

STENOGRAPHIC MINUTES
Unrevised and Unedited
Not for Quotation or
Duplication

**FULL COMMITTEE BUSINESS MEETING: ADOPTION OF COMMITTEE RULES
AND APPROVAL OF OVERSIGHT PLAN**

Tuesday, January 27, 2015

House of Representatives,

Committee on Science, Space, and Technology

Washington, D.C.

Committee Hearings

of the

U.S. HOUSE OF REPRESENTATIVES



OFFICE OF THE CLERK
Office of Official Reporters

1 | YORK STENOGRAPHIC SERVICES, INC.

2 | RPTS ALDINGER

3 | HSY027.000

4 | FULL COMMITTEE BUSINESS MEETING: ADOPTION OF COMMITTEE RULES
5 | AND APPROVAL OF OVERSIGHT PLAN

6 | Tuesday, January 27, 2015

7 | House of Representatives,

8 | Committee on Science, Space, and Technology

9 | Washington, D.C.

10 | The Committee met, pursuant to call, at 11:05 a.m., in
11 | Room 2318 of the Rayburn House Office Building, Hon. Lamar
12 | Smith [Chairman of the Committee] presiding.

13 Chairman SMITH. The Committee on Science, Space, and
14 Technology will come to order. Without objection, the Chair
15 is authorized to declare a recess at any time.

16 Also without objection, the Chair is authorized to
17 postpone further proceedings when a record vote is ordered on
18 the question of approving a measure or matter or on adopting
19 an amendment.

20 Pursuant to notice, the Committee meets to organize for
21 the 114th Congress. Today we will consider Committee Rules
22 for the 114th Congress and adopt the Committee's Oversight
23 Plan for the 114th Congress, and I will recognize myself for
24 an opening statement.

25 Welcome, everyone, and thank you all for serving on this
26 Committee. If we do our jobs right, we will increase
27 productivity, raise Americans' standard of living, and create
28 more jobs.

29 The Science Committee oversees agency budgets totaling
30 \$40 billion, much of which goes to research and development.
31 So the Committee largely focuses on the future. This
32 Committee's jurisdiction over our Nation's ``scientific
33 research, development, and demonstration'' makes possible
34 America's technological innovations, industrial
35 competitiveness, and space explorations.

36 We have 26 returning Members, 14 Republicans and 12
37 Democrats, for a 65 percent retention rate. On the majority

38 | side we welcome eight new Members, whom I will introduce in a
39 | minute. I hope that every Member, majority and minority
40 | alike, will find that this is an active and interesting
41 | Committee.

42 | In the last Congress, the Committee held 99 hearings and
43 | approved 20 bills that subsequently passed on the House
44 | Floor. Eighteen of these 20 bills were bipartisan. Six
45 | became law. I hope we can build on this success and do even
46 | more in this Congress.

47 | The Science, Space, and Technology Committee, over 57
48 | years, has expanded to include oversight of multiple
49 | agencies. These include NASA, the Department of Energy, the
50 | Environmental Protection Agency, the National Science
51 | Foundation, the National Institute of Standards and
52 | Technology, the White House Office of Science and Technology,
53 | the National Oceanic and Atmospheric Administration, the
54 | Federal Aviation Administration, other Department of
55 | Transportation R&D programs, the Department of Homeland
56 | Security Science and Technology Directorate, the Federal
57 | Emergency Management Agency, the U.S. Fire Administration,
58 | and the U.S. Geological Survey.

59 | In this Congress, as in the last, the Committee will
60 | have five subcommittees: Energy, Environment, Oversight,
61 | Research and Technology, and Space. From reauthorizing NASA
62 | and advancing commercial space opportunities to advocating

63 | for robust basic research at the National Science Foundation,
64 | the National Institute of Standards and Technology, and the
65 | Department of Energy, from ensuring that transparent data can
66 | justify federal rules and regulations to improving weather
67 | forecasting and providing oversight of federal science
68 | program performance, we have much to do.

69 | As members of the Committee, we all can promote
70 | legislation that advances America's interests in science,
71 | space, and technology.

72 | We welcome back 14 Republican Members of the Committee,
73 | and they are joined by eight new Members, whom I will
74 | introduce now. Brian Babin is the former Mayor of Woodville,
75 | Texas, and a dentist so, as he says, he knows how to drill
76 | down to problems. In the 36th District, Brian represents
77 | NASA's Johnson Space Center.

78 | Barbara Comstock of Virginia's 10th District served in
79 | the Virginia House of Delegates and was a member of the
80 | Science and Technology Committee there before coming to
81 | Congress.

82 | Steve Knight of California's 25th District is an Army
83 | Veteran and was a member of the Los Angeles Police Department
84 | for 18 years. Before coming to Congress, he was elected to
85 | the California State Assembly and the State Senate.

86 | Barry Loudermilk of Georgia's 11th District chaired the
87 | Science and Technology Panel in the State Senate. He also

88 | served in the Air Force Communications Command as a
89 | Communications Operation Specialist for Command and Control,
90 | and Intelligence.

91 | John Moolenaar from Michigan's 36th District previously
92 | served in both the Michigan Senate and House. His
93 | undergraduate degree is in chemistry, which will be helpful.

94 | Dan Newhouse of Washington's 4th District was a State
95 | Representative and the State's Agriculture Director. He
96 | represents the Department of Energy's Pacific Northwest
97 | National Laboratory.

98 | Gary Palmer of Alabama's 6th District led the Alabama
99 | Policy Institute for 24 years, and he was an Advisor to the
100 | Governor's Aerospace, Science, and Industry Task Force.

101 | And Bruce Westerman of Arkansas's 4th District
102 | previously served as Majority Leader in the Arkansas State,
103 | House. Before entering politics, he was a Professional
104 | Engineer and Forester.

105 | [The statement of Mr. Smith follows:]

106 | ***** INSERT 1 *****

107 Chairman SMITH. I will now recognize the gentlewoman
108 from Texas, the Ranking Member, Ms. Johnson, for her opening
109 remarks.

110 Ms. JOHNSON. Thank you very much, Mr. Chairman.

111 Before I speak about what we are meeting about today, I
112 want to take a moment to thank you for moving the
113 organizational meeting back a week. I had hoped we would
114 have our full complement of Members today, but the short
115 weeks in January have slowed us down and slowed down the
116 appointment process on our side. But I do appreciate the
117 effort you made to accommodate our schedule.

118 I want to welcome Mr. Beyer from Virginia, who is the
119 former Lieutenant Governor of Virginia, and represents the
120 National Science Foundation in his district.

121 Unfortunately, the accommodation of our scheduling
122 concerns did not carry over to our concerns about the
123 proposed Committee Rules, and I do have some serious concerns
124 about the rules. To be quite candid, the Committee Rules
125 that were noticed last week and that we have had several
126 conversations about are the single greatest attack on
127 Minority Member rights in the history of this Committee.

128 I do not make that statement lightly. The rules shorten
129 notice requirements for markups, and in fact allow the
130 Majority to waive notice requirements altogether. The rules
131 then eliminate review periods for Members to review

132 legislative reports prior to filing. The rules require more
133 Members to support a request for a recorded vote. The rules
134 allow the Majority to hold a hearing without even a single
135 Minority Member present. The rules provide the Chair with
136 unilateral subpoena authority. And finally, the rules
137 eliminate requirements for consultation with the Minority.

138 I should note that these changes are in addition to the
139 Committee receiving blanket deposition authority in the House
140 Rules for the first time in a half-century history of this
141 Committee's history. And I don't know for what. What grand
142 legislation does the Chair have in mind that requires these
143 attacks on Minority rights?

144 I hope Members take a moment and look around this room
145 at the portraits you see displayed. I have served on this
146 Committee when the majority of these people have been Chair
147 of this Committee. None of those Chairs needed to attack
148 Member rights to accomplish their agendas. Chairman Miller
149 did not when he oversaw the landing of Americans on the moon.
150 Chairman Teague did not when he helped create the Department
151 of Energy. Chairman Boehlert did not when he helped to
152 create the Department of Homeland Security. And Chairman
153 Gordon did not when the Congress overwhelmingly passed the
154 America COMPETES Act.

155 Likewise, for what great oversight investigation does
156 the Chair need this unprecedented new powers? Chairman

157 Teague didn't need these powers when he investigated the
158 deadly Apollo 1 fire that killed three astronauts. Chairman
159 Fuqua didn't need these powers to investigate the Space
160 Shuttle Challenger disaster. Chairman Brown and Chairman
161 Wolpe did not require these powers when they investigated the
162 environmental crimes and subsequent cover-ups at the Rocky
163 Flats lab. Chairman Boehlert didn't need these powers in the
164 wake of September 11 or for the Committee's investigation of
165 the Space Shuttle Columbia disaster. Chairman Sensenbrenner
166 didn't need these powers when he chaired the Committee. And
167 for those of you who might not remember, Mr. Sensenbrenner
168 was one of the prosecutors of the Clinton impeachment, so he
169 wasn't someone you could call a softy when it came to
170 oversight work.

171 Over the half century of work and accomplishments of
172 this Committee, nobody needed to stifle debate and
173 shortchange Minority rights to get the job done. And when I
174 say Minority rights, I want to be clear that I am not just
175 talking about Democratic Member rights. I am talking about
176 any Member who might not agree with the chair, regardless of
177 their party affiliation.

178 These rules affect the ability of all Members of this
179 Committee to deliberate and debate the most important issues
180 that come before us. This is a disappointing way to start
181 off the new Congress, and I would urge the chairman to recess

182 | this meeting so that we can work across the aisle to develop
183 | rules that respect the rights and responsibilities of our
184 | Members. Failing that, I believe that re-adopting the rules
185 | of our Committee followed in the 113th Congress, which, while
186 | not perfect, would be much more preferable than the proposed
187 | rules before us today.

188 | I thank you, and yield back.

189 | [The statement of Ms. Johnson follows:]

190 | ***** INSERT 2 *****

191 Chairman SMITH. Thank you, Ms. Johnson.

192 Our first item of business is the adoption of the
193 Committee Rules. Without objection, the Committee Rules will
194 be considered as read and open for amendment at any point.

195 A copy of the rules are in your folders and were
196 distributed to all offices last Thursday in accordance with
197 the House Rules notice requirements, and the clerk will
198 designate the rules.

199 The CLERK. Rules for the Committee on Science, Space,
200 and Technology for the 114th Congress--

201 [The information follows:]

202 ***** INSERT 11 *****

203 Ms. LOFGREN. Parliamentary inquiry, Mr. Chairman?

204 Chairman SMITH. And who seeks to be recognized?

205 The gentlewoman from California will state her
206 parliamentary inquiry.

207 Ms. LOFGREN. The question is, the Ranking Member made a
208 suggestion for a deferral and a consultation between the
209 Majority and Minority to see whether we couldn't come to an
210 agreement, and the parliamentary inquiry is whether we are
211 going to take that opportunity to come together or merely
212 proceed to a fight.

213 Chairman SMITH. That was not a parliamentary inquiry,
214 but in response to the Ranking Member's statement, I am
215 choosing to go forward with consideration of the rules.

216 And I now recognize myself for an opening statement on
217 the rules.

218 The proposed Science Committee Rules are designed to be
219 consistent with House Rules and may fully preserve the
220 legitimate rights of the Minority. They also make
221 administrative changes for better Committee efficiency and
222 effectiveness. These rules have been reviewed by the House
223 Parliamentarian's Office to ensure they conform with the
224 official rules and practices of the House.

225 A week ago Monday, at Ranking Member Johnson's request,
226 as she mentioned--and I appreciate her comments a minute
227 ago--we postponed the organizational meeting to today. The

228 | rules have been amended to limit duplication and avoid
229 | divergence with the Rules of the House and to make them more
230 | concise and more clear. A few examples are the following.

231 | Committee meeting notice prohibits action until the
232 | third day as required in House Rules so as not to mandate an
233 | additional day of delay until the fourth day. One-fifth of
234 | Members present are required to support a request for
235 | recorded vote when a quorum is present as required in House
236 | Rules. Any two Members are required to be present for taking
237 | testimony as again required in House Rules to avoid making
238 | punctual Members wait and to respect all Members' time.

239 | Subpoena authority is delegated by the Committee to the
240 | Chair as provided for in the House Rules to enhance the
241 | oversight, effectiveness and investigative timeliness of the
242 | Committee, and depositions may be ordered by the Chair as
243 | provided in the House Rules to compel responsiveness for
244 | useful information for the Committee.

245 | Finally, we will continue the practice of using the
246 | amendment roster for Committee markups. Members are strongly
247 | encouraged to submit amendments more than 24 hours before a
248 | markup. These rules provide a strong but fair framework for
249 | the Committee's work in the new Congress.

250 | With that, we will now go to the Ranking Member and
251 | recognize her for the purposes of offering an amendment.

252 | Ms. JOHNSON. Thank you, Mr. Chairman.

253 My amendment is very simple--

254 Chairman SMITH. The clerk will designate the amendment.

255 The CLERK. Amendment in the nature of a substitute to

256 Rules Governing Procedure of the Committee on Science--

257 [The amendment of Ms. Johnson follows:]

258 ***** INSERT 3 *****

259 Chairman SMITH. Without objection, the amendment is
260 considered as read, and the Minority Ranking Member is
261 recognized to explain her amendment.

262 Ms. JOHNSON. Thank you, Mr. Chairman. My amendment is
263 at the desk.

264 It would bring back the Committee Rules from the 113th
265 Congress along with the additions necessary to conform to the
266 changes to the House Rules voted on as part of H.R. 5. As
267 such, my amendment includes the new deposition authority
268 given to the Committee exactly as it is in the draft Rules
269 the Majority has submitted to us to vote on.

270 In the 113th Congress, the rules were updated to reflect
271 our new Chair's priorities. However, the changes were not so
272 drastic as to throw out over 40 years of bipartisanship and
273 comity on the Committee. Forty-plus years of Chairs
274 consulting with the Ranking Member, 40-plus years of Chairs
275 waiting for a Member of the Minority to be in attendance
276 before beginning a hearing, 40-plus years of Chairs ensuring
277 that recorded votes could be requested by only a few members,
278 40-plus years of a Chair not unilaterally authorizing and
279 issuing subpoenas, 40-plus years of ensuring the Chair has
280 concurrence of the Ranking Member before waiving notice
281 requirements of a markup, 40-plus years of allowing Members
282 of the Committee to participate in a Subcommittee hearing on
283 which they don't serve as a gesture of collegiality, and

284 | please note that I am only saying 40 years because that is
285 | the oldest copy of the Committee Rules my staff could find on
286 | such short notice.

