 Mr. Sensenbrenner?

2125 [No response.]

2126 Ms. Deterding. Mr. Coble?

2127 [No response.]

2128 Ms. Deterding. Mr. Smith?

2129 Mr. Smith. No.

2130 Ms. Deterding. Mr. Smith votes no.

2131 Mr. Chabot?

2132 Mr. Chabot. No.

2133 Ms. Deterding. Mr. Chabot votes no.

2134 Mr. Bachus?

2135 Mr. Bachus. No.

2136 Ms. Deterding. Mr. Bachus votes no.

2137 Mr. Issa?

2138 [No response.]

2139 Ms. Deterding. Mr. Forbes?

2140 Mr. Forbes. No.

2141 Ms. Deterding. Mr. Forbes votes no.

2142 Mr. King?

2143 [No response.]

2144 Ms. Deterding. Mr. Franks?

2145 [No response.]

2146 Ms. Deterding. Mr. Gohmert?

2147 [No response.]

2148 Ms. Deterding. Mr. Jordan?

2149 [No response.]

2150 Ms. Deterding. Mr. Poe?

2151 [No response.]

2152 Ms. Deterding. Mr. Chaffetz?

2153 Mr. Chaffetz. No.

2154 Ms. Deterding. Mr. Chaffetz votes no.

2155 Mr. Marino?

2156 Mr. Marino. No.

2157 Ms. Deterding. Mr. Marino votes no.

2158 Mr. Gowdy?

2159 Mr. Gowdy. No.

2160 Ms. Deterding. Mr. Gowdy votes no.

2161 Mr. Amodei?

2162 [No response.]

2163 Ms. Deterding. Mr. Labrador?

2164 Mr. Labrador. No.

2165 Ms. Deterding. Mr. Labrador votes no.

2166 Mr. Farenthold?

2167 Mr. Farenthold. No.

2168 Ms. Deterding. Mr. Farenthold votes no.

2169 Mr. Holding?

2170 [No response.]

2171 Ms. Deterding. Mr. Collins?

2172 [No response.]

2173 Ms. Deterding. Mr. DeSantis?

2174 Mr. DeSantis. No.

2175 Ms. Deterding. Mr. DeSantis votes no.

2176 Mr. Rothfus?

2177 [No response.]

2178 Ms. Deterding. Mr. Conyers?

2179 Mr. Conyers. Aye.

2180 Ms. Deterding. Mr. Conyers votes aye.

2181 Mr. Nadler?

2182 Mr. Nadler. Aye.

2183 Ms. Deterding. Mr. Nadler votes aye.

2184 Mr. Scott?

2185 Mr. Scott. Aye.

2186 Ms. Deterding. Mr. Scott votes aye.

2187 Mr. Watt?

2188 [No response.]

2189 Ms. Deterding. Ms. Lofgren?

2190 [No response.]

2191 Ms. Deterding. Ms. Jackson Lee?

2192 Ms. Jackson Lee. Aye.

2193 Ms. Deterding. Ms. Jackson Lee votes aye.

2194 Mr. Cohen?

2195 Mr. Cohen. Aye.

2196 Ms. Deterding. Mr. Cohen votes aye.

2197 Mr. Johnson?

2198 Mr. Johnson. Aye.

2199 Ms. Deterding. Mr. Johnson votes aye.

2200 Mr. Pierluisi?

2201 Mr. Pierluisi. Aye.

2202 Ms. Deterding. Mr. Pierluisi votes aye.

2203 Ms. Chu?

2204 Ms. Chu. Aye.

2205 Ms. Deterding. Ms. Chu votes aye.

2206 Mr. Deutch?

2207 [No response.]

2208 Ms. Deterding. Mr. Gutierrez?

2209 [No response.]

2210 Ms. Deterding. Ms. Bass?

2211 [No response.]

2212 Ms. Deterding. Mr. Richmond?

2213 [No response.]

2214 Ms. Deterding. Ms. DelBene?

2215 Ms. DelBene. Aye.

2216 Ms. Deterding. Ms. DelBene votes aye.

2217 Mr. Garcia?

2218 Mr. Garcia. Aye.

2219 Ms. Deterding. Mr. Garcia votes aye.

2220 Mr. Jeffries?

2221 Mr. Jeffries. Aye.

2222 Ms. Deterding. Mr. Jeffries votes aye.

2223 Chairman Goodlatte. The gentleman from Iowa, Mr. King?

2224 Mr. King. No.

2225 Chairman Goodlatte. The gentleman from Arizona, Mr.



2226 Franks?

2227 Mr. Franks. No.

2228 Chairman Goodlatte. The gentleman from Texas, Mr. Poe?

2229 Mr. Poe. No.

2230 Chairman Goodlatte. The gentleman from Texas, Mr.

2231 Gohmert?

2232 Mr. Gohmert. No.

2233 Chairman Goodlatte. The gentleman from Pennsylvania,

2234 Mr. Rothfus?

2235 Mr. Rothfus. No.

2236 [Pause.]

2237 Ms. Jackson Lee. Can I vote twice, Mr. Chairman?

2238 Ms. Deterding. Mr. Chairman, 16 Members voted nay; 11

2239 Members voted aye.

2240 [Whereupon, at 1:40 p.m., the committee recessed, to

2241 reconvene at 2:24 p.m., the same day.]

2242 Chairman Goodlatte. The committee will reconvene.

2243 And the bill is open for further amendment. Who seeks

2244 recognition? Does the gentleman from Georgia seek

2245 recognition?

2246 Mr. Johnson. I do.

2247 Chairman Goodlatte. The gentleman is recognized.

2248 Mr. Johnson. Thank you, Mr. Chairman.

2249 I offer two amendments en -- or en bloc, excuse me, to  
2250 protect job growth in the middle class and to protect the  
2251 privacy of American citizens.

2252 Chairman Goodlatte. The clerk will report the two  
2253 amendments of the gentleman from Georgia, and without  
2254 objection, they will be considered en bloc.

2255 Mr. Johnson. No objection.

2256 Ms. Deterding. Amendment to H.R. 367, offered by Mr.  
2257 Johnson --

2258 Mr. Johnson. And I will waive the reading of the  
2259 amendment.

2260 Chairman Goodlatte. Without objection, the amendment is  
2261 considered as read.

2262 [The amendments of Mr. Johnson follow:]

2263

2264 Chairman Goodlatte. And the gentleman from Georgia is  
2265 recognized for 5 minutes to explain his two amendments.

2266 Mr. Johnson. Thank you.

2267 I would like to ask for my full time to explain the  
2268 purposes of these amendments. But I will keep my remarks as  
2269 brief as possible.

2270 Chairman Goodlatte. Go for it, and if you run over 5,  
2271 we will give you more.

2272 Mr. Johnson. Thank you.

2273 Mr. Chairman, I have profound concerns with the REINS  
2274 Act. This bill would undermine the ability of agencies to  
2275 protect the public interest, and it is a continuation of the  
2276 majority's obstructionist approach that led to sequestration  
2277 and other ill-conceived budgetary paradigms.

2278 This bill purports to grow the economy, create jobs, and  
2279 increase America's competitiveness internationally. Those  
2280 are all worthy and laudable goals, but we can't pretend that  
2281 this bill's myopic view on regulations will accomplish any  
2282 of those goals.

