

Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus

NOT VOTING—7

Bachmann
Giffords
Hartzler

Paul
Schmidt
Waxman

Woolsey

□ 1442

Mrs. BLACKBURN and Mr. HALL changed their vote from “yea” to “nay.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. WOOLSEY. Mr. Speaker, on December 1, 2011, I was unavoidably detained and was unable to record my vote for rollcall No. 872. Had I been present I would have voted “yea”—On Motion to Recommit with Instructions.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BRADY of Pennsylvania. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 190, not voting 8, as follows:

[Roll No. 873]

AYES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Bilbray
Billirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell

Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores

Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp

Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers

NOES—190

Ackerman
Altmire
Andrews
Baca
Baldwin
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks

Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce

Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souterland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—8

Bachmann
Giffords
Gohmert

Hartzler
McNerney
Paul

Schmidt
Waxman

□ 1449

Mr. RUSH changed his vote from “aye” to “no.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGULATORY FLEXIBILITY
IMPROVEMENTS ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 527.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 477 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 527.

□ 1450

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, with Mr. DENHAM in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

General debate shall be confined to the bill and shall not exceed 1 hour, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes. The gentleman from Missouri (Mr. GRAVES) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 10 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

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

Lewis (GA)
Lipinski
Loebbeck
Loftgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Owens
Pallone
Pascarell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)

America's economic recovery remains sluggish, with the unemployment rate still at 9 percent. Jobs are the key to economic recovery, and small businesses are the primary job creators in America.

A study for the Small Business Administration found that regulations cost the American economy \$1.75 trillion annually, or over \$15,000 per household.

Mr. Chairman, while job creators suffer under the weight of these regulations, Federal employees are visibly writing even more to implement the mandates of new laws like ObamaCare and Dodd-Frank. The same study also found that the cost of regulatory compliance is disproportionately higher for small businesses. This hurts their ability to create jobs for Americans.

Last month a Gallup poll found that small business owners consider "complying with government regulations" as the "most important problem" they face.

On February 8, 2011, I introduced H.R. 527, the Regulatory Flexibility Improvements Act of 2011, to provide urgently needed help to small businesses. Mr. GRAVES and Mr. COBLE are original cosponsors along with the bill's 24 additional cosponsors.

This bill primarily reinforces the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996.

It only requires agencies to do what current law and common sense dictate that they should be doing. Current law requires agencies to prepare a regulatory flexibility analysis so agencies will know how a proposed regulation will affect small businesses before it is adopted. But the Government Accountability Office has found in numerous studies that agencies are not always adhering to these laws.

For example, current law allows an agency to avoid preparing a regulatory flexibility analysis if the agency head certifies that the new rule will not have a significant economic impact on a substantial number of small businesses. But these terms are not defined in the law, and agencies routinely take advantage of this and fail to prepare any analysis.

The bill fixes this problem by requiring the Small Business Administration to define these terms uniformly for all agencies. Also, it requires agencies to justify a certification in detail and to give the legal and factual grounds for the certification. And this bill restricts agencies' ability to waive the Regulatory Flexibility Act's requirements.

The legislation also requires agencies to document all economic impacts, direct and indirect, that a new regulation could have on small businesses. Agencies already must account for indirect economic impacts under the National Environmental Policy Act. Small businesses deserve the same level of scrutiny.

This bill assures that small businesses will have a voice in the regu-

latory process. Currently, only three agencies, the Occupational Safety and Health Administration, the Environmental Protection Agency, and the Consumer Financial Protection Bureau must consult with small business advocacy review panels before issuing new major regulations. Building on this, the bill requires all agencies to use advocacy review panels.

Equally important, this bill strengthens requirements that agencies review and improve existing regulations whenever possible to lower the burden on small business. It enhances the Small Business Administration's ability to comment on and help shape major rules. It assures that the law is uniformly implemented so agencies can not interpret their way out of its requirements. And the bill improves judicial review.

Some critics of regulatory reform may claim that this bill undermines agencies' ability to issue new regulations. On the contrary, the bill only strengthens the existing law with carefully tailored commonsense reforms.

Especially in light of current economic conditions, this bill is a timely and logical step to protect small businesses from overregulation. Like the Regulatory Flexibility Act of 1980 and the Small Business Regulatory Enforcement Fairness Act of 1996, the Regulatory Flexibility Improvements Act of 2011 recognizes that economic growth ultimately depends on job creators, not regulators.

The economy is already on shaky footing. It is more important than ever for regulators to look before they leap to impose more regulations. I urge my colleagues to support the bill, and I reserve the balance of my time.

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

I would just like to point out that the Crain study referred to already by the distinguished chairman of the committee, apparently he hasn't found out that it's been held in error in a number of ways but mostly by the Crain study people themselves, who said that their analysis was not meant to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation.

In other words, the study is flawed because it fails to account for any benefits of regulation. So I want everybody to know that this correction about \$1.75 trillion has been thoroughly debunked by not only CRS but other authorities as well.

Now, this debate follows a number of pieces of legislation that we're considering. It's sort of a regulation tidal wave—or anti-regulation tidal wave: H.R. 3010, Regulatory Accountability; H.R. 10, which we will see soon, the REINS Act; and H.R. 527, the bill before us now, the Regulatory Flexibility Improvements Act.

□ 1500

Now, it's strange to say that this trio of public safety-killing legislation

would make it harder to control and make safe our products that we count on. Under the law presently, rule-making must make an analysis for every new rule that would have a significant economic impact on small businesses. Among other things, the bill would repeal the authority that allows the agency to waive or delay this analysis in response to even an emergency. It's hard to imagine how the bill under consideration would make regulations more cumbersome, would take longer, would risk national emergencies, and would lose a lot of the safety and health protections that we now enjoy. I feel that there hasn't been a careful consideration of what the real final goal is.

The Wall Street Journal, which is no enemy of big business, said: The main reason United States companies are reluctant to step up hiring is scant demand rather than uncertainty over government policies.

So even the business community recognizes that the big problem with our economy is not that rules are tying up businesses but that we don't have enough people buying, because they don't have enough jobs to create the demand. If you examine it carefully, as many on our Committee on the Judiciary have done, you will find that the safety standards of which we are really very proud are going to be compromised in a very embarrassing way.

Regulations don't kill jobs; they save lives.

There are plans underway—this is one of them—here in the House to undermine the regulatory process that guarantees the health and the safety of millions of Americans. I urge all of the Members of the House to carefully consider the direction of this bill.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. COBLE), the chairman of the Courts, Commercial and Administrative Law Subcommittee of the Judiciary Committee.

Mr. COBLE. I thank the gentleman from Texas (Mr. SMITH) for having yielded to me.

Mr. Chairman, those who oppose H.R. 527 insist that those of us who support it are willing to compromise health and safety standards. Since criticism is not justified, we simply are refining the process. Excessive regulations and bad regulations serve no good purpose.

My district is not unlike many others. We are still suffering from the recession. While we once claimed many manufacturing and producing distinctions, much of our manufacturing has either disappeared or has gone to other places. Bad regulations don't help matters. They create unnecessary costs, uncertainty for employers, do not improve public health or safety, and they are particularly burdensome for small businesses.

Two critical laws that help ensure regulators will take into account the impact of proposed regulations on

small businesses are the Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act. In essence, these laws require agencies to conduct economic impact analyses of proposed rules on small businesses. Unfortunately, regulators routinely utilize waivers and exceptions from both laws and promulgate regulations without taking into account their economic impacts on small businesses.

The Regulatory Flexibility Act and the Small Business Regulatory Enforcement Fairness Act do not block the flow of Federal regulation. They, rather, help guide it. We need regulations and small businesses need regulations, but the regulations must be effective and efficient or they could do more harm than good.

H.R. 527 will improve future regulations by requiring agencies to conduct the economic impact analyses of proposed regulations on small businesses before they are implemented. In doing so, it will enhance the basic requirements of the Regulatory Flexibility Act and of the Small Business Regulatory Enforcement Fairness Act, and it will extend the advocacy review panel requirements to all agencies, including to all of the independent agencies.

The Administrative Procedure Act was not intended to create a regime whereby executive agencies could implement a regulation without recourse. Unfortunately, there are countless situations in which agencies have implemented rules and regulations that are unnecessary, redundant, or unjustifiably costly. H.R. 527 will help ensure that agencies do not overlook the critical interests of small businesses, and it will help prevent agencies from promulgating wasteful regulations.

Finally, the Congressional Budget Office estimated that H.R. 527 will cost \$80 million between 2012 and 2016. Although there may not be a quantifiable means to assess the benefits of H.R. 527, from the perspective of a small business, they are, indeed, priceless. Also, it's important to note that, among many others, the National Taxpayers Union, the National Association of Independent Business, the United States Chamber of Commerce, and the National Association of Manufacturers have endorsed H.R. 527.

H.R. 527 is critical for small businesses, Mr. Chairman, and it will not impede the ability of agencies to promulgate regulations. This is good government legislation. We do not need more regulation. We need better regulations, which is exactly what H.R. 527 will achieve; so I urge support in the final passage of this bill.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the ranking member of the Courts, Commercial and Administrative Law Subcommittee, the gentleman from Tennessee, STEVE COHEN.

Mr. COHEN. I want to thank the ranking member for yielding time.

This bill amends the Regulatory Flexibility Act of 1980, which requires agencies to engage in so much analysis and in so many new procedures that it basically befuddles the agencies in bringing forth any rules in the future. It is elimination by burdensome regulation. While it doesn't say it is eliminating rules, that's the effect of it. It subjects all major rules and other rules, those which have a significant economic impact on a substantial number of small entities, to review by small business review panels.

The cumulative effect of these and other changes in H.R. 527 will be to undermine the ability of agencies to effectively regulate consumer health and product safety, environmental protection, workplace safety, and financial services industry misconduct, among other critical concerns.

We talk about small businesses. Small businesses are important, and they create more jobs than any other sector of our economy, but small businesses are made up of human beings. To paraphrase Mitt Romney, who said that corporations are people, small businesses are people, too. Small businesses are concerned about consumer health and product safety because they are the victims of it. Small businesses are concerned about environmental protection and workplace safety and food and drug safety and, certainly, about financial services industry misconduct, which almost brought this country to its knees in what could have been a depression but for the work of our great President and the Congress that worked with him at that time.

This bill does little to help small businesses shape or comply with Federal regulations. Right now, we can take for granted that the food we eat, the water we drink, the air we breathe, the places we work, the planes we fly on, the cars we drive, and the bank accounts in which we put our savings are going to be safe because we have strong regulation; but if H.R. 527 is enacted, it will be harder, much more difficult, maybe impossible, to provide those protections for future generations.

□ 1510

H.R. 527 is based on the well-intentioned, but false, premise that regulations result in economically stifling costs.

In particular, proponents of H.R. 527, and of anti-regulatory legislation generally, of which we have seen an abundance in this Congress, repeatedly cite a thoroughly debunked study by economists Mark and Nicole Crain, which made the ridiculous claim that Federal regulations impose a \$1.57 trillion cost on the economy.

Ridiculous? Why, you say. Because they even admitted, and the Congressional Research Service said, it failed to account for any benefits of regulation. There are indeed benefits of regulation and great—and the Office of Management and Budget said great benefits outweigh costs.

Moreover, the study was never intended to be a decisionmaking tool for lawmakers or Federal regulatory agencies to use in choosing the right level of regulation. But they still use that as the basis for this law.

So let's focus on the real facts.

H.R. 527 will bring agency rulemaking to a halt because of multiple layers of bureaucratic review and analysis that it adds to the rulemaking process. It is the de facto end of regulations.

As Sherwood Boehlert, a colleague of mine here in Congress, of the previous Congresses from the State of New York and a Republican and a long time chair of the House Science Committee, recently warned, this measure ignores history—Newt Gingrich—“ignores history, larding the system with additional reviews based on previous efforts that have slowed progress while helping nobody.”

Second, the bill clearly presents a serious threat to public health and safety for all Americans. It does this by eliminating the emergency authority that currently allows agencies to waive or delay certain analyses so they can expeditiously respond to national crises such as a massive oil spill, or a nationwide outbreak of food poisoning, or an emerging financial marketplace meltdown. We've experienced all of these.

The priority in the face of an emergency is to have emergency agencies to say, sorry, we can't do this. We have to conduct regulatory analysis first before we aid the American people.

H.R. 527 is simply chock full of crafty provisions to slow down rulemaking, requiring small business advocacy review panels to analyze rules promulgated by all agencies, and not just those from the three agencies for which review panels are currently required. Moreover, it would require review panels for all major rules, not just those that have a significant economic impact on a substantial number of small entities. And this bill would force agencies to engage in seemingly endless, wasteful and speculative analysis, including assessment of all reasonably foreseeable, indirect—indirect—economic effects of a proposed rule.

I think we may see agencies purchasing crystal balls so they can comply with this inane requirement of looking into the future. As any first-year law student would know, it can take years of costly and time-consuming litigation to figure out exactly what is reasonably foreseeable and what is indirect. Where is Mr. PAUL's graph?

While adding analytical requirements and opportunities for industry to disrupt rulemaking, H.R. 527 provides absolutely no assistance to business in complying with Federal regulations, which is what small business really needs. And for those of us who should really be worried about the national deficit, this bill has a hefty price tag. The most conservative estimates,

\$80 million, and a more realistic estimate is \$291 million over a 5-year period.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 2 minutes.

Mr. COHEN. Thank you.

H.R. 527, like H.R. 3010, which we will also consider this week, is simply a wolf in sheep's clothing. What proponents seem to describe as common-sense revisions to current law actually would result in a dramatic overhaul of the rulemaking process, threatening agencies' ability to ensure basic health, safety, and other precautions.

I oppose this bill and urge my colleagues to do so. Also the cumulative effect of these and other bills would be to undermine the ability of agencies to effectively regulate consumer health, work product safety, environment protection, financial services misconduct, and others. Right now we can take these for granted.

This is a dangerous bill, and I would ask our Members to vote against it and think about the safety of the public and the future. Small businesses are people, as Mr. Romney said about corporations, and those people also suffer from lack of regulation.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT), a senior member of the Judiciary Committee.

Mr. CHABOT. I thank our distinguished chairman for yielding the time.

Mr. Chairman, when I talk to small business owners back in my district in Cincinnati in southwest Ohio, I continue to hear the same thing over and over again. Overbearing regulations are crushing their ability to grow and create jobs, and that's what we are supposed to be about is getting this economy moving and getting people back to work again; but the regulations are just crushing them.

Over the last year, however, the Obama administration has enacted more than 3,500 new rules and regulations, and they have another 4,000 pending. So rather than reduce the regulations, they are talking about putting on even more.

Mr. Chairman, small businesses in this country are struggling. Unemployment is at record levels and our economy is showing little or no signs of improvement.

We must pass legislation that reduces redtape and repeals burdensome regulations. This bill will reform the rulemaking system and provide much needed regulatory relief to small businesses.

If President Obama is serious about job creation, then he must sign this bill. Small businesses are struggling to keep up with the overwhelming costs of compliance that his administration has put on our Nation's job creators.

If Congress wants to give the American people a gift this Christmas season, let it be regulatory relief and the jobs that will result.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to a distinguished member of our committee, the gentlelady from California, JUDY CHU.