287 | This Committee, which I have served on for more than 20
288 | years, beginning 23, to be specific, has always enjoyed a
289 | reputation of bipartisanship and comity. The rules that were
290 | in place worked over the last 40 years for both Democrat and
291 | Republican Chairs. Changing the rules in the manner the
292 | Chair has proposed is not a means of fostering
293 | bipartisanship.

294 | What is more, it is not a means of fostering good work
295 | product. As someone who believes strongly in the Committee
296 | and what the Committee does, I want to see a strong
297 | bipartisan effort to protect America's investment in science
298 | and technology.

299 | Reinstituting the Committee Rules from the last Congress
300 | would go a long ways to ensuring that the Majority cares
301 | about a fair and thorough process and doesn't just pay it lip
302 | service.

303 | I urge adoption of this amendment, and I yield back.

304 | Chairman SMITH. Thank you, Ms. Johnson. Now I will
305 | recognize myself in opposition to the amendment.

306 | The Ranking Minority Member's amendment reverses nearly
307 | all of the reforms that the proposed rules seek to make. Her
308 | amendment restores many of the redundant and duplicative

309 | rules that caused the Committee to be less efficient and less
310 | effective in the last Congress than it could have been.

311 | Additionally, the Ranking Member's amendment provides
312 | the Committee with rules that do not conform to the House
313 | Rules. The Ranking Member indicated that her amendment was
314 | in response to the proposed rules that ``went beyond House
315 | Rules,`` but, as stated earlier, the House Parliamentarian
316 | has reviewed the proposed rules to ensure they conform to the
317 | House Rules.

318 | The Ranking Member's amendment strips the authority of
319 | the Chair to authorize and use subpoenas. This signature
320 | subpoena authority is necessary for conducting thorough
321 | investigations.

322 | Are there other Members who wish to be heard on this
323 | amendment?

324 | If not, the question is on agreeing to the amendment
325 | offered by the Ranking Member.

326 | All those in favor, signify--

327 | Mr. GRAYSON. Mr. Chairman, I am sorry to interrupt, but
328 | a point of parliamentary inquiry.

329 | Chairman SMITH. The gentleman is recognized to state
330 | his parliamentary inquiry.

331 | Mr. GRAYSON. Mr. Chairman, the Democratic Members have
332 | not been fully constituted at this point yet. Is it possible
333 | for the Committee even to proceed at this point without the

334 full complement of Democratic Members?

335 Chairman SMITH. Let me respond to the gentleman from
336 Florida and say we have checked on that, and yes, the
337 organizational meeting can proceed even if all the Democratic
338 Members have not yet been placed. I have talked to the
339 Ranking Member about this, and I realize you are several
340 Members short, and I hope that that will be rectified soon
341 but that does not prohibit us from proceeding.

342 Mr. GRAYSON. Would the Chairman be so kind as to cite
343 some authority to that effect, either now or after the
344 meeting?

345 Chairman SMITH. I will be happy to.

346 Mr. GRAYSON. Thank you.

347 Ms. LOFGREN. Mr. Chairman?

348 Chairman SMITH. Responding to the gentleman from
349 Florida, the Rules of the House allow us to proceed. We will
350 get you a copy of the Rules of the House, but I would like to
351 proceed with the assumption that we will be able to produce
352 those.

353 Mr. GRAYSON. All right. But in that case, Mr.
354 Chairman, not having them readily available and being unsure
355 of the outcome, I move to recess on votes only until we have
356 had an opportunity to--

357 Chairman SMITH. If the gentleman will yield, I have a
358 copy of the House Rules in front of me and will be happy to

359 provide those to him.

360 Ms. LOFGREN. Mr. Chairman?

361 Chairman SMITH. The gentlewoman from California, Ms.
362 Lofgren, is recognized.

363 Ms. LOFGREN. I would like to move to strike the last
364 word.

365 Chairman SMITH. We are in the process of having a vote
366 on the Ranking--

367 Ms. LOFGREN. I would like to speak on the Ranking
368 Member's amendment.

369 Chairman SMITH. The gentlewoman is recognized for 5
370 minutes.

371 Ms. LOFGREN. I recognize that the Majority has the
372 votes and they can adopt whatever they wish. However, I
373 would urge not just the Chairman but the members of the
374 Committee, all of us, to consider how ill-advised it is to
375 decide in advance of our proceedings that we are going to
376 spend the next 2 years fighting instead of collaborating.

377 I would note also that some of the provisions in the
378 rules proposed by the Chairman will disadvantage not only
379 Democratic Members of this Committee but Republican Members
380 of the Committee. I know from my collaboration with a number
381 of Republican Members that there are from time to time
382 disagreements between the Chairman and his own Members. What
383 these rules provide is that even the Republican Members will

384 | not necessarily know what is going to be voted on, for
385 | example, with the waiver of the rules and the changes in the
386 | notice provision, you could theoretically have notice of a
387 | hearing or meeting on a Saturday so that the Committee would
388 | be prepared to vote on a matter on Monday. That does not
389 | give time for the Members of the Committee on either side of
390 | the aisle to fully consider matters before the Committee. I
391 | think in the end, that is likely to lead to strife and to
392 | lack of progress in an area where our country really looks to
393 | us to work together to advance the cause of science.

394 | I would further note that if one has a powerful idea
395 | that will advance the cause of our economy, of science, one
396 | need not fear exposing those ideas and proposals to public
397 | light. If the power of your idea is good, it will prevail
398 | without manipulating the rules, without disadvantaging
399 | Members who are here to bring their own expertise to the
400 | table.

401 | So while I recognize that the Chairman likely has the
402 | votes to prevail in a sheer exercise of political power, I
403 | would just urge reconsideration of the use of raw power and a
404 | revisiting of the Ranking Member's proposal that instead we
405 | pull some Members together who can work together
406 | collaborative, who can come up with something that will allow
407 | all Members to fully participate, and I would note also that,
408 | for example, in the Judiciary Committee where the Chairman

409 | and I also serve, the Chairman, Mr. Goodlatte, and the
410 | Ranking Member, Mr. Conyers, were able to move to one side,
411 | to come to an agreement that was not everything certainly
412 | that the Minority Members of the committee wanted but it was
413 | an accommodation that will allow the committee to move
414 | forward and to have the opportunity to collaborate. That is
415 | missing in this Committee, and I think that is unwise and
416 | unnecessary, and I would urge the Chairman to step back from
417 | his current posture and to reach a collaboration that will
418 | serve all the Members of the Committee, and with that, I
419 | would yield back.

420 | Chairman SMITH. Thank you, Ms. Lofgren, for those
421 | comments, and let me reassure you that I hope and expect that
422 | we will proceed as we did most of the time in the last couple
423 | of years in a bipartisan fashion. As I mentioned in my
424 | opening statement a few minutes ago, this Committee processed
425 | 20 bills on the House Floor. Eighteen of those were
426 | bipartisan. During the process of the bills that we marked
427 | up in this Committee, we accepted 54 Democratic amendments,
428 | and I would expect us to proceed in this new Congress in that
429 | same type of bipartisan effort, and I expect great progress
430 | by this Committee. I think the American people do want us to
431 | work together, do want us to accomplish a lot, and I think we
432 | will be able to do that in a nonpartisan fashion.

433 | Ms. EDWARDS. Mr. Chairman?

434 Chairman SMITH. Who seeks to be recognized?

435 The gentlewoman from Maryland, Ms. Edwards, is
436 recognized.

437 Ms. EDWARDS. Thank you. I would like to speak on this
438 amendment.

439 Chairman SMITH. The gentlewoman is recognized for 5
440 minutes.

441 Ms. EDWARDS. Thank you.

442 You know, I thought that we were going to begin this
443 year, Mr. Chairman, in a different kind of spirit, and so it
444 is actually quite disappointing to know that the Majority--we
445 recognize that you have the majority, but for this Committee
446 to function, it is really important that we have the fullest
447 possible participation of all of our Members.

448 When I came on to this Committee when I came in
449 Congress, I never had held elective office before, and one of
450 the things that I didn't want to do as a new Member of
451 Congress and a new elected official was to come in to an
452 environment that was just about combat, and so I came on to
453 this Committee, and it was precisely the opposite of that and
454 it is why I have stayed, and because of the important work
455 that we can do.

456 As the Chairman has noted, we were able to accomplish an
457 awful lot in the spirit of cooperation in the last session of
458 Congress under the old rules, and so the Chairman hasn't

459 articulated a reason that we need to change these rules.

460 I just came from our organization meeting in our
461 Transportation and Infrastructure Committee. That
462 organization meeting took 5 minutes, and most of that time
463 was spent introducing the new Members. And the reason is
464 because Chairman Shuster and Ranking Member DeFazio
465 negotiated the agreement around the rules so that it could
466 have the--the Committee would get the fullest participation
467 of the Members, and every Member, Republican and Democrat,
468 agreed to those Rules and then they proceeded within 15
469 minutes or so to a hearing under the rules.

470 I think that we have the capacity to do that in this
471 Committee, and so it is somewhat disappointing to begin a new
472 Congress and a new year fighting about the rules, and I think
473 for the American public that is looking at this Committee to
474 explore areas of research and development and innovation and
475 exploration, to hear us here today arguing about what the
476 rules are going to be because the Majority wants to exercise
477 its majority in the words of Ms. Lofgren with its exercise of
478 raw power, can you do that? Sure, you can. Should you do
479 it? Probably not. And it is not a great way to start.

480 And so I would urge the Chairman to please reconsider.
481 Let us go back to the drawing board. We have done that in
482 other instances in this Committee, and for the new Members
483 who are on the Committee, that is not why you came to

484 Congress and it is not why you came on this Committee. And
485 one day you may be in the Minority, and you will want to
486 operate under rules that enable you full participation, and
487 if there is anything that I have learned as a newly elected
488 official having served in both the Majority and in the
489 Minority is that it is possible as a Member to serve in the
490 Majority and in the Minority.

491 And so the rules should be constructed in a way that
492 allows us to participate not for ourselves but for the
493 American people, and I would think that the Chairman--I know
494 the Chairman, and I would think that you would want to start
495 to begin a process in a new Congress that envisions this
496 Committee not like people perceive the rest of the Congress
497 but in the spirit in which this Committee has operated for
498 more generations than I have been in the Congress and one
499 that is about cooperation and advancing the science and
500 technology opportunities for the American people, and I would
501 urge you to go back to the drawing board with the Ranking
502 Member and enable all of us to come to this Committee and
503 just say ``aye`` to the rules.

504 Mr. Chairman, you can do that, and you have the ability
505 to do that, but not if you proceed like this, and I don't
506 think in your tenure as Chairman that you would want to be
507 known just as Mr. Dictator Chairman, Mr. Chairman who just
508 gets his way, Mr. Chairman who doesn't want to negotiate

509 | legislation on behalf of the American people, and with that,
510 | I yield.

511 | Chairman SMITH. Thank you, Ms. Edwards.

512 | Let me point out that a number of committees that are
513 | organizing this week and organized last week are adopting the
514 | same House Rules that we are in this Committee or that I hope
515 | we will adopt in this Committee, and let me also reassure you
516 | that I know it is of particular interest to you but I
517 | certainly hope that we will have a bipartisan reauthorization
518 | of NASA again as we did in the last Congress.

519 | Ms. EDWARDS. I thank the Chairman, but we are not going
520 | to debate about a bipartisan bill. We are going to construct
521 | rules that make sense--

522 | Chairman SMITH. I am going to reclaim my time, and the
523 | question is on the amendment offered by the Ranking Member.

524 | All those in favor, signify by saying aye.

525 | Mr. GRAYSON. Mr. Chairman, sorry to interrupt. Mr.
526 | Chairman, point of parliamentary inquiry.

527 | Chairman SMITH. All those opposed, say no.

528 | Mr. GRAYSON. Mr. Chairman, I have a point of
529 | parliamentary inquiry.

530 | Chairman SMITH. The ayes have it. In the opinion of
531 | the Chair--

532 | Mr. GRAYSON. Mr. Chairman, my parliamentary inquiry
533 | takes precedence over--

534 Chairman SMITH. In the opinion of the Chair, the nos
535 have it. No one has been recognized at this point.

536 Mr. GRAYSON. Mr. Chairman--

537 Chairman SMITH. A roll call vote has been called, and
538 the clerk will call the roll.

539 Mr. GRAYSON. Mr. Chairman, I don't think you can evade
540 the issue.

541 Chairman SMITH. I will recognize the gentleman as soon
542 as we complete this roll call vote.

543 Mr. GRAYSON. Well, in fact, my parliamentary inquiry
544 takes precedence over that.

545 Chairman SMITH. Okay. The gentleman will state his
546 parliamentary inquiry, and then after that we will proceed
547 with the vote.

548 Mr. GRAYSON. Or not, as the case may be.

549 Chairman SMITH. Or not, as the case may be. The
550 gentleman is correct.

551 Mr. GRAYSON. All right, Mr. Chairman. I am looking at
552 the House Rules, specifically Rule X, clause 5, and the House
553 Rule says the standing committees shall be elected by the
554 House.

555 I actually bother to read the bills that we vote on, as
556 many of us do and some of us don't, and I don't remember
557 seeing any bill or resolution that actually identified the
558 Members of this Committee heretofore. As far as I can see,

559 | that hasn't happened yet, and therefore with regard to both
560 | the Minority and the Majority Members, this proceeding is
561 | void, and I ask that it be recessed accordingly until the
562 | Rules of the House are followed and the standing Committee
563 | here has been elected by the House.

564 | Chairman SMITH. I am advised that the House resolution
565 | that passed the first week of Congress did appoint the chairs
566 | and committee Members sufficiently so that we can continue to
567 | organize as we plan today.

568 | Mr. GRAYSON. Mr. Chairman, as I already indicated in my
569 | previous point of order, point of parliamentary inquiry, that
570 | hasn't happened with regard to several Democrats. I question
571 | whether it happened as regard to several of the Republicans
572 | who are joining us today, and I think given the ambiguity and
573 | the possibility that we could be proceeding if we do this
574 | wrong without any rules at all, it seems prudent, unless the
575 | Chairman can actually identify what he is citing and
576 | satisfies my inquiry, it seems prudent to postpone the votes
577 | only--

578 | Chairman SMITH. If the gentleman would--

579 | Mr. GRAYSON. --until we clarify this information, and I
580 | make such a motion.

