

109TH CONGRESS  
1ST SESSION

# H. R. 4631

To establish the Gulf Deregulation Commission.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 2005

Mr. JINDAL (for himself, Mr. WICKER, Mr. McHENRY, Mr. GARRETT of New Jersey, Mr. KING of Iowa, Mr. GINGREY, Mrs. MYRICK, Mr. FEENEY, Mr. McCAUL of Texas, Mrs. MUSGRAVE, Mr. ROHRABACHER, Mr. PENCE, Mr. HENSARLING, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. COLE of Oklahoma, Mr. NEUGEBAUER, Mr. KLINE, Mr. WILSON of South Carolina, Mr. MARCHANT, and Mr. ADERHOLT) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committees on Rules and Transportation and Infrastructure, 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 establish the Gulf Deregulation Commission.

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 referred to as the “Gulf Deregula-  
5       tion Act”.

1 **SEC. 2. ESTABLISHMENT OF COMMISSION; DUTIES.**

2 (a) ESTABLISHMENT.—There is established a Com-  
3 mission to be known as the “Gulf Deregulation Commis-  
4 sion” (in this Act referred to as the “Commission”).

5 (b) DUTIES.—The duties of the Commission shall  
6 be—

7 (1) to identify Federal, State, and local regula-  
8 tions that have the effect of impeding recovery and  
9 relief efforts in hurricane disaster areas; and

10 (2) to recommend the temporary suspension of  
11 such regulations in accordance with section 6.

12 (c) CONSULTATION.—The Commission shall carry  
13 out the duties under subsection (b) in consultation with  
14 appropriate Federal, State, and local officials and mem-  
15 bers of the private sector.

16 (d) HURRICANE DISASTER AREA.—In this Act, the  
17 term “hurricane disaster area” means an area in which  
18 the President declared the existence of a major disaster  
19 under section 401 of the Robert T. Stafford Disaster Re-  
20 lief and Emergency Assistance Act (42 U.S.C. 5170)—

21 (1) before September 14, 2005, by reason of  
22 Hurricane Katrina; or

23 (2) before October 6, 2005, by reason of Hurri-  
24 cane Rita.

1 **SEC. 3. MEMBERSHIP.**

2 (a) APPOINTMENT.—The Commission shall be com-  
3 posed of 12 members appointed by the President, by and  
4 with the advice and consent of the Senate.

5 (b) QUALIFICATIONS.—Members of the Commission  
6 shall be representatives from Federal, State, and local gov-  
7 ernment agencies and the private sector who have exper-  
8 tise in regulatory and economic development service.

9 (c) TERM.—Each member shall be appointed for the  
10 life of the Commission.

11 (d) VACANCIES.—A vacancy in the Commission shall  
12 be filled in the manner in which the original appointment  
13 was made.

14 (e) DEADLINE FOR APPOINTMENTS.—Appointments  
15 under this subsection shall be made not later than 10 days  
16 after the date of the enactment of this Act.

17 (f) CHAIRPERSON.—The Chairperson of the Commis-  
18 sion shall be designated by the President at the time of  
19 appointment.

20 (g) QUORUM.—A majority of the members of the  
21 Commission shall constitute a quorum but a lesser number  
22 may hold hearings.

23 (h) MEETINGS.—The Commission shall meet at least  
24 monthly at the call of the Chairperson.

1 **SEC. 4. STAFF.**

2 (a) STAFF.—The Chairperson may appoint and fix  
3 the pay of additional personnel as the Chairperson con-  
4 siders appropriate.

5 (b) STAFF OF FEDERAL AGENCIES.—Upon the re-  
6 quest of the Commission, the head of any Federal depart-  
7 ment or agency may detail, on a reimbursable basis, any  
8 of the personnel of that department or agency to the Com-  
9 mission to assist it in carrying out its duties under this  
10 Act.

11 **SEC. 5. REPORTS; TERMINATION.**

12 (a) INTERIM REPORT.—Not later than 30 days after  
13 members of the Commission are appointed under section  
14 3, the Commission shall submit to the President, Con-  
15 gress, and the legislature of the State and local govern-  
16 ment of each hurricane disaster area a report containing  
17 its preliminary recommendations.

18 (b) FINAL REPORT.—Not later than 90 days after  
19 submitting the interim report under subsection (a), the  
20 Commission shall submit to the President and Congress  
21 a final report.

22 (c) TERMINATION.—The Commission shall terminate  
23 10 days after submitting its final report pursuant to sub-  
24 section (b).

