

From the Committee on Energy and Commerce, for consideration of secs. 911, 1099A, 2852 and 3114 of the House bill, and sec. 1089 of the Senate amendment, and modifications committed to conference:

Messrs. Upton, Walden and Waxman.

From the Committee on Financial Services, for consideration of sec. 645 of the House bill, and sec. 1245 of the Senate amendment, and modifications committed to conference:

Mr. Bachus, Mrs. Capito and Mr. Ackerman.

From the Committee on Foreign Affairs, for consideration of secs. 1013, 1014, 1055, 1056, 1086, 1092, 1202, 1204, 1205, 1211, 1214, 1216, 1218, 1219, 1226, 1228–1230, 1237, 1301, 1303, 1532, 1533 and 3112 of the House bill, and secs. 159, 1012, 1031, 1033, 1046, 1201, 1203, 1204, 1206–1209, 1221–1225, 1228, 1230, 1245, title XIII and sec. 1609 of the Senate amendment, and modifications committed to conference:

Ms. Ros-Lehtinen, Messrs. Chabot and Berman.

From the Committee on Homeland Security, for consideration of sec. 1099H of the House bill, and sec. 1092 of the Senate amendment, and modifications committed to conference:

Mr. Daniel Lungren of California, Mrs. Miller of Michigan and Mr. Thompson of Mississippi.

From the Committee on the Judiciary, for consideration of secs. 531 of subtitle D of title V, 573, 843 and 2804 of the House bill, and secs. 553 and 848 of the Senate amendment, and modifications committed to conference:

Messrs. Smith of Texas, Coble and Conyers.

From the Committee on Natural Resources, for consideration of secs. 313, 601 and 1097 of the House bill, and modifications committed to conference:

Messrs. Hastings of Washington, Bishop of Utah and Markey.

From the Committee on Oversight and Government Reform, for consideration of secs. 598, 662, 803, 813, 844, 847, 849, 937–939, 1081, 1091, 1101–1111, 1116 and 2813 of the House bill, and secs. 827, 845, 1044, 1102–1107 and 2812 of the Senate amendment, and modifications committed to conference:

Messrs. Ross of Florida, Lankford and Cummings.

From the Committee on Science, Space, and Technology, for consideration of secs. 911 and 1098 of the House bill, and secs. 885, 911, 912 and Division E of the Senate amendment, and modifications committed to conference:

Messrs. Hall, Quayle and Ms. Eddie Bernice Johnson of Texas.

From the Committee on Small Business, for consideration of sec. 804 of the House bill, and secs. 885–887 and Division E of the Senate amendment, and modifications committed to conference:

Mr. Graves of Missouri, Mrs. Ellmers and Ms. Velázquez.

From the Committee on Transportation and Infrastructure, for consideration of secs. 314, 366, 601, 1098 and 2814 of the House bill, and secs. 262, 313, 315, 1045, 1088 and 3301 of the Senate amendment, and modifications committed to conference:

Messrs. Mica, Cravaack and Bishop of New York.

From the Committee on Veterans Affairs, for consideration of secs. 551, 573, 705, 731 and 1099C of the House bill, and secs. 631 and 1093 of the Senate amendment, and modifications committed to conference:

Mr. Bilirakis, Ms. Buerkle and Ms. Brown of Florida.

From the Committee on Ways and Means, for consideration of secs. 704, 1099A and 1225 of the House bill, and sec. 848 of the Senate amendment, and modifications committed to conference:

Messrs. Camp, Herger and Levin.

There was no objection.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 10.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 479 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. 10.

□ 1400

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. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, 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.

The gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

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

The American people today have been hit by an onslaught of unnecessary Federal regulations. From the Obama administration's health care mandate to the increase of burdens on small businesses, government regulation has become a barrier to economic growth and job creation.

By its own admission, the administration is preparing numerous regulations that each will cost the economy \$1 billion or more per year. Its 2011 regulatory agenda calls for over 200 major rules which will affect the economy by \$100 million or more each every year.

Employers, the people who create jobs and pay taxes, are rightly concerned about these costs and the costs that regulations impose on their businesses. In a Gallup poll conducted last month, nearly one-quarter of small business owners cited compliance with government regulations as their primary concern. That should motivate us to take action today.

Rather than restrain its efforts to expand government, the administration now seeks to accomplish through regulatory agencies what it cannot get approved by Congress. The REINS Act gives the people's representatives in

Congress the final say over whether Washington will impose major new regulations on the American economy.

More than once this year, the President himself has talked about the dangers that excessive regulations pose to our economy. He has called for reviews of existing regulations. He has professed a commitment to more transparency. The President has stated that "it is extremely important to minimize regulatory burdens and avoid unjustified regulatory costs."

Unfortunately, the President's actions speak louder than his words. But rather than make good on its statements, the Obama administration has proposed four times the number of major regulations than the previous administration over a similar time period. And the White House has admitted to Congress that, for most new major regulations issued in 2010, government failed to analyze both the cost and the benefits.

It is time for Congress to take action to reverse these harmful policies. With the REINS Act, we can hold the administration accountable for its unjustified regulatory assault on America's job creators; and we can guarantee that Congress, not unelected agency officials, will be accountable for all new major regulatory costs.

The American people want job creation, not more regulation. The REINS Act reins in out-of-control Federal regulations that burden America's businesses and job creators.

I thank Mr. DAVIS of Kentucky for introducing this legislation. I urge all my colleagues to support the REINS Act, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Ladies and gentlemen of the House, H.R. 10 is the mother of all antiregulatory bills. Since the House was in session during 2010 for 116 legislative days, under this bill—and I invite any of my colleagues to make any different analysis—the Congress would be required after 70 days after they receive a rule to act upon it. If you only have 116 days, legislative days a year, it would be literally impossible to handle the number of rules that we would get.

Namely, we got 94 rules last year, 116 days. If we were handling every rule—please, use your arithmetic skills, ladies and gentlemen. This bill would be unworkable, and it would be impossible for new regulations to be enacted. But then, maybe that's the whole thrust of the matter.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. DAVIS), who is the sponsor of this legislation.

Mr. DAVIS of Kentucky. I thank the chairman.

Two years ago, I met with the a constituent who was concerned about the effects of unfunded EPA mandates on his water and sewer bills. He wanted to

know why Congress doesn't vote on new regulations. This simple question inspired the legislation that we're considering today, and it also begs a broader question: Who should be accountable to the American people for major laws with which they are forced to comply?

Since the New Deal, every Congress has delegated more of its constitutional lawmaking authority to unelected bureaucrats in administrative agencies through vaguely written laws. This is an abdication of Congress' constitutional responsibility to write the laws.

This practice of excessive delegation of legislative powers to the executive branch allows Members of Congress to take credit for the benefits of the law it has passed and then blame Federal agencies for the costs and requirements of regulations authorized by the same legislation. Members of Congress are never required to support, oppose, or otherwise contribute to Federal regulations that are major and finalized under their watch.

Even more troubling, this practice has enabled the executive branch to overstep the intent of Congress and legislate through regulation based on broad authorities previously given the agency. In recent years, we've seen examples of administrative agencies, regardless of party, going beyond their original grants of power to implement policies not approved by the people's Congress.

In several cases, such as net neutrality rules and the regulation of carbon emissions, agencies are pursuing regulatory action after Congress has explicitly rejected the concept. In fact, administrative officials publicly proclaimed the strategy after the results of the 2010 elections, going around Congress by forcing their agenda through regulation.

In February of last year, The New York Times quoted White House Communications Director Dan Pfeiffer as saying, "In 2010, executive actions will also play a key role in advancing the administration's agenda." True to their word, the administration continues using regulations as an end around Congress.

The lack of congressional accountability for the regulatory process has allowed the regulatory state to grow almost unchecked for generations. Federal administrative agencies issued 3,271 new rules in 2010, or roughly nine regulations per day.

These regulations have a profound impact on our economy. The Small Business Administration estimated that regulations cost the American economy \$1.75 trillion in 2008, and that's nearly twice the amount of individual income taxes paid in this country that year. Small businesses spend an estimated \$10,500 per employee to comply with Federal rules, a considerable burden on the private sector's ability to create jobs at a time of continued economic struggles.

Today, we can choose to continue on this path, or we can vote to restore our constitutional duty to make law and be held accountable for the details. The REINS Act effectively constrains the delegation of congressional authority by limiting the size and scope of rule-making permission.

Once major rules are drafted and finalized by an agency, the REINS Act would require Congress to hold an up-or-down vote on any major regulation. Major regulations are those with an annual economic impact of more than \$100 million, as determined by the Office of Information and Regulatory Affairs. The President would also have to sign the resolution before it could be enforced on the American people, job creators, or State and local governments. Every major regulation would be voted on within 70 legislative days.

The REINS Act was specifically written not to unnecessarily hold up the regulatory process. Rather, the bill prevents REINS resolutions from being filibustered in the Senate.

The point of the REINS Act is simply accountability. Each Congressman must take a stand and be accountable for regulations that cost our citizenry \$100 million or more annually. No longer would Congress be able to avoid accountability by writing vague laws requiring the benefits up front and leaving the unpopular or costly elements to the bureaucrats who will write those elements of the law at some later date. Whether or not Congress approves a particular regulation, there will be a clearly accountable vote on the subject that the American people can see and judge for themselves.

□ 1410

This ensures the greatest regulatory burdens on our economy are necessary to promote the public welfare, rather than simply sprouting from the minds of unelected bureaucrats.

The bill's name as a metaphor for the reins on a horse is fitting. The purpose of reins is not to keep a horse at a standstill. Reins are a tool to ensure that the horse knows what is expected of him and is acting according to the intent and will of the rider.

Likewise, the REINS Act would not stop the regulatory process. It would improve the regulatory process by ensuring that new major rules match the intent of Congress and the will of the American people. The REINS Act would foster greater upfront cooperation between agencies and future Congresses, resulting in better written legislation and regulation.

With greater accountability and transparency, regulatory agencies will have no choice but to write regulations that reflect the need for sensible standards and take into account the impact regulations have on American businesses and families.

Similarly, agencies would no longer be able to bypass Congress with regulations that don't match congressional intent or go too far.

Not all regulations are bad. Many provide needed public safeguards, help to keep the American people safe, and maintain a level playing field for businesses to compete. And so good regulations would be approved by future Congresses, and those that could not withstand the public scrutiny of a vote in Congress would not.

A commonsense regulatory system with appropriate checks and balances on the most economically significant rules will help to revive our stagnant economy and give more businesses the ability to hire thanks to a better sense of stability and what to expect from Washington going forward.

The question we're asked today is in effect the same I was asked by my constituent in August of 2009: Who should be accountable for the rules and regulations that have the greatest economic impact on our economy? My answer is the Congress. In an era of high unemployment, Congress can no longer avoid its responsibility to the American people for the regulatory burden. Passing the REINS Act today would be a major step forward in returning to a constitutional, responsible, legislative, and regulatory framework.

I want to thank Judiciary Chairman LAMAR SMITH for his countless efforts on behalf of the REINS Act and his leadership, as well as the more than 200 cosponsors of this bill in the House. I urge my colleagues to support this bill.

Mr. CONYERS. Mr. Chairman, I yield myself 15 seconds.

The REINS Act is the mother of all anti-regulatory bills in the Congress. The only problem, I say to the distinguished author, the gentleman from Kentucky, is that it won't work. There are only 116 legislative days.

I yield 2 minutes to the gentleman from Virginia, JIM MORAN.

Mr. MORAN. I thank the very distinguished former chairman of the Judiciary Committee.

This Republican bill is neither effective nor responsible. To paraphrase H.L. Mencken, eliminating Federal agency rulemaking as we know it is a solution that is simple, neat, and wrong.

Mr. Chairman, despite what the House majority would like you to believe, our Federal regulatory process is a model the world over. Delegations from other countries frequently visit our government agencies to learn how their governments can best ensure public involvement while maximizing government effectiveness and efficiency. Why? Because our regulatory system is the most open and the most fair system in the world.

Current law already guarantees that proposed regulations get widely published and receive extensive public participation. The proof of that is that proposed Federal regulations receive hundreds, thousands, even millions of public comments. The U.S. Forest Service, for example, received over 1.6 million comments on its roadless rule and held over 600 public meetings.

And public involvement doesn't stop there. Federal agencies are required by law to consider and respond to each comment received. Commenters frequently request and receive comment-period extensions. And when agencies learn of legitimate problems with their proposed regulations, they change or withdraw them to address those concerns.

As an additional check on Federal rulemaking, Congress passed the Congressional Review Act. This law already provides a 60-day waiting period before a final rule becomes effective. And during that delay, Congress can disapprove an agency rule by joint resolution.

The fact is that Federal agencies already have the right attitude about regulation. I think Federal Reserve Chairman Ben Bernanke summed up agency regulatory philosophy best: We seek to implement the will of Congress in a manner that provides the greatest benefit at the lowest cost to society as a whole.

This bill takes America in the wrong direction—one full of risk and cost that will put the public's health and safety at great risk.

I strongly urge my colleagues to join Chairman CONYERS in opposing this wrong legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield 3 minutes to my friend and colleague from Texas (Mr. HENSARLING), the chairman of the House Republican Conference.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, it was just a few weeks ago that our Nation celebrated Thanksgiving. Unfortunately, in the Obama economy, millions could not give thanks for having a job. In the Obama economy, unemployment remains mired at near or above 9 percent. In the Obama economy, one in seven are on food stamps. In the Obama economy, we have seen the fewest small business startups in 17 years.

That's why, Mr. Chairman, jobs are job number one for House Republicans.

That's why our jobs bills have been passed; but, unfortunately, 25 of them are stacking up like cord wood in the Democratic-controlled Senate. After today, it will be 26 because one of the most important pro-jobs bills is on the floor today, the REINS Act.

Mr. Chairman, whether I'm speaking to Fortune 50 CEOs out of Dallas, Texas, where I reside, or small business people in east Texas that I have the privilege of representing in this body, they all tell me the same thing: the number one impediment to jobs in America today is the Federal regulatory burden.

I hear from them each and every day. I heard from the Grasch family in the Fifth District of Texas:

"As a small business, I have to bring in an additional thousand dollars a month to break even." He's talking about his regulatory burden. "This is while consumers have less money to

purchase my services. I will not invest in any further expansion and therefore not hiring until smarter policies are being conveyed from Washington."

I heard from the Rossa family, also in the Fifth District, who talks about the regulatory burden from the President's health care plan:

"My company has laid off all staff, and I myself will file for unemployment on Monday. That's about 23 people added to the unemployment rolls next week," again due to Federal regulation.

I heard from the Nixon family in the Fifth District of Texas. Federal regulation, again:

"We are giving up this part of our business. One person's losing their job. This is just one small example of how excessive government regulation is stifling business."

It's the number one impediment, and all we're asking today with the REINS Act is that if a regulation is going to cost our economy jobs, if it's going to cost a hundred million dollars or more, let's have congressional approval. It's common sense. It forces accountability. It simply weighs the benefit of a regulation to be balanced with the cost to our own jobs.

Jobs ought to be number one in this House, and the number one jobs bill we can pass is the REINS Act. I ask for once that my colleagues on the other side of the aisle join me, and let's put America back to work.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Virginia, STEVE COHEN, a ranking subcommittee member in Judiciary.

Mr. COHEN. I appreciate the time, but I don't appreciate the relocation. I am from Tennessee, the Volunteer State, and from Memphis, in particular. But it is appropriate, I guess, that we be a little confused with States because listening to the debate on the floor, it's obvious we're a little confused about history and Presidents, too, for President Obama has been Bush-whacked here on the floor of the House.

It's not the Obama economy, it's the Bush economy that President Obama saved from going into the second Great Depression that this country would have suffered in 100 years, saved it from depression with great actions at a time of bipartisan action that helped save this country from the Great Depression that it was otherwise looking at. I think we need to commend President Obama and not Bush-whack him when we get the chance here in the partisan discussions.

□ 1420

This bill that has been brought up, H.R. 10, the REINS Act, would rein in government. It would rein in the opportunity for regulations that are promulgated by experts in our agencies, experts who have years of expertise in subject matters, in order to come up with rules and regulations to implement the laws that we pass.

Now, I am proud to be a Member of the United States Congress. I know that we have good men and women in this House and that most of the people are very good men and women. But right now, Congress has a 9 percent approval rating. This bill would tell the American public that it should take the expertise of the people who are in the agencies and in the administration and turn it over to the 435 Members of Congress—535 when including those in the Senate—the least approved government body that exists.

On the one hand, they decry Congress, and their candidate Mr. Perry wants us to work half time, but this bill would make us the super-regulatory commission. We would have to approve every regulation by a positive vote in the House and by a positive vote in the Senate. We would have to do it and have the President sign it within 70 days of promulgation. We'd only have every other Thursday to do this, and we'd only have debate of 30 minutes on each side. So you'd take the least respected body of government in the entire United States of America—maybe of the entire world—and give it a very limited amount of time to make all of the rules and regulations for the biggest government in the world.

Talk about clean air. We wouldn't have it. You'd have more dirty rain. The REINS Act—it should be called the Acid Rain Act. It's raining outside. It's raining prevarications, fabrications, and canards upon us, none of which are appropriate for this body or for the American people.

We've had several bills dealing with regulation in this session, all of which basically tend to emasculate government. These bills take away the people's rights to clean air, clean water, safe products, and to occupational safety and health hazard protection, all of which are almost second nature to the American public.

I'd ask us to defeat this bill and to protect our environment and our workers.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to my friend and colleague from Texas (Mr. POE), a member of the Judiciary Committee.

Mr. POE of Texas. The mere phrase "the regulators" brings fear and trepidation down into the hearts and souls of small business owners throughout the fruited plain.

Mr. Chairman, the Code of Federal Regulations is 150,000-pages long. That's a lot of pages. Those are a lot of regulations. According to the Small Business Administration, the annual cost of all Federal regulations in this country was almost \$2 trillion in 2008.

Now, do we really need all of those expensive regulations? Good thing the Federal regulators weren't around when the Ten Commandments were written—no telling what additional regulations they would have added to those simple 10 phrases.

It is common sense that Congress should have a say on a regulation that

would have a drastic, expensive effect on our economy. So why do my friends on the other side, who are such big friends of regulations, not want the regulators to be regulated? I don't understand that.

Remember, we are elected.

The regulators are not.

Congress is the branch of government that is closely connected to the people, and if Congress approves unnecessary and burdensome regulations, we have to be accountable to our voters in our districts for that.

Who do the regulators answer to?

No one. They only answer to their supervisors, who are also regulators.

When the regulators go to work every day, like most people go to work, their work assignments are a little different. In my opinion, they sit around a big oak table, drinking their lattes, they have out their iPads and their computers, and they decide: Who shall we regulate today? Then they write a regulation, send it out to the masses, and make us deal with the cost of that.

All the REINS Act does is ask that the Congress be involved in these over-burdensome regulations.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to a valuable member of the Judiciary Committee, the distinguished gentleman from Georgia, HANK JOHNSON.