581 | Chairman SMITH. Okay. If the gentleman will yield, the
582 | House resolutions I am referring to that were approved the
583 | first week we were in session this year were House Resolution

584 | 30 and House Resolution 32, and the clerk will call the roll.

585 | Mr. GRAYSON. Move for a recess until after we have
586 | identified firmly and clearly all Members of this Committee.

587 | Chairman SMITH. The motion to recess per the
588 | resolution, there is no debate, and we will vote on whether
589 | to recess or not, and the clerk will call the roll.

590 | The CLERK. Mr. Smith?

591 | Chairman SMITH. No.

592 | The CLERK. Mr. Smith votes no.

593 | Mr. Lucas?

594 | Mr. LUCAS. No.

595 | The CLERK. Mr. Lucas votes no.

596 | Mr. Sensenbrenner?

597 | Mr. SENSENBRENNER. No.

598 | The CLERK. Mr. Sensenbrenner votes no.

599 | Mr. Rohrabacher?

600 | [No response.]

601 | The CLERK. Mr. Neugebauer?

602 | [No response.]

603 | The CLERK. Mr. McCaul?

604 | [No response.]

605 | The CLERK. Mr. Palazzo?

606 | Mr. PALAZZO. No.

607 | The CLERK. Mr. Palazzo votes no.

608 | Mr. Brooks?

609 Mr. BROOKS. No.
610 The CLERK. Mr. Brooks votes no.
611 Mr. Hultgren?
612 Mr. HULTGREN. No.
613 The CLERK. Mr. Hultgren votes no.
614 Mr. Posey?
615 Mr. POSEY. No.
616 The CLERK. Mr. Posey votes no.
617 Mr. Massie?
618 Mr. MASSIE. No.
619 The CLERK. Mr. Massie votes no.
620 Mr. Bridenstine?
621 Mr. BRIDENSTINE. No.
622 The CLERK. Mr. Bridenstine votes no.
623 Mr. Weber?
624 Mr. WEBER. No.
625 The CLERK. Mr. Weber votes no.
626 Mr. Johnson?
627 Mr. JOHNSON. No.
628 The CLERK. Mr. Johnson votes no.
629 Mr. Moolenaar?
630 Mr. MOOLENAAR. No.
631 The CLERK. Mr. Moolenaar votes no.
632 Mr. Knight?
633 Mr. KNIGHT. No.

634 The CLERK. Mr. Knight votes no.
635 Mr. Babin?
636 Mr. BABIN. No.
637 The CLERK. Mr. Babin votes no.
638 Mr. Westerman?
639 Mr. WESTERMAN. No.
640 The CLERK. Mr. Westerman votes no.
641 Ms. Comstock?
642 Ms. COMSTOCK. No.
643 The CLERK. Ms. Comstock votes no.
644 Mr. Newhouse?
645 Mr. NEWHOUSE. No.
646 The CLERK. Mr. Newhouse votes no.
647 Mr. Palmer?
648 Mr. PALMER. No.
649 The CLERK. Mr. Palmer votes no.
650 Mr. Loudermilk?
651 Mr. LOUDERMILK. No.
652 The CLERK. Mr. Loudermilk votes no.
653 Ms. Johnson?
654 Ms. JOHNSON. Aye.
655 The CLERK. Ms. Johnson votes aye.
656 Ms. Lofgren?
657 Ms. LOFGREN. Aye.
658 The CLERK. Ms. Lofgren votes aye.

659 Mr. Lipinski?
660 [No response.]
661 The CLERK. Ms. Edwards?
662 Ms. EDWARDS. Aye.
663 The CLERK. Ms. Edwards votes aye.
664 Ms. Wilson?
665 [No response.]
666 The CLERK. Ms. Bonamici?
667 [No response.]
668 The CLERK. Mr. Swalwell?
669 Mr. SWALWELL. Aye.
670 The CLERK. Mr. Swalwell votes aye.
671 Mr. Grayson?
672 Mr. GRAYSON. Aye.
673 The CLERK. Mr. Grayson votes aye.
674 Mr. Bera?
675 [No response.]
676 The CLERK. Ms. Esty?
677 Ms. ESTY. Aye.
678 The CLERK. Ms. Esty votes aye.
679 Mr. Veasey?
680 Mr. VEASEY. Aye.
681 The CLERK. Mr. Veasey votes aye.
682 Ms. Clark?
683 [No response.]

684 The CLERK. Mr. Beyer?

685 Mr. BEYER. Aye.

686 The CLERK. Mr. Beyer votes aye.

687 Chairman SMITH. And the gentleman from Illinois, Mr.
688 Lipinski?

689 Mr. LIPINSKI. Aye.

690 The CLERK. Mr. Lipinski votes aye.

691 Chairman SMITH. And the gentlewoman from Oregon, Ms.
692 Bonamici?

693 Ms. BONAMICI. Aye.

694 The CLERK. Ms. Bonamici votes aye.

695 Chairman SMITH. And the gentlewoman from Massachusetts,
696 Ms. Clark

697 Ms. CLARK. Aye.

698 The CLERK. Ms. Clark votes aye.

699 Chairman SMITH. The clerk will report the vote.

700 The CLERK. Mr. Chairman, 11 Members have voted aye.
701 Nineteen Members have voted nay.

702 Chairman SMITH. The nos have it, and the amendment is
703 not agreed to.

704 Mr. GRAYSON. Mr. Chairman, I reserve the right to
705 appeal this to the Parliamentarian of the House.

706 Chairman SMITH. All right. The gentleman has stated
707 that for the record, and that is acceptable, and the clerk
708 will call the roll on the Minority Member's amendment.

709 | The CLERK. Mr. Smith?
710 | Chairman SMITH. No.
711 | The CLERK. Mr. Smith votes no.
712 | Mr. Lucas?
713 | Mr. LUCAS. No.
714 | The CLERK. Mr. Lucas votes no.
715 | Mr. Sensenbrenner?
716 | Mr. SENSENBRENNER. No.
717 | The CLERK. Mr. Sensenbrenner votes no.
718 | Mr. Rohrabacher?
719 | [No response.]
720 | The CLERK. Mr. Neugebauer?
721 | [No response.]
722 | The CLERK. Mr. McCaul?
723 | [No response.]
724 | The CLERK. Mr. Palazzo?
725 | Mr. PALAZZO. No.
726 | The CLERK. Mr. Palazzo votes no.
727 | Mr. Brooks?
728 | Mr. BROOKS. No.
729 | The CLERK. Mr. Brooks votes no.
730 | Mr. Hultgren?
731 | Mr. HULTGREN. No.
732 | The CLERK. Mr. Hultgren votes no.
733 | Mr. Posey?

734 Mr. POSEY. No.
735 The CLERK. Mr. Posey votes no.
736 Mr. Massie?
737 Mr. MASSIE. No.
738 The CLERK. Mr. Massie votes no.
739 Mr. Bridenstine?
740 Mr. BRIDENSTINE. No.
741 The CLERK. Mr. Bridenstine votes no.
742 Mr. Weber?
743 Mr. WEBER. No.
744 The CLERK. Mr. Weber votes no.
745 Mr. Johnson?
746 Mr. JOHNSON. No.
747 The CLERK. Mr. Johnson votes no.
748 Mr. Moolenaar?
749 Mr. MOOLENAAR. No.
750 The CLERK. Mr. Moolenaar votes no.
751 Mr. Knight?
752 Mr. KNIGHT. No.
753 The CLERK. Mr. Knight votes no.
754 Mr. Babin?
755 Mr. BABIN. No.
756 The CLERK. Mr. Babin votes no.
757 Mr. Westerman?
758 Mr. WESTERMAN. No.

759 | The CLERK. Mr. Westerman votes no.
760 | Ms. Comstock?
761 | Ms. COMSTOCK. No.
762 | The CLERK. Ms. Comstock votes no.
763 | Mr. Newhouse?
764 | Mr. NEWHOUSE. No.
765 | The CLERK. Mr. Newhouse votes no.
766 | Mr. Palmer?
767 | Mr. PALMER. No.
768 | The CLERK. Mr. Palmer votes no.
769 | Mr. Loudermilk?
770 | Mr. LOUDERMILK. No.
771 | The CLERK. Mr. Loudermilk votes no.
772 | Ms. Johnson?
773 | Ms. JOHNSON. Aye.
774 | The CLERK. Ms. Johnson votes aye.
775 | Ms. Lofgren?
776 | Ms. LOFGREN. Aye.
777 | The CLERK. Ms. Lofgren votes aye.
778 | Mr. Lipinski?
779 | Mr. LIPINSKI. Aye.
780 | The CLERK. Mr. Lipinski votes aye.
781 | Ms. Edwards?
782 | Ms. EDWARDS. Aye.
783 | The CLERK. Ms. Edwards votes aye.

784 Ms. Wilson?
785 [No response.]
786 The CLERK. Ms. Bonamici?
787 Ms. BONAMICI. Aye.
788 The CLERK. Ms. Bonamici votes aye.
789 Mr. Swalwell?
790 Mr. SWALWELL. Aye.
791 The CLERK. Mr. Swalwell votes aye.
792 Mr. Grayson?
793 Mr. GRAYSON. Aye.
794 The CLERK. Mr. Grayson votes aye.
795 Mr. Bera?
796 [No response.]
797 The CLERK. Ms. Esty?
798 Ms. ESTY. Aye.
799 The CLERK. Ms. Esty votes aye.
800 Mr. Veasey?
801 Mr. VEASEY. Aye.
802 The CLERK. Mr. Veasey votes aye.
803 Ms. Clark?
804 Ms. CLARK. Aye.
805 The CLERK. Ms. Clark votes aye.
806 Mr. Beyer?
807 Mr. BEYER. Aye.
808 The CLERK. Mr. Beyer votes aye.

809 Chairman SMITH. Are there other Members who wish to be
810 recorded on this vote? Oh, the gentlewoman from Florida is
811 recognized.

812 The CLERK. Ms. Wilson?

813 Ms. WILSON. Aye.

814 The CLERK. Ms. Wilson votes aye.

815 Chairman SMITH. The clerk will report the vote.

816 The CLERK. Mr. Chairman, 12 Members have voted aye.
817 Nineteen Members have voted nay.

818 Chairman SMITH. The nos have it, and the amendment is
819 not agreed to.

820 We will now go to the second amendment to be offered by
821 the gentleman from Maryland, and the gentlewoman from
822 California wishes to be recognized for--

823 Ms. LOFGREN. I have consulted with Ms. Edwards. I am
824 wondering if I might be recognized to offer an amendment.

825 Chairman SMITH. Yes. The gentlewoman from California,
826 Ms. Lofgren, is recognized to offer--is this your amendment
827 or the amendment that--

828 Ms. LOFGREN. It is my amendment. It is a different
829 amendment.

830 Chairman SMITH. Okay. And which of the three
831 amendments that the gentlewoman has--

832 Ms. LOFGREN. It is not listed.

833 Chairman SMITH. Oh, it is not listed? Okay. I would

834 | like to go in order of the amendment roster, and--

835 | Ms. LOFGREN. All right. The rules provide for that,
836 | and I will defer until the end of the--

837 | Chairman SMITH. The gentlewoman will be recognized for
838 | her amendment after we finish the other six.

839 | We will now go to the gentlewoman from Maryland, Ms.
840 | Edwards.

841 | Ms. EDWARDS. Thank you, Mr. Chairman. I have an
842 | amendment at the desk.

843 | Chairman SMITH. And the clerk will read the amendment.

844 | The CLERK. Amendment to the Committee Rules offered by
845 | Ms. Edwards of Maryland. Page 4, Rule 2, subsection--

846 | [The amendment of Ms. Edwards follows:]

847 | ***** INSERT 4 *****

848 Chairman SMITH. Without objection, the amendment will
849 considered as read, and the gentlewoman is recognized to
850 explain her amendment.

851 Ms. EDWARDS. Thank you very much, Mr. Chairman.

852 My amendment seeks to address one issue that we have
853 identified with the proposed rules, and that is, removing the
854 requirement for a Minority Member to be present at a
855 Committee hearing.

856 I honestly hope that nobody is surprised that we are
857 upset about this rule change. The existing rule had been
858 around in one form or another for decades. I will read a
859 brief excerpt from the Committee Rules for the 95th Congress:

860 ``No Committee or Subcommittee hearing may be held unless
861 one Member of the Majority and one Member of the Minority are
862 present.'' That was almost 40 years ago, and that basic
863 requirement has endured today.

864 Now, Mr. Chairman, you claim, or the Chairman, rather,
865 claims that he is conforming our rule to the House Rules, and
866 the Chairman is right to some degree, but in the process,
867 what you are doing, Mr. Chairman, is stripping away civility
868 and comity in the conduct of this Committee.

869 The Committee has a long history of civility and it has
870 gone a long way to making the Committee a place where work
871 can get done in a bipartisan fashion. By taking these types
872 of steps to undermine Members' rights, it is hard not to feel

873 | that the Chair is actually sending a message that we should
874 | no longer expect the Science Committee to be a place of
875 | bipartisan cooperation, and that is truly unfortunate.

876 | There is not a reason for this change other than wanting
877 | to purposely deprive the Minority of a longstanding courtesy
878 | under the rules. The Committee has operated since 1958
879 | without any terrible calamities under the old rule. The
880 | Chairman himself conducted almost 100 hearings just in the
881 | last Congress, and so it is really hard to see any
882 | justification for this.

883 | And in fact, my recollection--and I could be wrong about
884 | this--but my recollection is that the one hearing last year
885 | in the last Congress was a markup that coincided at exactly
886 | the time of the recognition of Nelson Mandela's 95th birthday
887 | at which the Speaker of the House, John Boehner, and the
888 | Democratic Leader, Nancy Pelosi, and many, many Members of
889 | Congress were present and that that coincided with a markup.
890 | I remember rushing that day from the celebration to get here
891 | to the markup, and there were many Members who were
892 | challenged on that day, but that is the one time, the
893 | celebration of the 95th birthday of a really great man that
894 | everybody recognized, Democrats and Republicans, and that is
895 | the basis for changing this rule. It seems rather
896 | ridiculous.

897 | You know, I hope that our Members on the other side will

898 | understand and value the idea that this is a Science
899 | Committee of the Congress. It is not a Science Committee of
900 | the Majority or a Science Committee of the Minority. It is
901 | the Science Committee of a Congress, and that both
902 | Republicans and Democrats should be present at a Committee
903 | hearing before we begin our work.

904 | So I hope that you will join me in supporting this
905 | amendment and the idea that Congress can operate with some
906 | civility and comity and in the way that this Committee has
907 | operated since I was born, and I urge you to support my
908 | amendment, and with that, I yield back.

