

112TH CONGRESS  
2D SESSION

# H. R. 5720

To establish procedures for the presentation and expedited consideration by Congress of the recommendations in the Federal Regulatory Reform Report prepared by the Office of Information and Regulatory Affairs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2012

Mr. CARNEY (for himself, Mr. PETERS, Mr. RENACCI, Mr. OWENS, Mr. MEEHAN, and Mr. DOLD) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committee on Rules, 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 procedures for the presentation and expedited consideration by Congress of the recommendations in the Federal Regulatory Reform Report prepared by the Office of Information and Regulatory Affairs, and for other purposes.

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 “Regulatory Reform Act  
5       of 2012”.

1 **SEC. 2. FEDERAL REGULATORY REFORM REPORT.**

2 (a) IN GENERAL.—Subchapter I of chapter 35 of title  
3 44, United States Code, is amended by—

4 (1) redesignating section 3521 as section 3522;

5 and

6 (2) by inserting after section 3520 the following

7 new section:

8 **“§ 3521. Federal Regulatory Reform Report**

9 “(a) REPORT REQUIRED.—Not later than October 1  
10 every four years, beginning with the first year following  
11 the date of the enactment of the Regulatory Reform Act  
12 of 2012, the Administrator of the Office of Information  
13 and Regulatory Affairs shall make available on a publicly  
14 available website and submit to Congress a report on Fed-  
15 eral regulatory reform (in this section referred to as the  
16 ‘Federal Regulatory Reform Report’).

17 “(b) CONTENTS OF REPORT.—The Federal Regu-  
18 latory Reform Report shall contain the following:

19 “(1) A list of rules that are determined to be  
20 outmoded, duplicative, ineffective, or excessively bur-  
21 densome.

22 “(2) A list of recommendations to consolidate,  
23 modify, simplify, or repeal such rules to make such  
24 rules more effective or less burdensome.

25 “(3) A description of the justification for (in-  
26 cluding supporting data) and impact of the rec-

1       ommendations described in paragraph (2), as appro-  
2       priate and available.

3           “(4) For any rule listed under paragraph (2),  
4       an analysis of how the costs outweigh the benefits  
5       for such rule. The benefits for such analysis shall in-  
6       clude environmental and public health considerations  
7       and other considerations with regard to the benefits  
8       that the Administrator determines are appropriate.

9           “(c) RESOURCES FOR REPORT.—The Administrator  
10      shall use any of the following sources to prepare the Fed-  
11      eral Regulatory Reform Report:

12           “(1) Agency action plans.

13           “(2) Executive Order 12866 (5 U.S.C. 601  
14      note; relating to regulatory planning and review).

15           “(3) Executive Order 13563 (76 Fed. Reg.  
16      3812; relating to improving regulation and regu-  
17      latory review).

18           “(4) The Office of Management and Budget  
19      Circular A–4.

20           “(5) The Office of Management and Budget  
21      Annual report to Congress required by section  
22      624(a) of Public Law 106–554 (31 U.S.C. 1105  
23      note).

24           “(6) Any other appropriate report, analysis,  
25      and review of the executive and legislative branch.

1       “(d) NOTICE AND COMMENT.—At least 60 days be-  
2 fore submission of the Federal Regulatory Reform Report  
3 required under subsection (a), the Administrator of the  
4 Office of Information and Regulatory Affairs shall publish  
5 the report in the Federal Register for public notice and  
6 comment. The Administrator may modify the report in re-  
7 sponse to any comments received before submission of the  
8 report to Congress.

9       “(e) CONSULTATION REQUIRED.—The Administrator  
10 of the Office of Information and Regulatory Affairs shall  
11 consult with the President, the Director of the Office of  
12 Management and Budget, the Chief Performance Officer  
13 of the Office of Management and Budget, and the relevant  
14 committees of jurisdiction of the House of Representatives  
15 and the Senate before the submission of the Federal Regu-  
16 latory Reform Report required under subsection (a).

17       “(f) PRESENTATION OF FEDERAL REGULATORY RE-  
18 FORM REPORT TO CONGRESS AND EXPEDITED CONSID-  
19 ERATION.—

20               “(1) IN GENERAL.—The President shall pro-  
21 pose, at the time and in the manner provided in  
22 paragraph (2), the carrying out of all or part of the  
23 recommendations contained in the most recent Fed-  
24 eral Regulatory Reform Report prepared by the Of-  
25 fice of Information and Regulatory Affairs.

1           “(2) TRANSMITTAL OF SPECIAL MESSAGE.—

2           Not later than 120 days after the submission of a  
3           Federal Regulatory Reform Report under subsection  
4           (a), the President shall transmit to Congress a spe-  
5           cial message to carry out all or part of the rec-  
6           ommendations contained in that Federal Regulatory  
7           Reform Report. The President shall include with  
8           that special message a bill that would carry out the  
9           recommendations. The President may not transmit  
10          more than one such special message each year.

11          “(3) EXPEDITED CONSIDERATION OF PRESI-  
12          DENT’S REGULATORY REFORM BILL.—

13                 “(A) REGULATORY REFORM BILL.—Within  
14                 14 days after the President submits to Con-  
15                 gress a bill under paragraph (2), the majority  
16                 leader of the House of Representatives and the  
17                 majority leader of the Senate shall each intro-  
18                 duce such bill, by request.

