

nurses are better protected against exploitive situations.

I urge my colleagues to support the bill.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 1933, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES REAUTHORIZATION ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2480) to amend title 5, United States Code, to authorize appropriations for the Administrative Conference of the United States for fiscal years 2012, 2013, and 2014, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2480

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 "Administrative Conference of the United States Reauthorization Act of 2011".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 596 of title 5, United States Code, is amended to read as follows:

"§ 596. Authorization of appropriations

"There are authorized to be appropriated to carry out this subchapter not more than \$2,900,000 for fiscal year 2012, \$2,900,000 for fiscal year 2013, and \$2,900,000 for fiscal year 2014. Of any amounts appropriated under this section, not more than \$2,500 may be made available in each fiscal year for official representation and entertainment expenses for foreign dignitaries."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Tennessee (Mr. COHEN) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2480, as amended.

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

There was no objection.

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Mr. SMITH of Texas. I yield myself such time as I may consume.

Mr. Speaker, I offer this bill on behalf of myself, the gentleman from North Carolina (Mr. COBLE), and the gentleman from Tennessee (Mr. COHEN).

Lately, the need to reform Federal administrative law has become urgent. Every day the long promised economic recovery seems more like a mirage. Our top priority should be to create jobs. Protecting job creators from over-regulation will help create jobs. According to the Small Business Administration, regulations impose a \$1.75 trillion burden annually on the American economy. Reducing this burden will hasten our economic recovery.

The Administrative Conference of the United States is a small but important institution. It is a narrowly focused, nonpartisan body that offers an outstanding forum to reform Federal administrative law. Regulatory agencies must be efficient, effective, and accountable. This is the heart of the Conference's historical mission. Over the years, its recommendations have saved taxpayers tens of millions of dollars. For example, the Social Security Administration saved \$85 million by adopting a recommendation to eliminate an unnecessary step in its appeals process. The Conference's budget was \$1.8 million at the time. And the Federal Deposit Insurance Corporation saved more than \$9 million in the first 18 months of a pilot program implementing an ACUS recommendation to make greater use of alternative dispute resolution. ACUS currently is urging agencies to expand their use of video hearings. The Social Security Administration already has saved \$59 million by doing more hearings by video conference. This ACUS recommendation has the potential to save millions more across the Federal Government.

Due to a lack of funding, the Conference went dormant in 1996. It was revived in the 111th Congress, and I am glad that once again it is able to contribute to administrative law reform. The Conference is uniquely positioned to generate much savings for very little cost. Recommendations from the Conference save taxpayer dollars by helping agencies work more effectively. The Conference also helps agencies adopt better and less burdensome regulations to reduce that \$1.75 trillion regulatory burden on the economy. Additionally, the Subcommittee on Commercial and Administrative Law's December 2006 interim report on regulatory reform contains numerous suggested reforms that ACUS could examine and help agencies implement.

During these difficult economic times, everyone has to tighten their belts, including Federal agencies. If American families have to make tough economic choices, so should Congress. The amount authorized by this bill, \$2.9 million annually for the next three fiscal years, was a bipartisan com-

promise. It reduces the Conference's authorization level by almost 10 percent while enabling the Conference to perform its most critical work. The Conference's past successes raise the prospect for a high return on the taxpayers' investment. It is a reasonable authorization level in light of the current need to reduce Federal spending, and I recommend it to my colleagues.

I reserve the balance of my time.

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

It's been a pleasure working with Chairman SMITH, who yields the time, never as much as I may consume, but yields the time, which I'm always appreciative of, and we've worked in a bipartisan manner on this, and I appreciate his working with me on that.

The Federal administrative law and rulemaking processes are among the most important ways by which our Nation implements public policy. Each year, agencies issue regulations to ensure that the food we eat, the air we breathe, and the cars we drive are safe. Although regulations play a critical role in virtually every aspect of our daily lives, there is only one independent, nonpartisan Federal entity that Congress can rely on to ensure that these regulations work as intended. The Administrative Conference of the United States, known as ACUS, is that critical entity.

