

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 26) 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 PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 11) OBJECTING TO UNITED NATIONS SECURITY COUNCIL RESOLUTION 2334 AS AN OBSTACLE TO ISRAELI-PALESTINIAN PEACE, AND FOR OTHER PURPOSES

JANUARY 4, 2017.—Referred to the House Calendar and ordered to be printed

Mr. COLLINS of Georgia, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 22]

The Committee on Rules, having had under consideration House Resolution 22, by a nonrecord vote, 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. 26, the Regulations From the Executive in Need of Scrutiny Act of 2017, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. The resolution waives all points of order against consideration of the bill. The resolution provides that the bill shall be considered as read. The resolution waives all points of order against provisions in the bill. The resolution makes in order only those amendments printed in 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 this report. The resolution provides one motion to recommit with or without instructions.

Section 2 of the resolution provides for consideration of H. Res. 11, Objecting to United Nations Security Council Resolution 2334

as an obstacle to Israeli-Palestinian peace, and for other purposes, under a closed rule. The resolution provides one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. The resolution waives all points of order against consideration of the resolution. The resolution provides that the resolution shall be considered as read and shall not be subject to a demand for the division of the question.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 26, 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 provisions in H.R. 26, 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 to H.R. 26 printed in this report, 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 consideration of H. Res. 11, 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. 5

Motion by Mr. McGovern to make in order and provide the appropriate waivers for amendment #2 to H. Res. 11, offered by Rep. Price (NC) and Rep. Engel (NY) and Rep. Connolly (VA), which reaffirms the United States' long-standing support for a two-state solution to the Israeli-Palestinian conflict. Defeated: 2–9

Majority Members	Vote	Minority Members	Vote
Mr. Cole	Nay	Ms. Slaughter
Mr. Woodall	Nay	Mr. McGovern	Yea
Mr. Burgess	Nay	Mr. Hastings of Florida
Mr. Collins	Nay	Mr. Polis	Yea
Mr. Byrne	Nay		
Mr. Newhouse	Nay		
Mr. Buck	Nay		
Ms. Cheney	Nay		
Mr. Sessions, Chairman	Nay		

Rules Committee record vote No. 6

Motion by Mr. Polis to report an open rule for H.R. 26. Defeated: 2–9

Majority Members	Vote	Minority Members	Vote
Mr. Cole	Nay	Ms. Slaughter
Mr. Woodall	Nay	Mr. McGovern	Yea
Mr. Burgess	Nay	Mr. Hastings of Florida
Mr. Collins	Nay	Mr. Polis	Yea
Mr. Byrne	Nay		

Majority Members	Vote	Minority Members	Vote
Mr. Newhouse	Nay		
Mr. Buck	Nay		
Ms. Cheney	Nay		
Mr. Sessions, Chairman	Nay		

SUMMARY OF THE AMENDMENTS TO H.R. 26 MADE IN ORDER

1. Goodlatte (VA): MANAGER'S Revises monetary threshold for identification of major rules to imposition on the economy of costs of \$100 million or more per year, adjusted for inflation, to conform to monetary threshold in related legislation. (10 minutes)

2. Messer, Luke (IN): Requires each agency promulgating a new rule to identify and repeal or amend an existing rule or rules to completely offset any annual costs of the new rule to the United States economy. (10 minutes)

3. Grijalva (AZ): Requires an accounting of the greenhouse gas emission impacts associated with a rule as well as an analysis of the impacts on low-income and rural communities. If the rule increases carbon dioxide by a certain amount or increases the risk of certain health impacts to low-income or rural communities, then the rule is defined as a major rule. (10 minutes)

4. Castor (FL), Pallone (NJ): Ensures any rule that will result in reduced incidence of cancer, premature mortality, asthma attacks, or respiratory disease in children is not considered a "major rule" under the bill. (10 minutes)

5. Cicilline (RI): Exempts rules pertaining to the protection of the public health or safety from the requirements of the Act. (10 minutes)

6. Conyers (MI): Exempts rules that provide for reduction in the amount of lead in public drinking water. (10 minutes)

7. Jackson Lee (TX): Expands the term "special rule" to include any safety product rule governing products used or consumed by children under 2 years of age. (10 minutes)

8. Johnson, Hank (GA): Exempts rules that improve the employment, retention, and wages of workforce participants, especially those with significant barriers to employment. (10 minutes)

9. Nadler (NY): Exempts from the bill's congressional approval requirement any rule pertaining to nuclear reactor safety standards in order to prevent nuclear meltdowns. (10 minutes)

10. Pallone (NJ): Ensures that any rule intended to ensure the safety of natural gas or hazardous materials pipelines or prevent, mitigate, or reduce the impact of spills from such pipelines is not considered a "major rule" under the bill. (10 minutes)

11. Scott, Bobby (VA): Exempts from the definition of a "rule" in the REINS Act of 2017 any rule that pertains to workplace health and safety made by the Occupational Safety and Health Administration or the Mine Safety and Health Administration that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease. (10 minutes)

12. King, Steve (IA): Creates a process for Congress to review all rules currently in effect over a 10 year period. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 26 MADE IN ORDER

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

Subparagraph (A) of section 804(2) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended to read as follows:

“(A) an annual cost on the economy of \$100,000,000 or more, adjusted annually for inflation;”.