Ms. CHU. I rise in opposition to the so-called Regulatory Flexibility Act. This bill shows just how out of touch the House leadership is, not only with the American people, but with America's small businesses.

A recent poll conducted by the Hartford Financial Group asked small businesses to name their biggest barrier to success. Despite the majority's claim, do you know how many cited government rules and regulations as the biggest barrier? Just 9 percent. Instead, a majority, a vast majority, in fact, 59 percent of small businesses, said they struggle the most with finding qualified talent.

So it's clear that this bill does nothing to knock down barriers and help the majority of small businesses with their greatest needs. Instead, it just slows down the regulation process and stops government from protecting the consumers from unsafe products, dirty air or water that could make them sick, a dangerous workplace, or gross misconduct in the financial industry.

Our country's small businesses don't have time for this nonsense. We should be working on a bill that creates jobs and actually helps small business.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. POE), a former district judge and a senior member of the Judiciary Committee.

Mr. POE of Texas. I thank the gentleman for yielding.

Mr. Chairman, when I meet with small business owners back in southeast Texas, the one thing they always tell me is that they are not comfortable with expanding their businesses or hiring new employees because of the Federal regulators. "We just don't know what the Federal Government is going to do next," is what I often hear. And considering that the code of Federal regulations is currently over 150,000 pages long, no wonder they are saying that they cannot plan for the future.

Mr. Chairman, do we really need more than 150,000 pages of regulations to be imposed across the fruited plain? Good thing the regulators weren't around to draw up regulations on the Ten Commandments. No telling what that would look like.

Anyway, a recent Gallup Poll found regulation and red tape is the most important problem currently facing business owners. That's right, not the economy but red tape. Why are we allowing the regulators to administratively pass many unnecessary rules that destroy this economic system?

Unnecessary regulations hurt all American businesses, but hurt the small businesses the most. It's not easy for a mom-and-pop shop to hire a legal department to navigate through the ever-growing list of Federal regulations that may be applicable to their

small business. In fact, on average, small businesses spend 36 percent more per employee per year complying with Federal regulations than large businesses do.

□ 1520

This legislation will help the problem by requiring that Federal agencies just analyze the impact of a new regulation on small businesses before adopting the regulation. Once a mom and pop shop goes out of business, there's often no going back.

Regulators and elitist bureaucrats in Washington, D.C., do not always know what is best for people who own a small business. Many of these regulators have never owned a small business or even understand capitalism. They have never signed the front of a paycheck. But yet they make rules. Congress needs to ensure that we do not overregulate America to death and self-destruct our economic system.

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

Members of the House, it's important for us to realize who else has difficulty in supporting a bill that ends up creating unsafe products, promotes dirty air, and other kinds of harms to our citizenry. The American Lung Association is opposed to H.R. 527. The Environmental Defense Fund is opposed to this bill. The National Women's Law Center does not support this bill. Public Citizen is opposed to it. The Union of Concerned Scientists is opposed to it. And, indeed, a total of more than 70 organizations have all written urging us to very carefully consider what we are doing here today.

It's absolutely critical, and it is very important that we understand that there is no evidence, credible evidence that regulations depress job creation. Now, this is great rhetoric, but we're passing laws here today.

The majority's own witness before the House Judiciary Committee agrees with us. Christopher DeMuth, who appeared before the House Judiciary Committee on behalf of the American Enterprise Institute, stated in his prepared testimony that the focus on jobs can lead to confusion in regulatory debates, and that the employment effects of regulation, while important, are indeterminate. He can't figure it out, and he was a pretty good witness for our position that regulations have no discernible impact on job creation.

If anything, regulations may promote job growth and put Americans back to work. The BlueGreen Alliance notes: Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect.

Economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a perfect example. The economy has grown 204 percent and private sector job creation has expanded 86 percent since it was passed in 1970. And so, my colleagues, regulation and

economic growth can go hand in hand. We recently observed that 40 years of success with the Clean Air Act has demonstrated that strong environmental protections and strong economic growth go hand in hand.

What's in this bill is a provision that every regulation change would have to come back through the Congress. It would be unthinkable that we could add this to our schedule, especially if there was a health emergency that required a rapid passage.

So I want every Member of this House to examine the grossly different analyses that are being made here and come to your own conclusion. I think if you do, you will realize that regulations have no discernible impact on job creation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, how much time remains on each side?

The CHAIR. The gentleman from Texas has 7½ minutes remaining. The gentleman from Michigan has 3½ minutes remaining.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO), a member of the Financial Services Committee.

Mr. MANZULLO. Mr. Chairman, this is one of the most important bills that we will pass in Congress.

I'm just amazed at what I hear from the other side—we're over here endangering safety; we're poisoning water; we're doing everything we can in the workplace. That's not what this is about. All this bill says is, when you put in a regulation, at least have some type of basis so the people impacted by it know where to go from there. Have some good, sound science. Let's have an economic impact study.

Let me just give you five instances specifically. Talk to the doctors today about all of the regulations impacting them, and you'll hear complaints about spending more time on paperwork than with their patients.

Talk to the banks. I was talking to a small banker, only 19 employees. Two little banks in my district, they have to hire a full-time compliance officer just because of Dodd-Frank, and that bank didn't do one thing wrong to bring about this economic collapse.

And now the farmers. EPA is going to regulate cow manure under CERCLA, as opposed to the present rules.

Several years ago, this House passed the Clean Air Act Amendments of 1990. One of those was something called the employee commute option that said that counties around Chicago had to have something called an employee commute option that was forced carpooling. Well, one of those counties was McHenry County, which is still a rural county. And I had to work with HENRY WAXMAN for 2 to 2½ years to come up with a reasonable interpretation and corrective language in order to make sure that the people of that county were not strapped with that incredible mandate and at the same time we did not compromise the quality of the air.

The Hope Scholarship reporting requirements that said that the 7,700 schools across the country had to report who it was that gave them the money—turned them into some kind of a supercomputer. And I worked with the 7,700 schools and with the commissioner of the IRS—this was a \$100 million mandate upon all of these schools in the country because nobody took the time to say, what impact will this regulation have upon the schools of this country?

This before me is one day of regulation, just one day in America. Just one day in Washington, just one more day when the small business people have to read through 500 pages of 9-point type dealing with air particulates.

And then I hear today that oh, you don't need any relief, it's not necessary. Regulations are good. And then we take a look at the impact that this has, the financial impact that it has on the small businesses today.

This is a great bill. It's long overdue. And as a former chairman of the Small Business Committee, I say it's about time, and our colleagues on the other side should all vote unanimously for this bill.

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

I'm glad my friend is still on the floor because he asked, what do the doctors have to say about this? The doctors oppose the bill. And I'd like to point out, the American Lung Association and the Center for Science in the Public Interest do not agree with you, and they agree with our position on the bill.

□ 1530

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. In just a minute I'll be very pleased to.

The Environmental Defense Fund, the Friends of the Earth, and the Union of Concerned Scientists are all in agreement with us. And so I want you to know that the medical people that have spoken about this bill are not in support of it.

I will yield briefly to the gentleman.

Mr. MANZULLO. I thank the gentleman for yielding.

First of all, the doctors that I talk to—the experts themselves, not the lobbyists in Washington—I talk to them on a continuous basis. They're very upset with more regulations. And NFIB is behind the bill.

Mr. CONYERS. Just a moment. These are not lobbyists. I don't know if these organizations have any offices here. But the Union of Concerned Scientists probably doesn't have any lobbyists. I doubt if the American Lung Association does.

Mr. MANZULLO. Will the gentleman yield?

Mr. CONYERS. I would, except that your side has far more time than my side does.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, we are prepared to close; so I will reserve the balance of my time.

Mr. CONYERS. I yield myself such time as I may consume. I too am prepared to close on this side.

Ladies and gentlemen of the House, we have two starkly opposing views of what this bill does. I have over 70 organizations that are from the labor movement, from the health movement, from the science world, from the Women's Law Center, from the Union of Concerned Scientists all telling us that this is a very dangerous process that we're involved in, that the results wouldn't be that the authors of this amendment intended to harm people or that they intended to produce unsafe air products or that they were supporting making the air unbreathable, but that is the result of this bill.

It's been stated twice on the other side that we are accusing you of bad intent. I don't do that. I want you to be very clear. It's not a matter that your intentions are not honorable, but the results of a bill like H.R. 527 would create unsafe products. It would ultimately produce air that is more polluted than the air that we're dealing with now. It would delay the promulgation of regulations that we need. It is exactly going in the wrong way because we, as a matter of fact, need to have more regulation surrounding products, particularly children's toys. We want the air to be much better than it is.

And so I urge my colleagues to examine the premises starkly different than have been presented here today and to join us in turning back and sending back to the committee a bill that would make our health much more endangered.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

Job creation is the key to economic recovery, and small businesses are America's main job creators. But overregulation kills jobs and is especially burdensome for small businesses. Anyone who doesn't believe that probably hasn't spent much time in the private sector. Even President Obama, who has not spent much time in the private sector, wrote in a Wall Street Journal op-ed and recognized that overregulation "stifles innovation" and has "a chilling effect on growth and jobs."

It has been 15 years since Congress last updated the Regulatory Flexibility Act of 1980. Experience during that time reveals that further reforms are necessary. The Regulatory Flexibility Improvements Act of 2011 makes carefully targeted reforms to the current law to ensure that agencies properly analyze how a new regulation will affect small businesses before adopting that regulation. In the current economic climate, with millions of Americans looking for work, we simply cannot afford to overburden small businesses with more wasteful or inefficient regulations.

I urge my colleagues to support the bill. I look forward to its passage.

I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act of 2011. I was the original cosponsor. I want to thank Chairman SMITH for the opportunity to work with him on this very important piece of legislation.

Opponents will argue that the bill stops agencies from issuing regulations. However, in reality, H.R. 527 will force agencies to consider how their actions affect small businesses and other small entities. More importantly, if the effects are significant, agencies, not small entities, will have to develop less burdensome and costly alternatives.

Shouldn't a government understand the consequences of its regulations? Of course, it should. And by doing so, the government may arrive at a more efficient and less costly way to regulate. In a nutshell, that is what H.R. 527 does.

Some may argue that agencies already do this when they draft regulations. However, nearly 30 years of experience with the Regulatory Flexibility Act, or the RFA, shows that agencies are not considering the consequences of their actions, and it is about time that they start doing that.

Government regulations do have consequences. Small businesses must expend scarce and vital capital complying with these rules. If there's a better way to achieve what an agency wants while imposing lower costs on small businesses, the sensible approach would be to adopt the lower cost methodology. This will enable small businesses to meet the requirements imposed by regulators while freeing up scarce resources to expand their businesses and hire more workers.

H.R. 527 ensures the consideration of consequences of rulemaking through the removal of loopholes that the agencies have used to avoid compliance with the RFA. In addition, the bill will require a closer consideration of the impact of rules on small businesses and other small entities. Yet nothing in H.R. 527 will prevent an agency from issuing a rule. It just stops the government from issuing a rule without understanding its effect on America's job creators—small businesses.

With that, I urge my colleagues support this very carefully crafted measure to improve the Federal regulatory process.

I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Reducing the cost of regulation is a very important issue, but it's not going to turn the economy around. In order for this to happen, businesses need to see more customers coming through their doors—and not just during the holiday season we are now in. With this in mind, it is necessary to create an environment where regulations are not

overburdening small businesses, as they do in fact bear the largest burden.

□ 1540

These entrepreneurs face an annual regulatory cost of \$10,585 per employee, which is 36 percent higher than the regulatory cost facing large firms. And this brings us to the bill before us.

Too often on the House floor legislation is painted as either being totally perfect or completely awful. With this bill, neither of these characterizations is appropriate. In fact, on many fronts, H.R. 527 contains several very positive provisions and will make a real difference for small businesses.

Many of the provisions were previously advanced by Democrats in the Small Business Committee, and for this Chairman GRAVES and Chairman SMITH and their staff should be commended. For instance, the bill makes agencies' regulatory flex analyses more detailed so that they cannot simply overlook their obligations to small businesses. It also gives real teeth to periodic regulatory look-backs, which require agencies to review outdated regulations that remain on the books. Agencies will also be required to evaluate the entire impact of their regulations, something that is long overdue.

And it cannot go without mention that the bill brings the IRS under the purview of the RFA. This is a real improvement for small firms, which will undoubtedly benefit from greater scrutiny of complex and burdensome tax rules. These are all constructive changes that will bring real relief to entrepreneurs.

With that said, there are other items in this legislation that leave you scratching your head. Adding 50 new agencies to the panel process is a recipe for disaster. Such a dramatic change will require new bureaucratic processes, more staff, and more paperwork.

It must be ironic for my colleagues on the other side of the aisle that this bill attempts to reduce Federal regulation by dramatically expanding the role and scope of government. In fact, H.R. 527 creates more government as a means to limit government. How does that make sense?

It also applies reg flex to land management plans, something I have never heard small businesses complain about in my 18 years on the committee. Doing so will enable corporate interests to more readily challenge land use decisions, which could have adverse consequences for the environmental stewardship of public lands. The reality is that the RFA was just not intended to cover this action, and it should not do so going forward.

Finally, it is important to note that the Office of Advocacy's footprint has traditionally been minimal, with a budget of \$9 million and 46 employees. According to CBO, its budget will have to increase by up to 200 percent per year to handle the new responsibilities of H.R. 527. It is already taxed in meet-

ing its current role, and expanding its powers geometrically is well beyond its capacity. Members are well aware of the fiscal constraints facing the U.S. Government. Now is not the time to make costly statutory leaps when smaller steps might be more appropriate.

So, in conclusion, there are some good and some not-so-good things in this bill. I want to acknowledge the effort by the bill's manager, but in the end it is not something I could support, given the imposition of too many questionable policies. However, I want to thank Chairman GRAVES for always being open to discussions, and I look forward to continuing our dialogue on this legislation.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the gentleman from the 24th District of New York (Mr. HANNA).

Mr. HANNA. Mr. Chairman, I rise today in support of H.R. 527, the Regulatory Flexibility Improvements Act.

The small businesses I meet on a regular basis tell me that regulation has become an overwhelming problem. Small business owners are the backbone of the American economy. I know this because I'm a small business owner. Like so many, my life was built by a belief in hard work, free enterprise, an entrepreneurial spirit, and a love to get out of bed in the morning and just do what I love to do, as you know yourself, Mr. Chairman. The preponderance of regulations is stifling that spirit.

This country can't do well unless small businesses do well. They provide the jobs, the growth, and the opportunity for the rest of society. Small businesses are drowning in regulation. Federal agencies should periodically review their rules to ensure that regulations are not unduly burdensome. As with the 1099 reporting provision and the 3 percent withholding rule, the law of unintended consequences can be crippling. Fortunately, this House has repealed both.

We all agree that regulations are absolutely necessary to protect the public good, but we need to ensure that regulations reflect a proper balance that does not unreasonably hinder entrepreneurship, job creation, and innovation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member on the Judiciary Committee.

Mr. CONYERS. I thank the gentleman from New York.

My friend on the other side from Missouri, who is managing the bill, I was happy to hear you say that this measure that we are examining does nothing to hinder the rulemaking process. And I'd like to help you out in that area if I may because this expands in the bill the use of small business review panels to include rules promulgated by all agencies, and to include all major rules.