First established by President John Fitzgerald Kennedy, the Conference is a nonpartisan, public-private resource that provides invaluable guidance to Congress about how to improve the administrative and regulatory processes. ACUS is charged with making recommendations for the improvement of administrative agencies and their procedures, particularly with respect to efficiency and fairness. Over the years, the Conference has helped agencies implement many cost-saving procedures and made numerous recommendations to eliminate excessive litigation costs and long delays.

Just one agency alone, the Social Security Administration, estimates that the Conference's recommendations to change that agency's appeals process yielded approximately \$85 million in savings. Another recommendation by the Conference, namely, that agencies use alternative dispute resolution methods to avoid costly and time-consuming litigation, resulted in more than \$100 million in savings government-wide. Several other ACUS recommendations have greatly increased the efficiency of other administrative procedures by eliminating duplicative hearings and streamlining appeals from agency action, thereby also resulting in cost savings in the millions of dollars.

In what is truly a rare and historic example of agreement, Supreme Court Justices Stephen Breyer and Antonin Scalia have jointly testified before our committee in strong support of the Conference, not once but on two occasions, and I must say I enjoyed both of

their comments and their friendship. Justice Breyer extolled the “huge” savings to the public resulting from the Conference’s recommendations, while Justice Scalia likewise agreed that ACUS is “an enormous bargain.” Perhaps most importantly, ACUS can play a major role in helping agencies become even more efficient and effective, especially given the present budgetary constraints.

As reported by the Judiciary Committee, H.R. 2480, the Administrative Conference of the United States Reauthorization Act of 2011, authorizes \$2.9 million to be appropriated to the Conference for each of fiscal years 2012 through 2014. With this modest reauthorization, we will ensure that the Conference will continue to return to American taxpayers many multiples of that investment in the form of recommendations that will make Federal agencies more effective.

H.R. 2480 reflects a long history of bipartisan support for ACUS. Once again, I thank the chairman of the Judiciary Committee, LAMAR SMITH, a gentleman and a scholar, and the Courts, Commercial and Administrative Law Subcommittee Chairman HOWARD COBLE, a gentleman and a scholar as well, for working with me on this legislation, and I look forward to continuing to work with my colleagues on the other side of the aisle to secure final passage of H.R. 2480 by the other body. Accordingly, I urge all of my colleagues to support the legislation.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 2480, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SMITH of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING GREATER AUTHORITY AND DISCRETION TO CONSUMER PRODUCT SAFETY COMMISSION

Mrs. BONO MACK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2715) to provide the Consumer Product Safety Commission with greater authority and discretion in enforcing the consumer product safety laws, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2715

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

SECTION 1. LIMITATION ON LEAD IN CHILDREN'S PRODUCTS.

(a) PROSPECTIVE APPLICATION OF LEAD LIMIT FOR CHILDREN'S PRODUCTS.—Section 101(a) of the Consumer Product Safety Improvement Act of 2008 (15 U.S.C. 1278a(a)) is amended by adding at the end the following:

“(3) APPLICATION.—Each limit set forth in paragraph (2) (except for the limit set forth in subparagraphs (A) and (B)) shall apply only to a children's product (as defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a))) that is manufactured after the effective date of such respective limit.”.

(b) ALTERNATIVE LIMITS AND EXCEPTIONS.—Section 101(b) of such Act (15 U.S.C. 1278a(b)(1)) is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) FUNCTIONAL PURPOSE EXCEPTION.—

“(A) IN GENERAL.—The Commission, on its own initiative or upon petition by an interested party, shall grant an exception to the limit in subsection (a) for a specific product, class of product, material, or component part if the Commission, after notice and a hearing, determines that—

“(i) the product, class of product, material, or component part requires the inclusion of lead because it is not practicable or not technologically feasible to manufacture such product, class of product, material, or component part, as the case may be, in accordance with subsection (a) by removing the excessive lead or by making the lead inaccessible;

“(ii) the product, class of product, material, or component part is not likely to be placed in the mouth or ingested, taking into account normal and reasonably foreseeable use and abuse of such product, class of product, material, or component part by a child; and

“(iii) an exception for the product, class of product, material, or component part will have no measurable adverse effect on public health or safety, taking into account normal and reasonably foreseeable use and abuse.

