

into account job losses and income effects.

We need a Congress that can comprehensively look at these things, a body that can, in the words of the White House, “protect public health, welfare, safety, and our environment, while also promoting economic growth, innovation, competitiveness, and job creation,” all at the same time.

So as we learn what’s actually in ObamaCare and other laws, why is it such a bad idea to ensure that individual, rank-and-file Americans get to weigh in, through their elected representatives, on the important details that impact their pocketbooks, consume their time, and govern countless aspects of their daily lives?

The truth is it’s not a bad idea. In fact, I predict Congress would take the time to more thoroughly and publicly deliberate about these large ambiguous bills if the regulators didn’t get the final say. In the end, we would end up with better, clearer legislation in a diminished role for unelected rulemakers. More Americans could stay engaged in the entire lawmaking process and could voice their concerns in a meaningful way. And politicians would be unable to hide behind so-called “unelected bureaucrats” because the American people could ultimately hold Congress accountable for the rules coming out of Washington.

I implore my colleagues to join me in restoring a measure of accountability to the democratic process. Support this bill.

The CHAIR. The Committee will rise informally.

The Speaker pro tempore (Mr. ROTHFUS) assumed the chair.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has agreed to a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 22. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The SPEAKER pro tempore. The Committee will resume its sitting.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2013

The Committee resumed its sitting.

Mr. COHEN. Mr. Speaker, I yield myself 30 seconds to set the frame for where we are.

What we’re asking is for all major rules and regulations to have to be approved by both the House and the Senate and signed by the President before they would ever go into effect. That message is one of the few things we can agree on—the Senate agreed on the time we can adjourn. That’s about what we agree on. Seventeen bills have made it through here in 7 months, and

we’re talking about 50 to 100 major rules. Not gonna happen.

I yield 5 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. I thank my friend from Tennessee, and I thank him for his able leadership on this bill.

Listening to our friends on the other side of the aisle, I urge them all to reread Upton Sinclair’s “The Jungle,” because that’s where you would take us. You would take us to a world in which there was no Federal oversight of the food supply in America, there was no oversight of child labor in America, there was no oversight of workplace safety in America. And tragedies ensued.

America’s water, America’s air is cleaner, more breathable, and healthier today precisely because of regulation. The narrative that all regulation is burdensome—it only entails a cost, it never entails a benefit—is absolutely false and needs to be rejected by this body.

Sadly, Mr. Chairman, it is once again shaping up to be a lost summer for Congress as a number of issues ripe for debate—not this one—will be left to wither on the vine as Members leave town for the next 5 weeks. That’s frustrating, after this year began with so much promise.

I was pleased to be part of a bipartisan coalition that voted for the New Year’s Day deal to avert the fiscal cliff. A few weeks later, that same bipartisan coalition banded together to provide emergency aid to communities ravaged by Superstorm Sandy. Thankfully, our success didn’t stop even there. We came together again on a bipartisan basis to reaffirm the strong support for the Violence Against Women Act after it had languished in this body because leadership refused to compromise.

At that point, people were actually beginning to wonder if the 113th Congress had finally gotten the message—that the American people want us to work together to get things done, not to just make cheap political points. But sadly, that progress was not sustained.

The first fissure appeared after the Senate’s adoption of its first budget in nearly 4 years. I guess my friends on the other side of the aisle, the House Republicans, who had repeatedly beat up on the other Chamber for not doing its job with respect to the budget, are still dumbfounded that they in fact did pass one because it’s been 4 months and they still have yet to appoint Members to the conference committee they claim they wanted.

Then the Senate managed to pass bipartisan comprehensive immigration reform. Our Republican colleagues may talk a good game on immigration, but that’s all they’ve done so far here in the House. Not one of the bills in their piecemeal approach has come to this floor for consideration.

And just recently, House leaders allowed extreme partisanship to not only

derail what was originally a bipartisan farm bill, but to also cast aside a critical safety net that was founded on a bipartisan basis in both the Senate and the House decades ago to protect families who need help putting food on the table.

The list of unfinished business continues to grow as we enter the final days of summer, but where is the urgency to resolve them? I was puzzled to see House Republicans bring up a so-called “jobs” bill that once again provided less infrastructure funding than we did the previous year in what was called the T-HUD appropriation bill. Of course it wasn’t a surprise they had to pull it from the floor in the face of bipartisan opposition. Their parting shot of this week will be the 40th attempt to repeal part or all of ObamaCare. That’s 40.

When we return from this ill-timed recess, Congress will have just 9 legislative days to reach a deal on keeping the government open for business beyond the end of the fiscal year, and by that time we’re going to be bumping up against the debt ceiling. We actually managed a bipartisan accord to suspend that debt ceiling earlier this year, but we haven’t been able to rekindle that spirit of cooperation.

Mr. Chairman, the American people aren’t taking 5 weeks off like we are, and neither should this Congress. We can’t afford another lost summer.

Mr. GOODLATTE. Mr. Chairman, at this time it’s my pleasure to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law.

Mr. BACHUS. The gentleman from Fairfax, Virginia, has just told us that we have avoided the fiscal cliff. I wonder if our children and grandchildren can take any comfort in that. I had no idea that the deficit and the debt had gone away. I had been told they were increasing by billions of dollars every day.

We have another difference of opinion across the aisle. Our colleagues are saying we need more Federal regulations—those that are covered by this bill that cost \$100 million or more. We on this side of the aisle think that we could do well with a few less more regulations. Yes, every President has added regulations, every administration—and we’re supposed to say that that is a good thing?

Regulations today cost \$11,000 per American worker. Now, that’s not taxes; that’s not your Social Security; that’s not their expense. That is just the Federal regulations. Fourteen percent of our national income, according to Dr. Douglas Holtz-Eakin, our former Congressional Budget Office director, 14 percent of our national income is being absorbed by Federal regulations.

Now, the gentleman from Tennessee says there were all these regulations before, and the Obama administration, they passed very few regulations. Well, not according to Dr. Holtz-Eakin. He

actually says that in the last 4 years, the Obama administration has added over a half-trillion dollars worth of new regulations. Boy, so it may be Groundhog Day, but we're another half-trillion dollars deeper in Federal regulations.

But let's talk about one family. Let's talk about one family and what regulations mean to them. One regulation caused American families to pay \$20 more for a bronchial dilator. That was despite the fact that in 1987, in Montreal, there was an accord. And the reason is, the FDA said we're not going to allow an ozone-depleting substance to come out of these bronchial dilators, so they banned it. And immediately, in 2008, the cost of these bronchial dilators went from \$6 and \$8 up to as much as \$30. Well, you know what the effect of that was? Let me tell you what The New York Times said. The New York Times described this as a rough transition to new asthma inhalers because several million Americans suddenly were paying \$20 more and some couldn't afford it.

The CHAIR. The time of the gentleman has expired.

Mr. GOODLATTE. Mr. Chairman, I yield 1 additional minute to the gentleman from Alabama.

Mr. BACHUS. Some couldn't afford it, I'll say to the gentleman from Virginia, the gentleman from Georgia, and the gentleman from Tennessee. Several million Americans were suddenly being forced—some elderly, some children—to pay \$20 more for what had been a \$7 or \$10 item. And you know what happened? A lot of them couldn't afford it, and there were more asthma attacks and there was more bronchitis, and emphysema increased. That was despite the fact that in Montreal, in 1987, there was an accord that said, number one, that substance in a medical inhaler was essential and was excepted from the accord because the ozone was improving, number one. But number two, even if you banned all non-industrial discharges of ozone-depleting substances—all of them—it wouldn't do any good; it would have an insignificant effect. And of the non-industrial discharges, the amount from medical inhalers was infinitesimal. We denied millions of Americans an essential health item.

Mr. COHEN. Before I yield to Mr. JOHNSON, I would say that I could respond to some of the statements that the gentleman from Alabama made, but I won't do it because I have the highest respect for him. He's one of the finest Members of this House.

I yield 5 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to H.R. 367, the REINS Act.

I have profound concerns with the REINS Act. This bill would undermine the ability of agencies to protect the public interest. It is a continuation of the majority's obstructionist approach that led to sequestration.

This deregulatory train wreck threatens to send us back to the days before the Wall Street collapse, a financial catastrophe that could have been avoided by responsible policies. This bill comes from the same brain trust that pulled the bill for transportation funding yesterday. Apparently, \$4.4 billion in budget cuts is not good enough for these Republicans.

And now we consider the REINS Act, a bill that would require Congress to have the final say on regulations. Stop and think about that. The same House Republicans that could not vote to fund transportation now want to have the final say on all major rules. Never mind that Congress already has that power under the Congressional Review Act. Never mind that House Republican leadership tried this same maneuver in 2011.

□ 1830

If Republican leadership truly believed in growing the economy and creating jobs, we would have come together with a grand bargain long ago. We could even vote on job-creating legislation to strengthen the middle class. But instead, this Republican Congress insists on voting on a messaging bill that will go absolutely nowhere. Few Americans are surprised by yet another Republican leadership failure that has become par for the course.

Mr. Chairman, millions of Americans are still out of work. As we go back to our districts over the recess, I hope my Republican colleagues can look into the eyes of the poor and the unemployed in their communities and say: "Don't worry, I voted for a messaging bill to deregulate America."

Mr. GOODLATTE. Mr. Chairman, at this time, it's my pleasure to yield 2 minutes on this job-creating legislation to the gentleman from Missouri (Mr. SMITH), a great new member of the House Judiciary Committee.

Mr. SMITH of Missouri. Thank you, Mr. Chairman.

Mr. Chairman, I rise in support of H.R. 367, the REINS Act of 2013.

As a member of the Subcommittee on Regulatory Reform and a cosponsor, I am pleased to see a good reform bill like REINS come to the floor. Regulations impose hundreds of billions of dollars—in fact, trillions of dollars—on family farmers and small businesses, which significantly affect our economy and job creation in southeast Missouri.

Businesses and individuals face an uncertain regulatory future, and this gives them pause as they seek to start or grow their businesses to encourage economic growth and create jobs. The REINS bill adds just a little more certainty to the process. It allows these individuals to hear about regulations and give input to Congress before they vote up or down on an agency rule.

As I travel across Missouri, I always run into business owners, family farmers, and individuals who have felt the sting of government and their overreach, with the over 170,000 pages of

rules and regulations affecting their lives. The "pie in the sky" regulations here in D.C. have real effects back home. The voice of the American people through their elected representatives should be the determining factor in government regulation, not that of a beltway bureaucrat.

I urge adoption of the REINS Act.

Mr. COHEN. Mr. Chairman, I yield 3 minutes and 53 seconds to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise today to oppose this misguided piece of legislation, which would erect new obstacles and red tape to protecting American lives.

At the outset, let me just reiterate what Mr. COHEN said earlier in his opening remarks, which is that Congress already has the power to disapprove any rule through the Congressional Review Act, through the appropriations process, and through other authorizing legislation.

H.R. 367, let's face it, is essentially an attempt to impose a procedural chokehold on protecting American citizens. I want to talk about one of those proposed rules, which is now pending at OSHA, the Occupational Safety and Health Administration, which is a rule to prevent the continuing litany of workplace fire and explosions from combustible dust.

Unfortunately, the Rules Committee didn't see fit to allow an amendment offered by Representative GEORGE MILLER to exclude that rule from the underlying bill. It has been abundantly clear for a decade that Federal regulatory action is needed to prevent combustible dust explosions and fires.

In 2003, the Chemical Safety Board found that protections to stop these explosions were grossly inadequate. The Board identified hundreds of other combustible dust fires and explosions, causing at least 119 fatalities and 715 injuries over the last 15 years.

The investigators themselves are not alone in demanding action. Tammy Miser of Kentucky testified before Congress recently about how her brother Shawn was killed in a metal dust fire at an aluminum wheel plant in Huntington, Indiana, in 2003. She told us how he was left lying on a smoldering floor after the explosion while aluminum dust burned through his flesh and muscle tissue. And each breath caused his internal organs to be burned even more.

Shawn wasn't the first to die at work this way, and he hasn't been the last. It has been more than 5 years since the Imperial Sugar explosion in Georgia, an explosion that killed 14 workers. It caused hundreds of millions of dollars in damage because an unchecked accumulation of sugar dust ignited and caused a chain of explosions, leveling the plant.

These workplace explosions have not stopped. There have been 49 major combustible dust fires or explosions that have killed 18 and injured 131 workers since Imperial Sugar.

More recently, five workers were killed in three separate events at a factory north of Nashville because an iron powder processing plant failed to abate repeated dust hazards. Each of the five left behind a wife and child; one had four children under 11, another became a grandfather the day before he was killed.

Widows have called on their government to protect them, and that's where OSHA comes in. In 2009, OSHA finally started work on a rule to reduce the risk of these explosions. There will be small business panels, risk assessments, public hearings, and plenty of opportunities for comments.

Despite the clear need to move forward, this bill would give special interests a new way to block needed protections, and they are already lining up to kill a rule they dislike.

The sad truth is that the underlying bill is nothing more than an effort to put the powerful above the lives and limbs of working families and their widows.

I urge my colleagues to vote down this bill.

If I have another few seconds, I just want to say we are now hours away from a 5-week recess. 640,000 DOD civilian employees are looking at Congress, asking why they should be furloughed for the next 8 weeks, losing 20 percent of their pay, some of whom are doing critical work for our national security, and yet not once in the over 200 days since this Congress was sworn in, has the governing majority brought a bill to this floor to turn off sequester and make sure that these people who are doing critical work for our national security can do their job. That's what we should be focused on. We should cancel the recess, turn off sequester, and end the endless debate about bills that are headed nowhere.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I rise in strong support of the REINS Act.

The REINS Act is needed, frankly, because for decades now Congress has abdicated its responsibility for lawmaking to unelected Federal elites in the executive branch. They often create overbearing regulations that stifle innovation, reduce productivity, prevent businesses from growing and adding jobs, and increase prices on everything from gasoline to groceries. Don't get me wrong; some regulations are good and necessary, but they come with substantial cost, and there is not enough accountability for them.

I would look forward to voting for good regulations, and I would think my colleagues across the aisle would also look forward to voting for good regulations and taking credit for them. At this moment, however, the Obama administration has regulations in the pipeline that could cost the American people more than \$50 billion. The Competitive Enterprise Institute estimates

the regulatory burden to be almost \$15,000 a year per family. Another study estimates that just six EPA regulations will cause the loss of almost 10 million jobs.

These rules are written by unelected elites with very little accountability to individual citizens across my district in western Pennsylvania, from Ellwood City to Lower Burrell to Somerset.

The REINS Act requires your elected representatives to be more accountable for regulations. Very simply, if the regulations will cost Americans more than \$100 million, then Congress has to vote on it. Good regulations will be approved, and others will not. But your representative will have to declare a position, and you can hold them accountable for their votes.

Mr. Chairman, the REINS Act makes sense to me, it makes sense to my constituents in western Pennsylvania, and I encourage my colleagues to support the bill.

Mr. COHEN. Mr. Chairman, I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, may I ask how much time is remaining on each side?

The CHAIR. The gentleman from Virginia has 11½ minutes. The gentleman from Tennessee has 10½ minutes.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 2 minutes to the gentleman from Indiana (Mr. ROKITA).

Mr. ROKITA. I thank the chair for yielding me time.

Mr. Chairman, I rise in support of the REINS Act, and I rise in support of the man who introduced it, my friend and colleague from Indiana, Mr. YOUNG.

I want to start out by addressing something the gentleman from Tennessee debated and talked about just a little bit earlier. He said that "we don't get anything done here." I would like to take some opposition to that.

Just this week, we solved in a permanent fashion, Mr. Chairman, the student loan situation. We didn't do it with Democratic-inspired price fixing; we tied it to the market. Now, it's true it was very much a Republican bill when it left this House, then it was wisely adopted by the Senate in agreement last week, and it came back over here for a final vote 99 percent the same as it left. That's getting something done. That is real.

But let's take the gentleman's point a little bit further. Let's say sometimes we don't get something done; let's say sometimes we don't agree. The gentleman's solution is to let the unelected, unaccountable, nameless, faceless bureaucrats handle it, who aren't directly elected by anybody.

That is an abdication of the constitutional duty of this House, of this branch of government. It is our duty to make the laws; it is our duty to make the rules. And not only is it our duty to debate and pass legislation—hopefully not every time with our names on it—but it's also our constitutional duty

to oversight the executive branch. That's exactly what the REINS Act acts to do.

How dare we decide we don't want to address, we don't want to tackle the big issues, Mr. Chairman, because they're too controversial; let the bureaucrats do it. That's not the way to run a government, that's not a way to run this branch of government, and that's not the way to run this House.

It's time this body starts doing its second and equally important constitutional duty, and that is oversight of the executive branch. The REINS Act, again, helps us do that in large measure. For that reason, I urge my colleagues to support this bill.

Mr. COHEN. I would like to yield 5 minutes to the gentlewoman from Houston, Texas (Ms. JACKSON LEE), home of Archie Bell and the Drells.

(Ms. JACKSON LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE. I thank the gentleman from Tennessee for his distinguished leadership and friendship, and the chairman of the full committee, because I believe that it is fair to have a difference of opinion. It is also fair to say that there are times when we have a great opportunity to work together.

I believe the gentleman mentioned my tenure on the Judiciary Committee, so let me document for my colleagues: the REINS Act goes around and around and around and around. It is constantly repeated and reintroduced, and it constantly fails.

For the new Members, my friends on the other side of the aisle who are standing up and talking about what a great impact this would have, they are using old data and misinterpretation, for there is no real documentation that the REINS Act is going to stop \$1.5 trillion in excess cost. In fact, the authors of the study that my friends are using—the study was assessed by the Congressional Research Service.

