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Border and Maritime Security

SENIOR WHIP
DEMOCRATIC CAUCUS

CONGRESSWOMAN SHEILA JACKSON LEE OF TEXAS

COMMITTEE ON THE JUDICIARY

**STATEMENT
IN SUPPORT OF
JACKSON LEE AMENDMENT #3
TO H.R. 3438, THE "REQUIRE EVALUATION BEFORE
IMPLEMENTING EXECUTIVE WISHLISTS ACT
(REVIEW ACT) OF 2016"**

[Amendment to exempt any rule promulgated to prevent, respond to, or mitigate the adverse impacts of public health emergencies like the outbreak of the Zika and Ebola viruses.]



THURSDAY, SEPTEMBER 08, 2016

- Mr. Chairman, I have an amendment at the desk, the Jackson Lee #3, an amendment to exempt from H.R. 3438, the REVIEW Act, any rule promulgated to prevent, respond to, or mitigate the adverse impacts of public health emergencies like the outbreak of the Zika and Ebola viruses.
- Thank you for this opportunity to briefly explain my amendment.
- Mr. Chairman, H.R. 3438, as currently drafted is an unnecessary and misguided bill that can dangerously hamper our nation's efforts to respond to public health emergencies, among many other public policy measures needed provide public protections.
- H.R. 3438 would amend 5 U.S.C. Sec. 705 of the Administrative Procedure Act (APA) to require agencies to postpone until the completion of judicial review the effective date of any new regulation that imposes one billion dollars or more in costs on the economy, if litigation challenging the regulation is brought within 60 days of the regulation's publication in the Federal Register.
- In particular, H.R. 3438 seeks to address concerns associated with rules that may be overturned by courts by halting or stalling billion dollar regulations until the legal proceedings concerning their legitimacy and costs have concluded.
- This measure is problematic because it would reverse one of the most fundamental and settled principles in our regulatory system – as well as create additional delays in already burdened rulemaking process for new public health, safety, and financial security protections.

- In particular, I am concerned about the ability for agencies to act in times of imminent need to protect citizens from public health emergencies.
- Specifically, this is a sweeping and dangerous measure that would jeopardize the ability of our federal government to protect our nation in times of urgent and imminent need.
- The Jackson Lee Amendment #3 would ensure that the federal government is not further prohibited from responding to emergencies such as the Zika virus epidemic and other similar public health crisis such as the Ebola virus outbreak.
- According to the Coalition for Sensible Safeguards, Congress should be looking for ways to strengthen our nation's regulatory system by identifying gaps and instituting new science-based safeguards for the public.
- I cannot agree more – as we are now in perilous times where the Zika virus presents unprecedented threats to the people of our nation.
- Thus far, there have been more than 16,800 cases of Zika infection reported to the Centers for Disease Control and Prevention in the U.S. and its territories, including more than 2,700 on the mainland.
- Over 1,500 women have been infected and there have been 17 confirmed cases of babies born with birth defects related to Zika.

- Now is not the time to undermine or slow the ability of our regulatory agencies ability to address growing threats and active cases of public health crises.
- Rather than engage in a wasteful and redundant analysis of all its rules, our federal regulatory agencies should be focused on the crucial mission of protecting our nation's people.
- The Jackson Lee Amendment #3 would ensure that any rule promulgated to prevent, respond to, or mitigate the adverse impacts of public health emergencies like the outbreak of the Zika and Ebola viruses would not be halted or obstructed.
- Accordingly, I urge adoption of the Jackson Lee Amendment #3.
- Thank you.