1 **SEC. 6. SUSPENSION OF FEDERAL REGULATIONS.**

2 (a) **AUTHORITY TO RECOMMEND SUSPENSION.**—

3 Notwithstanding any other provision of law, the Commis-  
4 sion shall have the authority to recommend the suspen-  
5 sion, for a period not to exceed 18 months, of any Federal  
6 regulation, or part thereof, that it determines—

7 (1) impedes the reconstruction and recovery of  
8 any hurricane disaster area; and

9 (2) imposes a restriction or mandate on public-  
10 sector, private-sector, or nonprofit activity.

11 (b) **SUSPENSION OF REGULATIONS.**—Except as pro-  
12 vided in section 7—

13 (1) upon receipt of the final report required  
14 under section 5(b), the President shall suspend any  
15 Federal regulation recommended for suspension by  
16 the Commission for the period recommended by the  
17 Commission in accordance with subsection (a); and

18 (2) a Federal regulation recommended to be  
19 suspended by the Commission shall be suspended  
20 upon the expiration of the 20-day period beginning  
21 on the date on which Congress receives the final re-  
22 port required under section 5(b).

23 **SEC. 7. CONGRESSIONAL DISAPPROVAL OF COMMISSION**  
24 **RECOMMENDATIONS.**

25 (a) **ADOPTION OF JOINT RESOLUTION.**—If, before  
26 the end of the 20-day period beginning on the date on

1 which Congress receives the final report required under  
2 section 5(b), Congress adopts a joint resolution expressing  
3 disapproval of the recommendations made by the Commis-  
4 sion in the report, the President shall not suspend any  
5 regulation under section 6 pursuant the recommendations  
6 contained in the report.

7 (b) TERMS OF THE RESOLUTION.—For purposes of  
8 this section, the term “joint resolution” means only a joint  
9 resolution which is introduced within the 20-day period  
10 beginning on the date on which the Commission transmits  
11 the final report to the Congress under section 5(b), and—

12 (1) which does not have a preamble;

13 (2) the matter after the resolving clause of  
14 which is as follows: “That Congress disapproves the  
15 recommendations of the Gulf Deregulation Commis-  
16 sion as submitted by the President on  
17 \_\_\_\_\_”, the blank space being  
18 filled in with the appropriate date; and

19 (3) the title of which is as follows: “Joint reso-  
20 lution disapproving the recommendations of the Gulf  
21 Deregulation Commission.”.

22 (c) REFERRAL.—A resolution described in subsection  
23 (b) that is introduced in the House of Representatives  
24 shall be referred to the Committee on Government Reform  
25 of the House of Representatives. A resolution described

1 in subsection (b) introduced in the Senate shall be referred  
2 to the Committee on Homeland Security and Govern-  
3 mental Affairs of the Senate.

4 (d) DISCHARGE.—If the committee to which a resolu-  
5 tion described in subsection (b) is referred has not re-  
6 ported such resolution (or an identical resolution) by the  
7 end of the 20-day period beginning on the date on which  
8 the Commission transmits the final report to the Congress  
9 under section 5(b), such committee shall be, at the end  
10 of such period, discharged from further consideration of  
11 such resolution, and such resolution shall be placed on the  
12 appropriate calendar of the House involved.

13 (e) CONSIDERATION.—

14 (1) MOTION TO CONSIDER.—

15 (A) IN GENERAL.—On or after the third  
16 day after the date on which the committee to  
17 which such a resolution is referred has re-  
18 ported, or has been discharged (under sub-  
19 section (d)) from further consideration of, such  
20 a resolution, it is in order (even though a pre-  
21 vious motion to the same effect has been dis-  
22 agreed to) for any Member of the respective  
23 House to move to proceed to the consideration  
24 of the resolution. A Member may make the mo-  
25 tion only on the day after the calendar day on

1 which the Member announces to the House con-  
2 cerned the Member's intention to make the mo-  
3 tion, except that, in the case of the House of  
4 Representatives, the motion may be made with-  
5 out such prior announcement if the motion is  
6 made by direction of the committee to which  
7 the resolution was referred.

8 (B) WAIVER OF POINTS OF ORDER.—All  
9 points of order against the resolution (and  
10 against consideration of the resolution) are  
11 waived.

12 (C) PRIVILEGE.—The motion is highly  
13 privileged in the House of Representatives and  
14 is privileged in the Senate and is not debatable.