I would say to the gentleman from Missouri that right now there are only three agencies that are affected. What this does, my friend, is extend the review process to every agency. Do you recognize, sir, that there are over 50 agencies in the Federal system? And so for it to be thought that this isn't going to change much is a grievous mistake. And of course I am here to help you out, to the extent that I can.

The other thing that it does—and you think that this will not change the rulemaking process—is that this measure would force agencies to engage in speculative analysis, including an assessment of all reasonably foreseeable, indirect economic effects of a proposed rule.

The CHAIR. The time of the gentleman has expired.

Mr. GRAVES of Missouri. Mr. Chairman, I yield such time as he may consume to the chairman of the Subcommittee on Investigations, Oversight and Regulations, the gentleman from the Sixth District of Colorado (Mr. COFFMAN).

(Mr. COFFMAN of Colorado asked and was given permission to revise and extend his remarks.)

Mr. COFFMAN of Colorado. The Obama administration is currently choking the lifeblood out of our Nation's middle class, small businesses, and entrepreneurs through excessive regulation. According to the Small Business Administration, regulations cost the American economy \$1.75 trillion annually.

□ 1550

The Obama administration has issued 200 such regulations that are expected to cost our economy at least \$100 million each, and seven of these regulations have a pricetag of over \$1 billion.

The President has long touted the job creation of his so-called stimulus. But every \$1 million increase in the Federal regulatory budget costs 420 private sector jobs for hardworking Americans. This is why I am urging passage of House Resolution 527, the Regulatory Flexibility Improvements Act of 2011. This legislation will give real teeth to the Regulatory Flexibility Act of 1980, which mandated that Federal agencies first assess the economic impact of their regulations on small businesses before going forward with them. It is time to put small businesses first.

Ms. VELÁZQUEZ. Mr. Chairman, may I inquire as to how much time each side has.

The CHAIR. The gentlewoman from New York has 3 minutes remaining. The gentleman from Missouri has 5 minutes remaining.

Ms. VELÁZQUEZ. I yield myself 1 minute.

I need to set the record straight regarding the previous Member who just spoke about how many regulations have been issued under the Obama administration.

Let me remind people here that, according to the conservative Heritage

Foundation, net regulatory burdens increased in the years George W. Bush assumed the Presidency. Between 2001 and 2008 the Federal Government imposed almost \$30 billion in new regulatory costs on America. About \$11 billion was imposed in fiscal year 2007 alone.

With regard to the number of pages of regulations, the Code of Federal Regulations totaled 145,000 pages in 2007 alone. The Obama administration issued an Executive order, 13563, and a memorandum on small businesses and job creation, and the Executive order instructs agencies to seek the views of affected entities prior to proposed rulemaking. The Executive order also calls on agencies to engage in periodic reviews of existing regulations.

The CHAIR. The time of the gentleman has expired.

Ms. VELÁZQUEZ. I yield myself 15 seconds more.

If we're going to come here and, instead of dealing with the issues that are impacting small businesses—and that is access to affordable capital so that they could create jobs—but rather come and criticize the Obama administration for issuing regulations, let's set the record straight and talk about the regulations that were issued under the Republican administration.

I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Ms. VELÁZQUEZ. How much time do I have left, please?

The CHAIR. The gentlewoman from New York has 1¾ minutes remaining.

Ms. VELÁZQUEZ. I yield 1 minute to the gentlelady from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Mr. Chairman, it is clear, when I have the ranking member of the Small Business Committee who has an enormous history of commitment to small businesses, and the ranking member of the Judiciary Committee, both former chairs, opposing this bill, then we obviously know that it is problematic.

What I know of small businesses is that they, frankly, want to have an anchor to promote and propel their business needs. The regulatory scheme and the underlying premise of this bill is to eliminate any anchor for our small businesses. And when you do that, you're clearly undermining their growth and opportunity.

I would add, as well, that I challenge as to whether or not this debate today creates any opportunity for small business, provides them access to credit, guarantees any loans, creates any jobs. Absolutely not, and it is absurd that we would suggest that agencies that are trying to promote small businesses are stopping small businesses and, therefore, we want to implode the regulatory scheme.

The APA provides an opportunity for due process through the court system. If our colleagues have problems with

regulations, they can run to the courts. You don't have to implode the process to be able to address the problem.

Let's help small businesses, let's discuss how to create jobs, and let's vote against this legislation.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself the balance of my time.

The CHAIR. The gentlewoman from New York is recognized for 45 seconds.

Ms. VELÁZQUEZ. Since its enactment in 1980, the Reg Flex has reduced the burden of Federal rules on small businesses. It has evolved over time to include new tools, expanding its purview and making a real difference for entrepreneurs across the country.

With this important role in mind, the legislation before us makes some essential changes. However, in other areas the bill goes too far. At a time of mounting deficits and growing taxpayer anger at how tone-deaf Congress has become, H.R. 527 will dramatically expand the Federal bureaucracy at a cost of \$80 million.

For these reasons, I urge a "no" vote, and I yield back the balance of my time.

Mr. GRAVES of Missouri. Mr. Chairman, the gentlelady, my colleague from the Small Business Committee, pointed out that the Bush administration added \$60 billion in regulatory burdens out there, which is not a good thing at all. In fact, that scares me in and of itself. In 8 years of the Bush administration you had \$60 billion in extra regulations.

The Obama administration has added \$40 billion in only 3 years. So at the rate that that administration's on, it's going to far outweigh any administration.

But my point is, I don't care what administration it is. I don't care if it's a Republican administration or a Democrat administration. I want to make darn sure that those agencies comply with the Regulatory Flexibility Act, and I want to make darn sure that those agencies take into account how much this is going to cost small business when they're implementing some of these ridiculous regulations that they're asking small business staff to comply with.

Some of this stuff is outrageous, and it needs to be studied, or it needs to be taken care of, or it needs to be stopped. But these agencies—and again, I don't care what administration it is—they need to have to comply with this and they need to understand what the consequences are.

With that, I would urge my colleagues to support the bill, and I yield back the balance of my time.

Mr. HOLT. Mr. Chair, two of the bills before us this week are just two more bills that will not create jobs, endanger the public health, and waste the time and money of the American people. These bills are trying to block new regulations under the misguided notion that all regulations are bad and prevent economic growth. This misguided approach deliberately ignores that regulations have improved the safety of our children's toys, made our air

and water cleaner, and even saved the lives and limbs of our nation's workers.

As the AFL-CIO has H.R. 527, the so-called "Regulatory Flexibility Improvements Act" would expand the reach and scope of the Regulatory Flexibility Act by covering regulations that may have an indirect effect on small businesses and adding a host of new analytical requirements that will make it even more difficult for agencies to take action to protect workers and the public. Almost any action an agency proposes—including something as simple as a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. While the bill purports to be focused on small business, it would cover more than 99 percent of all employers, including firms in some industries with up to 1,500 workers or \$35.5 million in annual revenues. It is a special interest bailout for business.

H.R. 3010, the so-called "Regulatory Accountability Act", is equally odious. This bill would effectively eviscerate the Occupational Safety and Health Act and Mine Safety and Health Act. As critics have noted, the bill would require agencies to adopt the least costly rule, instead of the most protective rule as is now required by the OSH Act and MSH Act. It would make protecting workers and the public secondary to limiting costs and impacts on businesses and corporations. If enacted, this legislation would be a license for businesses to cut corners and endanger workers and the public in the pursuit of ever greater profits—all at the expense of the public good.

I urge my colleagues to join me in rejecting both of these atrocious bills so we can get on with the business of creating real jobs.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendments in the nature of a substitute recommended by the Committees on the Judiciary and Small Business printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of the Rules Committee Print dated November 18, 2011. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 527

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the "Regulatory Flexibility Improvements Act of 2011".

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Clarification and expansion of rules covered by the Regulatory Flexibility Act.

Sec. 3. Expansion of report of regulatory agency.

Sec. 4. Requirements providing for more detailed analyses.

Sec. 5. Repeal of waiver and delay authority; Additional powers of the Chief Counsel for Advocacy.

Sec. 6. Procedures for gathering comments.

Sec. 7. Periodic review of rules.

Sec. 8. Judicial review of compliance with the requirements of the Regulatory Flexibility Act available after publication of the final rule.

Sec. 9. Jurisdiction of court of appeals over rules implementing the Regulatory Flexibility Act.

Sec. 10. Clerical amendments.

Sec. 11. Agency preparation of guides.

SEC. 2. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) **IN GENERAL.**—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

"(2) **RULE.**—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances."

(b) **INCLUSION OF RULES WITH INDIRECT EFFECTS.**—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

"(9) **ECONOMIC IMPACT.**—The term 'economic impact' means, with respect to a proposed or final rule—

"(A) any direct economic effect on small entities of such rule; and

"(B) any indirect economic effect on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule)."

(c) **INCLUSION OF RULES WITH BENEFICIAL EFFECTS.**—

(1) **INITIAL REGULATORY FLEXIBILITY ANALYSIS.**—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting "Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities."

(2) **FINAL REGULATORY FLEXIBILITY ANALYSIS.**—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking "minimize the significant economic impact" and inserting "minimize the adverse significant economic impact or maximize the beneficial significant economic impact".

(d) **INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.**—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting "and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(1)))" after "special districts."

(e) **INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULE MAKING.**—

(1) **INITIAL REGULATORY FLEXIBILITY ANALYSIS.**—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking "or" after "proposed rule"; and

(B) by inserting "or publishes a revision or amendment to a land management plan," after "United States,"

(2) **FINAL REGULATORY FLEXIBILITY ANALYSIS.**—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking "or" after "proposed rule-making"; and

(B) by inserting "or adopts a revision or amendment to a land management plan," after "section 603(a),"

(3) **LAND MANAGEMENT PLAN DEFINED.**—Section 601 of title 5, United States Code, is amend-

ed by adding at the end the following new paragraph:

"(10) **LAND MANAGEMENT PLAN.**—

"(A) **IN GENERAL.**—The term 'land management plan' means—

"(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

"(ii) any plan developed by the Secretary of Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

"(B) **REVISION.**—The term 'revision' means any change to a land management plan which—

"(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

"(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-6 of title 43, Code of Federal Regulations (or any successor regulation).

"(C) **AMENDMENT.**—The term 'amendment' means any change to a land management plan which—

"(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

"(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5-5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C))."

(f) **INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.**—

(1) **IN GENERAL.**—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting "or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation."

(2) **COLLECTION OF INFORMATION.**—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

"(7) **COLLECTION OF INFORMATION.**—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44."

(3) **RECORDKEEPING REQUIREMENT.**—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

"(8) **RECORDKEEPING REQUIREMENT.**—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44."

(g) **DEFINITION OF SMALL ORGANIZATION.**—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

"(4) **SMALL ORGANIZATION.**—

"(A) **IN GENERAL.**—The term 'small organization' means any not-for-profit enterprise which, as of the issuance of the notice of proposed rule-making—

"(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

"(ii) in the case of any other enterprise, has a net worth that does not exceed \$7,000,000 and has not more than 500 employees.

"(B) **LOCAL LABOR ORGANIZATIONS.**—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

“(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.”.

SEC. 3. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “, and” at the end and inserting “;”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

“(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and”;

(2) in subsection (c), to read as follows:

“(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.”.

SEC. 4. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”;

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting “detailed” before “description”; and

(C) by adding at the end the following:

“(7) describing any disproportionate economic impact on small entities or a specific class of small entities.”.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph

(2) of section 604(a) of title 5, United States Code, is amended by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

“(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency’s website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.”.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting “detailed” before “statement” the first place it appears; and

(2) by inserting “and legal” after “factual”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.”.

SEC. 5. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 is amended to read as follows:

“§ 608. Additional powers of Chief Counsel for Advocacy

“(a)(1) Not later than 270 days after the date of the enactment of the Regulatory Flexibility Improvements Act of 2011, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

“(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

“(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

“(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking “608(b)”,

(2) Section 611(a)(2) of such title is amended by striking “608(b)”,

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking “(3)(A) A small entity” and inserting the following:

“(3) A small entity”.

SEC. 6. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

“(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

“(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

“(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

“(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

“(A) relates to the internal revenue laws of the United States; or

“(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

“(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

“(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

“(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

“(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule’s impact on the cost that small entities pay for energy, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

“(3) Such report shall become part of the rule-making record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

“(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

“(1) an annual effect on the economy of \$100,000,000 or more;

“(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

“(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

“(4) a significant economic impact on a substantial number of small entities.

“(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.”.

SEC. 7. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a) Not later than 180 days after the enactment of the Regulatory Flexibility Improvements Act of 2011, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency’s website.

“(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of the Regulatory Flexibility Improvements Act of 2011 within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

“(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

“(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

“(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend

or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

“(1) The continued need for the rule.

“(2) The nature of complaints received by the agency from small entities concerning the rule.

“(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

“(4) The complexity of the rule.

“(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

“(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

“(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

“(f) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.”.

SEC. 8. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking “final agency action” and inserting “such rule”.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting “(or which would have such jurisdiction if publication of the final rule constituted final agency action)” after “provision of law.”.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking “final agency action” and inserting “publication of the final rule”; and

(2) by inserting “, in the case of a rule for which the date of final agency action is the same date as the publication of the final rule,” after “except that”.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period “or agency compliance with section 601, 603, 604, 605(b), 609, or 610”.

SEC. 9. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (7) the following new paragraph:

“(8) all final rules under section 608(a) of title 5.”.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking “and” at the end;

(2) in subparagraph (E), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.”.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting “chapter 5, and chapter 7,” after “this chapter.”.

SEC. 10. CLERICAL AMENDMENTS.

(a) Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(1) the term” and inserting the following:

“(1) AGENCY.—The term”;

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(3) the term” and inserting the following:

“(3) SMALL BUSINESS.—The term”;

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking “(5) the term” and inserting the following:

“(5) SMALL GOVERNMENTAL JURISDICTION.—The term”; and

(4) in paragraph (6)—

(A) by striking “; and” and inserting a period; and

(B) by striking “(6) the term” and inserting the following:

“(6) SMALL ENTITY.—The term”.

(b) The heading of section 605 of title 5, United States Code, is amended to read as follows:

“§ 605. Incorporations by reference and certifications”.

(c) The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

“605. Incorporations by reference and certifications.”;

(2) by striking the item relating to section 607 and inserting the following new item:

“607. Quantification requirements.”; and

(3) by striking the item relating to section 608 and inserting the following:

“608. Additional powers of Chief Counsel for Advocacy.”.

(d) Chapter 6 of title 5, United States Code, is amended as follows:

(1) In section 603, by striking subsection (d).

(2) In section 604(a) by striking the second paragraph (6).

SEC. 11. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

“(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.”.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part A of House Report 112-296. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. CRITZ

The CHAIR. It is now in order to consider amendment No. 1 printed in part A of House Report 112-296.

Mr. CRITZ. Mr. Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 26, insert “, or the cumulative impact of any other rule stemming from the implementation of the Free Trade Agreements,” before “on small entities”.

The CHAIR. Pursuant to House Resolution 477, the gentleman from Pennsylvania (Mr. CRITZ) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. CRITZ. Mr. Chairman, I yield myself as much time as I may consume.