Mr. JOHNSON of Georgia. I rise in opposition to H.R. 10, the so-called REINS Act. It's a demonstration of the reign of terror that the Tea Party-Grover Norquist Republican Party has exacted on Americans insofar as their health and safety are concerned, and in terms of their ability as small businesses to compete with Wall Street and Big Business.

You see, this is a Christmas gift. It's a gift to those who installed this Tea Party reign in Congress, and this Tea Party reign, the Republicans in Congress, are doing everything they're supposed to do.

This is the anti-regulatory bill, as the chairman said, that is the mother of all anti-regulatory bills. In fact, these 25, 26 bills that have been misnamed "jobs bills" that the Republicans have passed are nothing more than anti-regulatory legislation, sprinkled with a little antiabortion legislation in there—with not one job to be created.

You're just simply kowtowing to the wishes of those who line your pockets with gold in order for you to get elected.

This anti-regulatory legislation is turning the clock back on progress in America. We want to turn it all over to Big Business. This is what the Wall Street occupation is all about. This is what the Tea Party is all about.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. This bill will make it impossible to implement critical new regulations that will place

some restraints on the excesses of the business community, and I ask that it be defeated.

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

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in strong support of H.R. 10 because greater congressional scrutiny of major regulations ensures that the Federal Government is more accountable to the American people.

Poll after poll of small business owners and of medium-sized business owners will show you that major regulations are holding back their expansions and the ability for them to hire more workers. Yet you don't have to rely on polls. You can just go down and talk to the local businesses in your districts. I had a job forum the other week. Time and time again, the constant refrain we heard from these business leaders was that the overly burdensome regulatory environment is holding back their expansions.

Several months ago, in the beginning of the 112th Congress, I had some hope because President Obama issued an Executive order that required agencies to review their regulations to see if we could have a less burdensome regulatory environment. Unfortunately, what happened was that those were just words, and were not followed up by actual action, for, since then, the administration has continued to introduce new regulations at a rapid rate.

In this year alone, over 73,000 pages of new regulations have been added to the Federal Register at a cost of \$67.4 billion. Mr. Chairman, I have right here the amount of paper that has been added to the Federal Register in one week. This is last week's regulations. It's pretty hefty. Actually, it's 8 pounds, 13 ounces. There are 2,940 brand new pages of Federal regulations that would stretch, if you laid them end to end, 2,695 feet.

At this time, there are more than 4,000 new regulations in the pipeline. Of those, 224 are major regulations that will have an economic impact exceeding \$100 million. So, at a minimum, the annual economic impact for these new regulations will be \$22 billion.

We need to change this. Some of these agencies act outside the statutory authority granted by Congress, and we must stop this. The REINS Act is the way to do it, and I strongly urge my colleagues to support this measure.

□ 1430

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to a senior member of the House Judiciary Committee, the gentlewoman from Texas, the Honorable SHEILA JACKSON LEE.

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

I think it's important for our colleagues to understand just what is being asked of this body. I believe it is

a nullification of the Constitution, which I like to carry, and the very distinct definition of the three branches of government and their responsibilities.

Frankly, our friends are trying to equate this Congress and its do-nothing record to the work of the executives, and now to create a do-nothing pathway for the rulemaking process which, as I've indicated on many of the bills that have already passed, there is a Federal court process for anyone that wants to challenge the process of rule-making or whether or not due process has been denied. So I'd actually say that what we have here is a complete shutdown of the Federal Government, for it is asking this Congress to pass a joint resolution of approval for any major rule to be passed.

Now, Mr. Chairman, let me suggest to you what would happen: Warnings on cigarette packages would no longer exist; Medicare payments for those lying in psychiatric hospitals would not be able to be paid; and the emissions standards for boiler pollutants, hazardous pollutants out of industrial, commercial, and institutional emissions would go flat; and we would have a nation that small businesses, I believe, would argue would also be a distraction from the work that they do.

It is interesting that my friends would want to use the backs of small businesses to pretend that they are protecting them. First of all, if they look at their facts, they will note the Obama administration has passed less rules than the Bush administration.

As I indicated, they will also note that the 111th Congress passed more constructive bills to help small businesses than this Congress could ever do, and the fact that they would note that it has been recorded that this Congress is the largest do-nothing Congress that has ever existed. It would be helpful if we could pass the payroll tax cut for 160 million Americans, allow them to infuse dollars, 1,000 or \$1,500, into the small businesses of America.

I will tell you that my small businesses will celebrate that. In visiting a medical clinic owned by a doctor that had thousands of feet that he wanted to rehab and expand, he said that payroll tax that was part of the jobs bill that the President wanted to pass through this do-nothing House of Representatives would have helped him greatly.

Then we have millions of Americans, 6 million, who are trying to get unemployment insurance. Here we are down to the last wire telling those in this blessed holiday season, whatever your faith, that you have to wait at the door and, in fact, there may not be any room at the inn for 6 million who don't have their unemployment insurance.

I don't want to shut down the government.

The CHAIR. The time of the gentleman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 15 seconds.

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

I don't want to shut down the government. I want a government that works. Rulemaking is not the demon here; and the process of rulemaking, if you read it, provides the input and assessment of those who are concerned.

What this does is involve the President, the Congress, in a scheme that is so dilatory that we will never do any work in this Congress. I beg of you to defeat this legislation.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today to debate H.R. 10 Regulations from the Executive in Need of Scrutiny (REINS). REINS would amend the Congressional Review Act (CRA) and require Congressional approval of all major rules (rules with an economic impact that is greater than \$100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs.

In other words, this bill is calling for Congressional oversight of Executive branch activities and functions. I have been serving as a member of this governing body since 1995, and oversight of the Executive branch is exactly what Congress does. One of the main functions of the Congressional Committees is oversight.

If Congress were required to proactively approve every federal rule, it would be extremely time consuming. The Federal agencies of the Executive branch are made up of experts in their respective fields. Many of the regulations that Federal agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of Congress to become adequately acquainted with each issue being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want. For example extending unemployment insurance, job creation, and encouraging job growth. Yet, here we are again wasting time on a measure that will not help our economy.

There is no credible evidence that regulations depress job creation. The Majority's own witness at the legislative hearing (on H.R. 3010 a bill based on the same false premise) clearly debunked the myth that regulations stymie job creation. Christopher DeMuth, who appeared on behalf of the American Enterprise Institute, a conservative think tank, 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."

If anything, regulations may promote job growth and put Americans back to work. For instance, 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, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204% and private sector job creation has expanded 86% since its passage in 1970."

Regulation and economic growth can go hand in hand. Regarding the Clean Air Act, the White House Office of Management and Budget ("OMB") recently observed that 40 years of success with this measure "have demonstrated that strong environmental protections and strong economic growth go hand

in hand." Similarly, the Natural Resources Defense Council and the United Auto Workers cite the fact that increased fuel economy standards have already led to the creation of more than 155,000 U.S. jobs.

REGULATORY UNCERTAINTY IS NOT WHY BUSINESSES ARE NOT HIRING WORKERS

The claim that regulatory uncertainty hurts business has been debunked as political opportunism. Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush Administrations observed "[R]egulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

Regulatory uncertainty does not deter business investment. A lack of demand, not uncertainty about regulation, is cited as the reason for not hiring.

At a legislative hearing on regulatory reform (H.R. 3010), Professor Sidney Shapiro similarly noted, "All of the available evidence contradicts the claim that regulatory uncertainty is deterring business investment."

A July 2011 Wall Street Journal survey of business economists found that the "main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies."

The most recent National Federation of Independent Business survey of its members likewise shows that "poor sales"—not regulation—is the biggest problem. Of those reporting negative sales trends, 45 percent blamed faltering sales, 5 percent higher labor costs, 15 percent higher materials costs, 3 percent insurance costs, 8 percent lower selling prices and 10 percent higher taxes and regulatory costs."

Small businesses reject the argument that deregulation is what they need. The Main Street Alliance, an alliance of small businesses, observes: "In survey after survey and interview after interview, Main Street small business owners confirm that what we really need is more customers—more demand—not deregulation. Policies that restore our customer base are what we need now, not policies that shift more risk and more costs onto us from big corporate actors. . . . To create jobs and get our country on a path to a strong economic future, what small businesses need is customers—Americans with spending money in their pockets—not watered down standards that give big corporations free rein to cut corners, use their market power at our expense, and force small businesses to lay people off and close up shop."

Mr. SMITH of Texas. Mr. Chairman, I yield myself 15 seconds.

I want to set the record straight. The bill is not antiregulatory but pro-accountability. It will enable both Republican and Democratic majorities in Congress to make the final calls on major regulations that come from administrations of either party. Majorities of either party can be expected to approve regulations whenever appropriate, but the key is that Congress always be held accountable.

Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. AMODEI), a member of the Judiciary Committee.

Mr. AMODEI. I thank my distinguished chairman from Texas.

Mr. Chairman, 85 percent of the land in Nevada is controlled by the Federal Government. Perhaps no other State in the Nation lives with a more daily, direct impact of the presence of the Federal Government and its regulatory regime than the Silver State.

Community-driven development proposals that would generate economic growth often take years longer than they should because of layer upon layer of regulatory, mandatory gymnastics. Home builders, agribusiness, mining, manufacturers, retailers, the resort and hospitality industries, small business in general all lament the gymnastics that they have to go through to get a permit or even to comply with existing regulations.

All of that effort in a State, which I am sorry to have to sit up here and remind you, 85 percent of the land controlled by the Federal Government, highest unemployment rate in the Nation, highest foreclosure rate in the Nation. We are trying to generate economic development, and it's taking years to get a permit because of regulatory regimes. There is no one that will indicate that that is not the case.

So when we talk about this issue before us today—and I congratulate my colleague from Kentucky. When we talk about the job of Congress in an oversight sense, I think it is entirely appropriate that you revisit the regulations that are promulgated not out of thin air, but as a result of the statutes that pass these two Houses. And to revisit that point and make sure that those regulations bear resemblance to both sides of the aisles' legislative intent where they're supported is something we ought to guard zealously; because, the last time I checked, the Federal-elected officials in the executive branch numbered two. And it doesn't matter what side of the aisle they come from, I think it's appropriate for those 535 who send those measures to those folks, check back to make sure that's being done appropriately.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to a senior member of the Education Committee, the gentleman from New Jersey, ROB ANDREWS.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, 25 days from now, if the Congress doesn't act, every middle class family in this country is going to have a \$1,000 tax increase. Twenty-five days from now, if the Congress doesn't act, doctors who take care of our Medicare patients are going to have a 23 percent cut in the fee they get to see Medicare patients. During those 25 days, several million Americans who are out there looking for a job every day are going to receive their last unemployment benefits check.

These are the issues confronting America today, and what are we doing?

We're debating a bill that says that some regulation the government might do someday in the future should have a procedure where Congress can reject it. There already is such a procedure.

And for all these terrible regulations we keep hearing about that have been introduced this year, do you know how many times the majority has brought to the floor a resolution to reject one of those regulations? Once.

So this is such a grave threat to the country's economy that the majority that controls the floor has chosen on one occasion to bring a regulation to the floor.

What we ought to be doing is canceling out this \$1,000-a-year tax increase on the middle class. What we ought to be doing is making sure our seniors can see the doctor come January 1. What we ought to be doing is making sure Americans who are diligent in looking for work don't run out of employment benefits. But that's not what we're doing.

This is not only the wrong bill, it's the wrong time. Let's put on the floor a bill that puts Americans back to work and focuses on the real priorities of the country.

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

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

□ 1440

Mr. PENCE. Mr. Chairman, with so many American families struggling, with so many Americans struggling to find work, and businesses struggling to hire unemployed Americans, it's time to rein in the Federal Government. It's time to rein in the avalanche of red tape cascading out of Washington, D.C. and stifling our recovery. It's time to enact the Regulations from the Executive in Need of Scrutiny Act of 2011, the REINS Act.

I rise to commend the gentleman from Kentucky, Congressman GEOFF DAVIS, for his visionary and tireless efforts in moving the REINS Act to the floor today and for his leadership in this Congress.

You know, small businesses are the lifeblood of our economy. They represent 99.7 percent of employer firms, and have generated 65 percent of net new jobs over the past 17 years. Yet today, as most American small businesses know, our job creators are saddled with too many regulations and too many regulatory authorities. According to the Small Business Administration, the average small business faces a cost of \$10,585 in Federal regulation per employee each and every year. The REINS Act will address that. It will protect jobs and promote small business growth by ensuring that the legislative branch has the final say on major regulations before they take effect.

This legislation reforms the rule-making process by requiring that Con-

gress approve any regulation that would have an annual economic impact of \$100 million or more. For too long, Congress has delegated its legislative authority to unelected bureaucrats and agency officials to determine the rule-making process. It's time to bring that authority back into the Congress where the Framers of the Constitution intended it to be, especially with regard to major rulemaking.

The American people are hurting. The American economy is struggling. It's time to rein in Big Government and release the inherent power of the American economy. Again, I urge my colleagues to join with me in a bipartisan fashion, I hope and trust, in support of this important legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to a member of the Financial Services Committee, the gentleman from Connecticut, the Honorable JIM HIMES.

Mr. HIMES. I thank the ranking member.

Mr. Chairman, I rise this afternoon, as I frequently do in this Chamber, a little incredulous at what it is that I'm hearing. I'm hearing stories about east Texas. I'm hearing about lattes, and I'm hearing that the number one reason American businesses are not hiring is because of regulations. It's baloney. There's not a fact in there.

Here's some facts. I wish I had more time to get into these facts. The Bureau of Labor Statistics, which studies this stuff, asked businesses that have been laying people off, why? Regulations was a negligible answer.

I would love to talk about Bruce Bartlett, financial adviser to President Reagan, Republican, who said that the notion that regulation is why this economy is on its back was just plain made up.

If I had more time, I would like to talk about our former colleague, Sherwood Boehlert of New York, who said the House is moving forward with bills that would cripple the regulatory system, but they show how far a party enthralled by its right-most wing is willing to veer from what has long been the mainstream.

I've got deep problems with this crazy idea that we should have Congress sign off on every regulation. But my biggest problem, Mr. Chairman, is that we're standing here today talking about this. I hear endlessly about the uncertainty associated with these regulations. Mr. Chairman, I was shocked to look at my schedule tomorrow to see that the Republican majority is sending me home. And I'm going to talk to people in Connecticut tomorrow who are uncertain if after next month they're going to have unemployment insurance available to them because they don't have a job and they don't have money. And they may not have food on their table.

Small businesses and an awful lot of Americans with jobs in my district are uncertain about whether they will see an extension of the payroll tax that we passed in bipartisan fashion.

Except we're here talking about this, a fraudulent idea followed by a terrible legislative proposal, instead of dealing with the imminent expiration of unemployment insurance and payroll tax. Let's talk about those things. Let's remove the uncertainty for the people we represent. We represent people who have a lot of uncertainty about whether they'll have unemployment insurance or the payroll tax cut. Let's deal with that.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. PAULSEN), a member of the Ways and Means Committee.

Mr. PAULSEN. I thank the gentleman for yielding.

I rise as a cosponsor and a strong supporter of the REINS Act. This is legislation that will bring forward reform, accountability, and transparency to the Federal rulemaking process. You know what, it's time for Congress to act more like a board of directors where we will have to oversee proposed rules and regulations, especially those that have a significant economic impact. This bill will absolutely force accountability. It allows regulations to go forward, but it's also going to force Congress to analyze, to pay attention, and then finally to act.

So no longer are we going to see agencies and unelected bureaucrats being able to promulgate these rules and regulations without having an appropriate check and balance. There are thousands and thousands and thousands of these rules and regulations in the pipeline, and over 200, 224 specifically, that have that major economic impact threshold that would be affected by the REINS Act. That's a cost of over \$22 billion, at a minimum, to the economy.

If we want to help small businesses grow, if we want to grow jobs, if we want to help our economy get going and jump start it, we need to remove that cloud of uncertainty that is hanging over the heads of small and medium-sized businesses in that regulatory environment.

I want to thank my colleague from Kentucky for his leadership in leading this reform. I ask for its passage.

Here's an example of a proposed guideline that is of particular concern to me. The FTC, the Department of Agriculture, the FDA, and the CDC have a proposal which seeks to restrict advertising, marketing and sales of food products. As drafted, it would affect 88 of the top 100 most consumed food and would have devastating effects. If this were to go through, one study estimates it could affect more than 74,000 jobs in the first year alone.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentlelady from Colorado, DIANA DEGETTE, who serves on the Energy and Commerce Committee.

Ms. DEGETTE. Mr. Chairman, do we really want to bind Congress to more votes so we can play Monday morning quarterback for the executive branch every time it tries to finalize a rule? Don't we have enough gridlock around here?

Look around. The REINS Act would grind our government to a halt and stymie the implementation of regulations to protect consumers and protect public health and well-being.

Now, look, this bill would add a feedback loop to require Congress to approve major rules that it has already specifically directed an agency to promulgate. What we really need are smart people and streamlined regulations regardless of which party is in charge of Congress.

In 2010 alone, Federal agencies finalized important rules related to energy efficiency, community disaster loans, weatherization assistance for low-income people, truth in lending, and better pay for teachers. All of those rules would be considered major rules under the REINS Act, and all of those rules would have required congressional approval. Good luck there with this Congress.

Who would oppose final approval of these rules that protect everyday Americans? Well, based on the track record of the 112th Congress, some special interest group would find a way. In fact, the REINS Act would allow special interests a back-door entrance to have their way and weaken laws that protect the American people.

Mr. Chairman, we all know standing here today this bill won't become law; and the majority knows it, too. Why? Because it's a bad idea.

In these last days of the year, what we should be doing is finding a way to help the millions of unemployed Americans who are looking for a job by extending their unemployment insurance. We should be helping middle class Americans by helping extend their payroll tax cuts so that they can pay for the food and everything else they're putting on their table. That's what the focus of this Congress should be, not passing ill-conceived legislation that will only slow down the process even more.

Mr. SMITH of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. GIBSON).

Mr. GIBSON. I thank the chairman.

I rise today in strong support of the REINS Act. This bill is about representative democracy, transparency, and accountability. The concept is simple: any new proposed regulatory rule written by the Federal bureaucracy that has an estimated economic impact greater than \$100 million must first come here before the Congress for an up-or-down vote before implementation.

To get our economy moving, to create jobs, to strengthen the jobs we have now, and to raise the standard of living of all, we need to address the impediments to growth—taxes, regulations, health care costs, and energy costs. The simple truth is Federal regulations have increased the cost of doing business and contributed to job loss and stifled new job creation. Even the President has acknowledged this when he appeared in this Chamber to speak to the American people.

□ 1450

According to the Small Business Administration, Federal regulations cost our economy \$1.75 trillion a year.