19                 “(B) CONSIDERATION IN THE HOUSE OF  
20                 REPRESENTATIVES.—

21                         “(i) REFERRAL AND REPORTING.—

22                         Any committee of the House of Represent-  
23                         atives to which such bill is referred shall  
24                         report it to the House without amendment  
25                         not later than the 14th legislative day after

1 the date of its introduction. If a committee  
2 fails to report the bill within that period or  
3 the House has adopted a concurrent reso-  
4 lution providing for adjournment sine die  
5 at the end of a Congress, such committee  
6 shall be automatically discharged from fur-  
7 ther consideration of the bill and it shall be  
8 placed on the appropriate calendar.

9 “(ii) PROCEEDING TO CONSIDER-  
10 ATION.—Not later than 21 legislative days  
11 after such bill is reported or a committee  
12 has been discharged from further consider-  
13 ation thereof, it shall be in order to move  
14 to proceed to consider such bill in the  
15 House. Such a motion shall be highly privi-  
16 leged and not debatable, and shall be in  
17 order only at a time designated by the  
18 Speaker in the legislative schedule within  
19 two legislative days after the day on which  
20 the proponent announces an intention to  
21 the House to offer the motion provided  
22 that such notice may not be given until  
23 such bill is reported or a committee has  
24 been discharged from further consideration  
25 thereof. Such a motion shall not be in

1 order after the House has disposed of a  
2 motion to proceed with respect to that spe-  
3 cial message. The previous question shall  
4 be considered as ordered on the motion to  
5 its adoption without intervening motion. A  
6 motion to reconsider the vote by which the  
7 motion is disposed of shall not be in order.

8 “(iii) CONSIDERATION.—If the motion  
9 to proceed is agreed to, the House shall  
10 immediately proceed to consider such bill  
11 in the House without intervening motion.  
12 Such bill shall be considered as read. All  
13 points of order against the bill and against  
14 its consideration are waived. The previous  
15 question shall be considered as ordered on  
16 the bill to its passage without intervening  
17 motion except 4 hours of debate equally di-  
18 vided and controlled by the proponent and  
19 an opponent and one motion to limit de-  
20 bate on the bill. A motion to reconsider the  
21 vote on passage of the bill shall not be in  
22 order.

23 “(C) CONSIDERATION IN THE SENATE.—

24 “(i) COMMITTEE ACTION.—The ap-  
25 propriate committee of the Senate shall re-

1 port without amendment the bill referred  
2 to in subparagraph (A) not later than the  
3 seventh session day after introduction. If a  
4 committee fails to report the bill within  
5 that period or the Senate has adopted a  
6 concurrent resolution providing for ad-  
7 journment sine die at the end of a Con-  
8 gress, the Committee shall be automati-  
9 cally discharged from further consideration  
10 of the bill and it shall be placed on the ap-  
11 propriate calendar.

12 “(ii) MOTION TO PROCEED.—Not  
13 later than 3 session days after the bill is  
14 reported in the Senate or the committee  
15 has been discharged thereof, it shall be in  
16 order for any Senator to move to proceed  
17 to consider the bill in the Senate. The mo-  
18 tion shall be decided without debate and  
19 the motion to reconsider shall be deemed  
20 to have been laid on the table. Such a mo-  
21 tion shall not be in order after the Senate  
22 has disposed of a prior motion to proceed  
23 with respect to the draft bill.

24 “(iii) CONSIDERATION.—If a motion  
25 to proceed to the consideration of the draft



1 bill is agreed to, the Senate shall imme-  
2 diately proceed to consideration of the  
3 draft bill without intervening motion,  
4 order, or other business, and the draft bill  
5 shall remain the unfinished business of the  
6 Senate until disposed of. Consideration on  
7 the bill in the Senate under this sub-  
8 section, and all debatable motions and ap-  
9 peals in connection therewith, shall not ex-  
10 ceed 10 hours equally divided in the usual  
11 form. All points of order against the draft  
12 bill or its consideration are waived. Consid-  
13 eration in the Senate on any debatable mo-  
14 tion or appeal in connection with the draft  
15 bill shall be limited to not more than 10  
16 hours. A motion to postpone, or a motion  
17 to proceed to the consideration of other  
18 business, or a motion to recommit the  
19 draft bill is not in order. A motion to re-  
20 consider the vote by which the draft bill is  
21 agreed to or disagreed to is not in order.

22 “(D) AMENDMENTS PROHIBITED.—No  
23 amendment to, or motion to strike a provision  
24 from, the draft bill considered under this sec-

1           tion shall be in order in either the Senate or the  
2           House of Representatives.

3           “(E) COORDINATION WITH ACTION BY  
4           OTHER HOUSE.—If, before passing the bill, one  
5           House receives from the other a bill—

6                   “(i) the bill of the other House shall  
7                   not be referred to a committee; and

8                   “(ii) the procedure in the receiving  
9                   House shall be the same as if no bill had  
10                  been received from the other House until  
11                  the vote on passage, when the bill received  
12                  from the other House shall supplant the  
13                  bill of the receiving House.

14           “(F) LIMITATION.—This paragraph shall  
15           apply only to the bill referred to in subpara-  
16           graph (A), introduced pursuant to such sub-  
17           paragraph.

18           “(g) DEFINITIONS.—For purposes of this section,  
19           continuity of a session of either House of Congress shall  
20           be considered as broken only by an adjournment of that  
21           House sine die, and the days on which that House is not  
22           in session because of an adjournment of more than 3 days  
23           to a date certain shall be excluded in the computation of  
24           any period.”.

- 1       (b) TECHNICAL AND CONFORMING AMENDMENT.—  
2 The table of sections for chapter 35 of title 44, United  
3 States Code, is amended by striking the matter relating  
4 to section 3521 and inserting the following:

“3521. Federal Regulatory Reform Report.  
“3522. Authorization of Appropriations.”.

