Garrett	Love	Ross
Gibbs	Lucas	Rothfus
Gohmert	Luetkemeyer	Rouzer
Goodlatte	MacArthur	Royce (CA)
Gosar	Marchant	Russell
Gowdy	Marino	Rutherford
Granger	Marshall	Sanford
Graves (GA)	Massie	Scalise
Graves (LA)	Mast	Schweikert
Graves (MO)	McCarthy	Scott, Austin
Griffith	McCaul	Sensenbrenner
Grothman	McClintock	Sessions
Guthrie	McHenry	Shimkus
Harper	McKinley	Shuster
Harris	McMorris Rodgers	Simpson
Hartzler	McSally	Smith (MO)
Hensarling	Meadows	Smith (NE)
Hice, Jody B.	Meehan	Smith (NJ)
Higgins (LA)	Messer	Smith (TX)
Hill	Mitchell	Smucker
Holding	Moolenaar	Stefanik
Hollingsworth	Mooney (WV)	Stewart
Hudson	Mullin	Stivers
Huizenga	Murphy (PA)	Taylor
Hultgren	Newhouse	Tenney
Hunter	Noem	Thompson (PA)
Hurd	Nunes	Thornberry
Issa	Olson	Tiberi
Jenkins (KS)	Palazzo	Tipton
Jenkins (WV)	Palmer	Trott
Johnson (LA)	Paulsen	Turner
Johnson (OH)	Pearce	Upton
Johnson, Sam	Perry	Valadao
Jordan	Pittenger	Wagner
Joyce (OH)	Poe (TX)	Walden
Katko	Poliquin	Walker
Kelly (MS)	Posey	Walorski
Kelly (PA)	Ratcliffe	Walters, Mimi
King (IA)	Reed	Weber (TX)
King (NY)	Reichert	Webster (FL)
Kinzinger	Renacci	Wenstrup
Knight	Roby	Westerman
Kustoff (TN)	Roe (TN)	Williams
Labrador	Rogers (AL)	Wilson (SC)
LaHood	Rogers (KY)	Wittman
LaMalfa	Rohrabacher	Womack
Lamborn	Rokita	Woodall
Lance	Rooney, Francis	Yoder
Latta	Rooney, Thomas J.	Yoho
Lewis (MN)	Ros-Lehtinen	Young (AK)
LoBiondo	Roskam	Young (IA)
Long		Zeldin
Loudermilk		

NOES—187

Adams	DeFazio	Kelly (IL)
Aguilar	DeGette	Kennedy
Barragán	Delaney	Khanna
Bass	DeLauro	Kihuen
Beatty	DelBene	Kildee
Bera	Demings	Kilmer
Beyer	DeSaulnier	Kind
Bishop (GA)	Deutch	Krishnamoorthi
Blumenauer	Dingell	Kuster (NH)
Blunt Rochester	Doggett	Langevin
Bonamici	Doyle, Michael F.	Larsen (WA)
Boyle, Brendan F.	Ellison	Larson (CT)
Brady (PA)	Engel	Lawrence
Brown (MD)	Eshoo	Lawson (FL)
Brownley (CA)	Espaillat	Lee
Bustos	Esty	Levin
Capuano	Evans	Lewis (GA)
Carbajal	Foster	Lieu, Ted
Cárdenas	Frankel (FL)	Lipinski
Carson (IN)	Fudge	Loebsack
Cartwright	Gabbard	Lofgren
Castor (FL)	Garamendi	Lowenthal
Castro (TX)	Gonzalez (TX)	Lowey
Chu, Judy	Gottheimer	Lujan Grisham, M.
Cicilline	Green, Al	Luján, Ben Ray
Clark (MA)	Green, Gene	Lynch
Clarke (NY)	Grijalva	Maloney, Carolyn B.
Clay	Gutiérrez	Maloney, Sean
Cleaver	Hanabusa	Matsui
Clyburn	Hastings	McCollum
Cohen	Heck	McEachin
Connolly	Higgins (NY)	McGovern
Conyers	Himes	McNerney
Cooper	Hoyer	Meng
Correa	Huffman	Moore
Costa	Jackson Lee	Moulton
Courtney	Jayapal	Murphy (FL)
Crist	Jeffries	Nadler
Crowley	Johnson (GA)	Napolitano
Cuellar	Johnson, E. B.	Neal
Cummings	Jones	Nolan
Davis (CA)	Kaptur	Norcross
Davis, Danny	Keating	O'Halleran
O'Rourke	Ruppersberger	Swalwell (CA)
Pallone	Ryan (OH)	Takano
Panetta	Sánchez	Thompson (CA)
Pascrell	Sarbanes	Thompson (MS)
Payne	Schakowsky	Titus
Pelosi	Schiff	Tonko
Perlmutter	Schneider	Torres
Peters	Scott (VA)	Tsongas
Peterson	Scott, David	Vargas
Pingree	Serrano	Veasey
Pocan	Sewell (AL)	Vela
Polis	Shea-Porter	Visclosky
Price (NC)	Sherman	Walz
Quigley	Sinema	Wasserman Schultz
Raskin	Sires	Waters, Maxine
Rice (NY)	Slaughter	Watson Coleman
Rosen	Smith (WA)	Welch
Roybal-Allard	Soto	Wilson (FL)
Ruiz	Speier	Yarmuth
	Suozzi	

NOT VOTING—15

Becerra	Meeks	Richmond
Buchanan	Mulvaney	Rush
Butterfield	Pompeo	Velázquez
Collins (NY)	Price, Tom (GA)	Walberg
Gallego	Rice (SC)	Zinke

□ 1430

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2017

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 26.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 22 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 26.

The Chair appoints the gentleman from Illinois (Mr. HULTGREN) to preside over the Committee of the Whole.

□ 1433

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 26) 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, with Mr. HULTGREN in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Virginia (Mr. GOODLATTE) and the gentleman from Georgia (Mr. JOHNSON) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia.

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

Mr. Chairman, regulatory reform plays a critical role in ensuring that our Nation finally achieves a full economic recovery and retains its competitive edge in the global marketplace. Congress must advance pro-growth policies that create jobs and restore economic prosperity for families and businesses across the Nation and make sure that any administration and its regulatory apparatus is held accountable to the American people.

America's small-business owners are suffocating under mountains of endlessly growing, bureaucratic red tape; and the uncertainty about the cost of upcoming regulations discourages employers from hiring new employees and expanding their businesses. Excessive regulation means higher prices, lower wages, fewer jobs, less economic growth, and a less competitive America.

Today, Americans face a burden of over $3 trillion per year from Federal taxation and regulation. In fact, our Federal regulatory burden is larger than the 2014 gross domestic product of all but the top eight countries in the world. That burden adds up to about $15,000 per American household—nearly 30 percent of average household income in 2015.

Everyone knows it has been this way for far too long; but the Obama administration, instead of fixing the problem, has known only one response: increase taxes, increase spending, and increase regulation. The results have painfully demonstrated a simple truth: America cannot tax, spend, and regulate its way to economic recovery, economic growth, and durable prosperity for the American people.

Consider just a few facts that reveal the economic weakness the Obama administration has produced. In the December 2016 jobs report, the number of unemployed workers, workers who can only find part-time jobs, and workers who are now only marginally attached to the labor force stood at 9.3 percent. They number 15 million Americans. America's labor force participation rate remains at lows not seen since the Carter administration, and median household income is still below the level achieved before the financial crisis, which is after the entirety of the Obama administration.

The contrast between America's current condition and the recovery Ronald Reagan achieved as President is particularly stark in that, 4½ years after a recession began in 1981, the Reagan administration, through policies opposite to those of the Obama administration's, had achieved a recovery that created 7.8 million more jobs than when the recession began. Real per capita gross domestic product rose by $3,091, and real median household income rose by 7.7 percent.

To truly fix America's problems, the REINS Act is one of the simplest, clearest, and most powerful measures we can adopt. The level of new major regulation from the Obama administration is without modern precedent. Testimony before the Judiciary Committee during recent Congresses has

plainly shown the connection between skyrocketing levels of regulation and declining levels of jobs and growth.

The REINS Act responds by requiring an up-or-down vote by the people's representatives in Congress before any new major regulation, which is defined in the bill generally as a rule that has an effect on the economy of at least $100 million, can be imposed on our economy. It does not prohibit new major regulation. It simply establishes the principle: ''no major regulation without representation.''

The REINS Act provides Congress and, ultimately, the people with a much-needed tool to check the one-way cost ratchet that Washington's regulatory bureaucrats too often turn. During the 114th, 113th, and 112th Congresses, the REINS Act was passed multiple times by the full House of Representatives, each time with bipartisan support.

I thank Mr. COLLINS of Georgia for reintroducing this legislation, and I urge all of my colleagues to vote for the REINS Act.

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

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

I listened intently to my colleague's opening remarks, and he seemed to try to justify the passage of the REINS Act, which I rise in opposition to, by the way, by saying that it has been the Obama administration's job-killing regulations that have put our economy in its position, which is one that is not good.

Despite trying to convince the American people of that allegation, the American people are aware of the facts. They are aware of the fact that, 8 years ago, when President Obama came into office and under a Republican stewardship that used trickle-down economics as its model, this economy neared that of the Great Depression's. In fact, we call it the period of the Great Recession. This country almost went into a depression, and it went into a Great Recession because of George Bush's and the Republicans' policies of trickle-down economics, which Daddy Bush—George Herbert Walker Bush—once referred to as ''voodoo economics,'' and he was right about that.

Let's look at where we were then and look at where we are now and ask ourselves: Are we not better off now than we were then?

There are not many voices that could say, No, we are not better off now than we were then, because they know, since then, there have been 81 straight months of positive private sector job growth.

They know that over 15.6 million new jobs have been added to our economy by President Obama. They also know that 30 million more people have health insurance and access to the healthcare system now than they did back then. They know that regulations had to ensue from the passage of the Affordable Care Act in order to enable those 30 million people to have coverage now. That is why they want to introduce this legislation to cut regulations. They want to try to hurt the Affordable Care Act. They also know that regulations had to spring forth from the Dodd-Frank, Wall Street regulation, legislation that was passed in this body. They know that those regulations have protected the finances and the financial security of Americans who are doing far better now than they were 8 years ago when President Obama took office.

The American people know that they are much better off now. They know that bankruptcies have gone down. They know that foreclosures have gone down. They know that they have better jobs. They know that things are better now than they were back then.

You will remember and the American people will remember that on the very day of President Obama's first inauguration, MITCH MCCONNELL and a cabal of Republicans met from both the House and Senate, crying in their beers at a Capitol Hill bar. They embarked on a strategy to—what?—make sure that President Obama would be a first-term President. So they resolved to oppose everything that he proposed, and they certainly did. Despite unprecedented opposition from the Republicans' just saying ''no'' to everything, the American people know that they are in a better position today than they were at this time 8 years ago when coming into the Obama administration.

The Republicans want to introduce legislation to do away with the rules and the regulations concerning the Affordable Care Act and the Dodd-Frank legislation, which has protected the financial security of Americans over the last 8 years. That is why they come forward with this so-called jobs bill. This regulatory reform bill called the REINS Act is not going to produce or create one single job. What it will do is cut measures to protect the health, safety, and well-being of Americans.

□ 1445

This misguided legislation would amend the Congressional Review Act to require that both Houses of Congress pass and the President sign a joint resolution of approval within 70 legislative days before any major rule issued by an agency can take effect. In other words, this bill would subject new major rules to nullification by Congress through an unconstitutional legislative veto by one Chamber of Congress.

Following Republican attempts earlier this week to gut ethics and oversight rules that are necessary to police corruption, it is telling that the REINS Act is the next bill that the House would consider in the 115th Congress. Americans should understand what the game plan is of the Republicans. They want the fox to guard the henhouse. That is why the very first act that they tried to get passed was reform of the House ethics regime. They wanted to neuter it, place it under the control of the Republican-controlled House Ethics Committee, where it would then languish and die like a prune on a vine that was unwatered.

That is the first thing they came up with, and the American people called them on it and wouldn't let them pass it. So they have postponed it. America needs to keep their eyes on this Congress to make sure that they don't follow through with that measure that would install the foxes over the henhouse. What they want to do is install the corporate foxes over America's henhouse with this REINS Act.

The REINS Act is central to the Speaker's so-called Better Way agenda, which is really only a better way for rich, corporate elites to further insulate themselves from public accountability and is emblematic of the same tired and crony-capitalist proposals that have been kicked around by opponents of environmental and public health protections since the 1980s. In fact, in 1983, Chief Justice John Roberts, who was then a counsel to President Reagan, criticized a similar proposal as unwise because it would hobble agency rulemaking by requiring affirmative congressional assent to all major rules and would seem to impose excessive burdens on the regulatory agencies.

In addition to being an unmitigated disaster for public health and safety, proposals like the REINS Act will actually do major harm to regulatory reform attempts, as the late Justice Antonin Scalia wrote in 1981. Then a professor at the University of Chicago Law School, Justice Scalia cautioned: ''Those in the Congress seem perversely unaware that the accursed 'unelected officials' downtown are now their unelected officials, presumably seeking to move things in their desired direction; and that every curtailment of desirable agency discretion obstructs (principally) departure from Democrat-produced, pro-regulatory status quo.''

Now, it is not often that I quote Justice Scalia, but, ironically, I do so today.