This negative impact is something small business owners, including farmers, have told me time and again as I have traveled across the 137 towns in my district. Something must be done. It really comes down to judgment. We want to get these key decisions right. It's about balancing competing priorities. In the process, certainly we want to hear the advice of our subject matter experts in the bureaucracy, but the decision should fall to the people's representatives who can be held accountable to them, not unelected, faceless bureaucrats.

It's far past time for some transparency and accountability. It's far past time for the REINS Act. I'm proud to be an original cosponsor of this bill, and urge my colleagues to join me in voting for it.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Virginia, a member of the Government Oversight Committee, Mr. GERRY CONNOLLY.

Mr. CONNOLLY of Virginia. I thank my good friend from Michigan.

Mr. Chairman, for the 173rd time this year our friends on the other side have brought another anti-environmental, anti-public health bill to the floor. For good reason, this House majority has been identified as the most stridently anti-environmental Congress in history in a tragic refutation of Republicans' heretofore historic commitment to conservation and public safety.

The REINS Act, like the Regulatory Accountability Act passed last week, has a poetic finality as it would block any and all progressive regulations largely the legacy of Republican Teddy Roosevelt. Under Teddy Roosevelt's administration, in response to appalling food processing conditions described in Upton Sinclair's "The Jungle," Congress reacted and passed the first comprehensive food safety regulation. One hundred years later, the REINS Act, on the floor today, would block even the most commonsense regulations which Congress mandated just last session—new standards to protect Americans from deadly contamination by Chinese and Mexican imported foods. The REINS Act is a worthy piece of legislation for those among us who actually believe that Chinese factory farms should ship contaminated, uninspected food directly to American dinner tables.

President Teddy Roosevelt used the Antiquities Act, written by a Republican Congressman, Congressman Lacey of Ohio, to protect the Grand Canyon—and thank God they did—when Congress at that time refused to designate it as a National Park. The REINS Act would prevent Federal land management agencies from issuing regulations to protect America's greatest places from degradation by mining and off-road vehicles.

The REINS Act also would block all regulations issued subsequent to Teddy Roosevelt's administration, including such landmark bills as the Clean Air Act, the Clean Water Act, the Wagner Labor Relations Act, and the Occupational Safety and Health Act. Along with the Regulatory Accountability Act, which the House approved last week, the REINS Act is the most comprehensive, radical assault on American safety and public health in the last century.

If REINS passes, it will replace the rule of law with the rule of the jungle. Our friends on the other side know full well that in commonsense language they have masked the inability of the Federal Government ever again to issue commonsense regulation to protect public health and safety in this country. And that would be a tragedy.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to gentleman from Pennsylvania (Mr. FITZPATRICK).

Mr. FITZPATRICK. I thank the chairman.

Over the past year, I've met with hundreds of businesses throughout the Eighth District of Pennsylvania, and from each of them I've heard a common theme: uncertainty from constant new government regulation is impeding their ability and willingness to invest in our economy, expand their businesses, and to create jobs. In fact, just last night during a town hall, one of my constituents, Gallus Obert, lamented at the fact that new and burdensome regulations have driven small businesses—and with them, jobs—from Bristol Township in Bucks County.

This should come as no surprise to any of us. Even President Obama admitted on January 18 that his administration's rules have placed unnecessary strain on businesses and stifled innovation and stifled job growth.

Today, small businesses spend more than \$10,000 per employee to comply with Federal regulation. Compliance leads to higher consumer costs, lower wages, and reduced hiring. At the same time, the number of new rules and regulations continues to grow with each passing year. Just as our Tax Code is in need of reform, so is our ballooning regulatory system. The REINS Act will provide the American people with both congressional oversight and congressional accountability for regulations stemming from legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3 minutes to the former chairman of the Education and Labor Committee, the gentleman from California, the Honorable GEORGE MILLER.

Mr. GEORGE MILLER of California. I want to thank the ranking member for yielding.

The legislation before us today would really destroy the ability of the Congress to create new regulations, to create laws to protect the health and safety of the American citizens. It would also provide a great second bite at the apple for every special interest in this

country that doesn't like the regulations to protect clean water and safe drinking water and the health and safety of our workers and our children at play.

If you're wondering what it would look like when we wipe out the health and safety protections for Americans, you need to look no further than the Upper Big Branch Mine in West Virginia, where an explosion ripped through the mine and killed 29 miners in April of this year. That mine was operated as if there were no safety regulations. They treated their workers as if there were no mine safety rules at all because they overruled all of those regulations through criminal activity, through illegal activity, and those miners were forced to work with essentially none of the value of health and safety regulations designed to protect their lives.

And what happened in that mine without those regulations and without the benefit of those safety protections? An explosion ripped through that mine, traveling 2,000 feet per second, and it consumed the lives of 29 miners. Twenty-nine workers died, and their families will never be the same.

That's what happens when you take away the basic worker protections intended to make our economy function and to keep our workers safe. And that's what this bill on the floor today would do.

Now it's even more interesting that the man who broke the laws, created that system of no regulations for the miners in the Upper Big Branch Mine for his own personal benefit and the benefit of that of the corporation and at the expense of his workers, may be getting back into the mining business. Donald Blankenship got an \$86 million "golden parachute" after 29 mine workers died in West Virginia. And now he wants to open a new mine. People who live in coal-mining States like Kentucky should be aware that a serial violator of basic mine safety laws is coming to your State soon seeking to operate a mine. Mine companies under his leadership have engaged in dangerous and deadly practices that would pose a threat to mine workers in your State.

In the 2 years preceding the explosion of the Massey Company mines, they were cited over 10,000 times a year for violations. Under this provision, the coal mines come into Congress, they get the regulations, they cease to exist, and they can go on their way, and there won't be 10,000 citations for the violation of occupational health and safety to protect those miners, and other miners will lose their lives like those in the Upper Big Branch Mine.

I say to my colleagues in this House, you must defeat this incredibly offensive bill for every American, and you must do so in the name of these 29 mine workers who were killed in the Upper Big Branch Mine in West Virginia. They died because a ruthless mine owner gamed the system. Let us

not have them game the system in the Congress of the United States.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. Mr. Chairman, I rise in strong support of this bill, and I thank the gentleman from Texas, Chairman SMITH, for yielding me this time and I commend both him and the gentleman from Kentucky (Mr. DAVIS) for bringing this bill to the floor to us at this time.

Thomas Donohue, president of the U.S. Chamber of Commerce, in his speech to the Jobs Summit a few months ago said, "Taken collectively, the regulatory activity now underway is so overwhelmingly beyond anything we have ever seen that we risk moving this country away from a government of the people to a government of regulators."

I want to straighten out one thing, Mr. Chairman. This bill does not do away with any of the thousands and thousands of laws and regulations that are already on the book. It applies only to new regulations, which will cost businesses and the consumer over \$100 million each. I think the American people would be very surprised if they thought the Congress did not already act on legislation and laws that would cost our economy that much money.

We've heard estimates today by the SBA that rules and regulations cost small businesses almost \$2 trillion a year, and anywhere from \$8,000 to \$10,000 per employee. We have so many thousands and thousands of laws and rules and regulations on the books today, Mr. Chairman, that they haven't even designed a computer that can keep up with them, much less a human being. People are out there every day violating laws that they didn't even know were in existence.

□ 1500

The thousands and thousands of rules and regulations that we have today make it more difficult to run and maintain a business than at any other time in this country's history, and they're the cause of why so many small businesses and medium-size businesses are going under or being forced to merge and why the big keep getting bigger in almost every industry.

The REINS Act is a very modest attempt to end Washington's almost unchecked regulatory power. And it would apply only to regulations which cost over \$100 million annually, so there is nothing even close to being radical about this bill.

I hope my colleagues will join me in supporting this bill, this very moderate and reasonable bill.

Mr. CONYERS. Mr. Chairman, I am honored at this time to recognize the former Speaker of the House, the leader, the gentlewoman from California, the Honorable NANCY PELOSI.

The CHAIR. The gentlewoman from California is recognized for 1 minute.

Ms. PELOSI. Thank you, Mr. Chairman.

I rise today to oppose this bill, the so-called REINS Act, and to urge my colleagues to act now on behalf of jobs for America's workers. Jobs are the lifeblood of our economic growth and that of the middle class, which is the backbone of our democracy.

Mr. Chairman, for more than 330 days the Republican majority has failed to put forward a clear jobs agenda, choosing instead to propose initiatives that undermine job creation and only benefit the special interests. Today, as we approach the end of this year, Republicans have again refused to vote to expand the payroll tax cut for the middle class and unemployment benefits for those who have lost their jobs through no fault of their own. They risk the economic security really of all of us—certainly the 99 percent—but we're all in this together, as our President has said.

Democrats have been clear: We must not go home for the holidays without extending the payroll tax cut and unemployment insurance benefits. We shouldn't be leaving hardworking Americans high and dry over this holiday season without doing their work.

This challenge poses a question: Why are we here? Republicans have chosen to be here for massive tax cuts for people making over \$1 million a year—not having \$1 million; making over \$1 million a year—300,000 Americans. Democrats are here for the 160 million Americans facing tax cut uncertainty because of Republican inaction. But Democrats are here for everybody, for all Americans, because we all benefit from a strong middle class with demand injected into our economy to create jobs.

Indeed, if we fail to act now on the payroll tax cut and unemployment insurance, consider the consequences of that reduced demand to our economy. At least 600,000 jobs will be lost. Don't take it from me. Respective independent economists have stated that. Over 6 million out-of-work Americans would lose assistance in the beginning of next year.

Now, consider if we do act—and act we must—putting more than \$1,500 in the pockets of the typical middle class family. And every dollar invested in unemployment insurance yields a return of more than \$1.50 in economic growth. What's important about that is what it does to inject demand into the economy.

Money in the pockets of hardworking Americans, that's what we want this Congress to pass, instead of being so completely wedded to the idea that if we give tax cuts to the top 1 percent there will be a trickle-down effect. It hasn't happened.

As we approach the end of this year, Congress has a responsibility to address America's top priority—job creation and economic growth. It's time for us to put the interests of working people ahead of the special interests. We must act now to reignite the American Dream and build ladders of success

for anyone willing to work hard and play by the rules, to remove obstacles to participation for those who wish to do that. We must spur our economy, put people to work, and strengthen our middle class.

Now, we should not go home for the holidays without passing the middle income tax—the payroll tax cut and unemployment insurance and SGR. And there are other issues that need to be addressed that affect America's great middle class.

Mr. Chairman, Christmas is coming; the goose is getting fat; please to put a dollar in a worker's hand.

I urge my colleagues to vote “no” on this REINS Act and to get to work to extend the payroll tax cut and unemployment insurance for the American people. Only then will we increase demand in our economy, create jobs, promote economic growth, and put money into the pockets of 160 million Americans. Think of the difference that will make instead of putting forth legislation that has no impact on our economic growth, is not in furtherance of job creation, is not in furtherance of strengthening the middle class, which is the backbone of our democracy. We can't go home without the payroll tax cut and unemployment benefits for all Americans who need them, who have lost their jobs through no fault of their own.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. JOHNSON).

Mr. JOHNSON of Ohio. I thank the gentleman for yielding.

I rise in strong support of H.R. 10, the REINS Act, because America's job creators are buried in red tape and need certainty from the Federal Government in order to create jobs. This bill would provide that.

You know, when I travel up and down eastern and southeastern Ohio, I hear a recurring theme from the businesses that I meet with: Government overregulation is strangling their ability to hire new employees, expand their businesses, innovate, and compete.

Today it costs a business over \$10,000 per employee just to comply with current Federal regulations. This administration that claims it believes in reducing the burden on small business is in the process of adding another \$67 billion worth of new regulations this year alone.

This administration is burying small businesses, and enough is enough. The REINS Act will simply return control of the regulatory process to the American people, who are fed up with unelected bureaucrats stopping job creation and delaying true economic recovery.

I strongly urge my colleagues to support this legislation.

Mr. CONYERS. Mr. Chairman, I yield the balance of my time to our final speaker, Representative LYNN WOOLSEY of California, who is finishing out a brilliant career.

The CHAIR. The gentlewoman from California is recognized for 4½ minutes.

Ms. WOOLSEY. I thank our great ranking member for allowing me this time.

It is ironic; we're here today debating a bill supported by those in the Congress who won't cut taxes for the middle class, but won't budge when it comes to making permanent the tax cuts for the very wealthy.

Why are we not here today talking about extending the payroll tax cuts? Why are we not here talking about extending employment benefits? Why are we not working on a jobs bill? That's what we should be doing.

This Congress cannot—and I echo the words of our leader. This Congress cannot leave for the holidays without ensuring jobless Americans have the security of unemployment benefits that will make their Christmas, their holiday, the rest of their year livable.

I know firsthand what it's like to fall on hard times and need a hand up.

□ 1510

Forty years ago, when I was a single mother raising three young children—my children were 1, 3, and 5 years old—I was lucky enough to have a job; so I didn't need unemployment benefits. But I did need Aid for Families With Dependent Children just to make ends meet. My family needed the compassion of the government and my fellow citizens just to survive. Without that safety net, I don't know what we would have done.

We cannot abandon people who have been victimized by this sluggish economy. These are proud people, who aren't just willing to work; they're desperate to work. There are roughly five unemployed Americans for every available job. These folks need a life preserver.

Extending unemployment benefits is not just a moral imperative. It will pump life back into the economy. It will give people money for their pockets that they can spend in their local communities and in the shops and grocery stores and other businesses that they will inhabit and support if they have some money in their pockets.

And I can't believe that there are some on the other side of the aisle who have been resisting this extension, sticking their finger in the eye of jobless Americans, while protecting lavish tax cuts for millionaires and for billionaires. That flies in the face of common sense and does violence to the very values of who we are as American people.

One Republican Member even said just recently that, and I quote him, he said, “Congress ought to concentrate on paying people to work, not paying people not to work.” Except his party hasn't lifted a single finger to do a single thing about creating jobs in this country. You can't pay them to work when there is no work.

So I ask you, having experienced what it means to have little kids that depend on you during hard times, I ask you, do not let these families down. Ex-

tend unemployment benefits. Pass a big, bold jobs bill. Put Americans back to work, and stop wasting time on the REINS bill.

Mr. SMITH of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. GERLACH), a member of the Ways and Means Committee.

Mr. GERLACH. I thank the chairman. I also want to thank Congressman DAVIS of Kentucky for his great leadership on this important legislation.

While our small business owners are focused on meeting payroll, and their employees are working hard making products and delivering for customers, unelected bureaucrats in Washington are putting in overtime coming up with new rules and regulations.

In 2010 alone, the Federal Government issued 3,200 new regulations and rules. That's roughly nine rules per day. Complying with all these regulations costs small business owners, as was mentioned, an estimated \$10,500 per employee each year. At a time when we are trying to create jobs, we need to have better accountability and transparency in Congress for the regulatory burdens the Federal Government places on businesses as we try to rejuvenate our economy.

The REINS Act is a commonsense measure that would do just that, giving workers and small business owners and others a voice in the process of approving regulations that will ultimately affect their jobs, their families, and their communities. This legislation would make sure that job creators don't have to worry about unelected bureaucrats imposing regulations on them without the approval of their elected Representatives.

I urge my colleagues to support this legislation.

Mr. SMITH of Texas. Mr. Chairman, I yield the balance of my time to the gentleman from Georgia (Mr. KINGSTON).

The CHAIR. The gentleman from Georgia is recognized for 2 minutes.

Mr. KINGSTON. I thank the Chairman.

The REINS Act provides powerful, commonsense regulatory reform. It reins in the costly overreach of Federal agencies that stifles job creation and slows economic growth.

If we want to have jobs, we have to help the job creators. This bill restores the authority to impose major regulations on those who are accountable to the voters, their elected Representatives in Congress.

Opponents of the bill resist it for two primary reasons. They say, number one, it takes too much time for Congress to approve or disapprove major regulations. Secondly, they say Congress isn't expert enough to understand whether major regulations should be approved or disapproved. Both objections amount to one thing: their belief that Congress cannot be responsible and accountable for major decisions that affect America's economic life.

Fortunately, the Framers of the Constitution saw things differently, and so do most Americans. The Constitution gives Congress the Federal authority to regulate the economy, not the unelected bureaucrats. If the Constitution gives the authority to Congress, then Congress should be willing to accept the responsibility and the accountability for these decisions.

We should and we will take the time. We should and we will hold hearings. We should and we will allow amendments on the floor and votes and, most importantly, Mr. Chairman, transparency, something that the job creators are not being allowed right now.

This administration has admitted its failure to consider the costs and the benefits when it imposes major new regulations. This administration clearly intends to force through the regulatory process things that they cannot achieve in the people's Congress. They do not want the transparency. They do not want the constituent input, and they do not want to have the hearings where experts from all over the country can give balanced testimony.

The American people struggle enough under the Obama administration's failed economic policy. It's time for Congress to say, Enough.

I urge my colleagues to vote for the REINS Act. Let's help the job creators and vote "yes."

Mr. HOLT. Mr. Chair, I rise in opposition to the so called Regulations from the Executive in Need of Scrutiny Act. Just as the authors went through contortions to generate names with a cute acronym, so this bill is very . . . This misguided legislation would undermine the ability of federal agencies to promulgate and enforce safeguards that protect public health and our environment.

Today again the Majority is showing the American public that they don't think we have a jobs crisis in America, and that getting Americans back to work is not their top priority. Getting the American economy back on track and helping to create jobs is my first, second and third priority. Unlike the Majority, I remain committed to creating jobs immediately and expanding educational opportunity for all Americans.

The so called REINS Act is legislation in search of a problem. Federal agencies cannot create rules and regulations without statutory authority that is granted by Congress, and Congress already has the ability to overturn agency rules. The REINS Act would require Congress to vote within seventy days on all major rules, creating an unprecedented level of uncertainty for the vast number of businesses, organizations, and other entities that already comply with government protections affecting food and drug safety and air and water pollution.

The REINS Act puts politics above the safety and health of the American people. We should let the scientists and experts in the agencies develop and enforce rules like the Clean Air and Clean Water Acts that protect all Americans from toxic air pollution and water-borne illness. I urge my colleagues to vote no on this dangerous bill.

Mr. WAXMAN. Mr. Chair, today, December 7th, is the 70th anniversary of the brutal sneak

attack by the Imperial Empire of Japan on Pearl Harbor, which unleashed America's involvement in World War II. Victory over Fascism would come four years later. On this day recalling Pearl Harbor, the House Republicans are bringing to the floor their own sneak attack on America's government, and how it works to protect the safety, security, health and welfare of the American people.

We already have in place today an effective mechanism by which Congress can overturn regulations by government agencies that are judged to be unjustified, overly broad, too harsh, excessively expensive or not in the public interest. There is in place today a court of appeal for bad regulations. That process is called the Congressional Review Act, and it provides expedited consideration by Congress of a measure to veto an offending rule. If Members of Congress have issues with regulatory overreach by an agency, there is a constitutional remedy in place today to stop that agency. Moreover, Congress can pass limits on the agency funding to curtail unwise activities.