Trade is critical to the growth of small business. A quarter of a million U.S. companies export to foreign markets, the large majority of them small and medium-sized enterprises that employ 500 or fewer workers. In fact, according to the U.S. Chamber of Commerce, more than 230,000 small and medium enterprises now account for nearly 30 percent of U.S. merchandise exports. The number of such companies exporting has more than doubled since 1992 and, according to SBA, 96 percent of the world's customers live outside the U.S., representing two-thirds of the world's purchasing power.

Given this critical role, we need to make sure trade agreements assist small businesses. Trade agreements should help reduce redtape and increase transparency, but too often small businesses lack the resources and foreign business partners available to large companies to navigate through opaque customs and legal systems to reach their customers.

Numerous fees and other nontariff barriers that can be no more than a nuisance to large multinationals can be deal-breakers for small companies. Trade agreements must streamline rules, reduce nontariff barriers, and provide arbitration procedures so that even small U.S. exporters can successfully participate in foreign markets.

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Trade agreements must also open up opportunities for small U.S. exporters to compete for foreign government contracts. U.S. companies should be

given a fair shake at the important government procurement market in these foreign countries. Such agreements can help to lower the threshold at which contracts must be put out for competitive bid ensuring that even small U.S. companies can be part of the process. Some of those contracts for roads, schools, clinics, distance learning, and medical equipment, for example, can be ideally suited to smaller U.S. companies.

My amendment makes sure that small businesses are not forgotten when trade agreements are implemented. It requires that agencies' regulatory flexibility analyses assess the cumulative impact of any rule stemming from the implementation of a free trade agreement. Doing so will make certain that small firms' voices are part of the process in these important deliberations.

Being part of the process will enable small firms to benefit from trade agreements and use them as a means to access foreign markets and customers. I urge Members to vote “yes” on this amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I claim time in opposition to the amendment even though I do not oppose the amendment.

The CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. SMITH of Texas. Mr. Chairman, I support this amendment.

The amendment aims to require an agency to account for rules implementing the free trade agreements when the agency considers the cumulative impact of a proposed rule. I support free trade because I believe it is in the best interest of American business, workers, and consumers alike.

The gentleman from Pennsylvania and I may differ on this issue, but in the context of this amendment, that is beside the point. It can't hurt to make sure that agencies consider the impact of rules implementing the free trade agreements in their regulatory cumulative impact calculations. I don't think the analysis will show that free trade destroys American small businesses. Quite the opposite is true, in fact. But that isn't a reason not to do the analysis. We should know how these kinds of regulations contribute to the cumulative regulatory burden on small businesses.

In conclusion, Mr. Chairman, I do support this amendment and hope to have the gentleman from Pennsylvania's support for the bill on final passage.

I yield back the balance of my time.

Mr. CRITZ. I urge a “yes” vote on my amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. CRITZ).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 2 printed in part A of House Report 112-296.

Ms. JACKSON LEE of Texas. I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

“§ 613. Exemption for certain rules

“Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule promulgated by the Department of Homeland Security. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.”.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

“613. Exemption for certain rules.”.

Page 24, line 13, insert after “5” the following: “(other than rules to which section 613 of title 5 applies)”.

Page 27, lines 5 and 6, strike “The agency shall” and insert the following:

“(A) IN GENERAL.—Subject to subparagraph (B), the agency shall”.

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

“(B) TREATMENT OF CERTAIN RULES.—In the case of any rule promulgated by the Department of Homeland Security, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A).”.

The CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I rise today to call upon the rational and reasonable thinking of my colleagues on both sides of the aisle and really discuss an amendment that speaks the obvious.

The underlying bill puts into process a regulatory scheme that delays the implementation of regulations. Whether you agree or disagree with that approach, we all recognize that securing the homeland continues to be a top priority for this Nation.

I'm standing alongside some of our first responders looking over one of the Nation's major ports. Many who live in those areas recognize the vulnerability of America through her ports or aviation or mass transit or highways or bridges or dams.

Every moment after 9/11 is a new moment in this Nation. My amendment simply says to waive the provisions of this bill, H.R. 527, when it deals with homeland security.

I hold in my hand the National Security Threat List that lists the issues that our Homeland Security Department and intelligence communities have to address. The listing is not classified, so I will mention the many tasks that they have to address: terrorism, espionage, proliferation, the moving forward on the question of economic espionage, targeting the national information structure, cybersecurity. Why would we want to interfere with the movement of regulations to protect the homeland under the premise of this bill?

I ask my colleagues to support the Jackson Lee amendment that would waive the bill's provisions in light of protecting the homeland.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR (Mr. BISHOP of Utah). The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I will reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

The Acting CHAIR. The gentlewoman is recognized for 3 minutes.

Ms. JACKSON LEE of Texas. Let me again appeal to the bipartisanship of my colleagues. This is a very troublesome bill, and this bill interferes with the normal process, if you will, of dealing with the regulatory scheme. Although it's called the Regulatory Flexibility Act, I can assure you that the purpose of this legislation is, one, not to create jobs, and certainly not to help us secure the homeland.

The bill would add new review requirements to an already long and complicated process allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation. This is what Homeland Security regulations would have to go through.

Since the creation of the Department of Homeland Security in 2002 and since my membership on the committee that was a select committee, we've overhauled the government in ways we've never done before. Steps have been taken to ensure that the communication failures that led to 9/11 are corrected.

More than 220 million tons of cargo moved, for example, through the Port of Houston in 2010. That cargo has to be inspected. And the port ranked first in foreign waterborne tonnage for the 15th consecutive year. Just imagine a regulation dealing with the scanning or the security of that tonnage to be interfered with by H.R. 527.

If Coast Guard intelligence had evidence of a potential attack on the Port

of Houston and they wanted the Department of Homeland Security to address it or they used a regulation or there was a regulation in process, then it would have to be stopped by this legislation.

It is important to recognize that homeland security is not security by appointment. It is not security by "let me address regulations by having them vetted by H.R. 527."

This is a commonsense amendment that simply says, as it deals with the homeland security or the securing of our Nation as we look to be better than what occurred in 9/11 where agencies were not communicating with each other, where the fault of the cybersecurity system did not work, and we had the heinous tragedy of losing 3,000-plus of our souls in New York City. As we see the franchising of terrorism where there is the shoe bomber and the Christmas Day bomber and the Times Square bomber, it's important not to have a fettered Homeland Security Department in a regulatory process that is stopped by overlying legislation.

This legislation is a job-killer, we already know. Let's not let it be a killer of Americans because it gets in the way of Homeland Security efforts doing the work that is necessary.

I ask my colleagues to support the Jackson Lee amendment that asks simply for a waiver of this legislation as it addresses the question of securing the homeland and the regulatory scheme that is needed by intelligence agencies, our Border Patrol agencies, our TSOs that deal with aviation security, our cargo inspectors. As it relates to that work, our front line, let us waive this legislation.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the Regulatory Flexibility Improvements Act of 2011. This bill would amend the Regulatory Flexibility Act, RFA. The bill would expand the number of rules covered by the RFA and requires Federal agencies to perform additional analysis of regulations that affect small businesses.

As a senior member of the Homeland Security and ranking member of the Transportation Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency, which is why the Department of Homeland Security, DHS, should be exempt from this legislation.

This bill delays the promulgation of federal regulations, and delays a Federal agency's ability to issue regulations when responding to an emergency and grants the Small Business Administration's, SBA, Office of Advocacy additional authority to intervene in agency rule-making, without providing additional funding. Further, H.R. 527 repeals an agency's authority to waive regulatory analysis during an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations "do not tend to significantly impede job creation", and furthermore, over the course of the last several decades, the benefits of Federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our Nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. The Department of Homeland Security cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how we protect our Nation. Continuing to make advances in homeland security and intelligence is the best way to combat the threats we still face.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. The Coast Guard, under the directive of the Department of Homeland Security, is tasked with protecting our ports of entry. Of the 350 major ports in America, the Port of Houston is one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2010, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our Nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

This bill expands the review that agencies must conduct before issuing new regulations and the review they must conduct of existing rules to include an evaluation of the "indirect" costs of regulations, and grants the SBA authority to intervene in agency rulemaking. The measure also expands the ability of small businesses and other small entities impacted by an agency's regulations to challenge those rules in court.

Under current law, the process already takes as long as eight years to complete. Given the nature of its mission, the Department of Homeland Security is the last agency that needs to be subject to more levels of regulation and scrutiny. Some advocates groups also have expressed concern that by extending the rulemaking process, regulatory uncertainty could increase, which may make it more cost effective for agencies to seek enforcement through the courts, and thereby reduce the public's ability to participate in the process.

These costs add to the cost of doing business with the Department of Homeland Security, and eat away at the profits of our businesses, particularly our small businesses which often are not as equipped to absorb additional costs. Moreover, many businesses dealing with national security have higher costs because of expensive equipment, and as such are already working with lower profit margins.

The prolonged or indefinite delay of these life saving regulations threaten the security, stability, and the delivery of vital services to the American people. I cannot speak for my colleagues on the other side of the aisle, but I certainly do not want to slow the promulgation of regulations to a drip.

I have offered this amendment to mitigate the uncertainty regarding federal laws and rulemaking in the area of national security because of the increased urgency when dealing with these often sensitive matters. The Department of Homeland Security is the newest federal agency, and as such already is subject to pioneering levels of oversight and scrutiny.

I urge the Committee to make my amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

□ 1610

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

The bill only requires agencies to do what common sense and current laws dictate they should be doing right now. The Department of Homeland Security is not exempt from the Regulatory Flexibility Act. Like other agencies,

the Department should analyze how a new regulation will affect small businesses before issuing the regulation. If the Department needs to issue a regulation in a true emergency situation, such as one involving national security, it can already do so under the "good cause" exception to notice-and-comment rulemaking in the Administrative Procedure Act. This good cause exception would allow the agency to bypass the analysis required by the Regulatory Flexibility Act as well.

As written, the amendment would exempt the Department from H.R. 527 but not from the Regulatory Flexibility Act, itself. The result of this would be two versions of the Regulatory Flexibility Act at play in the Federal Government—one for the Department and one for everyone else.

Small businesses do not need any more confusion and uncertainty when they are trying to participate in the Federal regulatory process.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part A of House Report 112-296.

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, add the following after line 24 and redesignate succeeding sections (and references thereto) accordingly:

SEC. 9. EXEMPTION FOR CERTAIN RULES.

(a) IN GENERAL.—Chapter 6 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 613. Exemption for certain rules

"Sections 601 through 612, as amended by the Regulatory Flexibility Improvements Act of 2011, shall not apply in the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality. The provisions of this chapter, as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence."

(b) CLERICAL AMENDMENT.—The table of sections for chapter 6 of title 5, United States Code, is amended by adding after the item relating to section 612 the following new item:

"613. Exemption for certain rules."

Page 24, line 13, insert after "5" the following: "(other than rules to which section 613 of title 5 applies)".

Page 27, lines 5 and 6, strike "The agency shall" and insert the following:

"(A) IN GENERAL.—Subject to subparagraph (B), the agency shall".

Page 27, line 18, strike the quotation marks and second period.

Page 27, add the following after line 18:

"(B) TREATMENT OF CERTAIN RULES.—In the case of any rule that relates to the safety of food, the safety of the workplace, air quality, the safety of consumer products, or water quality, this paragraph as in effect before the enactment of the Regulatory Flexibility Improvements Act of 2011, shall continue to apply, after such enactment, to any such rule, in lieu of subparagraph (A)."

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

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

My amendment would exempt from this particular bill the rules it has when it relates to food safety, workplace safety, consumer product safety, air quality, and water quality—things we all hold dear, things that will be jeopardized if this bill passes.

As I noted in my opening remarks, this threatens to halt agencies' ability to promulgate rules by adding analytical requirements and numerous opportunities for industry to challenge agency rulemaking. Yet you should be able to challenge agency rulemaking, but courts shouldn't be able to summarily throw them out based on a lack of knowledge that they have of an area in which the agencies are really expert, but that's what would happen.

The societal cost of enacting H.R. 527 would be to place public health and safety at risk. As we enter this holiday season, it would be well to remember that the reason we take for granted that the food we eat and the water we drink—and the drinks we drink—at all our holiday dinners and receptions won't kill us or sicken us is because of effective rulemaking. Likewise, because of strong regulations, we can take for granted that toys given to our children or grandchildren won't poison them; but the consequences of failing to regulate can be dire.

In 2006 24-year-old Jillian Castro became gravely ill after eating spinach tainted with E. coli bacteria. Her organs were rapidly deteriorating; her kidneys were failing; her red blood cells and platelets were dropping rapidly; and she nearly died.

According to the best available estimates by public health and food safety experts, millions of illnesses and thousands of deaths each year in this country can be traced to contaminated food.

The Centers for Disease Control and Prevention estimates that foodborne microorganisms have caused 48 million illnesses, 128,000 hospitalizations, and 3,000 deaths. Many of these could be avoided with the proper regulations of food and drug. That's why I ask that food safety be eliminated from this

bill, because it will be expensive to treat these people, let alone the fact that they will die. The CDC estimates that salmonella alone affects a million people a year. Just today, the Food and Drug Administration issued a recall of grape tomatoes because of potential salmonella contamination.

Other recent examples of regulatory failure include the Listeria-tainted cantaloupes that killed 29 people across the country in October. Pedal entrapment issues that cause cars to accelerate unexpectedly resulted in Toyota's recall of nearly 2 million vehicles. There was Mattel's recall of nearly a million toys in 2007 because the toys were covered in lead paint. There are other examples of this.

Public health and safety precautions have been on the books for a long time and were passed with bipartisan support. The fact is there were more regulations during President Bush's term than there were overall in President Obama's when you calculate the time they've been in office. Yet there was no call to cut back when President Bush was in office. It's only since President Obama has been in office.

The Pure Food and Drug Act was enacted in 1906 by Teddy Roosevelt, then the Food, Drug and Cosmetics Act in 1938. The Clean Air Act and the Occupational Safety and Health Act were enacted in 1970 when Richard Nixon was President. The Clean Water Act was enacted in 1977. They've served our country well for many years.

If H.R. 527 is enacted without adopting this amendment, we can no longer take protections from these harms for granted because, in the future, agencies will be hamstrung from passing regulations to protect the public.

I would urge us to pass this amendment and to protect our workers, our consumers, our small businesses, and our small business people when they eat their breakfasts, their lunches and their dinners, when they buy toys for their children and their grandchildren, when they drive their cars, and when they work in their workplaces.

I yield back the balance of my time and ask for a positive vote.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, even the President and his regulatory czar, Professor Cass Sunstein, admit that over-regulation hampers job creation. The Regulatory Flexibility Act of 1980 is based on the fact that regulatory compliance is especially costly for small businesses, which are America's main job creators. In this economy, we have no room for error when it comes to over-regulation.

The bill ensures that all agencies follow the Regulatory Flexibility Act. H.R. 527 does not ask agencies to do anything that they should not be doing already right now.

There is no reason to create the blanket exemptions proposed by this

amendment. There are no such exemptions currently in the Regulatory Flexibility Act for the categories of rules described in the amendment. Further, the amendment would create tremendous confusion among agencies and small businesses regarding which version of the law would apply to a future rulemaking. We need less confusion and uncertainty, not more, in the regulatory process.