The REINS Act also imposes deadlines for the enactment of a joint resolution approving a major rule that could charitably be referred to as Byzantine. So as not to use too lofty language, I will just declare that this thing is like throwing a monkey wrench in a well-oiled machine.

Under new section 802, the House may only consider a major rule on the second or fourth Thursday of each month. In 2014, for example, there were only 13 such days on the legislative calendar. I think on the legislative calendar for 2017, there are only about 13, maybe 14 or 15, such days where we could consider these major rules on this legislative calendar. I would point out that there are approximately 80 such rules of importance that come through in a typical year.

Furthermore, under new section 801, Congress may only consider such resolutions within 70 legislative days of receiving a major rule. This creates a lot of red tape that threatens to end rulemaking as we know it, and that is the exact, precise intent of this Congress. Even if agencies reduce the number of major rules in contemplation of a bill's onerous requirements, Congress would still lack the expertise and policy justifications for refusing to adopt a major rule.

As over 80 of the Nation's leading professors on environmental and administrative law noted in a letter in opposition to a substantively identical version of this bill, without this expertise, any ''disapproval is therefore more likely to reflect the political power of special interests, a potential that would be magnified in light of the fast-track process.''

Lastly, by flipping the process of agency rulemaking so that Congress can simply void implementation by not acting on a major rule, the REINS Act likely violates the presentment and bicameralism requirements of Article I of the Constitution.

It is my pleasure to oppose this bill. I urge my colleagues on both sides of the aisle to do the same.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. MARINO), the chairman of the Subcommittee on Regulatory Reform, Commercial and Antitrust Law.

Mr. MARINO. Mr. Chairman, I rise today in strong support of the REINS Act. I would like to thank my colleague from Georgia (Mr. COLLINS) for taking charge of this bill in the 115th Congress and Judiciary Chairman GOODLATTE for quickly bringing it to the floor.

This week and next, the primary focus of debate here in the House is the stranglehold of regulation on the economy and its intrusion into the everyday lives of Americans. These onerous burdens are well-known to Members of Congress on both sides.

Over the past several years, I have spent countless hours traveling across the nearly 6,600 square miles of my district. I have met with my constituents in their homes, in their workplaces and social halls. They have pleaded with me for release from the regulations that limit their ability to prosper, innovate, and grow.

Unlike the nameless, faceless, ever-growing bureaucracy here in Washington, we have listened to the people's concerns. We have made regulatory reform a priority and the focal point for jump-starting our economy. By placing final approval of major regulations in the hands of Congress, the REINS Act is an important launch point in our efforts to dismantle the administrative state and make government more accountable to the American people.

Our Founders vested in Congress—and Congress alone—the power to write the laws. Unfortunately, over our history, we have delegated much of that power away. The Founders could not have imagined our current scenario where the complaints of many fall on the deaf ears of an unelected few in Washington.

Thinking over the past 8 years, the REINS Act could have prevented numerous regulations that the American people knew were threats to their very way of life. Perhaps a trillion dollars in costs could have been avoided. I cannot even imagine how many jobs might have been saved or created if we avoided the regulatory barrage brought on by the Obama administration.

For example, we could have prevented the waters of the United States regulation that impacts the farmers near my home in rural Pennsylvania. The FCC's net neutrality rule might have been overturned, a classic rulemaking bait and switch where the FCC ignored the mountains of public comment to achieve its own political ends. An unaccountable sum of environmental regulations might have been avoided before destroying large swaths of our industry and imposing huge costs on taxpayers.

Our prime takeaway from these instances and others is that the runaway regulators issued wide-ranging and economy-destroying regulations with complete disregard for the hard-working American citizens whose livelihoods were at stake.

Today we take an important step to reassert the voice of the American people in our government. The REINS Act reestablishes the Congress as the final judge of whether or not any particular regulation actually does what the Congress meant it to do.

Returning this responsibility to the branch of government most attentive and accountable to the people adheres to the principles of our Nation's founding. It is an effort that all elected to Congress should support.

I urge my colleagues to support the REINS Act.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 5 minutes to the eloquence of the gentleman from the great State of Tennessee (Mr. COHEN), my friend out of the great city of Memphis.

Mr. COHEN. Mr. Chairman, I don't know if I can live up to those words, but I certainly appreciate them.

I was the ranking member on this committee, and I was chair at one point. We have had this bill over the years. It is indeed a monkey wrench or a monkey in the wrench, as JOHN MCCAIN might have said. It will mess up the entire system that we have of Congress passing laws, delegating, giving the executive the ability to enact them in ways that make them functional and appropriate and come up with the details that the Congress does not have enough expertise to do.

The other side refers constantly to people that prepare these rules—which take many, many years and have much, much input—as bureaucrats, as if it is some type of pejorative. Bureaucrats are government employees who have expertise in certain areas and who study an area and become so much more expert than we are on the subject that they can come up with fine-tuned laws that are checked and balanced to make sure that the laws are implemented in the way that Congress intends. If Congress doesn't like it, Congress can pass a bill by both House and Senate to repeal it. We have already got that possibility.

Under this unique approach, either one of the houses of Congress can stop a regulation, a rule from going into effect because both Houses would have to approve a rule and the President would have to sign it before it could go into effect. That gives one House the ability to veto, basically, an executive action.

It is the executive in our system that has the power to veto acts of the legislature and not vice versa. We can pass laws in a bicameral spirit, which is what our Constitution has, when the House and the Senate agree. But neither House, independently, is given any power to veto laws or legislation. This would break that and, I believe, be unconstitutional. That is why I oppose H.R. 26, the Regulations from the Executive in Need of Scrutiny Act of 2017.

Indeed, the Executive in Need of Scrutiny Act is most appropriate this year as we start, because in 2017, 2018, 2019, and 2020, we are, indeed, going to have an executive in need of scrutiny. So I thank the Republicans for naming this bill appropriately because we are, indeed, in the times of an Executive in need of scrutiny.

We need scrutiny over income tax returns that have been hidden from the public that might disclose conflicts of interest or loans from characters that might be considered oligarchs and have some type of an influence over our foreign policy and our domestic.

We need an Executive in Need of Scrutiny Act that deals with these conflicts, with income taxes that haven't been released, with businesses in the District where people could go to hotels and curry favor with the Executive.

Indeed, we do have an Executive in Need of Scrutiny Act, so I appreciate the well-named bill that the Republicans have brought us and the awareness that, through this bill, they have seen that we need some concern about the Executive coming because he certainly needs scrutiny.

□ 1500

This bill, though, is the worst of corporate special interest because it will give corporate special interests the opportunity to override rules that take effect unless both Houses pass them. It is difficult enough for this House and the Senate to get legislation passed in the days that we often give to legislation, but to have both Houses have to agree, in which case if you can't, it is, in essence, a pocket veto, and it doesn't even have to be scheduled for a

vote because the House would have to positively pass and the Senate positively pass. So if the Speaker doesn't want to do it, the Speaker can pocket veto the regulation. It doesn't even have to be scheduled.

This is not draining the swamp. It will heighten the influence of corporate lobbyists in Congress where they can come to the Speaker and ask that agency rules they don't like that might protect the lives of children because they are regulations dealing with toys that seem to possibly be defective, or automobiles where they need safety devices, or other consumer protections that interfere with business interests—business is good and important, but sometimes businesses do things that are injurious to the public.

To give this opportunity to stop rules and regulations from going into effect that protect the public is wrong. It was suggested maybe it will help the economy, but at what cost? What is one life worth—or several lives—if lives are lost because safety regulations are not approved by this House and the Senate, or one or the other, and then don't go into effect? As I mentioned, this is seriously constitutionally defective.

The CHAIR. The time of the gentleman has expired.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield the gentleman an additional 1 minute.

Mr. COHEN. Mr. Chairman, the ranking member mentioned Justice Scalia. I will mention Chief Justice John Roberts who criticized nearly identical legislation in the 1980s when he was a White House lawyer because it would ''hobble agency rulemaking by requiring affirmative congressional assent to all major rules'' such that it would ''seem to impose excessive burdens on regulatory agencies.'' That was John Roberts.

Some of the underlying facts given were about the economy. No matter what you say, President Obama has been effective on the economy. We saved the housing market. We saved this country from the Great Recession. We brought about recovery. That is not something we should disparage but we should praise. The stock market has gone up to record highs. Unemployment is down. Jobs are up. The automobile industry has been saved.

I ask Members to reject this bill because it is unconstitutional. It will cost lives of American citizens because safety regulations won't be passed.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. FARENTHOLD), a member of the Judiciary Committee.

Mr. FARENTHOLD. Mr. Chairman, our Founding Fathers intended for us to have a limited government. If they saw what we have today, they would be appalled. Our government has gotten huge. It is out of control, and an alphabet soup of government agencies and unelected bureaucrats are writing the laws. They call them regulations, but they have the effect of laws.

I am going to disagree with my friend and colleague from Tennessee, any power these agencies have to write regulations was delegated to Congress. We are pulling some of that power back, back to Congress, back to people elected by the people; in fact, to where the Founding Fathers put it in Article I of the Constitution.

That is why I am here today, to support the REINS Act. It says that if an agency enacts a regulation that has an economic impact of more than $100 million, that has to come back before Congress for a positive vote before it takes effect.

Now, quite frankly, because the Constitution vests all of the legislative power in Congress, I think every single regulation that one of these agencies does should have to come back before Congress, but the REINS Act is a great start.

Throughout President Obama's administration, a flood of regulations has put extreme pressure and burdens on American job creators and American families. Take, for example, the EPA's waters of the U.S. rule. It is a power grab by the EPA attempting to regulate any body of water on a private land basically that is any bigger than a bathtub. It goes way beyond what the Clean Water Act says they can do.

Using its new interpretation of WOTUS, the EPA has full authority to bully land-owning American citizens like Wyoming rancher Andy Johnson who got a permit from the State and local government to build a stock pond so his cattle could have something to drink. Well, guess what, the EPA said, nope. They came in after the fact and said: if you don't take that out, we are going to hit you with $37,500 a day in fines. Finally, after drawn-out litigation, the EPA was slapped back and Johnson's $16 million in fines was erased.

This is just one of the many examples of the huge power grab these Federal agencies are doing.

We need people who are elected and answerable to the American people writing the laws, not unelected bureaucrats. That is why we need the REINS Act, and that is why we need to restore the constitutional power granted to this body in Article I. The REINS Act is a great start, and I urge my colleagues to join me in supporting it.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my friend from Texas cites Article I giving the legislative branch authority to make the laws, and no one can argue with that. However, I would point out that Article II, section 3 imposes upon the President, the executive, the obligation to take care that the laws are faithfully executed, and so rulemaking comes up under that authority, that constitutional authority. So what we have is a move by the legislative branch to intrude upon and to indeed regulate. And certainly we have that power to do so. But is it wise? Is it prudent? Or does it simply positively impact our campaign contributors, the people who put money into our campaigns? Is that the sole reason why we are doing this?

We need to give care and thought into what we are doing here in Congress in this House of Representatives even though one party has all of the power now. They have the majority in the House, they have the majority in the Senate, and they have an incoming President. It doesn't mean they should go off the rails with a philosophy that is not in keeping with where the American people are.

I would point out to them that there is no mandate that they have, even though they do have control of the legislative branch and the executive branch of government and they have held up, what some say actually stolen an appointment for the U.S. Supreme Court that President Obama was placed in a position to make last February upon the untimely demise of Justice Scalia. So since February, the U.S. Supreme Court has had to suffer through politics being played by the legislative branch in not confirming a presidential appointee, and now they have the opportunity to make that appointment under these conditions.

Even though they have played loose and fancy with the protections of the Constitution and with the well-being of the American people and indeed our Republic by playing these political games, I would ask my friends on the other side of the aisle to stop and think about what they are doing and the ramifications of it. Even though you want to get at the EPA to make it easier for oil companies to pollute our environment without regulations to prevent it from happening, is that good for our Nation? Is it good for our children? Is it good for our elderly? How does it leave us with regard to asthma rates which have continued to skyrocket in this country? Do you want to gut the Dodd-Frank Wall Street reform to put us back in the situation where people are losing their homes and banks are being bailed out because they have become too fat to fail? Do we want to put ourselves back in that position again? Well, if we do then we will pass regulations like this one, the so-called REINS Act.

I reserve the balance of my time.

Mr. GOODLATTE. Mr. Chairman, at this time, it is my pleasure to yield 2 minutes to the gentleman from Michigan (Mr. BISHOP), a member of the Judiciary Committee.

Mr. BISHOP of Michigan. Mr. Chairman, I thank Chairman GOODLATTE for all of his leadership on this matter.

I rise today in strong support of H.R. 26, the REINS Act, which will restore the constitutional authority of Congress and rein in runaway government.

Mr. Chairman, as we have seen over the last 8 years, our economy has been strangled by Federal regulations which are burying small businesses and families. Federal regulations imposed on

America's job creators and households created a staggering economic burden of almost $2 trillion in 2014. That is almost $15,000 per U.S. household, and 11.5 percent of America's real GDP.

But today, the House has an opportunity to cut through the red tape and restore the balance of powers. Economic growth cannot happen from Washington, D.C., it can only come from Main Street. That is why I adamantly oppose unelected and unaccountable bureaucrats issuing their own closed-door regulations in place of congressional regulations. The REINS Act will restore Congress' Article I powers and give a voice back to the American people. I urge my colleagues to join me in voting for H.R. 26.

