
PROVIDING FOR 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, AND FOR OTHER PURPOSES.

December 1, 2011.—Referred to the House Calendar and ordered to be printed.

MR. NUGENT, from the Committee on Rules, submitted the following

R E P O R T

[To accompany H. Res. ___]

The Committee on Rules, having had under consideration House Resolution ___, by a record vote of 6 to 4, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 10, the Regulations From the Executive in Need of Scrutiny Act of 2011, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Rules now printed in the bill, as modified by the amendment in part A of this report, shall be considered as adopted. The resolution provides that the bill, as amended, shall be considered as original text for the purpose of further amendment and shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended.

The resolution makes in order only those further amendments printed in part B of this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for

the time specified in this 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 in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in part B of this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides that during any recess or adjournment of not more than three days, if in the opinion of the Speaker the public interest so warrants, then the Speaker or his designee, after consultation with the Minority Leader, may reconvene the House at a time other than that previously appointed, within the limits of clause 4, section 5, article I of the Constitution, and notify Members accordingly.

Section 3 of the resolution provides that clause 3 of rule XXIX shall apply to the availability requirements for a conference report and the accompanying joint statement under clause 8(a)(1) of rule XXII.

EXPLANATION OF WAIVERS

The waiver of all points of order against consideration of the bill, as modified, includes a waiver of section 306 of the Congressional Budget Act, which prohibits consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee.

Although the resolution waives all points of order against provisions in the bill, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in part B of this report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee Record Vote No. 164

Motion by Ms. Slaughter to report an open rule. Defeated: 4-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 165

Motion by Ms. Slaughter to strike amendment #6, offered by Rep. Ryan, in part A of this report and make conforming changes. Defeated: 4-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 166

Motion by Mr. McGovern to add two sections to the rule. The first section would require the Clerk of the House to notify Members of the date and time at which a measure was made publicly available. The second section would require the Clerk to establish a procedure to notify Members whenever a measure is made publicly available. Defeated: 4-6

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Nay	Ms. Slaughter.....	Yea
Ms. Foxx.....	Nay	Mr. McGovern.....	Yea
Mr. Woodall.....	Nay	Mr. Hastings of Florida.....	Yea
Mr. Nugent.....	Nay	Mr. Polis.....	Yea
Mr. Webster.....	Nay		
Mr. Dreier, Chairman.....	Nay		

Rules Committee Record Vote No. 167

Motion by Mr. Sessions to report the rule. Adopted: 6-4

Majority Members	Vote	Minority Members	Vote
Mr. Sessions.....	Yea	Ms. Slaughter.....	Nay
Ms. Foxx.....	Yea	Mr. McGovern.....	Nay
Mr. Woodall.....	Yea	Mr. Hastings of Florida.....	Nay
Mr. Nugent.....	Yea	Mr. Polis.....	Nay
Mr. Webster.....	Yea		
Mr. Dreier, Chairman.....	Yea		

SUMMARY OF AMENDMENT IN PART A CONSIDERED AS ADOPTED

Ryan, Paul (WI): Would amend section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 in order to assure that any costs associated with approving or disapproving rules authorized by budget-related legislation are properly accounted for under the Congressional Budget Process.

SUMMARY OF AMENDMENTS IN PART B MADE IN ORDER

1. Sessions (TX): Would require the agency submitting the report on a proposed Federal rule to include an assessment, as part of the cost-benefit analysis submitted to the Comptroller General and each House of Congress, of anticipated jobs gained or lost as a result of implementation, and to specify whether those jobs will come from the public or private sector. (10 minutes)
2. Johnson, Hank (GA), Jackson Lee (TX), Hastings, Alcee (FL): Would exempt any rule that the Office of Management and Budget determines would result in net job creation. (10 minutes)
3. Schrader (OR): Would require a cost benefit analysis to be included with reports to Congress and require agencies to submit criteria for cost benefit analyses to Congress within 12 months of enactment. (10 minutes)
4. McKinley (WV): Would reduce the annual effect on the economy of the term "major rule" from \$100,000,000 or more to \$50,000,000 or more. (10 minutes)
5. McCarthy, Carolyn (NY): Would exempt any rule relating to food safety, workplace safety, air quality, consumer product safety, or water quality. (10 minutes)
6. Jackson Lee (TX): Would exempt all rules promulgated by the Department of Homeland Security. (10 minutes)
7. Moore, Gwen (WI): Would exempt any rule relating to veterans or veterans affairs. (10 minutes)

PART A—TEXT OF AMENDMENT CONSIDERED AS ADOPTED

AMENDMENT TO H.R. 10, AS REPORTED

OFFERED BY Mr. Paul Ryan (WI)

At the end, add the following new section:

1 **SEC. ____ . BUDGETARY EFFECTS OF RULES SUBJECT TO**
2 **SECTION 802 OF TITLE 5, UNITED STATES**
3 **CODE.**

4 Section 257(b)(2) of the Balanced Budget and Emer-
5 gency Deficit Control Act of 1985 is amended by adding
6 at the end the following new subparagraph:

7 “(E) BUDGETARY EFFECTS OF RULES
8 SUBJECT TO SECTION 802 OF TITLE 5, UNITED
9 STATES CODE.—Any rules subject to the con-
10 gressional approval procedure set forth in sec-
11 tion 802 of chapter 8 of title 5, United States
12 Code, affecting budget authority, outlays, or re-
13 ceipts shall be assumed to be effective unless it
14 is not approved in accordance with such sec-
15 tion.”.



PART B—TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SESSIONS OF TEXAS OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MR. SESSIONS OF TEXAS**

Page 25, line 18, insert “, including an analysis of any jobs added or lost, differentiating between public and private sector jobs” before the semicolon.



2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JOHNSON OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MR. JOHNSON OF GEORGIA, MS.
JACKSON LEE OF TEXAS, AND MR. HASTINGS
OF FLORIDA**

Page 45, line 22, insert after the first period the following:

1 “§ 808. Exemption for certain rules

2 “Sections 801 through 807 of this chapter, as amend-
3 ed by the Regulations from the Executive in Need of Scr-
4 tiny Act of 2011 shall not apply in the case of any rule
5 that the Director of the Office of Management and Budget
6 determines will result in net job creation. This chapter,
7 as in effect before the enactment of the Regulations from
8 the Executive in Need of Scrutiny Act of 2011, shall con-
9 tinue to apply, after such enactment, to any such rule,
10 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.



3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
SCHRADER OF OREGON OR HIS DESIGNEE, DEBATABLE FOR 10
MINUTES

**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MR. SCHRADER OF OREGON**

Page 25, line 9, strike “and”.

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

1 “(v) a cost-benefit analysis of the rule;
2 and”.

Page 26, insert after line 11 the following:

3 “(D) Not later than the later of January
4 1, 2013 or the date that is 1 year after the date
5 of enactment of the Regulations from the Executive
6 in Need of Scrutiny Act of 2011, each
7 Federal agency shall submit to Congress appropriate
8 criteria for conducting cost-benefit analyses
9 under subparagraph (A)(v) for each rule
10 for which that agency may be required to submit
11 such an analysis.”.



4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCKINLEY OF WEST VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MR. MCKINLEY OF WEST VIRGINIA**

Page 42, line 23, strike "\$100,000,000" and insert
"\$50,000,000".



5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCARTHY OF NEW YORK OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 10, AS REPORTED

OFFERED BY Ms. McCaughy (NY)

Page 45, line 22, strike the quotation marks and second period.

Page 45, insert the following after line 22:

1 **“§ 808. Exemption for certain rules**
2 “Sections 801 through 807, as amended by the Regu-
3 lations From the Executive in Need of Scrutiny Act of
4 2011, shall not apply in the case of any rule that relates
5 to the safety of food, the safety of the workplace, air qual-
6 ity, the safety of consumer products, or water quality. The
7 provisions of this chapter, as in effect before the enact-
8 ment of the Regulations From the Executive in Need of
9 Scrutiny Act of 2011, shall continue to apply, after such
10 enactment, to any rule described in the preceding sen-
11 tence.”.

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.



6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

AMENDMENT TO H.R. 10, AS REPORTED

OFFERED BY M. Jackson Lee

Page 45, line 22, insert after the first period the following:

1 **“§ 808. Exemption for certain rules**

2 “Sections 801 through 807 of this chapter, as amend-
3 ed by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule
4 made by the Secretary of Homeland Security. This chap-
5 ter, as in effect before the enactment of the Regulations
6 from the Executive in Need of Scrutiny Act of 2011, shall
7 continue to apply, after such enactment, to any such rule,
8 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.



7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MOORE OF WISCONSIN OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

**AMENDMENT TO H.R. 10, AS REPORTED
OFFERED BY MS. MOORE OF WISCONSIN**

Page 45, line 22, insert after the first period the following:

1 **“§ 808. Exemption for certain rules**

2 “Sections 801 through 807 of this chapter, as amend-
3 ed by the Regulations from the Executive in Need of Scrutiny Act of 2011 shall not apply in the case of any rule
4 that relates to veterans or veterans affairs. This chapter,
5 as in effect before the enactment of the Regulations from
6 the Executive in Need of Scrutiny Act of 2011, shall con-
7 tinue to apply, after such enactment, to any such rule,
8 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.