2283 The majority pretends that regulations have harmful  
2284 effects, despite ample evidence from leading bipartisan and

2285     nonpartisan reports that have found that not to be true.  
2286     The majority continues to overlook the public benefits  
2287     associated with regulation. For instance, the 2008 Wall  
2288     Street collapse stemmed from a laissez-faire free market  
2289     experience of the hands-off style of financial regulation.  
2290     Due to an avoidable lapse in financial regulation, the  
2291     American people were forced to suffer and bear the brunt of  
2292     the great Wall Street meltdown of 2007, threatening the  
2293     collapse of the entire global economy.

2294             In many instances, the protections we received from  
2295     regulations outweigh the costs. Having failed to repeal  
2296     Dodd-Frank, my colleagues on the other side of the aisle are  
2297     now attempting to gut that law and others like it to prevent  
2298     their implementation.

2299             If the majority was truly concerned with growing the  
2300     economy, creating jobs, and protecting America's  
2301     competitiveness, we would adopt a balanced approach that  
2302     does not assume that regulations are zero sum. We must  
2303     strike the proper balance between protecting the safety and  
2304     health of all Americans and growing the economy and creating  
2305     jobs.

2306 Congress already has the power to adjust rules under the  
2307 Congressional Review Act, which authorizes Congress to  
2308 disapprove an agency rule to which it objects. Likewise,  
2309 the President has already issued an Executive Order for  
2310 considering regulations that seek to get rid of any  
2311 unnecessary rules that may be slowing economic recovery.

2312 I suspect that the REINS Act is simply another naked  
2313 attempt by my friends on the other side of the aisle to  
2314 appease their suitors on Wall Street. My friend from  
2315 Alabama bolstered my suspicion when he said, and I quote,  
2316 "If there is ever a reason to pass the REINS Act, it is  
2317 Dodd-Frank."

2318 I hope my colleagues will take a serious look at whether  
2319 this bill is actually intended to grow the economy and jobs.  
2320 My amendment would exclude any rule that the administrator  
2321 of the Office of Information and Regulatory Affairs of the  
2322 Office of Management and Budget determines would result in  
2323 net job growth.

2324 I ask that my colleagues support this common sense  
2325 amendment to promote job growth and strengthen the middle  
2326 class, especially since the stated purpose of the REINS Act

2327 is to grow the economy and create jobs. We should not  
2328 sacrifice so much -- public safety, a clean environment, and  
2329 rules protecting us from another Wall Street bailout -- just  
2330 so that this Congress can obstruct the Obama administration  
2331 while preserving Wall Street's profits.

2332 Mr. Chairman, I also offer an amendment to protect the  
2333 privacy of Americans from unwanted data collection and  
2334 security breaches. My amendment would exclude any  
2335 regulation or guidance that is intended to protect the  
2336 privacy of Americans from the REINS Act.

2337 With the increasing opportunities for collecting and  
2338 sharing personal data of citizens, it is critical that we  
2339 allow for the implementation of Government regulations  
2340 designed to protect data privacy. State and Federal  
2341 governments routinely collect large swaths of personal data  
2342 from individuals.

2343 The FBI is currently working to compile perhaps the  
2344 largest biometric database in the world with its next-  
2345 generation identification. This system, which is one of  
2346 many that collects personal data, uses cameras and facial  
2347 recognition, along with other collected materials, to

2348 compile DNA profiles, iris scans, palm prints, voice  
2349 identification profiles, photographs, and other identifying  
2350 information.

2351       It may maintain this information for stated periods of  
2352 time or permanently, and the Government may share it with  
2353 State agencies under certain circumstances. State  
2354 governments coordinate with the Federal Government to  
2355 contribute to this database, and this is just one example.

2356       There are also businesses that exist for the purpose of  
2357 collecting as much personal information as possible about  
2358 individuals so that they can put together profiles that they  
2359 can then sell. Without consumers' consent, these data  
2360 brokers track consumer movements through stores, across Web  
2361 sites, and across State lines. Some companies even use  
2362 millions of consumers' geolocation data to track their  
2363 shopping habits, logging their activity as consumers as they  
2364 walk around stores.

2365       Beyond individuals' privacy interest in this data, there  
2366 is a clear -- there are clear harms associated with merely  
2367 storing personal data. Data breaches appear to be occurring  
2368 with greater frequency in Government as well as the private

2369 sector. Identity theft has swiftly evolved into one of the  
2370 most prolific crimes in the United States.

2371 Unregulated, those who have it would seek to sell it and  
2372 abuse it. The concern, Mr. Chairman, is that such  
2373 information has itself become a commodity with financial  
2374 value, subject to abuse by those who seek to sell it for  
2375 financial gain and for criminal purposes such as identity  
2376 theft.

2377 The protection of Americans' privacy is not a Democratic  
2378 or a Republican issue. It is an American issue. Indeed, it  
2379 is one of the few that those on opposite ends of the  
2380 political spectrum have long embraced.

2381 I yield back.

2382 Chairman Goodlatte. I thank the gentleman.

2383 And the chair recognizes himself for 5 minutes in  
2384 opposition to the amendment.

2385 Some claim that new major regulations can create job  
2386 growth. There is substantial evidence to the contrary. But  
2387 whether new major rules create job growth or not, it is  
2388 Congress that should be accountable for decisions of this  
2389 economic magnitude, not unelected agency officials. And for



2390 that reason, I oppose the first of the gentleman's two  
2391 amendments.

2392 With regard to the second, there is no reason to shield  
2393 any given set of regulations from the congressional  
2394 accountability protections the REINS Act provides. As the  
2395 Framers wisely saw, the surest guarantee of citizens'  
2396 freedom is the power to hold Government officials  
2397 accountable at the ballot box. No citizen can hold an  
2398 unelected Government official accountable that way.

2399 Government incursions on privacy are particularly  
2400 important. The Framers included key protections on privacy  
2401 in the Bill of Rights. The circumstances giving rise to our  
2402 efforts on the Electronic Communications Privacy Act provide  
2403 a ready example of instances in which agencies and Congress  
2404 disagree over whether agencies are adequately respecting  
2405 citizens' privacy.

2406 We certainly would not want the Department of Justice to  
2407 institute a major new regulation on privacy that did not  
2408 sufficiently protect privacy while we are working on that  
2409 legislation, perhaps even to undermine our efforts. I  
2410 highly doubt that either the Framers or the people would

2411 think that unelected bureaucrats can do a better job of  
2412 protecting privacy than the people's representatives in  
2413 Congress.

2414 On the contrary, unconstrained bureaucrats are far more  
2415 likely to intrude excessively upon privacy when it serves  
2416 their regulatory ends. And so, I urge my colleagues to  
2417 oppose the amendments as they are considered en bloc.

2418 Mr. Johnson. Move to strike the last word, Mr.  
2419 Chairman.

2420 Chairman Goodlatte. If the gentleman would have another  
2421 Member yield to them, that would -- the gentlewoman from  
2422 California?