I know when I speak to the American people and my colleagues they want to debunk all of this procedure and say "enough is enough." But the CRS showed that the study was flawed, but more importantly, the author said: "We never intended for this to determine benefits to regulation. Our studies have nothing to do with it."

We cannot document the \$1.5 trillion or the billions of dollars that our friends say that they're going to lose. They know full well that there is a procedure of disapproval that Congress can respond to the needs and the questions of the American public.

□ 1845

What they do not tell you is that this procedure—oh, I hate to talk about it. Please let me apologize. If you hear it, your eyes will roll back in your head, for what has to happen now is that the agency is doing its work. The DOD, Health and Human Services, the Department of Education are doing their work under existing law. They are trying to work on clean air and clean

water, safe toys, safe cars, and safe workplaces.

By the way, I offered an amendment to exempt children's regulations for babies who are 2 and under, and I was denied by the majority, by the Republican Rules Committee, so that babies who need safe cribs and toys now have to have this happen. Unless both Houses of Congress pass a joint resolution—let me tell you how long that might take—2 years, 3 years, five sessions, who knows—and then such rule within a fixed 70-legislative-day period, it kicks over into the next Congress. In the meantime, babies' heads are driven through cribs.

Those of us who are mothers know that era. It hasn't stopped. Each time, you have to look at the technology of cribs—or of toys that they choke on—and be able to discern how newborns are impacted. The Consumer Product Safety Commission can't effectively put a regulation in. Mothers understand that. Can you imagine a resolution of two Houses of Congress? Right now, we can't even get a budget resolution going forward.

I will tell you what the American people want us to do. It's not the REINS Act, which goes around and around. I think it was in the 112th Congress and in the 111th Congress. We are now in the 113th, and we will do it in the 114th. It does not save money. The American people want a solution-based budgeting process. They want us to go back to the budget reconciliation. They want us to stop laying off, as my good friend from Connecticut said, hardworking Defense workers, hardworking Homeland Security workers, hardworking Department of Education workers, who are trying to help this country be better. They want us to reduce the deficit. I will raise my hand for that. That is a good thing. They want us to create jobs, and they want us to be fair to the middle class.

I come from Texas. One of the worst disasters ever to occur was in West, Texas—the tragedy and the devastation of the loss of our fellow Americans in an explosion that should not have happened. What was the cry? What was the Federal Government doing? What was the regulatory scheme in order to prevent whatever ignited that terrible tragedy to see the loss of first responders?

The Federal Government is an umbrella on a rainy day. Fix the problems of regulation one by one. If there is one that is undermining small businesses, we are happy to do the disapproval process, and you can be assured that the voices of the American people will cry out. I can tell you that there is no proof—no legitimacy, no documentation—but anecdotal stories of, I hate the Federal Government. I don't hate the Federal Government. I pledge allegiance to this great flag and to this great Nation. I love my country. Therefore, I understand that it is the umbrella on a rainy day.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. COHEN. I yield such time as she may consume to the gentlewoman in order to explain the fallacies of this bill.

Ms. JACKSON LEE. I thank the distinguished gentleman for his kindness.

Mr. Chairman, the reason we had to reassess the Army Corps of Engineers and have a regulatory scheme is that we lost almost 1,000-plus individuals in Hurricane Katrina. It wasn't the hurricane that had come through; it was the dam that broke. I know it well because I walked those streets of the Ninth Ward, and I saw the babies' shoes and the clothing hanging on closets and the whole area that was literally destroyed and that killed 1,000 people.

It's the regulatory structure of what kind of oversight was given, what regulatory structure the Army Corps was working under, what oversight they gave, what the regulation period was in which they had to review these kinds of structures around America. Then people wanted us to get in and get something accomplished. So I am just perplexed that there is no evidence whatsoever that this will create jobs, and it does not answer, by any means, how this government can work better.

I started to say to the gentleman from Tennessee that we all love this country—we pledge allegiance to the flag in our schools and in this body—and I wish my friends on the other side of the aisle would find some other way that we could work together. They talk about Obama administration regulations. My friends, they have been submitting this over and over again. These regulations have been carried forward from the Bush administration. This is not from the Obama administration.

Let me close by saying that I want clean air, that I want clean water, that I want our babies to be safe in their cribs and playpens. I am appalled that they put this legislation on the floor as something new when this is as old as Methuselah and, I might say, has limited value. As we would say in Texas, it's something that would be very doubtful. I'll leave it at that because we usually talk Texan in Texas, and I'm not there now.

What I will tell you is that we have ways of explaining how things are not relevant. This is not relevant, and it does not equate to a State legislature at all. This is for the United States of America. You cannot put the REINS Act in place and talk about jobs. I simply ask that we defeat this bill and pass these amendments that have been offered by Democrats, who want to make sure that we address the question of the American people.

I leave this podium by saying to the gentleman from Tennessee: Is it ludicrous to place as a responsibility of the Congress a 70-day window for two Houses to pass a resolution when we did not and were not able to pass a student loan effort for months and months, which, by the way, was made better by Senate Democrats? Is it reasonable?

Mr. COHEN. It is not reasonable.

Mr. Chairman, I reserve the balance of my time.

Mr. GOODLATTE. I yield myself 30 seconds.

Mr. Chairman, since 1996, the disapproval process described by the gentlewoman from Texas has succeeded just one time. During that time, tens of thousands of regulations have been passed; and if people think that all but one of them were just fine, I would suggest it's just the opposite. It's the process right now—the inability of the Congress to rein in regulations that are out of control—which is lacking, and that's why we need the REINS Act, so that regulations that cost more than \$100 million come back to the Congress for approval.

It is now my pleasure to yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD), a distinguished member of the Judiciary Committee and the vice chairman of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law.

Mr. FARENTHOLD. Mr. Chairman, I want to address, too, what my colleague from Houston, Texas, just said.

I love clean air, clean water, safe working places as much as she does; but we've got a government now that, instead of working with the people and with industry, is working against them. The trust in our government is at an all-time low. Scandal after scandal is plaguing the government. We have got to get people who are accountable in charge of those regulations, not unelected bureaucrats who are writing regulations that only in the history of the Review Act have been overturned one time. Ergonomic furniture was the only time that was able to work.

What I want to talk about is the Constitution.

The Constitution granted this body—the House of Representatives—and our colleagues across the Capitol, the Senate, the legislative power in this country to write laws and make rules that the American people must abide by. Now, for a variety of reasons, past Congresses have delegated this part. I mean, it makes sense. I don't know how many parts per billion of whatever substance in water is safe and what isn't. I don't know how many feet high a barrier needs to be to keep our workers safe. We've given this authority to our regulatory agencies. Yet, under this President in particular—and even under past Presidents—these agencies have seized that power and have written more and more burdensome regulations that go beyond the intent of this body.

Before we burden the American people with expensive, burdensome and intrusive regulations, the American people have a right to have their elected officials vote on it. This is how we are starting to reclaim some of the power that past Congresses have given away and are bringing it back to where our Founding Fathers rightfully intended—

into the Halls of Congress. This is a rational way to do it.

Washington works best under pressure. We give ourselves a deadline. If there is a bad rule that comes up under the REINS Act, we will get to it. We will approve it if it's good, and we will disapprove it if it's bad. That's our job. That's what we were sent here to do and, with our salaries, what we are paid to do.

The Acting CHAIR (Mr. CONAWAY). The time of the gentleman has expired.

Mr. GOODLATTE. It is my pleasure to yield an additional minute to the gentleman from Texas.

Mr. FARENTHOLD. Thank you very much.

Mr. Chairman, I just want to wrap up by saying that this really is a problem. Elected officials are not making the rules. There is no accountability, and it's going to be hard for us to do it. This is the first step in bringing the power back to the people and to their elected Representatives. The REINS Act is a commonsense way to hold government accountable and to start to rebuild that trust that the American people have lost in Washington, D.C. That is what is good for America, and I urge my colleagues to support the REINS Act.

Mr. COHEN. Mr. Chairman, I would reserve what few precious minutes and seconds I may have left, and I would like to be informed of how many precious minutes and seconds I have.

The Acting CHAIR. The gentleman from Tennessee has 2 minutes remaining.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Louisiana (Mr. SCALISE).

Mr. SCALISE. I thank the gentleman from Virginia for yielding and for bringing this bill forward.

Mr. Chairman, I am a strong supporter of the REINS Act. If you look at why we are bringing this bill forward, it is because of the onslaught of radical regulations that have been coming from this Obama administration for the last 4½ years.

Every time I go back home and talk to small business owners in my district, the biggest impediment that they tell me they have to creating more jobs—the biggest impediment—is the rules and regulations coming down from the Federal Government. If you look at what the REINS Act does, it doesn't stop those rules and regulations. It just says, if these rules and regulations are so important and have a \$100 million impact on our economy, shouldn't they come before Congress and have to state their cases? I mean, what are you so afraid of in coming before the public body and having transparency?

President Obama said he was going to be the most transparent President ever. Yet he has got these bureaucrats who want to go behind closed doors and come up with rules and regulations. We have had hearings on some of this

stuff, by the way, and they talk about things that are going to save kids' lives and things that are going to improve the quality of our air. We have had hearing after hearing in which the rules that they come up with have absolutely nothing to do with improving the quality of people's health.

What it has to do with is ramming through a radical agenda that they can't pass through Congress, and if Congress can't pass it—the publicly elected body of the United States Government—then you shouldn't go through the back door and have some unelected bureaucrat try to ram that through on this country and cause a devastating impact on jobs.

There have been over 130 different major rules under the Obama administration having a \$70 billion impact on families in this country. With that \$70 billion of impact that's going to cost families more money for food, for energy—for everything they do—shouldn't they have to come before the public bodies here in Congress and state the case? If it's such a good rule, what are they afraid of? Why don't they want that transparency?

It's because they don't want the transparency. They want to ram through the radical agenda, and the REINS Act just puts a stop to the unelected bureaucrats from doing it.

Mr. COHEN. I continue to reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I believe all of the speakers on our side have spoken. I reserve the right to close, and at this time, I await the gentleman's actions. Then I will be happy to close.

I reserve the balance of my time.

Mr. COHEN. I yield myself the balance of my time.

Mr. Chairman, we have had a good discussion on this bill. Indeed, it is "Groundhog Day" as we have had it so many times. We've just gone around and around.

It is amazing that this body, which I am so proud to serve in, has popularity ratings amongst the American public of less than 10 percent because of the ineffectiveness of the House to work with the Senate and get anything done. Yet here we are, trying to give this body more power over the safety and health—fiscal and physical—of the American public.

One of the gentlemen spoke and said, I don't know how tall something has to be—a dam. I don't know.

Of course he doesn't know. You leave it to the experts. We pass laws. We instruct the agencies to come up with reasonable rules and regulations because they know how to build dams and know how to have airplanes that you can get off of in case of a crash and save people's lives and how to have fire-retardant seats and deal with other safety issues. There are abundant safety issues for the American public.

This is a bad idea. It is an idea that will not create jobs. It will hurt the American public. It will hurt safety

and possibly our financial safety as well because it could impede Dodd-Frank from going in to protect the American public from future financial doom like we almost saw in 2008 with derivatives here in this Congress.

So I would ask that we vote "no," that we protect the American public, and that we respect the system that we have had for so many years for safety and health.

I yield back the balance of my time.

□ 1900

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

A year and a half ago, the President of the United States came to give his State of the Union address here in the House Chamber and stood at the podium just below where you're standing right now. He had a long list of legislative items he wanted the Congress to pass. At the conclusion of it he said, If you don't do it, I will. I'm paraphrasing, of course. The question that many of us had was: By what authority in the United States Constitution does the President of the United States have the ability to do something that he has come to the Congress to ask to be passed legislatively and to tell us, if we don't do it, he's going to do it himself in the executive branch?

Well, the way he does it, when he's not stopped by lawsuits and other means, is he simply has regulations passed to accomplish those objectives. You know what? Thousands of regulations are passed every Congress compared to a few hundred laws that are passed. All we're asking here today is that for those regulations that cost the American people \$100 million or more, that they have to come back here and be approved by the Congress rather than have executive fiat control that.

This is the representative democracy here in the House of Representatives and in the United States Senate. This is the people's House. We have the authority to pass laws, and we definitely are concerned about the welfare and well-being of our American people. But when we add trillions of dollars in costs to the expenses of American families, \$11,000 per family, that's a stunning thing to think about what money could have been spent on other things. Yes, of course, some of those regulations are necessary, but many of them are not. Many of them needlessly add cost and create an ever-growing bureaucracy in the executive branch. We need to have ways to rein that in.

The most effective way to do that is to start with the largest regulation. Many people would say, well, we should do it for all regulations. That ought to be our objective, to make it very clear that we do not want to see regulations passed that are ineffective, that are needless, that add costs. Starting with those that cost more than \$100 million, it is absolutely appropriate for the elected representatives of the people to have the final say on whether those

regulations are, indeed, what the Congress intended when they passed the underlying laws upon which those regulations are based. That's all we ask in this legislation. It is reasonable. The American people want it. This Congress should pass it.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Chair, I strongly support of the REINS Act.

The American people today face an onslaught of unnecessary Federal regulations. From the President's health care law to the never-ending list of EPA rules, government regulation has become a barrier to economic growth and job creation.

Congress hears from employers daily about the threat of Federal regulations to their businesses. These employers are rightly concerned about the cost of compliance that regulations impose on their businesses. Overly burdensome regulation diverts limited money and resources away from business investment and expansion to meet the government's demands. This harms the ability of business owners to create more jobs and boost local economies. That should motivate us to take action today.

Rather than halt its efforts to expand government, the administration seeks to use the regulatory agencies to accomplish what it cannot get approved by Congress. The REINS Act ensures that Congress has the final say over whether Washington will impose major new regulations on the American economy. Specifically, the bill establishes a procedure for Congress to approve all new major regulations proposed by the administration.

The President himself has expressed the risks that excessive regulations pose to our economy. He has called for reviews of existing regulations to provide relief. He has also made a commitment to make the regulatory process more transparent. However, the President has failed to deliver on these promises. Instead, the Obama administration has proposed four times the number of major regulations than the previous administration over the same time period.

It is time for Congress to reverse this harmful trend in overregulation. The REINS Act holds the administration accountable for its unjustified regulatory assault on job creators. It guarantees that Congress, not unelected bureaucrats, will be the final arbiter of all new major regulatory costs.

The American people want job creation and economic growth, not more regulation. The REINS Act reins in out-of-control Federal regulations that burden the economy.

I thank Mr. YOUNG of Indiana for introducing this important legislation and I thank Chairman GOODLATTE for taking up the REINS Act.

Mr. BLUMENAUER. Mr. Chair, as an administrator and policymaker at the local, state, and federal levels, I have often seen the value of common-sense regulations that save lives. I have also seen the challenges associated with cumbersome regulations that are difficult to navigate. However, in my experience, regulations tend to be less stringent than necessary rather than overly strict. There are ways to make regulation more efficient and easier to navigate, but we must do so in a way that protects public health, maintains our environmental protections, and ensures fair market interactions.

For the second time in less than two years, today Congress is considering H.R. 367, the

Regulations from the Executive in Need of Scrutiny Act. I oppose this legislation, as I did in 2011, and urge my colleagues to vote against it. This bill is an attack on our government's basic ability to enforce laws that protect public health and the environment. Every major law requires enforcement by the executive branch of government, and enforcement requires agencies to write regulations that explain and make public how that agency is going to enforce the law. This is how legislation is implemented. This bill would require both the House and the Senate to vote on every major regulation before that regulation can be enforced, providing only seventy days to do so. This allows Congress to effectively veto any legislation we have already passed, simply by taking no action and keeping agencies from moving forward with implementation. Agencies will not be able to enforce new laws or complete updates to regulations as required by existing laws, such as the Clean Air Act.

We do not need to extend Congress's dysfunction to the rest of the federal government. I strongly oppose H.R. 367 and urge my colleagues to do the same.

Mr. GINGREY of Georgia. Mr. Chair, I rise today as a proud original cosponsor of H.R. 367, the Regulations from the Executive in Need of Scrutiny—or REINS—Act.

Far too much authority has been delegated to federal agencies, leading to a lack of accountability and massive Executive overreach through regulation. According to current procedure, major rules promulgated by agencies take effect unless Congress passes and the President signs a joint resolution disapproving them under the Congressional Review Act. The Obama Administration has abused this process time and time again to bypass the legislative branch to regulate what it cannot legislate, with \$50 billion in new rules proposed this year alone and the overall cost of the current regulatory burden coming in at \$1.8 trillion.

At a time when nearly 12 million Americans are searching for work, the Obama Administration continues to burden the economy with cumbersome, bureaucratic regulations that harm small businesses and hamper economic growth. To make matters worse, this Administration has made a habit out of ignoring the legal obligation to transparency in the regulatory process. The constant flow of regulations has led to uncertainty and a lack of oversight, and Americans deserve a government that is truly accountable to the people.

Mr. Chair, H.R. 367 would restore Congressional accountability by requiring Congress and the President to approve major rules—those with an impact on the economy of more than \$100 million—before they can be enforced, thereby allowing a means to stem the flow of unnecessary, complex, and ineffective regulations. Congress has the right and responsibility to exercise rigorous oversight over the rulemaking process to ensure that we reduce needless and excessive regulatory burdens, protect current jobs, and promote future growth. I urge my colleagues to support H.R. 367.

Mr. CONYERS. Mr. Chair, I rise in strong opposition to H.R. 367, the “Regulations from the Executive in Need of Need of Scrutiny Act.”

Without question, this bill will have dangerous consequences for all Americans by creating an unworkable approval process that

will make it nearly impossible for many new regulations to go into effect.

It does this by imposing impossibly unrealistic deadlines by which Congress must consider and pass exceedingly complex and technical regulations in order for such regulations to take effect.

