

108TH CONGRESS  
1ST SESSION

# H. R. 3356

To amend chapter 8 of title 5, United States Code, to establish the Joint Administrative Procedures Committee.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 21, 2003

Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. MARIO DIAZ-BALART of Florida, and Mr. FEENEY) introduced the following bill; which was referred to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend chapter 8 of title 5, United States Code, to establish the Joint Administrative Procedures Committee.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Joint Administrative  
5 Procedures Committee Act of 2003” or the “JAPC Act”.

1 **SEC. 2. ESTABLISHMENT OF A JOINT ADMINISTRATIVE**  
2 **PROCEDURES COMMITTEE.**

3 Section 802 of title 5, United States Code, is amend-  
4 ed by redesignating subsection (g) as subsection (i) and  
5 by inserting before subsection (i) the following new sub-  
6 section:

7 “(h)(1) There is established a Joint Administrative  
8 Procedures Committee to be composed of 12 Members of  
9 the Senate to be appointed by the majority leader of the  
10 Senate and 12 Members of the House of Representatives  
11 to be appointed by the Speaker of the House of Represent-  
12 atives. In each instance, not more than 7 Members shall  
13 be members of the same political party.

14 “(2) In carrying out its duties under this chapter,  
15 the joint committee, or any duly authorized subcommittee  
16 thereof, is authorized to—

17 “(A) hold such hearings, to sit and act at such  
18 places and times within the United States during the  
19 sessions, recesses, and adjourned periods of Con-  
20 gress;

21 “(B) require the attendance of such witnesses  
22 and the production of such books, papers, and docu-  
23 ments, administer such oaths, take such testimony,  
24 procure such printing and binding as it deems nec-  
25 essary; and

1           “(C) make such rules respecting its organiza-  
2           tion and procedures as it deems necessary.

3           “(3) The joint committee may selectively review exist-  
4           ing major rules of any Federal agency and recommend—

5           “(A) to the committees of jurisdiction in each  
6           House of Congress that they take appropriate legis-  
7           lative actions to amend or repeal laws within their  
8           jurisdictions sufficient to effectuate its recommenda-  
9           tions; and

10           “(B) to such Federal agency that it amend or  
11           repeal all or any part of such major rules.

12           “(4) The joint committee shall periodically review the  
13           regulatory plan of each Federal agency of its most impor-  
14           tant significant regulatory actions that the agency reason-  
15           ably expects to issue in proposed or final form in the fiscal  
16           year in which such plan is submitted (or thereafter) to  
17           the Office of Information and Regulatory Affairs of the  
18           Office of Management and Budget and may submit com-  
19           ments to such Office respecting such plan. Within 10 cal-  
20           endar days after receiving any such agency plan, such Of-  
21           fice shall submit a copy of such plan to the joint committee  
22           for its comments. Upon completion of its review or waiver  
23           of its review of each such agency plan, the Office shall  
24           also submit to the joint committee a detailed summary of  
25           it recommendations.

1       “(5) The joint committee may selectively review exist-  
2 ing rules of any Federal agency that were in effect before  
3 the enactment of chapter 8 of title 5, United States Code,  
4 and that the joint committee finds would satisfy the cri-  
5 teria of subparagraph (A), (B), or (C) of paragraph (2)  
6 of section 804 of such title and recommend—

7               “(A) to the committees of jurisdiction in each  
8 House of Congress that they take appropriate legis-  
9 lative actions to amend or repeal laws within their  
10 jurisdictions sufficient to effectuate its recommenda-  
11 tions; and

12               “(B) to such Federal agency that it amend or  
13 repeal all or any part of such major rules.

14       “(6) The members of the joint committee who are  
15 Members of the Senate shall from time to time report to  
16 appropriate standing committees of the Senate, and the  
17 members of the joint committee who are Members of the  
18 House of Representatives shall from time to time report  
19 to appropriate standing committees of the House their rec-  
20 ommendations with respect to matters within the jurisdic-  
21 tion of their respective Houses which are referred to the  
22 joint committee or otherwise within the jurisdiction of the  
23 joint committee.

24       “(7) Vacancies in the membership of the joint com-  
25 mittee shall not affect the power of the remaining mem-

1 bers to execute the functions of the joint committee, and  
2 shall be filled in the same manner as in the case of the  
3 original selection. The joint committee shall select a chair-  
4 man and a vice chairman from among its members at the  
5 beginning of each Congress. The vice chairman shall act  
6 in place of the chairman in the absence of the chairman.  
7 The chairmanship shall alternate between the Senate and  
8 the House of Representatives with each Congress, and the  
9 chairman shall be selected by the Members from that  
10 House entitled to the chairmanship. The vice chairman  
11 shall be chosen from the House other than that of the  
12 chairman by the Members from that House.