2423 Ms. Chu. I yield to the gentleman --

2424 Chairman Goodlatte. The gentlewoman is recognized for 5  
2425 minutes.

2426 Ms. Chu. I yield to the gentleman from Georgia.

2427 Mr. Johnson. Thank you, Congresswoman.

2428 I would just point out that the bureaucrats that we have  
2429 been holding up for public ridicule and scorn are merely  
2430 individuals going to work every day, trying to do a good  
2431 job. And they have been under attack for a long time, our

2432 Federal employees, post office workers amongst them. They  
2433 are just castigated, and we act as if they don't perform a  
2434 great service for us.

2435 They are our Federal Government. They are people who  
2436 live and breathe, and blood flows through their veins, and  
2437 they try to do a good job. All they want to do is feed  
2438 their family and send the kids to college. They are middle  
2439 class people, and they are not to be castigated as 47  
2440 percenters who are just simply takers and trying to game the  
2441 system.

2442 These are our hard-working Federal employees, and I  
2443 think they do a lot of good without -- even with shrinking  
2444 resources.

2445 And so, with that, I will yield back to the  
2446 congresswoman.

2447 Ms. Chu. I yield back my time.

2448 Chairman Goodlatte. I thank the gentlewoman.

2449 The question is on the amendment en bloc offered by the  
2450 gentleman from Georgia, Mr. Johnson.

2451 Those in favor will say aye.

2452 Those opposed, no.

2453           In the opinion of the chair, the noes have it, and the  
2454 amendments are not agreed to.

2455           Mr. Johnson. I would ask for a recorded vote.

2456           Chairman Goodlatte. A recorded vote is requested. The  
2457 clerk will call the roll.

2458           Ms. Deterding. Mr. Goodlatte?

2459           Chairman Goodlatte. No.

2460           Ms. Deterding. Mr. Goodlatte votes no.

2461           Mr. Sensenbrenner?

2462           [No response.]

2463           Ms. Deterding. Mr. Coble?

2464           Mr. Coble. No.

2465           Ms. Deterding. Mr. Coble votes no.

2466           Mr. Smith?

2467           Mr. Smith. No.

2468           Ms. Deterding. Mr. Smith votes no.

2469           Mr. Chabot?

2470           [No response.]

2471           Ms. Deterding. Mr. Bachus?

2472           [No response.]

2473           Ms. Deterding. Mr. Issa?

2474 [No response.]

2475 Ms. Deterding. Mr. Forbes?

2476 Mr. Forbes. No.

2477 Ms. Deterding. Mr. Forbes votes no.

2478 Mr. King?

2479 Mr. King. No.

2480 Ms. Deterding. Mr. King votes no.

2481 Mr. Franks?

2482 Mr. Franks. No.

2483 Ms. Deterding. Mr. Franks votes no.

2484 Mr. Gohmert?

2485 [No response.]

2486 Ms. Deterding. Mr. Jordan?

2487 Mr. Jordan. No.

2488 Ms. Deterding. Mr. Jordan votes no.

2489 Mr. Poe?

2490 [No response.]

2491 Ms. Deterding. Mr. Chaffetz?

2492 Mr. Chaffetz. No.

2493 Ms. Deterding. Mr. Chaffetz votes no.

2494 Mr. Marino?

2495 Mr. Marino. No.

2496 Ms. Deterding. Mr. Marino votes no.

2497 Mr. Gowdy?

2498 Mr. Gowdy. No.

2499 Ms. Deterding. Mr. Gowdy votes no.

2500 Mr. Amodei?

2501 Mr. Amodei. No.

2502 Ms. Deterding. Mr. Amodei votes no.

2503 Mr. Labrador?

2504 [No response.]

2505 Ms. Deterding. Mr. Farenthold?

2506 Mr. Farenthold. No.

2507 Ms. Deterding. Mr. Farenthold votes no.

2508 Mr. Holding?

2509 Mr. Holding. No.

2510 Ms. Deterding. Mr. Holding votes no.

2511 Mr. Collins?

2512 Mr. Collins. No.

2513 Ms. Deterding. Mr. Collins votes no.

2514 Mr. DeSantis?

2515 Mr. DeSantis. No.

2516 Ms. Deterding. Mr. DeSantis votes no.

2517 Mr. Rothfus?

2518 Mr. Rothfus. No.

2519 Ms. Deterding. Mr. Rothfus votes no.

2520 Mr. Conyers?

2521 [No response.]

2522 Ms. Deterding. Mr. Nadler?

2523 [No response.]

2524 Ms. Deterding. Mr. Scott?

2525 Mr. Scott. Aye.

2526 Ms. Deterding. Mr. Scott votes aye.

2527 Mr. Watt?

2528 Mr. Watt. Aye.

2529 Ms. Deterding. Mr. Watt votes aye.

2530 Ms. Lofgren?

2531 Ms. Lofgren. Aye.

2532 Ms. Deterding. Ms. Lofgren votes aye.

2533 Ms. Jackson Lee?

2534 [No response.]

2535 Ms. Deterding. Mr. Cohen?

2536 [No response.]

2537 Ms. Deterding. Mr. Johnson?

2538 Mr. Johnson. Aye.

2539 Ms. Deterding. Mr. Johnson votes aye.

2540 Mr. Pierluisi?

2541 [No response.]

2542 Ms. Deterding. Ms. Chu?

2543 Ms. Chu. Aye.

2544 Ms. Deterding. Ms. Chu votes aye.

2545 Mr. Deutch?

2546 [No response.]

2547 Ms. Deterding. Mr. Gutierrez?

2548 [No response.]

2549 Ms. Deterding. Ms. Bass?

2550 Ms. Bass. Aye.

2551 Ms. Deterding. Ms. Bass votes aye.

2552 Mr. Richmond?

2553 [No response.]

2554 Ms. Deterding. Ms. DelBene?

2555 Ms. DelBene. Aye.

2556 Ms. Deterding. Ms. DelBene votes aye.

2557 Mr. Garcia?



2558 Mr. Garcia. Aye.

2559 Ms. Deterding. Mr. Garcia votes aye.

2560 Mr. Jeffries?

2561 Mr. Jeffries. Aye.

2562 Ms. Deterding. Mr. Jeffries votes aye.

2563 Chairman Goodlatte. The gentleman from Alabama?

2564 Mr. Bachus. No.

2565 Ms. Deterding. Mr. Bachus votes no.

2566 Chairman Goodlatte. The gentleman from Texas, Mr.

2567 Gohmert?

2568 Mr. Gohmert. No.

2569 Chairman Goodlatte. Mr. Gohmert votes no.

2570 Ms. Deterding. Mr. Gohmert votes no.

2571 Chairman Goodlatte. The clerk will report.

2572 [Pause.]

2573 Ms. Deterding. Mr. Chairman, 18 Members voted nay; 9

2574 Members voted aye.

2575 Chairman Goodlatte. And the amendments are not agreed

2576 to.

2577 Are there further amendments?

2578 The gentlewoman from California?

2579           Ms. Chu.   Mr. Chairman, I have an amendment at the desk.

2580           Chairman Goodlatte.   The clerk will report the

2581 amendment.

2582           Ms. Deterding.   Amendment to H.R. 367, offered by Ms.

2583 Chu of California.   Page 18, line 7 --

2584           Chairman Goodlatte.   Without objection, the amendment

2585 will be considered as read.