But that is not enough for the House Republicans. They want to cripple the Executive Branch and its regulatory agencies altogether. They do so in this bill, by changing the burden of proof in the ability of agencies to develop and implement rules that are developed, in the first instance, pursuant to laws enacted by Congress. These are not rogue agencies; they are implementing policy and directives that Congress has passed and the President has signed into law.

But H.R. 10 says that no major rule can become law unless and until Congress passes—and the President signs—a joint resolution approving the specific regulation. In other words, nothing happens unless Congress says it is OK—and that means nothing will happen.

Congress is an institution where we cannot even pass all the individual bills funding the government by the start of the fiscal year. The last time that happened was in 1994, and it has happened only three times since 1948. With that track record, it is not credible to assert that Congress can process hundreds of major rules by government agencies in a timely fashion.

The deadlock that we see in Congress this year will become perpetual gridlock for the functioning of the Executive Branch and independent regulatory agencies.

One suspects, in fact, that this is the true intent of those supporting H.R. 10: to destroy the workings of our government. And it is for this reason that I wholeheartedly oppose this bill.

No special interest should be powerful enough to eclipse the public interest—but this bill lets the special interests who are being regulated win every time.

If this bill were law, all of the historic legislation we passed into law during the Obama presidency would be vulnerable to re-litigation by powerful special interests as agencies work to put into place the rules to implement those laws. Just this year alone, at risk would be rules that prevent health insurance companies from discriminating against people with pre-existing conditions; rules that ban the marketing of tobacco products to children; rules that improve toy safety and reduce lead in products; and rules that require higher fuel economy standards for cars and reduce mercury and other toxic emissions from power plants.

These are the protections the authors of H.R. 10—and their corporate backers—want to stop.

I believe profoundly that government is a positive force that serves its people—and this is what H.R. 10 is really attacking. This is why H.R. 10 is so offensive to our constitutional system.

In the great debate over the size and scope and role of government—which is a very legitimate and important discussion—the rhetoric from the Republicans that has gained the most traction is that regulations from Washington are "job killers," and that these agencies must be stopped before they kill more jobs again.

But this is a lie. David Brooks, a very conservative columnist, assessed these issues this week in the *New York Times*:

Over the past 40 years, small business leaders have eloquently complained about the regulatory burden. And they are right to. But it's not clear that regulations are a major contributor to the current period of slow growth.

The Bureau of Labor Statistics asks companies why they have laid off workers. Only 13 percent said regulations were a major factor. That number has not increased in the past few years. According to the bureau, roughly 0.18 percent of the mass layoffs in the first half of 2011 were attributable to regulations.

Some of the industries that are the subject of the new rules, like energy and health care, have actually been doing the most hiring. If new regulations were eating into business, we'd see a slip in corporate profits. We are not.

There are two large lessons here. First, Republican candidates can say they will deregulate and, in some areas, that would be a good thing. But it will not produce a short-term economic rebound because regulations are not a big factor in our short-term problems.

Second, it is easy to be cynical about politics and to say that Washington is a polarized cesspool. And it's true that the interest groups and the fund-raisers make every disagreement seem like a life-or-death struggle. But, in reality, most people in government are trying to find a balance between difficult trade-offs. Whether it's antiterrorism policy or regulatory policy, most substantive disagreements are within the 40 yard lines.

Obama's regulations may be more intrusive than some of us would like. They are not tanking the economy.

H.R. 10 is a dangerous bill. It is a direct attack on how our government works to protect the public interest. It is based on a completely false premise.

H.R. 10, a bill to veto regulations, deserves its own special veto by Congress and, if necessary, by the President of the United States.

Mr. DINGELL. Mr. Chair, I rise in strong opposition to H.R. 10, the REINS Act. This misguided piece of legislation would do nothing to put people back to work, it would do nothing to reinvigorate the economy, and it would do nothing to rein in our debt and excessive deficit. Worse yet, it would serve to make our government even more dysfunctional. By prohibiting all major regulations from going into effect unless Congress enacts a joint resolution of approval, the REINS Act would put up a major roadblock for implementing important consumer protections, including regulations which help keep our food safe and prevent Wall Street from rascality that could bring our economy to its knees again.

Supporters of this legislation claim that the Obama administration's excessive regulations are crippling our economy. However, the conservative columnist David Brooks of *The New York Times* recently pointed out that in a recent poll by the Bureau of Labor Statistics, only 13 percent of companies said regulations were a major factor in why they laid off workers. Interestingly, this number has stayed steady over time. If overregulation is what is hampering our economy, you would expect a big spike in this number. This leads Mr. Brooks to conclude that "Obama's regulations may be more intrusive than some of us would like. They are not tanking the economy." I would urge all members to read this column to help dispel some common myths about the impact regulations are having on our economy today.

It is important to note that Congress already has the authority to review regulations before they go into effect. The Congressional Review Act of 1996 allows Congress to pass a joint resolution to overturn a regulation to block its implementation. Additionally, all regulations must be subject to a public comment period, giving this body and members of the general public ample time to weigh in with their concerns. Given that these safeguards are already in place, it makes you wonder if the supporters of the bill seek simply to kill all regulations, including those that keep pollution out of our air and water, our armed forces safe, our commerce uninterrupted and our foods safe to eat.

H.R. 10 is a crass attempt to stop important consumer protections by those who are fundamentally opposed to any government intervention in the private sector. I urge all members to oppose this flawed legislation, and get back to work doing the business of the American people—producing a balanced plan to reduce our deficit, invest in our infrastructure, and put the American people back to work.

Ms. JACKSON LEE of Texas. Mr. Chair, I rise today in support of my amendment #6, to H.R. 10, "Regulations from the Executive in Need of Scrutiny" (REINS). This bill amends the Congressional Review Act (CRA) to require Congressional approval of all major rules (rules with an economic impact that is greater than \$100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs. Under current law Congress can provide oversight and disapprove of a promulgated bill.

My amendment would exempt all rules promulgated by the Department of Homeland Security. 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.

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. DHS 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 protect our nation. Continuing to make advance in Homeland security and intelligence is the best way to combat the threats we still face.

The Department of Homeland Security is tasked with a wide variety of duties under its mission. One example of an instance where DHS may have to act quickly to establish new or emergency regulations is the protection of our cyber security.

In the past few years, threats in cyberspace have risen dramatically. The policy of the United States is to protect against the debilitating disruption of the operation of information systems for critical infrastructures and, thereby, help to protect the people, economy, and national security of the United States.

We are all affected by threats to our cyber security. We must act to reduce our vulnerabilities to these threats before they can be exploited. A failure to protect our cyber systems would damage our Nation's critical infrastructure. So, we must continue to ensure that such disruptions of cyberspace are infrequent, of minimal duration, manageable, and cause the least possible damage.

Like other national security challenges in the post 9/11 era, the cyber threat is multifaceted and without boundaries. Some cyber attackers are foreign nations that utilize their military or intelligence-gathering operations, whereas others are either operating alone or are connected to terrorist groups. In addition, there are cyber threats that are international or domestic criminal enterprises.

According to the Government Accountability Office (GAO), the number of cyber incidents reported by Federal agencies to US-CERT has increased dramatically over the past four years, from 5,503 cyber incidents reported in FY 2006 to about 30,000 cyber incidents in FY 2009 (over a 400 percent increase).

The four most prevalent types of cyber incidents and events reported to US-CERT during FY 2009 were malicious code; improper usage; unauthorized access and incidents warranting further investigations (unconfirmed malicious or anomalous activity).

Critical infrastructure in the Nation is composed of public and private institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping.

With cyberspace as their central nervous system—it is the control system of our country. Cyberspace is composed of hundreds of thousands of interconnected computers, servers, routers, switches, and fiber optic cables that allow our critical infrastructures to work. Thus, the healthy, secure, and efficient functioning of cyberspace is essential to both our economy and our national security.

In light of an attack that threatens the United State's cyber protection, Homeland Security officials may need to issue emergency regulations quickly. Attacks can be sent instantly in cyber space, and the protection of our critical infrastructure cannot be mitigated by cumbersome bureaucracy.

As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. Of the 350 major ports in America, the Port of Houston is the 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.

Take for example U.S. Immigration and Customs Enforcement (ICE) which identifies prosecutorial discretion as "the authority of an agency charged with enforcing a law to decide to what degree to enforce the law against a particular individual." When ICE favorably exercises prosecutorial discretion, it "essentially decides not to assert the full scope of the enforcement authority available to the agency in a given case."

In the civil immigration enforcement context, prosecutorial discretion may take the form of a broad range of discretionary enforcement decisions, including: focusing enforcement resources on particular administrative violations or conduct; deciding whom to stop, question, or arrest for an administrative violation; deciding whether a suspect will be detained or released on bond; and granting deferred action, granting parole, staying a final order of removal, or other alternative to obtaining a formal order of removal.

Let me be clear; prosecutorial discretion is not amnesty; it is done on a case by case basis to ensure that the limited resources ICE has to work with are put toward removing those who pose a threat to the safety and security of the American people. Allowing ICE to

identify and focus on priorities strengthens immigration enforcement by targeting the right individuals.

Furthermore, ICE Director John Morton issued a memorandum in March of 2011 that outlined the enforcement policies for the agency. Among the priority enforcement cases were aliens posing a risk to national security or public safety, recent illegal entrants, and those who are fugitives or have a history of violating U.S. immigration law.

Director Morton's memorandum indicates that prosecutorial discretion is by no means widespread, blanket amnesty for undocumented aliens; it is a law enforcement method used by many agencies, including ICE, under Republican and Democratic administrations. In fact, prosecutorial discretion allows ICE to allocate its resources to ensure their enforcement efforts provide for the safety and security of the nation. Why would this rule need additional scrutiny?

And another major impact rule deals with the U.S. Citizenship and Immigration Services Fee Schedule the final rule will provide DHS with an average of \$209 million in FY2010 and FY2011 annual fee-paying volume of 4.4 million immigration benefit requests and 1.9 million requests for biometric services, over the fee revenue that would be collected under the current fee structure. The increased revenue will be used to fund the full cost of processing immigration benefit applications and associated support benefits; the full cost of providing similar benefits to asylum and refugee applicants; and the full cost of similar benefits provided to others at no charge. These are the sorts of rules that are going to be needlessly hindered by this Legislation.

Again, instead of focusing on jobs we are focusing on regulations that Congress already has the power to review and prevent its implementation if and when necessary.

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.

I urge my colleagues to support the Jackson Lee amendment in order to ensure that regulations that save lives that are promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

Mr. STARK. Mr. Chair, I rise in opposition to H.R. 10, the Regulations from the Executive in Need of Scrutiny Act (REINS Act). It is unfortunate but not surprising that we are voting on this legislation today. We are just weeks away

from millions of people being kicked off unemployment insurance and Medicare providers having their payments cut by 27% making it difficult for seniors to find a doctor or get access to care. Instead of dealing with those pressing issues we are voting on another ideological Republican message bill. More false promises from the Republican House Leadership that jobs will miraculously appear if we just eliminate rules that keep our food safe to eat, our air and water clean, and our cars safe to drive.

The REINS Act is aimed at making government less efficient and less responsive to the issues facing our country. The legislation would make it nearly impossible for the government to pass regulations. Any rule developed by an agency through the extensive notice and comment process that we currently use would now be forced through both houses of Congress, where majorities would have to affirmatively vote within 70 days or the rule would disappear. Under the REINS Act, proposed rules would be subject to even more rounds of approval in a new system biased to ensure that these rules fail to be adopted.

Did any one of the Republican cosponsors of this legislation ever take a class in government or civics when they were in high school? Passing a law requires approval of the House, Senate, and then the President. Congress then delegates the relevant rulemaking to the agencies because these agencies have the manpower, time and expertise to develop the appropriate rules. This legislation turns the relationship between the three branches of government, and our entire regulatory system, on its head.

Our economy needs a level playing field that protects consumers and small business from corporate and other special interests. Science-based regulation helps to create a stable and fair marketplace for consumers and businesses alike. The REINS Act would further empower big business to challenge regulations that they disagree with regardless of the benefits to the public health and welfare. This is yet another Republican attack on the American middle class intended to please their corporate benefactors. I cannot support this legislation and I urge my fellow members to join me in voting "no."

Mr. RYAN of Wisconsin. Mr. Chair, I rise in support of the Regulations from the Executive in Need of Scrutiny Act of 2011 (REINS Act), which will ensure that major policy decisions are made by the people's representatives in Congress and not by unelected bureaucrats.

The bill requires that major regulations cannot go into effect until approved by Congress. Under current law, these economically significant regulations go into effect without further action by Congress. This legislation's sensible reform has important implications for the consideration of legislation that authorizes regulations that result in mandatory spending or other budgetary effects. The Congressional Budget Office's (CBO) longstanding policy is to score legislation providing such regulatory authority with the full budgetary effects of implementing that legislation. The rule governing consideration of H.R. 10 added a provision to the bill, titled the Budgetary Effects of Rules Subject to Section 802 of Title 5, United States Code, that ensures this practice continues.

Absent this provision, CBO has indicated that once the REINS Act is enacted, it would

no longer score the budget authority, outlays, or receipts authorized by a statute to that statute if those budgetary effects are contingent on the adoption of a major regulation. Instead, those budgetary effects would be charged to the joint resolution approving the major regulation. While this approach would maintain the principle that the legislation that actually causes the budgetary effects would be charged with the costs incurred, in practice it would create potential problems. Because the REINS Act waives all points of order against the approval resolutions, there would be a potential circumstance where new mandatory spending or other budgetary effects would escape Congressional budget enforcement. This provision retains the current practice of scoring the budgetary impact to the legislation that creates the rulemaking authority and ensures new spending created by that legislation would be fully subject to budget enforcement.

I am pleased that this potential problem has been addressed, and I strongly support this effort to restrain Washington's regulatory overreach and create a more conducive environment for job creation.

DESCRIPTION OF THE RYAN AMENDMENT TO THE REINS ACT

The Ryan Amendment self-executed in the rule governing debate for H.R. 10 amends section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. §907) (BBEDCA) in order to ensure that any budgetary costs associated with approving or disapproving regulations authorized by legislation are properly accounted for under the congressional budget process. Section 257 of BBEDCA defines the budgetary baseline calculated by the Congressional Budget Office and the Office of Management and Budget. This amendment requires that the baseline include any changes in budget authority, outlays, or receipts resulting from regulations necessary to implement a law. Consistent with this requirement, the Congressional Budget Office and the Office of Management and Budget will continue to score legislation that provides the legal authority to promulgate implementing regulations with the budgetary implications resulting from the regulations.

Absent this provision, CBO has indicated that once the REINS Act is enacted, it would no longer score the budget authority, outlays, or receipts authorized by a statute to that statute if those budgetary effects are contingent on the adoption of a major regulation. Instead, those budgetary effects would be charged to the joint resolution approving the major regulation. This amendment maintains the current law practice for scoring the original authorizing legislation.

Mr. RAHALL. Mr. Chair, in recent weeks, the House of Representatives has taken up three major bills designed to address concerns about executive agency overreach in regulatory proposals.

I supported the first two bills—H.R. 3010, the Regulatory Accountability Act, and H.R. 527, the Regulatory Flexibility Act. I believe they would have improved the current regulatory approval scheme. The bills alternatively would have codified the use of critical cost-benefit analyses and the consideration of less costly regulatory alternatives, and helped to ensure the opportunity for additional public participation, especially in regard to small businesses. Both bills contained provisions

that would have helped to address the concerns of my State, which has felt under siege in recent months by a raft of regulatory actions affecting the coal industry and emanating from the Environmental Protection Agency.

Today, the House is considering H.R. 10, the Regulations in Need of Scrutiny Act. This bill would require the Congress to approve all major rules projected to cost \$100 million or more. I believe this is, at the very least, an impractical idea, given the number of rules that would have to be considered in the midst of other legislative business. It also raises serious questions about the legal status of rules promulgated by the executive agencies and approved by the Congress, subjecting even the least controversial rules to potential litigation in the courts. In addition, it subjects the Congressional schedule to the whims of the executive agencies and their regulatory agenda.

But worse still, I believe such a requirement could be detrimental to the functions of government, the certainty required by business, and the stability desired for the economy. Considering the inability of the current Congress to pass important and even popular legislation, the requirements of this bill would almost certainly put rules, even rules supported by the business community that endorses this bill and rules that may be promulgated by future Administrations more favorable to business, in complete limbo.

In this Congress, bipartisan efforts like the surface transportation reauthorization have become mired in partisan squabbles; the Federal Aviation Administration suffered a partial shutdown when a mere extension of its authority was tangled in a partisan mess. When matters of such importance to our nation, matters that are clearly necessary to get our country back on the right economic track, are sidelined indefinitely, I question whether it is wise to subject so many rules to the uncertainty of the Congressional approval process. What's more, when one of the most stringent complaints about the current regulatory process centers on concerns that proposed regulations are politically motivated, it makes no sense to further subject them to the whims of an inherently political institution.

So, while I support critical Congressional oversight of executive agency rules, more public input in the rulemaking process, better cost-benefit analyses of the impact on businesses large and small, and the consideration of less costly regulatory alternatives, I must decline to support H.R. 10.

Mrs. CHRISTENSEN. Mr. Chair, the REIN Act is the culmination of all of the anti-regulation, anti-government and especially anti-President Obama legislation that has been brought to this body since January 2009.

All of the political gymnastics we and the White House have been put through has made it extremely difficult for our President who tried very hard to craft bipartisan solutions to be able to pass much of his agenda. I am glad that he is now doing whatever he can through executive orders, because yes—our country cannot wait.

Even today, with only a few weeks before the deadlines, our Republican colleagues are blocking extending the payroll tax to keep families from losing about 1,000 badly needed dollars next year, they are blocking the extension of unemployment benefits which not only helps families, including children, but is clearly

one of the best stimuli for our struggling economy; and they are blocking even just a temporary fix to cuts in fairer payments to the doctors who take care of our elderly and people with disabilities.

But that was not bad enough, now comes the REIN Act to prevent government from fulfilling its critical role to provide services, and to protect the safety, health and wellbeing of people of this country.

They claim they are doing this to get Congress to do their job. Well as far as I can see Congress was doing their job pretty well in the recent Congresses, but that all ground to a halt with this one.

In all of the over 9 months of this Congress the Republican leadership has talked a lot about jobs but done absolutely nothing to create even one and they have held up or weakened laws that would have created the jobs the American people need.

In fact they have wasted these nine months by insisting on bringing legislation to the floor with rhetoric that would keep the fringe elements of their party happy, but go absolutely nowhere and do absolutely nothing.

This is yet another bad bill, with a bad intent that has wasted our time.

The people of this country want government to be there to protect their homes, their money and their retirement, to keep them safe at work and in their neighborhoods, to provide them with access to quality health care, to ensure that their children will have a sound education and meaningful opportunities.

I ask my colleagues to do what the people are calling on us to: create jobs, extend the payroll reduction and unemployment insurance and pay our doctors a fairer fee for their services; and to stop attacking these necessary functions of government. They not only undermine the role of government, but they are weakening our country and making us the laughing stock of the world.