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

Section 801(a)(1)(A) of title 5, United States Code, as proposed to be amended by section 3 of the bill, is amended by inserting after “the Federal agency promulgating such rule” the following: “shall satisfy the requirements of section 808 and”.

Chapter 8 of title 5, United States Code, as proposed to be amended by section 3 of the bill, is amended by adding at the end the following (and amending the table of sections accordingly):

“§ 808. Regulatory cut-go requirement

“In making any new rule, the agency making the rule shall identify a rule or rules that may be amended or repealed to completely offset any annual costs of the new rule to the United States economy. Before the new rule may take effect, the agency shall make each such repeal or amendment. In making such an amendment or repeal, the agency shall comply with the requirements of subchapter II of chapter 5, but the agency may consolidate proceedings under subchapter with proceedings on the new rule.”.

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

In section 801(a)(1)(A)(iv), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike “and” at the end.

In section 801(a)(1)(A)(v), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike the period at the end and insert a semicolon.

Insert after section 801(a)(1)(A)(v), title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

(vi) recognizing that climate change is real and caused by human activity, an accounting of the greenhouse gas emission impacts associated with the rule; and

(vii) an analysis of the impacts of the rule on low-income communities and on rural communities.

In section 804(2)(B), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike “and” at the end.

In section 804(2)(C), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike the period at the end and insert a semicolon.

Insert after section 804(2)(C), title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

“(D) an increase of 25,000 metric tons of carbon dioxide equivalent emissions per year or more; or

“(E) a potential increased risk to low income or rural communities for—

“(i) cancer;

“(ii) birth defects;

“(iii) kidney disease;

“(iv) respiratory illness; or

“(v) cardiovascular illness.”.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CASTOR OF FLORIDA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule that will result in reduced incidence of cancer, premature mortality, asthma attacks, or respiratory disease in children.”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CICILLINE OF RHODE ISLAND OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule relating to the protection of the public health or safety.”.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONYERS JR. OF MICHIGAN OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule that would provide for a reduction in the amount of lead in public drinking water.”.

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

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule that pertains to the safety of any products specifically designed to be used or consumed by a child under the age of 2 years (including cribs, car seats, and infant formula).”.

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

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule that pertains to improving employment, retention, and earnings of workforce participants, especially those participants with significant barriers to employment.”.

9. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE NADLER OF NEW YORK OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule pertaining to nuclear reactor safety standards.”.

10. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PALLONE JR. OF NEW JERSEY OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after “means any rule” the following: “(other than a special rule)”.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: “, and includes any special rule”.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

“(6) The term ‘special rule’ means any rule intended to ensure the safety of natural gas or hazardous materials pipelines or prevent, mitigate, or reduce the impact of spills from such pipeline.”.

11. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE SCOTT OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Section 804(4) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended in subparagraph (B), by striking “or” at the end.

Section 804(4) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended in subparagraph (C), by striking the period at the end and inserting “; or”.

Section 804(4) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended by adding at the end the following:

“(D) any rule that pertains to workplace health and safety made by the Occupational Safety and Health Administration or the Mine Safety and Health Administration that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease.”.

12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE KING OF IOWA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Chapter 8 of title 5, United States Code, as proposed to be amended by section 3 of the bill, is amended by adding at the end the following (and conforming the table of sections accordingly):

“§ 808. Review of rules currently in effect

“(a) ANNUAL REVIEW.—Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 9 years following, each agency shall designate not less than 10 percent of eligible rules made by that agency for review, and shall submit a report including each such eligible rule in the same

manner as a report under section 801(a)(1). Section 801, section 802, and section 803 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

“(b) SUNSET FOR ELIGIBLE RULES NOT EXTENDED.—Beginning after the date that is 10 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

“(c) CONSOLIDATION; SEVERABILITY.—In applying sections 801, 802, and 803 to eligible rules under this section, the following shall apply:

“(1) The words ‘take effect’ shall be read as ‘continue in effect’.

“(2) Except as provided in paragraph (3), a single joint resolution of approval shall apply to all eligible rules in a report designated for a year, and the matter after the resolving clause of that joint resolution is as follows: ‘That Congress approves the rules submitted by the ____ for the year ____.’ (The blank spaces being appropriately filled in).

“(3) It shall be in order to consider any amendment that provides for specific conditions on which the approval of a particular eligible rule included in the joint resolution is contingent.

“(4) A member of either House may move that a separate joint resolution be required for a specified rule.

“(d) DEFINITION.—In this section, the term ‘eligible rule’ means a rule that is in effect as of the date of enactment of this section.”.