2586           [The amendment of Ms. Chu follows:]

2587

2588 Chairman Goodlatte. And the gentlewoman is recognized  
2589 for 5 minutes to explain her amendment.

2590 Ms. Chu. Mr. Chairman, the REINS Act would require  
2591 congressional approval of major agency regulations, which  
2592 would add another layer of bureaucracy in our regulatory  
2593 process. This bill would significantly slow down the  
2594 Federal Government's ability to hand down important  
2595 regulations that protect the American people from harm.

2596 One such example is gun violence prevention and safety.  
2597 My amendment is simple. It would exempt from the bill any  
2598 regulation that pertains to protecting schools and children  
2599 from gun violence.

2600 Our universities and our kindergarten classrooms one by  
2601 one, places of sanctuary for our students, are being turned  
2602 into war zones. As Congress continues its discussion on gun  
2603 violence prevention measures, we should not be adding  
2604 additional barriers in our efforts to keep our students safe  
2605 in our schools.

2606 Imagine facing the news that the 20 families did in  
2607 Sandy Hook. Imagine getting that phone call or seeing that  
2608 news report and waiting for hours just to confirm the tragic

2609 news that you have been dreading all along.

2610       We learned all too well through gun-related tragedies  
2611 that we need to do more to protect our children from guns,  
2612 not less. According to the Centers for Disease Control,  
2613 guns are the third leading cause of death for children ages  
2614 5 through 14. This should not be the American reality.

2615       We need a change that starts with the obvious. Let us  
2616 get rid of assault weapons and guns that allow 30 rounds of  
2617 bullets. These are tools of war, designed for the sole  
2618 purpose of slaughtering people.

2619       But we can't stop there. As a society, we must address  
2620 mental health directly. As a clinical psychologist, I can  
2621 tell you this is crucially important. Right now, many  
2622 States aren't even submitting mental health records to our  
2623 background check system. It is time to make common sense  
2624 and positive changes and take back our public security.

2625       The Senate is making progress on key gun violence  
2626 prevention measures like background checks and gun  
2627 trafficking, and I hope that smart, effective gun safety  
2628 laws can be passed through both chambers this year. The  
2629 REINS Act would create yet another obstacle in our ability

2630 to protect schools and children from gun violence.

2631 I urge my colleagues to vote for the amendment to ensure  
2632 that we can act quickly to prevent more gun-related  
2633 tragedies in America. I yield back my time.

2634 Chairman Goodlatte. I thank the gentlewoman.

2635 And the chair recognizes himself for 5 minutes in  
2636 opposition to the amendment.

2637 Combating firearms violence is a very, very important  
2638 responsibility of both various agencies of the executive  
2639 branch and of the United States Congress. Why should we  
2640 entrust this important issue solely to unelected officials  
2641 who have not taken this issue to the level that many think  
2642 they should have in terms of enforcing the current laws that  
2643 are already on the books and the regulations that implement  
2644 those laws?

2645 Things that are offered in legislation and then written  
2646 into regulations might be viewed by Members of Congress as  
2647 not doing what the Congress intended and, therefore, might  
2648 not address the problem of gun violence as well as if it  
2649 were carefully reviewed by the Congress after regulations  
2650 are written.

2651       Such a rule as the one the gentlewoman has offered has  
2652       the potential to impact the Second Amendment rights of law-  
2653       abiding citizens as well. So it is imperative that Congress  
2654       take as a check and balance against any potentially  
2655       unconstitutional action that the branch, the executive  
2656       branch might take the responsibility to review the actions  
2657       of that branch.

2658       As a result, I would oppose the amendment offered by the  
2659       gentlewoman.

2660       For what purpose does the gentleman from Virginia seek  
2661       recognition?

2662       Mr. Scott. Move to strike the last word.

2663       Chairman Goodlatte. The gentleman is recognized for 5  
2664       minutes.

2665       Mr. Scott. I yield to the gentlelady from California.

2666       Ms. Chu. Yes. I'd like to enter into the record from  
2667       the Brady Campaign to Prevent Gun Violence the major school  
2668       shootings in the United States since 1997. Just to name a  
2669       few, in Newtown, Connecticut, 26 people shot and killed at  
2670       Sandy Hook Elementary School. In San Bernardino, at the  
2671       campus of Cal State University-San Bernardino, a man shot at

2672 an off-campus housing facility. In Baltimore, one person  
2673 shot at the Baltimore area Morgan State University.

2674 There are 41 pages worth of these major school shootings  
2675 in the United States since 1997, and I submit these for the  
2676 record.

2677 Chairman Goodlatte. Without objection, the documents  
2678 will be made a part of the record.

2679 [The information follows:]

2680

2681 Mr. Scott. Thank you, Mr. Chairman. I yield back.

2682 Chairman Goodlatte. The gentleman yields back.

2683 The question occurs on the amendment offered by the  
2684 gentlewoman from California.

2685 Those in favor, will say aye.

2686 Those opposed, no.

2687 In the opinion of the chair, the noes have it, and the  
2688 amendment is not agreed to.

2689 Ms. Chu. Mr. Chair, I ask for a roll call vote.

2690 Chairman Goodlatte. A roll call vote is requested, and  
2691 the clerk will call the roll.

2692 Ms. Deterding. Mr. Goodlatte?

2693 Chairman Goodlatte. No.

2694 Ms. Deterding. Mr. Goodlatte votes no.

2695 Mr. Sensenbrenner?

2696 [No response.]

2697 Ms. Deterding. Mr. Coble?

2698 Mr. Coble. No.

2699 Ms. Deterding. Mr. Coble votes no.

2700 Mr. Smith?

2701 Mr. Smith. No.



2702 Ms. Deterding. Mr. Smith votes no.

2703 Mr. Chabot?

2704 [No response.]

2705 Ms. Deterding. Mr. Bachus?

2706 Mr. Bachus. No.

2707 Ms. Deterding. Mr. Bachus votes no.

2708 Mr. Issa?

2709 [No response.]

2710 Ms. Deterding. Mr. Forbes? Mr. Forbes?

2711 Mr. Forbes. No.

2712 Ms. Deterding. Mr. Forbes votes no.

2713 Mr. King?

2714 Mr. King. No.

2715 Ms. Deterding. Mr. King votes no.

2716 Mr. Franks?

2717 [No response.]

2718 Ms. Deterding. Mr. Gohmert?

2719 [No response.]

2720 Ms. Deterding. Mr. Jordan?

2721 Mr. Jordan. No.

2722 Ms. Deterding. Mr. Jordan votes no.

2723 Mr. Poe?

2724 [No response.]

2725 Ms. Deterding. Mr. Chaffetz?

2726 Mr. Chaffetz. No.

2727 Ms. Deterding. Mr. Chaffetz votes no.

2728 Mr. Marino?

2729 Mr. Marino. No.

2730 Ms. Deterding. Mr. Marino votes no.

2731 Mr. Gowdy?

2732 Mr. Gowdy. No.

2733 Ms. Deterding. Mr. Gowdy votes no.

2734 Mr. Amodei?

2735 Mr. Amodei. No.

2736 Ms. Deterding. Mr. Amodei votes no.

2737 Mr. Labrador?

2738 [No response.]

