

112TH CONGRESS
1ST SESSION

H. R. 3194

To provide for a moratorium on certain regulations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2011

Mr. GRIFFIN of Arkansas introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for a moratorium on certain regulations, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Job Creation and Reg-
5 ulatory Freeze Act of 2011”.

6 **SEC. 2. MORATORIUM ON REGULATIONS.**

7 Except as provided in section 3, an agency may not
8 issue a covered regulation until the end of the moratorium
9 period.

1 **SEC. 3. EXEMPTIONS.**

2 (a) IN GENERAL.—Section 2 shall not apply to a cov-
3 ered regulation if the head of the agency—

4 (1) makes a specific finding that the covered
5 regulation—

6 (A) is necessary due to an imminent threat
7 to human health or safety, or any other emer-
8 gency;

9 (B) is necessary for the enforcement of a
10 criminal law;

11 (C) has as its principal effect—

12 (i) fostering private sector job cre-
13 ation and the enhancement of the competi-
14 tiveness of workers in the United States;

15 (ii) encouraging economic growth; or

16 (iii) repealing, narrowing, or stream-
17 lining a rule, regulation, or administrative
18 process, or otherwise reducing regulatory
19 burdens;

20 (D) pertains to a military or foreign affairs
21 function of the United States; or

22 (E) is limited to interpreting, imple-
23 menting, or administering the Internal Revenue
24 Code of 1986; and

25 (2) submits the finding to Congress and pub-
26 lishes the finding in the Federal Register.

1 (b) REVIEW.—Not later than 10 days after the date
2 of enactment of this Act each agency shall submit any cov-
3 ered regulation that the head of the agency determines
4 is exempt under this section to the Office of Management
5 and Budget and Congress.

6 (c) NONDELEGABLE AUTHORITY.—The head of an
7 agency may not delegate the authority provided under this
8 section to exempt the application of any provision of this
9 Act.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) AGENCY.—The term “agency” has the
13 meaning given that term under section 3502(1) of
14 title 44, United States Code.

15 (2) COVERED REGULATION.—The term “cov-
16 ered regulation” means a final regulation that—

17 (A) directly or indirectly increases costs on
18 businesses in a manner which will have an ad-
19 verse effect on job creation, job retention, pro-
20 ductivity, competitiveness, or the efficient func-
21 tioning of the economy;

22 (B) is likely to—

23 (i) have an annual effect on the econ-
24 omy of \$100,000,000 or more;

1 (ii) adversely affect in a material way
2 the economy, a sector of the economy, pro-
3 ductivity, competition, jobs, the environ-
4 ment, public health or safety, or State,
5 local, or tribal governments or commu-
6 nities;

7 (iii) create a serious inconsistency or
8 otherwise interfere with an action taken or
9 planned by another agency;

10 (iv) materially alter the budgetary im-
11 pact of entitlements, grants, user fees, or
12 loan programs or the rights and obliga-
13 tions of recipients thereof; or

14 (v) raise novel legal or policy issues;
15 and

16 (C) did not take effect before September 1,
17 2011.

18 (3) MORATORIUM PERIOD.—The term “morato-
19 rium period” means the period of time—

20 (A) beginning 30 days after the date of the
21 enactment of this Act; and

22 (B) ending January 20, 2013.

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