They should withdraw the REIN Act, but since they won't, we need to vote it down and get on with the important issues our fellow Americans want us to address.

Mr. VAN HOLLEN. Mr. Chair, I rise in opposition to H.R. 10, the so-called "Regulations from the Executive in Need of Scrutiny (REINS) Act of 2011."

Federal agencies issue rules based on statutes created when Congress and the President enact legislation. These agencies devote months and even years conducting research, gathering expertise from skilled professionals, and seeking public input when crafting major rules. Congress relies on these agencies to promulgate these rules, because they have expertise in a given area. However, this bill would require that congressional politics play a part in deciding complicated rules and regulations. By preventing agencies from enacting rules, this bill could undermine the ability of agencies to protect the public's health and safety.

Supporters of this legislation make the anecdotal claim that this bill is needed to stop a plethora of regulations. They forget that Congress currently has considerable power, even the responsibility at times, to alter and influence federal rulemaking. Congress has the power under various means to review and reject rules issued by executive agencies. Under the Congressional Review Act, Congress may pass a joint resolution disapproving any rule within 60 days of receiving the rule. If the

President signs the resolution of disapproval, the regulation is not implemented. Additionally, it is important to note that federal agencies are only issuing rules to implement statutes that have been enacted by Congress. Federal agencies must adhere to the statute when promulgating a rule. Congress can also impose restrictions on agency rulemaking through the appropriations process by preventing agencies from using funds to implement or enforce certain rules. Congress may also revamp rule-making procedures. In addition to the Congressional Review Act, Congress has enacted the Unfunded Mandates Reform Act, the Regulatory Flexibility Act, and the Paperwork Reduction Act. All of these bills reform the procedures for federal rulemaking by federal agencies.

This bill before us today is unnecessary and potentially harmful to the public health and safety. I urge my colleagues to oppose this bill.

Mr. BLUMENAUER. Mr. Chair, as an administrator and policymaker at the local, state, and federal levels, I have often seen the value of common-sense regulations that save lives. I have also seen the challenges associated with cumbersome regulations that can sometimes appear to be bureaucracy at its worst. However, in my experience, regulations tend to be less stringent than necessary rather than overly strict. While I am very open to discussing how we can make regulations more effective and efficient, I am extremely disappointed with the anti-regulatory agenda of the House leadership.

Congress today considers yet another attack on our government's basic ability to enforce laws that protect public health and the environment. Every major law requires enforcement by the executive branch of government, and enforcement requires agencies to write regulations that explain and make public how that agency is going to enforce the law. The bills under consideration by the House will stop the regulatory process in its tracks. Agencies will not be able to enforce new laws or complete updates to regulations as required by existing laws, such as the Clean Air Act.

H.R. 10, the REINS Act, requires both the House and the Senate to vote on every major regulation before that regulation can be enforced, providing only seventy days to do it. This will allow either house of Congress to effectively veto any major regulation that would enforce a law already passed by Congress merely by taking no action.

H.R. 3010, the Regulatory Accountability Act, adds additional requirements to the regulatory process and overrides standards in existing laws that protect public health and safety. This bill would require agencies to analyze not only the direct costs of regulatory changes, but also vaguely defined indirect costs, as well as costs and benefits of potential alternative rules. The bill requires agencies in nearly every case to use the least costly rule, instead of balancing costs and benefits as required in existing laws. This standard will make it nearly impossible for an agency to regulate at all, because there is always an alternative that could be less costly, even if the public at large bears the much higher cost of less protective rules.

H.R. 527, the Regulatory Flexibility Act, expands the review that agencies must conduct before issuing new regulations to include an evaluation of all reasonably foreseeable "indirect" costs of regulations, especially to small

businesses. Virtually any proposed agency action—even a guidance document designed to help a business comply with a rule—could be subject to a lengthy regulatory process. The additional analysis would make any change to a regulation even more difficult. There are already more than 110 separate procedural requirements in the rulemaking process; additional review and analysis will not improve regulations, but merely add to delay.

These bills add additional steps on top of the current process. For major regulations the process, from writing a regulation to its enforcement, can already take four to eight years. If Congress feels at the end of that process that a regulation is inappropriate in any way, it already has the authority to vote to overturn that regulation and direct the agency to start over. These bills are unnecessary.

It's time for Congress to move beyond a debate about repealing regulations and focus instead on how to make them more effective and efficient. I strongly oppose these three bills that do not make any changes for the better, but instead jeopardize important progress on protecting health and safety.

The CHAIR. All time for general debate has expired.

In lieu of the amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, the amendment in the nature of a substitute recommended by the Committee on Rules, printed in the bill, modified by the amendment printed in part A of House Report 112-311 shall be considered as adopted, shall be considered as an original bill for purpose of further amendment under the 5-minute rule, and shall be considered read.

The text of the bill, as amended, is as follows:

H.R. 10

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Regulations From the Executive in Need of Scrutiny Act of 2011".

SEC. 2. PURPOSE.

The purpose of this Act is to increase accountability for and transparency in the federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has excessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“§ 801. Congressional review

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

“(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date as provided in section 802(b)(2). The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B).

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-cal-

endar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days, or

“(B) in the case of the House of Representatives, 60 legislative days,

before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day, or

“(II) in the case of the House of Representatives, the 15th legislative day, after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

“§ 802. Congressional approval procedure for major rules

“(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

“(B) bears the following title (with blanks filled as appropriate): ‘Approving the rule submitted by _____ relating to _____.’;

“(C) includes after its resolving clause only the following (with blanks filled as appropriate): ‘That Congress approves the rule submitted by _____ relating to _____.’; and

“(D) is introduced pursuant to paragraph (2).

“(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

“(A) in the case of the House of Representatives, within three legislative days; and

“(B) in the case of the Senate, within three session days.

“(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

“(f)(1) If, before passing a joint resolution described in subsection (a), one House receives

from the other a joint resolution having the same text, then—

“(A) the joint resolution of the other House shall not be referred to a committee; and

“(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

“(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

“(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

“(h) This section and section 803 are enacted by Congress—

“(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

“(2) with full recognition of the Constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“§803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the ___ relating to ___, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b)(1) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(2) For purposes of this section, the term submission or publication date means the later of the date on which—

“(A) the Congress receives the report submitted under section 801(a)(1); or

“(B) the nonmajor rule is published in the Federal Register, if so published.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

“§804. Definitions

“For purposes of this chapter—

“(1) The term ‘Federal agency’ means any agency as that term is defined in section 551(1).

“(2) The term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

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

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) 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.

“(3) The term ‘nonmajor rule’ means any rule that is not a major rule.

“(4) The term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

“§805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

“§806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

“§807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.”

SEC. —. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

“(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall be assumed to be effective unless it is not approved in accordance with such section.”

The CHAIR. No further amendment to the bill, as amended, is in order except those printed in part B of the report. 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. SESSIONS

The CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 112-311.

Mr. SESSIONS. 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 25, line 18, insert “, including an analysis of any jobs added or lost, differentiating

between public and private sector jobs” before the semicolon.

The CHAIR. Pursuant to House Resolution 479, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

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

I want to first thank, if I can, the author of this piece of legislation, the gentleman from Kentucky, GEOFF DAVIS. Mr. DAVIS has distinguished himself among, not only our colleagues, but also, I believe, his strong support of free enterprise and the people of Kentucky in doing his job, and I appreciate the opportunity to be here to help in that endeavor today.

I believe that excessive government regulations are a significant barrier to the creation of private sector jobs in America today. This Congress has made job creation a priority. As a matter of fact, we had the minority leader down talking just a few minutes ago about job creation and the priority that it needs to represent. And as a result, we must review regulations which stand in the way of not only having more jobs, but also the overuse of rules and regulations that prohibit and add to jobs and job creation.

□ 1520

That proposal that I believe we need to look at is whether the benefits outweigh any potential economic harm that might come.

My amendment requires the agencies submitting the report on a proposal Federal rule to include an assessment of anticipated jobs gained or lost as a result of its implementation and to specify whether those jobs will come from the public or the private sector.

This assessment would be part of the cost benefit analysis. It would be required to be submitted to the Comptroller General and made available to each Member of the House prior to our consideration of the rule.

I believe that what we are doing here today is positive, not only a benefit to the country in terms of recognizing that rules and regulations are burdening our economic engine, but also we are doing something about it here today, and I'm very, very proud to be here in support of this.

Earlier this year, I introduced House Resolution 72, and the House passed it with a strong bipartisan vote in February. My bill required authorizing committees in the House to review existing, pending, and proposed regulations through hearings this year and to report back to the House with their findings.

The REINS Act today before us is an extension, I believe, of H. Res. 72 and is an important measure to ensure that the government does not compete against the free enterprise system. And if it does, Congress should understand that at the time that we pass our laws.

Mr. Chairman, I ask my colleagues to support this important addition.

I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I rise in opposition to this amendment.

The CHAIR. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. I want to merely start off by recognizing that somewhere buried in this amendment is the gentleman from Texas' recognition that regulations could or might create jobs. I want to thank him for that.

There's no credible evidence that regulations depress job creation. Now, we've talked about this for 2 days. But at our hearing in the Judiciary Committee, one of the anti-regulatory bills that we considered, we had an American Enterprise Institute witness, Christopher DeMuth, from the conservative think tank that AEI is, and he stated in his prepared testimony that focus on jobs can lead to confusion in regulatory debates and that the employment effects of regulation, while important, are indeterminate.

I must say to my colleagues that that is exactly the same impression that I came out of my Judiciary Committee hearing with, and it's the same impression that I've come to realize is probably accurate in the debate for the last few days on the floor of the House itself.

I'm concerned about this amendment because it would add to the analytical burdens of agencies, the speculative assessment of jobs added or lost, and how many of those jobs would be added or lost in the public and private sectors.

For these reasons, I conclude that this amendment would not be helpful, and I am unable to support it.

I yield back the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank my Texas colleague for yielding me time, and I also thank him for offering this amendment.

The bill restores to Congress the accountability for the regulatory decisions that impose major burdens on our economy. As Congress makes those decisions, one of the most important facts to consider is whether new regulations produce jobs or destroy them.

The amendment guarantees that when agencies submit new regulations to Congress, their cost benefit analyses will be made available.

The amendment also assures that agencies will specifically identify regulations' impact on private and public sector jobs. With that information, Congress will be in a position to determine whether to approve the rules. And the American people will be in a position to hold Congress accountable for those decisions.

I urge my colleagues to support the amendment.

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

I believe that the case which we're bringing forth today to Congress is

that we believe that jobs should be priority number one for this United States Congress and for the American people—not just the middle class, but investors and people who want to have great jobs in this country, for us to be competitive with the world. For us to do that, we need to recognize that people in Washington, D.C., who probably wouldn't recognize the free enterprise system if they saw it put rules and regulations on people; they don't understand the business; they don't understand how they operate; and they sure as heck don't understand why it's important to have a free enterprise system, one which is nimble and prepared and ready for competition.

I spent 16 years without missing a day of work in the private sector prior to coming to Congress. During those 16 years, I learned firsthand about how rules and regulations by the Federal Government and others can impede not only us and our ability to add jobs but perhaps more importantly, for us to be competitive. And I want to know today those people who will support us making sure that we look at a rule and regulation and understand what the impact on jobs would be.

That's what this vote will be. All Members will have an opportunity to come down to say, We think that there should be a consideration or should not be a consideration, at the time a rule will be written by an agency, what will be the impact of that rule. It would elude me to understand why someone would not want to include that as part of a cost benefit analysis.

Thus, Mr. Chairman, I rest my case.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 112-311.

Mr. JOHNSON of Georgia. 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 45, line 22, insert after the first period the following:

“§ 808. Exemption for certain rules

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that the Director of the Office of Management and Budget determines will result in net job creation. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, 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 yield myself such time as I may consume.

I rise to support my amendment to this dangerous bill, the REINS Act.

My amendment is simple. It would exempt any rule that the Office of Management and Budget determines would promote job growth from the bill's congressional approval requirement, which is very cumbersome.

The Republican majority claims that job growth is its top priority, and if that's the case, then my Republican friends should support this amendment. In reality, we all know this bill will not create a single job, and as part of the majority's anti-regulatory agenda, will make it virtually impossible to implement rules for our health and safety.

This bill does not fine-tune the regulatory process, as the Republicans say. It will do nothing but make the regulatory process more bureaucratic and impose unnecessary hurdles for the agencies seeking to enact rules that protect our health and safety.

The majority has a scare tactic—that is that regulations kill jobs, and that's nothing but a myth. The National Federation of Independent Businesses, which describes itself as the leading small business association representing small and independent businesses, does a regular survey of small businesses. And it found that the single most important problem facing small businesses is poor sales, not regulations.

The REINS Act would delay, if not halt, regulations that are necessary for the health and safety of our constituents. Further, the bill would slow down regulations that may actually foster job growth. Thus, if my colleagues on the other side of the aisle are truly concerned about job growth, I would encourage them to support this amendment.

I hope all of my colleagues will support this amendment because the regulations that will help put unemployed Americans back to work should take effect without unnecessary delay.

I reserve the balance of my time.

□ 1530

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. DAVIS), the sponsor of the legislation.

Mr. DAVIS of Kentucky. Thank you, Mr. Chairman.

I could not disagree with the gentleman from Georgia more. It's obvious which one of us has run a business and which one is talking about a business.

The reality of the regulatory impact on businesses is huge. All you have to do is ask small business owners in any of our congressional districts if they can get credit because of the newly im-

proved FDIC rules on lending. They will tell you they can't. They can't get credit because of the new regulations, and banks are being consolidated and are going under now. We're finding a rash of environmental regulations throughout the Ohio Valley. Machine tool operators, steel mill operators and other manufacturers say over and over that they will be out of business if the cap-and-trade carbon regulations are imposed by the EPA. These are facts. Health care right now is imposing hiring freezes with the Affordable Care Act.

Once again, there is no reason under any circumstances that we should exempt major regulations that do, indeed, have a real impact on hiring, investment, job creation, and especially on an individual who wants to take the risk to start a business.

Congress should not abdicate its authority any longer regarding these rules. We should step up to the plate and be accountable. If we do so, jobs will be created as a result.

Mr. JOHNSON of Georgia. In response, no, I've never operated a business on Wall Street, and I'm not really concerned about Wall Street as Wall Street has been getting all of the breaks. This party, the Tea Party Republicans, seem hellbent on shifting everything in their direction.

I yield the balance of my time to the distinguished gentlewoman from Texas, SHEILA JACKSON LEE.

The CHAIR. The gentlewoman is recognized for 1½ minutes.

Ms. JACKSON LEE of Texas. I am pleased to join my dear friend and colleague on the Judiciary Committee, the gentleman from Georgia, in offering this amendment as the Johnson-Jackson Lee amendment.

I hold a sign that, I think, speaks to the gist of this amendment, “Make It In America.” A number of us have been on the floor of the House on a regular basis talking about creating jobs and about making it in America. My good friend from Texas just passed an amendment without opposition, and I see no reason why the Jackson Lee-Johnson or Johnson-Jackson Lee amendment cannot be accepted in the very same way.

Bruce Bartlett, one of the senior policy analysts in the Reagan and George H.W. Bush administrations, observed that regulatory uncertainty is a canard, an invented canard, that allows those who use it to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of opportunism because regulations don't stop you from creating jobs. In actuality, they provide cleaner air; they provide clean food; they provide the opportunity of a roadmap so that small and large businesses can do their work.

The Clean Air Act is a shining example. A lot of regulations came out of the Clean Air Act. Given that the economy since the Clean Air Act was passed

in 1970 under Richard Milhous Nixon, a Republican, it shows that the economy has grown 204 percent and that private sector job creation has expanded 86 percent.

I would ask my colleagues to join us in supporting the Johnson-Jackson Lee amendment. Let's make it in America. Let's ensure there is a regulatory process that exempts any regulation that creates jobs. I ask my colleagues to support the amendment.

Mr. Chair, I rise today in support of amendment #2, that I offered along with my esteemed colleague Mr. JOHNSON, to H.R. 10 Regulations from the Executive in Need of Scrutiny (REINS). Our amendment would exempt the Office of Management and Budget once it is determined that the rules they offer will result in net job creation.

REINS would amend the Congressional Review Act (CRA) and require Congressional approval of all major rules (rules with an economic impact that is greater than \$100 million). If Congress fails to act within 70 days the rule cannot be implemented. This change is targeted directly at executive agencies and does nothing to create jobs.

In other words, this bill is calling for Congressional oversight of Executive branch activities and functions. I have been serving as member of this governing body since 1995, and oversight of the Executive branch is exactly what Congress does. One of the main functions of the Congressional Committees is oversight.

If Congress were required to proactively approve every federal rule, it would be extremely time consuming. The Federal agencies of the Executive branch are made up of experts in their respective fields. Many of the regulations that Federal agencies enact are very specific and require a high level of familiarity with the minute details of certain issues. The time it would take members of Congress to become adequately acquainted with each issue being proposed by each Federal agency would certainly be more productive if channeled into efforts to effect the change that Americans want. For example extending unemployment insurance, job creation, and encouraging job growth. Yet, here we are again wasting time on a measure that will not help our economy.

As we consider REINS, it is important that we not forget that federal agencies have their own oversight process in place to ensure that proposed regulations are thoroughly vetted.

For every proposed regulation, agencies are required to issue notice of proposed rulemakings to the industry and market over which they regulate. Those entities then comment on the rules, and they go through many rounds of changes before a final order is enacted.

Furthermore, rules enacted by Federal agencies are subject to Congressional oversight and review, and must meet standards of judicial review. Arguably, rules and regulations issued by Federal agencies go through just as much, if not more, review as bills considered and passed by Congress.

Implementing this rule would put a tremendous burden on Congress, and to be frank, as members elected by our constituencies to represent their interests, our time could be utilized in a much more effective manner.

Instead of debating about oversight authority that Congress already has, we should be fo-

cus on the issues that most concern the American people, particularly, creating jobs. As our country rebounds from one of the most severe economic downturns in our history, it is imperative that we make decisions that will enable our economy to grow and, most importantly, create jobs. We should be using our judgment in a manner that would create American jobs by comprehensively reforming our broken immigration system. We should be working to implement an orderly process for immigration that eases the burden on employers, improves documentation, and complements our enforcement efforts to make them more effective.

Healthy market competition not only protects consumers, but will help our economy to prosper. Congress should be examining the consolidation taking place in certain industries to ensure healthy competition is alive and thriving.

America is a free enterprise society, and small businesses are part of the backbone of our economy, employing a vast portion of Americans. We should be ensuring that any consolidation taking place in the marketplace does not push out small businesses and render them unable to compete.

In the last couple of years, some sweeping mergers and acquisitions have taken place. Just recently, it was reported that 500 jobs are being cut as a result of last year's United-Continental merger. As we face a high unemployment rate, and Americans struggle to make ends meet, every job counts. We should be investigating the outcomes of mergers such as United-Continental, amongst others, to ensure that no more precious jobs are being lost.