If the amendment stems from a concern about the ability of agencies to make rules in emergency situations, I would note once again that agencies may avail themselves of the "good cause" exception to the notice-and-comment rulemaking process already in the Administrative Procedure Act. If an agency justifiably invokes this exemption, it will not have to conduct the analysis required under the Regulatory Flexibility Act.

For these reasons, I oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. PETERS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part A of House Report 112-296.

Mr. PETERS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 27, insert after line 18 the following:
SEC. 12. EXCEPTION FOR CERTAIN RULES.

Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as amended by this Act, shall not apply in the case of any proposed rule, final rule, or guidance that the Director of the Office of Management and Budget determines will result in net job creation. Chapter 6 of title 5, United States Code, 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996, section 2341 of title 28, United States Code, and section 2342 of such title, as in effect before the enactment of this Act shall apply to such proposed rules, final rules, or guidance, as appropriate.

Page 1, in the matter preceding line 6, insert after the item relating to section 11 the following:

Sec. 12. Exception for certain rules.

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Michigan (Mr. PETERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. PETERS. Mr. Chairman, I yield myself such time as I may consume.

There is no question that Congress must act immediately to help our Nation's small businesses succeed, create jobs and boost our economy. Unfortunately, instead of moving common-sense legislation to extend the payroll tax cuts for middle class families and enacting the American Jobs Act to help small businesses afford new hires and investments, we are today considering H.R. 527, the Regulatory Flexibility Improvements Act.

This legislation, while well intentioned, is a step in the wrong direction. In addition to making it more difficult for agencies to take action to protect workers and the public, it will also slow down agency guidance that could help create certainty and spur job creation. This bill will create "paralysis by analysis" by subjecting any action an agency proposes to a lengthy regulatory process. Even agency guidance issued to small businesses clarifying how well they can comply with existing rules will be slowed down considerably.

This is why I've put forward an amendment to improve this bill and to cut through the additional red tape that it creates when it matters most, which is when new jobs are on the line. My amendment simply says that the new administrative hurdles that this bill creates will not apply to any rule, final rule or guidance that the Director of OMB determines will result in net job creation.

□ 1620

While my Republican colleagues keep repeating the story that new regulations are slowing down our economic growth, this simply isn't the case. A recent study by the National Federation of Independent Businesses of its members found that "poor sales," and not regulation, is the biggest problem facing businesses today.

Effective regulations can promote job growth and put Americans back to work. As someone living in southeast Michigan, I have seen firsthand the way increased fuel economy standards have made American autos more competitive while also saving drivers money on gas and helping our environment. According to the United Auto Workers and the National Resources Defense Council, these new standards have already led to the creation of more than 100,000 jobs.

Whether it is providing small businesses with the guidance they need so that they can have the certainty while making investment and hiring decisions or enacting environmental reforms to help bring about the next generation of green technology, the Federal Government cannot waste any more time dragging its feet when it comes to job creation.

For years, my friends on the other side of the aisle have repeatedly railed against government red tape. But let's be clear: If they oppose this amendment, they will, in fact, be voting to

create more red tape and stymie small business job creation.

I urge my colleagues to support this commonsense, pro-jobs amendment.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentleman from Michigan has 2 minutes remaining.

Mr. PETERS. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The Chair recognizes the gentleman from Texas.

Mr. SMITH of Texas. Thank you, Mr. Chairman.

First of all, I would like to point out that the National Federation of Independent Business actually does support this legislation. I also would like for the record to show that a recent Gallup poll taken on October 24 of this year said that small business owners themselves cite "complying with government regulations" as their most important problem. Now, that's why we are here today.

Mr. Chairman, I oppose this amendment because it puts the cart before the horse. The reason we require agencies to conduct regulatory flexibility analysis is so the agencies and the public will know how a new regulation will affect small businesses before the agency issues the regulation.

The amendment would exempt from the Regulatory Flexibility Act any rule that would result in net job creation. We certainly know that regulations can destroy jobs. Even the administration acknowledges that.

Whether regulations can ever truly create jobs is another question all together. Assuming that a regulation could create jobs, an agency will not know this without analysis first, which is what the bill requires agencies to do.

There is no good reason to transfer this responsibility to conduct this analysis from the agency, themselves, to the Office of Management and Budget, as the amendment proposes.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. PETERS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. PETERS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

AMENDMENT NO. 5 OFFERED BY MS. JACKSON
LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part A of House Report 112-296.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add, at the end of the bill, the following:
SEC. 12. GAO REPORT.

Not later than 2 years after the date of enactment of this Act, the Comptroller General shall submit to the Congress a report on the cost effectiveness of the amendments made by this Act. Such report shall include the following:

(1) A list of all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by this Act.

(2) The effect of this Act and the amendments made by this Act on the efficiency of the rule making process (including the amount of time required to make and implement a new rule).

(3) To what extent this Act or the amendments made by this Act will impact the making and implementation of new rules in the event of an emergency.

(4) The overall effectiveness of this Act or the amendments made by this Act (including the extent to which agencies are in compliance with the Act or the amendments to the Act).

The Acting CHAIR. Pursuant to House Resolution 477, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I would like to think that our colleagues are in their offices communicating with their constituents and doing much of the work that we do and writing probably other great legislative initiatives, and they are paying attention to this debate and they keep hearing the words "small businesses" and they want to know why would any of us have a disagreement about small businesses when we have, I think, a consensus that small business are in fact the backbone of America; they are the job creators of America.

I recall many of us have initiatives. I have an initiative of visiting small businesses. Just a couple of weeks ago, I donned the clothing of a medical practice. I went to a beauty school and tried to do a little bit of hair design. I went to an energy company. I went on to a small export-import company, and I stood out as a safety officer for a construction company owned by a single mother.

So we all speak the language of small businesses. And you would think that my good friends on the other side of the aisle would have looked more closely at how damaging H.R. 527 is because, for those who may be listening in their offices and others, right now you have a three-agency framework of reviewing regulations dealing with small businesses.

Now you're going to include that all the agencies have to get into the act in

stifling small businesses' activities and their growth and opportunity. Remember now, right now we have three, and then we're going to open up the lot so that every agency now has to go through a regulatory process to determine its impact on small businesses. It expands the use of small business review panels to review rules promulgated by all agencies to include all major rules, and some of these, of course, having the positive impact on our small businesses.

What is the significant economic impact? Nobody knows. It forces agencies to engage in wasteful, speculative analysis. It imposes an absurd and wasteful requirement on those agencies.

So I have a simple amendment. Ask the question beforehand: What is the economic impact of all of this vast new inclusion of other agencies to come down on our small businesses? It requires my amendment, a GAO study, to determine the cost of carrying out this bill and the effect it will have on Federal agency rulemaking. Simple, bipartisan amendment, I ask my colleagues to join me in supporting it.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I am prepared to close; so I reserve the balance of my time.

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I thank the gentleman.

Let me just continue looking for bipartisanship. I am hoping that I can convince my friend from Texas to not desire to have a can of worms, a potpourri of agencies coming out with the hand of oppression on small businesses.

This is a simple question that I'm asking. The GAO, the Government Accountability Office, simply would be asking the question: What is the significant economic impact on a substantial number of small entities which will greatly slow down the rulemaking process and substantially empower other competitors to small business to throw sand in the gears of rulemaking that will help small businesses, women-owned businesses, minority-owned businesses, disabled veterans?

What is the reason for not agreeing to an important study? It forces agencies to again engage in wasteful, speculative analysis, including an assessment of all reasonably foreseeable indirect economic effects.

We can do it ahead of time. Will this kill jobs is the question. It expands judicial review to include all agency actions and not just final agency action.

Mr. Chairman, can we not find an opportunity to come together on this? I would much rather have a report to tell me how many small businesses will shut down waiting for agency review of the rules that would be helpful to them.

Have we engaged with the Small Business Committee? Has anyone

asked the ranking member of that committee, even the chairman of that committee, who are champions of small business? I don't think I have seen the chairperson, but I have seen the ranking member, who listens to small businesses across the country. If there is a regulation that is going to help a small business, this bill kills it.

The small businesses are hanging on for dear life. Pass the rule. Pass the rule. Now you have put in all these agencies, dilly-dallying around trying to be able to find a way to stifle the growth of the small business.

Mr. Chairman, common sense tells Members that it doesn't hurt to have just this one bipartisan effort to get the answer of the economic impact beforehand. Down in Texas we say, close the barn door before the cow gets out, or the cart before the horse, the horse before the cart. We've got all of that. We've got confusion.

I am simply having a simple amendment that would allow the GAO to report on how we can better serve our small businesses and create the jobs that are necessary. I ask my colleagues, including Mr. SMITH, to support this amendment.

Mr. Chair, I rise today in support of my amendment to H.R. 527, the "Regulatory Flexibility Improvements Act of 2011." My amendment would require a GAO study to determine the cost of carrying out this bill and the effect it will have on federal agency rule-making. In addition, the report must contain information on the impact of repealing the ability of an agency to waive provisions in the Regulatory Flexibility Act when responding to an emergency.

This bill would amend the Regulatory Flexibility Act of 1980 in such a manner that it would result in significant delays in the agency rule-making processes by mandating multi-agency analyses of both direct and indirect costs for rules proposed or finalized by a single agency.

My amendment simply requires that the Comptroller General, within 2 years after the enactment of the legislation, issue a report to Congress on the cost effectiveness of the changes implemented by this Act.

The report would list all additional costs and resources that each agency will have to expend to carry out this Act and the amendments made by the Act.

It would also show the effect of this Act and its amendments on the efficiency of the rule making process, including the amount of time required to make and implements a new rule.

This study would report on any impact that this Act or its amendments would have on the ability to implement new agencies in the event of an emergency. Lastly, this study would examine the overall compliance of agencies with the Regulatory Flexibility Improvement Act (RFIA).

By requiring that multiple agencies conduct detailed economic analyses of a rule proposed by a single agency, each agency will have to expend time and resources to uncover the indirect economic effects of the proposed rule. This is unduly burdensome on a process that is already sufficient in length, as rules currently require a 30 day period after publication prior to effectiveness.

There is one overarching problem with H.R. 527. Although it claims to make improvements, one thing it does not do is provide the needed clarification that the GAO has repeatedly pointed out, and that the agencies have asked for.

In the past, there have been GAO reports showing incidents of agency noncompliance with the current regulatory flexibility rules for rule making. The reports cited that this non-compliance is due largely to confusion surrounding the meaning of "significant economic impact on a substantial number of small entities." Agencies have expressed the need to better clarification of this clause to aide them in determining when rule making analysis and review is necessary.

Another part of this expanded review and analysis called for in H.R. 527 that concerns me is the potential it has to impede upon emergency rulemaking. Every so often, there are instances when an agency has to implement a new rule or regulation in response to an emergency. Under the current law, there is an exception allowing agencies to bypass the review process in the event of an emergency. The provisions of this bill cloud that exception.

Furthermore, the rule-making process is made more cumbersome and expensive by requiring multi-agency review. If the purported reason for amending the Regulatory Flexibility Act with this bill is to save the American taxpayers money by including provisions requiring analyses of direct and indirect effects of proposed rules, then it should follow that the costs of implementing such provisions should not outweigh the benefits they provide.

My amendment will ensure just that by requiring the Comptroller General to issue a report to Congress that includes (1) the additional costs and resources that each agency must expend to maintain compliance with this Act, (2) an analysis of the effect that this Act has on the efficiency of the rule-making process, and (3) an analysis of the potential difficulties that may arise in an emergency situation in which an agency must implement new rules.

If the process by which government agencies create rules is changed to require the disclosure of all costs associated with a proposed rule, then shouldn't the Act that makes such changes have its own costs to the American taxpayers disclosed? My amendment will ensure that this disclosure is made to the public upon this legislation's enactment.

I yield back the balance of my time.

□ 1630

Mr. SMITH of Texas. Mr. Chairman, I yield myself the balance of my time.

I oppose this amendment because it is unnecessary and would result in a biased study by the Government Accountability Office.

The study proposed by the amendment focuses excessively on costs to agencies to comply with the Regulatory Flexibility Act, and how the bill would affect agencies' abilities to pass new regulations. The study would not focus enough on how the bill would benefit small businesses and lead to better regulations, which is where our focus should be.

It is worthwhile to require agencies to finally comply with the law. That is especially true if it means that agen-

cies will reduce unnecessary regulatory burdens and free small businesses to create jobs.

In the future, I certainly would like to know whether agencies comply with the Regulatory Flexibility Act as amended by this bill, or whether they remain disobedient. This amendment, however, favors the idea that the bill places too heavy of a burden on regulators.

Fundamentally, the purpose of the Regulatory Flexibility Act is to reduce the regulatory burden on small businesses, not on agencies. Job creators, not job regulators, are the key to our economic recovery.

Mr. Chairman, for these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE of Texas. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part A of House Report 112-296.

Mr. JOHNSON of Georgia. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end of the bill the following:

SEC. 12. APPLICATION WITH REGARD TO CERTAIN STATUTE.

None of the amendments made by this Act shall apply to any rule making to carry out the FDA Food Safety Modernization Act (21 U.S.C. 2201 note).

The Acting CHAIR. Pursuant to House Resolution 477, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise today in support of my amendment to this hazardous and radioactive bill called the Regulatory Flexibility Improvements Act.

Now, I want this body to consider my amendment to the bill for the following reason: The FDA Food Safety Modernization Act became law in January of this year, January 4, 2011. It was necessitated by a continuing series of incidents, such as the October 2009 Stephanie Smith incident, which I will tell you a little bit about. She's a children's dance instructor from Minnesota. She became partially paralyzed from E. coli. According to a New York Times article, "The frozen hamburgers that the Smiths ate, which were made

by the food giant Cargill, were labeled 'American Chef's Selection Angus Beef Patties.' Yet confidential grinding logs and other Cargill records show that the hamburgers were made from a mix of slaughterhouse trimmings and a mash-like product derived from scraps that were ground together in a plant in Wisconsin. The ingredients came from slaughterhouses in Nebraska, Texas, and Uruguay, and from a South Dakota company that processes fatty trimmings and treats them with ammonia to kill bacteria." Stephanie has sued Cargill, and I know that many of my colleagues on the other side of the aisle would want to limit her ability to recover for this injury through misguided so-called tort reform.

But getting back to this matter, this amendment is simple. It would ensure that Americans have access to safe and untainted food. It would create an exception for any rulemaking that seeks to carry out the FDA Food Safety Modernization Act.

Every year one in six Americans gets sick from foodborne diseases. The FDA Food Safety Modernization Act enables the FDA to better protect public health by strengthening the food safety system.

This bill would make it virtually impossible for Federal agencies to protect public health and safety. Nobody likes to be tied up in redtape, but this bill would bring regulations to a halt and make it virtually impossible to enact new regulations. Currently, rule-making agencies must make an analysis for every new rule that would have significant economic impact on a substantial number of small entities, such as small businesses.

However, agencies have the authority to waive or delay this analysis in emergency situations. Now, this bill, Mr. Chairman, would require agencies to determine the indirect costs a rule has on a business, and repeal the authority of an agency to waive or delay this analysis in response to an emergency that makes timely compliance impractical or imprudent.

This summer there was a listeria outbreak linked to cantaloupes that sickened 139 people and killed 29. Just today, The Washington Post reports that Consumer Reports released an alarming study that found high levels of arsenic in samples of apple juice. Consumer Reports is now calling on the FDA to set standards for arsenic levels for apple and grape juices.

