

DIRECTING CERTAIN STANDING COMMITTEES TO INVENTORY AND REVIEW EXISTING, PENDING, AND PROPOSED REGULATIONS AND ORDERS FROM AGENCIES OF THE FEDERAL GOVERNMENT, PARTICULARLY WITH RESPECT TO THEIR EFFECT ON JOBS AND ECONOMIC GROWTH

FEBRUARY 8, 2011.— Referred to the House Calendar and ordered to be printed

Mr. DREIER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 72]

The Committee on Rules, to whom was referred the resolution (H. Res. 72) directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth, having considered the same, report favorably thereon and recommend that the resolution be agreed to, with an amendment.

AMENDMENT

The amendment is as follows:

Strike all after the resolved clause and insert the following:

That each standing committee designated in section 3 of this resolution shall inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures by agencies of the Federal Government within such committee's jurisdiction. In completing such inventory and review, each committee shall consider the matters described in section 2. Each committee shall conduct such hearings and other oversight activities as it deems necessary in support of the inventory and review, and shall identify in any report filed pursuant to clause 1(d) of rule XI for the first session of the 112th Congress any oversight or legislative activity conducted in support of, or as a result of, such inventory and review.

SEC. 2. MATTERS FOR CONSIDERATION.

In completing the review and inventory described in the first section of this resolution, each committee shall identify regulations, executive and agency orders, and other administrative actions or procedures that—

- (1) impede private-sector job creation;
- (2) discourage innovation and entrepreneurial activity;
- (3) hurt economic growth and investment;
- (4) harm the Nation's global competitiveness;
- (5) limit access to credit and capital;
- (6) fail to utilize or apply accurate cost-benefit analyses;
- (7) create additional economic uncertainty;
- (8) are promulgated in such a way as to limit transparency and the opportunity for public comment, particularly by affected parties;
- (9) lack specific statutory authorization;
- (10) undermine labor-management relations;
- (11) result in large-scale unfunded mandates on employers without due cause;
- (12) impose undue paperwork and cost burdens on small businesses; or
- (13) prevent the United States from becoming less dependent on foreign energy sources.

SEC. 3. COMMITTEES.

The committees referred to in the first section of this resolution are as follows—

- (1) The Committee on Agriculture;
 - (2) The Committee on Education and the Workforce;
 - (3) The Committee on Energy and Commerce;
 - (4) The Committee on Financial Services;
 - (5) The Committee on the Judiciary;
 - (6) The Committee on Natural Resources;
 - (7) The Committee on Oversight and Government Reform;
 - (8) The Committee on Small Business;
 - (9) The Committee on Transportation and Infrastructure;
- and
- (10) The Committee on Ways and Means.

PURPOSE AND SUMMARY

H. Res. 72 directs the Committees on Agriculture, Education and the Workforce, Energy and Commerce, Financial Services, the Judiciary, Natural Resources, Oversight and Government Reform, Small Business, Transportation and Infrastructure, and Ways and Means to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.

BACKGROUND AND NEED FOR LEGISLATION

The Federal Government produces an average of 4,000 final regulations each year with about 500–700 reviewed by the White House. Of those reviewed, between 45 and 75 have significant economic impacts. The Small Business Administration estimates that government regulations cost the economy \$1.75 trillion per year, nearly double the amount of individual income taxes collected last year. The Heritage Foundation approximates that 43 rules released in Fiscal Year (FY) 2010 will cost \$28 billion annually—a record increase. In FY 2010 only five significant regulations reduced burdens and of those, only two reduced costs for a total savings of \$1.5

billion. That is a \$26.5 billion net increase in the cost of regulatory burdens in FY 2010. Without action, the cost and burden of regulations will continue to grow in 2011 as agencies further promulgate new rules related to energy, health care and financial services.

On January 18, 2011, President Obama issued Executive Order 13563, which instructs Federal agencies to facilitate the periodic review of existing regulations to determine whether any such regulations should be modified, streamlined, expanded, or repealed so as to make the agency's regulatory program more effective or less burdensome.

Congress must also use its authority to repeal costly and unnecessary existing regulations that impede private-sector job creation, discourage innovation and entrepreneurial activity, and hurt economic growth and investment. In an effort to launch the committee process and take the steps necessary to stem the growth of and reduce unnecessary and costly regulations, Mr. Sessions introduced H. Res. 72 on February 8, 2011. In conjunction with the President's initiative, the House of Representatives can take the steps necessary to create a more cost-effective and transparent regulatory system that supports long-term private-sector job creation and economic growth.

HEARINGS

No hearings were held on this measure.

COMMITTEE CONSIDERATION

The Committee on Rules met on February 8, 2011 in open session and ordered H. Res. 72 favorably reported to the House with an amendment by a voice vote.

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires the Committee to list the record votes on the motion to report legislation and amendments thereto. No record votes were taken during consideration of this measure. A motion by Ms. Foxx to report the bill to the House as amended with a favorable recommendation was agreed to by a voice vote.

An amendment by Mr. Bishop to add another matter for committees to consider related to dependence of the United States on foreign energy sources was agreed to by a voice vote.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee made findings that are reflected in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the Committee states, with respect to H. Res. 72, that the Director of the Congressional Budget Office did not submit a cost estimate and comparison under section 402 of the Congressional Budget Act of 1974.

PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee finds that this measure does not authorize funding within the meaning of the rule.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

First Section

The first section of the resolution directs standing committees listed in section 3 to inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures by agencies of the Federal Government within their jurisdiction. Each committee must conduct hearings and other oversight activities it deems necessary and identify any oversight or legislative activity conducted in support of, or as a result of, the inventory and review, in its semiannual activities reports submitted to the House in the first session of the 112th Congress.

Section 2

Section 2 provides that in completing the review and inventory, each committee must identify regulations, executive and agency orders, and other administrative actions or procedures that—

- Impede private-sector job creation;
- Discourage innovation and entrepreneurial activity;
- Hurt economic growth and investment;
- Harm the Nation's global competitiveness;
- Limit access to credit and capital;
- Fail to utilize or apply accurate cost-benefit analyses;
- Create additional economic uncertainty;
- Are promulgated in such a way as to limit transparency and the opportunity for public comment, particularly by affected parties;
- Lack specific statutory authorization;
- Undermine labor management relations;
- Result in large-scale unfunded mandates on employers without due cause;
- Impose undue paperwork and cost burdens on small businesses; or
- Prevent the United States from becoming less dependent on foreign energy sources.

Section 3

This section specifies the committees required to complete the activities under the resolution, including the Committee on Agriculture, Committee on Education and the Workforce, Committee on Energy and Commerce, Committee on Financial Services, Committee on the Judiciary, Committee on Natural Resources, Committee on Oversight and Government Reform, Committee on Small Business, Committee on Transportation and Infrastructure, and the Committee on Ways and Means.

CHANGES IN EXISTING HOUSE RULES MADE BY H. RES. 72,
AS REPORTED

In compliance with clause 3(g) of rule XIII of the Rules of the House of Representatives, the Committee finds that H. Res. 72 does not propose to repeal or amend a standing rule of the House.