Many of my colleagues on the other side of the aisle have stood up here and emphasized the importance of jobs for American workers—especially in the context of immigration debates. However, one of the largest contributors to the lack of employment opportunities here in American is the outsourcing of jobs to other countries where the labor is less expensive. We should be focusing our efforts on ways to return outsourced jobs to American soil.

Bottom line, Congress has a large responsibility. We carry on our shoulders the needs of the American people. Our time here is valuable and our work load is great. We should not further burden this body with the work that an entire branch of government has already been commissioned to do, especially since Congress still has oversight authority.

For each one of us, the needs of the constituents in our districts should be our priority. The needs of the American people as a whole should be our priority.

There is no credible evidence that regulations depress job creation. The Majority's own witness at the legislative hearing clearly debunked the myth that regulations stymie job creation. Christopher DeMuth, who appeared on behalf of the American Enterprise Institute, a conservative think tank, 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."

If anything, regulations may promote job growth and put Americans back to work. For instance, According to 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, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204% and private sector job creation has expanded 86% since its passage in 1970."

Regulation and economic growth can go hand in hand. Regarding the Clean Air Act, the White House Office of Management and Budget ("OMB") recently observed that 40 years of success with this measure "have demonstrated that strong environmental protections and strong economic growth go hand in hand." Similarly, the Natural Resources Defense Council and the United Auto Workers cite the fact that increased fuel economy standards have already led to the creation of more than 155,000 U.S. jobs.

The claim that regulatory uncertainty hurts business has been debunked as political opportunism. Bruce Bartlett, a senior policy analyst in the Reagan and George H.W. Bush Administrations observed "[R]egulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high unemployment."

Regulatory uncertainty does not deter business investment. A lack of demand, not uncertainty about regulation, is cited as the reason for not hiring.

At a legislative hearing on regulatory reform (H.R. 3010), Professor Sidney Shapiro similarly noted, "All of the available evidence contradicts the claim that regulatory uncertainty is deterring business investment."

A July 2011 Wall Street Journal survey of business economists found that the "main reason U.S. companies are reluctant to step up hiring is scant demand, rather than uncertainty over government policies."

The most recent National Federation of Independent Business survey of its members likewise shows that "poor sales"—not regulation—is the biggest problem. Of those reporting negative sales trends, 45 percent blamed faltering sales, 5 percent higher labor costs, 15 percent higher materials costs, 3 percent insurance costs, 8 percent lower selling prices and 10 percent higher taxes and regulatory costs."

Small businesses reject the argument that deregulation is what they need. The Main Street Alliance, an alliance of small businesses, observes: "In survey after survey and interview after interview, Main Street small business owners confirm that what we really need is more customers—more demand—not deregulation. Policies that restore our customer base are what we need now, not policies that shift more risk and more costs onto us from big corporate actors . . ."

I urge my colleagues to support this amendment to create jobs and get our country on a path to a strong economic future, what small businesses need is customers—Americans with spending money in their pockets—not watered down standards that give big corporations free reign to cut corners, use their market power at our expense, and force small businesses to lay people off and close up shop."

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

the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the gentleman for yielding.

I would point out that Gallup has released a survey that shows that one in three small business owners is worried about going out of business; and overwhelmingly, the response to this survey across the United States points to the uncertainty and the unpredictability caused by regulations.

This bill, the REINS Act, is not antiregulation. It is about more transparency and accountability in regulation, and it is about having Congress step up to the plate. It's important that we work together to restore that trust and confidence in the Congress—that we do our jobs, that we stand firm, and that we exercise restraint over the executive branch so that it cannot act in scoring itself on whether jobs are created.

Let that be done by the Congress, which is held accountable. Let us stand for the vote and be accountable to our citizens.

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

The amendment carves out of the bill regulations that the Office of Management and Budget (OMB) determines will lead to net job creation.

The danger in the amendment is the strong incentive it gives OMB to manipulate its analysis of a major regulation's jobs impacts. Far too often, OMB will be tempted to shade the analysis to skirt the bill's congressional approval requirement.

In addition, regulations alleged to create net new jobs often do so by destroying real, existing jobs and "creating" new, hoped-for jobs associated with regulatory compliance. For example, some Environmental Protection Agency (EPA) Clean Air Act rules will shut down existing power plants. EPA and OMB may attempt to justify that with claims that more new, "green" jobs will be created as a result.

In the end, that is just another way in which government picks the jobs winners and the jobs losers. And there is no guarantee that all of the new, "green" jobs will ever actually exist.

The REINS Act is not intended to force any particular outcome. It does not choose between clean air and dirty air. It does not choose between new jobs and old jobs.

Instead, the REINS Act chooses between two ways of making laws. It chooses the way the Framers intended, in which accountability for laws with major economic impacts rests with Congress. It rejects the way Washington has operated for too long, where there is no accountability because decisions are made by unelected agency officials.

The amendment would undermine that fundamental choice.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 112-311.

Mr. SCHRADER. 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 25, line 9, strike "and".

Page 25, insert after line 9 the following (and redesignate provisions accordingly):

"(v) a cost-benefit analysis of the rule; and".

Page 26, insert after line 11 the following:

"(D) Not later than the later of January 1, 2013 or the date that is 1 year after the date of enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, each Federal agency shall submit to Congress appropriate criteria for conducting cost-benefit analyses under subparagraph (A)(v) for each rule for which that agency may be required to submit such an analysis."

The CHAIR. Pursuant to House Resolution 479, the gentleman from Oregon (Mr. SCHRADER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

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

This amendment is pretty straightforward. The goal here is to actually codify some of what has been done here just by Executive order to make sure Congress' intent is actually done regardless of what the executive branch is considering.

It basically codifies the cost-benefit analysis in statute that we would like to have. As we all know, a lot of times some of our agencies get a little overzealous, and some of the cost-benefit analyses that they do or don't do do not actually reflect a lot of the real-world criteria by which American men and women in businesses actually operate. So our goal here is to actually follow through on what is already existing law but to just codify it so it's not a huge change.

There is a little bit more to it. Right now a lot of the independent Federal agencies are not subject to this Executive order. Of course, this amendment would actually codify that they should be. There is no reason any Federal agency should be exempt from giving Americans the idea of what it's going to cost and what sort of benefit we're going to get out of this at the end of the day.

Last but not least, I think one of the big pieces that is very, very important to know as a veterinarian, a man of science a little bit, are the assumptions by which these cost-benefit analyses are done. That oftentimes influences the outcome. It's important for the agencies, the businesses and, again, others in this country to look at what

assumptions are being made when these cost-benefit analyses are being done. Sometimes they deserve to be challenged, and sometimes questions need to be raised. So I think it's extremely important that any cost-benefit analysis assumptions should be made public and transparent.

With that, I yield back the balance of my time.

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. SMITH of Texas. I yield such time as he may consume to the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. I thank the gentleman for yielding.

I also oppose the amendment. The amendment leaves it to each agency to determine how we will conduct the cost-benefit analyses of any regulations. This is regrettable. Each agency will be tempted to design rules that it can manipulate to claim that benefits routinely outweigh costs. In past administrations when we've seen this attempt done, there was a divergence of standard; there was no continuity and virtually no reduction in the regulations or understanding of this across the whole of government.

The Regulatory Accountability Act, which the House passed on December 2, 2011, calls for agencies to follow uniform guidelines for cost-benefit analyses. This improves quality, and it prevents deceptive actions by rogue agencies. The amendment undercuts that effort. Similarly, under executive order 12866, the President has long required agencies to follow uniform guidelines for cost-benefit analyses. The amendment undermines that requirement, too.

I urge my colleagues to oppose the amendment.

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

The amendment leaves it to each agency to determine how it will conduct cost-benefit analyses of new regulations. This is regrettable. Each agency will be tempted to design rules that it can manipulate to claim that benefits routinely outweigh costs.

The Regulatory Accountability Act, which the House passed on December 2, 2011, calls for agencies to follow uniform guidelines for cost-benefit analyses. This improves quality and prevents deceptive actions by rogue agencies. The amendment undercuts that effort.

Similarly, under Executive Order 12866, the President has long required agencies to follow uniform guidelines for cost-benefit analyses. The amendment undermines that requirement, too.

I urge my colleagues to oppose the amendment.

I yield back the balance of my time. The CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. SCHRADER).

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

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

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

□ 1540

AMENDMENT NO. 4 OFFERED BY MR. MCKINLEY

The CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 112-311.

Mr. MCKINLEY. 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 42, line 23, strike “\$100,000,000” and insert “\$50,000,000”.

The CHAIR. Pursuant to House Resolution 479, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, I rise today to offer an amendment that would reduce the threshold for a major rule from \$100 million or more to \$50 million. This would ensure greater accountability.

Let’s keep this in perspective. I base this amendment on legislation that has already been adopted by the House—in 1995—with bipartisan support which lowered the threshold to \$50 million. It passed with a vote of 277–141 with much of today’s leadership who were here at the time supporting it.

Also, in perspective, in fiscal year 2011, only 2.6 percent of all the rules were classified as “major,” and in 2010 it was only 3 percent that met that criteria. Keep that in consideration. Would you be satisfied with only 2 or 3 percent of your food being inspected or 2 or 3 percent of the aircraft which we fly?

According to the Small Business Administration, in 2008 it cost the economy \$1.75 trillion in regulations. We just went through a gut-wrenching supercommittee that tried to reduce \$1.5 trillion, but yet we let, every year, hundreds of billions of dollars pass through without involvement of Congress.

Since January of this year, we have already seen 67,000 more pages of regulation, 88 million hours, man-hours, have been lost by businesses and employers trying to respond to the regulatory reform. None of this has had congressional oversight or approval.

Canada realizes there needs to be more accountability, and they require all rules and regs of \$50 million or more to come before their legislative body.

Congress, having jurisdiction of only 2 or 4 percent may be better than nothing, but I believe America deserves better. We need a system of checks and balances. No wonder the American people have lost their confidence in Congress and the Federal Government. I’m hopeful that the chairman will see the issues that I have raised here today and work with me on future legislation to correct that.

With that, I yield 30 seconds to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the gentleman from West Virginia for yielding me time.

I share my colleague’s desire to bring more congressional scrutiny to major regulations and appreciate his interest in the subject.

I know that recent major regulations have hit West Virginia and the gentleman’s constituents particularly hard. The Environmental Protection Agency’s major regulations that affect energy sources and power production are among the most troubling.

I look forward to continued discussions with the gentleman on these and other issues of interest to him.

Mr. MCKINLEY. Thank you, Mr. Chairman. I appreciate your willingness to work with me on these issues.

Since Congress deserves to have more specific numbers that have not been available from GAO and the CBO relative to lowering this threshold from \$100 million to \$50 million, I ask unanimous consent, for now, to withdraw my amendment, Mr. Chairman.

The CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 112-311.

Mrs. MCCARTHY of New York. 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 45, line 22, strike the quotation marks and second period.

Page 45, insert the following after line 22: “§ 808. Exemption for certain rules

“Sections 801 through 807, as amended by the Regulations From the Executive in Need of Scrutiny 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 Regulations From the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any rule described in the preceding sentence.”

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

“808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, the gentlewoman from New York (Mrs. MCCARTHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. MCCARTHY of New York. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to the deeply flawed bill before us right now.

Today we continue the majority’s politically motivated attacks on regulations. For the past 2 weeks, we have

considered bills designed to slow down and stop the regulatory process.

The bill before us today doesn’t target just the rules that the majority might like you to believe are problematic; it would hamper all rulemaking, even those rules that are essential to public health and safety.

My amendment today seeks to address that issue by exempting the REINS Act regulations relating to food safety, workplace safety, air quality, consumer product safety, or water quality.

These issue areas are too important to be impeded by the majority’s need to generate political talking points. Consumers can’t be put at risk because one House of Congress can’t get its act together to pass food safety regulations.

Children at risk from being exposed to toxic substances in toys can’t wait for 535 new regulators to weigh in—that’s us, the Members of Congress. People getting sick from tainted water supplies shouldn’t be put further at risk by a legislative vote from one half of one-third of the branches of the government.

Today’s bill, the REINS Act, would amend the Congressional Review Act to prohibit a majority rule from going into effect unless Congress enacts a joint resolution of approval, specifically approving the rule.

This is a bizarre, backwards, and unnecessary piece of legislation. The majority claims to be aiming to streamline the regulatory process and reduce the negative effects of a bureaucracy on the American people and on American businesses.

Ironically, however, this bill has the effect of growing the regulatory process by effectively adding 535 of us additional regulators to the process. Each Member of Congress will now have to perform the role of a regulator. Congress will be forced to review the rules and regulations regarding highly technical matters currently handled by subject area experts.

This technical complexity is precisely why we have professionals in the executive branch with subject matter expertise to work on these rules and regulations. This divide has been the fundamental cornerstone of the principal of separation of powers.

But Congress is intended to represent the people and enact laws. The executive branch is intended to implement those laws. That implementation takes the form of issuing rules, regulations, and specific guidance on how the law will be implemented.

The REINS Act inappropriately puts Congress into duties that should be carried out only by the executive branch. Congress does have oversight responsibility and a duty to monitor implementation, but we currently have methods to address the problems when they do occur, and we do not need this bill. The bill also will lead to confusion, uncertainty, and more gridlock.

Thanks to the REINS Act requirement that Congress affirmatively approve of every major rule, one House of

Congress will essentially have a legislative veto over any major regulation issued.

The worst time for businesses is uncertainty, and the REINS Act increases it in the regulatory process. After engaging in the process of helping to shape the regulations through the rule-making process, citizens will have to wonder what actions will Congress take. What legislative deal-making will occur? Will Congress approve of the regulation? When will Congress approve the regulation?

This uncertainty keeps businesses from investing and from hiring new workers. More uncertainty under the REINS Act is the opposite of what we need. Congress should spend more of its time thoroughly considering enacting legislation. We should have the implementation where it belongs, in the executive branch. We should continue to monitor implementation and exercise proper oversight. And in the cases where correction is needed, use the current legislative tools that we have at our disposal to address those issues.

I do urge all of our Members to vote for my amendment to protect the American people.

We don't need more gridlock here in Washington. That's why everybody back at home is mad at everybody. We need to go on with our work. We have to make sure that there is a streamlined process so that we can get small businesses growing again, get people back to work. That's what the American people want from all of us.

I urge my colleagues to vote for this amendment.

With that, I yield back the balance of my time.

□ 1550

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

The amendment carves out of the bill essential categories of major regulations. These include all major rules on food safety, workplace safety, consumer product safety, clean water, and clean air.

In many cases, these are precisely the agency actions that impose the most cost, do not produce enough benefits, and do not faithfully implement the intent of the people's representatives in the Congress and in the Senate.

A good example is the Environmental Protection Agency's recent proposal to control mercury emissions from coal and oil-fired power plants. EPA estimated that the rule would cost \$11 billion annually to achieve at most just \$6 million in total mercury reduction benefits. That is an 1,833 to 1 cost-benefit ratio. Most of the benefits EPA identified to justify the rule had nothing to do with the control of hazardous

air pollution. Proponents of the regulation have nothing to fear from the REINS Act. When agencies prepare good major regulations, Congress will be able to approve them. This provides agencies with a powerful incentive to get major regulations right the first time.

Think about this from the perspective of the mercury regulation that had the 1,833 to 1 cost-benefit ratio. Who do you think is going to pay for that? The mistake that is made in the arguments saying that it's the rich on Wall Street who benefit are entirely wrong. It's hardworking taxpayers. It's the middle class, the working poor, and the elderly whose utility rates will be driven through the roof as a result of a regulation that was imposed against the intent of the Congress.

When an agency prepares a bad regulation, however, Congress will be able, under the REINS Act, to correct the agency and send it back to the drawing board. In the end, the agency will find a way to issue a good regulation that Congress will approve.

It will improve the dialogue between the executive branch and the Congress. But until it does, those who must pay for regulations will not have to pay for the cost of a misguided major rule made by people who are not accountable to our voters.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chair, I oppose the amendment.

The amendment carves out of the bill essential categories of major regulations. These include all major rules on food safety, workplace safety, consumer product safety, clean water and clean air.

In many cases, these are precisely the agency actions that impose the most costs, do not produce enough benefits and do not faithfully implement Congress' intent.

A good example is the Environmental Protection Agency's (EPA) recent proposal to control mercury emissions from coal- and oil-fired power plants. EPA estimated that the rule would cost \$11 billion annually to achieve at most just \$6 million in total mercury reduction benefits. That is a 1,833:1 cost-benefit ratio.

Most of the benefits EPA identified to justify the rule had nothing to do with the control of hazardous air pollution.

Proponents of regulation have nothing to fear from the REINS Act. When agencies prepare good major regulations, Congress will be able to approve them. This provides agencies with a powerful incentive to get major regulations right the first time.

When an agency prepares a bad regulation, however, Congress will be able to correct the agency and send it back to the drawing board.

In the end, the agency will find a way to issue a good regulation that Congress approves. But until it does, those who must pay for regulations will not have to pay for the costs of a misguided major rule.

I urge my colleagues to oppose the amendment.

The CHAIR. The question is on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY).

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

Mrs. MCCARTHY of New York. I demand a recorded vote.

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

AMENDMENT NO. 6 OFFERED BY MS. JACKSON
LEE OF TEXAS

The CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 112-311.

Ms. JACKSON LEE of Texas. 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 45, line 22, insert after the first period the following:

“§ 808. Exemption for certain rules

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule made by the Secretary of Homeland Security. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”.

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The CHAIR. Pursuant to House Resolution 479, 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.

What America wants and what I believe is important to the institution that we have such great respect for is for Members to work together. There are a number of amendments that were allowed by the Rules Committee, and I thank them; and the idea should be that these amendments improve a bill.

It is obvious that I disagree with this bill because I think it will literally shut down government. If you cannot pass simple bills that have been passed out of the House of Representatives to the other body and they have not yet passed, we've finished one year of the 112th Congress, how do you think we can manage what is called major rule-making? Eighty different rules would have to be approved by the President, the House, and the Senate. Literally, the American people would be held hostage.

So this amendment is a cooperative amendment. I think it makes the bill better. The reason why, we have our soldiers, most likely on the front lines of Afghanistan. On account of a heinous act of terrorism on 9/11, our soldiers were dispatched to defend this Nation in Afghanistan. In doing so, they had as their backup the Department of Homeland Security, a Department whose responsibility is to secure

the homeland. Simply ask the 9/11 families how serious it is to secure the homeland.

My amendment would simply say that Homeland Security regulations or regulations dealing with securing the homeland, making America safe, would be exempt from this dilatory, long-winded process of approval. We need urgency when we speak of securing the homeland.

For example, it is well known that we deal not only with a terrorism potential from around the world, but it is also possible to have a catastrophic event that deals with a domestic terrorist attack.