Under H.R. 367, Congress would have only 70 legislative days within which to act after it receives a major rule.

Now, let us put this in some perspective. Over the past few years, the average number of major rules promulgated each year is about 85.

In 2010, for instance, 94 major rules were issued. But keep in mind the following fact: there were just 116 legislative days in the House during 2010.

Worse yet, the bill restricts the days on which these major rules may be considered in the House, which—for last year—would have been just 10 days.

Assuming there is just an average number of major rules, the House would have to consider an average of 8 separate major rules on each of those days.

And, if the REINS Act were to become law today, there would be only 5 days left in 2013 on which the House could consider the merits of major rules.

Under H.R. 367, there is just no way Congress could possibly have the time to consider all the major rules issued during the year.

And, if Congress fails to act within this mandatory time frame, the regulation cannot be considered until the next Congress.

Even Chief Justice John Roberts criticized a prior iteration of the REINS Act back in 1983. He said that such legislation would “hobbl[e] agency rulemaking by requiring affirmative Congressional assent to all major rules” and would “seem to impose excessive burdens on the regulatory agencies.”

The bottom line is that the bill would at least significantly delay rulemaking and at worst bring it to a halt.

Avoiding undue delay in rulemaking is important because strong regulation is vital to protecting Americans in nearly every aspect of their lives.

According to the Government Accountability Office, if the REINS Act were in effect now it would delay or possibly derail at least 32 major proposed regulations issued this year and 68 such rules issued last year.

Among other things, these proposed regulations pertain to:

- reimbursement rates for end-stage renal disease Medicare providers;
- payments to primary care physicians under the Vaccines for Children Program;
- various Federal student loan programs;
- the Justice Department's National Standards to prevent, detect, and respond to prison rape;
- meal requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010;
- the Transportation Department's Certified Medical Examiners National Registry;
- Labor Department Standards for H-2B Aliens in the United States;
- the subsistence allowance for veterans under the Vocational Rehabilitation and Employment Program; and the Patent and Trademark Office's proposal setting and adjusting patent fees.

And, this is just a small sample of the many kinds of protections that the REINS Act would jeopardize. I could go on and on.

This explains why nearly 70 consumer groups, environmental organizations, labor unions, and other entities, strenuously oppose this bill.

Likewise, the Administration issued a strongly worded veto threat against this bill. It warns that H.R. 367 “would delay and, in many cases, thwart implementation of statutory mandates and execution of duly-enacted laws, create business uncertainty, undermine much-needed protections of the American public, and cause unnecessary confusion.”

Finally, H.R. 367 will give anti-regulatory interests yet another opportunity to derail rule-making.

Major rules are the product of an intensive, multi-year process, based on extensive input received from the public and affected entities through a notice and comment period.

Agencies often spend many months, if not years, to perfect these rules based on feedback from these sources and their own expertise.

Under the bill's short-circuited process, however, Congress will not realistically be able to second-guess the merits of these rules.

Instead, we in Congress will be bombarded with visits, phone calls, and talking points from industry lobbyists and well-funded special interests that can use every resource available to persuade us of the validity of their views.

Superficially, it may seem like a good idea to make Congress the final arbiter of all significant regulatory decisions. After all, Members of Congress are elected and regulators are not.

But realistically, we simply lack the expertise and resources to make the requisite prudential decisions about the bona fides of these rules, particularly given the limited time frame we have to act under the bill.

An example of how this legislation would work:

I recently introduced H.R. 2480, the Nurse and Health Care Worker Protection Act of 2013, which would require the Occupational Safety and Health Administration to promulgate a regulation that protects our caretakers from debilitating injuries. Nursing professionals and health care aids have among the highest rates of back, neck, and shoulder injuries of any profession, due to the trauma of lifting, supporting, and repositioning patients. Through a straightforward regulation that promotes safe patient handling practices, including the use of mechanical devices, this regulation could save, millions of dollars each year, and countless years of experience.

Now even if the House and Senate pass H.R. 2480 and the experts with OSHA develop the proper standards to prevent these debilitating injuries, under the REINS Act, any resulting regulations would have to be assessed by Congress and voted on in a short time frame. Let's be honest, who in this body know about ergonomics and the technical aspects of a nurse's day to day job?

Accordingly, I strongly urge my colleagues to join me in opposing this seriously flawed bill.

Ms. JACKSON LEE of Texas. Congress adopted the current system over a hundred years ago because it recognized the necessity of assigning the job of crafting appropriate regulations to the scientific, economic, legal, and other experts in agencies. The REINS Act is an extreme departure from current procedures designed only to stymie the develop-

ment of regulations with which the industry does not want to comply.

The current system of administrative agencies of the federal government began more than 100 years ago, and developed through the 20th century. It was codified in its present form in the Administrative Procedures Act. The REINS Act guts this precedent, and replaces it with insurmountable hurdles.

Congress already has the power to stop regulations if extreme circumstances dictate under the Congressional Review Act. The REINS Act requires agencies to submit new final rules to Congress for review, delaying the effective date of those rules to permit Congress to block them, and establishes a fast-track process for legislation proposed to overrule a regulation.

The bill would make it virtually impossible for an approval resolution to pass because it does not entirely prohibit a filibuster. Since the bill does not clearly prohibit a filibuster in the Senate, more specifically it does not prohibit a filibuster on a motion to take up a matter, it would empower a few, or even one Senator, to block regulations.

The legislation gives Congress a short 70-day window to approve a regulation, and if either chamber fails to do so during that time period, the regulation is deemed to have been rejected, and Congress is barred from subsequently voting to approve the regulation or one “substantially similar” to it for the remainder of that Congress. The 70-day requirement will make it next to impossible for any regulations to be approved.

Resolutions approving regulations would first have to be cleared by committees. The vast majority of bills introduced in Congress die in committee, and there is no reason to believe that new regulations wouldn't suffer the same fate.

Claims about so-called “job-killing” regulations are a fabrication, a reiteration of the same doomsday rhetoric that has been used to oppose virtually every major step forward for health and safety. In actuality, the REINS Act is about giving representatives of industry more opportunities to kill regulations they find inconvenient, posing a great detriment to public safety and health.

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

The amendment in the nature of a substitute recommended by the Committee on the Judiciary, printed in the bill, as modified by the amendment printed in part A of House Report 113-187, shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Regulations From the Executive in Need of Scrutiny Act of 2013”.

SEC. 2. PURPOSE.

The purpose of this Act is to increase accountability for and transparency in the Federal regulatory process. Section 1 of article I of the United States Constitution grants all legislative powers to Congress. Over time, Congress has ex-

cessively delegated its constitutional charge while failing to conduct appropriate oversight and retain accountability for the content of the laws it passes. By requiring a vote in Congress, the REINS Act will result in more carefully drafted and detailed legislation, an improved regulatory process, and a legislative branch that is truly accountable to the American people for the laws imposed upon them.

SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.

Chapter 8 of title 5, United States Code, is amended to read as follows:

“CHAPTER 8—CONGRESSIONAL REVIEW OF AGENCY RULEMAKING

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“§801. Congressional review

“(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall submit to each House of the Congress and to the Comptroller General a report containing—

“(i) a copy of the rule;

“(ii) a concise general statement relating to the rule;

“(iii) a classification of the rule as a major or nonmajor rule, including an explanation of the classification specifically addressing each criteria for a major rule contained within sections 804(2)(A), 804(2)(B), and 804(2)(C);

“(iv) a list of any other related regulatory actions intended to implement the same statutory provision or regulatory objective as well as the individual and aggregate economic effects of those actions; and

“(v) the proposed effective date of the rule.

“(B) On the date of the submission of the report under subparagraph (A), the Federal agency promulgating the rule shall submit to the Comptroller General and make available to each House of Congress—

“(i) a complete copy of the cost-benefit analysis of the rule, if any;

“(ii) the agency's actions pursuant to sections 603, 604, 605, 607, and 609 of this title;

“(iii) the agency's actions pursuant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act of 1995; and

“(iv) any other relevant information or requirements under any other Act and any relevant Executive orders.

“(C) Upon receipt of a report submitted under subparagraph (A), each House shall provide copies of the report to the chairman and ranking member of each standing committee with jurisdiction under the rules of the House of Representatives or the Senate to report a bill to amend the provision of law under which the rule is issued.

“(2)(A) The Comptroller General shall provide a report on each major rule to the committees of jurisdiction by the end of 15 calendar days after the submission or publication date. The report of the Comptroller General shall include an assessment of the agency's compliance with procedural steps required by paragraph (1)(B) and an assessment of whether the major rule imposes any new limits or mandates on private-sector activity.

“(B) Federal agencies shall cooperate with the Comptroller General by providing information relevant to the Comptroller General's report under subparagraph (A).

“(3) A major rule relating to a report submitted under paragraph (1) shall take effect upon enactment of a joint resolution of approval described in section 802 or as provided for in the rule following enactment of a joint resolution of approval described in section 802, whichever is later.

“(4) A nonmajor rule shall take effect as provided by section 803 after submission to Congress under paragraph (1).

“(5) If a joint resolution of approval relating to a major rule is not enacted within the period provided in subsection (b)(2), then a joint resolution of approval relating to the same rule may not be considered under this chapter in the same Congress by either the House of Representatives or the Senate.

“(b)(1) A major rule shall not take effect unless the Congress enacts a joint resolution of approval described under section 802.

“(2) If a joint resolution described in subsection (a) is not enacted into law by the end of 70 session days or legislative days, as applicable, beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), then the rule described in that resolution shall be deemed not to be approved and such rule shall not take effect.

“(c)(1) Notwithstanding any other provision of this section (except subject to paragraph (3)), a major rule may take effect for one 90-calendar-day period if the President makes a determination under paragraph (2) and submits written notice of such determination to the Congress.

“(2) Paragraph (1) applies to a determination made by the President by Executive order that the major rule should take effect because such rule is—

“(A) necessary because of an imminent threat to health or safety or other emergency;

“(B) necessary for the enforcement of criminal laws;

“(C) necessary for national security; or

“(D) issued pursuant to any statute implementing an international trade agreement.

“(3) An exercise by the President of the authority under this subsection shall have no effect on the procedures under section 802.

“(d)(1) In addition to the opportunity for review otherwise provided under this chapter, in the case of any rule for which a report was submitted in accordance with subsection (a)(1)(A) during the period beginning on the date occurring—

“(A) in the case of the Senate, 60 session days, or

“(B) in the case of the House of Representatives, 60 legislative days, before the date the Congress is scheduled to adjourn a session of Congress through the date on which the same or succeeding Congress first convenes its next session, sections 802 and 803 shall apply to such rule in the succeeding session of Congress.

“(2)(A) In applying sections 802 and 803 for purposes of such additional review, a rule described under paragraph (1) shall be treated as though—

“(i) such rule were published in the Federal Register on—

“(I) in the case of the Senate, the 15th session day, or

“(II) in the case of the House of Representatives, the 15th legislative day, after the succeeding session of Congress first convenes; and

“(ii) a report on such rule were submitted to Congress under subsection (a)(1) on such date.

“(B) Nothing in this paragraph shall be construed to affect the requirement under subsection (a)(1) that a report shall be submitted to Congress before a rule can take effect.

“(3) A rule described under paragraph (1) shall take effect as otherwise provided by law (including other subsections of this section).

“§802. Congressional approval procedure for major rules

“(a)(1) For purposes of this section, the term ‘joint resolution’ means only a joint resolution addressing a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii) that—

“(A) bears no preamble;

“(B) bears the following title (with blanks filled as appropriate): ‘Approving the rule submitted by _____ relating to _____’;

“(C) includes after its resolving clause only the following (with blanks filled as appropriate): ‘That Congress approves the rule submitted by _____ relating to _____’; and

“(D) is introduced pursuant to paragraph (2).

“(2) After a House of Congress receives a report classifying a rule as major pursuant to section 801(a)(1)(A)(iii), the majority leader of that House (or his or her respective designee) shall introduce (by request, if appropriate) a joint resolution described in paragraph (1)—

“(A) in the case of the House of Representatives, within three legislative days; and

“(B) in the case of the Senate, within three session days.

“(3) A joint resolution described in paragraph (1) shall not be subject to amendment at any stage of proceeding.

“(b) A joint resolution described in subsection (a) shall be referred in each House of Congress to the committees having jurisdiction over the provision of law under which the rule is issued.

“(c) In the Senate, if the committee or committees to which a joint resolution described in subsection (a) has been referred have not reported it at the end of 15 session days after its introduction, such committee or committees shall be automatically discharged from further consideration of the resolution and it shall be placed on the calendar. A vote on final passage of the resolution shall be taken on or before the close of the 15th session day after the resolution is reported by the committee or committees to which it was referred, or after such committee or committees have been discharged from further consideration of the resolution.

“(d)(1) In the Senate, when the committee or committees to which a joint resolution is referred have reported, or when a committee or committees are discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the House of Representatives, if any committee to which a joint resolution described in subsection (a) has been referred has not reported it to the House at the end of 15 legislative

days after its introduction, such committee shall be discharged from further consideration of the joint resolution, and it shall be placed on the appropriate calendar. On the second and fourth Thursdays of each month it shall be in order at any time for the Speaker to recognize a Member who favors passage of a joint resolution that has appeared on the calendar for at least 5 legislative days to call up that joint resolution for immediate consideration in the House without intervention of any point of order. When so called up a joint resolution shall be considered as read and shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and the previous question shall be considered as ordered to its passage without intervening motion. It shall not be in order to reconsider the vote on passage. If a vote on final passage of the joint resolution has not been taken by the third Thursday on which the Speaker may recognize a Member under this subsection, such vote shall be taken on that day.

“(f)(1) If, before passing a joint resolution described in subsection (a), one House receives from the other a joint resolution having the same text, then—

“(A) the joint resolution of the other House shall not be referred to a committee; and

“(B) the procedure in the receiving House shall be the same as if no joint resolution had been received from the other House until the vote on passage, when the joint resolution received from the other House shall supplant the joint resolution of the receiving House.

“(2) This subsection shall not apply to the House of Representatives if the joint resolution received from the Senate is a revenue measure.

“(g) If either House has not taken a vote on final passage of the joint resolution by the last day of the period described in section 801(b)(2), then such vote shall be taken on that day.

“(h) This section and section 803 are enacted by Congress—

“(I) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such is deemed to be part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (a) and superseding other rules only where explicitly so; and

“(2) with full recognition of the Constitutional right of either House to change the rules (so far as they relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

“§803. Congressional disapproval procedure for nonmajor rules

“(a) For purposes of this section, the term ‘joint resolution’ means only a joint resolution introduced in the period beginning on the date on which the report referred to in section 801(a)(1)(A) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: ‘That Congress disapproves the nonmajor rule submitted by the _____ relating to _____, and such rule shall have no force or effect.’ (The blank spaces being appropriately filled in).

“(b) A joint resolution described in subsection (a) shall be referred to the committees in each House of Congress with jurisdiction.

“(c) In the Senate, if the committee to which is referred a joint resolution described in subsection (a) has not reported such joint resolution (or an identical joint resolution) at the end of 15 session days after the date of introduction of the joint resolution, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Members of the Senate, and such joint resolution shall be placed on the calendar.

“(d)(1) In the Senate, when the committee to which a joint resolution is referred has reported,

or when a committee is discharged (under subsection (c)) from further consideration of a joint resolution described in subsection (a), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

“(2) In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion to further limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

“(3) In the Senate, immediately following the conclusion of the debate on a joint resolution described in subsection (a), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

“(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

“(e) In the Senate the procedure specified in subsection (c) or (d) shall not apply to the consideration of a joint resolution respecting a nonmajor rule—

“(1) after the expiration of the 60 session days beginning with the applicable submission or publication date, or

“(2) if the report under section 801(a)(1)(A) was submitted during the period referred to in section 801(d)(1), after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

“(f) If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

“(1) The joint resolution of the other House shall not be referred to a committee.

“(2) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

“(A) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

“(B) the vote on final passage shall be on the joint resolution of the other House.

“§804. Definitions

“For purposes of this chapter—

“(1) The term ‘Federal agency’ means any agency as that term is defined in section 551(1).

“(2) The term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds has resulted in or is likely to result in—

“(A) an annual effect on the economy of \$100,000,000 or more;

“(B) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

“(C) significant adverse effects on competition, employment, investment, productivity, in-

novation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

“(3) The term ‘nonmajor rule’ means any rule that is not a major rule.

“(4) The term ‘rule’ has the meaning given such term in section 551, except that such term does not include—

“(A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing;

“(B) any rule relating to agency management or personnel; or

“(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties.

“(5) The term ‘submission date or publication date’, except as otherwise provided in this chapter, means—

“(A) in the case of a major rule, the date on which the Congress receives the report submitted under section 801(a)(1); and

“(B) in the case of a nonmajor rule, the later of—

“(i) the date on which the Congress receives the report submitted under section 801(a)(1); and

“(ii) the date on which the nonmajor rule is published in the Federal Register, if so published.

“§805. Judicial review

“(a) No determination, finding, action, or omission under this chapter shall be subject to judicial review.

“(b) Notwithstanding subsection (a), a court may determine whether a Federal agency has completed the necessary requirements under this chapter for a rule to take effect.

“(c) The enactment of a joint resolution of approval under section 802 shall not be interpreted to serve as a grant or modification of statutory authority by Congress for the promulgation of a rule, shall not extinguish or affect any claim, whether substantive or procedural, against any alleged defect in a rule, and shall not form part of the record before the court in any judicial proceeding concerning a rule except for purposes of determining whether or not the rule is in effect.

