

exceed statutory timeframes. Agencies will also be required to submit reports detailing what actions they take as a result of these OSC investigations—something in Congress that we should be paying attention to. This reporting provision requires agencies to admit any failures in holding people accountable and gives Congress much-needed transparency.

Finally, the bill codifies OSC's practice under the current special counsel of disclosing to Congress results and statistics. Codifying this transparency ensures the practice will continue and allow for easier oversight of these activities.

In order to help protect the whistleblowers and reform the Federal agencies, I would urge our colleagues to vote "yes" on H.R. 69.

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

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY), who is the ranking member of the Government Operations Subcommittee.

Mr. CONNOLLY. Mr. Speaker, again, I thank my friend, Mr. CLAY, for his leadership and for his kindness.

Mr. Speaker, I rise today in support of the Thoroughly Investigating Retaliation Against Whistleblowers Act—a mouthful, but it captures what we are trying to do.

I certainly appreciate Mr. BLUM's efforts to advance legislation that authorizes the Office of Special Counsel and protects whistleblowers in the Federal Government, an effort the Oversight and Government Reform Committee strives to promote when we are at our best on a bipartisan basis, and I am proud to be an original cosponsor of the bill.

I welcome consideration of this bill which would reaffirm Congress' commitment to whistleblowers, upholding the Oversight and Government Reform Committee's obligation to protect those whistleblowers that help identify mismanagement, waste, and fraud at Federal agencies and to support the oversight work of Congress. That is Congress at its best.

With the enactment of the Whistleblower Protection Act of 1989, OSC became an independent agency within the executive branch. Its mission is to safeguard the merit system of protecting Federal employees from prohibitive personnel practices, especially reprisal from whistleblowing. OSC provides employees a mechanism for disclosing wrongdoing in government agencies and provides advice on the Hatch Act, which restricts political activity by government employees generally.

OSC enforces employment rights under the Uniformed Services Employment and Reemployment Rights Act of 1994 for Federal employees who serve or have served in the uniformed services. Congress last reauthorized OSC for the period 2003 to 2007. Due in part to Congress' emphasis on transparency in government, OSC has experienced sig-

nificant growth in its caseload since its last reauthorization. In the past 5 years, that caseload has increased, Mr. Speaker, by 58 percent.

This bill reauthorizes the agency from 2016 through 2020 and makes several important changes to assist OSC in carrying out its vital mission. The bill codifies OSC's current practice of providing important performance metrics in its annual reports to the Congress and requires additional metrics to support congressional oversight of its effectiveness.

Last Congress, this bill was successfully passed out of our committee on, I believe, a unanimous basis. I urge my colleagues to continue Congress' longstanding tradition of support for oversight, accountability, whistleblower protection, and transparency, and vote in the affirmative for the Thoroughly Investigating Retaliation Against Whistleblowers Act.

Mr. CLAY. Mr. Speaker, I have no further speakers, and I would just urge the body to adopt the legislation.

I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I urge the passage of this bill, H.R. 69. We have had four good champions led by Mr. BLUM of Iowa in our committee who have helped put this together: Mr. MEADOWS of North Carolina, Mr. CONNOLLY of Virginia, and Mr. CUMMINGS, the ranking member out of Maryland. All four have come together as original cosponsors here in the 115th Congress.

Mr. Speaker, I urge its passage, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 69.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MIDNIGHT RULES RELIEF ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 21.

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

There was no objection.

Mr. GOODLATTE. Mr. Speaker, pursuant to section 5(b) of House Resolution 5, I call up the bill (H.R. 21) to amend chapter 8 of title 5, United States Code, to provide for en bloc consideration in resolutions of disapproval for "midnight rules", and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill. The SPEAKER pro tempore. Pursuant to section 5(b) of House Resolution 5, the bill is considered read.

The text of the bill is as follows:

H. R. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Midnight Rules Relief Act of 2017".

SEC. 2. EN BLOC CONSIDERATION OF RESOLUTIONS OF DISAPPROVAL PERTAINING TO "MIDNIGHT RULES".