The Consumer Reports Group is now suggesting that parents restrict juice consumption to children up to 6 years old to no more than 6 ounces per day. For older children, it recommends no more than 8 to 12 ounces a day.

Now is not the time to hamper agencies, such as the FDA, that are charged with keeping the American public safe. If there is a legitimate concern that our food supply may be tainted, the FDA needs the authority to act quickly and without delay. It's essential that the FDA have the ability to con-

duct inspections as well as prevention programs without having to go through speculative paralysis of analysis of a proposed rule, nor should the FDA be forced to justify existing rules.

Mr. Chairman, I urge support for my amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I oppose this amendment because it carves out an exception to the bill for regulations under the Food and Drug Administration.

If agencies were doing the depth of pre-regulatory analysis they are supposed to be doing under the Regulatory Flexibility Act, then we wouldn't be here today.

Small businesses create jobs, and jobs are the key to economic recovery. To help small businesses—like minority-owned restaurants, for example—create jobs, we need to reduce, not increase, the regulatory burden on them.

The FDA is not currently exempt from the Regulatory Flexibility Act, so it makes no sense to exempt the FDA from the bill, either.

This amendment also would create confusion within the FDA by exempting only its responsibilities under the Food Safety Modernization Act from this bill. There should not be two versions of the Regulatory Flexibility Act in play at the FDA.

For these reasons, I oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

□ 1640

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 112-296 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Ms. JACKSON LEE of Texas.

Amendment No. 3 by Mr. COHEN of Tennessee.

Amendment No. 4 by Mr. PETERS of Michigan.

Amendment No. 5 by Ms. JACKSON LEE of Texas.

Amendment No. 6 by Mr. JOHNSON of Georgia.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 2 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 244, not voting 16, as follows:

[Roll No. 874]

AYES—173

Ackerman	Hanabusa	Pascrell
Altmire	Hastings (FL)	Pastor (AZ)
Andrews	Heinrich	Payne
Baca	Higgins	Pelosi
Baldwin	Himes	Perlmutter
Bass (CA)	Hinchee	Peters
Becerra	Hinojosa	Pingree (ME)
Berkley	Hirono	Polis
Berman	Hochul	Price (NC)
Bishop (NY)	Holden	Quigley
Blumenauer	Holt	Rahall
Boswell	Honda	Rangel
Brady (PA)	Hoyer	Reyes
Braley (IA)	Inslee	Richardson
Brown (FL)	Israel	Richmond
Butterfield	Jackson (IL)	Rothman (NJ)
Capps	Jackson Lee	Roybal-Allard
Capuano	(TX)	Ruppersberger
Cardoza	Johnson (GA)	Rush
Carnahan	Johnson, E. B.	Ryan (OH)
Carney	Kaptur	Sánchez, Linda
Carson (IN)	Keating	T.
Castor (FL)	Kildee	Sanchez, Loretta
Chandler	Kind	Sarbanes
Cicilline	Kissell	Schakowsky
Clarke (MI)	Kucinich	Schiff
Clarke (NY)	Langevin	Schwartz
Clay	Larsen (WA)	Scott (VA)
Clyburn	Larson (CT)	Scott, David
Cohen	Lee (CA)	Serrano
Connolly (VA)	Levin	Sewell
Conyers	Lewis (GA)	Sherman
Costello	Lipinski	Shuler
Courtney	Loeb sack	Sires
Critz	Lofgren, Zoe	Slaughter
Crowley	Lowey	Smith (WA)
Cummings	Luján	Speier
Davis (CA)	Lynch	Stark
Davis (IL)	Maloney	Sutton
DeFazio	Markey	Thompson (CA)
DeGette	Matsui	Thompson (MS)
DeLauro	McCarthy (NY)	Tierney
Dicks	McCollum	Tonko
Dingell	McDermott	Towns
Doggett	McGovern	Tsongas
Donnelly (IN)	McIntyre	Van Hollen
Edwards	McNerney	Velázquez
Ellison	Meeks	Visclosky
Engel	Michaud	Walz (MN)
Eshoo	Miller (NC)	Wasserman
Farr	Miller, George	Schultz
Fattah	Moore	Waters
Fudge	Moran	Watt
Garamendi	Murphy (CT)	Waxman
Gibson	Nadler	Welch
Green, Al	Napolitano	Wilson (FL)
Green, Gene	Neal	Woolsey
Gutierrez	Olver	Yarmuth
Hahn	Pallone	

NOES—244

Adams	Barrow	Bishop (UT)
Aderholt	Barton (TX)	Black
Akin	Bass (NH)	Blackburn
Alexander	Benishek	Bonner
Amash	Berg	Bono Mack
Amodei	Biggart	Boren
Austria	Bilbray	Boustany
Bachus	Bilirakis	Brady (TX)
Barletta	Bishop (GA)	Brooks

Broun (GA)	Hayworth	Petri
Buchanan	Heck	Pitts
Buchson	Hensarling	Platts
Buerkle	Herger	Poe (TX)
Burgess	Herrera Beutler	Pompeo
Burton (IN)	Huelskamp	Posey
Calvert	Huizenga (MI)	Price (GA)
Camp	Hultgren	Quayle
Campbell	Hunter	Reed
Canseco	Hurt	Rehberg
Cantor	Issa	Reichert
Capito	Jenkins	Renacci
Carter	Johnson (IL)	Ribble
Cassidy	Johnson (OH)	Rigell
Chabot	Johnson, Sam	Rivera
Chaffetz	Jones	Roby
Coble	Jordan	Roe (TN)
Coffman (CO)	Kelly	Rogers (AL)
Cole	King (IA)	Rogers (KY)
Conaway	King (NY)	Rogers (MI)
Cooper	Kingston	Rohrabacher
Costa	Kinzinger (IL)	Rokita
Cravaack	Kline	Rooney
Crawford	Labrador	Ros-Lehtinen
Crenshaw	Lamborn	Roskam
Cuellar	Lance	Ross (AR)
Culberson	Landry	Ross (FL)
Davis (KY)	Lankford	Royce
Denham	Latham	Ryunan
Dent	LaTourette	Ryan (WI)
DesJarlais	Latta	Scalise
Diaz-Balart	Lewis (CA)	Schilling
Dold	LoBiondo	Schock
Dreier	Long	Schrader
Duffy	Lucas	Schweikert
Duncan (SC)	Luetkemeyer	Scott (SC)
Duncan (TN)	Lummis	Scott, Austin
Ellmers	Lungren, Daniel	Sensenbrenner
Emerson	E.	Sessions
Farenthold	Mack	Shimkus
Fincher	Manzullo	Shuster
Fitzpatrick	Marchant	Simpson
Flake	Marino	Smith (NE)
Fleischmann	Matheson	Smith (NJ)
Fleming	McCarthy (CA)	Smith (TX)
Forbes	McCaul	Southerland
Fortenberry	McClintock	Stearns
Fox	McCotter	Stivers
Franks (AZ)	McHenry	Stutzman
Frelinghuysen	McKeon	Sullivan
Gallely	McKinley	Terry
Gardner	McMorris	Thompson (PA)
Garrett	Rodgers	Thornberry
Gerlach	Meehan	Tiberi
Gibbs	Mica	Tipton
Gingrey (GA)	Miller (FL)	Turner (NY)
Gohmert	Miller (MI)	Turner (OH)
Goodlatte	Miller, Gary	Upton
Gosar	Mulvaney	Walberg
Gowdy	Murphy (PA)	Walden
Granger	Myrick	Walsh (IL)
Graves (GA)	Neugebauer	West
Graves (MO)	Noem	Westmoreland
Griffin (AR)	Nugent	Whitfield
Griffith (VA)	Nunes	Wilson (SC)
Grimm	Nunnelee	Wittman
Guinta	Olson	Wolf
Guthrie	Owens	Womack
Hall	Palazzo	Woodall
Hanna	Paulsen	Yoder
Harper	Pearce	Young (AK)
Harris	Pence	Young (FL)
Hastings (WA)	Peterson	Young (IN)

NOT VOTING—16

Bachmann	Filner	Hartzler
Bartlett	Flores	Paul
Chu	Frank (MA)	Schmidt
Cleaver	Giffords	Webster
Deutch	Gonzalez	
Doyle	Grijalva	

□ 1707

Messrs. CANSECO, McCLINTOCK, BILBRAY, GERLACH, and CUELLAR changed their vote from “aye” to “no.”

Messrs. CROWLEY and McDERMOTT changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. CHU. Mr. Chair, on rollcall vote 874, on the Jackson Lee Amendment to H.R. 527, I was unavoidably detained. Had I been present, I would have voted “aye.”

Mr. FILNER. Mr. Chair, on rollcall 874, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 248, not voting 14, as follows:

[Roll No. 875]

AYES—171

Ackerman	Gutierrez	Pallone
Altmire	Hahn	Pascarell
Andrews	Hanabusa	Pastor (AZ)
Baca	Hastings (FL)	Payne
Baldwin	Heinrich	Perlmutter
Bass (CA)	Higgins	Peters
Becerra	Himes	Pingree (ME)
Berkley	Hinchev	Polis
Berman	Hinojosa	Price (NC)
Bishop (NY)	Hirono	Quigley
Blumenauer	Hochul	Rahall
Boswell	Holden	Rangel
Brady (PA)	Holt	Reyes
Braley (IA)	Honda	Richardson
Brown (FL)	Hoyer	Richmond
Butterfield	Inslee	Rothman (NJ)
Capps	Israel	Roybal-Allard
Capuano	Jackson (IL)	Ruppersberger
Carnahan	Jackson Lee	Rush
Carney	(TX)	Ryan (OH)
Carson (IN)	Johnson (GA)	Sánchez, Linda
Castor (FL)	Johnson, E. B.	T.
Chandler	Kaptur	Sanchez, Loretta
Chu	Keating	Sarbanes
Cicilline	Kildee	Schakowsky
Clarke (MI)	Kind	Schiff
Clarke (NY)	Kucinich	Schwartz
Clay	Langevin	Scott (VA)
Cleaver	Larsen (WA)	Scott, David
Clyburn	Larson (CT)	Serrano
Cohen	Lee (CA)	Sewell
Connolly (VA)	Levin	Sherman
Lewis (GA)	Lipinski	Shuler
Lipinski	Loeback	Sires
Loeback	Lofgren, Zoe	Slaughter
Lofgren, Zoe	Lowe	Smith (WA)
Lujan	Luján	Speier
Lynch	Maloney	Stark
Maloney	Matsui	Sutton
Matsui	McCarthy (NY)	Thompson (CA)
McCarthy (NY)	McCollum	Thompson (MS)
McCollum	McDermott	Tierney
McDermott	McGovern	Tonko
McGovern	McIntyre	Towns
McIntyre	McNeary	Tsongas
McNeary	Meeks	Van Hollen
Meeks	Michaud	Velazquez
Michaud	Miller (NC)	Visclosky
Miller (NC)	Miller, George	Walz (MN)
Miller, George	Moore	Wasserman
Moore	Moran	Schultz
Moran	Murphy (CT)	Waters
Murphy (CT)	Nader	Watt
Nader	Napolitano	Waxman
Napolitano	Neal	Welch
Neal	Oliver	Wilson (FL)
Oliver		Woolsey
		Yarmuth

NOES—248

Adams	Alexander	Austria
Aderholt	Amash	Bachus
Akin	Amodei	Barletta

Barrow	Graves (GA)	Palazzo
Barton (TX)	Graves (MO)	Paulsen
Bass (NH)	Griffin (AR)	Pearce
Benishkek	Griffith (VA)	Pence
Berg	Grimm	Peterson
Biggert	Guinta	Petri
Bilbray	Guthrie	Pitts
Bilirakis	Hall	Platts
Bishop (GA)	Hanna	Poe (TX)
Bishop (UT)	Harper	Pompeo
Black	Harris	Posey
Blackburn	Hastings (WA)	Price (GA)
Bonner	Hayworth	Quayle
Bono Mack	Heck	Reed
Boren	Hensarling	Rehberg
Boustany	Herger	Reichert
Brady (TX)	Herrera Beutler	Renacci
Brooks	Huelskamp	Ribble
Broun (GA)	Huizenga (MI)	Rigell
Buchanan	Hultgren	Rivera
Buchson	Hunter	Roby
Buerkle	Hurt	Roe (TN)
Burgess	Issa	Rogers (AL)
Burton (IN)	Jenkins	Rogers (KY)
Calvert	Johnson (IL)	Rogers (MI)
Calvert	Johnson (OH)	Rohrabacher
Camp	Johnson, Sam	Rokita
Campbell	Jones	Rooney
Canseco	Jordan	Ros-Lehtinen
Cantor	Kelly	Roskam
Capito	King (IA)	Ross (AR)
Caroza	King (NY)	Ross (FL)
Carter	Kingston	Royce
Cassidy	Kinzinger (IL)	Runyan
Chabot	Kissell	Ryan (WI)
Chaffetz	Kline	Scalise
Coble	Labrador	Schilling
Coffman (CO)	Lamborn	Schock
Cole	Lance	Schrader
Conaway	Landry	Schweikert
Cooper	Lankford	Scott (SC)
Costa	Latham	Scott, Austin
Cravaack	LaTourette	Sensenbrenner
Crawford	Latta	Sessions
Crenshaw	Lewis (CA)	Shimkus
Cuellar	LoBiondo	Shuster
Culberson	Long	Simpson
Davis (KY)	Lucas	Smith (NE)
Denham	Luetkemeyer	Smith (NJ)
Dent	Lummis	Smith (TX)
DesJarlais	Lungren, Daniel	Southerland
Diaz-Balart	E.	Stearns
Dold	Mack	Stivers
Dreier	Manzullo	Stutzman
Duffy	Marchant	Sullivan
Duncan (SC)	Marino	Terry
Duncan (TN)	Matheson	Thompson (PA)
Ellmers	McCarthy (CA)	Thornberry
Emerson	McCaul	Tiberi
Farenthold	McClintock	Tipton
Fincher	McCotter	Turner (NY)
Fitzpatrick	McHenry	Turner (OH)
Flake	McKeon	Upton
Fleischmann	McKinley	Walberg
Fleming	McMorris	Walden
Forbes	Rodgers	Walsh (IL)
Fortenberry	Fox	Webster
Fox	Meehan	West
Franks (AZ)	Mica	Westmoreland
Frelinghuysen	Miller (FL)	Whitfield
Gallely	Miller (MI)	Whitfield
Gardner	Miller, Gary	Wilson (SC)
Garrett	Mulvaney	Wittman
Gerlach	Murphy (PA)	Wolf
Gibbs	Myrick	Womack
Gibson	Neugebauer	Woodall
Gingrey (GA)	Noem	Yoder
Gohmert	Nugent	Young (AK)
Goodlatte	Nunes	Young (FL)
Gosar	Nunnelee	Young (IN)
Gowdy	Olson	
Granger	Owens	

NOT VOTING—14

Bachmann	Eshoo	Markey
Bartlett	Filner	Paul
Deutch	Flores	Pelosi
Donnelly (IN)	Giffords	Schmidt
Doyle	Hartzler	

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1712

Mr. BISHOP of Georgia changed his vote from “aye” to “no.”
So the amendment was rejected.