2739 Ms. Deterding. Mr. Farenthold?

2740 Mr. Farenthold. No.

2741 Ms. Deterding. Mr. Farenthold votes no.

2742 Mr. Holding?

2743 [No response.]

2744 Ms. Deterding. Mr. Collins?

2745 Mr. Collins. No.

2746 Ms. Deterding. Mr. Collins votes no.

2747 Mr. DeSantis?

2748 Mr. DeSantis. No.

2749 Ms. Deterding. Mr. DeSantis votes no.

2750 Mr. Rothfus?

2751 Mr. Rothfus. No.

2752 Ms. Deterding. Mr. Rothfus votes no.

2753 Mr. Conyers?

2754 [No response.]

2755 Ms. Deterding. Mr. Nadler?

2756 [No response.]

2757 Ms. Deterding. Mr. Scott?

2758 Mr. Scott. Aye.

2759 Ms. Deterding. Mr. Scott votes aye.

2760 Mr. Watt?

2761 Mr. Watt. Aye.

2762 Ms. Deterding. Mr. Watt votes aye.

2763 Ms. Lofgren?

2764 Ms. Lofgren. Aye.

2765 Ms. Deterding. Ms. Lofgren votes aye.

2766 Ms. Jackson Lee?

2767 [No response.]

2768 Ms. Deterding. Mr. Cohen?

2769 [No response.]

2770 Ms. Deterding. Mr. Johnson?

2771 Mr. Johnson. Aye.

2772 Ms. Deterding. Mr. Johnson votes aye.

2773 Mr. Pierluisi?

2774 [No response.]

2775 Ms. Deterding. Ms. Chu?

2776 Ms. Chu. Aye.

2777 Ms. Deterding. Ms. Chu votes aye.

2778 Mr. Deutch?

2779 Mr. Deutch. Aye.

2780 Ms. Deterding. Mr. Deutch votes aye.

2781 Mr. Gutierrez?

2782 [No response.]

2783 Ms. Deterding. Ms. Bass?

2784 Ms. Bass. Aye.

2785 Ms. Deterding. Ms. Bass votes aye.

2786 Mr. Richmond?

2787 [No response.]

2788 Ms. Deterding. Ms. DelBene?

2789 Ms. DelBene. Aye.

2790 Ms. Deterding. Ms. DelBene votes aye.

2791 Mr. Garcia?

2792 Mr. Garcia. Aye.

2793 Ms. Deterding. Mr. Garcia votes aye.

2794 Mr. Jeffries?

2795 Mr. Jeffries. Aye.

2796 Ms. Deterding. Mr. Jeffries votes aye.

2797 Chairman Goodlatte. The gentleman from Arizona, Mr.

2798 Franks?

2799 Mr. Franks. No.

2800 Ms. Deterding. Mr. Franks votes no.

2801 Chairman Goodlatte. The clerk will report.

2802 Oh, I am sorry. The gentleman from Texas, Mr. Gohmert?

2803 Mr. Gohmert. No.

2804 Ms. Deterding. Mr. Gohmert votes no.

2805 [Pause.]

2806 Ms. Deterding. Mr. Chairman, 17 Members voted no; 10

2807 Members voted aye.

2808 Chairman Goodlatte. And the amendment is not agreed to.

2809 Are there further amendments? The gentleman from

2810 Florida is recognized.

2811 Mr. Garcia. Mr. Chairman, I have an amendment at the

2812 desk.

2813 Chairman Goodlatte. The clerk will report the

2814 amendment.

2815 Ms. Deterding. Amendment to H.R. 367, offered by Mr.

2816 Garcia of Florida. Page 18, line --

2817 Mr. Garcia. Mr. Chairman, we can dispense with the

2818 reading.

2819 Chairman Goodlatte. Without objection, the amendment is

2820 considered as read.

2821 [The amendment of Mr. Garcia follows:]

2822

2823 Chairman Goodlatte. The gentleman is recognized for 5  
2824 minutes to explain his amendment.

2825 Mr. Garcia. Mr. Chairman, my amendment is a very  
2826 straightforward amendment. It simply exempts regulation  
2827 that will curb Medicare and Medicaid fraud from the proposed  
2828 burdensome process.

2829 In April of 2012, the Rand Corporation and the now  
2830 former CMS administrator estimated the cost of fraud and  
2831 abuse was \$98 billion in 2011-2012. Frankly, my home State  
2832 is the ground zero in the fight against Medicare fraud.

2833 In FY 2011-2012 alone, Medicaid fraud complaints in  
2834 Florida opened 324 cases. Just this past October, 33  
2835 defendants were arrested in south Florida, accused of  
2836 submitting over \$206 million in phony Medicare claims.

2837 The regulatory process already provides significant  
2838 oversight and public input to ensure rules meet their  
2839 intended purpose. Should the administration propose the  
2840 regulations that will curb fraud and abuse of Medicare and  
2841 Medicaid programs, it simply does not make sense to  
2842 needlessly slow them down.

2843 With sequestration in effect and the President making

2844 harmful cuts to entitlement programs, it is downright  
2845 irresponsible to delay rules that will not only stand to  
2846 save taxpayers billions of dollars, but may also strengthen  
2847 Medicare and Medicaid systems for generations to come.

2848 I urge my colleagues to support the amendment, and I  
2849 yield back the balance of the time, Mr. Chairman.

2850 Chairman Goodlatte. I thank the gentleman.

2851 The chair recognizes himself in opposition to the  
2852 amendment.

2853 As we consider each set of regulations that an amendment  
2854 seeks to carve out from the REINS Act as special, it becomes  
2855 ever clearer that there is no special set of regulations  
2856 that should be carved out. It is imperative that the people  
2857 be able to rely on Congress to check overreaching and  
2858 underperforming Federal regulators.

2859 It is just as imperative that they be able to hold  
2860 someone accountable for bad decisions in Washington,  
2861 especially the ones with the highest cost. Regulations on  
2862 Medicare and Medicaid fraud are no exception. Fraud  
2863 committed under these programs is an important reason why  
2864 Medicare and Medicaid drive healthcare costs up in this



2865 country.

2866 We can have no confidence that the regulators who have  
2867 failed to stamp out this fraud to date will be more expert  
2868 than Congress at future ways to rein in the fraud. On the  
2869 contrary, it is Congress that should constrain spending,  
2870 including spending on fraudulent claims, and I urge my  
2871 colleagues to oppose the amendment.

2872 The chair recognizes the gentleman from North Carolina.

2873 Mr. Watt. Mr. Chairman, I move to strike the last word.

2874 Chairman Goodlatte. The gentleman is recognized for 5  
2875 minutes.

2876 Mr. Watt. I won't take 5 minutes. I just wanted to  
2877 remind everybody that the Congress already has the authority  
2878 to do this. And this whole notion that we don't have the  
2879 authority to do anything that is in this bill right now, we  
2880 can reverse any regulation that is passed.

2881 And the notion that this is -- we are trying to blame  
2882 all of this on the bureaucrats and the regulators, we have  
2883 got the authority to do this right now. And I don't --  
2884 well, I yield back.