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

Mr. GOODLATTE. Mr. Chairman, at this time, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. TROTT), currently a member of the Judiciary Committee but soon to move to another committee.

Mr. TROTT. Mr. Chairman, I thank Chairman GOODLATTE for yielding me the time.

Mr. Chairman, I rise today in strong support of H.R. 26, the REINS Act. In a minute, I want to share an experience I had a few months ago which will explain why, aside from the Constitution, I think it is important that we rein in unelected bureaucrats.

When we talk about regulatory reform, it is sometimes hard to understand the impact regulations have on our economy. That is for the simple reason that someone who goes in for a job interview never sits there and is told by the employer: I would love to offer you the job, but I can't because of the crushing regulatory burden coming out of Washington. And that is because the crushing burden of regulations causes the job not to be created in the first place; and, hence, there is no interview for the job.

The experience I had a couple of months ago, I was back home, and I met with the Michigan Restaurant Association. There were 8 or 10 folks sitting around and telling me about the issues that are important to them. They said they were dying because of the EPA, because of the FDA, because of the EEOC, because of the ACA, because of the overtime rule from DOL, and because of the CFPB. I quickly surmised that the restaurant industry is dying, and it is death by acronyms. That is what is happening in this country. That is why we are not creating jobs.

If you come in from the airport, you come across the 14th Street bridge and you enter the city, all you see is cranes. There was never a recession in Washington. Today, there are 277,000 people who write and enforce rules in this country in Washington, D.C., and around the country. That is more than the entire employee base of the VA.

A few minutes ago, my friend from Tennessee said that all of these great regulations have saved our country. Well, if that had happened, I would have expected a different result on November 8.

A few minutes ago, my friend from Georgia, who I was proud to serve on the Judiciary Committee with, talked about all of the problems with our plan.

□ 1515

I say to my colleague, the next time you pull up in front of your favorite Outback Steakhouse restaurant and it is closed, it is not because the cook quit, it is not because of the cost of beef, and it is not because the restaurant was poorly managed. It is because of death by acronyms. I ask everyone to support H.R. 26. It is time we rein in unelected bureaucrats, follow the Constitution, and create some jobs.

Mr. JOHNSON of Georgia. Mr. Chairman, I am sorry to see my friend, Mr. TROTT, leaving the Judiciary Committee. We have appreciated his being there and we hate to see him go, but the gentleman is going on to bigger and better things.

I would say to the gentleman that it is surprising to me that the Bloomberg Government reports show that of all of the job cut announcements made by industry during the year of 2016—and that was a year, by the way, which was not unlike previous years. Basically, the Obama administration has created about 1.9 million new private sector jobs per year.

I am just startled by this statistic here for the year 2016 as far as the number of job cut announcements by reason. The reason given for government regulation being responsible for the job cut is 1,580. That is out of 1.9 million new jobs created during the entire 2016 year, 1,580 jobs lost due to government regulation. That's almost as many as were lost due to the listeria outbreak, legal trouble, or grain downturn. Government regulation, 1,580 jobs lost out of 1.9 million created.

So this argument that we keep hearing from my friends on the other side of the aisle that there is a strangulation or a stranglehold on job creation by Obama's regulations, nothing could be more false than that.

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

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

The CHAIR. The gentleman from Virginia has 15 minutes remaining. The gentleman from Georgia has 5 minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. ROTHFUS).

Mr. ROTHFUS. Mr. Chairman, I thank Chairman GOODLATTE for yielding.

Mr. Chairman, I rise in strong support of H.R. 26, the REINS Act. This bill is the beginning of making America great again. That is because it puts Americans back in charge of the laws being imposed upon them.

How does the legislation do that?

Under our Constitution, we have three branches. The executive branch is supposed to enforce the law. The judicial branch is supposed to resolve disputes arising under the law. The legislature—this House and the Senate, the branch directly elected by the people—is supposed to make the law.

Over the last decades, we have seen more and more of the lawmaking in this country migrate to the unelected bureaucrats in the executive branch. Those bureaucrats churn out regulation after regulation that have the full force and effect of law. The problem with this setup is that the people of this country are supposed to consent to laws being imposed upon them. They do that through their elected representatives in Congress. In short, this legislation goes to the heart of what self-rule is all about.

Let me be clear: this legislation does not end regulation. It is the beginning of accountability for regulation. If there is a good regulation that a Member believes makes sense and does not unduly burden jobs and wages, that Member may vote to approve the regulation. If the people that Member represents disagree, they get to hold him or her accountable at the ballot box.

My colleagues across the aisle should not fear taking responsibility for the laws and regulations coming out of Washington, D.C. Over the last 7 years, Washington regulations have hurt many working families. We have seen coal miners and power plant workers lose good jobs. We have seen small, Main Street community banks and credit unions forced into mergers. We have seen farmers worried about puddles on their farms. We have seen people lose their health insurance and their doctors, and we have seen the Little Sisters of the Poor have their religious freedom threatened—all without the consent of the people.

It is time for the people, Mr. Chairman, to put the American people back in charge and not the unelected bureaucrats. Let's take the power away from Washington. Let's restore self-rule. Let's pass this bill.

Mr. JOHNSON of Georgia. Mr. Chairman, I have just tallied up the number of jobs that would be created by passage of this legislation. I did that by multiplying by eight the figure of 1,580, which is the number of jobs lost due to government regulation in 2016. If I multiply that eight times, I come up with 12,640 jobs. That is how many jobs would be created by this legislation—a paucity.

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

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. YOUNG).

Mr. YOUNG of Iowa. Mr. Chairman, I rise today in support of the REINS Act, legislation that I and many of my colleagues are proud to have cosponsored to help bring expensive and expansive regulations under control.

Over the past several years, major regulations have cost small businesses, States, local government, and individuals billions of dollars and have cost them jobs. So this is a commonsense bill to enhance transparency and give Americans greater say in their government, and I thank Representative COLLINS of Georgia and Chairman GOODLATTE for their leadership on this issue.

By requiring Congress to approve any major regulation with an annual economic impact of $100 million or more on the economy, the bill opens the process so our constituents—the people—can have their voice heard in the process.

I'm also pleased an amendment I offered last year, which was accepted by this body, is included in the bill's base text, section 801. That provision requires more transparency by forcing agencies to publish the data and justification they are using to issue the rule. It's important the American people have access to the information in which these conclusions are made. Section 801 directs the regulatory bodies to post publicly the data, studies, and analyses that they use to come up with their rules and conclusions so that we can all be on the same page. Transparency.

Too often I hear concerns from Iowans about how overreaching regulations are hurting their farms and businesses and impacting their daily lives. From how our kids are taught, how we manage our personal finances, or even drain the water in our communities, we have seen how regulations and those who craft them have an enormous impact.

I hear from constituents how these regulations are out of touch, don't reflect the basic, fundamental understanding of the important sectors driving our economy or the daily lives of Iowans and all Americans. These regulations, which have the full force of law, are putting Americans out of work and increasing costs for consumers.

The REINS Act is an important, commonsense bill to help address this problem. We must do more. I appreciate Chairman GOODLATTE's commitment to work with me on my Fingerprints bill to ensure further transparency and accountability by naming those who author and write these regulations. I thank Chairman GOODLATTE and Representative COLLINS of Georgia for prioritizing the REINS Act.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there are approximately 2.8 million civil servants out there. Americans who work for the Federal Government go to work every day. They work hard and play by the rules. They have a good, middle class job. Your jobs are at stake, Federal employees.

There are those who say that we have too many Federal employees. Well, the number of Federal employees that we have now is at the same level as they were in 2004, which was when President Bush was in office. Basically we are at a 47-year low, as far as the number of Federal employees, since 2013.

The Federal regulatory regime, which is just simply Federal workers—Federal civil servants—is not out of control, but your jobs are going to be lost when these Republicans finish doing what they want to do to these regulations.

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

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. LANCE).

Mr. LANCE. Mr. Chairman, I thank Chairman GOODLATTE for his fine work on this important issue.

Mr. Chairman, I rise today in strong support of the REINS Act because it fulfills a promise Congress made to American businessowners to get onerous regulations off the backs of job creators.

It sets a very reasonable standard. If a new regulation has an economic impact of $100 million or more, it needs to come to Congress for an up-or-down vote. Congress will then have a say. We will debate the merits, and then we will decide.

The Obama administration handed down a record-breaking 600 major new regulations imposing hundreds of billions of dollars in costs on the U.S. economy and millions of hours of compliance busywork on the employers and employees across the country.

All of that excessive red tape places a huge burden on small- and medium-sized businesses that create jobs in New Jersey, the State I represent, and across the Nation. I have toured quite a few businesses, and the consensus is clear: let American workers innovate, build, and create, and not spend time complying with regulations that are impractical and often a waste of time and money.

The REINS Act is constitutional. It does not violate the Chadha doctrine because it does not permit Congress to overturn valid regulations. Also, a joint resolution satisfies the bicameralism and presentment requirements of the Constitution.

The REINS Act will bring an important check against out-of-control Federal regulations and foster stronger economic growth. It is an important start to the agenda of the 115th Congress, and I urge all of our colleagues to support this important piece of legislation.

Mr. JOHNSON of Georgia. Mr. Chairman, how much time do we have remaining on each side?

The CHAIR. The gentleman from Georgia has 3½ minutes remaining. The gentleman from Virginia has 9 minutes remaining.

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

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. YOHO).

Mr. YOHO. Mr. Chairman, I stand here today with an urgent plea to my colleagues. We were elected by the good men and women of the United States who believe in our vision of America and who believe in our dedication to doing whatever it takes to ensure the American Dream is alive and achievable. It is for these reasons the REINS Act must pass.

Federal regulations imposed on American the job creators and households, an estimated $1.9 trillion burden in 2015.

Who pays that?

The American citizen does. It costs on an average, as Chairman GOODLATTE brought up, $15,000 per U.S. household.

Could that money be better used to offset the cost of a college education or maybe the staggering cost of health care due to the Affordable Care Act?

Let me give you a real-life illustration from my district. A couple of years ago, a constituent, a dairy farmer, was targeted by an incredibly vague, broad, and costly EPA rule called WOTUS, Waters of the United States. The EPA sued and won this case not due to environmental damage, but due to the vagueness of this rule and the determination in court. It cost my constituent over $200,000 in fines and court costs for a natural depression in his pasture that the EPA determined could qualify as navigable waters.

The rule states that any water or any land that becomes seasonably wet is affected. I live in Florida. We get 54 inches of rain a year. That is my whole State of Florida.

This is downright outrageous. This is just one example of the many times the EPA has overstepped its authority by enforcing vague regulations unfairly on individuals. The REINS Act will prevent these costly job-killing regulations from going into effect and safeguard against Federal bureaucrats imposing the heaviest burdens on the American economy, and this will increase the livelihood of the American people.

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

Mr. GOODLATTE. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GARRETT).

Mr. GARRETT. Mr. Chairman, I rise today in support of the REINS Act, H.R. 26, for any number of reasons.

I can't help but point out that I have heard my esteemed colleagues in opposition to this bill refer on multiple occasions to the Federal bureaucracy as a well-oiled machine. Mr. Chairman, there are, indeed, well-oiled machines that undergird this institution, but I would submit the Federal bureaucracy is not one of those.

We have heard that the regulatory burden, as it relates to the loss of jobs, is equal to a listeria outbreak. What I would submit is that if we could avoid a listeria outbreak, would we not choose to do just that?

□ 1530

While looking at the loss of jobs as related to Federal regulation, we overstep the argument by avoiding the jobs not created as a result of Federal regulations. Should these things also not be amongst the items that we consider?

A wise man once said that the bureaucracy will continue to expand to meet the expanding needs of the bureaucracy. In 2017, in the United States, indeed, it seems we find ourselves in that very situation.

Arguments that the REINS Act is contrary to the Constitution, I would submit, are actually 180 degrees from the truth. In fact, Article I of the Constitution gives the power to make law to this legislative branch of our government and gives the power to generate revenue, here, as well as spend.

The definition of ''law,'' according to the Oxford Dictionary, is: ''The system of rules which a particular country or community recognizes as regulating the actions of its members and which it may enforce by the imposition of penalties.''

I will submit that the very regulatory overreach that we consider here today is, in fact, tantamount to law and extraconstitutional in and of itself.

My esteemed colleague from Pennsylvania suggested, and I agree, that the REINS Act is but a good start. The power to spend is Article I. The power to make laws is Article I.

REINS is a rudder on the ship of constitutionality that will right that ship and move it only in the correct direction. Regulations that have the power to take liberty or property rights or the wealth of those earned by their own labor are tantamount to law and, indeed, extraordinary constitutionally as it relates to an executive branch entity, and they should not be exercised.

Mr. Chairman, we hear that the people's House is responsible for this and the people's House is responsible for that. Well, the people's House is to ensure that the people have a voice in the matters of spending and lawmaking that our Founders who laid out Article I of the Constitution envisioned, and currently, that is simply not the case. H.R. 26 is simply a step back towards that right direction of constitutionality.

With that in mind, I strongly support the legislation.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. PERLMUTTER), my friend.

Mr. PERLMUTTER. Mr. Chairman, the gentleman just spoke about liberty. My friend from Pennsylvania spoke about self-rule. Today we are talking about bureaucrats, but what we really should be talking about is the effect of this bill on our agencies in Homeland Security and our intelligence agencies, given the unprecedented intrusion by the Russians in our elections and other affairs of this Nation. If we don't stay focused on that liberty and the foundation for freedom so that another country doesn't interfere with our affairs, we as Members of Congress are ignoring the oath that we just took 2 days ago.