909 | Chairman SMITH. Thank you, Ms. Edwards, and I will
910 | recognize myself in opposition.

911 | First, let me emphasize that the rule change does not
912 | apply to markups; it only applies to hearings. There were no
913 | qualms whatsoever that I am aware of about the delay we had
914 | in a markup because of an event going on to celebrate the
915 | great life of Nelson Mandela.

916 | This rule sets a quorum for taking testimony and
917 | receiving evidence at two Members. The change was made to
918 | ensure efficiency and to respect our Members' time. When
919 | hearings start on time, Members are better able to
920 | participate. Punctual Members should not be made to wait for
921 | late Members, which is sometimes the case now.

922 | The change was made to conform to House Rule

923 XI(2)(h)(ii).

924 Are there any other Members who wish to be heard on this
925 amendment?

926 Ms. LOFGREN. Mr. Chairman?

927 Chairman SMITH. The gentlewoman from California, Ms.
928 Lofgren, is recognized.

929 Ms. LOFGREN. As with Ms. Edwards, I asked the staff to
930 try and research any time where there had been a delay
931 because Members of the Minority had not been present, and the
932 only time that we could discover was in fact the celebration
933 honoring Nelson Mandela, and I remember I was unable to
934 attend. I had a meeting prior to the Science Committee. I
935 was also waiting, but I felt to myself at that time that I
936 would rather wait than expect our Members to dishonor Nelson
937 Mandela by leaving the ceremony prematurely that had been
938 delayed because of the length of the celebration that was
939 overseen by Speaker Boehner and Democratic Leader Nancy
940 Pelosi. I didn't expect Members to get up and walk out of
941 that thing and be insulting to Nelson Mandela, and I think if
942 this rule passes, I am going to think of it as the Dishonor
943 Nelson Mandela Rule. I think this is really a huge mistake.

944 Chairman SMITH. Would the gentlewoman yield?

945 Ms. LOFGREN. I would certainly yield.

946 Chairman SMITH. Let me say what I just said, and maybe
947 the gentlewoman didn't hear me. The rules do not apply to

948 | markups. They apply only to hearings.

949 | Ms. LOFGREN. Reclaiming my time--

950 | Chairman SMITH. This has nothing to do with--

951 | Ms. LOFGREN. Reclaiming my time. I assume then that
952 | the Chairman indicates that hearings are of no import, and if
953 | so, we should discontinue them. I think that hearings, which
954 | are meant to bring out information about important subjects
955 | through witness expert testimony, is in fact an important
956 | activity of the Congress. If not, we should cease having
957 | them. And the fact that it does not include markups I think
958 | is a meaningless distinction unless, as I say, the hearings
959 | themselves do not matter.

960 | So I think this is a huge mistake. Obviously the
961 | Chairman has the Majority behind him. He can do it. But I
962 | think it is a shame, and it will be a continuing shame, and
963 | all of us will remember this as the Dishonor Nelson Mandela
964 | Rule. With that, I would yield back.

965 | Chairman SMITH. As I said, and I will say now for the
966 | third time, it does not apply to markups. It does not have
967 | anything to do with honoring a great man, Nelson Mandela.

968 | The question is on agreeing to the amendment offered by
969 | Ms. Edwards.

970 | All in favor, say aye.

971 | Ms. JOHNSON. Record vote.

972 | Chairman SMITH. Opposed, say no.

973 In the opinion of the Chair, the nos have it.
974 A roll call vote has been requested, and the clerk will
975 call the roll.
976 The CLERK. Mr. Smith?
977 Chairman SMITH. No.
978 The CLERK. Mr. Smith votes no.
979 Mr. Lucas?
980 Mr. LUCAS. No.
981 The CLERK. Mr. Lucas votes no.
982 Mr. Sensenbrenner?
983 Mr. SENSENBRENNER. No.
984 The CLERK. Mr. Sensenbrenner votes no.
985 Mr. Rohrabacher?
986 [No response.]
987 The CLERK. Mr. Neugebauer?
988 [No response.]
989 The CLERK. Mr. McCaul?
990 [No response.]
991 The CLERK. Mr. Palazzo?
992 Mr. PALAZZO. No.
993 The CLERK. Mr. Palazzo votes no.
994 Mr. Brooks?
995 Mr. BROOKS. No.
996 The CLERK. Mr. Brooks votes no.
997 Mr. Hultgren?

998 Mr. HULTGREN. No.
999 The CLERK. Mr. Hultgren votes no.
1000 Mr. Posey?
1001 Mr. POSEY. No.
1002 The CLERK. Mr. Posey votes no.
1003 Mr. Massie?
1004 Mr. MASSIE. No.
1005 The CLERK. Mr. Massie votes no.
1006 Mr. Bridenstine?
1007 Mr. BRIDENSTINE. No.
1008 The CLERK. Mr. Bridenstine votes no.
1009 Mr. Weber?
1010 Mr. WEBER. No.
1011 The CLERK. Mr. Weber votes no.
1012 Mr. Johnson?
1013 Mr. JOHNSON. No.
1014 The CLERK. Mr. Johnson votes no.
1015 Mr. Moolenaar?
1016 Mr. MOOLENAAR. No.
1017 The CLERK. Mr. Moolenaar votes no.
1018 Mr. Knight?
1019 Mr. KNIGHT. No.
1020 The CLERK. Mr. Knight votes no.
1021 Mr. Babin?
1022 Mr. BABIN. No.

1023 The CLERK. Mr. Babin votes no.
1024 Mr. Westerman?
1025 Mr. WESTERMAN. No.
1026 The CLERK. Mr. Westerman votes no.
1027 Ms. Comstock?
1028 Ms. COMSTOCK. No.
1029 The CLERK. Ms. Comstock votes no.
1030 Mr. Newhouse?
1031 Mr. NEWHOUSE. No.
1032 The CLERK. Mr. Newhouse votes no.
1033 Mr. Palmer?
1034 Mr. PALMER. No.
1035 The CLERK. Mr. Palmer votes no.
1036 Mr. Loudermilk?
1037 Mr. LOUDERMILK. No.
1038 The CLERK. Mr. Loudermilk votes no.
1039 Ms. Johnson?
1040 Ms. JOHNSON. Aye.
1041 The CLERK. Ms. Johnson votes aye.
1042 Ms. Lofgren?
1043 Ms. LOFGREN. Aye.
1044 The CLERK. Ms. Lofgren votes aye.
1045 Mr. Lipinski?
1046 Mr. LIPINSKI. Aye.
1047 The CLERK. Mr. Lipinski votes aye.

1048 Ms. Edwards?
1049 Ms. EDWARDS. Aye.
1050 The CLERK. Ms. Edwards votes aye.
1051 Ms. Wilson?
1052 Ms. WILSON. Aye.
1053 The CLERK. Ms. Wilson votes aye.
1054 Ms. Bonamici?
1055 Ms. BONAMICI. Aye.
1056 The CLERK. Ms. Bonamici votes aye.
1057 Mr. Swalwell?
1058 Mr. SWALWELL. Aye.
1059 The CLERK. Mr. Swalwell votes aye.
1060 Mr. Grayson?
1061 Mr. GRAYSON. Aye.
1062 The CLERK. Mr. Grayson votes aye.
1063 Mr. Bera?
1064 [No response.]
1065 The CLERK. Ms. Esty?
1066 Ms. ESTY. Aye.
1067 The CLERK. Ms. Esty votes aye.
1068 Mr. Veasey?
1069 Mr. VEASEY. Aye.
1070 The CLERK. Mr. Veasey votes aye.
1071 Ms. Clark?
1072 Ms. CLARK. Aye.

1073 The CLERK. Ms. Clark votes aye.

1074 Mr. Beyer?

1075 Mr. BEYER. Aye.

1076 The CLERK. Mr. Beyer votes aye.

1077 Chairman SMITH. The clerk will report the vote.

1078 The CLERK. Mr. Chairman, 12 Members have voted aye.

1079 Nineteen Members have voted nay.

1080 Chairman SMITH. The nos have it, and the amendment is
1081 not agreed to.

1082 We will now go to amendment #3 offered by the
1083 gentlewoman from California. If she wants to proceed with
1084 this amendment, she is recognized to do so.

1085 Ms. LOFGREN. Thank you, Mr. Chairman. I do wish to
1086 proceed with this amendment.

1087 You know, the power to compel attendance in
1088 testimony--oh, the clerk does need to report the amendment.

1089 Chairman SMITH. The clerk will read the amendment.

1090 The CLERK. Amendment to Rules Governing Procedure of
1091 the Committee on Science, Space, and Technology for the 114th
1092 Congress offered by Ms. Lofgren of California.

1093 [The amendment of Ms. Lofgren follows:]

1094 ***** INSERT 5 *****

1095 Chairman SMITH. Without objection, the amendment will
1096 considered as read, and the gentlewoman is recognized to
1097 explain her amendment.

1098 Ms. LOFGREN. As I was beginning, the power to compel
1099 attendance of an individual, to compel testimony, to compel
1100 the production of books, records, memoranda, papers and
1101 documents is an awesome one, and it is one that occasionally
1102 must be used by the Congress, but historically, this very
1103 strong power has at least been somewhat shared between the
1104 Majority and the Minority. This amendment would return the
1105 Committee Rules to the process used in the last Congress. I
1106 would note that a majority of the Committee would still need
1107 to authorize the subpoena unless the House has been adjourned
1108 for more than 3 days, in which case the Chair would consult
1109 with the Ranking member but would still retain the complete
1110 authority to issue a subpoena.

1111 In fact, because on such procedural matters, we tend to
1112 have party-line votes, the Majority would still have the
1113 opportunity for these subpoenas to be issued but it would
1114 allow for an airing of the need to do this and it would
1115 prevent abusive practices that we have seen in some cases in
1116 some committees by making sure that there be some
1117 transparency to this process. It was the rule in the last
1118 Congress. It did provide some transparency to this, and I
1119 think a small hedge against potential abuse of this very

1120 | awesome authority. I think it served us reasonably well in
1121 | the last Congress, even if we don't change all of the rules
1122 | that the Chairman has proposed for this Congress. I think as
1123 | to subpoena power, we should at least return this provision
1124 | to the prior rules, and with that, I have nothing further to
1125 | say and would yield back.

1126 | Chairman SMITH. Okay. Thank you, Ms. Lofgren. I will
1127 | recognize myself in opposition.

1128 | The proposed change was made in order to conform to the
1129 | House Rule XI(2)(n)(3)(A)(i). The authority to issue a
1130 | subpoena without having a business meeting is in direct
1131 | response to the Administration's dilatory tactic in
1132 | responding to letters from and this and other committees.

1133 | There was a time when merely writing a letter from this
1134 | Committee was enough to obtain that which now appears to
1135 | require a subpoena. At some point this and other committees
1136 | need to respond to this Administration's use of dilatory
1137 | tactics and their lack of transparency. Also, signature
1138 | subpoena authority is a requirement for staff deposition
1139 | authority too. Six other committee chairs have signature
1140 | authority in this Congress, and I believe that will enhance
1141 | the Committee's investigative capabilities.

1142 | Are there any other Members who wish to be heard on this
1143 | amendment?

1144 | Mr. GRAYSON. Yes, Mr. Chairman.

1145 Chairman SMITH. The gentlewoman from Texas, the Ranking
1146 Member, is recognized. Oh, I thought you wanted to be--

1147 Ms. JOHNSON. Oh, I was going to give somebody else--

1148 Thank you, Mr. Chairman. I really would like to support
1149 this important amendment. As I mentioned in my opening
1150 statement, I think the draft Committee Rules before us today
1151 are the greatest attack on Minority rights in the history of
1152 this Committee, and this amendment addresses one of the most
1153 troubling changes of these rules.

1154 By bypassing the Committee when issuing subpoenas, the
1155 Chairman shuts out the right for discussion with Members on
1156 both sides of the aisle, whether it be Ms. Edwards or Mr.
1157 Massie or any other Member, either Democrat or Republican.

1158 The truth is that the Chairman has not provided a
1159 credible rationale for this proposed change, and a lack of
1160 this provision certainly didn't prevent the issuance of two
1161 subpoenas in the last Congress. The first one by this
1162 subpoena is more than two decades ago. I am certainly
1163 prepared to work with the Chairman when there is a
1164 justifiable need for urgency but I am not prepared to
1165 arbitrarily cut off my or any other Member's rights to debate
1166 subpoenas that the Chairman may seek to issue.

1167 Let the Chairman open a discussion of subpoenas to the
1168 Committee as has always been the case in the past and let all
1169 Members of the Committee, both Republican and Democrat, have

1170 | the opportunity to let their voices be heard. Let this
1171 | Committee not start out a new Congress by shutting out the
1172 | voices of its Members on both sides of the aisle.

1173 | I think each of our constituents would expect nothing
1174 | less of us than to have a say in the due process of this
1175 | Committee. As a quote often attributed to Thomas Jefferson
1176 | states, "All tyranny needs to gain a foothold is for people
1177 | of good conscience to remain silent."

1178 | I ask that the legislators of this Committee stand up
1179 | for their rights and require that the Chairman take subpoenas
1180 | to the membership of this Committee. I urge my colleagues to
1181 | support this important amendment, and I yield back.

1182 | Chairman SMITH. Thank you, Ms. Johnson.

1183 | Are there other Members who wish to be heard on this
1184 | amendment? If not--

1185 | Mr. GRAYSON. Yes, please.

1186 | Chairman SMITH. The gentleman from Florida, Mr.
1187 | Grayson, is recognized.

1188 | Mr. GRAYSON. Thank you, Mr. Chairman.

1189 | I am about to make some comments regarding what I regard
1190 | as a procedural matter, and I just want to make absolutely
1191 | certain that what I am about to say is not misconstrued as
1192 | any sort of criticism for the Chair. I hold the Chair in
1193 | very high regard personally and legislatively. I think that
1194 | the Chairman is one of the most serious and productive

1195 | legislators in the House today and perhaps for a long time to
1196 | come.

1197 | That being said, it is important to recognize what this
1198 | particular rule change actually does. What this rule change
1199 | does is not to transfer some Minority right to the Majority
1200 | or to delete some Minority right. Instead, given the fact
1201 | that the Majority has the majority here in the Committee,
1202 | what this rule change does is, it takes power away from the
1203 | Majority members and gives it to the Chair, something
1204 | entirely different. As it stands up to this point, it is for
1205 | the Majority here, whether that is the Republicans or some
1206 | combination of Republicans and Democrats, to determine when a
1207 | subpoena is issued. Following this rule change, that will no
1208 | longer be true. Every single one of the people on the other
1209 | side of the aisle will lower power unless this rule change is
1210 | blocked or reversed.