I cannot believe that my colleagues would not want to act in a bipartisan manner and, in particular, with the REINS Act that requires a voted-on resolution of approval, otherwise the security amendment does not go into place. I cannot believe that we would not in a bipartisan way accept the Jackson Lee amendment.

With that, I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. DAVIS of Kentucky. I would point out, first of all, that in a national emergency, the President of the United States does have the ability to enact an emergency rule. But what this amendment seeks to do is shield the Department of Homeland Security from Congress's authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure driver's licenses under the REAL ID Act. Ten years after 9/11 when hijackers used fraudulent licenses to board airplanes to murder 3,000 innocent Americans, DHS continues to extend the deadline.

Another example is the Department's 2009 rule to recall the Bush administration's no-match rule. That regulation helped companies to identify illegal workers and comply with Federal immigration law. When the Obama administration issued its rule to repeal no match, it put the interests of illegal immigrants above those of millions of unemployed Americans and legal immigrants.

This is the kind of decisionmaking that takes place at the Department of Homeland Security. Congress should use every tool it can use to reassert its authority over the legislation rule-making functions it has delegated to DHS. The result will be to streamline communication, to improve communication in crisp and focused pieces of legislation and regulation. The REINS Act is available to do that.

The point of the REINS Act is accountability, and each Congressman must take a stand to be accountable for regulations that cost our citizenry \$100 million or more annually.

I reserve the balance of my time.

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

I thank the gentleman for his explanation, but I think he plays right into the reason why he should join me and make this a bipartisan amendment.

Frankly, I don't think we would want to throw out or delay any process of rulemaking dealing with securing the homeland. I think when the gentleman was citing licenses, he was speaking 9/11. It is now 11 years, and we have passed a number of rulemakings that have improved securing the homeland. As a member of the Homeland Security Committee, I'm quite aware of the progress we've made, such as not having to address that kind of, if you will, mishap—more than a mishap—but that kind of lack of communication that we had on 9/11.

The point I want to make is our soldiers are on the front line in Afghanistan. They are asking, as someone would say on the playing field, Have you got my back? The Department of Homeland Security is that Department created from the Select Committee on Homeland Security which I was on, now in the Homeland Security Committee, to in fact provide for the security of the Nation. With that in mind, I think it is untenable to think of thwarting that process.

What we have here in the REINS Act is truly the REINS Act. It is a stranglehold on moving the Nation forward on good regulations, clean air, clean water, but in this instance securing the homeland. I believe that having the President, the Senate, and the House come together in a reasonable period of time to approve a rule dealing with securing the homeland while soldiers are on the front line defending us is an atrocious position to put the securing of the Nation in.

Let me just say this, Bruce Bartlett is a Republican. He said that the regulatory uncertainty that Republicans talk about is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. That's from a Republican.

The question is let's separate the special interests. The REINS Act is here. They have the majority. More than likely it will pass. But they're going to ignore our war and our fight to secure the homeland.

□ 1600

Here on the front line, what are we doing? We're putting a stranglehold on the rulemaking that will come forward that's attempting to help the American people. If we have to do something for the Transportation Security Administration and the security checkpoints and we need a rule, it's going to be held back because of this process.

I ask for the support of the Jackson Lee amendment, and I yield back the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I yield myself the balance of my time.

I would like to reiterate that the point of the REINS Act is accountability. It would not impinge, but I believe it would actually improve our ability to manage rulemaking and regulation that relates to security, indeed. The strongest authority in the House of Representatives who could speak on that very issue spoke in favor of this bill earlier, Congressman CHRIS GIBSON from New York, who commanded a brigade in Afghanistan, where that picture was taken, and also a battalion in Iraq in 2005. And I would defer to his authority and military experience on that fact.

The real issue is accountability and restoring transparency and checks and balances to the executive branch so that the American people do not have the reach of government into their back pockets, into their personal lives, into their schools, into their communities, and frankly, in northern Kentucky, even into our sewer pipes, without the consent of the governed.

With that, I oppose the amendment, and I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chair, I oppose the amendment.

The amendment seeks to shield the Department of Homeland Security (DHS) from Congress' authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure drivers' licenses under the REAL ID Act. Ten years after 9/11 hijackers used fraudulent licenses to board airplanes used to murder 3,000 innocent Americans, DHS continues to extend the deadline.

Another example is the Department's 2009 rule to recall the Bush Administration's "no-match" rule. That regulation helped companies to identify illegal workers and comply with Federal immigration law.

When the Obama Administration issued its rule to repeal "no-match," it put the interests of illegal immigrants above those of millions of unemployed Americans and legal immigrants.

This is the kind of decision making that takes place at the Department of Homeland Security. Congress should use every tool it can to reassert its authority over the legislative rulemaking functions it has delegated to DHS. The REINS Act is available to do that.

I urge my colleagues to oppose the amendment.

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

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

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

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

AMENDMENT NO. 7 OFFERED BY MS. MOORE

The Acting CHAIR (Mr. WOMACK). It is now in order to consider amendment No. 7 printed in part B of House Report 112-311.

Ms. MOORE. 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 45, line 22, insert after the first period the following:

“§ 808. Exemption for certain rules

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule that relates to veterans or veterans affairs. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”

Page 24, in the matter preceding line 10, add after the item relating to section 807 the following new item:

808. Exemption for certain rules.

The Acting CHAIR. Pursuant to House Resolution 479, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

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

My amendment is very straightforward. It would exempt our Nation's veterans from the burdensome layers and hurdles that H.R. 10 imposes and adds to the administrative rulemaking process and would specifically remove veterans from the bill's so-called “reining” provisions that require a joint resolution of Congress before an agency puts forth a major rule to help our men and women in uniform when they become veterans and after they return home from service.

Many of my colleagues and I disagree with this bill for a variety of reasons, including the author's premise that reducing the administration's ability to regulate and promulgate rules will result in job creation. But whether or not we agree on the direction and approach to best help and promote America's future, we all agree on some things. We all agree that the last thing we want to do is to pass legislation that will delay assistance to those veterans who have selflessly chosen to fight for our country and deserve every ounce of assistance we can provide them when they come back home.

Veterans deserve educational opportunity, rehabilitation for sometimes very severe disabilities, Mr. Chairman, mental health treatment for posttraumatic stress disorder, employment opportunities, and housing opportunities. Delaying rulemaking authority will have dire consequences for our veterans.

For example, Mr. Chair, one very disturbing issue for me has been the high rate of suicides among our servicemembers. We can't delay this kind of assistance. In fact, last year there were more deaths among our troops from suspected suicide than deaths from hostile combat.

We're facing an epidemic here at home, too. A recent report from the

Center for New American Security noted that 1 percent of the population has served in the military, and yet those servicemembers represent 20 percent of all of the suicides in the United States.

Resources for the military are sparse. According to a recent Veterans Health Administration survey of mental health providers, 40 percent responded that they could not schedule a new appointment at their clinic within 14 days; 70 percent of surveyed facilities cited an inadequate number of staff to treat veterans; and 70 percent said that they just simply lacked space.

We also know that there's a serious unemployment barrier among our veterans as they return to civilian life. The unemployment rate among vets who served in Iraq and Afghanistan since 9/11 is 12.1 percent, substantially higher than the national average that we're so concerned about now. Unemployment among vets will spike as we end the war in Iraq. The last 20,000 troops are expected to arrive by the end of the year from Iraq. We can expect about an additional 10,000 veterans from Afghanistan to come home before the end of the year, and 23,000 by the end of 2012.

We just can't delay assistance to our veterans. This has been an area, Mr. Chairman, where Democrats and Republicans have typically come together and agreed. Yet H.R. 10, the REINS Act, will have unintended consequences and dangerous consequences for veterans who, of course, have received our undying gratitude and support.

I ask my colleagues to consider this amendment and support my amendment because this is not an area where we want to delay services to them. We don't want to subject our vets to the politics of Washington and a gridlocked, hyperpartisan Congress that struggles even to extend unemployment insurance in a recession or the payroll tax to middle class people, let alone a credit default by something “so historically difficult” as raising the debt ceiling.

I just think that Americans will agree with me that our Nation's veterans deserve to be excluded from the gridlock that this will invariably cause. Let's come together once more to adopt this amendment, Mr. Chair, not just for the troops that need help, but for the troops that will be here in the near future.

I reserve the balance of my time.

Mr. DAVIS of Kentucky. Mr. Chairman, I rise in opposition to the amendment.

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

Mr. DAVIS of Kentucky. I yield myself such time as I may consume.

I respect my friend from Wisconsin with whom I have worked on numerous pieces of legislation related to child homelessness and affordable housing; but in this case I'm going to respectfully disagree with the premise of the legislation, as a veteran, as a former

Army Ranger, as a flight commander of an assault helicopter unit in the 82nd Airborne Division and who served in the Middle East.

The one thing that I would say is that nothing in the REINS Act would in any way inhibit or impede the delivery of services to our veterans, of whom I have been a champion in my time in Congress on numerous pieces of legislation. What I would say is the REINS Act would provide a framework for discussion were there a rule to arise that hit that cost threshold to assure crisp, clear improvement, particularly in dealing with backlogs.

When we deal with the VA specifically, I have had area managers of the Veterans Administration point out specific rules that cause increased queuing and waiting time that were not being addressed. This amendment would actually prevent us from being able to address such things, were they to hit the threshold.

The amendment carves all regulations that affect veterans and veteran affairs out of the REINS Act congressional approval procedures. Frankly, the REINS Act supporters honor America's veterans. We have had America's veterans speaking in favor of this bill throughout the afternoon.

I believe that ultimately we are going to make decisions that will be in keeping with the will of the American people and in the best interests of those veterans as we move forward.

With that, I reserve the balance of my time.

Ms. MOORE. I thank the gentleman for responding, even though he doesn't agree with me. I'm just looking at about at least 14 rules that have been implemented very expeditiously on behalf of our veterans since September 11. It is chilling to think about the delays that may be caused by an extra process.

With that, I yield back the balance of my time.

Mr. DAVIS of Kentucky. That's a point that the gentlewoman and I will agree to disagree on. I believe that we have seen the Congress move in an expedited manner in national security in dealing with our veterans, and there would be no difference under this legislation.

Ultimately, we know that Congress must approve all legislation relating to every agency of the Federal Government, and we'll be doing our constitutional duty, as I remind everybody listening, to restore transparency, accountability, and a check-and-balance so that our citizens and our voters can hold somebody in the government accountable instead of faceless bureaucrats.

□ 1610

It's a solution that everyone should support. Congress will be more accountable.

I ask all of my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

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

Ms. MOORE. 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 Wisconsin will be postponed.

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 B of House Report 112-311 on which further proceedings were postponed, in the following order:

Amendment No. 2 by Mr. JOHNSON of Georgia.

Amendment No. 3 by Mr. SCHRADER of Oregon.

Amendment No. 5 by Mrs. MCCARTHY of New York.

Amendment No. 6 by Ms. JACKSON LEE of Texas.

Amendment No. 7 by Ms. MOORE of Wisconsin.

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 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 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 187, noes 236, not voting 10, as follows:

[Roll No. 895]

AYES—187

Ackerman	Clarke (MI)	Doyle
Altmire	Clarke (NY)	Edwards
Andrews	Clay	Ellison
Baca	Cleaver	Engel
Baldwin	Clyburn	Eshoo
Bass (CA)	Cohen	Farr
Bass (NH)	Connolly (VA)	Fattah
Becerra	Conyers	Filner
Berkley	Cooper	Frank (MA)
Berman	Costa	Fudge
Bishop (GA)	Costello	Garamendi
Bishop (NY)	Courtney	Gonzalez
Blumenauer	Critz	Green, Al
Boswell	Crowley	Green, Gene
Brady (PA)	Cuellar	Grijalva
Braley (IA)	Cummings	Gutierrez
Brown (FL)	Davis (CA)	Hahn
Butterfield	Davis (IL)	Hanabusa
Capps	DeFazio	Hastings (FL)
Capuano	DeGette	Heinrich
Cardoza	DeLauro	Higgins
Carnahan	Dent	Himes
Carney	Deutch	Hinojosa
Carson (IN)	Dicks	Hirono
Chandler	Dingell	Hochul
Chu	Doggett	Holden
Cicilline	Donnelly (IN)	Holt

Honda	Meehan	Sarbanes
Hoyer	Meeks	Schakowsky
Inslée	Michaud	Schiff
Israel	Miller (NC)	Schrader
Jackson (IL)	Miller, George	Schwartz
Jackson Lee	Moore	Scott (VA)
(TX)	Moran	Scott, David
Johnson (GA)	Murphy (CT)	Serrano
Johnson, E. B.	Napolitano	Sewell
Kaptur	Neal	Sherman
Keating	Olver	Shuler
Kildee	Owens	Sires
Kind	Pallone	Slaughter
Kissell	Pascrell	Smith (WA)
Kucinich	Pastor (AZ)	Speier
Langevin	Payne	Stark
Larsen (WA)	Pelosi	Sutton
Larson (CT)	Perlmutter	Thompson (CA)
Lee (CA)	Peters	Thompson (MS)
Levin	Pingree (ME)	Tierney
Lewis (GA)	Polis	Tonko
Lipinski	Price (NC)	Towns
Loeb sack	Quigley	Tsongas
Lofgren, Zoe	Rahall	Van Hollen
Lowe y	Rangel	Velázquez
Lujan	Reyes	Richardson
Lynch	Richardson	Richmond
Maloney	Ross (AR)	Rothman (NJ)
Markey	Ross (ND)	Royal-Allard
Matheson	Rothman (NJ)	Ruppersberger
Matsui	Roybal-Allard	Rush
McCarthy (NY)	Ruppersberger	Ryan (OH)
McCollum	Rush	Sánchez, Linda
McDermott	Ryan (OH)	T.
McGovern	Sánchez, Linda	Sanchez, Loretta
McIntyre	T.	
McNerney	Sanchez, Loretta	

NOES—236

Adams	Farenthold	Lamborn
Aderholt	Fincher	Lance
Akin	Fitzpatrick	Landry
Alexander	Flake	Lankford
Amash	Fleischmann	Latham
Amodei	Fleming	LaTourette
Austria	Flores	Latta
Bachus	Forbes	Lewis (CA)
Barletta	Fortenberry	LoBiondo
Barrow	Fox	Long
Bartlett	Franks (AZ)	Lucas
Barton (TX)	Frelinghuysen	Luetkemeyer
Benishek	Gallely	Lummis
Berg	Gardner	Lungren, Daniel
Biggert	Garrett	E.
Bilbray	Gerlach	Mack
Bilirakis	Gibbs	Manzullo
Bishop (UT)	Gibson	Marchant
Black	Gingrey (GA)	Marino
Blackburn	Goodlatte	McCarthy (CA)
Bonner	Gosar	McCaul
Bono Mack	Gowdy	McClintock
Boren	Granger	McCotter
Boustany	Graves (GA)	McHenry
Brady (TX)	Graves (MO)	McKeon
Brooks	Griffin (AR)	McKinley
Broun (GA)	Griffith (VA)	McMorris
Buchanan	Grimm	Rodgers
Bucshon	Guinta	Mica
Buerkle	Guthrie	Miller (FL)
Burgess	Hall	Miller (MI)
Burton (IN)	Hanna	Miller, Gary
Calvert	Harper	Mulvaney
Camp	Harris	Murphy (PA)
Campbell	Hartzler	Neugebauer
Canseco	Hastings (WA)	Noem
Cantor	Hayworth	Nugent
Capito	Heck	Nunes
Carter	Hensarling	Nunnelee
Cassidy	Herger	Olson
Chabot	Herrera Beutler	Palazzo
Chaffetz	Huelskamp	Paul
Coble	Huizenga (MI)	Paulsen
Coffman (CO)	Hultgren	Pearce
Cole	Hunter	Pence
Conaway	Hurt	Peterson
Cravaack	Issa	Petri
Crenshaw	Jenkins	Pitts
Culberson	Johnson (IL)	Platts
Davis (KY)	Johnson (OH)	Poe (TX)
Denham	Johnson, Sam	Pompeo
DesJarlais	Jones	Posey
Dold	Jordan	Price (GA)
Dreier	Kelly	Quayle
Duffy	King (IA)	Reed
Duncan (SC)	King (NY)	Rehberg
Duncan (TN)	Kingston	Reichert
Ellmers	Kinzinger (IL)	Renacci
Emerson	Kline	Ribble
	Labrador	Rigell

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

NOT VOTING—10

Bachmann	Gohmert	Wilson (FL)
Castor (FL)	Hinche y	Young (FL)
Diaz-Balart	Myrick	
Giffords	Nadler	

□ 1637

Messrs. BILBRAY, HERGER, CANTOR, FITZPATRICK, STIVERS, and SCHOCK changed their vote from “aye” to “no.”

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

AMENDMENT NO. 3 OFFERED BY MR. SCHRADER

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. SCHRADER) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 183, noes 238, not voting 12, as follows:

[Roll No. 896]

AYES—183

Ackerman	Cleaver	Fudge
Altmire	Clyburn	Garamendi
Andrews	Cohen	Gibson
Baca	Connolly (VA)	Gonzalez
Baldwin	Cooper	Green, Al
Bass (CA)	Costa	Green, Gene
Bass (NH)	Costello	Gutierrez
Becerra	Courtney	Hahn
Berkley	Critz	Hanabusa
Berman	Crowley	Hanna
Bishop (GA)	Cuellar	Hastings (FL)
Bishop (NY)	Cummings	Heinrich
Blumenauer	Davis (CA)	Higgins
Boswell	Davis (IL)	Himes
Brady (PA)	DeFazio	Hinojosa
Braley (IA)	DeGette	Hirono
Brown (FL)	DeLauro	Hochul
Butterfield	Deutch	Holden
Capps	Dicks	Holt
Capuano	Dingell	Honda
Cardoza	Doggett	Hoyer
Carnahan	Donnelly (IN)	Inslée
Carney	Doyle	Israel
Carson (IN)	Edwards	Jackson (IL)
Chandler	Ellison	Jackson Lee
Chu	Engel	(TX)
Cicilline	Eshoo	Johnson (GA)
	Farr	Johnson, E. B.
	Fattah	Jones
	Filner	Kaptur
	Frank (MA)	Keating

Kildee
Kind
Kissell
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McClintock
McCollum
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Murphy (CT)

Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
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)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes

Schakowsky
Schiff
Schrader
Schwartz
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—238

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
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
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming

Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
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
Kucinich
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
McCotter
McDermott
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran
Mulaney
Murphy (PA)
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
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)

Schwewert
Scott (SC)
Scott (VA)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberti
Tipton
Tsongas
Turner (NY)
Turner (OH)
Upton
Walberg
Walden

NOT VOTING—12

Bachmann
Castor (FL)
Conyers
Diaz-Balart
Giffords

Gohmert
Hinchee
Myrick
Nadler
Paul

□ 1642

Mr. AL GREEN of Texas changed his vote from “no” to “aye.”