So I would suggest to my friends that I appreciate there can be overregulation, but I would suggest you have to look closely at how this bill affects our ability to protect our liberties and our freedom. I am afraid it affects it badly, in the face of interference that we haven't seen from another country since 1776.

Mr. GOODLATTE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY of Pennsylvania. Mr. Chairman, I come from the private sector; so when I come to the House and I listen to the debate going back and forth, I almost feel like I am somebody not from a different planet, but from a different galaxy.

When we talk about overregulation, when we talk about the effects of unelected bureaucrats leveling on the American people $2 trillion and an impact to the economy, then somebody ought to sit up and listen.

All we are talking about is scrutiny, scrutiny of any piece of legislation, any executive order that comes out that is going to have an impact of $100 million or more on the economy. Around here, $100 million sounds like nothing. From where I am from, it is unbelievable that we would even think that $100 million should be the point that we look at.

What could be more common sense than to look at the heavy burden we are putting on everyday Americans and saying that, somehow, unelected bureaucrats who have never walked in their shoes, who have never done their job, who have never worried about meeting a payroll, who have never had to worry about regulation and taxation that make it impossible for them to compete, these poor, stupid folks just don't get it?

705,687 people in your districts are who you represent. Whether they voted for you or not is not the point. The point is we represent them. Why in the world would Congress cede its power to the executive branch and to unelected bureaucrats to determine what the American people are going to be burdened with? It is just common sense. Why can't we not see what is right in front of us right now?

I invite you to please go home to your districts, walk in those shops, walk in those little towns, talk to those people and find out the two things that really inhibit them from being successful are overtaxation and overregulation. We can handle both those things right here in the people's House.

This is not a Democratic House. This is not a Republican House. This is America's House. We should be looking at things that benefit the American people.

If we truly want to act in a bipartisan way, then let's stop this back-and-forth debate about what Republicans want, what Democrats want, and let's talk about what is good for the American people. That is who sent us. That is whose responsibility we have on our shoulders. If we can't do that, we ought to go home.

Mr. JOHNSON of Georgia. Mr. Chairman, I yield myself such time as I may consume.

As far as unelected bureaucrats that we have heard people rail against, speaker after speaker today being concerned, those are nothing more than the civil servants that make our government work. They protect our water, protect our air. They protect us, as a matter of fact—the FBI, the law enforcement. These are good people who go to work every day, work hard, like my dad did, for instance. He was a civil servant. I guess you could call him an unelected bureaucrat. He did everything during his job that he needed to do, and he retired with dignity.

There are so many others who work for the post office. They work for TSA, Homeland Security. They are doing nothing but working a job honestly, and they deserve more than to be referred to derisively. We need them.

Mr. Chair, I am in opposition to this legislation. We need real solutions for real problems. In stark contrast, however, the REINS Act attempts to address a nonexistent problem with a very dangerous solution.

We need legislation that creates middle class financial security and opportunity, not legislation that snatches that away.

We need sensible regulations that protect American families from economic ruin and that bring predatory financial practices to an end.

We need workplace safety regulations that ensure hardworking Americans who go to work each day are protected from hazardous environments on the job.

We need strong regulations that protect the safety of the food that we eat and the air that we breathe and the water that we drink.

Unfortunately, H.R. 26 does nothing to advance those critical goals. This explains why more than 150 organizations strongly oppose this legislation, including Americans for Financial Reform; the American Lung Association; Consumers Union; The Humane Society of the United States; the League of Conservation Voters; Public Citizen; the American Federation of State, County and Municipal Employees; Earthjustice; the Coalition for Sensible Safeguards; the American Public Health Association; the Environmental Defense Action Fund; the Center for American Progress; and the Trust for America's Health. I, therefore, urge my colleagues to oppose H.R. 26.

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

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

During this debate, my friends on the other side of the aisle have raised quite a few false alarms:

If this bill passes, all important regulation will stop, they say. But that is not true. All regulation that is worthy of Congress' approval will continue;

If this bill passes, expert decisionmaking will stop because Congress will have the final say on new, major regulations, not Washington bureaucrats. That is not true.

Congress will have the benefit of the best evidence and arguments expert agencies can offer in support of their new regulations. Congress is capable of determining whether that evidence and those arguments are good or not and deciding what finally will become law. That is the job our Founding Fathers entrusted to us in the Constitution. We should not shirk from it.

I will tell you, though, what will stop if this bill becomes law: the endless avalanche of new, major regulations that impose massive, unjustified costs that crush jobs, crush wages, and crush the spirit of America's families and small-business owners. Think about what that will mean to real Americans who have suffered the real burdens of overreaching regulations.

Support the American people and listen to the major organizations across the country, which I include in the RECORD, who support H.R. 26, the REINS Act.

Support the American people. Support the REINS Act.

SUPPORT FOR H.R. 26, THE REINS ACT

American Center for Law and Justice, American Commitment, American Energy Alliance, American Fuel & Petrochemical Manufacturers, Americans for Limited Government, Americans for Prosperity—Key Vote, Americans for Tax Reform, Associated Builders and Contractors, Associated General Contractors, Club for Growth—Key Vote, Competitive Enterprise Institute, Credit Union National Association, Family Business Coalition, FreedomWorks—Key Vote.

Heating Air-conditioning & Refrigeration Distributors International (HARDI), Heritage Action—Key Vote, Let Freedom Ring, National Association of Electrical Distributors (NAED), National Association of Home Builders, National Center for Policy Analysis, National Roofing Contractors Association, National Taxpayers Union—Key Vote, R Street, SBE Council, Campaign For Liberty.

SMALL BUSINESS & ENTREPRENEURSHIP COUNCIL,
Vienna, VA, January 3, 2017.

Hon. DOUG COLLINS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COLLINS: Serious regulatory reform is needed to revitalize entrepreneurship, small business growth, our economy, and quality job creation. Therefore, the Small Business & Entrepreneurship Council (SBE Council) strongly supports the Regulations from the Executive In Need of Scrutiny (REINS) Act of 2017.

U.S. entrepreneurship and startup activity are in a frail state. While economic uncertainty and difficulties accessing capital present barriers to new business formation, excessive government regulation drives uncertainty and creates new obstacles. When the policy ecosystem becomes noxious for startups and small businesses, our entire economy suffers. For existing businesses, overregulation is driving costs higher and undermining confidence, investment and growth. The system is out-of-control, and common sense tools and solutions are needed to rein in the explosive growth of federal red tape.

The REINS Act requires that Congress take an up-or-down vote on every new major rule—defined as having an economic impact of $100 million or more—before such a rule could be enforced. This substantive regulatory reform measure would serve as an important check on the regulatory system, and have a positive effect in terms of how regulation affects small businesses, and therefore, consumers, America's workforce and the economy.

The REINS Act will bring needed accountability to our nation's regulatory system, and SBE Council thanks you for your leadership in spearheading this important legislative effort.

Sincerely,

KAREN KERRIGAN,
President and CEO.

NATIONAL ROOFING CONTRACTORS ASSOCIATION,
Washington, DC, January 3, 2017.

To All Members of the House of Representatives.

DEAR REPRESENTATIVE, The National Roofing Contractors Association (NRCA) strongly supports the Regulations from the Executive in Need of Scrutiny (REINS) Act and urges you to support this legislation when it comes to the House floor for a vote.

Established in 1886, NRCA is one of the nation's oldest trade associations and the voice of professional roofing contractors worldwide. NRCA has about 3,500 contractors in all 50 states who are typically small, privately held companies with the average member employing 45 people and attaining sales of about $4.5 million per year.

The roofing industry has faced an avalanche of new regulations from numerous government agencies in recent years. The cumulative burden of often counterproductive regulations is highly disruptive to entrepreneurs who seek to start or grow businesses that provide high-quality jobs. Most important, federal agencies have failed to work with industry representatives to provide greater flexibility for employers in achieving regulatory goals and minimizing adverse impacts on economic growth and job creation.

NRCA strongly supports regulatory reform to provide small and midsized businesses with much-needed relief from burdensome regulations, and the REINS Act is a key component of regulatory relief. It would require Congress to approve, with an up-or-down vote, any new major regulation issued by a federal agency before the regulation would become effective. Under the REINS Act, a major regulation is defined as any rule that is estimated to have an economic impact of at least $100 million on the private sector; would result in a major increase in costs or prices; and would have significant adverse effects on competition, employment, investment, productivity or U.S. competitiveness.

NRCA believes the REINS Act, by requiring major regulations undergo a vote in Congress to become effective, would substantially increase accountability among federal agencies seeking to issue new regulations. This legislation would help provide employers in the roofing industry with the certainty they need to invest in their businesses and create more jobs.

NRCA supports the REINS Act and urges you to vote for this legislation in the House. If you have any questions or need more information, please contact NRCA's Washington, D.C., office.

DENNIS CONWAY,
Commercial Roofers Inc., Las Vegas,
NRCA Chairman of the Board.

ASSOCIATED BUILDERS AND CONTRACTORS, INC.,
Washington, DC, January 4, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 chapter members, I am writing in regard to the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2017 (H.R. 26) introduced by Rep. Doug Collins (R–GA) as well as the Midnight Rules Relief Act of 2017 (H.R. 21) introduced by Rep. Darrell Issa (R–CA).

From 2009 to present, the federal government imposed nearly $900 billion in regulatory costs on the American people which requires billions of hours of paperwork. Many of these regulations have been or will be imposed on the construction industry. ABC is committed to reforming the broken federal regulatory process and ensuring industry stakeholders' voices are heard and rights are protected. ABC supports increased transparency and opportunities for regulatory oversight by Congress and ultimately, the American people.

The Obama administration issued numerous rulemakings that detrimentally impact the construction industry. In some cases, these regulations are based on conjecture and speculation, lacking foundation in sound scientific analysis. For the construction industry, unjustified and unnecessary regulations translate to higher costs, which are then passed along to the consumer or lead to construction projects being priced out of the market. This chain reaction ultimately results in fewer projects, and hinders businesses' ability to hire and expand.

ABC members understand the value of standards and regulations when they are based on solid evidence, with appropriate consideration paid to implementation costs and input from the business community. Federal agencies must be held accountable for full compliance with existing rulemaking statutes and requirements when promulgating regulations to ensure they are necessary, current and cost-effective for businesses to implement.

ABC opposes unnecessary, burdensome and costly regulations resulting from the efforts of Washington bureaucrats who have little accountability for their actions. H.R. 26 will help to bring greater accountability to the rulemaking process as it would require any executive branch rule or regulation with an annual economic impact of $100 million or more to come before Congress for an up-or-down vote before being enacted. Moreover, H.R. 21 will further enhance congressional oversight of the overreaching regulations often issued during the final months of a president's term and help to revive the division of powers.

Thank you for your attention on this important matter and we urge the House to pass the Regulations from the Executive in Need of Scrutiny (REINS) Act of 2017 and Midnight Rules Relief Act of 2017 when they come to the floor for a vote.

Sincerely,

KRISTEN SWEARINGEN,
Vice President of Legislative & Political Affairs.

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

Mr. CONYERS. Mr. Chair, H.R. 26, the "Regulations from the Executive in Need of

Scrutiny Act of 2017,'' otherwise known as the REINS Act, would amend the Congressional Review Act to require that both Houses of Congress pass and the President sign a joint resolution of approval within 70 legislative days before any major rule issued by an agency can take effect.

Simply put, H.R. 26 would impose unworkable deadlines for the enactment of a major rule under procedures that could charitably be referred to as convoluted.

Under this bill, the House may only consider a resolution for a major rule on the second and fourth Thursday of each month. Keep in mind that typically 80 major rules are promulgated annually. Yet, there may be as little as just 15 days available to consider such measures based on the majority's legislative calendar for the current year.

Furthermore, Congress may only consider such resolutions within 70 legislative days of receiving a major rule. This process would constructively end rulemaking as we know it.

Now, Mr. Chair, the reason why my friends on the other side of the aisle say we need this kind of gumming-the-works legislation—is because they claim regulations stifle economic growth.

For example, they point to the outgoing administration and say that regulations promulgated during its tenure have hurt our Nation's economy.

What they fail to tell the American people is that it was the Republican George Bush's administration's economic policies that caused the Great Recession.

Without question, it was the lack of regulatory controls that facilitated rampant predatory lending, which nearly destroyed our Nation's economy.

It led to millions of home foreclosures and devastated neighborhoods across America. In fact, it nearly caused a global economic meltdown.

Nevertheless, as a consequence of strong regulatory policies implemented by President Obama through such measures as the Dodd-Frank Act, our Nation has recovered to a point where the unemployment has been cut nearly in half to less than 5 percent.

Yet, the REINS Act would reverse these gains by empowering Congress to control and override the rulemaking process, even in the absence of any substantive expertise.

More than 80 of the Nation's leading professors on environmental and administrative law have warned in connection with substantively identical legislation considered in the last Congress, that without this expertise, any congressional disapproval is more likely to reflect the political power of special interests.

Lastly, by upending the process for agency rulemaking so that Congress can simply void major rules through inaction, the REINS Act likely violates the presentment and bicameralism requirements of Article I of the Constitution.