“§806. Exemption for monetary policy

“Nothing in this chapter shall apply to rules that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

“§807. Effective date of certain rules

“Notwithstanding section 801—

“(1) any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping; or

“(2) any rule other than a major rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefore in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, shall take effect at such time as the Federal agency promulgating the rule determines.”.

SEC. 4. BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.

Section 257(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

“(E) BUDGETARY EFFECTS OF RULES SUBJECT TO SECTION 802 OF TITLE 5, UNITED STATES CODE.—Any rules subject to the congressional approval procedure set forth in section 802 of chapter 8 of title 5, United States Code, affecting budget authority, outlays, or receipts shall

be assumed to be effective unless it is not approved in accordance with such section.”.

SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF RULES.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine, as of the date of the enactment of this Act—

(1) how many rules (as such term is defined in section 804 of title 5, United States Code) were in effect;

(2) how many major rules (as such term is defined in section 804 of title 5, United States Code) were in effect; and

(3) the total estimated economic cost imposed by all such rules.

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit a report to Congress that contains the findings of the study conducted under subsection (a).

The Acting CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in part B of the report. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the 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.

AMENDMENT NO. 1 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 113–187.

Mr. SCALISE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 5, line 17, insert after the period the following: “Moreover, as a tax on carbon emissions increases energy costs on consumers, reduces economic growth and is therefore detrimental to individuals, families and businesses, the REINS Act includes in the definition of a major rule, any rule that implements or provides for the imposition or collection of a tax on carbon emissions.”.

Page 20, strike lines 10 through 14, and insert the following:

“(2) The term ‘major rule’ means any rule, including an interim final rule, that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget finds—

“(A) has resulted in or is likely to result

Page 20, line 15, redesignate subparagraph (A) as clause (i).

Page 20, line 17, redesignate subparagraph (B) as clause (ii).

Page 20, line 21, redesignate subparagraph (C) as clause (iii).

Page 20, line 25, strike the period and insert “; or”. Page 20, insert after line 25 the following:

(B) is a rule that implements or provides for the imposition or collection of a carbon tax.

Page 22, insert after line 8 the following:

“(6) The term ‘carbon tax’ means a fee, levy, or price on—

“(A) emissions, including carbon dioxide emissions generated by the burning of coal, natural gas, or oil; or

“(B) coal, natural gas, or oil based on emissions, including carbon dioxide emissions that would be generated through the fuel’s combustion.”.

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Mr. Chairman, I bring this amendment forward on the REINS Act to simply prohibit the Obama administration from imposing a carbon tax on the United States. If they wanted to impose that kind of tax, they could not do it through regulation. Of course, we've heard the Obama administration, from President Obama to his EPA Administrator and others, talking about various forms of taxes on energy that they want to impose. Whether it's a carbon tax, whether it's a cap-and-trade-type scheme, they've continued to throw out that opportunity to impose that kind of radical regulation by themselves without action from Congress.

Clearly, as we talk about the REINS Act and we talk about any kind of regulation having over a \$100 million impact on our economy, we want to make it very clear that any attempt to impose a carbon tax would fall under that same definition of "major rule" where they could not do it by regulation.

If you look at what's been studied on this issue—again, this idea of a carbon tax has been floating around for a while by the Obama administration. In fact, the National Association of Manufacturers, Mr. Chairman, did a study, and it's titled "The Economic Outcomes of a U.S. Carbon Tax." Let me tell you, it's not pretty some of the things that they talk about in this study.

If the Obama administration had their way and imposed a tax on carbon, manufacturing output in energy-intensive sectors, for example, could drop by as much as 15 percent. We're talking real job losses that would come to this country.

What would it do to families in terms of energy costs? How would it affect them? In the same study, they say, just in the first year of a carbon tax, we would see an increase in the cost of natural gas by more than 40 percent, and the price of gasoline at the pump would go up by 20 cents a gallon. That's just in the first year of a carbon tax. It would have devastating impacts on our economy.

Clearly, if you look at what President Obama and his administration officials are doing and saying, they want to keep the door open to impose a carbon tax through regulation. This amendment says absolutely not.

I reserve the balance of my time.

Mr. COHEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chairman, this is a bad amendment to a bad bill, so it's doubly bad.

This would take almost anything that protects the air, the water, the

public from carbon emissions away from the opportunity of the EPA to protect us. Many cities, such as Houston, Texas, and L.A. and other cities, have problems with smog. They have programs that they have to put a price on pollutants that cause urban smog, and these programs are part of the State-approved implementation plans through the EPA to protect the air. They are improving the air quality in Houston and Los Angeles, but under this amendment, if Texas or California ever needed to change these programs, they wouldn't be able to do so. Los Angeles has had enough smog, so has Houston and the rest of the country, and we have to be able to have laws that effectively protect our air.

Public health programs are important, and the amendment would risk the ability of EPA also to have its sanctions that they put into place. Right now, EPA, to ensure civil enforcement procedures, they change their penalties every 4 years to keep up with inflation so they're effective deterrents. This would stop this from happening, and eventually the deterrents would be less than necessary to stop bad actors from engaging in risky behavior that causes harm to the environment and harm to humans.

We just saw in January that Transocean agreed to pay \$1 billion to resolve Federal Clean Water Act civil penalty claims for the 3-month-long oil spill in the Gulf of Mexico, the BP there. BP also has got the same risk. If we don't allow the penalties to be adjusted for inflation, they won't have an effect. The sanctions won't deter bad actors. We saw it in the BP Deepwater Horizon explosion, and we see it as it applies to the Clean Water Act, Safe Drinking Water Act, Resource Conservation and Recovery Act, and all those others.

The bottom line is this could have unintended consequences, but its intended consequence is to protect the oil industry from regulations and imperil the American public. This is a bad amendment to a bad bill, and I ask my colleagues to defeat it.

I reserve the balance of my time.

Mr. SCALISE. Mr. Chairman, if I could go back to that National Association of Manufacturers study on the impact of a carbon tax, the gentleman from Tennessee might be interested in knowing that in Tennessee alone, in the first year of a carbon tax, household utilities would go up by 14 percent, and, in fact, they could experience job losses of up to 40,000 lost jobs just in the State of Tennessee in year one, with a 40 percent increase in their natural gas prices.

I wanted to point that out, and then yield 2 minutes to the gentleman from Virginia, Chairman GOODLATTE.

Mr. GOODLATTE. I thank the gentleman for yielding.

This is a good amendment to a good bill, and I support it.

By requiring all new major regulations to be submitted to Congress for

approval, the REINS Act provides a powerful check on overreaching executive action. This check could not come sooner. The Obama administration increasingly, and increasingly openly, is pursuing unilateral regulatory action to thwart Congress' decision not to pass legislation the administration desires. This includes legislation that would impose a carbon tax as part of the administration's climate agenda.

The amendment guarantees that no carbon tax can be imposed unless Congress consents to it, no matter how much the Obama administration would like to impose such a dramatic tax by executive fiat. This is the people's House. This is where new public policy should be established, and this amendment is a good one to assure that this is where policy related to carbon taxes is made, not in the administration.

I urge my colleagues to support the amendment.

Mr. COHEN. Mr. Chairman, I yield myself such time as I may consume.

I'll just reiterate that this is a bad amendment to a bad bill. It basically puts the interests of special industry—the gas and oil industry, particularly—above the American public's health, clean air, and the environment. If you want to have an Earth that we can give to the next generation that's in as good a shape so that their lungs can survive in it, you won't be for this type of regulation, this amendment, or for this bill.

I ask us to vote "no," and I yield back the balance of my time.

Mr. SCALISE. Mr. Chairman, in closing, I yield myself the balance of my time.

I just want to point out that clearly the Obama administration must be very interested in imposing a tax on carbon through regulation. The fact that the opposition has objected to this and stated all of the reasons that they think a carbon tax should be imposed tells you that they are holding out for that opportunity.

Of course, if you look at the devastating impacts of a carbon tax—there are a lot of good studies out there. Again, I go back to the National Association of Manufacturers. It's a very respected national organization, people that stand up for American jobs. The report they did, entitled, "Economic Outcomes of a U.S. Carbon Tax," is devastating.

Clearly, the administration wants to do this. If it's such a good idea, bring the idea to Congress; bring it through the House; bring it through the Senate. They could get their floor leaders in the Senate to bring it up tomorrow, but they don't want this kind of scrutiny.

Just the other day, the President was in Tennessee bragging about all these new jobs plans that he has; and while he was doing it, ironically, in another State, his new EPA Administrator was talking about climate change. In fact, she called climate change the "opportunity of a lifetime," and that the EPA would continue to impose regulations

despite what we think here in Congress.

That's not the way the legislative process works. That's not the system of government our great Founders created. They said, if an idea is so good, bring it to the people's House; bring it to the Senate, and pass it that way. Don't try to impose it through radical regulation and devastate our economy.

I urge adoption, and I yield back the balance of my time.

Mr. CAMP. Mr. Chair, I rise today in strong support of the amendment offered by the gentleman from Louisiana, Mr. SCALISE. This amendment would prevent the President and the EPA from bypassing Congress and imposing a devastating national energy tax that would affect every American.

Struggling Americans who have been unable to find a job or have not seen their paychecks grow would pay this national energy tax every time they pay their utility bills or fill up their gas tanks or go to the grocery store. It would also be another tax on manufacturers and another increased cost of doing business under the Obama administration.

House Republicans have been fighting to fix our broken tax code to make it simpler, fairer and flatter for American families and businesses. We cannot let the Obama Administration make an end run around the Congress' Constitutional responsibility for tax policy and use the regulatory process to impose a national energy tax that will cost trillions of dollars in economic growth and lost opportunities for hard-working Americans.

I urge my colleagues to support the Scalise amendment—to ensure tax policy starts where the Constitution's Framers intended—here in the people's House.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SCALISE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Louisiana will be postponed.

□ 1915

AMENDMENT NO. 2 OFFERED BY MR. RODNEY DAVIS OF ILLINOIS

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 113-187.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, beginning on line 12, strike “sections 804(2)(A), 804(2)(B), and 804(2)(C)” and insert “clauses (i) through (iii) of section 804(2)(A) or within section 804(2)(B)”.

Page 20, beginning on line 11, strike “the Administrator”, and insert “—”

“(A) the Administrator”.

Page 20, line 15, by redesignating subparagraph (A) as clause (i).

Page 20, line 17, by redesignating subparagraph (B) as clause (ii).

Page 20, line 21, by redesignating subparagraph (C) as clause (iii).

Page 20, line 25, strike the period at the end and insert “; or”.

Page 20, insert after line 25 the following: “(B) is made by the Administrator of the Environmental Protection Agency and that would have a significant impact on a substantial number of agricultural entities, as determined by the Secretary of Agriculture (who shall publish such determination in the Federal Register).”.

Page 22, insert after line 8 the following:

“(6) The term ‘agricultural entity’ means any entity involved in or related to agricultural enterprise, including enterprises that are engaged in the business of production of food and fiber, ranching and raising of livestock, aquaculture, and all other farming and agricultural related industries.”.

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Illinois (Mr. RODNEY DAVIS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today to offer the bipartisan Davis-Peterson amendment, which helps address the disconnect between the EPA and the agricultural community. Under our amendment, EPA rules that have a significant impact on a substantial number of agricultural entities—as determined by the Secretary of Agriculture—would be considered “major rules.”

Under the REINS Act, major rules need congressional approval. We view this as another way to give agriculture a stronger voice when it comes to EPA regulations. As I travel throughout the 13th District of Illinois and listen to farmers and producers, one of their top concerns is regulatory actions by EPA. Ag has been a bright spot in our economy. For every \$1 billion in agriculture exports, more than 8,000 jobs are supported here at home. With USDA projecting \$139.5 billion in ag exports for fiscal year 2013, American agriculture will support more than 1 million jobs.

This is a good story, and my colleagues and I on the House Agriculture Committee do our best to tell it. However, our farmers remain concerned that the EPA does not understand production agriculture. These are concerns we take very seriously. We aren't the only ones that see this problem; EPA recognizes it as well. Acting Administrator For Water, Nancy Stoner, told me when I asked her if her agency was aware of the disconnect between EPA and the agricultural community:

We are actively working with those groups to improve communication on issues as to which we have had some difficulties. And I will acknowledge that we have had some, and we are doing the very best we can to improve that situation.

This amendment provides a solution to the problem by allowing the Secretary of Agriculture to examine EPA regs and identify those that have a significant impact on a significant number of agricultural entities. The USDA must be included in these decisions and equipped with the authority to identify

these rules. This agency understands farmers and works best with them on a daily basis. We believe this amendment would improve communication between EPA and the USDA.

The Acting CHAIR. The time of the gentleman has expired.

Mr. RODNEY DAVIS of Illinois. I yield myself an additional 30 seconds.

It would improve communication between the EPA and USDA, give agriculture a place at the table during the process, and ultimately result in getting government out of the way to allow our family farmers to do what they do best. I urge support of this bipartisan amendment.

I reserve the balance of my time.

Mr. COHEN. Mr. Chairman, I rise to oppose this amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chairman, again, this is just another amendment in another area in what's totally a bad concept. The basic concept is that any rule or regulation would have to go through a passage in both the House and the Senate and Presidential approval to become effective. And it would have to happen in committees only on Tuesdays or Thursday, and within 15 days they would have to pass it. Basically, this is creating a Rube Goldberg type of legislative mechanism that would thwart the creation of regulations and rules that protect the American public. That's just plumb wrong.

What this does is tries to gut the EPA, and I'm shocked that my good friends on the other side of the aisle would try to gut the work of one of their great Presidents, Richard Nixon. He served in this House, served in the Senate, and 4 years as vice president. I think he almost eked out 5 years, he had some kind of ethically challenged problem when he was President, but he did create the EPA. He did some good environmental things. I think those things should be standards for the Republican Party. They should hold up the EPA and remember Richard Nixon as one of their party standard bearers, one of the men who served probably the longest time in a major capacity as President and Vice President and Senate leader. And his work on the House Un-American Activities Committee—we can't forget that in this House. To forget Richard Nixon and to minimize his work, I am just amazed, because that's one of the great heroes on the other side of the aisle, I believe.

But the EPA is important. It was good work that he gave us, and it shouldn't be gutted. And to make these rules have to go through passage in the House and Senate, we know the House and the Senate don't get along. They mentioned we got the loan bill through. That's the first thing we've kind of done since we did the Violence Against Women and kind of saved the storm victims of Superstorm Sandy. We really haven't got much done. Oh, I forget, a couple of post offices, we

agreed on them. And maybe some coins for the Hall of Fame or something. But to get these major rules done, it wouldn't happen. And so we're jeopardizing the American public. I urge us to defeat this as a bad amendment to a bad bill. It is deleting the legacy of Richard Nixon.

I reserve the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I respect and thank the gentleman from Tennessee for his comments on Richard Nixon. However, I was not yet in kindergarten when Mr. Nixon served, so, therefore, I do not remember him creating the EPA, but I thank him for reminding me of that.

Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the Judiciary Committee.

Mr. GOODLATTE. Mr. Chairman, I want to thank the gentleman from Illinois for offering this amendment. It is another good amendment.

I also want to say to my good friend from Tennessee that I was a little older when Richard Nixon was in office. We are not minimizing what he did; we are going to maximize the amount of attention that Congress pays to the EPA when they get it wrong, particularly when the Secretary of Agriculture determines that any regulation issued by the EPA will have a significant impact on a substantial number of agricultural entities. We ought to take a look at that. As a result, it subjects such regulations to congressional approval before they can become effective.

This is an important step to rein in what is often regarded as the most overreaching of all Federal regulatory agencies. The EPA's actions and proposals have been particularly problematic for America's farmers, including small farmers. This includes, for example, the EPA actions aimed at farm dust.

The Secretary of Agriculture has a greater incentive than EPA to ensure that potential adverse impacts on agricultural entities have been adequately and accurately assessed. The amendment guarantees that regulation that should be characterized as major due to their impacts on agricultural entities will be so characterized and submitted to Congress for approval.

I urge my colleagues to support this very worthy amendment.

Mr. COHEN. Mr. Chairman, I, too, was alive when Richard Nixon was doing his service, and I remember him getting on that helicopter, waving good-bye. There were regulations that made sure that he was able to get away from Washington and get home to California, and we need to make sure those regulations that might be impeded by this REINS Act are still in effect so that Presidents like him can make their escape.

I yield back the balance of my time.

Mr. RODNEY DAVIS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

I wonder, even though I don't remember Richard Nixon getting up and fly-

ing away, I wonder if the EPA would let that helicopter leave Washington, D.C., today.

But I have to tell you, this is a commonsense, bipartisan amendment that gives our farmers a stronger voice and a better place at the table when EPA is considering these regulations that impact the ag community.

And I want to thank Ranking Member PETERSON for supporting this effort as well. I urge my colleagues' support. I want to say thank you, Mr. Chairman, to my colleague from Tennessee for making this actually a lively debate tonight. And hopefully a few more viewers on C-SPAN are smiling this evening because of it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. RODNEY DAVIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. SMITH OF MISSOURI

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 113-187.

Mr. SMITH of Missouri. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, beginning on line 12, strike "sections 804(2)(A), 804(2)(B), and 804(2)(C)" and insert "clauses (i) through (iii) of section 804(2)(A) or within section 804(2)(B)".

Page 20, beginning on line 11, strike "the Administrator", and insert "—"

"(A) the Administrator".

Page 20, line 15, by redesignating subparagraph (A) as clause (i).

Page 20, line 17, by redesignating subparagraph (B) as clause (ii).

Page 20, line 21, by redesignating subparagraph (C) as clause (iii).

Page 20, line 25, strike the period at the end and insert ";; or".

Page 20, insert after line 25 the following: "(B) is made under the Patient Protection and Affordable Care Act (Pub. Law 11-148)".