Watt Welch Woolsey
Waxman Wilson (FL) Yarmuth

□ 1719

Wasserman WATT Wilson (FL)
Schultz Waxman Woolsey
Waters Welch Yarmuth

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated for:
Mr. FILNER. Mr. Chair, on rollcall 877, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted "aye."

AMENDMENT NO. 6 OFFERED BY MR. JOHNSON OF
GEORGIA

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentleman from Georgia (Mr. JOHNSON)
on which further proceedings were
postponed and on which the noes pre-
vailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 170, noes 250,
not voting 13, as follows:

[Roll No. 878]

AYES—170

Adams Gibbs
Aderholt Gingrey (GA)
Akin Gohmert
Alexander Goodlatte
Altmire Gosar
Amash Gowdy
Amodei Granger
Austria Graves (GA)
Bachus Graves (MO)
Barletta Griffin (AR)
Barrow Griffith (VA)
Barton (TX) Grimm
Bass (NH) Guinta
Benishek Guthrie
Berg Hall
Biggart Harper
Billray Harris
Bilirakis Hastings (WA)
Bishop (GA) Hayworth
Bishop (UT) Heck
Black Hensarling
Blackburn Herger
Bonner Herrera Beutler
Bono Mack Huelskamp
Boren Huizenga (MI)
Boswell Hultgren
Boustany Hunter
Brady (TX) Hurt
Brooks Issa
Broun (GA) Jenkins
Buchanan Johnson (IL)
Bucshon Johnson (OH)
Buerkle Johnson, Sam
Burgess Jones
Burton (IN) Jordan
Calvert Kelly
Camp Kind
Campbell King (IA)
Canseco King (NY)
Cantor Kingston
Capito Kinzinger (IL)
Cardoza Kissell
Carter Kline
Cassidy Labrador
Chabot Lamborn
Chaffetz Lance
Chandler Landry
Coble Lankford
Coffman (CO) Latham
Cole LaTourette
Conaway Latta
Cooper Lewis (CA)
Costa LoBiondo
Cravaack Long
Crawford Lucas
Crenshaw Luetkemeyer
Culberson Lummis
Davis (KY) Lungren, Daniel
Denham E.
Dent Mack
DesJarlais Manzullo
Diaz-Balart Marchant
Dicks Marino
Dold Matheson
Dreier McCarthy (CA)
Duffy McCaul
Duncan (SC) McClintock
Duncan (TN) McCotter
Ellmers McHenry
Emerson McIntyre
Farenthold McKeon
Fincher McKinley
Flake McMorris
Fleischmann Rodgers
Fleming Meehan
Flores Mica
Forbes Miller (FL)
Fortenberry Miller (MI)
Foxy Miller, Gary
Franks (AZ) Mulvaney
Frelinghuysen Murphy (PA)
Gallegly Myrick
Gardner Neugebauer
Garrett Noem

Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Ackerman Green, Gene
Altmire Grijalva
Andrews Gutierrez
Baca Hahn
Baldwin Hanabusa
Bass (CA) Hastings (FL)
Becerra Heinrich
Berkley Higgins
Berman Himes
Bishop (NY) Hinchey
Blumenauer Hinojosa
Boswell Hirono
Brady (PA) Hochul
Braley (IA) Holden
Brown (FL) Holt
Butterfield Honda
Capps Hoyer
Capuano Inslee
Carnahan Israel
Carney Jackson (IL)
Carson (IN) Jackson Lee
Castor (FL) (TX)
Chu Johnson (GA)
Cicilline Johnson, E. B.
Clarke (MI) Kaptur
Clarke (NY) Keating
Clay Kildee
Clever Kind
Clyburn Kucinich
Cohen Langevin
Connolly (VA) Larsen (WA)
Conyers Larson (CT)
Costello Lee (CA)
Courtney Levin
Critz Lewis (GA)
Wilson (SC) Lipinski
Crowley Cummings
Loebsack
Davis (CA) Lofgren, Zoe
Davis (IL) Lowey
DeFazio Lujan
DeGette Lynch
DeLauro Maloney
Dicks Markey
Dingell Matsui
Doggett McCarthy (NY)
Donnelly (IN) McCollum
Edwards McDermott
Ellison McGovern
Engel McNeerney
Eshoo Meeks
Farr Michaud
Fattah Miller (NC)
Frank (MA) Miller, George
Fudge Moore
Green, Al Moran

Adams Gibbs
Aderholt Gibson
Akin Gingrey (GA)
Alexander Gohmert
Amash Goodlatte
Amodei Gosar
Austria Gowdy
Bachus Granger
Barletta Graves (GA)
Barrow Graves (MO)
Bartlett Griffin (AR)
Barton (TX) Griffith (VA)
Bass (NH) Grimm
Benishek Guinta
Berg Guthrie
Biggart Hall
Billray Hanna
Bilirakis Harper
Bishop (GA) Harris
Bishop (UT) Hastings (WA)
Black Hayworth
Blackburn Heck
Bonner Hensarling
Bono Mack Herger
Boren Herrera Beutler
Boustany Huelskamp
Brady (TX) Huizenga (MI)
Brooks Hultgren
Broun (GA) Hunter
Buchanan Hurt
Buerkle Issa
Burgess Jenkins
Burton (IN) Johnson (IL)
Calvert Johnson (OH)
Camp Johnson, Sam
Campbell Jones
Canseco Jordan
Cantor Kelly
Capito King (IA)
Cardoza King (NY)
Carter Kingston
Cassidy Kinzinger (IL)
Chabot Kissell
Chaffetz Kline
Chandler Labrador
Coble Lamborn
Coffman (CO) Lance
Cole Landry
Conaway Lankford
Cooper Latham
Costa LaTourette
Cravaack Latta
Crawford Lewis (CA)
Crenshaw LoBiondo
Cuellar Long
Culberson Lucas
Davis (KY) Luetkemeyer
Denham Lummis
Dent Lungren, Daniel
DesJarlais E.
Diaz-Balart Mack
Dold Manzullo
Dreier Marchant
Duffy Marino
Duncan (SC) Tipton
Duncan (TN) McCarthy (CA)
Ellmers McCaul
Emerson McClintock
Farenthold McCotter
Fincher McHenry
Fitzpatrick McIntyre
Flake McKeon
Fleischmann McKinley
Fleming McMorris
Flores Rodgers
Forbes Meehan
Fortenberry Mica
Foxy Miller (FL)
Franks (AZ) Miller (MI)
Frelinghuysen Miller, Gary
Gallegly Mulvaney
Gardner Murphy (PA)
Garrett Myrick
Gerlach Neugebauer

NOES—250

NOES—13

NOT VOTING—11
Bachmann Doyle
Bartlett Filner
Conyers Giffords
Deutch Grijalva

NOEM
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 1724
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 878, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The Acting CHAIR (Mr. GARDNER). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. GARDNER, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 527) to amend chapter 6 of title 5, United States Code (commonly known as the Regulatory Flexibility Act), to ensure complete analysis of potential impacts on small entities of rules, and for other purposes, and, pursuant to House Resolution 477, reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. LORETTA SANCHEZ of California. I am opposed to the bill, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Loretta Sanchez of California moves to recommit the bill H.R. 527 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Add at the end of the bill the following:

SEC. ____ . PROTECTING INCENTIVES FOR SMALL BUSINESSES TO HIRE VETERANS.

This Act and the amendments made by this Act shall not apply to rule makings or revisions of rules, if such rule makings or revisions are for purposes of providing incentives to small businesses (as such term is defined in chapter 6 of title 5, United States Code) for hiring veterans (as such term is defined in section 101(2) of title 38).

The SPEAKER pro tempore. The gentlewoman is recognized for 5 minutes.

Ms. LORETTA SANCHEZ of California. I rise today to offer a final

amendment to H.R. 527 that, if passed, will allow the bill to be brought back promptly to take a vote for final passage. Mr. Speaker, this final amendment is noncontroversial and aims to do one simple thing: to protect the incentives that assist small businesses to hire veterans. This amendment comes at a very critical time for our small businesses and for our veterans.

Several weeks ago, this House did something that most of America doesn't believe we do anymore. We came together, all of us—Republicans and Democrats. We voted on a bill, and we passed a bill together, unanimously, the VOW to Hire Heroes Act of 2011.

The bill pushes key provisions, like providing small businesses with incentives so that they will hire veterans who have been unable to find employment. As a new law, the tax credits that we offer in that VOW bill would require additional regulations to be implemented in order for small businesses to begin to hire our veterans. Our veterans need jobs—not tomorrow, but now. Yet this bill, the one we are considering right now, sets up many new hurdles and delays for new regulations, like those needed for the implementation of the VOW to Hire Heroes Act.

In a little more than 2 weeks, we went from a 422-0 vote with that VOW Act to now potentially hindering our small businesses from hiring veterans.

□ 1730

However, we have a chance to fix that. We have a chance to fix that right now, and we have a chance to fix it and to bring back this vote promptly, to bring this bill and vote it today.

So I ask my colleagues, especially those on the other side, what are your priorities? I know what my priorities are. My priorities are to small businesses and my priorities are to our veterans who have fought for this Nation.

Mr. Speaker, if my colleagues on the other side truly believe that small businesses are what create the jobs in America, then we can fix this bill by voting for my amendment. If you believe that our veterans should not have to fight for a job after having fought for our country, then we can fix this bill by voting for my amendment.

If my colleagues believe that the over 250,000 unemployed veterans under the age of 35 deserve a job, then we can fix this bill by voting for my amendment.

I know what this side of the aisle believes. We know what the choice is. It's about small businesses creating jobs and hiring these brave men and women.

We want our small businesses to have those incentives so that they can hire our veterans now, not next year or the following year—now. We need jobs now.

The bill itself raises a lot of regulations and hurdles to new implementation, but now we can fix the bill, and we can help our veterans and our small businesses. It's our duty here in Congress to look after those who have looked after the people of this country.

My final amendment does this by ensuring that we allow those regulations that are needed to protect these incentives for the small businesses who want to hire veterans. I would have no doubt—I would never think that my colleagues on any side of the aisle would want to intentionally hinder the hiring of veterans, especially after I saw that unanimous vote right before Thanksgiving. Remember that—we finally did something together.

So I ask all of you, let's do the right thing. Will you stand with our veterans and small businesses and protect those incentives that we voted for 2 weeks ago? If you believe it's the right thing to do, then you will vote for this amendment.

If you believe that a 21 percent unemployment rate for our young male veterans between the ages of 18 and 24 is too high, then you will vote for my amendment to ensure those incentives to hire our veterans will be in place.

I want to make clear once more to my colleagues on the other side of the aisle; a "yes" vote on my amendment will not prevent this bill from being voted on today.

If adopted, it will be incorporated into the bill and voted on for final passage.

I ask my colleagues to do the right thing, to fight for protecting the incentives that will allow our veterans to be hired by small businesses.

Regardless of how either aisle feels about the underlying bill, I know this chamber can make the right choice by voting "yes" on my amendment.

Mr. GOWDY. Mr. Speaker, I rise in opposition to the motion to recommit.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. GOWDY. The President in this very Chamber said we should have no more regulation than is necessary for the health, safety, and security of the American people. Mr. Speaker, the President in this very Chamber conceded overregulation has stifled innovation and chilled growth and jobs. Professor Cass Sunstein, hardly a conservative acolyte, said we must take aggressive steps to eliminate unjustified regulatory burdens, especially in today's economic environment.

Mr. Speaker, 43 percent of the payroll in this country comes from small business, two-thirds of all the jobs created in the last two decades come from small business. Small business, Mr. Speaker, is the backbone of this economy and the single best way for all Americans, veterans included, but all Americans, to experience the majesty of the American Dream.

So one would think that our colleagues would storm the aisle to join us in providing relief to small business, including veterans. One might think our colleagues would help us rush to form a phalanx against an overreaching regulatory apparatus.

So, Mr. Speaker, let's stop using veterans as political footballs and start

helping all Americans, including veterans. The Regulatory Flexibility Improvement Act of 2011 is a logical reform. It simply asks agencies to do the kind of pre-regulatory analysis they should have been doing anyway. Frankly, the bill seeks to enact much of what the President claims he wants with respect to regulatory reform, since small business creates most of our jobs.

Since regulatory compliance costs are higher for them than for larger competitors, Congress passed the RFA of 1980 requiring agencies to analyze regulations in advance. Hardly a revolutionary idea, Mr. Speaker. Know the consequences of your actions before you act, especially when it comes to having a chilling effect on job creation.

But the experience over the last 15 years has shown the law needs to be reformed, Mr. Speaker, and updated because agencies aren't getting the message.

This bill requires agencies to do what they should be doing anyway, which is to calculate the impact of their regulations on job creators beforehand, to make sure all agencies follow the rules, not some of the time, not when they feel like it, but all of the time.

Mr. Speaker, our fellow citizens want to work. They want to meet the needs of their families. They want to meet their societal obligations, and we should be doing everything in our power to make sure regulatory agencies "measure twice and cut once." And our job requires and this bill ensures that they get the message.