1211 | Let us be clear about what we are talking about here.
1212 | This rule change says that unilaterally the Chairman, without
1213 | consultation with anyone, without the advice or consent of
1214 | anyone else, can issue a subpoena. What that means is that
1215 | the Chairman can start in motion a procedure that leads to
1216 | one being held in contempt of Congress for not complying.
1217 | That in turn allows the supposed noncompliant party to be
1218 | imprisoned under 2 US 192 for up to one year.

1219 | Now, I am not talking about something that is

1220 hypothetical here. In fact, contempt of Congress citations
1221 were issued once in the 113th Congress and once in the 112th
1222 Congress. So what we are doing is to give the Chair without
1223 any consultation with any Member of the Committee, without a
1224 hearing, without a vote, the right to begin the process that
1225 could put someone in prison for a year.

1226 I hesitate to say that I believe that anybody should
1227 have that power. The Chair is not a prosecutor, and again,
1228 without any sort of questioning of the Chair's individual
1229 judgment, I think that is too much power for, one person to
1230 have. In fact, it represents absolute power, and we know
1231 what Lord Acton said about absolute power.

1232 So with that in mind, I would encourage my Republican
1233 colleagues on the other side of the aisle to give this some
1234 thought. Do you want to relinquish your control over the
1235 process of issuing a subpoena on this Committee, or do you
1236 want to be part of that process? Do you want to be
1237 responsible legislators or do you want to be something even
1238 less than a rubber stamp? Because your rubber stamp won't
1239 even be needed unless this provision is blocked.

1240 I yield the rest of my time.

1241 Chairman SMITH. Thank you, Mr. Grayson. I wish you had
1242 stopped after the first few sentences, but in any case, no
1243 one could have been more articulate in expressing the views
1244 of the Minority on the rules, and for that, I thank you.

1245 I might also add, though, it is not entirely relevant,
1246 that the gentleman from Florida, I believe, succeeded in
1247 having more amendments adopted than anyone else in this
1248 Committee in the last 2 years, and that kind of
1249 bipartisanship and that kind of good faith on both sides I
1250 think will continue regardless of what the rules are. But
1251 again, I appreciate what you had to say.

1252 The question is on the amendment offered by the
1253 gentlewoman from California, Ms. Lofgren.

1254 All those in favor of her amendment, say aye.

1255 All those opposed, say nay.

1256 Ms. JOHNSON. Recorded vote, please.

1257 Chairman SMITH. A roll call has been requested, and the
1258 clerk will call the roll.

1259 The CLERK. Mr. Smith?

1260 Chairman SMITH. No.

1261 The CLERK. Mr. Smith votes no.

1262 Mr. Lucas?

1263 Mr. LUCAS. No.

1264 The CLERK. Mr. Lucas votes no.

1265 Mr. Sensenbrenner?

1266 [No response.]

1267 The CLERK. Mr. Rohrabacher?

1268 [No response.]

1269 The CLERK. Mr. Neugebauer?

1270 [No response.]
1271 The CLERK. Mr. McCaul?
1272 [No response.]
1273 The CLERK. Mr. Palazzo?
1274 Mr. PALAZZO. Nay.
1275 The CLERK. Mr. Palazzo votes no.
1276 Mr. Brooks?
1277 Mr. BROOKS. No.
1278 The CLERK. Mr. Brooks votes no.
1279 Mr. Hultgren?
1280 Mr. HULTGREN. No.
1281 The CLERK. Mr. Hultgren votes no.
1282 Mr. Posey?
1283 Mr. POSEY. No.
1284 The CLERK. Mr. Posey votes no.
1285 Mr. Massie?
1286 Mr. MASSIE. No.
1287 The CLERK. Mr. Massie votes no.
1288 Mr. Bridenstine?
1289 [No response.]
1290 The CLERK. Mr. Weber?
1291 Mr. WEBER. No.
1292 The CLERK. Mr. Weber votes no.
1293 Mr. Johnson?
1294 Mr. JOHNSON. No.

1295 The CLERK. Mr. Johnson votes no.
1296 Mr. Moolenaar?
1297 Mr. MOOLENAAR. No.
1298 The CLERK. Mr. Moolenaar votes no.
1299 Mr. Knight?
1300 Mr. KNIGHT. No.
1301 The CLERK. Mr. Knight votes no.
1302 Mr. Babin?
1303 Mr. BABIN. No.
1304 The CLERK. Mr. Babin votes no.
1305 Mr. Westerman?
1306 Mr. WESTERMAN. No.
1307 The CLERK. Mr. Westerman votes no.
1308 Ms. Comstock?
1309 Ms. COMSTOCK. No.
1310 The CLERK. Ms. Comstock votes no.
1311 Mr. Newhouse?
1312 Mr. NEWHOUSE. No.
1313 The CLERK. Mr. Newhouse votes no.
1314 Mr. Palmer?
1315 Mr. PALMER. No.
1316 The CLERK. Mr. Palmer votes no.
1317 Mr. Loudermilk?
1318 Mr. LOUDERMILK. No.
1319 The CLERK. Mr. Loudermilk votes no.

1320 Ms. Johnson?
1321 Ms. JOHNSON. Aye.
1322 The CLERK. Ms. Johnson votes aye.
1323 Ms. Lofgren?
1324 Ms. LOFGREN. Aye.
1325 The CLERK. Ms. Lofgren votes aye.
1326 Mr. Lipinski?
1327 Mr. LIPINSKI. Aye.
1328 The CLERK. Mr. Lipinski votes aye.
1329 Ms. Edwards?
1330 Ms. EDWARDS. Aye.
1331 The CLERK. Ms. Edwards votes aye.
1332 Ms. Wilson?
1333 [No response.]
1334 The CLERK. Ms. Bonamici?
1335 Ms. BONAMICI. Aye.
1336 The CLERK. Ms. Bonamici votes aye.
1337 Mr. Swalwell?
1338 Mr. SWALWELL. Aye.
1339 The CLERK. Mr. Swalwell votes aye.
1340 Mr. Grayson?
1341 Mr. GRAYSON. Aye.
1342 The CLERK. Mr. Grayson votes aye.
1343 Mr. Bera?
1344 [No response.]

1345 The CLERK. Ms. Esty?

1346 Ms. ESTY. Aye.

1347 The CLERK. Ms. Esty votes aye.

1348 Mr. Veasey?

1349 Mr. VEASEY. Aye.

1350 The CLERK. Mr. Veasey votes aye.

1351 Ms. Clark?

1352 Ms. CLARK. Aye.

1353 The CLERK. Ms. Clark votes aye.

1354 Mr. Beyer?

1355 Mr. BEYER. Aye.

1356 The CLERK. Mr. Beyer votes aye.

1357 Chairman SMITH. The clerk will report the vote.

1358 The CLERK. Mr. Chairman, 11 Members have voted aye.

1359 Seventeen Members have voted nay.

1360 Chairman SMITH. The nos have it, and the amendment is

1361 not agreed to.

1362 Does the gentlewoman from California wish to be

1363 recognized for another amendment?

1364 Ms. LOFGREN. I would.

1365 Chairman SMITH. And if so, she is so recognized, and

1366 the clerk will report the amendment.

1367 The CLERK. Amendment to Rule Governing Procedure of the

1368 Committee on Science, Space, and Technology for the 114th

1369 Congress offered by Ms. Lofgren of California.

1370 [The amendment of Ms. Lofgren follows:]

1371 ***** INSERT 6 *****

1372 Chairman SMITH. Without objection, the amendment will
1373 considered as read, and the gentlewoman is recognized to
1374 explain her amendment.

1375 Ms. LOFGREN. Mr. Chairman, this amendment is a
1376 compromise. It would give the Chair more authority than
1377 under our rules from the 113th Congress, but it also gives
1378 the Minority at least a voice.

1379 Unlike the proposed draft rules before us, this
1380 amendment would not trample the rights of the Minority nor
1381 would it give the Chair unilateral authority. If this
1382 amendment were adopted, the Chair would need to at least
1383 consult with the Ranking Member about a proposed subpoena.
1384 If they agreed, the subpoena would move forward. If they
1385 could not agree, the Committee as a whole would authorize the
1386 subpoena.

1387 I would note as with my prior comments, since on
1388 procedural matters there does seem to be a lot of party-line
1389 voting, certainly the subpoena would be issued, but at least
1390 there would be some transparency, the ability to flesh out
1391 whether in fact the Committee wanted to proceed down a rather
1392 contentious road that as Mr. Grayson has pointed out can
1393 sometimes end up in court or with issuing contempt orders.

1394 It seems to me that if the Chair and Ranking Member
1395 don't agree on a subpoena, then we shouldn't subpoena an
1396 entity in the name of the Committee without actually having

1397 | the Committee discuss whether it is necessary. I think that
1398 | this does not remove the authority of the Majority to prevail
1399 | but it is a bipartisan effort to allow this Committee to work
1400 | together. I think it is a reasonable compromise, and I hope
1401 | that will be accepted as a substitution for the proposed
1402 | rule, and I would yield back.

1403 | Chairman SMITH. Thank you, Ms. Lofgren, and I will
1404 | recognize myself in opposition.

1405 | The proposed change was made in order to conform to
1406 | House Rule XI(2)(A)(3)(a)(i). The authority to issue a
1407 | subpoena without having a business meeting is in direct
1408 | response to the Administration's dilatory tactics when
1409 | responding to letters from this and other Committees.
1410 | Signature subpoena authority is a requirement for staff
1411 | deposition authority.

1412 | Under this amendment, the Ranking Minority Member could
1413 | delay the issuance of a subpoena by requiring a business
1414 | meeting. Six other committee chairs have signature authority
1415 | in this Congress, and I believe it will enhance the
1416 | Committee's investigative capabilities and also allow the
1417 | Committee to act quickly to ensure full cooperation.

1418 | Let me emphasize that the Minority will be aware of the
1419 | likelihood of subpoenas through proceeding Committee
1420 | correspondence. For example, if you go back to the last
1421 | Congress and look at the one--we issued two subpoenas. The

1422 one directed towards the EPA occurred only after six letters
1423 were sent by me to the EPA requesting information and getting
1424 six non-responsive answers. So I do think that the Minority
1425 will be aware of any imminent subpoenas.

1426 Are there other Members who wish to be heard on this
1427 amendment? The gentlewoman from Texas, Ms. Johnson, is
1428 recognized.

1429 Ms. JOHNSON. Thank you very much, Mr. Chairman.

1430 I really would like to ask the Committee to support this
1431 good commonsense amendment. By agreeing to this amendment,
1432 we would be creating a subpoena rule that while investing
1433 more control in the Chair, to continue to allow the
1434 participation of the Minority. If a ranking member doesn't
1435 agree with the decision by the Chair to issue a subpoena, it
1436 will require that the issue be taken to the Committee, and
1437 all of us know which way that would go, but it is a matter of
1438 respect to the Minority.

1439 I believe that the Members of this Committee should have
1440 a chance to vote and allow their voices to be heard on such a
1441 serious matter as subpoenas. This is just common sense, and
1442 it is the bedrock of our democracy.

1443 As President Ronald Reagan once said, "The right to
1444 vote is a crown jewel of American liberties." We would not
1445 see the luster diminished.

1446 I cannot understand how the Chair can think that taking

1447 away this right is a good idea. We have served in this
1448 Congress under rules that allowed us to vote on subpoenas as
1449 far back as I can remember or as far back as the staff can
1450 research. To take that right away without the consent of the
1451 ranking Minority member invokes a dangerous precedent.

1452 As Thomas Jefferson stated, "Should things go wrong at
1453 any time, the people will set them to rights by the peaceful
1454 exercise of their elective rights." And following the wise
1455 words of one of our Founding Fathers, I urge my colleagues to
1456 adopt this amendment so that we can do it the American Way.

1457 Thank you. I yield back.

1458 Chairman SMITH. Thank you, Ms. Johnson.

1459 The gentleman from Florida, Mr. Grayson, is recognized.

1460 Mr. GRAYSON. Thank you, Mr. Chairman, and in
1461 particular, thank you for the extremely kind remarks that you
1462 made the last time I spoke about this.

1463 I would like to clarify for the Members the difference
1464 between the previous amendment, which the Majority voted
1465 down, and the amendment that is now being offered. Up until
1466 this point, the ability to issue subpoenas has rested with
1467 the Committee as a whole and was accomplished by means of a
1468 vote. That is the procedure prescribed under House Rule
1469 XI(2) with one exception. That one exception is that there
1470 is in fact an ability of the Committee to delegate to the
1471 Chair, which is what the Chair is now relying upon. However,

1472 | the rule reads as follows: ``The power to authorize and
1473 | issue subpoenas under (1)(b) may be delegated to the chair of
1474 | the committee under such rules and under such limitations as
1475 | the committee may prescribe.``

1476 | The previous amendment would have stuck with the default
1477 | approach under the House Rules, which is to let the Committee
1478 | vote on subpoenas. This current amendment, the second
1479 | amendment offered by Ms. Lofgren, does something different.
1480 | What it does is, it channels the Chair's discretion in a
1481 | constructive way. Clearly, when the rules say that the
1482 | authority may be delegated to the chair of the committee
1483 | under such rules and under such limitations as the committee
1484 | may prescribe, it contemplates such rules and such
1485 | limitations. Unfortunately, as submitted by the staff, the
1486 | rules that we would be dealing with absent this amendment
1487 | have no such rules and no such limitations. In fact, they
1488 | represent a blank check.

1489 | So in order to conform to both the letter and the spirit
1490 | of the House Rules, this amendment is being offered to
1491 | channel that authority, channel that discretion in the manner
1492 | of the rules and the limitations that the Committee may
1493 | prescribe. Thank you.

1494 | Chairman SMITH. Thank you, Mr. Grayson.

1495 | Are there other Members who wish to be heard? If not,
1496 | the vote is on the gentlewoman from California's amendment,

1497 Ms. Lofgren's amendment. All in favor--
1498 Ms. JOHNSON. Recorded vote.
1499 Chairman SMITH. --say aye.
1500 All opposed, say no.
1501 Ms. JOHNSON. Recorded vote.
1502 Chairman SMITH. In the opinion of the Chair, the nos
1503 have it, and a roll call vote has been requested, and the
1504 clerk will call the vote.
1505 The CLERK. Mr. Smith?
1506 Chairman SMITH. No.
1507 The CLERK. Mr. Smith votes no.
1508 Mr. Lucas?
1509 Mr. LUCAS. No.
1510 The CLERK. Mr. Lucas votes no.
1511 Mr. Sensenbrenner?
1512 [No response.]
1513 The CLERK. Mr. Rohrabacher?
1514 [No response.]
1515 The CLERK. Mr. Neugebauer?
1516 [No response.]
1517 The CLERK. Mr. McCaul?
1518 [No response.]
1519 The CLERK. Mr. Palazzo?
1520 Mr. PALAZZO. Nay.
1521 The CLERK. Mr. Palazzo votes no.