(a) IN GENERAL.—Section 801(d) of title 5, United States Code, is amended by adding at the end the following:

"(4) In applying section 802 to rules described under paragraph (1), a joint resolution of disapproval may contain one or more such rules if the report under subsection (a)(1)(A) for each such rule was submitted during the final year of a President's term."

(b) TEXT OF RESOLVING CLAUSE.—Section 802(a) of title 5, United States Code, is amended—

(1) by inserting after "resolving clause of which is" the following: "(except as otherwise provided in this subsection)"; and

(2) by adding at the end the following: "In the case of a joint resolution under section 801(d)(4), the matter after the resolving clause of such resolution shall be as follows: 'That Congress disapproves the following rules: the rule submitted by the _____ relating to _____; and the rule submitted by the _____ relating to _____. Such rules shall have no force or effect.' (The blank spaces being appropriately filled in and additional clauses describing additional rules to be included as necessary)".

The SPEAKER pro tempore. The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Speaker, Federal bureaucrats are continuously creating new and more complicated and costly burdens on hardworking Americans in the form of unnecessarily burdensome regulations. Clearly, some regulation is necessary to protect public safety, set general rules of the road, and accomplish other important goals.

However, despite the fact that these goals can often be accomplished with relatively simple guidance, Washington bureaucrats seem more determined than ever to create the most complicated puzzles they can imagine, regardless of the compliance costs for small businesses or the new and innovative products entrepreneurs are forced to shelve in order to comply with these overly complicated regulations.

Bureaucrats also don't seem to care that American families face higher prices for goods and have fewer job opportunities when employers are unnecessarily forced to factor wasteful costs of complying with overly burdensome regulations into their bottom lines.

That is why, at the very beginning of the 115th Congress, we are prioritizing legislation to remove unnecessary regulatory burdens. Doing so is one of the fundamental steps we can take to make America more competitive again

and put more Americans back to work again.

Today, our specific focus is on reforming regulations that are hastily cobbled together in the waning weeks and months of an outgoing administration. These regulations are particularly susceptible to abuse and, thus, have an even greater potential to undermine job opportunities, wages, and American competitiveness.

As the Obama administration rushes to a close, Americans' freedom and prosperity are increasingly threatened by one of the most abusive features of modern bureaucracy—midnight regulation.

Midnight regulation is one of the most vexing problems in Washington's overreaching regulatory system. Administration after administration, there is a spike in rulemaking activity during the last year of a President's term—particularly between election day and Inauguration Day, but even in the months before then.

These successive waves of midnight regulation present deeply troubling issues. First and foremost, because outgoing administrations are no longer accountable to the voters, they are much more prone to issue midnight regulations that fly in the face of the electoral mandate the voters just gave the new, incoming administration.

Waves of midnight rules can also be very hard for Congress or a new administration to check adequately. As a new Congress and President begin their terms, both understandably must be focused on implementing the new priorities within the mandates the voters have given them. That doesn't always leave time to focus on cleaning up all of the last acts of the departing administration.

In addition, the Congressional Review Act currently allows Congress to disapprove of regulations—including midnight regulations—only one at a time. A wave of midnight regulations can easily overwhelm Congress' ability to use one-rule-at-a-time resolutions as an effective check.

Finally, it is well-documented that the rush by outgoing administrations to impose midnight rules before the clock strikes 12 leads to more poorly analyzed rules with lower quality and lower benefits.

The Obama administration has imposed more runaway regulation than any other in memory, and its midnight rulemaking period is no exception. When the House considered this legislation in the wake of last November's election, the administration had issued or planned to issue at least 180 midnight rules within the scope of this bill, including multiple billion-dollar rules and more than 20 major rules imposing \$100 million or more in costs per year.

In the intervening weeks, these figures have rapidly ballooned to the 226 midnight rules issued or planned. During just the week of December 12, the administration issued 18 midnight reg-

ulations, imposing over \$2 billion in new costs. But this is not a partisan issue. Administrations of both parties have issued midnight rules in the past.