2885 Chairman Goodlatte. The gentleman yields back.

2886           The question occurs on the amendment offered by the  
2887 gentleman from Florida.

2888           All those in favor, respond by saying aye.

2889           Those opposed, no.

2890           In the opinion of the chair, the noes have it, and the  
2891 amendment is not agreed to.

2892           Mr. Garcia. Mr. Chairman, if we could have a recorded  
2893 vote?

2894           Chairman Goodlatte. A recorded vote is requested, and  
2895 the clerk will call the roll.

2896           Ms. Deterding. Mr. Goodlatte?

2897           Chairman Goodlatte. No.

2898           Ms. Deterding. Mr. Goodlatte votes no.

2899           Mr. Sensenbrenner?

2900           [No response.]

2901           Ms. Deterding. Mr. Coble?

2902           Mr. Coble. No.

2903           Ms. Deterding. Mr. Coble votes no.

2904           Mr. Smith?

2905           Mr. Smith. No.

2906           Ms. Deterding. Mr. Smith votes no.

2907 Mr. Chabot?

2908 Mr. Chabot. No.

2909 Ms. Deterding. Mr. Chabot votes no.

2910 Mr. Bachus?

2911 Mr. Bachus. No.

2912 Ms. Deterding. Mr. Bachus votes no.

2913 Mr. Issa?

2914 [No response.]

2915 Ms. Deterding. Mr. Forbes?

2916 Mr. Forbes. No.

2917 Ms. Deterding. Mr. Forbes votes no.

2918 Mr. King?

2919 Mr. King. No.

2920 Ms. Deterding. Mr. King votes no.

2921 Mr. Franks?

2922 Mr. Franks. No.

2923 Ms. Deterding. Mr. Franks votes no.

2924 Mr. Gohmert?

2925 Mr. Gohmert. No.

2926 Ms. Deterding. Mr. Gohmert votes no.

2927 Mr. Jordan?

2928 Mr. Jordan. No.

2929 Ms. Deterding. Mr. Jordan votes no.

2930 Mr. Poe?

2931 [No response.]

2932 Ms. Deterding. Mr. Chaffetz?

2933 Mr. Chaffetz. No.

2934 Ms. Deterding. Mr. Chaffetz votes no.

2935 Mr. Marino?

2936 Mr. Marino. No.

2937 Ms. Deterding. Mr. Marino votes no.

2938 Mr. Gowdy?

2939 Mr. Gowdy. No.

2940 Ms. Deterding. Mr. Gowdy votes no.

2941 Mr. Amodei?

2942 Mr. Amodei. No.

2943 Ms. Deterding. Mr. Amodei votes no.

2944 Mr. Labrador?

2945 [No response.]

2946 Ms. Deterding. Mr. Farenthold?

2947 [No response.]

2948 Ms. Deterding. Mr. Holding?

2949 [No response.]

2950 Ms. Deterding. Mr. Collins?

2951 Mr. Collins. No.

2952 Ms. Deterding. Mr. Collins votes no.

2953 Mr. DeSantis?

2954 Mr. DeSantis. No.

2955 Ms. Deterding. Mr. DeSantis votes no.

2956 Mr. Rothfus?

2957 Mr. Rothfus. No.

2958 Ms. Deterding. Mr. Rothfus votes no.

2959 Mr. Conyers?

2960 [No response.]

2961 Ms. Deterding. Mr. Nadler?

2962 [No response.]

2963 Ms. Deterding. Mr. Scott?

2964 Mr. Scott. Aye.

2965 Ms. Deterding. Mr. Scott votes aye.

2966 Mr. Watt?

2967 Mr. Watt. Aye.

2968 Ms. Deterding. Mr. Watt votes aye.

2969 Ms. Lofgren?

2970 Ms. Lofgren. Aye.

2971 Ms. Deterding. Ms. Lofgren votes aye.

2972 Ms. Jackson Lee?

2973 [No response.]

2974 Ms. Deterding. Mr. Cohen?

2975 [No response.]

2976 Ms. Deterding. Mr. Johnson?

2977 Mr. Johnson. Aye.

2978 Ms. Deterding. Mr. Johnson votes aye.

2979 Mr. Pierluisi?

2980 [No response.]

2981 Ms. Deterding. Ms. Chu?

2982 Ms. Chu. Aye.

2983 Ms. Deterding. Ms. Chu votes aye.

2984 Mr. Deutch?

2985 [No response.]

2986 Ms. Deterding. Mr. Gutierrez?

2987 [No response.]

2988 Ms. Deterding. Ms. Bass?

2989 Ms. Bass. Aye.

2990 Ms. Deterding. Ms. Bass votes aye.

2991 Mr. Richmond?

2992 [No response.]

2993 Ms. Deterding. Ms. DelBene?

2994 Ms. DelBene. Aye.

2995 Ms. Deterding. Ms. DelBene votes aye.

2996 Mr. Garcia?

2997 Mr. Garcia. Aye.

2998 Ms. Deterding. Mr. Garcia votes aye.

2999 Mr. Jeffries?

3000 Mr. Jeffries. Aye.

3001 Ms. Deterding. Mr. Jeffries votes aye.

3002 Chairman Goodlatte. Has every Member voted who wishes

3003 to vote?

3004 The clerk will report.

3005 Ms. Deterding. Mr. Chairman, 17 Members voted nay; 9

3006 Members voted aye.

3007 Chairman Goodlatte. And the amendment is not agreed to.

3008 Does the gentleman from New York seek recognition?

3009 Mr. Jeffries. Yes. Thank you, Mr. Chairman.

3010 I have an amendment at the desk.

3011 Chairman Goodlatte. The clerk will report the

3012 amendment.

3013 Ms. Deterding. Amendment to H.R. 367, offered by Mr.

3014 Jeffries of New York. Page 18, line 7, insert "after any

3015 rule" the following --

3016 Chairman Goodlatte. Without objection, the amendment is

3017 considered as read.

3018 [The amendment of Mr. Jeffries follows:]

3019



3020 Chairman Goodlatte. And the gentleman from New York is  
3021 recognized for 5 minutes to explain his amendment.

3022 Mr. Jeffries. Thank you, Mr. Chairman.

3023 This amendment would exempt from any REINS Act  
3024 requirements of affirmative congressional action regulations  
3025 that relate to or concern any rule pertaining to the  
3026 protection of the safety and soundness of the banking and  
3027 financial services industries in the United States of  
3028 America.

3029 I have got the opportunity to represent the Eighth  
3030 Congressional District in Brooklyn and parts of Queens. It  
3031 is the district that is wholly contained within the City of  
3032 New York. I recognize from my own experiences as a resident  
3033 of the City of New York and a prior representative in the  
3034 State legislature and now in the Congress that the banking  
3035 and financial services sector play a critical role in the  
3036 health and well-being of New York City's economy, that of  
3037 the State, and indeed in the country.

3038 But I also recognize that it is an industry that  
3039 requires reasonable regulations and oversight from a  
3040 regulatory perspective in order to make sure that bad

3041 actions within that industry don't result in significant, if  
3042 not catastrophic, damage. This is something that we, of  
3043 course, witnessed in 2008 when the economy collapsed largely  
3044 as a result of unregulated activity in the banking and  
3045 financial services sector.