As a leading expert on administrative law states: ''The reality is that the act is intended to enable a single House of Congress to control the implementation of the laws through the rulemaking process. Such a scheme transgresses the very idea of separation of powers, under which the Constitution entrusts the writing of the laws to the legislative branch and the implementation of the laws to the executive branch.''

The REINS Act will further encourage corporate giants to hold our country hostage through a deregulatory, profits-first agenda and facilitate a political influence process rivaling the destructive industrial monopolies from the past century.

In sum, H.R. 26, like the ''Midnight Rules Relief Act'' we considered yesterday on the House floor, is yet another blatant gift to big business to weaken the critical regulatory protections that ensure the safety of the air we breathe, the cars we drive, the toys we give our children, and the food we eat.

Accordingly, I strongly urge my colleagues to oppose this ill-conceived bill.

The CHAIR. All time for general debate has expired.

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

The text of the bill is as follows:

H.R. 26

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 2017''.

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 excessively 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

''§ 801. Congressional review

''(a)(1)(A) Before a rule may take effect, the Federal agency promulgating such rule shall publish in the Federal Register a list of information on which the rule is based, including data, scientific and economic studies, and cost-benefit analyses, and identify how the public can access such information online, and 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, including an analysis of any jobs added or lost, differentiating between public and private sector jobs;

''(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 3 legislative days; and

''(B) in the case of the Senate, within 3 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—

''(1) 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, innovation, 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 nonagency 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 1 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).

SEC. 6. EFFECTIVE DATE.

Sections 3 and 4, and the amendments made by such sections, shall take effect beginning on the date that is 1 year after the date of enactment of this Act.

The CHAIR. No amendment to the bill shall be in order except those printed in House Report 115–1. 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. GOODLATTE

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 115–1.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Subparagraph (A) of section 804(2) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended to read as follows:

''(A) an annual cost on the economy of $100,000,000 or more, adjusted annually for inflation;''.

The CHAIR. Pursuant to House Resolution 22, the gentleman from Virginia (Mr. GOODLATTE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

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

I offer this manager's amendment to assure that, just as the REINS Act strengthens Congress' check on rules that impose major new costs on the economy, it does not unduly delay the effectiveness of major new deregulatory actions, those that alleviate regulatory burdens of $100 million or more.

When first introduced in the 112th Congress, the REINS Act incorporated the definition of major rule in the underlying Congressional Review Act—generally, a rule that has ''an annual effect on the economy of $100,000,000 or more.''

This was done in the interest of consistency with prior terminology, and it

swept in both actions that imposed costs and actions that lifted costs. But, especially after the regulatory onslaught we have witnessed during the Obama administration, it is time to revise that definition.

We should assure that the REINS Act focuses Congress' highest attention on the rules that hurt the economy the most: those that impose $100 million or more in costs per year. We should likewise make sure that the REINS Act does not impose additional hurdles in the way of the most important and desperately needed deregulatory actions: those that free the economy of $100 million or more in annual regulatory burdens. A deregulatory action with that level of economic effect is one that Congress should be encouraging, not slowing down.

This refinement of the REINS Act's major rule definition is also needed to assure consistency with the major Administrative Procedure Act reform legislation the House is due to consider next week, the Regulatory Accountability Act of 2017. That measure already modernizes the major rule standard for APA purposes to $100 million or more in annual costs imposed on the economy. The REINS Act should mirror it.

I urge my colleagues to support this manager's amendment.

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

□ 1545

Mr. JOHNSON of Georgia. Mr. Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chair, the Goodlatte amendment clarifies that a major rule is any rule with an annual cost on the economy of $100 million or more adjusted for inflation. This amendment revises the bill's definition for a major rule to include any rule with an annual cost of $100 million or more as determined by the Office of Information and Regulatory Affairs, also known as OIRA.

I oppose this amendment because it focuses only on the cost of regulatory protections while completely overlooking the monetary benefits of these critical rules. It also strips OIRA's ability to consider the benefits of a rule in connection with a rule's cost. I don't understand the logic of that.

In 2015, The Washington Post's Fact Checker blog criticized cost-only regulatory estimates as misleading, unbalanced, and having serious methodological problems. Robert Weissman, president of Public Citizen, likewise observed in 2015 that ignoring the benefits of regulation is akin to grocery shoppers deciding to buy no groceries simply because groceries cost money. That doesn't make any sense to me.

Even Thomas Donohue, president of the U.S. Chamber of Commerce, has stated that ''many of these rules we need, they're important for the economy, and we support them,'' conceding that the benefits of regulatory protections must be considered hand in hand with their costs.

Indeed, under both Democratic and Republican administrations, the Office of Management and Budget regularly has reported to Congress that the benefits of regulations far exceed their costs. During the three hearings on the REINS Act in previous Congresses, we heard from three distinguished witnesses that the benefits of regulation routinely outweigh their costs, according to cost-benefit analysis done by the Office of Management and Budget under administrations of both parties.

For example, in the 112th Congress, Sally Katzen, a former administrator of the OMB's Office of Information and Regulatory Affairs, testified that ''the numbers are striking: according to OMB, the benefits from the regulations issued during the ten-year period''—from fiscal year 1999 through 2009—''ranged from $128 billion to $616 billion.''

I will repeat. Benefits from regulations ranged from $128 billion to $616 billion.

''Therefore, even if one uses OMB's highest estimate of costs and its lowest estimate of benefits, the regulations issued over the past ten years have produced net benefits of $73 billion to our society.''

Those are the words of Sally Katzen. That 10-year timeframe encompasses the Clinton, Bush, and Obama administrations.

We also heard in the 112th Congress from David Goldston, a former Republican House committee chief of staff, who testified that ''administrations under both parties have reviewed the aggregate impact of regulations and found their benefits to have exceeded their costs (and not all benefits are quantifiable).''

Their testimony is bolstered by the Office of Management and Budget's 2016 Draft Report to Congress, which notes that estimated annual benefits of major Federal regulations reviewed by OMB over the past decade estimated annual benefits of regulatory protections are between $269 billion and $872 billion, while regulatory costs are between $74 billion and $110 billion.

Mr. Chair, I oppose this amendment, once again, because it focuses only on the cost of regulatory protections while completely overlooking the monetary benefits of these critical rules, and for that reason I oppose my colleague's amendment.

I yield back the balance of my time.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of my time only to urge my colleagues to support this important amendment and not lose the opportunity to benefit from deregulatory reforms that will grow our economy and save America's economy hundreds of millions of dollars. I urge my colleagues to support the amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. MESSER

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 115–1.

Mr. MESSER. Mr. Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Section 801(a)(1)(A) of title 5, United States Code, as proposed to be amended by section 3 of the bill, is amended by inserting after ''the Federal agency promulgating such rule'' the following: ''shall satisfy the requirements of section 808 and''.

Chapter 8 of title 5, United States Code, as proposed to be amended by section 3 of the bill, is amended by adding at the end the following (and amending the table of sections accordingly):

''§ 808. Regulatory cut-go requirement

''In making any new rule, the agency making the rule shall identify a rule or rules that may be amended or repealed to completely offset any annual costs of the new rule to the United States economy. Before the new rule may take effect, the agency shall make each such repeal or amendment. In making such an amendment or repeal, the agency shall comply with the requirements of subchapter II of chapter 5, but the agency may consolidate proceedings under subchapter with proceedings on the new rule.''.

The CHAIR. Pursuant to House Resolution 22, the gentleman from Indiana (Mr. MESSER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. MESSER. Mr. Chair, I thank the gentleman from Virginia for his help on this amendment as well. It is an amendment designed to take an already very good bill and make it just a little better.

A good friend of mine, former Indiana Governor Mitch Daniels, used to say ''you'd be amazed how much government you'll never miss'' when talking about reducing the size of government bureaucracy.

So much of government's excess is created by unelected officials who wield enormous influence over our everyday lives. Last year, Federal agencies issued 18 rules and regulations for every one law that passed Congress. That is a grand total of 3,853 regulations in 2016 alone. In 2015, Federal regulations cost the American economy nearly $1.9 trillion—T, trillion dollars—in lost growth and productivity.

Think about that for a second. A $1.9 trillion tax, a government burden on the American people. That means lost jobs, stagnant wages, and decreasing benefits for workers.

My amendment looks to help change all that. Very simply, my amendment requires every agency issuing a new rule to first identify, then repeal or amend at least one existing rule to offset any annual costs the new rule would have on the U.S. economy. This isn't some new radical idea. President-

elect Trump announced his administration will implement a new practice that for every new regulation, two would have to be repealed.

Governments in Canada, the United Kingdom, Australia, and the Netherlands have all implemented similar versions of one-in/one-out when addressing new rules and regulations. In fact, in Canada, bureaucrats used the new direction to find and cut more red tape than was even required by the law. My amendment gives the new administration that same flexibility.

Mr. Chair, it is past time we stop bureaucratic abuse and shift the balance of power from government back to the people, where it belongs. That can start today by passing the REINS Act and putting our government on a path to reduce the amount of red tape that our businesses and the American people deal with every day.

Mr. Chair, I urge my colleagues to support this commonsense amendment and the underlying bill.

I reserve the balance of my time.

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

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Georgia. Mr. Chair, I oppose the gentleman's amendment, which would require that agencies offset the cost of new rules, no matter how critical or mundane these protections may be, prior to promulgating new rules. This proposal, also referred to as ''regulatory cut-go,'' appears as title 2 of H.R. 1155, the Searching for and Cutting Regulations that are Unnecessarily Burdensome Act, or the SCRUB Act, that was introduced in the previous Congress.

In the context of a veto threat of that bill, the Obama administration cautioned that this requirement would make the process of retrospective regulatory review less productive and, in the process, create needless regulatory and legal uncertainty, and that it would increase costs for businesses and for States, local and tribal governments, and it would also impede commonsense protections for the American public.

By enacting Federal statutes, tasking agencies with responsibilities, Congress authorizes agencies to carry out matters that are too complex, routine, or technical for Congress itself to administrate. We must ensure that agencies have the proper flexibility to issue new protections without encumbering other regulations with political obstructions. I urge my colleagues to oppose the amendment.

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

Mr. MESSER. Mr. Chair, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), my good friend and the chairman of the House Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chair, I thank the gentleman from Indiana for offering this amendment, and I rise in support of it.

The cumulative burden of Federal regulation will surely be reduced by the REINS Act, but that burden has two elements: the burden being added by new regulations and the burden already there.

This amendment adds a useful provision to the REINS Act to address the elimination of unnecessary burdens already in the Code of Federal Regulations. It does so, moreover, in a manner that parallels President-elect Trump's promise to pursue a policy of one-in/two-out when it comes to new regulatory actions by his administration.

Mr. Chair, I support the amendment.

Mr. MESSER. Mr. Chairman, I think it is long past time to stop the runaway train of the Federal regulatory bureaucracy. I urge support for the amendment.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. MESSER).

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

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

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

AMENDMENT NO. 3 OFFERED BY MR. GRIJALVA

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 115–1.

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

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In section 801(a)(1)(A)(iv), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike ''and'' at the end.

In section 801(a)(1)(A)(v), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike the period at the end and insert a semicolon.

Insert after section 801(a)(1)(A)(v), title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

(vi) recognizing that climate change is real and caused by human activity, an accounting of the greenhouse gas emission impacts associated with the rule; and

(vii) an analysis of the impacts of the rule on low-income communities and on rural communities.

In section 804(2)(B), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike ''and'' at the end.

In section 804(2)(C), title 5, United States Code, as proposed to be amended by section 3 of the bill, strike the period at the end and insert a semicolon.

Insert after section 804(2)(C), title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

''(D) an increase of 25,000 metric tons of carbon dioxide equivalent emissions per year or more; or

''(E) a potential increased risk to low income or rural communities for—

''(i) cancer;

''(ii) birth defects;

''(iii) kidney disease;

''(iv) respiratory illness; or

''(v) cardiovascular illness.''.

The CHAIR. Pursuant to House Resolution 22, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, for years my Republican friends have been trying to convince everyone that Federal agencies are scary and unpopular. In reality, Americans support Federal rules that protect them from injuries, diseases, and death. They always have and they always will. The people we represent don't want those rules to go away. They want stronger rules to protect their jobs, their pay, their health, and their fair treatment in the workplace.

Let's remember that it takes years to finalize most rules. Before an agency makes a rule, it considers science, costs, benefits, public stakeholder input, and public comments. Republicans have invented stories about surprise regulations that appear out of nowhere. These stories sound interesting until you realize they were invented to help their corporate friends get where they want. We know where this will lead us. Big banks got away with robbing us and creating a major recession because they weren't regulated strongly enough. Republicans think the answer is making it harder to regulate them.

If this bill passes, it won't be the nameless, faceless, unelected corporate CEOs who feel the pain. It will be the Americans from big cities and small towns who need Federal standards to keep their environment clean, to keep their workplace safe, and to make sure the products they buy won't hurt their families.

My Democratic colleagues are offering amendments today that exempt certain kinds of rules from the unrealistic burdens this bill creates. I support these amendments.

My amendment is a little different. It is not nearly enough to save this terrible bill, but it takes a big step in the right direction. It acknowledges that doing nothing carries a major cost.

□ 1600

It acknowledges human-caused climate change and requires agencies that propose regulations to report on how a rule impacts greenhouse gas emissions. If we require reporting a rule's costs, we should also report its impacts to our planet and to our way of life.