15 (D) NOT SUBJECT TO CERTAIN MO-  
16 TIONS.—The motion is not subject to amend-  
17 ment, or to a motion to postpone, or to a mo-  
18 tion to proceed to the consideration of other  
19 business.

20 (E) MOTION TO RECONSIDER.—A motion  
21 to reconsider the vote by which the motion is  
22 agreed to or disagreed to shall not be in order.

23 (F) MOTION TO PROCEED TO CONSIDER-  
24 ATION.—If a motion to proceed to the consider-  
25 ation of the resolution is agreed to, the respec-



1           tive House shall immediately proceed to consid-  
2           eration of the joint resolution without inter-  
3           vening motion, order, or other business, and the  
4           resolution shall remain the unfinished business  
5           of the respective House until disposed of.

6           (2) DEBATE.—Debate on the resolution, and on  
7           all debatable motions and appeals in connection  
8           therewith, shall be limited to not more than 2 hours,  
9           which shall be divided equally between those favoring  
10          and those opposing the resolution. An amendment to  
11          the resolution is not in order. A motion further to  
12          limit debate is in order and not debatable. A motion  
13          to postpone, or a motion to proceed to the consider-  
14          ation of other business, or a motion to recommit the  
15          resolution is not in order. A motion to reconsider the  
16          vote by which the resolution is agreed to or dis-  
17          agreed to is not in order.

18          (3) FINAL PASSAGE.—Immediately following  
19          the conclusion of the debate on a resolution de-  
20          scribed in subsection (b) and a single quorum call at  
21          the conclusion of the debate if requested in accord-  
22          ance with the rules of the appropriate House, the  
23          vote on final passage of the resolution shall occur.

24          (4) APPEALS FROM DECISIONS OF THE  
25          CHAIR.—Appeals from the decisions of the Chair re-

1       lating to the application of the rules of the Senate  
2       or the House of Representatives, as the case may be,  
3       to the procedure relating to a resolution described in  
4       subsection (b) shall be decided without debate.

5       (f) CONSIDERATION BY OTHER HOUSE.—

6           (1) APPLICABLE PROCEDURES.—If, before the  
7       passage by one House of a resolution of that House  
8       described in subsection (b), that House receives from  
9       the other House a resolution described in subsection  
10      (b), then the following procedures shall apply:

11           (A) REFERRAL AND CONSIDERATION.—

12           The resolution of the other House shall not be  
13           referred to a committee and may not be consid-  
14           ered in the House receiving it except in the case  
15           of final passage as provided in subparagraph  
16           (B)(ii).

17           (B) OTHER PROCEDURES.—With respect  
18           to a resolution described in subsection (b) of  
19           the House receiving the resolution—

20                   (i) the procedure in that House shall  
21                   be the same as if no resolution had been  
22                   received from the other House; but

23                   (ii) the vote on final passage shall be  
24                   on the resolution of the other House.

1           (2) DISPOSITION.—Upon disposition of the res-  
2       olution received from the other House, it shall no  
3       longer be in order to consider the resolution that  
4       originated in the receiving House.

5       (g) RULES OF THE SENATE AND HOUSE.—This sec-  
6       tion is enacted by Congress—

7           (1) as an exercise of the rulemaking power of  
8       the Senate and House of Representatives, respec-  
9       tively, and as such it is deemed a part of the rules  
10      of each House, respectively, but applicable only with  
11      respect to the procedure to be followed in that  
12      House in the case of a resolution described in sub-  
13      section (b), and it supersedes other rules only to the  
14      extent that it is inconsistent with such rules; and

15          (2) with full recognition of the constitutional  
16      right of either House to change the rules (so far as  
17      relating to the procedure of that House) at any time,  
18      in the same manner, and to the same extent as in  
19      the case of any other rule of that House.

20   **SEC. 8. REINSTATEMENT OF REGULATIONS.**

21          (a) REINSTATEMENT.—A regulation suspended pur-  
22      suant to section 6 may be reinstated by the head of the  
23      department or agency responsible for administering the  
24      regulation pursuant to a determination that the benefits  
25      of reinstating such regulation outweigh the costs. Such de-

1 termination shall be subject to direction from or reversal  
2 by the President.

3 (b) ADMINISTRATIVE PROCEDURE.—The reinstate-  
4 ment of a regulation under this subsection shall be made  
5 in accordance with subchapter II of chapter 5 and chapter  
6 7 of title 5, United States Code and with any other rel-  
7 evant provision of law, including any Executive Order,  
8 that applies to the issuance of regulations.

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