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Missouri (Mr. SMITH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman.

Mr. SMITH of Missouri. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I have traveled across the Eighth Congressional District of Missouri from my hometown of Salem to the Ozark Hills in Wright County, Douglas, Howell County, to the banks of the Mississippi River, one of the largest concerns that my constituents have is the uncertainty surrounding the Affordable Care Act.

Individuals are concerned about the relationship with their doctor and what their costs are going to be. Businesses are left with a tremendous uncertainty. They are understaffed because they are afraid to hire additional employees, and they're also firing employees just to fall below the 50 individual threshold.

The effects of the Affordable Care Act are adversely affecting health care and the jobs of folks all across this great country. That is why I'm offering my amendment to revise the definition of major regulations to include any regulation under the Affordable Care Act. With over 3,000 pages of Federal regulations already issued, and many more to follow, Congress must prevent this widely unsupported law from causing further damage to our health care system.

Mr. Chairman, there is broad bipartisan opposition to the Affordable Care Act. The administration has demonstrated its own certainty through the delays to several key provisions of the bill. Congress must assert its role in oversight and give the American people their voice back in government, away from the bureaucrats. My amendment does just that. I urge adoption of the amendment.

I reserve the balance of my time.

Mr. COHEN. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chairman, this is a microcosm of this 113th Congress; the macro has been the 40th attempt coming up to repeal ObamaCare. This is a microcosm to try to defeat ObamaCare through a little regulation. It seems like the preoccupation that the other side has with what is one of the most important social safety network provisions passed by this House in history, Social Security, Medicare and Medicaid, and then the Affordable Care Act, is amazing. We've had 40 bills, and now this rule and regulation, to try to repeal the Patient Protection and Affordable Care Act.

The Patient Protection and Affordable Care Act means your child can stay on your insurance unless they are 26 years of age. It means you can't have lifetime caps on your health insurance. It means you can't be denied coverage because of a preexisting condition. It means that being a woman doesn't classify you as having a preexisting condition. It says that certain care comes to you, like colonoscopies or mammograms, without a copay, and it means yearly annual checkups, which can detect disease early and save people's lives. It is a way to provide health care for at least 40 million people in this country who don't have health care.

And it has already been shown to drive down the cost of health care. For those States that have worked with us and that have exchanges, we have seen reductions in what was expected to be the cost of insurance from 25 to 30 to even 50 percent in different States. Health care costs are not rising at the rates that they were otherwise because of the fact that we passed the Patient Protection and Affordable Care Act.

It's important that individuals get more community health centers, which come with this provision. Lots of people, particularly in my district, they

don't live near hospitals and doctors. They need community health centers, and community health centers have been funded and created to give people access to health care otherwise denied.

We are the last industrialized country on the face of the Earth to provide health care for its people, the last industrialized country to do so. That is one of the shames that we have tried to cure with this bill.

And this provision, this amendment to this REINS Act, would deny people that health care coverage. It would say if you have a preexisting condition, too bad, you don't get insurance.

As President Obama said, the Affordable Care Act is insurance reform on steroids. Do you want to have the health insurance industry have total control without regulations, without controls, then you want to defeat it. But the American public doesn't want that. They want their health care costs to be contained, and they don't want the insurance companies to have total control. They like the idea of their children having insurance up to the time they're 26, and to have preventive care come without copays, not have yearly caps on your insurance or lifetime caps on your insurance benefits that can be paid out.

So this is a sad state that we've spent so much time in this Congress trying to deny people health care and save their lives.

So this is a bad amendment. I would ask us to defeat it.

I reserve the balance of my time.

□ 1930

Mr. SMITH of Missouri. Mr. Chairman, I yield 2 minutes to the fine gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman for yielding, and I commend him and support this important amendment.

The REINS Act restores to Congress the accountability for regulatory decisions that impose major burdens on our economy. This amendment strengthens congressional accountability for regulations under the Patient Protection and Affordable Care Act. You know, ObamaCare? That legislation that has 400 new authorities, 400 new ways for the Secretary of Health and Human Services and other bureaucrats to regulate the American people, businesses, large and small, local governments, State governments, health care providers?

Yeah, that one. Imposed over the will of the American people, implementation of ObamaCare has demonstrated that the act imposes a detrimental and unworkable reform of the Nation's health care system. And one after another, promises made to the American people by the act's supporters when the law was passed have been broken.

Moreover, the Obama administration's own actions to waive or suspend ObamaCare requirements have made clear that regulatory actions to implement the act form a "seamless web."

Too often, actions to avoid one adverse effect of the act's implementation send ripple effects of unfairness or other harmful consequences throughout the ObamaCare web, requiring adjustments to other aspects of implementation.

This, too, justifies the amendment's requirement that Congress approve any new regulation promulgated under the act, and I urge my colleagues to support this excellent amendment.

Mr. COHEN. Mr. Chairman, what this shows is exactly what the situation is. You've got a majority in the House that's against the Affordable Care Act, and you've got a majority in the Senate that's for it.

To have any rules and regulations under it go into effect, the House and the Senate would both have to approve it, which means you could have one House, not both Houses, the way we work, it's a bicameral legislature and the House and the Senate have to work together and pass the bill to become law.

But one House, by not passing it, could kill it—one House veto. This Republican Congress could veto every single regulation under the Affordable Care Act.

And then preexisting conditions, no insurance. Lifetime caps, back in effect. Yearly caps, back in effect. Child's 23, nope, can't stay on dad and mom's policy anymore.

Get hurt, go broke. Too bad. That's just wrong.

And that's what this would do for any regulations. One House could veto and kill legislation. That's antithetical to the bicameral legislature.

That's just one of the many reasons why we should defeat this amendment, defeat the bill, and go on and try to pass a jobs bill, and kill sequester, and see that the National Institutes of Health, which is cut \$1.6 billion by sequester, isn't cut.

That's our Department of Defense. They protect us from Alzheimer's, AIDS, heart disease, cancer, diabetes, Parkinson's. Those are the enemies. The National Institutes of Health is the Department of Defense, and we shouldn't be cutting \$1.6 billion from them because we're all going to be victims.

I yield back the balance of my time.

Mr. SMITH of Missouri. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this is truly a jobs bill. When you're looking at over 170,000 pages of Federal rules and regulations that affect jobs, this amendment will help alleviate that.

As I've traveled across the Eighth Congressional District, I've had businesses, one after the other, that said they had 56 employees. Well, they were going to reduce those employees because of one piece of legislation that was passed out of this Chamber that Congress never even took the time to read until after they passed it, and yet they've even passed it.

The problem with the Affordable Care Act is it affects more than one-sixth of our Nation's economy; and because of the burdensome regulations that are being promulgated from the Affordable Care Act, businesses are scared to death to hire additional employees, and they are firing additional employees.

I have had restaurant owners in our district that have sold restaurants because they want to fall below the 50-employee mark.

Folks, this is a jobs bill. Less government regulation that is breaking the backs of small businesses is what we need to do to turn this country around.

Mr. Chairman, I ask this body to adopt this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Missouri (Mr. SMITH).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. SMITH of Missouri. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Missouri will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. LATHAM

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 113-187.

Mr. LATHAM. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 15, insert before "intended to implement" the following: "taken by or that will be taken by the Federal agency promulgating the rule that are".

Page 6, line 17, strike "and" at the end.

Page 6, after line 17, insert the following (and redesignate provisions accordingly):

"(v) a list of any other related regulatory actions taken by or that will be taken by any other Federal agency with authority to implement the same statutory provision or regulatory objective that are intended to implement such provision or objective, of which the Federal agency promulgating the rule is aware, as well as the individual and aggregate economic effects of those actions; and".

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Iowa (Mr. LATHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. LATHAM. Mr. Chairman, while my amendment is very simple, it's aimed at addressing a very complex problem, the problem of duplicative and conflicting Federal regulations.

In the underlying bill, Federal agencies are required to submit, along with the rule they want Congress to approve, a list of other regulatory actions to implement the same statute or regulatory objective, in other words, Mr. Chairman, to actually investigate whether the regulations may be redundant.

It's not clear whether the requirement to list other regulatory actions applies only to the promulgating agency or other agencies. The amendment clarifies that this list must include related regulatory actions by any other Federal agency.

Earlier this year, the GAO delivered to Congress its third annual report on duplication in government programs, identifying 17 specific areas of fragmentation, overlap, and duplication where multiple programs and activities are creating inefficiencies.

Unfortunately, these inefficiencies result in regulatory duplication, heaping needless costs and paperwork on businesses at a time when our economy continues to struggle enough already.

A group run by former CBO Director Douglas Holtz-Eakin recently compiled information on regulations in the specific problem areas identified by the GAO, using the government database contained by the Office of Information and Regulatory Affairs. This report found 470 related paperwork requirements, 642 million hours of regulatory duplication involving 990 Federal forms, and at least \$20 billion in compliance costs to employees.

Take these examples:

We have three agencies issuing regulations on catfish inspections, at a cost of 2 million work hours and \$146 million in compliance costs.

Ten different agencies handle Medicare forms submitted by health care providers, generating 486 million hours of paperwork and 281 different forms.

Nine different agencies administer higher education assistance programs, involving 66 Federal forms and duplication, resulting in 47 million hours of paperwork at a compliance cost of \$3 billion.

Congress must act to eliminate or consolidate duplicate and inefficient programs; but in the meantime, agencies must at least acknowledge requirements imposed by other agencies working on the same issues and work to minimize burdens on our small businesses.

According to the Small Business Administration, it already costs American businesses at least \$8,000 and often more than \$10,000 per employee to comply with Federal regulations.

It's no wonder that the massive Federal regulatory regime is consistently cited as a roadblock to job growth and economic recovery. I believe this amendment will help clarify areas of overlap and highlight opportunities for reducing the compliance burden faced by American employers.

I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise to claim the time in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, I oppose this amendment because

it would add yet another onerous and unnecessary burden on agencies and will further stifle agency rulemaking.

Among other things, the REINS Act requires that an agency issuing a rule submit reports to Congress and the GAO containing a list of related regulatory actions intended to implement the same statutory provision or regulatory objective as the rule at issue, together with the individual and aggregate economic effects of those actions.

This amendment would add to that list actions taken, or that will be taken, by Federal agencies other than the agency issuing the rule to meet the same objectives. Such a requirement means that an agency issuing a rule would now be obliged to survey the vast panoply of Federal agencies to determine what other actions are being taken by other agencies before it could issue a rule.

Congress did not create agencies, Mr. Chairman, to keep tabs on other agencies. This amendment would only serve to divert already limited agency resources away from protecting the American people.

This amendment is just a further effort to derail rulemaking. It's placing another burden on already limited agency resources and is really just busy work.

So for those reasons I rise in opposition.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia (Mr. GOODLATTE), the distinguished chairman of the Judiciary Committee.

Mr. GOODLATTE. I want to thank the gentleman from Iowa for yielding, and I support his amendment.

Mr. Chairman, interrelated Federal regulations are a common feature of the modern regulatory landscape. Numerous major regulations form part of a web of regulations agencies develop to implement one statutory division or one statutory goal.

In addition, numerous regulatory statutes entrust rulemaking authority over a given problem to more than one agency. This is the case, for example, with the U.S. Environmental Protection Agency's and the U.S. Army Corps of Engineers' joint authority over wetlands. It is also the case with the EPA's and the Department of Transportation's joint authority over fuel economy standards.

The amendment requires that agencies, when they submit new major regulations to Congress for approval, provide a list of related regulatory actions that the submitting agency or other agencies have taken or will take to implement the same statutory provision or regulatory objective. Seems pretty reasonable to me to have to find out what other regulations are impacting the same objective.

This helpful amendment will provide Congress with more complete information on the extent of regulations agencies have taken or plan to take to im-

plement an authorizing statute or achieve a regulatory goal. That information will better enable Congress to determine whether to approve or disapprove the submitted regulation.

This can only improve congressional accountability and the regulatory process, and I urge my colleagues to support the amendment.

Mr. JOHNSON of Georgia. Mr. Chairman, in response, I would point out that with respect to interrelated regulations, different regulatory authorities have different regulatory objectives. And so, to require that one agency survey the other to see whether or not there are any similar or the same objectives, with no power or authority to decide to do away with a particular regulation, based on an objective that is no longer suitable, I think, is not something that this amendment allows for; and it's also something that agencies themselves are not equipped to do.

I agree that we need to have some mechanism whereby regulatory regulations can be looked at, modified, strengthened or weakened or done away with at any particular time. But this anti-regulatory legislation and this amendment will not accomplish that.

I reserve the balance of my time.

Mr. LATHAM. Mr. Chairman, may I inquire as to how much time there is.

The Acting CHAIR. The gentleman from Iowa has 15 seconds remaining. The gentleman from Georgia has 1½ minutes remaining.

Mr. LATHAM. I reserve the balance of my time.

Mr. JOHNSON of Georgia. I yield back the balance of my time.

Mr. LATHAM. Mr. Chairman, I will just obviously be very brief. But the gentleman was talking earlier about opposing this amendment because it creates busy work for the agencies.

What about the busy work of the small businesses to comply with these mountains and mountains of regulations?

And the previous speakers have said the biggest reason that people are not hiring today is because of the cost of regulations.

I would ask for this amendment to be passed.

I yield back the balance of my time.

□ 1945

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. LATHAM).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in part B of House Report 113-187.

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 6, line 24, insert before the semicolon the following: “, including an analysis of any jobs added or lost, differentiating between public and private sector jobs”.

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, tonight we engage this House to talk about some commonsense legislation that would, in fact, allow the American people and this Congress to understand more about rules and regulations as they are presented that the American people have to live under.

My amendment requires that an agency submitting a report on any proposed Federal rule include an assessment of anticipated jobs gained or lost as a result of the implementation of any rules that fit within the REINS Act.

This is very important, Mr. Chairman, because many times rules and regulations are implemented without regard for what the impact would be on the people who have to live under them. We believe this is common sense. We believe this happens in businesses every day. We're asking for a cost-benefit analysis of the impact of the rules that are written, combined with the impact that they would have upon job losses, whether it be the government or the free enterprise system.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chairman, this amendment presupposes that regulations depress job creation. To the contrary, there's no credible evidence that regulations depress job creation.

The majority's own witness at one of our hearings clearly debunked the myth that regulations stymie job creation. Christopher DeMuth of the American Enterprise Institute, a conservative think tank, stated in his prepared remarks that the “focus on jobs . . . can lead to confusion in regulatory debates.” Also, he stated that “the employment effects of regulation, while important, are indeterminate.”

Nonetheless, I appreciate that this amendment recognizes that regulations could create jobs. I am, however, concerned about this amendment because it would add to the analytical burdens of agencies a speculative assessment of jobs added and lost and how many of those jobs would be added or lost to the public and private sectors.

To the extent that regulations have anything to do with jobs, H.R. 367 proponents should overwhelmingly support my amendment, which is upcoming, which simply exempts from H.R. 367's congressional approval mechanism all rules that OMB determines would result in net job creation. This way, job creating rules would not effectively be vetoed, which would be the precise result under H.R. 367.

Also, instead of trying to make Congress a superadministrative agency, what we should be doing is considering actual job creation legislation. We also should be talking about how to help middle class families who are struggling financially.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, I yield 1¼ minutes to the gentleman from Kentucky (Mr. BARR).

Mr. BARR. I thank the gentleman from Texas for the opportunity to rise in support of this important amendment and to rise in support overall of the REINS Act, a critical tool in the battle against overregulation, which is destroying jobs.

The gentleman from Georgia talked about whether or not regulations actually destroy jobs. Well, from my home State of Kentucky, I can tell you we've lost 5,700 coal mining jobs in east Kentucky as a result of this administration's overzealous overregulation of our coal industry.

Small business owners from across Kentucky continually tell me that they want to create more jobs and grow their businesses. They want to help put food on the table, gas in the tank, and more money in the pockets of Kentucky families, who are hurting under this administration's war on coal. But costly and burdensome regulations coming out of unaccountable Federal agencies are raising their cost of doing business, leading to higher prices for consumers, fewer jobs for workers, and weakened American competitiveness.

While Federal regulations wreak havoc on families in Kentucky, small businesses, and our overall economy, the unelected, unaccountable bureaucrats writing them are hiding behind the fact that they are not always required to fully analyze the impact their proposal will have on jobs.

If you want to know about the impact of these regulations on jobs, come to eastern Kentucky and see those lost jobs.

Mr. JOHNSON of Georgia. In response, Mr. Chairman, I would say that the old ways of creating or producing energy—those ways that foul up our environment and pollute our air and water and cause health concerns to the people of this great Nation—those types of jobs, fortunately, yield to a brighter day of new renewable and clean forms of energy. That's a growth industry that, if this legislature could only see the brightness of the future, I think we would have a whole lot more jobs created as the jobs of the past recede into history.

I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, we see 25 million people struggling in this country as a result of that same attitude that the Democrat Party and the President has about having jobs go off into the past and looking to the future.

Mr. Chairman, at this time I yield 1¼ minutes to the gentleman from Illinois (Mr. RODNEY DAVIS).

Mr. RODNEY DAVIS of Illinois. I would like to thank my colleague from Texas.

Mr. Chairman, I'm a proud cosponsor of this amendment. This is a commonsense amendment that brings to mind the irony that, yesterday, the President of the United States came to the Capitol to brief certain Members of Congress on the other side of the aisle about another phony jobs plan that he's putting forth at the same time his signature legislation, ObamaCare, is killing jobs in America.

This amendment would make sure that we measured how many jobs his phony jobs plan is going to create versus how many jobs ObamaCare is going to kill in this country. It is essential.

And forgive me, Mr. Chairman, for not having compassion for the bureaucrats who are going to be burdened by analyzing this information, when we have millions of Americans—hard-working taxpayers of this country—worried about keeping their own jobs and getting a new job.