1522 Mr. Brooks?
1523 Mr. BROOKS. No.
1524 The CLERK. Mr. Brooks votes no.
1525 Mr. Hultgren?
1526 Mr. HULTGREN. No.
1527 The CLERK. Mr. Hultgren votes no.
1528 Mr. Posey?
1529 Mr. POSEY. No.
1530 The CLERK. Mr. Posey votes no.
1531 Mr. Massie?
1532 Mr. MASSIE. No.
1533 The CLERK. Mr. Massie votes no.
1534 Mr. Bridenstine?
1535 [No response.]
1536 The CLERK. Mr. Weber?
1537 Mr. WEBER. No.
1538 The CLERK. Mr. Weber votes no.
1539 Mr. Johnson?
1540 Mr. JOHNSON. No.
1541 The CLERK. Mr. Johnson votes no.
1542 Mr. Moolenaar?
1543 Mr. MOOLENAAR. No.
1544 The CLERK. Mr. Moolenaar votes no.
1545 Mr. Knight?
1546 Mr. KNIGHT. No.

1547 | The CLERK. Mr. Knight votes no.
1548 | Mr. Babin?
1549 | Mr. BABIN. No.
1550 | The CLERK. Mr. Babin votes no.
1551 | Mr. Westerman?
1552 | Mr. WESTERMAN. No.
1553 | The CLERK. Mr. Westerman votes no.
1554 | Ms. Comstock?
1555 | Ms. COMSTOCK. No.
1556 | The CLERK. Ms. Comstock votes no.
1557 | Mr. Newhouse?
1558 | Mr. NEWHOUSE. No.
1559 | The CLERK. Mr. Newhouse votes no.
1560 | Mr. Palmer?
1561 | [No response.]
1562 | The CLERK. Mr. Loudermilk?
1563 | Mr. LOUDERMILK. No.
1564 | The CLERK. Mr. Loudermilk votes no.
1565 | Ms. Johnson?
1566 | Ms. JOHNSON. Aye.
1567 | The CLERK. Ms. Johnson votes aye.
1568 | Ms. Lofgren?
1569 | Ms. LOFGREN. Aye.
1570 | The CLERK. Ms. Lofgren votes aye.
1571 | Mr. Lipinski?

1572 Mr. LIPINSKI. Aye.

1573 The CLERK. Mr. Lipinski votes aye.

1574 Ms. Edwards?

1575 Ms. EDWARDS. Aye.

1576 The CLERK. Ms. Edwards votes aye.

1577 Ms. Wilson?

1578 [No response.]

1579 The CLERK. Ms. Bonamici?

1580 [No response.]

1581 The CLERK. Mr. Swalwell?

1582 Mr. SWALWELL. Aye.

1583 The CLERK. Mr. Swalwell votes aye. Is that correct?

1584 Mr. SWALWELL. I am sorry.

1585 The CLERK. Mr. Swalwell?

1586 Mr. SWALWELL. This is on Lofgren?

1587 The CLERK. Yes.

1588 Mr. SWALWELL. Yes.

1589 The CLERK. Mr. Swalwell votes aye.

1590 Mr. Grayson?

1591 Mr. GRAYSON. Aye.

1592 The CLERK. Mr. Grayson votes aye.

1593 Mr. Bera?

1594 [No response.]

1595 The CLERK. Ms. Esty?

1596 Ms. ESTY. Aye.

1597 The CLERK. Ms. Esty votes aye.
1598 Mr. Veasey?
1599 Mr. VEASEY. Aye.
1600 The CLERK. Mr. Veasey votes aye.
1601 Ms. Clark?
1602 Ms. CLARK. Aye.
1603 The CLERK. Ms. Clark votes aye.
1604 Mr. Beyer?
1605 Mr. BEYER. Aye.
1606 The CLERK. Mr. Beyer votes aye.
1607 Chairman SMITH. The clerk will report the vote.
1608 The CLERK. Mr. Chairman, 10 Members have voted aye.
1609 Sixteen Members have voted nay.
1610 Chairman SMITH. The nos have it, and the amendment is
1611 not agreed to.
1612 The next amendment, I believe, will also be offered by
1613 the gentlewoman from California, Ms. Lofgren, and she is
1614 recognized for that purpose.
1615 Ms. LOFGREN. Would the clerk like to designate the
1616 amendment?
1617 The CLERK. Amendment to the Rules Governing Procedure
1618 of the Committee on Science, Space, and Technology for the
1619 114th Congress offered by Ms. Lofgren of California.
1620 [The amendment of Ms. Lofgren follows:]

1621 ***** INSERT 7 *****

1622 Chairman SMITH. Without objection, the amendment will
1623 considered as read, and the gentlewoman is recognized to
1624 explain her amendment.

1625 Ms. LOFGREN. Mr. Chairman, this amendment is the most
1626 modest proposal relative to subpoenas. It merely would
1627 change the proposed draft rules regarding a subpoena by
1628 inserting a clause which gives the Ranking Member 72 hours
1629 advance notice before the Chair authorizes and issues a
1630 subpoena.

1631 With this amendment, the Chair would still have the
1632 complete unilateral authority to issue subpoenas. The clause
1633 only seeks to give the Minority notice before the Chair takes
1634 action in the name of the Committee.

1635 Now, by asking for 72 hours advance notice, this
1636 amendment merely tries to insert a modicum of collegiality
1637 into the process. As a Member of this body which has a
1638 representative for every citizen of our great country, we
1639 should strive to conduct our business in a way that doesn't
1640 fly in the face of bipartisanship.

1641 This amendment is but a small gesture of bipartisanship
1642 and collegiality, which has helped this body be productive
1643 for over 225 years.

1644 I would note that in the Judiciary Committee where I
1645 also serve, the chairman has pledged to live by this rule
1646 relative to the Ranking Member, Mr. Conyers. It is the least

1647 | we could do to honor the service of every Member of this
1648 | Committee to at least let the Ranking Member be notified of
1649 | the issuance of a subpoena.

1650 | I hope that my colleagues on both sides of the aisle can
1651 | at least agree to this modest proposal. I yield back.

1652 | Chairman SMITH. The gentlewoman yields back her time,
1653 | and I will recognize myself in opposition to the amendment.

1654 | I am being a little bit repetitious here, but the
1655 | authority to issue a subpoena without having a business
1656 | meeting is in direct response again to the Administration's
1657 | dilatory tactics tactic when responding to letters from and
1658 | this Committee. This Committee does need to respond to the
1659 | Administration's dilatory tactics and lack of transparency.
1660 | The proposed rules will enhance the Committee's investigative
1661 | capabilities, allow the Committee to act quickly to ensure
1662 | full cooperation.

1663 | Mr. GRAYSON. Will the gentleman yield for a question?

1664 | Chairman SMITH. And that concludes my opposition, and
1665 | the gentleman from Florida is recognized for his question.

1666 | Mr. GRAYSON. Thank you. I understand the difference
1667 | between willing to do something and be required to do
1668 | something, and I am just curious, is the Chair willing to
1669 | entertain any sort of notice provision without being bound to
1670 | do so by the rules?

1671 | Chairman SMITH. If the gentleman will yield at this

1672 point?

1673 Mr. GRAYSON. Yes.

1674 Chairman SMITH. I don't anticipate making any changes
1675 to the House Rules.

1676 Mr. GRAYSON. Yes, but reclaiming my time, is the Chair
1677 willing to state for the record, without being bound by any
1678 legal manner, that the Chair will in fact, absent exigent
1679 circumstances, give the Ranking Minority Member some kind of
1680 notice of some period in advance of the issuance of the
1681 subpoena?

1682 Chairman SMITH. If the gentleman will yield?

1683 Mr. GRAYSON. Yes.

1684 Chairman SMITH. Once again, the rule proposed changes
1685 are in accordance with House Rules and we are going to stick
1686 with the House Rules. And I don't think the gentleman will
1687 be disappointed as to how the Committee is run in the next
1688 couple of years.

1689 Mr. GRAYSON. Thank you. I yield the rest of my time.

1690 Ms. EDWARDS. Mr. Chairman?

1691 Chairman SMITH. Are there any other Members who wish to
1692 be heard? The gentlewoman from Maryland, Ms. Edwards, is
1693 recognized.

1694 Ms. EDWARDS. Mr. Chairman, I am not sure that this is
1695 the appropriate time, but I am envisioning as we go forward,
1696 because we have had prior amendments and they failed on the

1697 numbers, but I wonder if the Chairman could use my time to
1698 explain how you envision using your subpoena authority?
1699 Because earlier you noted that there had been six or so
1700 inquiries prior that hadn't been responded to by the
1701 Administration. I can understand the frustration with that.
1702 And so I guess I just wonder as you envision using this
1703 somewhat unprecedented authority, whether you intend to at
1704 least begin the process in the regular order in which we
1705 operate, and that is, an inquiry to the Administration before
1706 you would begin straight away with subpoenas and what that
1707 process would look like. Because I think it is important for
1708 Members to understand your vision of your exercise of your
1709 singular subpoena authority. Because none of the rest of us
1710 will have any say in that.

1711 Chairman SMITH. Right. Understand. If the gentlewoman
1712 would yield, I will be happy to respond.

1713 Ms. EDWARDS. I would definitely yield.

1714 Chairman SMITH. Let me reassure her on a couple of
1715 points. First of all, I do not think that the Minority will
1716 be surprised by the issuance of a subpoena because it would
1717 come at the end of a long process, sometimes a very
1718 frustrating process, and as the gentlewoman acknowledged,
1719 dealing particularly with the EPA in the last couple of
1720 years, it has been sometimes months before we had even
1721 received a nonresponsive answer to a letter. We are trying

1722 | to get information on behalf of the American people and
1723 | conduct investigations that I think will make for good
1724 | policy. So to achieve there, there may be a time when we
1725 | need to exercise signature authority on a subpoena but again,
1726 | I don't think that the Minority will be surprised when that
1727 | time, if it comes.

1728 | The other point is that you mentioned this power was
1729 | unprecedented. As I mentioned a few minutes ago, there are a
1730 | half a dozen committees in this Congress or more that have
1731 | this signature subpoena power. So we are not doing something
1732 | out of the ordinary when it comes to this Congress, but I
1733 | appreciate the points that you generally made.

1734 | Ms. EDWARDS. Thank you, and reclaiming--I am sorry. Go
1735 | ahead and finish.

1736 | Chairman SMITH. No, no.

1737 | Ms. EDWARDS. Reclaiming my time. Thanks for pointing
1738 | that out, and what I meant by that was actually unprecedented
1739 | in terms of the operation of the Science Committee, which for
1740 | decades has actually operated under rules that were much more
1741 | civil than the rules that we are engaging now, and I thank
1742 | the gentleman for indicating that it will be the procedure
1743 | and the practice of the Chairman to first at least engage in
1744 | an exchange of letters and responses before going the
1745 | direction of the subpoena authority, and I would hope that
1746 | that could be done frankly in consultation with the Minority

1747 | where we could agree at least that whatever agency has been
1748 | unresponsive to the requests that have been made because
1749 | otherwise I think we will just be in a roundhouse game of
1750 | subpoenas, and that will constitute the business of the
1751 | Committee, which would be quite unfortunate and against the
1752 | interests, I think, of the business that the country expects
1753 | us to work in.

1754 | Chairman SMITH. Thank you, Ms. Edwards. I appreciate
1755 | those comments, and they will be remembered.

1756 | We will now proceed to a vote on the gentlewoman from
1757 | California's amendment.

1758 | All those in favor, say aye.

1759 | Ms. JOHNSON. Recorded vote.

1760 | Chairman SMITH. All those opposed, say nay.

1761 | In the opinion of the Chair, the nos have it, and the
1762 | amendment is not agreed to.

1763 | Ms. JOHNSON. Recorded vote, please.

1764 | Chairman SMITH. A roll call vote has been requested,
1765 | and the clerk will call the roll.

1766 | The CLERK. Mr. Smith?

1767 | Chairman SMITH. No.

1768 | The CLERK. Mr. Smith votes no.

1769 | Mr. Lucas?

1770 | Mr. LUCAS. No.

1771 | The CLERK. Mr. Lucas votes no.

1772 Mr. Sensenbrenner?
1773 [No response.]
1774 The CLERK. Mr. Rohrabacher?
1775 [No response.]
1776 The CLERK. Mr. Neugebauer?
1777 [No response.]
1778 The CLERK. Mr. McCaul?
1779 [No response.]
1780 The CLERK. Mr. Palazzo?
1781 Mr. PALAZZO. Nay.
1782 The CLERK. Mr. Palazzo votes no.
1783 Mr. Brooks?
1784 Mr. BROOKS. No.
1785 The CLERK. Mr. Brooks votes no.
1786 Mr. Hultgren?
1787 Mr. HULTGREN. No.
1788 The CLERK. Mr. Hultgren votes no.
1789 Mr. Posey?
1790 Mr. POSEY. No.
1791 The CLERK. Mr. Posey votes no.
1792 Mr. Massie?
1793 Mr. MASSIE. Nay.
1794 The CLERK. Mr. Massie votes no.
1795 Mr. Bridenstine?
1796 [No response.]

1797 | The CLERK. Mr. Weber?
1798 | Mr. WEBER. No.
1799 | The CLERK. Mr. Weber votes no.
1800 | Mr. Johnson?
1801 | Mr. JOHNSON. No.
1802 | The CLERK. Mr. Johnson votes no.
1803 | Mr. Moolenaar?
1804 | Mr. MOOLENAAR. No.
1805 | The CLERK. Mr. Moolenaar votes no.
1806 | Mr. Knight?
1807 | [No response.]
1808 | The CLERK. Mr. Babin?
1809 | Mr. BABIN. No.
1810 | The CLERK. Mr. Babin votes no.
1811 | Mr. Westerman?
1812 | Mr. WESTERMAN. No.
1813 | The CLERK. Mr. Westerman votes no.
1814 | Ms. Comstock?
1815 | Ms. COMSTOCK. No.
1816 | The CLERK. Ms. Comstock votes no.
1817 | Mr. Newhouse?
1818 | Mr. NEWHOUSE. No.
1819 | The CLERK. Mr. Newhouse votes no.
1820 | Mr. Palmer?
1821 | [No response.]