“(B) MEASUREMENT.—For purposes of subparagraph (A)(iii), there is no measurable adverse effect on public health or safety if the exception described in subparagraph (A) will result in no measurable increase in blood lead levels of a child. The Commission may adopt an alternative method of measurement other than blood lead levels if it determines, after notice and a hearing, that such alternative method is a better scientific method for measuring adverse effect on public health and safety.

“(C) PROCEDURES FOR GRANTING EXCEPTION.—

“(i) BURDEN OF PROOF.—A party seeking an exception under subparagraph (A) has the burden of demonstrating that it meets the requirements of such subparagraph.

“(ii) GROUNDS FOR DECISION.—In the case where a party has petitioned for an exception, in determining whether to grant the exception, the Commission may base its decision solely on the materials presented by the party seeking the exception and any materials received through notice and a hearing.

“(iii) ADMISSIBLE EVIDENCE.—In demonstrating that it meets the requirements of subparagraph (A), a party seeking an exception under such subparagraph may rely on any nonproprietary information submitted by any other party seeking such an exception and such information shall be considered part of the record presented by the party that relies on that information.

“(iv) SCOPE OF EXCEPTION.—If an exception is sought for an entire product, the burden is on the petitioning party to demonstrate that the criteria in subparagraph (A) are met

with respect to every accessible component or accessible material of the product.

“(D) LIMITATION ON EXCEPTION.—If the Commission grants an exception for a product, class of product, material, or component part under subparagraph (A), the Commission may, as necessary to protect public health or safety—

“(i) establish a lead limit that such product, class of product, material, or component part may not exceed; or

“(ii) place a manufacturing expiration date on such exception or establish a schedule after which the manufacturer of such product, class of product, material, or component part shall be in full compliance with the limit established under clause (i) or the limit set forth in subsection (a).

“(E) APPLICATION OF EXCEPTION.—An exception under subparagraph (A) for a product, class of product, material, or component part shall apply regardless of the date of manufacture unless the Commission expressly provides otherwise.

“(F) PREVIOUSLY SUBMITTED PETITIONS.—A party seeking an exception under this paragraph may rely on materials previously submitted in connection with a petition for exclusion under this section. In such cases, petitioners must notify the Commission of their intent to rely on materials previously submitted. Such reliance does not affect petitioners' obligation to demonstrate that they meet all requirements of this paragraph as required by subparagraph (C)(i).”;

(2) in paragraph (2)(A), by striking “include to,” and inserting “include”; and

(3) by redesignating paragraph (5) as paragraph (8) and inserting after paragraph (4) the following:

“(5) EXCEPTION FOR OFF-HIGHWAY VEHICLES.—

“(A) IN GENERAL.—Subsection (a) shall not apply to an off-highway vehicle.

“(B) OFF-HIGHWAY VEHICLE DEFINED.—For purposes of this section, the term ‘off-highway vehicle’—

“(i) means any motorized vehicle—

“(I) that is manufactured primarily for use off public streets, roads, and highways;

“(II) designed to travel on 2, 3, or 4 wheels; and

“(III) that has either—

“(aa) a seat designed to be straddled by the operator and handlebars for steering control; or

“(bb) a nonstraddle seat, steering wheel, seat belts, and roll-over protective structure; and

“(ii) includes a snowmobile.

“(6) BICYCLES AND RELATED PRODUCTS.—In lieu of the lead limits established in subsection (a)(2), the limits set forth for each respective material in the notice of the Commission entitled ‘Notice of Stay of Enforcement Pertaining to Bicycles and Related Products’, published June 30, 2009 (74 Fed. Reg. 31254), shall apply to any metal component part of the products to which the stay of enforcement described in such notice applies, except that after December 31, 2011, the limits set forth in such notice shall not be more than 300 parts per million total lead content by weight for any metal component part of the products to which such stay pertains.

“(7) EXCLUSION OF CERTAIN USED CHILDREN'S PRODUCTS.—

“(A) GENERAL EXCLUSION.—The lead limits established under subsection (a) shall not apply to a used children's product.

“(B) DEFINITION.—In this paragraph, the term ‘used children's product’ means a children's product (as defined in section 3(a) of the Consumer Product Safety Act (15 U.S.C. 2052(a))) that was obtained by the seller for use and not for the purpose of resale or was