Mr. Chairman, I support this amendment wholeheartedly.

Mr. JOHNSON of Georgia. Mr. Chairman, ObamaCare is resulting in 30 to 40 million people having access to the health care system, and that's not going to create any jobs? When you're bringing that many people into the health care system, that's going to kill jobs? How many more doctors will be needed? Maybe 20,000 will be needed to accommodate and treat those people. How many nurses and medical care practitioners will we need to train in order to accommodate the growth in the health industry that ObamaCare brings about?

We have to use our common sense. ObamaCare is not going to result in job loss.

Mr. COHEN. Will the gentleman yield?

Mr. JOHNSON of Georgia. I yield to the gentleman from Tennessee.

Mr. COHEN. I find it interesting that today we're talking about the country is in such danger because of ObamaCare and regulations and rules and all these other things President Obama has done, and the Dow Jones Industrial average almost hit an all-time high of 15,600 and change.

So somewhere something must be working. Thank you, President Obama. Keep going.

The Acting CHAIR. The time of the gentleman is expired.

Mr. SESSIONS. Mr. Chairman, I yield 1¼ minutes to the gentleman from Ohio (Mr. WENSTRUP).

Mr. WENSTRUP. I thank the gentleman from Texas for yielding.

Mr. Chairman, as a cosponsor, I rise in support of this important amendment to protect and promote job creation in both southern Ohio, where I'm from, and for this entire country.

Business owners and entrepreneurs currently live and work under an executive branch hostile to the free enterprise system and a President whose governing philosophy has been: You didn't build that.

Agencies like the EPA, Health and Human Services, and the Department of Education hand down new regulations with little regard for the real-world impacts. These bureaucrats do not care if jobs are lost, as long as their rules are enforced.

This amendment requires an analysis of how many jobs would be added or lost due to new regulations brought forth under this or any future administrations. This amendment also requires the distinction as to whether the jobs affected are government or private sector jobs.

This amendment further protects real-world businesses from bureaucrats who are often punitive rather than constructive and are often far removed from everyday economic realities.

I stand in support of this amendment.

Mr. SESSIONS. Mr. Chairman, tonight, we've had three new first-term Members of Congress who have come on the floor to talk about things that are important to them, and it's a balance. It's making a difference so that people back home have confidence in the rules and regulations that are promulgated by the Federal Government and that Congress knows how we can react and act upon those.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in part B of House Report 113-187.

Mr. NADLER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 10, insert after "means any rule" the following: "(other than a special rule)".

Page 21, line 2, insert before the period at the end the following: ", and includes any special rule".

Page 22, after line 8, insert the following: "(6) The term 'special rule' means any rule pertaining to nuclear reactor safety standards."

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from New York (Mr. NADLER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. NADLER. I yield myself such time as I may consume.

Mr. Chairman, this amendment would exempt the Nuclear Regulatory Commission from the bill so that the NRC can continue to protect Americans from nuclear disasters under current law, rather than the bill's proposed system.

Today's bill, H.R. 367, in the name of so-called reform, adds over 60 new procedural and analytical hoops agencies and departments must go through before a regulation can be issued. The result is simply to impede, obstruct, and delay the attempt of government to accomplish one of its most basic functions: protecting the health and welfare of its citizens.

Not surprisingly, groups who care about protecting public health, safety, and the environment, such as the Natural Resources Defense Counsel, Public Citizens, Defenders of Wildlife, and U.S. Public Interest Research Group, oppose this bill. According to the Coalition for Sensible Safeguards, which represents a coalition of many such groups, this bill "will grind to a halt the rulemaking process" and "is nothing less than an attempt to roll back our critical public safeguards and promote industry interests instead of protecting American citizens."

□ 2000

Americans should rightfully be scared that this bill will put their health and safety at risk. One example that highlights this fact is the subject of this amendment—nuclear power.

The risks and dangers of nuclear power were made all the more real by the nuclear disaster in Japan at Fukushima 2 years ago. We all watched in horror when that country was devastated by the earthquake and resulting tsunami. That disaster then caused its own disaster—the meltdown of three reactors at the Fukushima nuclear power plant. That led to the release of radioactive isotopes, the creation of a 20-kilometer exclusion zone around the power plant, and displacement of 156,000 people. Inside the evacuation zone all farming has been abandoned.

In 2011, Virginia itself was struck by a relatively rare but strong earthquake felt up and down the eastern seaboard. It caused a nuclear power plant near the epicenter to have to go offline. For me, this concern hits close to home. A nuclear power plant, Indian Point, about which many people, myself included, have had concerns for years, lies just less than 40 miles away from my New York City district on an earthquake fault. There are 20 million people living within a 50-mile radius around the plant, the same radius used by the NRC as the basis for the evacuation zone recommended after the Fukushima disaster. Indian Point also sits near two fault lines and, according to the NRC, is the most likely nuclear power plant in the country to experience core damage due to an earthquake.

To keep my constituents, and indeed all Americans, safe, I am offering this amendment today. Because of the catastrophes that can result in disasters—be they natural or manmade—at nuclear power plants, prevention of meltdowns is the key. Since Fukushima, the NRC has issued new rules designed to upgrade plants to withstand severe events like earthquakes and to have enough backup power so as to avoid a meltdown for a significant period of time.

The NRC must have the ability and flexibility to issue new regulations to safeguard the health and well-being of all Americans and to prevent nuclear disasters. However, this bill is intentionally designed so new and vital regulations will likely never be put into place. We cannot permit the Nuclear Regulatory Commission to never be able to create new regulations ever again should the need arise.

Therefore, I urge my colleagues to support this amendment to exempt the Nuclear Regulatory Commission from the onerous new requirements for rulemaking imposed by this bill. In that way, the Nuclear Regulatory Commission would continue to have the ability to safeguard public health and safety, as it should.

We should not risk the lives of millions and millions of people. If a danger becomes evident and the experts in charge of protecting against that—the Nuclear Regulatory Commission—deem some new protection necessary, this bill would prevent those protections from going into effect. So my amendment would exempt the Nuclear Regulatory Commission with respect to safety regulations for nuclear power plants.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. I yield myself such time as I may consume.

Mr. Chairman, the amendment carves out of the REINS Act Congressional Approval Procedures all regulations that pertain to nuclear reactor safety standards. REINS Act supporters believe in nuclear safety. We want to guarantee that regulatory decisions that pertain to nuclear reactor safety are the best decisions that can be made. That is precisely why I oppose the amendment.

By its terms, the amendment shields from the REINS Act Congressional Approval Procedures not only major regulations that would raise nuclear reactor safety standards, but also regulations that would lower them. All major regulations pertaining to nuclear reactor safety standards, whether they raise or lower standards, should fall within the REINS Act. That way, agencies with authority over nuclear reactor safety will know that Congress must approve their major regulations

before they go into effect. That provides a powerful incentive for the agencies to write the best possible regulations, ones that Congress can easily approve. It is a solution that everyone should support because it makes Congress more accountable and assures agencies will write better rules. All Americans will be safer for it.

I urge my colleagues to oppose the amendment, and I reserve the balance of my time.

Mr. NADLER. Mr. Chairman, may I inquire as to how much time I have remaining?

The Acting CHAIR. The gentleman from New York has 1 minute remaining.

Mr. NADLER. I yield myself the balance of my time.

Mr. Chairman, under current law, Congress can disapprove any proposed rule and regulation under the Congressional Review Act. Under this bill, no regulation could go into effect until Congress affirmatively approved the regulation. If the Nuclear Regulatory Commission were to approve some rule that reduces nuclear safety, Congress, under current law, could block that rule.

What this bill says, and what my amendment seeks to exempt the NRC from, is that no safety regulation can go into effect until Congress gets around to approving it. The Republican leadership took the appropriations bill for the Transportation and Housing and Urban Development Departments off the floor yesterday allegedly because they have no time to consider it. We've passed all of 12 bills this year for the President's signature, and we would have hundreds or thousands of regulations by all the different agencies that we would have to consider. Most would never be approved simply because we would not have time to consider them.

All this amendment says is, for regulations regarding nuclear disasters, to prevent nuclear disasters, let Congress veto them if necessary, but not kill them by not having the time to get to them.

Mr. Chairman, I yield back the balance of my time.

Mr. GOODLATTE. I yield myself the balance of my time.

Mr. Chairman, the fact of the matter is that, when it comes to regulatory safety, the gentleman cites the Congressional Review Act. I'll remind the House that, as I noted earlier, since 1996, it's been used one time for ergonomic furniture. That is not a very good track record when tens of thousands of regulations have been passed during that time that should be reviewed by this Congress. This legislation only asks that those regulations that cost more than \$100 million should be reviewed. But it's especially true of the most important regulations related to, for example, the nuclear power industry where safety is a very important standard, as is efficiency and making sure that the American people

have the electric power generation that they need. So the Congress has great incentive to reach quick agreement on regulations like that, and it's very important that we have that jurisdiction.

But many regulations are not needed; they cost jobs in our economy. I know those on the other side of the aisle have been citing academics who claim that that's not the case. But I want to call attention to one more academic who wrote just on January 18, 2011. He said:

Sometimes, those rules have gotten out of balance, placing unreasonable burdens on business—burdens that have stifled innovation and have had a chilling effect on growth and jobs.

That academic's name is Barack Obama, and he is currently the President of the United States.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 7 OFFERED BY MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 113-187.

Mr. JOHNSON of Georgia. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 10, insert after "means any rule" the following: "(other than a special rule)".

Page 21, line 2, insert before the period at the end the following: ", and includes any special rule".

Page 22, after line 8, insert the following:

"(6) The term 'special rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget determines would result in net job growth."

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in support of my amendment, which is very simple: it would exclude from this bill any rule that would result in net job growth.

I ask that my colleagues support this commonsense amendment to promote job growth and help to strengthen the middle class. After all, the stated purpose of the REINS Act is to grow the economy and create jobs, isn't that correct?

Although this bill purports to grow the economy and create jobs, nothing could be further from the truth. This bill's myopic focus on gumming up the regulatory process will not create a single job. It will, however, result in the loss of much-needed rules that protect the health, safety, and well-being of the men, women, and children of America.

I have profound concerns about the REINS Act. What would be its impact on air and water quality? This bill would undermine the ability of agencies to protect the public interest. It is a continuation of the majority's anti-middle class, pro-big business, anti-regulatory approach to governing.

The majority continues to rely on debunked partisan studies. These studies presuppose that regulations have harmful effects on job growth. Far from it. There is ample bipartisan evidence in support of the opposite conclusion.

Regulations ensure that the water we consume, the air that we breathe, the places where we work and where our kids go to school are safe. Regulations ensure fairness in the workplace and in the marketplace. Regulations are necessary to protect the have-nots from the haves; whereas the REINS Act protects the haves from the have-nots.

Nevertheless, the House Republican leadership continues like an out-of-control freight train to drive its reckless deregulatory agenda through Congress. This deregulatory train wreck threatens to send us back in time to the early 1900s, when there was no minimum wage, no workplace protections, and no limits on Wall Street.

If Republican leadership truly believed in growing the economy and creating jobs we would have come together with a grand bargain a long time ago. We could have agreed to a mix of spending cuts and tax reforms to address the government's long-term debt. We could have prevented the mindless austerity of sequestration which threatens our still-fragile economic recovery. Instead, this Tea Party Congress could not even muster the will to vote to fund the transportation bill yesterday. This is yet another example of a "do-nothing" Congress under the leadership of an anti-middle class Republican leadership.

Americans have a right to expect that their elected legislators will enact laws that help create jobs, like doing something about sequestration. My colleague, Mr. HAL ROGERS, chairman of the Appropriations Committee, hit the nail on the head yesterday when he said, and I quote:

"Sequestration—and its unrealistic and ill-conceived discretionary cuts—must be brought to an end."

American workers continue to face hurdles to providing for their families, and I'm gravely concerned about the effects of sequestration on my home State of Georgia. Last month, furloughs began for most civilian Defense Department employees at Robins Air

Force Base and other military bases across Georgia. This won't just affect the hardworking people at the base, like firefighters; it will also have a substantial impact on the local economies.

As retired General Robert McMahon reports, the furloughs which began last week will take \$50 million out of the economy around the Robins Air Force Base alone. Multiply that with the economic catastrophe across other military bases in Georgia and throughout the country, and you begin to understand the truly caustic effects of sequestration on small businesses and on the economy. But instead of working together to come to a bipartisan solution to the sequestration fiasco, this Congress is continuing an agenda to make life worse for American families.

I urge all of my colleagues to support this commonsense amendment to promote job creation, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, the amendment carves out of the REINS Act Congressional Approval Procedures regulations that the Office of Management and Budget determined will lead to net job creation.

The danger in the amendment is the strong incentive it gives OMB to manipulate its analysis of a major regulations job impact. Far too often, OMB may be tempted to shave the analysis to skirt the bill's congressional approval requirement. In addition, regulations alleged to create new jobs often do so by destroying real existing jobs and creating new hoped-for jobs associated with regulatory compliance.

For example, some Environmental Protection Agency Clean Air Act rules will shut down existing power plants. EPA and OMB may attempt to justify that with claims that more new green jobs will be created as a result. In the end, that is just another way in which government picks the jobs winners and the jobs losers. And there's no guarantee that all of the new green jobs will ever actually exist. And I would cite Solyndra as perhaps the best evidence of promised jobs that don't exist and cost the taxpayers half a billion dollars.

The REINS Act is not intended to force any particular outcome. It does not choose between clean air and dirty air. It does not choose between new jobs and old jobs. Instead, the REINS Act chooses between two ways of making laws. It chooses the way the Framers intended, in which accountability for laws with major economic impacts rests with Congress. It rejects the way Washington has operated for far too long, where there is no accountability because decisions are made by unelected agency officials.

□ 2015

The amendment would undermine that fundamental choice. Let me give you a few examples of this:

Regulatory agencies routinely estimate the benefits and costs of regulatory changes under the assumption that any individuals that become unemployed are instantly and constantly reemployed in nearly identical jobs. But the EPA's employment impact analysis is frequently flawed because it fails to account for the cascading employment effects of regulation across interconnected industries and markets.

Using the proper full economy model, NERA Economic Consulting found that the EPA's Utility MACT Rule would have a negative impact equivalent to 180,000 to 215,000 lost jobs in 2015, versus the EPA's claim of 8,000 net new jobs, and which, therefore, wouldn't come to the Congress, even though private consultants say it would lose over 200,000 jobs. EPA claims it would create 8,000 jobs.

The EPA's Cross-State Air Pollution Rule would have had an economic impact equivalent to the annual—annual—loss of 34,300 jobs from 2013 through 2037 versus the EPA's claimed 700 jobs gained annually.

Finally, the EPA's industrial Boiler Maximum Achievable Control Technology—or MACT—Rule would have a negative impact equivalent to 27,585 jobs per year on average from 2013 through 2037, compared with the EPA's claim of 2,200 per year claim.

All of this goes to show that this would be a shell game allowing the executive branch to claim job increases when actually there are massive job losses and, therefore, avoid the scrutiny of the people's House and the entire United States Congress where these massive regulations should come back for review and approval before they're implemented, and before they cost those kind of jobs to Americans.

I urge my colleagues to oppose the amendment, and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. JOHNSON).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. JOHNSON of Georgia. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in part B of House Report 113-187.

Ms. JACKSON LEE. Mr. Chairman, I have an amendment at the desk.

PARLIAMENTARY INQUIRY

Ms. JACKSON LEE. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIR. The gentlewoman will state her parliamentary inquiry.

Ms. JACKSON LEE. Who has the right to close?

The Acting CHAIR. The right to close will not be established until the time in opposition is claimed.

Ms. JACKSON LEE. Is it the proponent or the author of the amendment?

The Acting CHAIR. Under clause 3(c) of rule XVII, a manager in opposition would have the right to close.

Ms. JACKSON LEE. Thank you.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 10, insert after "means any rule" the following: "(other than a special rule)".

Page 21, line 2, insert before the period at the end the following: ", and includes any special rule".

Page 22, after line 8, insert the following: "(6) The term 'special rule' means any rule that is promulgated by the Department of Homeland Security."

The Acting CHAIR. Pursuant to House Resolution 322, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE. Mr. Chairman, let me thank my colleagues. Whenever they engage in debate, I know they have a serious commitment to the process of this House and this Nation.

But I rise today to offer an amendment, and I hope that it addresses the chairman's offer of legislative collegiality. If this is such an important effort, then I believe that the amendments that have been offered by my colleagues, and the one that I introduce as we speak, are ones that makes this bill reasonable.

My amendment would except from the bill's congressional approval requirement any rule promulgated by the Department of Homeland Security organized and established in the backdrop of the heinous and tragic terrorist act of 9/11. In fact, I can't imagine this legislation being effective in the midst of tragedy and devastation.

I don't think my friend understands that there's nothing in the REINS Act that prevents a filibuster. A filibuster means that we will never get a resolution voted on by the two Houses—never—because it does not negate a filibuster.

So in the midst of a crisis, where people are in need of relief by the Department of Homeland Security, such as the Department of Homeland Security having to act quickly to establish new or emergency regulations in the protection of critical infrastructure, here it comes, the dastardly REINS Act. I think we would be better off right now to be debating H.R. 900 to eliminate the sequestration to bring jobs back to America.

But I hope that this amendment will be considered, because I can't imagine the very Department that was established to put its foot in the gap now is going to be hindered by the REINS Act.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, I would say to the gentlewoman from Texas that the bill prohibits a filibuster in the Senate from being used to block consideration of regulations that come before the Congress.

We are making every effort to have that bipartisan collegiality that she suggests, but I don't think this amendment accomplishes that. The amendment seeks to shield the Department of Homeland Security from Congress' authority to approve regulations under the REINS Act. That shield should be denied.