1822 The CLERK. Mr. Loudermilk?
1823 Mr. LOUDERMILK. No.
1824 The CLERK. Mr. Loudermilk votes no.
1825 Ms. Johnson?
1826 Ms. JOHNSON. Aye.
1827 The CLERK. Ms. Johnson votes aye.
1828 Ms. Lofgren?
1829 Ms. LOFGREN. Aye.
1830 The CLERK. Ms. Lofgren votes aye.
1831 Mr. Lipinski?
1832 Mr. LIPINSKI. Aye.
1833 The CLERK. Mr. Lipinski votes aye.
1834 Ms. Edwards?
1835 Ms. EDWARDS. Aye.
1836 The CLERK. Ms. Edwards votes aye.
1837 Ms. Wilson?
1838 [No response.]
1839 The CLERK. Ms. Bonamici?
1840 [No response.]
1841 The CLERK. Mr. Swalwell?
1842 Mr. SWALWELL. Aye.
1843 The CLERK. Mr. Swalwell votes aye.
1844 Mr. Grayson?
1845 Mr. GRAYSON. Aye.
1846 The CLERK. Mr. Grayson votes aye.

1847 Mr. Bera?

1848 [No response.]

1849 The CLERK. Ms. Esty?

1850 Ms. ESTY. Aye.

1851 The CLERK. Ms. Esty votes aye.

1852 Mr. Veasey?

1853 Mr. VEASEY. Aye.

1854 The CLERK. Mr. Veasey votes aye.

1855 Ms. Clark?

1856 Ms. CLARK. Aye.

1857 The CLERK. Ms. Clark votes aye.

1858 Mr. Beyer?

1859 Mr. BEYER. Aye.

1860 The CLERK. Mr. Beyer votes aye.

1861 Chairman SMITH. The clerk will report the vote. I am

1862 sorry. Is there any Member who wishes to vote who has not

1863 voted?

1864 The CLERK. Mr. Knight?

1865 Mr. KNIGHT. No.

1866 The CLERK. Mr. Knight votes no.

1867 Chairman SMITH. The clerk will report the vote.

1868 The CLERK. Mr. Chairman, 10 Members have voted aye.

1869 Sixteen Members voted nay.

1870 Chairman SMITH. The nos have it, and the amendment is

1871 not agreed to.

1872 We will now go to an amendment to be offered by the
1873 gentlewoman from Maryland, Ms. Edwards, and she is recognized
1874 for that purpose.

1875 Ms. EDWARDS. Thank you, Mr. Chairman. I have an
1876 amendment at the desk.

1877 Chairman SMITH. The clerk will read the amendment.

1878 The CLERK. Amendment to Committee Rules offered by Ms.
1879 Edwards of Maryland. Page 5--

1880 [The amendment of Ms. Edwards follows:]

1881 ***** INSERT 8 *****

1882 Chairman SMITH. Without objection, the amendment will
1883 considered as read, and the gentlewoman is recognized to
1884 explain her amendment.

1885 Ms. EDWARDS. Thank you, Mr. Chairman.

1886 My amendment is actually quite simple. It would restore
1887 the requirements for requests of record votes back to the
1888 rules of the prior Congress. Those rules, and my amendment,
1889 require the support of three Members for a record vote at the
1890 full Committee and one Member at Subcommittee.

1891 Under the new rules, the requirement is for the support
1892 of one-fifth of the Members at full Committee or
1893 Subcommittee. At a fully attended markup, that would
1894 constitute eight Members.

1895 I don't really understand why this change is being made
1896 if it is not to potentially undermine the ability of the
1897 minority to call for record votes, and by minority, I mean
1898 members who are in the minority of a particular issue
1899 regardless of party affiliation.

1900 Here again, Mr. Chairman, we have a new rule in search
1901 of a problem. Like some of the other rules the Chair is
1902 seeking to change today, this rule was a longstanding part of
1903 the Science Committee's history. In fact, the three-person
1904 requirement for record vote requests dates back to at least
1905 1977. That is the oldest copy of the rules that the
1906 Democratic staff could actually locate.

1907 It is not really clear why the Chair is seeking to
1908 change this rule, given that the Committee has operated
1909 successfully with it for at least four decades under both
1910 Republican and Democratic chairs.

1911 The Chair claims that he is just conforming the
1912 Committee Rules to the House Rules. This is true. However,
1913 nothing in the House Rules regarding requests for record
1914 votes has changed. In fact, the record vote requirements
1915 date back to the 1700s. It is hard to argue that all of a
1916 sudden after a half a century of successful Science Committee
1917 work, we now need to conform the two rules. My concern is
1918 that this is just another chip away from a historically
1919 collegial environment in which the Science Committee has
1920 enjoyed.

1921 In addition to weakening individual Members' rights on
1922 this Committee, I suspect that in the long run, changes like
1923 this will actually make it harder for us to come together to
1924 pass bipartisan legislation. Shame on us. It is really
1925 unfortunate.

1926 And so I would urge Members, you know, one out of six,
1927 folks, I would urge folks to support my amendment, and I
1928 yield back.

1929 Chairman SMITH. Thank you, Ms. Edwards, and I will
1930 recognize myself in opposition to the amendment.

1931 The rule provides for a recorded vote upon request of

1932 | one-fifth of the Members present. The change was made to
1933 | ensure efficiency and to respect our Members' time. You
1934 | should not waste Members' time taking votes with no
1935 | significant threshold of interest. The change was made to
1936 | conform to the House Rule XXI(b).

1937 | Are there other Members who wish to be heard on this
1938 | amendment?

1939 | If not, the vote is on the gentlewoman's amendment from
1940 | Maryland.

1941 | All in favor, say aye.

1942 | All opposed, say nay.

1943 | In the opinion of the Chair, the nays have it.

1944 | Ms. JOHNSON. Recorded vote.

1945 | Chairman SMITH. And a recorded vote has been requested,
1946 | and the clerk will call the roll.

1947 | The CLERK. Mr. Smith?

1948 | Chairman SMITH. No.

1949 | The CLERK. Mr. Smith votes no.

1950 | Mr. Lucas?

1951 | Mr. LUCAS. No.

1952 | The CLERK. Mr. Lucas votes no.

1953 | Mr. Sensenbrenner?

1954 | [No response.]

1955 | The CLERK. Mr. Rohrabacher?

1956 | [No response.]

1957 The CLERK. Mr. Neugebauer?
1958 [No response.]
1959 The CLERK. Mr. McCaul?
1960 [No response.]
1961 The CLERK. Mr. Palazzo?
1962 Mr. PALAZZO. No.
1963 The CLERK. Mr. Palazzo votes no.
1964 Mr. Brooks?
1965 Mr. BROOKS. No.
1966 The CLERK. Mr. Brooks votes no.
1967 Mr. Hultgren?
1968 Mr. HULTGREN. No.
1969 The CLERK. Mr. Hultgren votes no.
1970 Mr. Posey?
1971 Mr. POSEY. No.
1972 The CLERK. Mr. Posey votes no.
1973 Mr. Massie?
1974 Mr. MASSIE. No.
1975 The CLERK. Mr. Massie votes no.
1976 Mr. Bridenstine?
1977 [No response.]
1978 The CLERK. Mr. Weber?
1979 Mr. WEBER. No.
1980 The CLERK. Mr. Weber votes no.
1981 Mr. Johnson?

1982 Mr. JOHNSON. No.
1983 The CLERK. Mr. Johnson votes no.
1984 Mr. Moolenaar?
1985 Mr. MOOLENAAR. No.
1986 The CLERK. Mr. Moolenaar votes no.
1987 Mr. Knight?
1988 Mr. KNIGHT. No.
1989 The CLERK. Mr. Knight votes no.
1990 Mr. Babin?
1991 Mr. BABIN. No.
1992 The CLERK. Mr. Babin votes no.
1993 Mr. Westerman?
1994 Mr. WESTERMAN. No.
1995 The CLERK. Mr. Westerman votes no.
1996 Ms. Comstock?
1997 Ms. COMSTOCK. No.
1998 The CLERK. Ms. Comstock votes no.
1999 Mr. Newhouse?
2000 Mr. NEWHOUSE. No.
2001 The CLERK. Mr. Newhouse votes no.
2002 Mr. Palmer?
2003 [No response.]
2004 The CLERK. Mr. Loudermilk?
2005 Mr. LOUDERMILK. No.
2006 The CLERK. Mr. Loudermilk votes no.

2007 Ms. Johnson?
2008 Ms. JOHNSON. Aye.
2009 The CLERK. Ms. Johnson votes aye.
2010 Ms. Lofgren?
2011 Ms. LOFGREN. Aye.
2012 The CLERK. Ms. Lofgren votes aye.
2013 Mr. Lipinski?
2014 Mr. LIPINSKI. Aye.
2015 The CLERK. Mr. Lipinski votes aye.
2016 Ms. Edwards?
2017 Ms. EDWARDS. Aye.
2018 The CLERK. Ms. Edwards votes aye.
2019 Ms. Wilson?
2020 [No response.]
2021 The CLERK. Ms. Bonamici?
2022 [No response.]
2023 The CLERK. Mr. Swalwell?
2024 Mr. SWALWELL. Aye.
2025 The CLERK. Mr. Swalwell votes aye.
2026 Mr. Grayson?
2027 Mr. GRAYSON. No.
2028 The CLERK. Mr. Grayson votes no.
2029 Mr. Bera?
2030 [No response.]
2031 The CLERK. Ms. Esty?

2032 Ms. ESTY. Aye.

2033 The CLERK. Ms. Esty votes aye.

2034 Mr. Veasey?

2035 Mr. VEASEY. Aye.

2036 The CLERK. Mr. Veasey votes aye.

2037 Ms. Clark?

2038 Ms. CLARK. Aye.

2039 The CLERK. Ms. Clark votes aye.

2040 Mr. Beyer?

2041 Mr. BEYER. Aye.

2042 The CLERK. Mr. Beyer votes aye.

2043 Chairman SMITH. The clerk will report the vote.

2044 The CLERK. Mr. Chairman, nine Members have voted aye.

2045 Seventeen Members have voted nay.

2046 Chairman SMITH. The nos have it, and the amendment is

2047 not agreed to.

2048 Ms. LOFGREN. Mr. Chairman?

2049 Chairman SMITH. The gentlewoman from California, Ms.

2050 Lofgren, is recognized for--

2051 Ms. LOFGREN. I have an amendment at the desk.

2052 Chairman SMITH. This is amendment #4, and the clerk

2053 will report the amendment.

2054 The CLERK. Amendment to Rules Governing Procedure of

2055 the Committee on Science and Technology, U.S. House of

2056 Representatives, for the 114th Congress offered by Ms.

2057 Lofgren--

2058 [The amendment of Ms. Lofgren follows:]

2059 ***** INSERT 9 *****

2060 Chairman SMITH. Without objection, the amendment will
2061 considered as read, and the gentlewoman is recognized to
2062 explain her amendment.

2063 I believe this is the last amendment of the day.

2064 Ms. LOFGREN. Mr. Chairman, before us are the rules that
2065 were adopted by the Science Committee when Democrats were in
2066 the majority. With the following exceptions, we have
2067 conformed on page 1, page 5, page 6, page 7 and page 8,
2068 certain elements to conform with the current House Rules.

2069 But I offer these rules, remembering some things
2070 throughout my life. I remember as a little girl going to
2071 church and hearing for the first time ``Do unto others as you
2072 would have them do unto you,`` the Golden Rule, and my mother
2073 telling me that you should treat others the way that you
2074 would like to be treated, and my dad saying what's good for
2075 the goose is good for the gander, and also hearing on the
2076 playground, what comes around, goes around.

2077 It seems to me that we ought to treat each other fairly,
2078 and one measure of that is how Democrats treated Republicans
2079 when we were in the majority and that the Democrats now in
2080 the majority--in the minority should be treated no less
2081 fairly than we treated the Minority when we had the authority
2082 to do more.

2083 I would hope that the Committee would seriously consider
2084 this, and don't tell me that the House Rules require you to

2085 | do otherwise because in fact, the House Rules have allowed
2086 | great authority for each committee to devise its own rules
2087 | and conformity with the House Rules. It is up to you. We
2088 | can't force you, but as the schoolyard taunt says, what comes
2089 | around, goes around. I would hope that we would be able to
2090 | treat each other fairly no matter whether we are in the
2091 | Majority or the Minority, and I offer the rules from the
2092 | 110th Congress for the 114th Congress.

2093 | And with that, I would yield back.

2094 | Chairman SMITH. Thank you, Ms. Lofgren. I will
2095 | recognize myself in opposition.

2096 | First let me observe that I think four metaphors in one
2097 | statement is a new record on speaking on amendments today,
2098 | but I appreciate what the gentlewoman said.

2099 | I am opposed to the amendment for two reasons, both
2100 | substantive. As the gentlewoman pointed out, these are
2101 | basically the rules the Committee operated under in 2007, so
2102 | I oppose them on the substance, and I also oppose it, and I
2103 | want members to know this probably will apply to both
2104 | Majority and Minority amendments. When we get an amendment
2105 | and don't have adequate time to consider it, to vet it and to
2106 | think about the consequences of that amendment, the
2107 | inclination of the Chair is going to be to oppose such
2108 | amendments in the future. That is why I hope Members will
2109 | honor the 24-hour suggestion that we get amendments that far

2110 | in advance.

2111 | Are there other Members who wish to be heard on this
2112 | amendment?

2113 | If not, the vote--

2114 | Ms. LOFGREN. Will the gentleman yield?

2115 | Chairman SMITH. The gentlewoman--yes, I will--well, I
2116 | yielded back my time but the gentlewoman is recognized.

2117 | Ms. LOFGREN. Just making the observation that under
2118 | these rules, all notice can be waived for all amendments in
2119 | the future, so the Chairman's comment is a little
2120 | disingenuous.

2121 | Chairman SMITH. Okay.

2122 | The vote is on the gentlewoman's amendment.

2123 | All in favor, say aye.

2124 | Opposed, say nay.

2125 | Ms. JOHNSON. Recorded vote.

2126 | Chairman SMITH. In the opinion of the Chair, the nos
2127 | have it. A recorded vote has been requested, and the clerk
2128 | will call the roll.

2129 | The CLERK. Mr. Smith?