3046 The CBO estimates that we took in America a \$22 trillion  
3047 hit to our economy, catastrophic in nature, the worst  
3048 economic crisis since the Great Depression. And that  
3049 activity was largely as a result of unregulated behavior on  
3050 several fronts, but I would just like to highlight that  
3051 unregulated activity concerning credit default swaps.

3052 Now this was a market that in 2000 was less than \$1  
3053 trillion, approximately \$800 billion credit default swap  
3054 market. By 2007-2008, the estimates show that it was an  
3055 industry and a market unregulated that had grown to in  
3056 excess of \$45 trillion in activity, revolving around these  
3057 instruments.

3058 We know that there were banks and other entities that  
3059 were issuing mortgage-backed securities on the one hand and  
3060 then purchasing credit default swap instruments on the other  
3061 hand, betting against the success of those securities that

3062 had just been issued and essentially betting in favor of  
3063 their failure.

3064       These credit default swap instruments were not regulated  
3065 in terms of a standard contract, \$45 trillion industry, no  
3066 regulation as it relates to contractual requirements entered  
3067 into related to this instrument. There were no regulations  
3068 related to standard valuation requirements. The companies  
3069 were not required to value the assets that were being  
3070 insured against.

3071       And as a result, we know that many of these mortgage-  
3072 backed securities, for instance, were valued at a much  
3073 higher rate than what they ultimately turned out to be when  
3074 their toxicity was revealed, to the detriment of the  
3075 American people.

3076       Lastly, there were no standard capitalization  
3077 requirements that existed related to these instruments, and  
3078 so companies like AIG were not required to demonstrate that  
3079 they had the assets to pay for any defaults that took place.  
3080 As a result, we saw what occurred in the absence of  
3081 significant regulation, which is the reason why I offer up  
3082 this amendment at the present time.

3083 Chairman Goodlatte. The chair thanks the gentleman and  
3084 recognizes himself for 5 minutes in response.

3085 The reason we are here today talking about the REINS Act  
3086 is because overregulation kills jobs. Job creation is the  
3087 key to economic recovery.

3088 The regulatory burden created by Dodd-Frank is hurting  
3089 our national economic recovery. Ironically, it was  
3090 ineffective overregulation that caused the financial crisis.

3091 I understand that my Democratic colleagues have a  
3092 different point of view. They think that the financial  
3093 crisis was caused by under regulation. I respectfully  
3094 disagree, and I would note that the Davis Polk law firm  
3095 recently reported that almost two-thirds of the rulemaking  
3096 deadlines required by Dodd-Frank have been missed by  
3097 agencies. For more than one-third of these missed  
3098 deadlines, no rule has even been proposed.

3099 I have every confidence that Congress would approve any  
3100 reasonable regulation that is truly necessary for the  
3101 purposes of this amendment. However, if these regulations  
3102 are so critical that they should be exempt from the REINS  
3103 Act, why are agencies so delinquent in issuing and even in

3104 proposing them? You can't have it both ways.

3105 And for these reasons, I oppose this amendment.

3106 The question occurs on the amendment.

3107 All those in favor, respond by saying aye.

3108 Opposed, no.

3109 In the opinion of the chair, the noes have it, and the  
3110 amendment is not agreed to.

3111 Mr. Jeffries. Mr. Chair, I request a roll call.

3112 Chairman Goodlatte. A recorded vote is requested, and  
3113 the clerk will call the roll.

3114 Ms. Deterding. Mr. Goodlatte?

3115 Chairman Goodlatte. No.

3116 Ms. Deterding. Mr. Goodlatte votes no.

3117 Mr. Sensenbrenner?

3118 [No response.]

3119 Ms. Deterding. Mr. Coble?

3120 [No response.]

3121 Ms. Deterding. Mr. Smith?

3122 Mr. Smith. No.

3123 Ms. Deterding. Mr. Smith votes no.

3124 Mr. Chabot?

3125 Mr. Chabot. No.

3126 Ms. Deterding. Mr. Chabot votes no.

3127 Mr. Bachus?

3128 Mr. Bachus. No.

3129 Ms. Deterding. Mr. Bachus votes no.

3130 Mr. Issa?

3131 Mr. Issa. No.

3132 Ms. Deterding. Mr. Issa votes no.

3133 Mr. Forbes?

3134 Mr. Forbes. No.

3135 Ms. Deterding. Mr. Forbes votes no.

3136 Mr. King?

3137 Mr. King. No.

3138 Ms. Deterding. Mr. King votes no.

3139 Mr. Franks?

3140 Mr. Franks. No.

3141 Ms. Deterding. Mr. Franks votes no.

3142 Mr. Gohmert?

3143 Mr. Gohmert. No.

3144 Ms. Deterding. Mr. Gohmert votes no.

3145 Mr. Jordan?

3146 Mr. Jordan. No.

3147 Ms. Deterding. Mr. Jordan votes no.

3148 Mr. Poe?

3149 [No response.]

3150 Ms. Deterding. Mr. Chaffetz?

3151 Mr. Chaffetz. No.

3152 Ms. Deterding. Mr. Chaffetz votes no.

3153 Mr. Marino?

3154 Mr. Marino. No.

3155 Ms. Deterding. Mr. Marino votes no.

3156 Mr. Gowdy?

3157 Mr. Gowdy. No.

3158 Ms. Deterding. Mr. Gowdy votes no.

3159 Mr. Amodei?

3160 Mr. Amodei. No.

3161 Ms. Deterding. Mr. Amodei votes no.

3162 Mr. Labrador?

3163 Mr. Labrador. No.

3164 Ms. Deterding. Mr. Labrador votes no.

3165 Mr. Farenthold?

3166 [No response.]

3167 Ms. Deterding. Mr. Holding?

3168 [No response.]

3169 Ms. Deterding. Mr. Collins?

3170 Mr. Collins. No.

3171 Ms. Deterding. Mr. Collins votes no.

3172 Mr. DeSantis?

3173 Mr. DeSantis. No.

3174 Ms. Deterding. Mr. DeSantis votes no.

3175 Mr. Rothfus?

3176 Mr. Rothfus. No.

3177 Ms. Deterding. Mr. Rothfus votes no.

3178 Mr. Conyers?

3179 [No response.]

3180 Ms. Deterding. Mr. Nadler?

3181 [No response.]

3182 Ms. Deterding. Mr. Scott?

3183 Mr. Scott. Aye.

3184 Ms. Deterding. Mr. Scott votes aye.

3185 Mr. Watt?

3186 Mr. Watt. Aye.

3187 Ms. Deterding. Mr. Watt votes aye.



3188 Ms. Lofgren?

3189 Ms. Lofgren. Aye.

3190 Ms. Deterding. Ms. Lofgren votes aye.

3191 Ms. Jackson Lee?

3192 [No response.]

3193 Ms. Deterding. Mr. Cohen?

3194 [No response.]

3195 Ms. Deterding. Mr. Johnson?

3196 [No response.]

3197 Ms. Deterding. Mr. Pierluisi?

3198 [No response.]

3199 Ms. Deterding. Ms. Chu?

3200 Ms. Chu. Aye.

3201 Ms. Deterding. Ms. Chu votes aye.

3202 Mr. Deutch?

3203 [No response.]