For example, take the Department's rule to extend compliance deadlines for States to issue secure driver's licenses under the REAL ID Act. More than a decade after 9/11 hijackers used fraudulent licenses to board airplanes used to murder 3,000 innocent Americans, DHS continues to keep this extension in place.

This is the kind of decisionmaking that takes place at the Department of Homeland Security. Congress should use every tool it can to reassert its authority over the legislative rulemaking functions it has delegated to DHS, and the REINS Act is available to do that.

I would urge my colleagues to oppose the amendment and to support the underlying bill.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, how much time do I have remaining?

The Acting CHAIR. The gentlewoman from Texas has 3 minutes remaining.

Ms. JACKSON LEE. Thank you.

To the contrary, to my good friend from Virginia, the bill does not entirely prohibit a filibuster. In fact, a filibuster can be used on the procedural motion to bring the bill up, and in the Senate they can never bring this up.

So let me remind my friends:

Galveston, 6,000 people dead and climbing, 1900; Hurricane Katrina, one of the 10 worst, killing 1,836 in 2005; 1980, a heat wave in the southern and central States killing 1,700; Chicago heat wave in 1995.

Disasters that need the relief that the American people deserve.

This tells us what we will be facing while a filibuster is going on in the Senate. This is a map only of this year. Already disasters in Washington State with mud slides, Oklahoma with tornados, Arizona with wildfires, Miami with mud slides.

Then they want to block Homeland Security from developing regulations for infrastructure, they want to stop what is going on with Hurricane Sandy and the repair that is needed and the infrastructure with something called the REINS Act, which, as I said earlier, goes around and around and around.

I hope my colleagues will support this amendment, and I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

I just want to point out to the House that the assertion that this does not prevent a filibuster in the Senate is incorrect. If Members would examine pages 12 through 14 of the bill, they will see multiple ways in which procedural motions and substantive motions in the Senate are barred from undertaking a filibuster, and they must proceed through those points of order and other objections that might be raised to a final vote on this regulation under the REINS Act.

This is a good thing because it will allow for expeditious consideration by the Congress of regulations. Whether they are needed or not needed, they ought to be considered by the Congress, especially if they cost more than \$100 million to the American economy.

I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Chairman, I am glad the gentleman pointed us out to pages 12 to 14, because he indicated a number of procedural hula hoops that we have to jump through. Each of those procedural hula hoops will be subject to a filibuster.

But this is what the American people go through: Here is a tornado or an earthquake, here is Hurricane Sandy. There are a variety of issues that it results in. Here is a wildfire.

I yield 30 seconds to the gentleman from Tennessee.

Mr. COHEN. Thank you. I appreciate you bringing this amendment. There are a whole lot of opportunities for the people of west Tennessee to benefit from it.

We are an area that has been known to have tornados; we have the potential for an earthquake from Reelfoot Lake. FEMA comes under this, and to stop FEMA from having proper regulations that could protect the public would be a serious mistake. It is important that we safeguard our citizens, particularly when they are victims of natural tragedies.

Ms. JACKSON LEE. Let me thank the gentleman.

I would like to ask my colleagues to be sensible and realize that you cannot control the other body.

This amendment is a sensible amendment that responds to the outcry of wildfires, tornados, hurricanes, earthquakes. The American people are looking for the Department of Homeland Security to be able to focus on the infrastructure repair, the regulatory scheme and structure to respond to an emergency.

This bill does not deal with emergencies. It deals with an elongated process that, unfortunately, will drown, if you will, the people with a regulatory structure that does not provide them with the relief that first responders need or the people need.

I ask my colleagues of this House to be sensible and vote for the Jackson Lee amendment.

My amendment would exempt from the bill's Congressional approval requirement any rule

promulgated by the Department of Homeland Security. As a Senior Member of the Homeland Security and Ranking Member of the Border and Maritime Security Subcommittee, I am very concerned about any legislation that would hinder the Department of Homeland Security's ability to respond to an emergency.

The bill would add new review requirements to an already long and complicated process, allowing special interest lobbyists to second-guess the work of respected scientists and staff through legal challenges, sparking a wave of litigation that would add more costs and delays to the rulemaking process, potentially putting the lives, health and safety of millions of Americans at risk.

The Department of Homeland Security simply does not have the time to be hindered by frivolous and unnecessary litigation, especially when the safety and security of the American people are at risk.

According to a study conducted by the Economic Policy Institute, public protections and regulations "do not tend to significantly impede job creation", and furthermore, over the course of the last several decades, the benefits of federal regulations have significantly outweighed their costs.

There is no need for this legislation, aside from the need of some of my colleagues to protect corporate interests. This bill would make it more difficult for the government to protect its citizens, and in the case of the Department of Homeland Security, it endangers the lives of our citizens.

In our post 9/11 climate, homeland security continues to be a top priority for our nation. As we continue to face threats from enemies foreign and domestic, we must ensure that we are doing all we can to protect our country. DHS cannot react to the constantly changing threat landscape effectively if they are subject to this bill.

Since the creation of the Department of Homeland Security in 2002, we have overhauled the government in ways never done before. Steps have been taken to ensure that the communication failures that led to 9/11 do not happen again. The Department of Homeland Security has helped push the United States forward in how protect our nation. Continuing to make advance in Homeland security and intelligence is the best way to combat the threats we still face.

The Department of Homeland Security is tasked with a wide variety of duties under its mission. One example of an instance where DHS may have to act quickly to establish new or emergency regulations is the protection of our cyber security.

In the past few years, threats in cyberspace have risen dramatically. The policy of the United States is to protect against the debilitating disruption of the operation of information systems for critical infrastructures and, thereby, help to protect the people, economy, and national security of the United States.

We are all affected by threats to our cyber security. We must act to reduce our vulnerabilities to these threats before they can be exploited. A failure to protect our cyber systems would damage our Nation's critical infrastructure. So, we must continue to ensure that such disruptions of cyberspace are infrequent, of minimal duration, manageable, and cause the least possible damage.

Like other national security challenges in the post 9/11 era, the cyber threat is multifaceted

and without boundaries. Some cyber attackers are foreign nations' that utilize their military or intelligence-gathering operations, whereas others are either operating alone or are connected to terrorist groups. In addition, there are cyber threats that are international or domestic criminal enterprises.

According to the Government Accountability Office (GAO), the number of cyber incidents reported by Federal agencies to USCERT has increased dramatically over the past four years, from 5,503 cyber incidents reported in FY 2006 to about 30,000 cyber incidents in FY 2009 (over a 400 percent increase).

The four most prevalent types of cyber incidents and events reported to US-CERT during FY 2009 were malicious code; improper usage; unauthorized access and incidents warranting further investigations (unconfirmed malicious or anomalous activity).

Critical infrastructure in the nation is composed of public and private institutions in the sectors of agriculture, food, water, public health, emergency services, government, defense industrial base, information and telecommunications, energy, transportation, banking and finance, chemicals and hazardous materials, and postal and shipping.

With cyberspace as their central nervous system—it is the control system of our country. Cyberspace is composed of hundreds of thousands of interconnected computers, servers, routers, switches, and fiber optic cables that allow our critical infrastructures to work. Thus, the healthy, secure, and efficient functioning of cyberspace is essential to both our economy and our national security.

In light of an attack that threatens the United State's cyber protection, Homeland Security officials may need to issue emergency regulations quickly. Attacks can be sent instantly in cyber space, and the protection of our critical infrastructure cannot be mitigated by cumbersome bureaucracy.

The Department of Homeland Security is also tasked with combating terrorism, and protecting Americans from threats. With the current unrest in the Middle East, why would we want to limit DHS's ability to do its job?

The Department of Homeland Security is constantly responding to new intelligence and threats from the volatile Middle East and around the globe. We must not tie the hands of those trusted to protect us from these threats.

Hindering the ability of DHS to make changes to rules and regulations puts the entire country at risk. As the Representative for the 18th District of Texas, I know about vulnerabilities in security firsthand. Of the 350 major ports in America, the Port of Houston is the one of the busiest.

More than 220 million tons of cargo moved through the Port of Houston in 2011, and the port ranked first in foreign waterborne tonnage for the 15th consecutive year. The port links Houston with over 1,000 ports in 203 countries, and provides 785,000 jobs throughout the state of Texas. Maritime ports are centers of trade, commerce, and travel along our nation's coastline, protected by the Coast Guard, under the direction of DHS.

If Coast Guard intelligence has evidence of a potential attack on the port of Houston, I want the Department of Homeland Security to be able to protect my constituents, by issuing the regulations needed without being subject to the constraints of this bill.

The Department of Homeland Security deserves an exemption not only because they may need to quickly change regulations in response to new information or threats, but also because they are tasked with emergency preparedness and response.

There are many challenges our communities face when we are confronted with a catastrophic event or a domestic terrorist attack. It is important for people to understand that our capacity to deal with hurricanes directly reflects our ability to respond to a terrorist attack in Texas or New York, an earthquake in California, or a nationwide pandemic flu outbreak.

On any given day the City of Houston and cities across the United States face a widespread and ever-changing array of threats, such as: terrorism, organized crime, natural disasters and industrial accidents.

Cities and towns across the nation face these and other threats. Indeed, every day, ensuring the security of the homeland requires the interaction of multiple Federal departments and agencies, as well as operational collaboration across Federal, State, local, tribal, and territorial governments, nongovernmental organizations, and the private sector. We can hinder the Department of Homeland Security's ability to protect the safety and security of the American people.

I urge my colleagues to support the Jackson Lee amendment in order to ensure that life saving regulations promulgated by the Department of Homeland Security are not unnecessarily delayed by this legislation.

The Acting CHAIR. The time of the gentlewoman has expired.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time, and would just say in opposition to this amendment again, Members only need to look to the bill itself to see that the process in the Senate will not tolerate filibusters at any point in the process from start to finish.

Let me also point out that the American people care very much about how disasters are handled, and so do elected representatives of the American people. But we are talking about regulations written by the agency that cost more than \$100 million.

Those regulations, if they are written wrong—and many people would suggest that the Department of Homeland Security has gotten it wrong many times with regulations from the TSA, for example—those regulations should come back to this Congress for review. The American people have the first and foremost place to look for leadership on these issues in the Congress of the United States, the people's House, and the United States Senate, and not to government regulatory agencies.

Yes, they need to write regulations, but they shouldn't have the final say, particularly on the most expensive regulations affecting our economy.

Money that is diverted—money that is diverted—to pay for unnecessary regulations is money that can't be spent to address other problems that we have in this country or to pay down our national debt. That's what is important, and that's why this amendment should be defeated.

We need to have common sense brought to our regulatory process. The

REINS Act does it. The REINS Act reins in unnecessary burdensome regulations, it helps protect American jobs, and it ought to be protected, and that includes protected from unnecessary or burdensome regulations in the Department of Homeland Security.

I urge my colleagues to oppose the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. JACKSON LEE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 113-187.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 20, line 16, strike "\$100,000,000" and insert "\$50,000,000".

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

Mr. MCKINLEY. Mr. Chairman, this bill currently requires that all regulations that cost \$100 million or more must first be approved by Congress.

□ 2030

Therefore, I rise today to offer an amendment to reduce that threshold from \$100 million to \$50 million. This would ensure greater transparency and more accountability in the process. Let's put this in perspective, Mr. Chairman.

For the past 2 years, according to the regulators, of all of the regulations individually that have exceeded \$100 million, only 2 percent have been reviewed. That means 98 percent of all of the regulations that we have faced in America have not had the involvement of Congress. I mean, who would be satisfied if only 2 percent of our food that we eat has been inspected? Who would be satisfied if only 2 percent of the planes that we fly in are inspected—or of our homes? businesses? The Obama administration and its overly aggressive bureaucrats are playing with people's lives.

Last weekend, I was at a Serbian picnic in northern West Virginia, and I was approached by two adult males who were very concerned. Mr. Chairman, their eyes welled up with fear and concern because of all of these regulations that are being imposed on them.

They fear whether they're going to have jobs because of all of these regulations which no one is overseeing. These men love to work and they want to work, but they feel these new regulations threaten their American Dream and are taking away the possibility for them to raise their families. Each of us knows men like them. They live in our neighborhoods. Whenever we go home, we see these people. They want to work, but they're afraid of someone moving the goalpost with a new regulation that's not checked by Congress.

Every year, these regulations cost hundreds of billions of dollars annually, and 98 percent of them are implemented without congressional oversight. According to the Small Business Administration, the cumulative burden of regulations exceeds more than \$1 trillion annually out of our economy. Let me say this again: nearly 98 percent of all new regulations have no economic analysis or oversight by the American public. According to the GAO, Federal regulators last year, Mr. Chairman, issued 2,500 new regulations—just in 1 year alone.

Doesn't this administration understand that excessive, unchecked regulations harm working families?

Just because the administration can issue a regulation doesn't mean that it should. By reducing the threshold from \$100 million to \$50 million, we provide Congress an opportunity to rein in these out-of-control agencies and allow more of our people to continue working and supporting their families.

Mr. Chairman, I yield 1 minute to my good friend, the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I want to thank the gentleman for yielding.

Mr. Chairman, I support the amendment. I share in my colleague's desire to bring more congressional scrutiny to regulations with high economic impacts, and I know that recent major regulations have hit West Virginia and the gentleman's constituents particularly hard.

The Environmental Protection Agency's regulations that affect energy sources and power production are among the most troubling. The \$100 million threshold for major regulations in the bill is consistent with definitions that have been used by Presidential administrations of both parties since at least the 1990s. However, regulations with a \$50 million impact in today's economy will hit America's job creators and families too hard. This is particularly true of small businesses and the families that depend on them on Main Streets throughout the Nation. As a result, the amendment would make sure that Congress is accountable for regulatory decisions of this magnitude, which impose harm on an economy that can ill afford it.

Therefore, I support the gentleman's amendment, and I urge my colleagues to join me in doing so.

Mr. COHEN. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chairman, the amendment is twice as bad as the bill because it decreases by \$50 million the threshold, which means more and more regulations would have to go through this cumbersome process and really stifle regulations and rules, and that's what this is about.

The Speaker said that the job of this Congress is not to pass legislation but to repeal legislation. That's what these bills are about. They're not to improve the lives of Americans by having more safety and more protection but, rather, to defeat proposals that may come from the EPA, which are to protect the air and the water and our Earth, as well as to protect other areas of safety, whether it's automobiles or airplanes or trains or trucks or whatever.

The fact is that this would make it almost impossible to pass a rule or a regulation, and it would allow one House the ability to kill a regulation. This is a House that doesn't have the expertise within it, which has been said by some of the Members in their saying they didn't know how big to build a dam or whatever. That's why we have government people who study and do research and promulgate rules and regulations—to protect us—and it's done in a nonpolitical environment. If you bring it to this environment, you're going to have lobbyists coming up, trying to kill things that affect their industries.

This is a yo-yo bill: you are on your own. That's what they're saying basically, that we don't want protections for consumers or protections for citizens. We want to have something *laissez-faire*: no rules and regulations. You're out there on your own.

I yield such time as she may consume to the gentlelady from Houston, Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I thank the gentleman from Tennessee.

Mr. Chairman, I beg to differ with my good friend who has offered this amendment, which is even more extreme.

I proceeded to read the sections that my good chairman referred me to on how expeditious this process would be in the United States Senate. It's unworkable. How does anyone think that the Senate is going to pass this bill? They've never passed it because what it says is that you're going to kick the resolution out of committee, that you're going to discharge it, and then you're going to move it beyond all of their rules. You're literally abolishing the Senate's rules that they have not redone themselves. They never got an agreement on ending a filibuster, so I have no idea as to issues of security and safety as it relates to homeland security or of the issues dealing with fuel and greenhouse gases, which have decidedly impacted positively the American people as it relates to emissions.

Now we're going from \$100 million to \$50 million, which, I hate to say, in a

country of this size means that we are going to multiply the number of resolutions on this body that has really been slow in the passing of any legislation. Then we are going to move to the Senate, and we are going to tell the Senate committees, If you don't act in 15 days, we're discharging this. Then we will expect the Senate to pass this bill, which is the only way that it's going to get to the President's desk.

I might also say to my good friend from Tennessee, over and over again, we keep talking about what President Obama's administration has done. If this is about President Obama, that's one thing. If this is about creating jobs, the President has offered the American Jobs Act, and we have introduced a bill that has been calculated to have helped create jobs and stop the bleeding of the economy.

I am glad my good friend talked about the success of the Dow. That translates into jobs if we get rid of the sequester. There is a bill that will get rid of it, H.R. 900, offered by Mr. CONYERS, which many of us have cosponsored. Where is the debate on the floor of the House of that?

I would simply say that we are now going from the extreme to the very extreme, and you're going to see a pounding of regulations. Moms and dads and children—families—municipalities, places need clean air, clean water. They need better emissions to the extent that it helps with clean air. They need safety. They need security. Now we are going to pile it up with those that may cost \$50 million.

How absurd is that in terms of the legislative schedule of this place and the legislative schedule of the United States Senate? Now, I'm not saying anyone is going to shuck off any work—we welcome that—but you have the regular order of legislation. Then every time an amendment comes up—now \$50 million—then you're going to say that this must kick in.

I ask my colleagues to reject this amendment because it simply will not work.

Mr. COHEN. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in part B of House Report 113-187.

AMENDMENT NO. 11 OFFERED BY MR. WEBSTER OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 113-187.

Mr. WEBSTER of Florida. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 21, beginning on line 4, strike "except that such term does not include—" and all that follows through line 18, and insert the

following: "except that such term does not include any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefore, corporate or financial structures, reorganizations, mergers, or acquisitions thereof, or accounting practices or disclosures bearing on any of the foregoing."