2130 | Chairman SMITH. No.

2131 | The CLERK. Mr. Smith votes no.

2132 | Mr. Lucas?

2133 | Mr. LUCAS. No.

2134 | The CLERK. Mr. Lucas votes no.

2135 Mr. Sensenbrenner?
2136 [No response.]
2137 The CLERK. Mr. Rohrabacher?
2138 [No response.]
2139 The CLERK. Mr. Neugebauer?
2140 [No response.]
2141 The CLERK. Mr. McCaul?
2142 [No response.]
2143 The CLERK. Mr. Palazzo?
2144 Mr. PALAZZO. Nay.
2145 The CLERK. Mr. Palazzo votes no.
2146 Mr. Brooks?
2147 Mr. BROOKS. No.
2148 The CLERK. Mr. Brooks votes no.
2149 Mr. Hultgren?
2150 Mr. HULTGREN. No.
2151 The CLERK. Mr. Hultgren votes no.
2152 Mr. Posey?
2153 Mr. POSEY. No.
2154 The CLERK. Mr. Posey votes no.
2155 Mr. Massie?
2156 Mr. MASSIE. No.
2157 The CLERK. Mr. Massie votes no.
2158 Mr. Bridenstine?
2159 [No response.]

2160 The CLERK. Mr. Weber?
2161 Mr. WEBER. No.
2162 The CLERK. Mr. Johnson?
2163 Mr. JOHNSON. No.
2164 The CLERK. Mr. Johnson votes no.
2165 Excuse me. Mr. Weber votes no.
2166 Mr. Moolenaar?
2167 Mr. MOOLENAAR. No.
2168 The CLERK. Mr. Moolenaar votes no.
2169 Mr. Knight?
2170 Mr. KNIGHT. No.
2171 The CLERK. Mr. Knight votes no.
2172 Mr. Babin?
2173 Mr. BABIN. No.
2174 The CLERK. Mr. Babin votes no.
2175 Mr. Westerman?
2176 Mr. WESTERMAN. No.
2177 The CLERK. Mr. Westerman votes no.
2178 Ms. Comstock?
2179 Ms. COMSTOCK. No.
2180 The CLERK. Ms. Comstock votes no.
2181 Mr. Newhouse?
2182 Mr. NEWHOUSE. No.
2183 The CLERK. Mr. Newhouse votes no.
2184 Mr. Palmer?

2185 [No response.]

2186 The CLERK. Mr. Loudermilk?

2187 Mr. LOUDERMILK. No.

2188 The CLERK. Mr. Loudermilk votes no.

2189 Ms. Johnson?

2190 Ms. JOHNSON. Aye.

2191 The CLERK. Ms. Johnson votes aye.

2192 Ms. Lofgren?

2193 Ms. LOFGREN. Aye.

2194 The CLERK. Ms. Lofgren votes aye.

2195 Mr. Lipinski?

2196 Mr. LIPINSKI. Aye.

2197 The CLERK. Mr. Lipinski votes aye.

2198 Ms. Edwards?

2199 Ms. EDWARDS. Aye.

2200 The CLERK. Ms. Edwards votes aye.

2201 Ms. Wilson?

2202 [No response.]

2203 The CLERK. Ms. Bonamici?

2204 [No response.]

2205 The CLERK. Mr. Swalwell?

2206 Mr. SWALWELL. Aye.

2207 The CLERK. Mr. Swalwell votes aye.

2208 Mr. Grayson?

2209 Mr. GRAYSON. Aye.

2210 The CLERK. Mr. Grayson votes aye.
2211 Mr. Bera?
2212 [No response.]
2213 The CLERK. Ms. Esty?
2214 Ms. ESTY. Aye.
2215 The CLERK. Ms. Esty votes aye.
2216 Mr. Veasey?
2217 Mr. VEASEY. Aye.
2218 The CLERK. Mr. Veasey votes aye.
2219 Ms. Clark?
2220 Ms. CLARK. Aye.
2221 The CLERK. Ms. Clark votes aye.
2222 Mr. Beyer?
2223 Mr. BEYER. Aye.
2224 The CLERK. Mr. Beyer votes aye.
2225 Mr. Neugebauer?
2226 Mr. NEUGEBAUER. No.
2227 The CLERK. Mr. Neugebauer votes no.
2228 Chairman SMITH. The clerk will report the vote.
2229 The CLERK. Mr. Chairman, 10 Members have voted aye.
2230 Seventeen Members have voted no.
2231 Chairman SMITH. The nos have it, and the amendment is
2232 not agreed to.
2233 I move that the Committee on Science, Space, and
2234 Technology adopt the Rules of the Committee as proposed.

2235 All those in favor, signify by saying aye.
2236 All opposed, say no.
2237 In the opinion of the Chair, the ayes have it--
2238 Mr. GRAYSON. Recorded vote.
2239 Chairman SMITH. --and the Committee Rules are adopted.
2240 A recorded vote has been requested, and the clerk will
2241 call the roll.
2242 The CLERK. Mr. Smith?
2243 Chairman SMITH. Aye.
2244 The CLERK. Mr. Smith votes aye.
2245 Mr. Lucas?
2246 Mr. LUCAS. Aye.
2247 The CLERK. Mr. Lucas votes aye.
2248 Mr. Sensenbrenner?
2249 [No response.]
2250 The CLERK. Mr. Rohrabacher?
2251 [No response.]
2252 The CLERK. Mr. Neugebauer?
2253 Mr. NEUGEBAUER. Aye.
2254 The CLERK. Mr. Neugebauer votes aye.
2255 Mr. McCaul?
2256 [No response.]
2257 The CLERK. Mr. Palazzo?
2258 [No response.]
2259 The CLERK. Mr. Brooks?

2260 [No response.]

2261 Mr. Hultgren?

2262 Mr. HULTGREN. Aye.

2263 The CLERK. Mr. Hultgren votes aye.

2264 Mr. Posey?

2265 Mr. POSEY. Aye.

2266 The CLERK. Mr. Posey votes aye.

2267 Mr. Massie?

2268 Mr. MASSIE. Aye.

2269 The CLERK. Mr. Massie votes aye.

2270 Mr. Bridenstine?

2271 [No response.]

2272 The CLERK. Mr. Weber?

2273 Mr. WEBER. Aye.

2274 The CLERK. Mr. Weber votes aye.

2275 Mr. Johnson?

2276 Mr. JOHNSON. Aye.

2277 The CLERK. Mr. Johnson votes aye.

2278 Mr. Moolenaar?

2279 Mr. MOOLENAAR. Aye.

2280 The CLERK. Mr. Moolenaar votes aye.

2281 Mr. Knight?

2282 Mr. KNIGHT. Aye.

2283 The CLERK. Mr. Knight votes aye.

2284 Mr. Babin?

2285 Mr. BABIN. Aye.
2286 The CLERK. Mr. Babin votes aye.
2287 Mr. Westerman?
2288 Mr. WESTERMAN. Aye.
2289 The CLERK. Mr. Westerman votes aye.
2290 Ms. Comstock?
2291 Ms. COMSTOCK. Aye.
2292 The CLERK. Ms. Comstock votes aye.
2293 Mr. Newhouse?
2294 Mr. NEWHOUSE. Aye.
2295 The CLERK. Mr. Newhouse votes aye.
2296 Mr. Palmer?
2297 [No response.]
2298 The CLERK. Mr. Loudermilk?
2299 Mr. LOUDERMILK. Aye.
2300 The CLERK. Mr. Loudermilk votes aye.
2301 Ms. Johnson?
2302 Ms. JOHNSON. No.
2303 The CLERK. Ms. Johnson votes no.
2304 Ms. Lofgren?
2305 Ms. LOFGREN. No.
2306 The CLERK. Ms. Lofgren votes no.
2307 Mr. Lipinski?
2308 Mr. LIPINSKI. No.
2309 The CLERK. Mr. Lipinski votes no.

2310 Ms. Edwards?
2311 Ms. EDWARDS. No.
2312 The CLERK. Ms. Edwards votes no.
2313 Ms. Wilson?
2314 [No response.]
2315 The CLERK. Ms. Bonamici?
2316 [No response.]
2317 The CLERK. Mr. Swalwell?
2318 Mr. SWALWELL. No.
2319 The CLERK. Mr. Swalwell votes no.
2320 Mr. Grayson?
2321 Mr. GRAYSON. No.
2322 The CLERK. Mr. Grayson votes no.
2323 Mr. Bera?
2324 [No response.]
2325 The CLERK. Ms. Esty?
2326 Ms. ESTY. No.
2327 The CLERK. Ms. Esty votes no.
2328 Mr. Veasey?
2329 Mr. VEASEY. No.
2330 The CLERK. Mr. Veasey votes no.
2331 Ms. Clark?
2332 Ms. CLARK. No.
2333 The CLERK. Ms. Clark votes no.
2334 Mr. Beyer?

2335 Mr. BEYER. No.

2336 The CLERK. Mr. Beyer votes no.

2337 Mr. Palazzo?

2338 Mr. PALAZZO. No--I mean yes.

2339 The CLERK. Mr. Palazzo votes aye.

2340 Mr. Brooks?

2341 Mr. BROOKS. Aye.

2342 The CLERK. Mr. Brooks votes aye.

2343 Chairman SMITH. The clerk will report the vote.

2344 The CLERK. Mr. Chairman, 17 Members have voted aye.

2345 Ten Members have voted nay.

2346 Chairman SMITH. The ayes have it, and the Committee

2347 rules are adopted.

2348 The next item for consider is the proposed Committee

2349 Oversight Plan, and a copy is in all Members' folders.

2350 [The information follows:]

2351 ***** INSERT 10 *****

2352 Chairman SMITH. Under House Rules, the Committee must
2353 be in open session and adopt the plan before February 15th.

2354 The Committee's oversight jurisdiction is broad. The
2355 proposed Oversight Plan does not limit the Committee's work
2356 nor does it obligate the Committee to conduct oversight on
2357 every subject it mentions.

2358 If no Members wish to be recognized, the question is on
2359 the approval of the Oversight Plan as proposed, and does the
2360 Ranking Member want to be recognized briefly in support of
2361 the Oversight Plan?

2362 Ms. JOHNSON. Historically, I move to adopt it.

2363 Chairman SMITH. I appreciate that. I thank Ms.
2364 Johnson.

2365 All those in favor, say aye.

2366 Opposed, no.

2367 In the opinion of the Chair, the ayes have it. The
2368 Oversight Plan is approved.

2369 I ask unanimous consent that the Committee be authorized
2370 to make technical and conforming changes to the rules and
2371 Oversight Plan adopted by the Committee for the duration of
2372 the 114th Congress. Without objection, so ordered.

2373 Also without objection, I am going to put into the
2374 record the Subcommittee ratios and the Republican
2375 Subcommittee members, and the Minority members will be
2376 assigned as soon as the Ranking Member completes the roster

2377 | on the Minority side. Without objection.

2378 | If there is no further discussion, this concludes the
2379 | full Committee organizational meeting.

2380 | I thank all the Members who were here today. We had a
2381 | great turnout, and the Committee stands adjourned.

2382 | [Whereupon, at 12:36 p.m., the Committee was adjourned.]

 SPEAKER LISTING

BABIN.	29	33	44	56	67	78	86
	94	99					
BEYER.	31	35	47	58	69	80	88
	96	101					
BONAMICI.	31	35	46	57			
BRIDENSTINE.	28	33	44				
BROOKS.	28	32	43	55	66	77	85
	93	101					
CLARK.	31	35	46	58	69	80	88
	96	100					
CLERK.	10	13	27	28	29	30	31
	32	33	34	35	36	37	43
	44	45	46	47	54	55	56
	57	58	65	66	67	68	69
	76	77	78	79	80	81	84
	85	86	87	88	92	93	94
	95	96	97	98	99	100	101
COMSTOCK.	29	34	45	56	67	78	86
	94	99					
EDWARDS.	20	21	24	30	34	37	38
	46	57	68	73	74	75	79
	81	82	87	95	100		

ESTY.	30	35	46	58	68	80	88
	96	100					
GRAYSON.	16	17	24	25	26	27	30
	31	35	46	49	51	57	63
	68	72	73	79	87	95	97
	100						
HULTGREN.	28	32	44	55	66	77	85
	93	98					
JOHNSON.	6	12	14	28	29	33	34
	42	44	45	50	54	55	57
	62	65	66	67	76	78	79
	84	86	87	92	94	95	98
	99	102					
KNIGHT.	28	33	44	56	66	80	86
	94	98					
LIPINSKI.	31	34	45	57	68	79	87
	95	99					
LOFGREN.	11	17	18	29	34	36	37
	41	42	45	47	48	57	58
	60	67	69	71	79	87	88
	90	92	95	99			
LOUDERMILK.	29	34	45	56	67	79	86
	95	99					
LUCAS.	27	32	43	54	65	76	84
	92	97					
MASSIE.	28	33	44	55	66	77	85

	93	98					
MOOLENAAR.	28	33	44	56	66	78	86
	94	98					
NEUGEBAUER.	96	97					
NEWHOUSE.	29	34	45	56	67	78	86
	94	99					
PALAZZO.	27	32	43	55	65	77	85
	93	101					
PALMER.	29	34	45	56			
POSEY.	28	33	44	55	66	77	85
	93	98					
SENSENBRENNER.	27	32	43				
SMITH.	2	6	10	11	13	14	15
	16	17	18	20	21	24	25
	26	27	31	32	36	37	38
	40	41	42	43	47	48	49
	50	51	53	54	58	60	61
	63	64	65	69	71	72	73
	74	75	76	80	81	82	83
	84	88	90	91	92	96	97
	101	102					
SWALWELL.	30	35	46	57	68	79	87
	95	100					
VEASEY.	30	35	46	58	69	80	88
	96	100					
WEBER.	28	33	44	55	66	78	85

	94	98						
WESTERMAN.	29	33	45	56	67	78	86	
	94	99						
WILSON.	36	46						
YORK STENOGRAPHIC SERVICES, INC.	1							

INDEX OF INSERTS

***** INSERT 1 *****	PAGE	5
***** INSERT 2 *****	PAGE	9
***** INSERT 11 *****	PAGE	10
***** INSERT 3 *****	PAGE	13
***** INSERT 4 *****	PAGE	37
***** INSERT 5 *****	PAGE	47
***** INSERT 6 *****	PAGE	59
***** INSERT 7 *****	PAGE	70
***** INSERT 8 *****	PAGE	81
***** INSERT 9 *****	PAGE	89
***** INSERT 10 *****	PAGE	101