It also requires an analysis of a rule's impacts on low-income and rural communities. My Republican friends are deeply concerned about whether new regulations make big business and Wall Street investors happy. I think it is time we assess the impacts of regulations on the urban poor, the rural poor, or on coastal Native American tribes already fleeing the impacts of climate change, or the farmers in the West and South struggling to cope with drought, flooding, and extreme weather.

Finally, my amendment requires congressional approval of any regulation that would increase carbon pollution by 25,000 metric tons or more, or could increase cancer, birth defects, kidney disease, or cardiovascular or respiratory illness.

If House Republicans are so eager to rewrite the regulatory process, they should be willing to cast recorded votes allowing the release of tens of thousands of metric tons of pollution into our air. They should publicly vote to increase the rates of these terrible diseases among their constituents.

Passing this amendment is the very least we can do to make sure the bill doesn't put Americans at risk of injury and death.

I urge a ''yes'' vote on the amendment.

I reserve the balance of my time.

Mr. MARINO. Mr. Chairman, I claim the time in opposition to this amendment.

The Acting CHAIR (Mr. BYRNE). The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. MARINO. Mr. Chairman, this amendment renders congressional findings on climate change and requires that agencies report to Congress on greenhouse gas impacts associated with a rule. It also requires agencies to report on a rule's effect on low-income and rural communities.

Further, the amendment expands the definition of major rule to include rules that allow increases of carbon emissions by more than 25,000 metric tons per year or that might increase the risk of certain diseases in rural or low-income communities.

I oppose this amendment.

The REINS Act is not designed to address one or two subjects of regulation with heightened scrutiny but not others. It is to restore accountability to the people's elected representatives in Congress for the largest regulatory decisions, whatever subject is involved.

Further, and consistent with that, the addition of congressional findings in one policy area—climate change—but no other, has no place in the REINS Act.

I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, it should be noted that the REINS Act is one sweeping piece of legislation that does not take into account public health, does not take into account clean air, clean water, and the effects of constituents and the American people, the environment, or the cost attended with increased illnesses. With that sweeping deregulation process that is being proposed by the majority, we have an exposure on issues of public health, clean air, clean water, and the regulations that are in place to protect the public health and the well-being of the American people.

My amendment just requires that, if these sweeping changes are to occur, Members of this body take the votes that would release additional metric tons into the atmosphere that would promote and increase the levels of disease in this country that is harmful to the American people. It is one of disclosure and accountability if the Members, indeed, are the ones that want to make the final decision.

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

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

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

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

Mr. GRIJALVA. 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 Arizona will be postponed.

AMENDMENT NO. 4 OFFERED BY MS. CASTOR OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 115–1.

Ms. CASTOR of Florida. 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:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule that will result in reduced incidence of cancer, premature mortality, asthma attacks, or respiratory disease in children.''.

The Acting CHAIR. Pursuant to House Resolution 22, the gentlewoman from Florida (Ms. CASTOR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CASTOR of Florida. Mr. Chairman, my amendment makes an important exemption to the REINS Act to ensure that policies that protect children from cancer, premature death, asthma attacks, or respiratory disease are not delayed or denied.

For example, the Clean Air Act, which has been in place for over 40 years, and has improved our health and protected all Americans from harmful toxic air pollution, such as ozone, nitrogen dioxide, sulfur dioxide, and particle pollution, often requires updates based upon the best science, especially when it comes to our kids.

Toxic pollutants, such as ozone, which is a major component of smog, are linked to asthma, lung, and heart disease and result in thousands of deaths every year and up to 1 million missed days of school. Our kids are particularly susceptible to this type of pollution because their lungs are still developing. On average, they take deeper breaths and are more likely to spend long periods outdoors, placing them at higher risk.

The American Lung Association states that inhaling smog pollution is like getting a sunburn on your lungs, and often results in immediate breathing trouble.

I remember very well back in the early seventies, when I was a little girl, what the air was like in my hometown in Tampa. We had a lot of industrial users at the port of Tampa, a lot of industrial plants. I have seen the progress over time that the Clean Air Act has brought to this country. We are not like other countries in the world. We are stronger, and we are better, and we are healthier because of the Clean Air Act.

So let's not go backwards. Let's not throw a roadblock like the REINS Act into the mix here. But we do have to be careful because there still are many communities in America that continue to suffer, and they are often the underserved, economically distressed communities.

Studies have shown that working class communities often bear the brunt of environmental pollution because the only homes they can afford are often located near industrial sites. According to the NAACP, 78 percent of African Americans live within 30 miles of an industrial power plant, and 71 percent of African Americans live in counties that violate Federal air pollution standards.

In addition to that, a study by the Environmental Defense Fund found that our Latino neighbors are three times more likely to die from asthma, often for those same reasons.

Let's not go backwards. Because here, what the REINS Act does is it really complicates the American system of checks and balances. Let's not go backwards. Because it is not only our families and neighbors that would suffer. It is also our economy that would suffer as well.

This type of regulatory scheme of mirrors and false promises would create great uncertainty for many of our businesses. The Clean Air Act is one example. These clean air protections in the United States have a great track record. We have grown as a country. The economic growth has tripled. Our economic base has more than tripled. Clean air protections and environmental protections go hand-in-hand with economic growth.

Since 1970, we have cut harmful air pollution by 70 percent, while our economy has grown like gang busters. I know many of you are probably going to have your eyes on the Tampa Bay area Monday night when we have the college football championship in Tampa with Alabama versus Clemson. I

want you to take a look at our clean skies, the clean air. I wish we could all be there, but I think we are going to be back here in Washington, D.C. But just know, it hasn't always been that way. When you see the beautiful sunset across Tampa Bay with clear skies, that has been because of the Clean Air Act.

But if you bring a regulatory scheme, like the REINS Act, that says you have to come back to Congress for every single little new policy that is based on updates and new science, that is going to complicate everyone's lives. I worry at the outset of this new Congress, because the first bill passed yesterday was one that short-circuited public participation, and now this bill today appears to be a late Christmas gift to corporate polluters who put profits over people. We are better than that. You can prove me wrong, though, by supporting this amendment.

I reserve the balance of my time.

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

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

Mr. MARINO. Mr. Chairman, this amendment exempts from the bill any rule reducing the incidence of cancer, premature mortality, asthma attacks, and respiratory diseases in children. But do not be fooled. This amendment is not about reducing these maladies. It is about transferring the power to decide how best to do so from elected representatives to unaccountable bureaucrats.

For example, government could substantially reduce teenage mortality by barring teenage drivers off the road. Of course, there would be a substantial cost to that policy, and there are surely less burdensome ways to achieve the same reductions in mortality. The right decision requires a delicate balancing of interest. Agencies can provide valuable expertise, but, when there is a lot at stake, the ultimate decision on how best to strike that balance is properly made by elected officials accountable to the people.

That is the intuition behind the REINS Act and the fundamental point that is lost on those who oppose it.

Reducing the incidence of mortality and serious disease is a goal that all Members share. This bill does not frustrate that goal. It merely ensures that elected representatives decide how best to achieve that policy so that our Republic remains a government by the people as the Constitution designed.

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

Ms. CASTOR of Florida. Mr. Chairman, of course, this legislative body has all the power to go back to policymaking after an administrative agency makes a determination, but we are not micromanagers. We are legislators. And I urge my colleagues to vote ''yes'' on the Castor amendment to protect children's health.

If you won't create an exception for children's health, I wonder, you are not willing to really recognize the fundamental constitutional basis of this government. It is one that relies on checks and balances as the basis of our government.

I urge my colleagues then to also support the Castor amendment but oppose the REINS Act in the end.

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

Mr. MARINO. Mr. Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Florida (Ms. CASTOR).

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

Mr. MARINO. Mr. Chair, 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 Florida will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CICILLINE

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 115–1.

Mr. CICILLINE. 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:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule relating to the protection of the public health or safety.''.

The Acting CHAIR. Pursuant to House Resolution 22, the gentleman from Rhode Island (Mr. CICILLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. CICILLINE. Mr. Chairman, my amendment to H.R. 26 would exempt rules concerning public health or safety from the burdensome requirements of this legislation.

Simply put, when a rule is necessary to protect the health and safety of the public, it is critical that the rule be put into effect without unnecessary delay.

If this legislation is enacted without this amendment, it will create an untenable regulatory environment that will make it nearly impossible for agencies to safeguard the public welfare.

This legislation could bring to a grinding halt critical rulemaking such as rules relating to the transportation of hazardous materials by the Department of Transportation, clean air regulations by the EPA, and worker-protection standards by OSHA.

For example, the National Highway Traffic Safety Administration implemented an economically significant rule that, by May 2018, all new vehicles must have rearview cameras. This regulation will help drivers have better visibility behind their car, greatly reducing the likelihood of backover crashes which largely involves small children.

But under the REINS Act, this rule would require a joint congressional resolution with an unrealistic timeline for implementation. For every year this rule would be delayed, the Traffic Safety Administration estimates that there would be, on average, 15,000 injuries and 267 fatalities resulting from backover crashes.

Proponents of this legislation may argue that H.R. 26 contains an emergency exemption which allows a major rule to temporarily take effect following an executive order stating that there is an imminent threat to public health and safety. Even when the threat is not imminent, the danger to the public health and welfare may be great and the fundamental responsibility to protect the public remains.

□ 1615

This legislation would substantially hinder the ability of agencies to fulfill this obligation, placing Americans at greater risk for the benefit of powerful corporate interests. In its present form, the Coalition for Sensible Safeguards and the alliance of more than 150 consumer, labor, faith, and other public interest groups predict that, by allowing Congress to even veto uncontroversial rules that protect public health and safety, the REINS Act ''would make the dysfunction and obstructionism that plague our political process even worse.''

In echoing this sentiment, the American Sustainable Business Council, which represents over 200,000 businesses, opposes H.R. 26 because it would recklessly place the burden of proof on the taxpayers in order to protect themselves on environmental, health, and safety issues and would shift responsibility away from powerful corporate interests.

While my amendment will not cure all that ails this legislation—and there is a lot—it will address one of its most glaring flaws and preserve the ability of agencies to protect public health and safety. I urge my colleagues to support my amendment.

I reserve the balance of my time.

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

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

Mr. MARINO. Mr. Chairman, this amendment exempts from the bill any rule pertaining to health or public safety.

Health and public safety regulations done properly serve important goals, and the bill does nothing to frustrate the effective achievement of those goals; but Federal health and public safety regulations constitute an immense part of total Federal regulation and have been the source of many of the most abusive, unnecessarily expensive, and job- and wage-destroying regulations. To remove these areas of regulation from the bill would severely weaken the bill's important reforms to lower cumulative regulatory costs and increase the accountability of our regulatory system and the Congress to the people, so I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. CICILLINE. Mr. Chairman, the gentleman just made an assertion that, in fact, nothing in this legislation does anything to frustrate the goals of protecting health and safety; but, of course, it does. It prevents the implementation of rules which, in fact, protect public health and safety.

If my amendment were to pass, that statement would be true—it would do nothing to frustrate it—but without this amendment, it prevents the implementation of a rule that would, in fact, protect public health and safety. It is a reasonable exemption that will ensure that we protect the well-being and the health of our constituents. I urge all of my colleagues to support the amendment.

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

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

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

Mr. CICILLINE. 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 Rhode Island will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. CONYERS

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 115–1.

Mr. CONYERS. 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:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule that would provide for a reduction in the amount of lead in public drinking water.''.

The Acting CHAIR. Pursuant to House Resolution 22, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, my amendment would exempt from H.R. 26, the REINS Act, rules issued to reduce the amount of lead in public drinking water.

The ingestion of lead, of course, causes serious harmful effects on human health, even at low exposure levels. That is why the Environmental Protection Agency has set the maximum contaminant level for this toxic metal in drinking water at zero.

According to the EPA, young children, infants, and fetuses are particularly vulnerable to lead because the physical and behavioral effects of lead occur at lower exposure levels in children than in adults. The Agency reports that, in children, low levels of exposure have been linked to damage to the central and peripheral nervous systems, learning disabilities, shorter stature, impaired hearing, and the impaired formation and function of blood cells.

Take, for example, the Flint water crisis, which I have a little experience with, which was a preventable public health disaster. While much blame for the Flint water crisis lies with unelected officials who prioritize saving money over saving lives, the presence of lead in drinking water is, unfortunately, not unique to Flint. In fact, the drinking water of, potentially, millions of Americans may be contaminated by lead.

My amendment highlights one of the most problematic aspects of H.R. 26: that it could slow down or completely block urgent rulemakings that protect health and safety. This is because Members simply lack the requisite scientific or technical knowledge to independently assess the bona fides of most regulations, which are often the product of extensive research and analysis by agencies as well as input from effective entities and the public.

As a result, Members would have to make their own determinations based on their own—usually inexpert—views and limited information. Worse yet, some may be persuaded to disapprove of a rule in response to a wide-ranging influence exerted by outside special interests that favor profits over safety.

My amendment simply preserves current law with respect to regulations that are designed to prevent the contamination of drinking water by lead. Accordingly, I sincerely urge my colleagues to support this amendment.

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

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

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

Mr. MARINO. Mr. Chairman, the amendment seeks to carve out from the REINS Act's reforms regulations that would reduce the amount of lead in public drinking water.

But, like other amendments, this amendment is not so much about achieving a particular health or safety result. It is about taking the decision on how best to do that away from elected Representatives and handing it down to unaccountable bureaucrats. Agencies can provide valuable expertise, but when there is a lot at stake, the ultimate decision on how best to strike that balance is properly made by elected officials who are accountable to the people. This is the intuition behind the REINS Act, and the fundamental point is lost on its opponents.

