

109TH CONGRESS
1ST SESSION

H. R. 576

To amend chapter 8 of title 5, United States Code, to establish the Joint Committee on Agency Rule Review.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 2, 2005

Mr. NEY 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

A BILL

To amend chapter 8 of title 5, United States Code, to establish the Joint Committee on Agency Rule Review.

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 Committee on
5 Agency Rule Review Act of 2005” or the “JCARR Act”.

6 **SEC. 2. ESTABLISHMENT OF A JOINT COMMITTEE ON**
7 **AGENCY RULE REVIEW.**

8 Section 802 of title 5, United States Code, is amend-
9 ed by redesignating subsection (g) as subsection (i) and

1 by inserting before subsection (i) the following new sub-
2 section:

3 “(h)(1) There is established a Joint Committee on
4 Agency Rule Review to be composed of 12 Members of
5 the Senate to be appointed by the majority leader of the
6 Senate and 12 Members of the House of Representatives
7 to be appointed by the Speaker of the House of Represent-
8 atives. In each instance, not more than 7 Members shall
9 be members of the same political party.

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

13 “(A) hold such hearings, to sit and act at such
14 places and times within the United States during the
15 sessions, recesses, and adjourned periods of Con-
16 gress;

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

22 “(C) make such rules respecting its organiza-
23 tion and procedures as it deems necessary, but no
24 bill shall be reported from the joint committee unless
25 a majority of the committee assent.

1 “(3) The members of the joint committee who are
2 Members of the Senate shall from time to time report to
3 the Senate, and the members of the joint committee who
4 are Members of the House of Representatives shall from
5 time to time report to the House, by bill or otherwise, their
6 recommendations with respect to matters within the juris-
7 diction of their respective Houses which are referred to
8 the joint committee or otherwise within the jurisdiction of
9 the joint committee.

10 “(4) Vacancies in the membership of the joint com-
11 mittee shall not affect the power of the remaining mem-
12 bers to execute the functions of the joint committee, and
13 shall be filled in the same manner as in the case of the
14 original selection. The joint committee shall select a chair-
15 man and a vice chairman from among its members at the
16 beginning of each Congress. The vice chairman shall act
17 in place of the chairman in the absence of the chairman.
18 The chairmanship shall alternate between the Senate and
19 the House of Representatives with each Congress, and the
20 chairman shall be selected by the Members from that
21 House entitled to the chairmanship. The vice chairman
22 shall be chosen from the House other than that of the
23 chairman by the Members from that House.

24 “(5) The joint committee may appoint and fix the
25 compensation of such staff as it deems necessary.

1 “(6)(A) Notwithstanding any law, rule, or other au-
2 thority, there shall be paid out of the applicable accounts
3 of the House of Representatives such sums as may be nec-
4 essary for one-half of the expenses of the joint committee.
5 Such payments shall be made on vouchers signed by the
6 chairman or vice chairman of the joint committee who is
7 a Member of the House of Representatives, as the case
8 may be, and approved in the manner directed by the Com-
9 mittee on House Administration of the House of Rep-
10 resentatives. Amounts made available under this para-
11 graph shall be expended in accordance with regulations
12 prescribed by the Committee on House Administration of
13 the House of Representatives.

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

15 **SEC. 3. CONSIDERATION IN THE HOUSE OF REPRESENTA-**
16 **TIVES AND THE SENATE.**

17 (a) HOUSE OF REPRESENTATIVES.—Section 802 of
18 title 5, United States Code, is amended by redesignating
19 subsection (f) as subsection (g) and by inserting after sub-
20 section (e) the following new subsection:

21 “(f)(1) In the House, after the third legislative day
22 after the date on which the joint committee has reported
23 a joint resolution described in subsection (a), it is in order
24 for any Member of the House to move to proceed to con-
25 sideration of the joint resolution. All points of order

1 against the motion to proceed and against consideration
2 of that motion are waived. The motion is privileged in the
3 House and is not debatable. The motion is not subject to
4 amendment, or to a motion to postpone, or to a motion
5 to proceed to the consideration of other business. A motion
6 to reconsider the vote by which the motion is agreed to
7 or disagreed to shall not be in order. If a motion to pro-
8 ceed to the consideration of the joint resolution is agreed
9 to, the House shall immediately proceed to consideration
10 of the joint resolution without intervening motion (except
11 one motion to adjourn), order, or other business.

12 “(2)(A) In the House, debate shall be confined to the
13 joint resolution and shall not exceed one hour equally di-
14 vided and controlled by a proponent and an opponent of
15 the joint resolution. The previous question shall be consid-
16 ered as ordered on the joint resolution to final passage
17 without intervening motion, except one motion to recom-
18 mit. A motion to reconsider the vote on passage of the
19 joint resolution shall not be in order.”.

20 (b) SENATE.—The first sentence of section 802(d)(1)
21 of title 5, United States Code, is amended by inserting
22 “any Member of the Senate to make” before “a motion
23 to proceed”.

1 **SEC. 4. TECHNICAL AND CONFORMING AMENDMENTS.**

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

4 (1) in paragraph (1)(A), by striking “each
5 House of Congress” and inserting “the joint com-
6 mittee”;

7 (2) in paragraph (1)(B), by striking “each
8 House of Congress” and inserting “the joint com-
9 mittee”;

10 (3) by amending paragraph (1)(C) to read as
11 follows:

12 “(C) Upon receipt of a report submitted under sub-
13 paragraph (A), the chairman or vice chairman of the joint
14 committee shall provide copies of the report to the chair-
15 man and ranking member of each applicable standing
16 committee with jurisdiction under the rules of the House
17 of Representatives or the Senate of the subject matter of
18 the provision of law under which the rule is issued.”;

19 (4) in paragraph (2)(A), by striking “commit-
20 tees of jurisdiction in each House of the Congress”
21 and inserting “joint committee”;

22 (5) in paragraph (3)(A)(i), by striking “Con-
23 gress” and inserting “joint committee”; and

24 (6) in paragraph (4), by striking “Congress”
25 and inserting “the joint committee”.

1 (b) CONGRESSIONAL DISAPPROVAL PROCEDURE.—
2 Section 802 of title 5, United States Code, is amended—

3 (1) in subsection (a), by striking “Congress”
4 the first place it appears and inserting “the joint
5 committee”;

6 (2) by striking subsection (b) and inserting the
7 following new subsection:

8 “(b) For purposes of this section, the term ‘submis-
9 sion or publication date’ means the later of the date on
10 which—

11 “(1) the joint committee receives the report
12 submitted under section 801(a)(1); or

13 “(2) the rule is published in the Federal Reg-
14 ister, if so published.”;

15 (3) in subsection (c), by striking “committee to
16 which is referred a joint resolution described in sub-
17 section (a) has not reported such” and inserting
18 “joint committee has not reported a”; and

19 (4) in subsection (d)(1), by striking “committee
20 to which is referred a joint resolution is referred has
21 reported” and inserting “joint committee” and by
22 striking “a committee” and inserting “the joint com-
23 mittee”.

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

4 “(4) The term ‘joint committee’ refers to the
5 Joint Committee on Agency Rule Review.”.

6 **SEC. 5. EFFECTIVE DATE.**

7 This Act and the amendments made by it shall take
8 effect at noon on January 3, 2007.

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