13       “(8) The joint committee may appoint and fix the  
14 compensation of such staff as it deems necessary.

15       “(9)(A) Notwithstanding any law, rule, or other au-  
16 thority, there shall be paid out of the applicable accounts  
17 of the House of Representatives such sums as may be nec-  
18 essary for one-half of the expenses of the joint committee.  
19 Such payments shall be made on vouchers signed by the  
20 chairman or vice chairman of the joint committee who is  
21 a Member of the House of Representatives, as the case  
22 may be, and approved in the manner directed by the Com-  
23 mittee on House Administration of the House of Rep-  
24 resentatives. Amounts made available under this para-  
25 graph shall be expended in accordance with regulations

1 prescribed by the Committee on House Administration of  
2 the House of Representatives.

3 “(B) (To be supplied by the Senate).”.

4 **SEC. 3. CONSIDERATION IN THE HOUSE OF REPRESENTA-**  
5 **TIVES AND THE SENATE.**

6 Section 802 of title 5, United States Code, is amend-  
7 ed by redesignating subsection (f) as subsection (g) and  
8 by inserting after subsection (e) the following new sub-  
9 section:

10 “(f)(1) In the House, after the third legislative day  
11 after the date on which the committee to which a joint  
12 resolution is referred has reported, it is in order for any  
13 Member of the House to move to proceed to consideration  
14 of the joint resolution. All points of order against the mo-  
15 tion to proceed and against consideration of that motion  
16 are waived. The motion is privileged in the House and is  
17 not debatable. The motion is not subject to amendment,  
18 or to a motion to postpone, or to a motion to proceed to  
19 the consideration of other business. A motion to reconsider  
20 the vote by which the motion is agreed to or disagreed  
21 to shall not be in order. If a motion to proceed to the  
22 consideration of the joint resolution is agreed to, the  
23 House shall immediately proceed to consideration of the  
24 joint resolution without intervening motion (except one  
25 motion to adjourn), order, or other business.

1       “(2) In the House, debate shall be confined to the  
2 joint resolution and shall not exceed one hour equally di-  
3 vided and controlled by a proponent and an opponent of  
4 the joint resolution. The previous question shall be consid-  
5 ered as ordered on the joint resolution to final passage  
6 without intervening motion, except one motion to recom-  
7 mit. A motion to reconsider the vote on passage of the  
8 joint resolution shall not be in order.”.

9 **SEC. 4. CONGRESSIONAL REVIEW.**

10       (a) CONGRESSIONAL REVIEW.—Section 801(a) of  
11 title 5, United States Code, is amended—

12               (1) in paragraph (1)(A), by inserting “, the  
13 joint committee,” after “each House of the Con-  
14 gress”;

15               (2) in paragraph (1)(B), by inserting “and the  
16 joint committee” after “each House of Congress”;

17               (3) in paragraph (1) by adding at the end the  
18 following new subparagraph:

19       “(D) Within 30 days (excluding days either House  
20 of Congress is adjourned for more than 3 days during a  
21 session of Congress) after the date on which the report  
22 referred to in subparagraph (A) is received, the joint com-  
23 mittee may report a committee resolution recommending  
24 that each standing committee with jurisdiction to which  
25 copies of the applicable report were provided under sub-

1 paragraph (C) report a joint resolution pursuant to section  
2 802 disapproving the applicable rule.”; and

3 (4) in paragraph (2)(A), by inserting “the joint  
4 committee” after “committees of jurisdiction in each  
5 House of the Congress”.

6 (b) EFFECT OF DISAPPROVAL.—Section 801(b)(2) of  
7 title 5, United States Code, is amended by inserting before  
8 the period at the end the following: “or the reissued or  
9 new rule carries out the recommendation, if any, set forth  
10 in the report submitted by the joint committee to the com-  
11 mittees of jurisdiction pursuant to subsection (a)(1)(D)  
12 respecting the rule that did not take effect because it was  
13 the subject to an enacted resolution of disapproval”.

14 (c) DEFINITIONS.—Section 804 of title 5, United  
15 States Code, is amended by adding at the end the fol-  
16 lowing new paragraph:

17 “(4) The term ‘joint committee’ refers to the  
18 Joint Administrative Procedures Committee.”.

19 **SEC. 5. EFFECTIVE DATE.**

20 This Act and the amendments made by it shall take  
21 effect at noon on January 3, 2005.

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