Preventing dangerous levels of lead in our drinking water is a goal all Members share. This bill does not frustrate that goal. It merely ensures that elected Representatives decide how best to achieve that policy so that our Republic remains a government by the people, as the Constitution designed.

I urge my colleagues to oppose the amendment.

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

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to reclaim my time.

The Acting CHAIR. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Georgia (Mr. JOHNSON), a member of the Judiciary Committee.

Mr. JOHNSON of Georgia. I thank the gentleman.

Mr. Chairman, I rise in support of the gentleman's amendment.

Protecting the health and safety of our citizens is one of the core responsibilities of our government and Congress, and we trust much of its authority to Federal agencies to implement this obligation. This amendment simply preserves current law with respect to regulations that are designed to prevent the contamination of drinking water by lead.

As the Obama administration has observed, in the context of a veto threat to a substantively identical version of this bill in the last Congress, the REINS Act would delay and, in most cases, thwart the implementation of statutory mandates and the execution of duly enacted laws, create business uncertainty, undermine much-needed protections of the American public, and cause unnecessary confusion. Unfortunately, as I noted in my opening statement, the REINS Act would delay and, worse yet, possibly stop major rules from going into effect that are needed to protect the public's health, safety, and well-being, including those that require us to keep lead from drinking water.

Safety regulations are typically the product of a transparent and accountable process that includes extensive investigation, analysis, and input from

the public and private sectors. It is no answer to say that H.R. 26 contains a limited emergency exception. That provision is insufficient. It merely allows a major rule to temporarily take effect for 90 days without its having congressional approval.

I ask my colleagues to support this amendment.

Mr. CONYERS. I yield back the balance of my time.

Mr. MARINO. Mr. Chairman, just to reiterate what our position is, it is about time that we in D.C.—in Congress—take our responsibility back from unelected bureaucrats and make these decisions. We have seen, over the past 8 years, what overburdensome regulation has done to this country as far as crushing jobs.

I yield back the balance of my time.

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

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

Mr. CONYERS. 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 Michigan 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 House Report 115–1.

Mr. JOHNSON of Georgia. Mr. Chairman, I rise as the designee of the gentlewoman from Texas (Ms. JACKSON LEE) to present her amendment in her absence.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule that pertains to the safety of any products specifically designed to be used or consumed by a child under the age of 2 years (including cribs, car seats, and infant formula).''.

The Acting CHAIR. Pursuant to House Resolution 22, 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, the Jackson Lee amendment exempts from this bill's onerous requirements the congressional approval requirement of any proposed rule that is made to ensure the safety of products that are used or consumed by children under the age of 2.

This amendment should pass for obvious reasons. If protecting public health and safety means anything, it surely must include the protection of our children. Because of the special vulnerability of young children, any regulation affecting their health and safety must not be delayed. Unfortunately, if this bill passes as written without this amendment, that is exactly what will happen. The young children will be vulnerable to products that are unsafe and that could hurt them. For this reason, SHEILA JACKSON LEE has offered this amendment, which I support.

An example is a regulation that is meant to protect a child from death or injury from contaminated formula. Such a rule would be impeded—or the promulgation of such a rule and the enactment of that rule would be impeded—by this administration.

This amendment would declare that, in that case, the rule would not apply. It would be exempted from this legislation. Toxic chemicals, dangerous toys, or deadly falls from unsafe products could be avoided. Therefore, this amendment would protect children under those circumstances. Those kinds of rules need to be implemented promptly to save lives.

For that reason, the Jackson Lee amendment deserves your support. I hope that you can support it out of your heart.

I reserve the balance of my time.

□ 1630

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

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

Mr. MARINO. Mr. Chair, the amendment seeks to carve out from the REINS Act's reforms regulations intended to protect young children and infants from harm.

Child safety is a goal all Members share, but to shield bureaucrats who write child safety regulations from accountability to Congress is no way to guarantee a child's safety. The only thing that would guarantee is less careful decisionmaking and more insulation of faceless bureaucrats from the public.

The Constitution entrusts to Congress the authority to protect children—and all citizens—from harmful products flowing in interstate commerce. The public should be able to trust Congress—and we should trust ourselves—to make sure that Washington bureaucrats make the right decisions to protect child safety when we delegate legislative authority to regulatory agencies.

I urge my colleagues to oppose the amendment.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Mr. Chairman, the faceless, nameless, deadly bureaucrats out here who mean the public harm, those are our relatives. Those are our mothers, our fathers, who work for the Federal Government. They are the civil servants that serve us. They are not nameless and faceless people of bad will and bad intent. They are good people who go to work every day and try to protect us and protect our children.

All we are asking for with this amendment is for there to be a carveout to protect the most vulnerable among us, our children.

This legislation is based on the faulty premise that the cost of regulations outweigh the benefits. What is the cost of a benefit when it comes to the health, safety, and well-being of a child?

The people who promulgate these rules mean to protect these children, and this amendment goes to that ability of the regulators to do that. Sometimes regulation is good.

Even though a couple of jobs might go away because of the regulation, isn't it worth the health, safety, and well-being of our children that a couple of jobs could not reach fruition? Everything is not a cost-benefit analysis. Sometimes there is some humanity in the mix that we have to consider.

I urge my colleagues to think about it one more time and be in favor of the very reasonable Jackson Lee amendment.

I yield back the balance of my time.

Mr. MARINO. Mr. Chairman, the REINS Act doesn't prevent the bureaucracy, the agencies, from making recommendations and suggestions to Congress. It simply says Congress will have the last word and not a handful of bureaucrats, and many of them don't even have experience in these areas.

I urge my colleagues to not support this amendment but to support the REINS Act.

I 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 MR. JOHNSON OF GEORGIA

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 115–1.

Mr. JOHNSON of Georgia. Mr. Chair, I offer an amendment to H.R. 26.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule that pertains to improving employment, retention, and earnings of workforce participants, especially those participants with significant barriers to employment.''.

The Acting CHAIR. Pursuant to House Resolution 22, 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. Chair, I rise in support of my amendment to H.R. 26, which would exempt from the bill rules that improve the employment retention and wages of workforce participants, especially those with significant barriers to employment. Since one of the justifications, or the main justification, for this underlying legislation is to promote job growth from corporate titans at the expense, by the way, of health and safety of Americans, at least, we could exempt from the bill rules that improve the employment, retention, and wages of workforce participants, especially those with significant barriers to employment.

When President Obama took office in 2009, he inherited the worst economic crisis since the Great Depression. This economic quagmire was created by misguided Republican policies that put profits ahead of people, resulting in reckless decisions on Wall Street that cost millions of Americans their homes and jobs. In other words, the Great Recession was caused by the collapse of the financial markets due to an unreliability and instability of the predatory lending market, which had taken hold. There was so much paper out there on Wall Street that was worthless because it was based on these homes that people couldn't pay the notes for, and all of that was caused by deregulation, lack of regulation.

Now we have a period with Dodd-Frank coming into play and the financial markets improving, the protection and economic security of American families increasing, being strengthened.

Now, at the beginning of this Congress, we get legislation to gut the Dodd-Frank regulation and other regulations that would protect people from excesses of the corporate community. I am just asking, in this amendment, that we don't let it apply in the case of situations where the bill improves employment retention or wages or workforce participants, especially those with barriers to employment.

So, according to leading economic indicators, private-sector businesses have created more than 15.6 million new jobs. The unemployment rate has dropped to well below 5 percent to the lowest point in nearly a decade, and incomes are rising faster, while the poverty rate has dropped to the lowest point since 1968. This has all occurred during an administration that is proenvironment, proclean energy, and proworkplace safety.

In fact, during this time, our Nation has doubled our production of clean energy and reduced our carbon emissions faster than any other advanced nation. And the price of gas is down to roughly $2 a barrel, despite all of these cumbersome and oppressive regulations by the Obama administration that the other side complains about.

Notwithstanding this progress that has been made, there is still much work to be done for the millions of Americans who remain out of work, underemployed, or have not seen significant wage growth postrecession.

Congress should be working tirelessly across party lines to find solutions to persistent unemployment and stagnant wages, such as a public investment agenda that will increase productivity and domestic output while turning the page on our historic underinvestment in our Nation's roads, bridges, and educational institutions.

Unfortunately, Mr. Chair, this bill, the REINS Act, is not a jobs bill. It is a legislative hacksaw to the critical public health and safety protections that ensure our Nation's air is clean, our water is pure, and our workplace vehicles, homes, and consumer products are safe.

I yield back the balance of my time.

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

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

Mr. MARINO. Mr. Chair, the amendment carves out of the REINS Act's congressional approval procedures regulations that attempt to improve employment, retention, and earnings, particularly for those with significant barriers to employment.

The danger in the amendment is the strong incentive it gives agencies to manipulate their analysis of a major regulation's jobs and wages impacts. Far too often, agencies will be tempted to shade the analysis to skirt the bill's congressional approval requirement.

In addition, regulations alleged to create new job prospects often do so by destroying real, existing jobs and creating new, hoped-for jobs associated with regulatory compliance. For example, the Environmental Protection Agency (EPA) Clean Air Act rules have shut down existing power plants all over the country, throwing myriads of workers out of work. EPA and OMB attempt to justify that with claims that more new green jobs have been created as a result.

In the end, this is just another way in which government picks the jobs winners and the jobs losers, and there is no guarantee that all of the new green jobs will ever actually exist.

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 impact rests with Congress. It rejects the way Washington has operated for too long in which there is no accountability because decisions are made by unelected agency officials.

I urge my colleagues to oppose the amendment.

I 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 amendment was rejected.

AMENDMENT NO. 9 OFFERED BY MR. NADLER

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 115–1.

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:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended to read by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule pertaining to nuclear reactor safety standards.''.

The Acting CHAIR. Pursuant to House Resolution 22, 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. Mr. Chairman, my amendment would exempt from the bill any regulations that pertain to nuclear reactor safety. In other words, my amendment would allow the Nuclear Regulatory Commission or the NRC to continue to issue rules under the current system, thereby making it easier to protect Americans from potential nuclear disaster.

The underlying legislation, the REINS Act, would grind the gears of rulemaking to a halt by requiring all major rules to be affirmatively approved in advance by Congress. A regulation would be blocked from being implemented if even one Chamber declines to pass an approval resolution. The goal of this legislation, quite simply, is to stop the regulatory process in its tracks, regardless of the impact on public health and safety.

One example that highlights the risks and dangers of this legislation is

the subject of this amendment: Nuclear power.

The world watched in horror when an earthquake and resulting tsunami devastated the area around Fukushima, Japan, a few years ago. That disaster then caused its own disaster—the meltdown of three reactors at the Fukushima nuclear power plant. The meltdown led to the release of radioactive isotopes, the creation of a 20-kilometer exclusion zone around the power plant, and the displacement, consequently, of 156,000 people. Just last month, seaborne radiation from Fukushima was even detected on the West Coast of the United States.

The same year as the Fukushima meltdown, Virginia was struck by a relatively rare but strong earthquake, felt up and down the eastern seaboard. While the region was spared a similar disaster, the earthquake required a nuclear power plant near the epicenter to go offline as a precaution and served as a wake-up call that our nuclear reactors needed additional safety protocols.

For me, this concern hits close to home. A nuclear power plant, Indian Point, which has suffered numerous malfunctions in recent years, lies just less than 40 miles away from my New York City district, about 30 miles away from the city. Twenty million people live 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.

□ 1645

Indian Point also sits near two earthquake fault lines and, according to the NRC, is the most likely nuclear power plant in the country to experience core damage because of an earthquake.

Because of the catastrophes that can result from disasters, be they natural or manmade at nuclear power plants, prevention of meltdowns is absolutely vital. Since Fukushima, the NRC has issued new rules designed to upgrade power plants to withstand severe events like earthquakes, and to have enough backup power so as to avoid a meltdown for a significant length of time.

The NRC must retain the ability to issue new regulations to safeguard the health and well-being of all Americans. However, this bill is intentionally designed so that new and important regulations, including those to prevent a nuclear power plant meltdown which could affect millions of American, will likely never be put in place, thwarted by either chamber of Congress.

Congress delegates authority to executive agencies because we do not have the expertise or time to craft all technical regulations ourselves. We should defer to the engineers and scientists at the NRC who determine, after careful study, that a particular regulation is critical to our safety and to the safe operation of a nuclear power plant. This bill, however, would all too easily allow Members of Congress to substitute their own judgment or, most likely, the wishes of a narrow group of special interests.

This week we began a new Congress. Later this month we will have a new administration, all controlled by Republicans. Between this bill and the Midnight Rules bill we passed yesterday, they have chosen to make their first order of business the dismantling and destruction of the regulatory process, regardless of the impact on public health and safety. This gives us a good idea of the priorities we should expect to see in the next 2 years.

The least we can do is to try to ensure that the antiregulatory agenda of the Republicans does not have devastating consequences such as a nuclear meltdown. I urge my colleagues to support the Nadler amendment to exempt nuclear safety regulations from the onerous requirements of the underlying bill.

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

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

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

Mr. MARINO. Mr. Chairman, the amendment carves out of the REINS Act's 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's 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 would 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 ensures agencies will write better rules. All Americans will be safer for it.