The Acting CHAIR. Pursuant to House Resolution 322, the gentleman from Florida (Mr. WEBSTER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. WEBSTER of Florida. Mr. Chair, this amendment is straightforward. It closes a regulatory loophole that allows Federal agencies to make major policy changes without appropriate congressional review.

As currently written, the REINS Act covers agency rules developed through the formal notice and comment rule-making process, but that's not enough. By removing two exceptions from the definition of "rule," we ensure that agency actions that serve a regulatory purpose are subject to the \$100 million threshold.

The current administration circumvents congressional oversight and public input by issuing general statements of policy known as "guidance documents" in order to achieve its intrusive regulatory agenda. This tactic shields major and costly policy changes from any congressional oversight laws put in place to protect citizens. Let me give you two examples.

The EPA used a guidance document to remove the word "navigable" from the definition of "waters of the United States." This would expand its jurisdiction to potentially regulate traditional State waters and roadside ditches that hold water after rainfall. The EPA estimates that this guidance document could cost Americans \$171 million annually. Last month, we all know the administration used a guidance document to delay the health care law's employer coverage mandate. The CBO estimates this guidance document will cost \$12 billion.

Both of these guidance documents make substantive changes to policy without congressional review. Under the REINS Act as currently drafted, these costly guidance documents would escape the disapproval process even though they breach the \$100 million threshold established by REINS.

Good policy does not have to be hidden within the cloak of bureaucratic power grabbing. My amendment seeks to shine light into the dark corner of regulatory infrastructure that is abused by those with an agenda that must be hidden from view. It simply allows elected Representatives the opportunity to review policy changes issued through internal guidance that exceed the \$100 million threshold. Hard-working taxpayers are owed a choice and a voice through their elected Representatives in all major policy changes that impact their jobs and

their pocketbooks. This amendment secures this fundamental measure of government, accountability, and respect for taxpayers.

By requiring a vote of Congress in all substantive agency rules, the REINS Act results in more clearly written legislation; it improves the regulatory process; and it holds government accountable to the American people for the laws imposed upon them.

I urge my colleagues to support the Webster amendment and strengthen the REINS Act by closing this guidance document loophole, which erodes the rule of law.

I reserve the balance of my time.

□ 2045

Mr. COHEN. In what I'm sure is no surprise to the Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Once again, this just takes it to another level. It's not just the rules, but then the rules of the rules.

Really what this bill is about is a messaging opportunity. We're supposed to be legislating. The reality is that we don't legislate in Congress; we message. One side says, We're for business. We're against regulations. We're against rules. We want to create enterprise by destroying rules and regulations. The other side, which is my side, says, We're for consumers. We're for safety. We're for protection. We're for health and clean water and clear air. We think that the government process works because it saves people; it saves their lives. We go back and forth.

This would effectively destroy the opportunity to have rules and regulations passed at all. It's not going to get through the Senate, so what it is is a messaging opportunity for us to fill up C-SPAN. It's unfortunate because we should be legislating about jobs and about the sequester. We ought to be talking about benefits that the government does provide, but right now sequestration is taking away important jobs in the Defense Department, monies from the National Institutes of Health, which would protect people's lives in the long run with treatments and cures that we need, and the next generation will benefit greater than us; yet we're here talking about something that is not going to happen.

It is really unfortunate, because we should be legislating, and this bill just gets us into the weeds, gets us down into the regulations. It's like we're going to strangle the "bureaucrats." But the bureaucrats are the experts who come up with the safety provisions that say your children's toys are going to be safe and your car is going to have brakes and work in the proper manner and your airplane is not going to fall out of the sky when it's not near the airport.

Those are important things to the American people, and if you don't have

rules and regulations by experts that can be implemented, we're going to have a lot of accidents. That's why this is a very bad bill and a bad amendment and a bad use of the public's time.

I reserve the balance of my time.

Mr. WEBSTER of Florida. Mr. Chairman, I yield 1 minute to the chairman of the Judiciary Committee, Mr. GOODLATTE.

Mr. GOODLATTE. I thank the gentleman from Florida for yielding, and I'm going to support his amendment.

I share my colleagues's desire to curb the abuse of agency guidance documents and other agency directives, statements, and actions that too often have escaped adequate congressional scrutiny.

The amendment brings within the scope of the Congressional Review Act and the REINS Act rules of agency practice, procedure, and management that could be abused but otherwise would escape a congressional check and balance. It is a measured first step in reining in agency excess, and I look forward to working with the gentleman in the future to see if we can identify additional ways to rein in abusive agency practices and guidance.

I urge my colleagues to support this amendment.

Mr. COHEN. Mr. Chairman, I yield back the balance of my time so we can get to the next program on C-SPAN quicker.

Mr. WEBSTER of Florida. Mr. Chairman, I yield myself such time as I may consume.

I just want to remind everyone that we all remember what happened on July 3 when there was an announcement made that all of the sudden we were going to basically reverse our decision on the Affordable Care Act passed by this Congress. I would not have voted for it had I been here. With one stroke of the pen on a guidance document, they were able to thwart the law that we passed.

We talk about this body is for legislating? Yes, it is. When it does, we expect the executive branch to enforce that law, which it didn't; and it didn't because it was able to use that guidance document to change the law. It's not right. Vote for this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. WEBSTER).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MS. MOORE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 113-187.

Ms. MOORE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 23, line 19, insert after "determines," the following (and amend the table of sections accordingly):

"§ 808. Exemption for certain rules

"Sections 801 through 807 of this chapter, as amended by the Regulations from the Executive in Need of Scrutiny Act of 2013 shall

not apply in the case of any rule that relates to veterans or veterans affairs. This chapter, as in effect before the enactment of the Regulations from the Executive in Need of Scrutiny Act of 2013, shall continue to apply, after such enactment, to any such rule, as appropriate.”

The Acting CHAIR. Pursuant to House Resolution 322, the gentlewoman from Wisconsin (Ms. MOORE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Wisconsin.

Ms. MOORE. Mr. Chairman, I rise today to offer an amendment to H.R. 367, the REINS Act, and I yield myself 3 minutes of my time.

Today's REINS Act would require a joint resolution approval of Congress every time the executive branch promulgates a major rule. My amendment would simply exempt our Nation's veterans from the burdensome layers and hurdles that H.R. 367 will add to the administration's rulemaking process.

I oppose the underlying bill because it will severely restrict agency or department action when many vulnerable veterans need help. It is just simply unacceptable every single time our Nation's veterans are held hostage by the gridlock we experience in Congress. This is yet another moment. This amendment offers an opportunity to exempt them from that.

Mr. Chairman, just a few little facts: Today's veterans need help more than ever, and they really deserve it. Unfortunately, over 3,000 Active Duty troops have taken their lives since 2011. We have an estimated 22 veteran suicides per day. We've had over 2 million Active Duty soldiers deployed to Iraq and Afghanistan, many of whom are struggling to transition and trying to find employment. While the VA has made some progress in recent months, Mr. Chairman, the backlog of over 500,000 claims—those older than 125 days—is simply unacceptable.

Some veterans have had to wait up to 2 years for an administrative decision on a claim, and we're adding more administrative requirements for them. We're gravely concerned, all of us are here, on a bipartisan basis, about the growing backlog of appeals pending with the VA as resources are shifted. The amount of claims waiting to be heard by the Board of Veterans Affairs is currently over 45,000 and estimated to increase to approximately 102,000 by 2017. The average length of an appeal completed in fiscal year 2012 was 903 days, Mr. Chairman. Adding hurdles now will do nothing but curtail options available to the administration as it works toward solving these serious problems.

I appeal to the common sense and compassion for veterans of my colleagues. My amendment is simple. Veterans deserve to be left out of this political fight.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I rise to claim time in opposition to the amendment.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Mr. Chairman, the statistics about the delays in poor performance at the Department of Veterans Affairs with regard to veterans' claims are reasons to oppose the gentlewoman's amendment. The amendment carves out of the REINS act congressional approval procedures all regulations that affect veterans and Veterans Affairs.

We want to guarantee that the regulatory decisions that affect them are the best decisions. That's why major regulations that affect veterans and Veterans Affairs, like all other major regulations, should fall within the REINS Act. Under the legislation, agencies with authority over veterans' issues will know that Congress must approve their major regulations before they go into effect.

That provides a powerful incentive for the agencies to write the best possible regulations, ones that Congress can easily approve. Congress will have every incentive to approve good regulations and every incentive to disapprove regulations that have led to the kind of delays and uncertainty that veterans face today.

That's a solution that everyone should be able to support. Congress will be more accountable, agencies will write better rules, and veterans and all Americans will reap the benefit.

I urge my colleagues to oppose this amendment, and I reserve the balance of my time.

Ms. MOORE. Mr. Chairman, I yield myself such time as I may consume.

I'm sure my colleague agrees with me that we should not add hurdles. We've passed 11 bills since September on behalf of veterans, including the following kinds of initiatives: the 9/11 GI Bill, which we all agreed upon; copayments for medication; and resources for radiation poisoning. Had we had this bill in place, each and every one of these initiatives would have required a joint resolution from Congress each time the VA promulgated these rules.

If those sessions of Congress were anything like the majority's calendar for this year, we would not have had a lot of time to have completed work. This year we've only passed 15 bills into law. That's a record low compared to last year. As the Speaker just recently said—I suppose it would apply here—we should not be judged on how many laws we create; we should be judged on how many laws we repeal. Certainly, we would not have been able to do things like the GI Bill or reduce copayments for medications for veterans had we had this bill in place.

The other thing is you would think that my colleagues would have some pride in this institution. All this bill will do is put much more power within the hands of the executive. We can't appoint bureaucrats to conference committees on the budget.

I yield back the balance of my time.

DISABLED AMERICAN VETERANS NATIONAL SERVICE & LEGISLATIVE HEADQUARTERS,

Washington, DC, July 31, 2013.

Hon. GWEN MOORE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE MOORE: On behalf of DAV (Disabled American Veterans), an organization of 1.2 million wartime wounded, injured, and ill veterans, I am writing with respect to your proposed amendment to H.R. 367, the Regulations from the Executive in Need of Scrutiny Act of 2013, or the “REIN” Act.

Your proposed amendment, if accepted, would exempt veterans and veterans affairs from the requirements of the bill that all proposed federal rules that convey a cost of \$100 million or more, or that are subject to other circumstances described in the bill, be submitted to Congress before promulgation by the Executive Branch. Under the bill, Congress would require itself to mandatorily act to approve or disapprove any such regulation through fixed rules of procedure and calendars.

Your effort to protect veterans to ensure their benefits and services are provided in an expeditious manner, as proposed by an Executive Branch agency, is deeply appreciated. Under the DAV Constitution and By-Laws, any federal legislation or policy that furthers the interests of wounded and injured veterans carries DAV's strong support.

While endorsing your specific amendment, DAV takes no position on the underlying bill itself, because our membership has not approved a resolution specific to the purpose of Congress generally limiting government regulation-making across the vast federal landscape.

Thank you for proposing your amendment, and please advise me how DAV can aid you in gaining its acceptance by the House as it concludes consideration of the REIN Act.

Sincerely,

BARRY A. JESINOSKI,
Executive Director, Washington Headquarters.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time.

I say to the gentlewoman, my colleague from Wisconsin, that this House is very proud of the fact that we worked in a bipartisan fashion to pass all of those bills. I have absolutely no doubt that if, after we pass those bills, the Department of Veterans Affairs and other agencies affecting veterans didn't do the work properly and didn't get it done right that this Congress would again work in a very bipartisan fashion to say, No, you didn't get it right. Get it right.

That's what this is all about. That's why the REINS Act is important. It's not just for every other American, but also for veterans. This is something that will improve the regulatory process.

There is another study that talks about the creation of jobs, which are important to our veterans who have returned and are looking for employment in this country. This is a study by the Phoenix Center, and it's entitled, “Regulatory Expenditures, Economic Growth and Jobs: An Empirical Study.” It was performed by three Ph.D.'s and a lawyer. What could be better than that? I want to read from part of the abstract. It says:

Even a small 5 percent reduction in the regulatory budget, about \$2.8 billion, is estimated to result in about \$75 billion in expanded private sector GDP each year with an increase in employment by 1.2 million jobs annually. On average, eliminating the job of a single regulator grows the American economy by \$6.2 million and nearly 100 private sector jobs annually. Conversely, each million-dollar increase in the regulatory budget costs the economy 420 private sector jobs.

This is a study that shows conclusively that we're right when we say that the REINS Act will help to create jobs in this country and the current regulatory morass that we're facing in this country is costing American jobs. I urge my colleagues to oppose the amendment and to support the underlying bill.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Wisconsin (Ms. MOORE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. MOORE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Wisconsin will be postponed.

□ 2100

Mr. GOODLATTE. Mr. Chairman, I move that the Committee do now rise. The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CRAMER) having assumed the chair, Mr. CONAWAY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 367) 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, had come to no resolution thereon.

NATURAL GAS ECONOMIC IMPACT

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, yesterday I addressed the positive economic impact on jobs of shale gas production that was documented during a recent hearing in Pennsylvania by the bipartisan Natural Gas Caucus, which I cochair.

An additional area of economic impact of the natural gas production is the direct benefits to Pennsylvania. From 2008 to 2010, Pennsylvania established three leases for natural gas production on State forest lands. These leases have generated signing bonuses totaling \$413 million and earned the State another \$100 million in royalties.

Since 2007, a total of \$1.7 billion in corporate taxes have also been paid. During 2012 and 2013, the natural gas

industry contributed \$406 million in impact fees that are benefiting counties and communities across Pennsylvania.

By 2035, shale gas will contribute \$42.4 billion annually to Pennsylvania's economy, up from the \$7.1 billion in 2010.

Mr. Speaker, the economic impact from natural gas development in Pennsylvania is exceeding all expectations. Governor Corbett and the Pennsylvania State legislature are to be congratulated for their leadership in shale gas production.

HEALTH CARE IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Arkansas (Mr. GRIFFIN) is recognized for the remainder of the time until 10 p.m. as the designee of the majority leader.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I want to take a little time tonight with my colleague, Representative YOUNG from Indiana, to talk a little bit about health care in America, talk a little bit about the Affordable Care Act that is currently being implemented, and talk about the need for real health care reform in this country.

I want to start out by just emphasizing that I firmly believe we need health care reform. I believe that the health care reform we got in the form of the Affordable Care Act, or ObamaCare, is not the health care reform that we need. And I would say that we have lots of proposals here in the House. I think last Congress we had over 200 bills introduced that related to the health care system, reforming our health care system. And this Congress, we have dozens of health care reform related bills as well.

So the idea that it's either the Affordable Care Act as we're seeing it unfold, or nothing at all, it's a false choice. That's not the choice that we have. There are lots of ideas; lots of much better ideas, I must add. And while I am personally for repeal—I certainly want the Affordable Care Act repealed—I want to replace it with quality, patient-centered health care reform.

I am not against providing relief to Americans who are feeling the burden of the Affordable Care Act or ObamaCare right now. In fact, we had a hearing on the implementation of the ObamaCare law in the Ways and Means Committee today, a committee of which I am a member. And my colleague Representative YOUNG is also a member. And we heard a lot of people say hey, this is the law of the land, don't mess with it. This is the law of the land, let it go. This is the law of the land, any attempt to criticize it, to discuss its shortcomings, is a waste of time.

Well, I reject that outright. And, you know, I think the President, through his actions, has rejected that.

What am I talking about? Well, it's interesting because we've passed seven

bills in this House, seven bills, that relate to ObamaCare, changing ObamaCare, repealing a part of ObamaCare, seven that not only passed this House, we sent them to the other side of the Capitol. They passed the Senate. And you know what? The President signed them into law. That may come as a surprise to some folks, but it's the truth. We passed seven bills to change, to modify, to repeal parts of, to make better ObamaCare, and the President has agreed with us on all seven. He signed them into law.

Mr. YOUNG of Indiana. Are these some of the very same bills, my good colleague, that the President in recent speeches has characterized as partisan, misguided, meaningless? I do believe you may be referring to some of those bills.

Mr. GRIFFIN of Arkansas. Those are the same bills, and I would like to go through, if I can, the seven bills, and talk a little bit about what they do and how they were an improvement. I think they are evidence that yes, we'd like to replace this bill with something much better, this law, but in the short term, we will do whatever it takes to provide relief to American workers, relief to American families, relief to small businesses that are under the burden of ObamaCare.

So let me mention a few of these.

H.R. 4: H.R. 4 repealed the small business paperwork 1099 mandate. I remember when I first got to Congress, I heard from a bunch of folks about the 1099 filing obligation under the President's health care law. We repealed that. You know what the President did? He agreed. Bad part of the law.

Next, H.R. 1473. We cut \$2.2 billion from what was characterized as a stealth public plan, a consumer-operated and -oriented plan, and froze the IRS budget. The President signed that into law.

Next, H.R. 674. We saved taxpayers \$13 billion by adjusting the eligibility for ObamaCare programs. The President signed that into law.

H.R. 2055 made more reductions to the consumer-operated and -oriented plan that I mentioned earlier, also to the IPAB, the Independent Payment Advisory Board, an independent board that's going to cut Medicare, because it hasn't been reformed, when it runs out of money. So that was signed into law. And again in today's hearing in the Ways and Means Committee, folks on the other side of the aisle were saying this talk, this criticism about the President's law, ObamaCare, a waste of time, meaningless, all politics. Hogwash; the President signed a bunch of it into law.

Mr. YOUNG of Indiana. Well, it is hogwash. And it's particularly hogwash because among those various reforms that you've itemized there, let's reflect on how much persuasion, how much public argument was required to even bring the President of the United States to go along with repealing this egregious, superfluous 1099 obligation.