The Judiciary Committee has been searching for an effective solution to this problem for some time, and I applaud our colleague, Mr. ISSA, for offering the Midnight Rules Relief Act to respond to the need. This bill offers a simple and powerful means to stop the problem of abusive midnight rules—allowing Congress to disapprove of any and all midnight regulations in one fell swoop by one en bloc disapproval resolution under the Congressional Review Act.

Any outgoing administration understanding that it has this Sword of Damocles hanging over its head will surely hesitate much more before abusing midnight rules. Further, once enabled to dispatch of all improper midnight rules with one simple resolution, Congress and succeeding administrations would be free to focus more of their energies on the voters' new priorities, rather than the mess left by midnight rules.

The relief offered by the bill, moreover, is highly flexible. No set number of regulations would have to be covered by a resolution. No category of regulation would have to be included in or excluded from a resolution. On the contrary, any midnight rule disapproval resolution could be sweeping or narrow, depending on how many rules merited inclusion.

Finally, the Midnight Rules Relief Act offers a solution that is not intrusive upon legitimate executive branch authority. An outgoing administration remains free to conduct necessary rulemaking activity up to the stroke of midnight on Inauguration Day. It then falls to Congress to respond swiftly and surgically to the results, to accept the good and excise the bad.

This is truly a better way to govern. That is why the reform embodied in this bill is featured in Speaker RYAN's Better Way agenda.

I thank Mr. ISSA for his work on this important legislation.

Mr. Speaker, I urge my colleagues to support the bill, and I reserve the balance of my time.

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

Mr. Speaker, this is an unusual measure that is being brought forward under unusual circumstances. To begin with, this measure would, believe it or not, empower our Federal legislature to undo virtually every regulation submitted to the Congress since mid-June of last year through the end of 2016 last year. The bill accomplishes this—every regulation—by authorizing Congress to disapprove these rules through a single joint resolution, thereby depriving Members to consider the merits of each individual regulation. This presents a number of problems.

□ 1345

As the administration has stated, with a threat of veto of an identical

bill that was considered last November, the legislation "would create tremendous regulatory uncertainty, potentially impose additional costs on businesses, and represent a step backwards for applying sound regulatory principles to protect public health, safety, the environment, and other critical aspects of society."

This, in my view, is a cynical way of trying to legislate. For those concerned about the continued improvement of clean air and clean water, if we care about the safety of the toys we give our children, if we care about the environment, then we must oppose this bill.

I urge my colleagues to join me. There hasn't been any deliberative process on the bill recently. It is amazing to me that we have such opposition to the bill. It would be overwhelming to put in the over 150 labor organizations, consumer organizations, environmental organizations, and others who have openly asked us to oppose this bill.

If that isn't enough, we have the business community itself in opposition. The American Sustainable Business Council, which represents over 200,000 businesses—and I have a partial list of them—also opposes this measure. It is one of the rare instances in which I have brought to the floor legislation that is opposed by both labor and by business as well.

It is a little bit of an insult that this bill is being considered, on top of that, under a closed rule. There can be no amendments to this measure.

I am in a state of surprise that on the second day of a new Congress we would come forward with a measure that could potentially jeopardize public health and safety in so many different ways.

I think that the opposition to this measure is so overwhelming that I am surprised that without hearings, without an opportunity for amendment, we are now considering a measure that has this much opposition.

Mr. Speaker, I include in the RECORD a letter from Consumer Reports dated January 3, 2017.

CONSUMER REPORTS,
Washington, DC, January 3, 2017.
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE: Consumer Reports and its policy and mobilization arm, Consumers Union, strongly urge you to vote no on H.R. 21, the so-called "Midnight Rules Relief Act." This bill would severely undermine accountability to the public regarding important protections and safeguards.

Although the rules targeted by this legislation were finalized relatively recently, many have been under development for several years. Consumers Union has provided public comment on several of these regulations that were designed to protect consumers against unsafe products, dishonest business dealings, and other hazards in the marketplace that place their health, safety, or well-being at risk. Agency experts carefully examined these hazards and considered various alternative approaches to address them. They sought input and guidance from businesses, consumer organizations, outside scientific and legal experts, and the public at