3204 Ms. Deterding. Mr. Gutierrez?

3205 [No response.]

3206 Ms. Deterding. Ms. Bass?

3207 Ms. Bass. Aye.

3208 Ms. Deterding. Ms. Bass votes aye.

3209 Mr. Richmond?

3210 [No response.]

3211 Ms. Deterding. Ms. DelBene?

3212 Ms. DelBene. Aye.

3213 Ms. Deterding. Ms. DelBene votes aye.

3214 Mr. Garcia?

3215 [No response.]

3216 Ms. Deterding. Mr. Jeffries?

3217 Mr. Jeffries. Aye.

3218 Ms. Deterding. Mr. Jeffries votes aye.

3219 Chairman Goodlatte. The gentleman from North Carolina?

3220 Mr. Coble. No.

3221 Ms. Deterding. Mr. Coble votes no.

3222 Chairman Goodlatte. Has every Member voted who wishes

3223 to vote? The clerk will report.

3224 Ms. Deterding. Mr. Chairman, 19 Members voted nay; 7

3225 Members voted aye.

3226 Chairman Goodlatte. And the amendment is not agreed to.

3227 Are there any other amendments?

3228 [No response.]

3229 Chairman Goodlatte. A reporting quorum being present,

3230 the question is on reporting the bill, as amended, favorably  
3231 to the House.

3232 Those in favor, will say aye.

3233 Those opposed, no.

3234 The ayes have it, and the bill, as amended, is ordered  
3235 reported favorably.

3236 The gentleman from Virginia?

3237 Mr. Scott. Roll call.

3238 Chairman Goodlatte. A recorded vote is requested, and  
3239 the clerk will call the roll.

3240 Ms. Deterding. Mr. Goodlatte?

3241 Chairman Goodlatte. Aye.

3242 Ms. Deterding. Mr. Goodlatte votes aye.

3243 Mr. Sensenbrenner?

3244 [No response.]

3245 Ms. Deterding. Mr. Coble?

3246 Mr. Coble. Aye.

3247 Ms. Deterding. Mr. Coble votes aye.

3248 Mr. Smith?

3249 Mr. Smith. Aye.

3250 Ms. Deterding. Mr. Smith votes aye.

3251 Mr. Chabot?

3252 Mr. Chabot. Aye.

3253 Ms. Deterding. Mr. Chabot votes aye.

3254 Mr. Bachus?

3255 Mr. Bachus. Aye.

3256 Ms. Deterding. Mr. Bachus votes aye.

3257 Mr. Issa?

3258 Mr. Issa. Aye.

3259 Ms. Deterding. Mr. Issa votes aye.

3260 Mr. Forbes?

3261 Mr. Forbes. Aye.

3262 Ms. Deterding. Mr. Forbes votes aye.

3263 Mr. King?

3264 Mr. King. Aye.

3265 Ms. Deterding. Mr. King votes aye.

3266 Mr. Franks?

3267 Mr. Franks. Aye.

3268 Ms. Deterding. Mr. Franks votes aye.

3269 Mr. Gohmert?

3270 Mr. Gohmert. Aye.

3271 Ms. Deterding. Mr. Gohmert votes aye.

3272 Mr. Jordan?

3273 Mr. Jordan. Yes.

3274 Ms. Deterding. Mr. Jordan votes yes.

3275 Mr. Poe?

3276 Mr. Poe. Yes.

3277 Ms. Deterding. Mr. Poe votes yes.

3278 Mr. Chaffetz?

3279 Mr. Chaffetz. Aye.

3280 Ms. Deterding. Mr. Chaffetz votes aye.

3281 Mr. Marino?

3282 Mr. Marino. Yes.

3283 Ms. Deterding. Mr. Marino votes yes.

3284 Mr. Gowdy?

3285 Mr. Gowdy. Yes.

3286 Ms. Deterding. Mr. Gowdy votes yes.

3287 Mr. Amodei?

3288 Mr. Amodei. Aye.

3289 Ms. Deterding. Mr. Amodei votes aye.

3290 Mr. Labrador?

3291 Mr. Labrador. Aye.

3292 Ms. Deterding. Mr. Labrador votes aye.

3293 Mr. Farenthold?

3294 [No response.]

3295 Ms. Deterding. Mr. Holding?

3296 [No response.]

3297 Ms. Deterding. Mr. Collins?

3298 Mr. Collins. Yes.

3299 Ms. Deterding. Mr. Collins votes yes.

3300 Mr. DeSantis?

3301 Mr. DeSantis. Aye.

3302 Ms. Deterding. Mr. DeSantis votes aye.

3303 Mr. Rothfus?

3304 Mr. Rothfus. Aye.

3305 Ms. Deterding. Mr. Rothfus votes aye.

3306 Mr. Conyers?

3307 [No response.]

3308 Ms. Deterding. Mr. Nadler?

3309 [No response.]

3310 Ms. Deterding. Mr. Scott?

3311 Mr. Scott. No.

3312 Ms. Deterding. Mr. Scott votes no.

3313 Mr. Watt?

3314 Mr. Watt. No.

3315 Ms. Deterding. Mr. Watt votes no.

3316 Ms. Lofgren?

3317 Ms. Lofgren. No.

3318 Ms. Deterding. Ms. Lofgren votes no.

3319 Ms. Jackson Lee?

3320 [No response.]

3321 Ms. Deterding. Mr. Cohen?

3322 [No response.]

3323 Ms. Deterding. Mr. Johnson?

3324 [No response.]

3325 Ms. Deterding. Mr. Pierluisi?

3326 [No response.]

3327 Ms. Deterding. Ms. Chu?

3328 Ms. Chu. No.

3329 Ms. Deterding. Ms. Chu votes no.

3330 Mr. Deutch?

3331 Mr. Deutch. No.

3332 Ms. Deterding. Mr. Deutch votes no.

3333 Mr. Gutierrez?

3334 [No response.]

3335 Ms. Deterding. Ms. Bass?

3336 Ms. Bass. No.

3337 Ms. Deterding. Ms. Bass votes no.

3338 Mr. Richmond?

3339 [No response.]

3340 Ms. Deterding. Ms. DelBene?

3341 Ms. DelBene. No.

3342 Ms. Deterding. Ms. DelBene votes no.

3343 Mr. Garcia?

3344 Mr. Garcia. No.

3345 Ms. Deterding. Mr. Garcia votes no.

3346 Mr. Jeffries?

3347 Mr. Jeffries. No.

3348 Ms. Deterding. Mr. Jeffries votes no.

3349 Chairman Goodlatte. Has every Member voted who wishes

3350 to vote? The clerk will report.

3351 Ms. Deterding. Mr. Chairman, 20 Members voted aye; 9

3352 Members voted nay.

3353 Chairman Goodlatte. And the ayes have it, and the bill,

3354 as amended, is ordered reported favorably. Members will

3355 have 2 days to submit views.



3356           And without objection, the bill will be reported as a  
3357   single amendment in the nature of a substitute,  
3358   incorporating all adopted amendments, and staff is  
3359   authorized to make technical and conforming changes.

3360           I want to thank all the Members for their participation  
3361   today, and the committee is adjourned.

3362           [Whereupon, at 3:08 p.m., the committee was adjourned.]