Mr. SCOTT of South Carolina changed his vote from “present” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 5 OFFERED BY MRS. MCCARTHY OF NEW YORK

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from New York (Mrs. MCCARTHY) 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 is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 177, noes 246, not voting 10, as follows:

[Roll No. 897]
AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coburn
Cohen
Connolly (VA)
Conyers
Cooper

Costello
Courtney
Critz
Crowley
Cueellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn

Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loeb sack

Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)

Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David

Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Waters
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—246

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Cardoza
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Costa
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
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)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
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
Matheson
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Perlmutter
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schrader
Schweikert
Scott (SC)

Scott, Austin
Sensenbrenner
Sessions
Shimkus
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)
Wasserman
Schultz
Webster

West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Peters
Pingree (ME)
Polis
Price (NC)

Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)

Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
West
Westmoreland
Whitfield
Wilson (SC)

Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (IN)

NOT VOTING—10

Bachmann
Brady (TX)
Castor (FL)
Diaz-Balart

Giffords
Hinchee
Myrick
Nadler

Watt
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1645

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

AMENDMENT NO. 6 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 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 is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 177, noes 242,
not voting 14, as follows:

[Roll No. 898]

AYES—177

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins

Himes
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Insee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kissell
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Markey
Matheson
Matsui
McCarthy (NY)
McCollum

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Barrow
Bartlett
Bass (NH)
Benishek
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
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
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)

NOES—242

Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
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
Maloney
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock

NOT VOTING—14

Bachmann
Barton (TX)
Castor (FL)
Diaz-Balart
Giffords

Hinchee
Hirono
Kind
Myrick
Nadler

Watt
Webster
Woolsey
Young (FL)

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1649

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

AMENDMENT NO. 7 OFFERED BY MS. MOORE

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the amendment offered by the
gentlewoman from Wisconsin (Ms.
MOORE) 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 amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 183, noes 240,
not voting 10, as follows:

[Roll No. 899]

AYES—183

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

DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)

Johnson, E. B.
Jones
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larsen (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Luján
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Oliver
Owens
Pallone

Pascrell	Ryan (OH)	Sutton	West	Wittman	Yoder
Pastor (AZ)	Sánchez, Linda	Thompson (CA)	Westmoreland	Wolf	Young (AK)
Payne	T.	Thompson (MS)	Whitfield	Womack	Young (IN)
Pelosi	Sanchez, Loretta	Tierney	Wilson (SC)	Woodall	
Perlmutter	Sarbanes	Tonko			
Peters	Schakowsky	Towns			
Pingree (ME)	Schiff	Tsongas			
Polis	Schrader	Van Hollen			
Price (NC)	Schwartz	Velázquez			
Quigley	Scott (VA)	Visclosky			
Rahall	Scott, David	Walz (MN)			
Rangel	Serrano	Wasserman			
Reyes	Sewell	Schultz			
Richardson	Sherman	Waters			
Richmond	Shuler	Watt			
Ross (AR)	Sires	Waxman			
Rothman (NJ)	Slaughter	Welch			
Roybal-Allard	Smith (WA)	Wilson (FL)			
Ruppersberger	Speier	Woolsey			
Rush	Stark	Yarmuth			

NOT VOTING—10

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 1653

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WEST). There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WOMACK) having assumed the chair, Mr. WEST, 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. 10) to amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law, and, pursuant to House Resolution 479, reported the bill, as amended by that resolution, back to the House with a further amendment adopted in the Committee of the Whole.

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

The question is on the amendment.

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. DELAURO. Mr. Speaker, I have a motion to recommit at the desk.

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

Ms. DELAURO. I am opposed in its current form.

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

The Clerk read as follows:

Ms. DELAURO moves to recommit the bill H.R. 10 to the Committee on the Judiciary with instructions to report the same back to the House forthwith, with the following amendment:

Page 45, line 22, insert after the first period the following:

“§ 808. Protection of Food Safety and Consumer’s Right to Know through Country-of-Origin Labeling

“Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule regarding country of origin labeling. This chapter, as in effect before the enactment of the Regula-

tions from the Executive in Need of Scrutiny Act of 2011, shall continue to apply, after such enactment, to any such rule, as appropriate.”.

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

Ms. DELAURO. Mr. Speaker, I rise to offer a motion that would exempt country of origin labeling from the regulations affected by this legislation. This is the final amendment to the bill, which will not kill it or send it back to committee. Instead, we will move to final passage on the bill, as amended.

We have had a heated debate over this act. I have very strong concerns about it. But however one feels about the legislation before us, we should all be able to agree on fundamental principles.

First, that it is the responsibility of this institution and of government to see that the health and the safety of American families are protected. This includes protecting Americans from unsafe and contaminated food. And, second, the consumer should be able to know where the food and products they buy come from so that they can make informed decisions about their purchases, as they should be able to in a free market.

That is what country of origin labeling does, and it is why my final amendment simply exempts country of origin labeling from the underlying bill before us. It gives us an opportunity to come together in a bipartisan way to protect the health and safety of our constituents and to give the American public the information they need and clearly want to make informed decisions for their families.

More than 40 other countries we trade with have a country of origin labeling system in place, and the majority of American consumers continue to support country of origin labeling.

We know that food-borne illnesses are a major public health threat. They account for roughly 48 million illnesses, 100,000 hospitalizations and over 3,000 deaths in this country every year. Every year one in every six Americans become sick from the food that they eat. Our youngest and oldest Americans are the most vulnerable to these illnesses, and right now roughly 80 percent of the seafood and 60 percent of the fruits and vegetables consumed in the United States have been produced outside our borders.

Amid all this imported food, our ability to ensure that food products are safe and not contaminated is dwindling. The FDA inspects less than 2 percent of the imported food in its jurisdiction. Yet, 70 percent of the apple juice we drink was produced in China,

NOES—240

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

roughly 90 percent of the shrimp that we eat was produced outside of the United States. Across this 2 percent, the FDA finds a frighteningly large number of shipments with dangerous food safety violations, including the presence of pathogens and chemical contamination.

Families should be able to know where their food is coming from. Just this morning, a Japanese food producer announced the recall of 400,000 cans of infant formula after traces of radioactive cesium were found in the company's milk powder. And after the Fukushima disaster earlier this year, Americans were concerned about the safety of seafood imports.

I do not want to single out any one country. Sadly, food-borne disease outbreaks are frighteningly normal, both here and abroad. We recently experienced a listeria outbreak in cantaloupes which sickened at least 139 people and killed 29 more. Germany saw an E. coli crisis this summer that killed dozens and sickened thousands. In 2010, we saw a salmonella outbreak in crushed pepper that sickened 272 people, and another salmonella outbreak that resulted in the recall of over half a billion eggs and almost 2,000 Americans becoming ill.

Country of origin labeling does not lead to American job losses or bankrupt the food industry; it simply lets consumers know where their food comes from.

That is particularly important in this economy, when not only food inspectors, but food producers are stretched thin. Consumers should be able to know when they are buying foods that were grown, raised, or produced right here in America.

□ 1700

They have the right to know where their food was produced and to make their own choices about the food that they buy.

In the past, there has been a bipartisan consensus that country-of-origin labeling is a good idea, that it keeps families safe, and that it supports American farmers. In fact, the chairman, my counterpart on the Labor-HHS-Education Appropriations Subcommittee, Congressman REHBERG of Montana, has been a leader in ensuring strong country-of-origin labeling. We should continue that bipartisan commitment today. Exempt country-of-origin labeling from the REINS Act.

I urge my colleagues to stand up for public health, consumers' right to know, and American businesses. Support this final amendment.

Mr. DAVIS of Kentucky. Mr. Speaker, I rise in opposition to the motion to recommit.

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

Mr. DAVIS of Kentucky. Mr. Speaker, this motion is a distraction. It misses the point of this legislation entirely. We are here today to restore accountability for the regulations with the biggest impact on our economy.

Good, bad or ugly—and our regulatory code includes all three—Congress should be accountable for regulations that cost the American people \$100 million or more annually.

The REINS Act simply says that Congress must vote on these regulations, these major rules, before they can be enforced on the American people. Essentially, this motion to recommit repeats part of an exclusion already attempted in the McCarthy amendment that the House just voted down. It's purely a political motion.

The REINS Act has been the subject of two hearings and a markup in the Judiciary Committee and was subject to an additional markup in the Rules Committee. Today, we have had a robust debate on the bill and seven amendments, five of which were offered by colleagues in the minority.

Congress has a bipartisan bad habit writing vague legislation that sounds nice, but leaves the dirty work to unelected bureaucrats in administrative agencies. This practice has allowed the Congress to claim credit for popular aspects of laws, and blame regulatory agencies for increased costs or the otherwise negative effects of the regulations.

Agencies are also starting to bypass Congress by writing regulations that stretch the bounds of their delegated authorities. The administration has declared an intent to pursue their agenda by pushing items they could not get through Congress through regulatory actions instead. Indeed, laws they could not pass in Democratic supermajorities in the last Congress are now being attempted, against the will of the Congress, to be implemented by regulation.

What we have proposed in the REINS Act is very simple: Congress should at the very least be accountable for regulations with \$100 million of annual economic impact or more. These rules are classified by the administration as major rules.

The REINS Act is not anti-regulation, and it is not pro-regulation. What we're saying is let's have a transparent and accountable process for implementing new regulations.

According to a recent Gallup Poll, small business owners cited complying with government regulation as the biggest problem facing them today. Public Notice did a poll recently that found that a majority of Americans believe Congress should approve regulations before they can be enforced.

Our economy is struggling to recover, and more than 13 million Americans are still out of work. Congress needs to do a much better job of creating a pro-growth environment that increases our competitiveness and rewards entrepreneurship and ingenuity.

Everyone agrees that regulations can have a significant and detrimental impact on jobs and our economy. Even President Obama described regulations that stifle innovation and have a chilling effect on growth and jobs in an

op-ed for The Wall Street Journal earlier this year.

The REINS Act lays down a marker to say that Congress should be directly accountable for the most expensive regulations that could stifle innovation and have a chilling effect on growth and jobs.

In the words of the great Speaker from Cincinnati, Ohio, Nicholas Longworth, I ask all of my colleagues to strike a blow for liberty, to vote for accountability. I oppose the motion to recommit. Vote against the motion to recommit. Support the REINS Act.

I yield back the balance of my time. 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. DELAURO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 183, noes 235, not voting 15, as follows:

[Roll No. 900]

AYES—183

Ackerman	Doggett	Levin
Altmire	Donnelly (IN)	Lewis (GA)
Andrews	Doyle	Lipinski
Baca	Duncan (TN)	Loeb sack
Baldwin	Edwards	Lofgren, Zoe
Barrow	Ellison	Lowey
Becerra	Engel	Luján
Berkley	Eshoo	Lynch
Berman	Farr	Maloney
Bishop (GA)	Fattah	Markey
Bishop (NY)	Filner	Matheson
Blumenauer	Frank (MA)	Matsui
Boren	Garamendi	McCarthy (NY)
Boswell	Gonzalez	McCollum
Brady (PA)	Green, Al	McDermott
Braley (IA)	Green, Gene	McGovern
Brown (FL)	Grijalva	McIntyre
Butterfield	Gutierrez	McNerney
Capps	Hahn	Meeks
Capuano	Hanabusa	Michaud
Cardoza	Hastings (FL)	Miller (NC)
Carnahan	Heinrich	Miller, George
Carney	Higgins	Moore
Carson (IN)	Himes	Moran
Chandler	Hinojosa	Murphy (CT)
Chu	Hirono	Napolitano
Cicilline	Hochul	Neal
Clarke (MI)	Holden	Olver
Clay	Holt	Owens
Clyburn	Honda	Pallone
Cohen	Hoyer	Pascarell
Connolly (VA)	Inslee	Pastor (AZ)
Cooper	Israel	Pelosi
Costa	Jackson (IL)	Perlmutter
Costello	Jackson Lee	Peters
Courtney	(TX)	Peterson
Critz	Johnson (GA)	Pingree (ME)
Crowley	Johnson, E. B.	Polis
Cuellar	Jones	Price (NC)
Cummings	Kaptur	Quigley
Davis (CA)	Keating	Rahall
Davis (IL)	Kildee	Rangel
DeFazio	Kind	Reyes
DeGette	Kissell	Richardson
DeLauro	Kucinich	Richmond
Deutch	Langevin	Ross (AR)
Dicks	Larsen (WA)	Rothman (NJ)
Dingell	Larson (CT)	Roybal-Allard

Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano

Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Diaz-Balart
Fudge
Giffords

Hinchee
Lee (CA)
Myrick

Nadler
Payne
Young (FL)

Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin

Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
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 (IN)

NOES—235

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cansaco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert

Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huiuzenga (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
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens

Nunnelee
Olson
Palazzo
Paul
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
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
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)
Davis (KY)
Jones
Jordan
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold

Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Fox
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Huelskamp
Huiuzenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold

Lankford
Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
McCarthy (CA)
McCaul
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)

Ackerman
Altmire
Andrews
Baca
Baldwin
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
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
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebach
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Napolitano
Neal
Olver
Owens

Pallone
Pascrell
Pastor (AZ)
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Holt
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Lowe
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walden
Walsh (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—184

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1723

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

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. SCOTT of Virginia. 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 241, noes 184, not voting 8, as follows:

[Roll No. 901]

AYES—241

Adams
Aderholt
Akin
Alexander
Amash
Amodei
Austria
Bachus
Barletta
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Biggert
Billray
Bilirakis
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boren
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Cansaco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman (CO)
Cole
Conaway
Cravaack
Crawford
Crenshaw
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Dold
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold

NOT VOTING—15

Bachmann
Bass (CA)
Castor (FL)
Clarke (NY)
Cleaver
Conyers

NOT VOTING—8

Bachmann
Castor (FL)
Diaz-Balart
Giffords
Hinchee
Myrick
Nadler
Young (FL)

□ 1730

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1633, FARM DUST REGULATION PREVENTION ACT OF 2011

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-317) on the resolution (H. Res. 487) providing for consideration of the bill (H.R. 1633) to establish a temporary prohibition against revising any national ambient air quality standard applicable to coarse particulate matter, to limit Federal regulation of nuisance dust in areas in which such dust is regulated under State, tribal, or local law, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HOOR OF MEETING ON TOMORROW

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

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

There was no objection.

ELECTING A MEMBER TO A CERTAIN STANDING COMMITTEE OF THE HOUSE OF REPRESENTATIVES

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 486

Resolved, That the following named Member be and is hereby elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE JUDICIARY.—Mr. Polis.

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Any record vote on the postponed question will be taken later.

SYNTHETIC DRUG CONTROL ACT OF 2011

Mr. PITTS. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 1254) to amend the Controlled Substances Act to place synthetic drugs in Schedule I, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1254

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Synthetic Drug Control Act of 2011".

SEC. 2. ADDITION OF SYNTHETIC DRUGS TO SCHEDULE I OF THE CONTROLLED SUBSTANCES ACT.

(a) CANNABIMIMETIC AGENTS.—Schedule I, as set forth in section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following:

"(d)(1) Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of cannabimimetic agents, or which contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

"(2) In paragraph (1):

"(A) The term "cannabimimetic agents" means any substance that is a cannabinoid receptor type 1 (CB1 receptor) agonist as demonstrated by binding studies and functional assays within any of the following structural classes:

"(i) 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent.

"(ii) 3-(1-naphthoyl)indole or 3-(1-naphthylmethane)indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent.

"(iii) 3-(1-naphthoyl)pyrrole by substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent.

"(iv) 1-(1-naphthylmethylene)indene by substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent.

"(v) 3-phenylacetylindole or 3-benzoylindole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent.

"(B) Such term includes—

"(i) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

"(ii) 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol

(cannabicyclohexanol or CP-47,497 C8-homolog);

"(iii) 1-pentyl-3-(1-naphthoyl)indole (JWH-018 and AM678);

"(iv) 1-butyl-3-(1-naphthoyl)indole (JWH-073);

"(v) 1-hexyl-3-(1-naphthoyl)indole (JWH-019);

"(vi) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

"(vii) 1-pentyl-3-(2-methoxyphenylacetyl)indole (JWH-250);

"(viii) 1-pentyl-3-[1-(4-methoxynaphthoyl)]indole (JWH-081);

"(ix) 1-pentyl-3-(4-methyl-1-naphthoyl)indole (JWH-122);

"(x) 1-pentyl-3-(4-chloro-1-naphthoyl)indole (JWH-398);

"(xi) 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (AM2201);

"(xii) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (AM694);

"(xiii) 1-pentyl-3-[(4-methoxy)-benzoyl]indole (SR-19 and RCS-4);

"(xiv) 1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole (SR-18 and RCS-8); and

"(xv) 1-pentyl-3-(2-chlorophenylacetyl)indole (JWH-203)."

(b) OTHER DRUGS.—Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended in subsection (c) by adding at the end the following:

"(18) 4-methylmethcathinone (Mephedrone).

"(19) 3,4-methylenedioxypropylvalerone (MDPV).

"(20) 3,4-methylenedioxyethylmethcathinone (methylo).

"(21) Naphthylpyrovalerone (naphyrone).

"(22) 4-fluoromethcathinone (flephedrone).

"(23) 4-methoxymethcathinone (methedrone; Bk-PMMA).

"(24) Ethcathinone (N-Ethylcathinone).

"(25) 3,4-methylenedioxyethylmethcathinone (ethylone).

"(26) Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (butylone).

"(27) N,N-dimethylcathinone (metamfepramone).

"(28) Alpha-pyrrolidinopropiophenone (alpha-PPP).

"(29) 4-methoxy-alpha-pyrrolidinopropiophenone (MOPPP).

"(30) 3-fluoromethoxy-alpha-pyrrolidinopropiophenone (MDPPP).

"(31) Alpha-pyrrolidinovalerophenone (alpha-PVP).

"(32) 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (MDAI).

"(33) 3-fluoromethcathinone.

"(34) 4-Methyl- α -pyrrolidinobutiophenone (MPBP)."

SEC. 3. TEMPORARY SCHEDULING TO AVOID IMMINENT HAZARDS TO PUBLIC SAFETY EXPANSION.

Section 201(h)(2) of the Controlled Substances Act (21 U.S.C. 811(h)(2)) is amended—

(1) by striking "one year" and inserting "2 years"; and

(2) by striking "six months" and inserting "1 year".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. PITTS) and the gentleman from New Jersey (Mr. PALLONE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. PITTS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD.

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

There was no objection.

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

H.R. 1254 was introduced by my friend and colleague from Pennsylvania, Representative CHARLIE DENT, in response to a frightening trend of synthetic drug use in our communities. These synthetic drug substitutes, made from chemical compounds that are sold legally in most States, mimic the hallucinogenic and stimulant properties of drugs like marijuana, cocaine, and methamphetamines. While these synthetic drugs are just as dangerous as their traditional counterparts, they are not illegal.

Many families and young people in our communities do not realize the destructiveness of these synthetic drugs because of their legal status and their