For this reason, Mr. Speaker, I urge my colleagues to oppose the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 527, if ordered; and suspension of the rules with regard to House Resolution 364.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 12, as follows:

[Roll No. 879]

AYES—188

Ackerman	Bishop (GA)	Capuano
Altmire	Bishop (NY)	Cardoza
Andrews	Blumenauer	Carnahan
Baca	Boren	Carney
Baldwin	Boswell	Carson (IN)
Barrow	Brady (PA)	Castor (FL)
Bass (CA)	Braley (IA)	Chandler
Becerra	Brown (FL)	Chu
Berkley	Butterfield	Cicilline
Berman	Capps	Clarke (MI)

Clarke (NY)	Jackson (IL)
Clay	Jackson Lee
Clyburn	(TX)
Cohen	Johnson (GA)
Connolly (VA)	Johnson, E. B.
Conyers	Jones
Cooper	Kaptur
Costa	Keating
Costello	Kildee
Courtney	Kind
Critz	Kissell
Crowley	Kucinich
Cuellar	Langevin
Cummings	Larsen (WA)
Davis (CA)	Larson (CT)
Davis (IL)	Lee (CA)
DeFazio	Levin
DeGette	Lewis (GA)
DeLauro	Lipinski
Deutch	Loebsack
Dicks	Lofgren, Zoe
Dingell	Lowe
Doggett	Lynch
Donnelly (IN)	Maloney
Duncan (TN)	Markey
Edwards	Matheson
Ellison	Matsui
Engel	McCarthy (NY)
Eshoo	McCollum
Farr	McDermott
Fattah	McGovern
Frank (MA)	McIntyre
Fudge	McNerney
Garamendi	Meeks
Gonzalez	Michaud
Green, Al	Miller (NC)
Green, Gene	Miller, George
Grijalva	Moore
Gutierrez	Moran
Hahn	Murphy (CT)
Hanabusa	Nadler
Hastings (FL)	Napolitano
Higgins	Oliver
Himes	Owens
Hinchee	Pallone
Hinojosa	Pascrell
Hirono	Pastor (AZ)
Hochul	Payne
Holden	Pelosi
Holt	Perlmutter
Honda	Peters
Hoyer	Peterson
Inslee	Pingree (ME)
Israel	

NOES—233

Adams	Conaway
Aderholt	Cravaack
Akin	Crawford
Alexander	Crenshaw
Amash	Culberson
Amodei	Davis (KY)
Austria	Denham
Bachus	Dent
Barletta	DesJarlais
Bartlett	Diaz-Balart
Barton (TX)	Dold
Bass (NH)	Dreier
Benishek	Duffy
Berg	Duncan (SC)
Biggart	Ellmers
Bilbray	Emerson
Bilirakis	Farenthold
Bishop (UT)	Fincher
Blackburn	Fitzpatrick
Bonner	Flake
Bono Mack	Fleischmann
Boustany	Fleming
Brady (TX)	Flores
Brooks	Forbes
Broun (GA)	Fortenberry
Buchanan	Fox
Bucshon	Franks (AZ)
Buerkle	Frelinghuysen
Burgess	Gallely
Burton (IN)	Gardner
Calvert	Garrett
Camp	Gerlach
Campbell	Gibbs
Canseco	Gibson
Cantor	Gingrey (GA)
Capito	Gohmert
Carter	Goodlatte
Cassidy	Gosar
Chaboy	Gowdy
Castor (FL)	Granger
Chandler	Graves (GA)
Chu	Graves (MO)
Cicilline	Griffin (AR)
Coffman (CO)	
Cole	

Polis	Luetkemeyer
Price (NC)	Lummis
Quiigley	Lungren, Daniel
Rahall	E.
Rangel	Mack
Reyes	Manzullo
Richardson	Marchant
Richmond	Marino
Ross (AR)	McCarthy (CA)
Rothman (NJ)	McCaul
Roybal-Allard	McClintock
Ruppersberger	McCotter
Rush	McHenry
Ryan (OH)	McKeon
Sánchez, Linda	McKinley
T.	McMorris
Sanchez, Loretta	Levin
Sarbanes	Rodgers
Schakowsky	Meehan
Schiff	Mica
Schrader	Miller (FL)
Schwartz	Miller (MI)
Scott (VA)	Miller, Gary
Scott, David	Mulvaney
Serrano	Murphy (PA)
Sewell	Myrick
Sherman	Neugebauer
Shuler	Noem
Shulm	Nugent
Sires	Nunes
Slaughter	Nunnelee
Smith (WA)	Olson
Speier	Palazzo
Stark	Paulsen
Sutton	Pearce
Thompson (CA)	Pence
Thompson (MS)	Petri
Tierney	
Tonko	
Towns	
Tsongas	
Van Hollen	
Velázquez	
Neal	
Visclosky	
Walz (MN)	
Wasserman	
Schultz	
Waters	
Watt	
Waxman	
Welch	
Wilson (FL)	
Woolsey	
Yarmuth	

Pitts	Shuster
Platts	Simpson
Poe (TX)	Smith (NE)
Pompeo	Smith (NJ)
Posney	Smith (TX)
Price (GA)	Southerland
Quayle	Stearns
Reed	Stivers
Rehberg	Stutzman
Reichert	Sullivan
Renacci	Terry
Ribble	Thompson (PA)
Rigell	Thornberry
Rivera	Tiberi
Roby	Tipton
Roe (TN)	Turner (NY)
Rogers (AL)	Turner (OH)
Rogers (KY)	Upton
Rogers (MI)	Walberg
Rohrabacher	Walden
Rokita	Walsh (IL)
Rooney	Webster
Ros-Lehtinen	West
Roskam	Westmoreland
Ross (FL)	Whitfield
Royce	Wilson (SC)
Runyan	Wittman
Ryan (WI)	Wolf
Scalise	Womack
Schilling	Woodall
Schweikert	Yoder
Scott (SC)	Young (AK)
Scott, Austin	Young (FL)
Sensenbrenner	Young (IN)
Sessions	
Shimkus	

NOT VOTING—12

Bachmann	Filner	Luján
Black	Giffords	Paul
Cleaver	Hartzler	Schmidt
Doyle	Heinrich	Schock

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
 The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1755

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 879, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 263, noes 159, not voting 11, as follows:

[Roll No. 880]

AYES—263

Adams	Bilbray	Buerkle
Aderholt	Bilirakis	Burgess
Akin	Bishop (GA)	Burton (IN)
Alexander	Bishop (UT)	Calvert
Altmire	Black	Camp
Amash	Blackburn	Campbell
Amodei	Bonner	Canseco
Austria	Bono Mack	Cantor
Barletta	Boren	Capito
Barrow	Boswell	Carney
Bartlett	Boustany	Carter
Barton (TX)	Brady (TX)	Cassidy
Bass (NH)	Brooks	Chabot
Benishek	Broun (GA)	Chaffetz
Berg	Buchanan	Chandler
Biggart	Bucshon	Coble

Coffman (CO)	Jenkins	Price (GA)	Jackson Lee	Moore	Schwartz	Amash	Dingell	King (IA)
Cole	Johnson (IL)	Quayle	(TX)	Moran	Scott (VA)	Amodei	Doggett	King (NY)
Conaway	Rahall	Rahall	Johnson (GA)	Murphy (CT)	Scott, David	Andrews	Dold	Kingston
Cooper	Johnson, Sam	Reed	Johnson, E. B.	Nadler	Serrano	Austria	Donnelly (IN)	Kinzinger (IL)
Costa	Jones	Rehberg	Kaptur	Napolitano	Sewell	Baca	Dreier	Kissell
Cravaack	Jordan	Reichert	Keating	Neal	Sherman	Bachus	Duffy	Kline
Crawford	Kelly	Renacci	Kildee	Pallone	Sires	Baldwin	Duncan (SC)	Kucinich
Crenshaw	Kind	Ribble	Kucinich	Pascrell	Slaughter	Barletta	Duncan (TN)	Labrador
Critz	King (IA)	Rigell	Langevin	Pastor (AZ)	Smith (WA)	Barrow	Edwards	Lamborn
Cuellar	King (NY)	Rivera	Larsen (WA)	Payne	Speier	Bartlett	Ellison	Lance
Culberson	Kingston	Roby	Larson (CT)	Pelosi	Stark	Barton (TX)	Ellmers	Landry
Davis (KY)	Kinzinger (IL)	Roe (TN)	Lee (CA)	Peters	Thompson (CA)	Bass (CA)	Emerson	Langevin
DeFazio	Kissell	Rogers (AL)	Levin	Pingree (ME)	Thompson (MS)	Bass (NH)	Engel	Lankford
Denham	Kline	Rogers (KY)	Lewis (GA)	Polis	Tierney	Becerra	Eshoo	Larsen (WA)
Dent	Labrador	Rogers (MI)	Lipinski	Price (NC)	Tonko	Benishkek	Farenthold	Larson (CT)
DesJarlais	Lamborn	Rohrabacher	Lofgren, Zoe	Quigley	Towns	Berg	Farr	Latham
Diaz-Balart	Lance	Rokita	Lowe	Rangel	Tsongas	Berkley	Fattah	LaTourette
Dold	Landry	Rooney	Lujan	Reyes	Van Hollen	Berman	Fincher	Latta
Dreier	Lankford	Ros-Lehtinen	Lynch	Richardson	Velázquez	Biggert	Fitzpatrick	Lee (CA)
Duffy	Latham	Roskam	Maloney	Richmond	Visclosky	Bilbray	Flake	Levin
Duncan (SC)	LaTourette	Ross (AR)	Markey	Rothman (NJ)	Wasserman	Bilirakis	Fleischmann	Lewis (CA)
Duncan (TN)	Latta	Ross (FL)	Matsui	Roybal-Allard	Schultz	Bishop (GA)	Fleming	Lewis (GA)
Ellmers	Lewis (CA)	Royce	McCarthy (NY)	Ruppersberger	Waters	Bishop (NY)	Forbes	Lipinski
Emerson	LoBiondo	Runyan	McCollum	Rush	Watt	Bishop (UT)	Fortenberry	LoBiondo
Farenthold	Loeb sack	Ryan (WI)	McDermott	Ryan (OH)	Watt	Black	Fox	Loeb sack
Fincher	Long	Scalise	McGovern	Sánchez, Linda	Waxman	Blackburn	Franks (AZ)	Lofgren, Zoe
Fitzpatrick	Lucas	Schilling	McNery	T.	Welch	Blumenauer	Frelinghuysen	Long
Flake	Luetkemeyer	Schumick	Meeks	Sánchez, Loretta	Wilson (FL)	Bonner	Fudge	Lowe
Fleischmann	Lummis	Schrader	Michaud	Sarbanes	Woolsey	Bono Mack	Gallely	Lucas
Fleming	Lungren, Daniel	Schweikert	Miller (NC)	Schakowsky	Yarmuth	Boren	Gardner	Luetkemeyer
Flores	E.	Scott (SC)	Miller, George	Schiff		Boswell	Garrett	Lujan
Forbes	Mack	Scott, Austin				Boustany	Gerlach	Lummis
Fortenberry	Manzullo	Sensenbrenner	Bachmann	NOT VOTING—11	Paul	Brady (PA)	Gibbs	Lungren, Daniel
Fox	Marchant	Sessions	Bachus	Filner	Schmidt	Brady (TX)	Gibson	E.
Franks (AZ)	Marino	Shimkus	Cleaver	Giffords	Tipton	Brale (IA)	Gingrey (GA)	Lynch
Frelinghuysen	Matheson	Shuler	Doyle	Hartzler		Brooks	Gohmert	Mack
Gallely	McCarthy (CA)	Shuster		Oliver		Broun (GA)	Gonzalez	Maloney
Gardner	McCaul	Simpson				Brown (FL)	Goodlatte	Manzullo
Garrett	McClintock	Smith (NE)				Buchanan	Gosar	Marchant
Gerlach	McCotter	Smith (NJ)				Bucshon	Gowdy	Marino
Gibbs	McHenry	Smith (TX)				Buerkle	Granger	Markey
Gibson	McIntyre	Southerland				Burgess	Graves (GA)	Matheson
Gingrey (GA)	McKeon	Stearns				Burton (IN)	Graves (MO)	Matsui
Gohmert	McKinley	Stivers				Butterfield	Green, Al	McCarthy (CA)
Gohmert	McMorris	Stutzman				Calvert	Green, Gene	McCarthy (NY)
Gosar	Rodgers	Sullivan				Camp	Griffin (AR)	McCaul
Gowdy	Meehan	Sutton				Campbell	Griffith (VA)	McClintock
Granger	Mica	Terry				Cantor	Grijalva	McCollum
Graves (GA)	Miller (FL)	Thompson (PA)				Capito	Grimm	McCotter
Graves (MO)	Miller (MI)	Thornberry				Capps	Guinta	McDermott
Griffin (AR)	Miller, Gary	Tiberi				Capuano	Guthrie	McGovern
Griffith (VA)	Mulvaney	Turner (NY)				Cardoza	Gutierrez	McHenry
Grimm	Murphy (PA)	Turner (OH)				Carnahan	Hahn	McIntyre
Guinta	Myrick	Upton				Carney	Hall	McKeon
Guthrie	Neugebauer	Walberg				Carson (IN)	Hanabusa	McMorris
Hall	Noem	Walden				Carter	Hanna	Rodgers
Hanna	Nugent	Walsh (IL)				Cassidy	Harper	McNery
Harper	Nunes	Walz (MN)				Castor (FL)	Harris	Meehan
Harris	Nunnelee	Webster				Chabot	Hastings (FL)	Meeks
Hastings (WA)	Olson	West				Chaffetz	Hastings (WA)	Mica
Hayworth	Owens	Westmoreland				Chandler	Hayworth	Michaud
Heck	Palazzo	Whitfield				Chu	Heck	Miller (MI)
Hensarling	Paulsen	Wilson (SC)				Cicilline	Heinrich	Miller (NC)
Herger	Pearce	Wittman				Clarke (MI)	Hensarling	Miller, Gary
Herrera Beutler	Pence	Wolf				Clarke (NY)	Herger	Miller, George
Hochul	Perlmutter	Womack				Clay	Herrera Beutler	Moore
Holden	Peterson	Woodall				Cleaver	Higgins	Moran
Huelskamp	Petri	Yoder				Clyburn	Himes	Mulvaney
Huizenga (MI)	Pitts	Young (AK)				Coble	Hinche	Murphy (CT)
Hultgren	Platts	Young (FL)				Coffman (CO)	Hinojosa	Murphy (PA)
Hunter	Poe (TX)	Young (IN)				Cohen	Hirono	Myrick
Hurt	Pompeo					Cole	Hochul	Nadler
Issa	Posey					Conaway	Holden	Napolitano
						Connolly (VA)	Holt	Neal
						Conyers	Honda	Neugebauer
						Cooper	Hoyer	Noem
						Costa	Huelskamp	Nugent
						Costello	Huizenga (MI)	Nunes
						Courtney	Hultgren	Nunnelee
						Cravaack	Hunter	Olson
						Crawford	Hurt	Olver
						Crenshaw	Inslee	Owens
						Critz	Israel	Palazzo
						Crowley	Issa	Pallone
						Cuellar	Jackson (IL)	Pascrell
						Culberson	Jackson Lee	Pastor (AZ)
						Cummings	(TX)	Paulsen
						Davis (CA)	Jenkins	Payne
						Davis (IL)	Johnson (GA)	Pearce
						Davis (KY)	Johnson (IL)	Pelosi
						DeFazio	Johnson (OH)	Pence
						DeGette	Johnson, E. B.	Perlmutter
						DeLauro	Johnson, Sam	Peters
						Denham	Jones	Peterson
						Dent	Jordan	Petri
						DesJarlais	Kaptur	Pingree (ME)
						Deutch	Kelly	Pitts
						Diaz-Balart	Kildee	Platts
						Dicks	Kind	Poe (TX)

NOES—159

Ackerman	Clay	Frank (MA)
Andrews	Clyburn	Fudge
Baca	Cohen	Garamendi
Baldwin	Connolly (VA)	Gonzalez
Bass (CA)	Conyers	Green, Al
Becerra	Costello	Green, Gene
Berkley	Courtney	Grijalva
Berman	Crowley	Gutierrez
Bishop (NY)	Cummings	Hahn
Blumenauer	Davis (CA)	Hanabusa
Brady (PA)	Davis (IL)	Hastings (FL)
Brale (IA)	DeGette	Heinrich
Brown (FL)	DeLauro	Higgins
Butterfield	Deutch	Himes
Capps	Dicks	Hinche
Capuano	Dingell	Hirono
Cardoza	Doggett	Holt
Carnahan	Donnelly (IN)	Honda
Carson (IN)	Edwards	Ellison
Castor (FL)	Ellison	Hoyer
Chu	Engel	Inslee
Cicilline	Eshoo	Israel
Clarke (MI)	Farr	Jackson (IL)
Clarke (NY)	Fattah	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1801

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BACHUS. Mr. Speaker, on rollcall No. 880 on final passage of H.R. 527, I was on the House floor, but inadvertently missed the vote. Had I been recorded, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 880, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

GABRIEL ZIMMERMAN MEETING ROOM

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution (H. Res. 364) designating room HVC 215 of the Capitol Visitor Center as the "Gabriel Zimmerman Meeting Room", on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. FLEISCHMANN) that the House suspend the rules and agree to the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 419, nays 0, not voting 14, as follows:

[Roll No. 881]

YEAS—419

Ackerman	Aderholt	Alexander
Adams	Akin	Altmire