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

Mr. NADLER. Mr. Chairman, nuclear meltdowns are a tremendous danger to the life and safety of millions of Americans. The Congressional Review Act provides if the NRC makes such a regulation, Congress can say no. That is appropriate. But to say Congress has to approve any regulation in advance, when there may be thousands of regulations or hundreds of regulations from different agencies, they may not get to it. We may not have time to study it, and lives are at stake. It does not make sense. That is why this amendment at least cuts out nuclear meltdown regulations, nuclear safety regulations, to say Congress can veto them if they don't agree. But the agency should be able to promulgate it in the absence of congressional veto.

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

Mr. MARINO. Mr. Chairman, once again, this administration has proven how thousands of regulations have crushed jobs for the middle class people in this country. The REINS Act does designate and allows and wants agencies to make decisions as far as what they think the law should be and send it to Congress.

We do have the time. We have the resources and the knowledge. That is why we have full committees. That is why we have subcommittees and we have experts come in and testify. Yet, we still need to get back—that the 535 Members of Congress, the House and the Senate, make the final decision and not a handful of unelected bureaucrats.

Mr. Chairman, 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. 10 OFFERED BY MR. MCNERNEY

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 115–1.

Mr. MCNERNEY. Mr. Chairman, I rise to offer amendment No. 10 as the designee of the gentleman from New Jersey (Mr. PALLONE).

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In paragraph (2) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert after ''means any rule'' the following: ''(other than a special rule)''.

In paragraph (3) of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, insert before the period at the end the following: '', and includes any special rule''.

Add, at the end of section 804, title 5, United States Code, as proposed to be amended by section 3 of the bill, the following:

''(6) The term 'special rule' means any rule intended to ensure the safety of natural gas or hazardous materials pipelines or prevent, mitigate, or reduce the impact of spills from such pipeline.''.

The Acting CHAIR. Pursuant to House Resolution 22, the gentleman

from California (Mr. MCNERNEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. MCNERNEY. Mr. Chairman, recent pipeline incidents have raised serious concerns about the condition of the Nation's pipelines that threaten the safety and health of American citizens. This amendment will ensure that any rule intended to guarantee the safety of natural gas or hazardous material pipelines is not considered a major rule under this bill and would, therefore, be easier to create.

Pipeline safety is a bipartisan issue. Congress has shown that issuing regulations related to pipelines is a priority, as evident with the enactment of the PIPES Act last year.

However, the bill before us today, H.R. 26, contradicts this historic precedent and would have the effect of delaying or preventing any rule on pipeline safety from going forward. Pipeline accidents cause major property damage, serious injuries or deaths, and harms the environment.

There are approximately 2.9 million miles of pipeline in the United States. They travel through rural and urban areas, Republican and Democratic districts, coastlines, inland areas. Everyone is impacted. Quality control measures, new infrastructure, and oversight are paramount.

Unfortunately, we have seen the devastating impact of pipeline incidents throughout the country, including several accidents and spills in California in recent years, such as the spill in Santa Barbara that released more than 100,000 gallons of crude oil.

We have also seen how liquid spills can devastate the people and economies in places like Michigan, and the irreplaceable natural resources like the Yellowstone River in Montana, or the precious coastline of Santa Barbara. Additionally, these explosions and spills cause shortages and price increases that impact Americans far from the site of the accident.

A Colonial Pipeline accident this past September in Alabama leaked roughly 8,000 barrels of gasoline and saw prices increase by up to 31 cents a gallon in metropolitan areas in the Southeastern States.

I agree with my colleagues on the other side of the aisle that we want effective and efficient government. But, in reality, pipeline safety regulations are already subject to duplicative and time-consuming analyses, including a rigorous risk assessment and cost-benefit analysis required by the pipeline safety statute. These already duplicative review requirements are among the top reasons why the Pipeline and Hazardous Materials Safety Administration increasingly lags behind the congressional mandate to issue rules that protect Americans from dangerous pipeline incidents.

In fact, this was the subject of a great deal of discussion when the Energy and Commerce Committee marked up the pipeline safety reauthorization bill last year. I worked with Chairman UPTON and Ranking Member PALLONE to address this issue, as both sides of the aisle agreed that the duplicative reviews currently required are already slowing down these critical safety laws to a degree that is frustrating and dangerous.

While we make progress in the PIPES Act, I believe we can and should do more. The last thing we need is one more layer of bureaucracy to further slow down implementation of these critical protections for public health, safety, and the environment. We should work together to prevent spills and work to minimize impacts when spills or other incidents do occur. This includes automatic shut-off valves, leak detection, and technologies to reduce clogging and rupture.

A vote for this amendment is a vote for the safety of the public and the environment. It is a vote to protect the land and water that are threatened by oil spills. It is a vote for industry that wants certainty and clarity and doesn't want to—or benefit from—wait years for rules to be finalized. For these reasons, I urge my colleagues to support this amendment.

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

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

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

Mr. MARINO. Mr. Chairman, the amendment seeks to carve out from the REINS Act's reform regulations that concern natural gas or hazardous materials pipeline safety or the prevention of pipeline spills and their adverse impacts.

We all support pipeline safety and the prevention of harm from pipeline spills, but there is no assurance that the amendment would guarantee the achievement of those goals. On the contrary, the amendment would shield from congressional accountability procedures, regulations, that actually threaten to decrease safety. They also would shield from the bill's congressional approval requirements new, ideologically driven regulations intended to impede America's access to new sources of cheap, clean, and plentiful natural gas.

The legislative body is the legislative body. We are trying to have oversight over the bureaucracy. The House and the Senate is not a bureaucracy. It is a legislative body, according to the Constitution that represents the people of the United States. Therefore, the House and the Senate and the President should have the last say in whether something becomes law or not.

I urge my colleagues to oppose the amendment.

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

Mr. MCNERNEY. Mr. Chairman, my opponent is right. It is the duty of Congress to provide rules and to provide guidelines and for the agencies to go into the details in creating these rules.

I know that the other side is opposed to the rules. They have been touting about regulations, but poor regulations reduces jobs, too. It creates monopolies. It creates pollution. But that is not what we are talking about.

What we are talking about is public safety. I think what we need to do is look at what is going to benefit the public safety and what is going to protect people, lives, property, and the environment. That is what this amendment does. It is simple. It exempts pipeline safety from H.R. 26.

I urge my colleagues to support the amendment.

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

Mr. MARINO. Mr. Chairman, what better group, such as the Committee on Energy and Commerce or other committees here, the full committees, the subcommittees, would be looking out and should be looking out for the public safety and the welfare than the 535 Members of Congress?

I yield back the balance of my time.

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

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

Mr. MCNERNEY. Mr. Chair, 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 California will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 115–1.

Mr. SCOTT of Virginia. 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:

Section 804(4) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended in subparagraph (B), by striking ''or'' at the end.

Section 804(4) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended in subparagraph (C), by striking the period at the end and inserting ''; or''.

Section 804(4) of title 5, United States Code, as proposed to be amended to read by section 3 of the bill, is amended by adding at the end the following:

''(D) any rule that pertains to workplace health and safety made by the Occupational Safety and Health Administration or the Mine Safety and Health Administration that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease.''.

The Acting CHAIR. Pursuant to House Resolution 22, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Chairman, my amendment would exempt from coverage under the REINS Act any rule which pertains to workplace health and safety made by the Occupational Safety and Health Administration, OSHA, or the Mine Safety and Health Administration, MSHA, that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease.

I am offering the amendment because we should not be creating obstacles to the protection of life and limb. We should be concerned about repealing such workplace rules. Actually, this concern is not theoretical. There was a report from the chairman of the Freedom Caucus that actually calls for the repeal of multiple safety and health rules.

□ 1700

One OSHA rule, for example, will reduce slip, trip, and fall hazards, which are actually a leading cause of worker deaths and lost workday injuries. We found that this rule had not been updated since 1971, and OSHA has calculated that over 10 years the rule will prevent nearly 300 worker deaths and more than 58,000 lost-time injuries. The net benefit, cash benefit, of the rule is projected to be over $3 billion over 10 years.

Another rule at risk is the modernization of OSHA's beryllium exposure limit, a 70-year-old standard that was obsolete even before it was issued. Workers who inhaled beryllium can develop debilitating, incurable, and frequently fatal illnesses. One known as chronic beryllium disease also increased lung cancer.

In the 1940s, workers at the Atomic Energy Commission plants were contracting acute beryllium poisoning. To deal with the problem, two scientists agreed to set the exposure limit at 2 micrograms per cubic meter of air while sitting in the back of a taxicab on their way to a meeting. This discredited standard is often called the taxicab standard because there was no data to support it, and there is now significant scientific evidence that show that it has failed to protect workers.

One cost of keeping the so-called taxicab standard is estimated at the loss of nearly 100 lives a year. So we need to make sure that this rule is updated. It is in final stages after 18 years of development. The finalized rule is expected to come out soon. Other rules involve mine safety and other safety and health concerns.

The REINS Act would make it harder to protect workers' health and safety. The bill would create more bureaucracy by requiring that any major rule receive bicameral resolution of support within 70 legislative days prior to the rule taking effect.

This bill even provides for a reach back to consider rules issued last spring. Under this bill, a single House of Congress could block a rule. That raises significant constitutional concerns. By allowing a one-House veto, the bill violates the presentment clause of the Constitution of the United States.

My amendment ensures essential workplace safety protections are not jeopardized by this flawed legislation.

Mr. Chairman, I urge a ''yes'' vote on my amendment, and I reserve the balance of my time.

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

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

Mr. MARINO. Mr. Chairman, this amendment carves out of the REINS Act's congressional approval procedures any workplace safety rules issued by OSHA or the Mine Safety and Health Administration to reduce traumatic injury, cancer, or lung disease.

But please do not be fooled. This amendment is not about reducing these maladies. It is about transferring the power to decide how best to do so from elected Representatives, being House Members and Senators, to unaccountable bureaucrats.

Arriving at the right decision requires a delicate balancing of interests. Agencies can provide valuable expertise, but when there is a lot at stake, the ultimate decision on how best to strike that balance is properly made by elected officials accountable to the people. That is the intuition behind the REINS Act and the fundamental point that is lost on its opponents.

Preventing workplace injury is a goal all Members share. This bill does not frustrate that goal. It merely ensures that elected Representatives make the final call about major decisions so that our Republic remains a government by the people as the Constitution's Framers designed.

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

Mr. SCOTT of Virginia. Mr. Chairman, I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, I rise in support of this amendment, which really is a life-or-death question before the Chamber.

On February 7, 2010, a bunch of workers who were at a natural gas plant construction site early in the morning lost their lives in a horrific explosion because there was a natural gas blow where they intentionally put natural gas through the pipe that was being installed as a way of cleaning it. This is a practice which the pipe suppliers, Siemens, GE, and others have issued serious warning is an unsafe practice. Unfortunately, it wasn't followed that day, so six men lost their lives. One of them was Ronnie Crabb, who was a dear friend of mine.

It never should have happened because, again, in the private sector, the workplace standard was there, but there was no workplace standard in OSHA, which is now, again, trapped in the Chemical Safety Board and the regulatory process.

This bill is just going to do nothing but, again, add additional obstacles so that preventive measures that OSHA is really about—it is about compliance, not retribution. There was a $16 million fine imposed after the fact. The company, the contractor, went out of business and paid just a fraction of it. That is not the way to protect workers' lives. Let's allow a healthy regulatory process with private sector input so that people like Ronnie Crabb won't lose their lives in the future.

Mr. Chairman, again, I strongly support the Scott amendment.

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

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

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

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

Mr. SCOTT of Virginia. 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 Virginia will be postponed.

AMENDMENT NO. 12 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 115–1.

Mr. KING of Iowa. Mr. Chairman, I have an amendment at the desk made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Chapter 8 of title 5, United States Code, as proposed to be amended by section 3 of the bill, is amended by adding at the end the following (and conforming the table of sections accordingly):

''§ 808. Review of rules currently in effect

''(a) ANNUAL REVIEW.—Beginning on the date that is 6 months after the date of enactment of this section and annually thereafter for the 9 years following, each agency shall designate not less than 10 percent of eligible rules made by that agency for review, and shall submit a report including each such eligible rule in the same manner as a report under section 801(a)(1). Section 801, section 802, and section 803 shall apply to each such rule, subject to subsection (c) of this section. No eligible rule previously designated may be designated again.

''(b) SUNSET FOR ELIGIBLE RULES NOT EXTENDED.—Beginning after the date that is 10 years after the date of enactment of this section, if Congress has not enacted a joint resolution of approval for that eligible rule, that eligible rule shall not continue in effect.

''(c) CONSOLIDATION; SEVERABILITY.—In applying sections 801, 802, and 803 to eligible rules under this section, the following shall apply:

''(1) The words 'take effect' shall be read as 'continue in effect'.

''(2) Except as provided in paragraph (3), a single joint resolution of approval shall apply to all eligible rules in a report designated for a year, and the matter after the resolving clause of that joint resolution is as follows: 'That Congress approves the rules submitted by the ____ for the year ____.' (The blank spaces being appropriately filled in).

''(3) It shall be in order to consider any amendment that provides for specific conditions on which the approval of a particular eligible rule included in the joint resolution is contingent.

''(4) A member of either House may move that a separate joint resolution be required for a specified rule.

''(d) DEFINITION.—In this section, the term 'eligible rule' means a rule that is in effect as of the date of enactment of this section.''.

The Acting CHAIR. Pursuant to House Resolution 22, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Mr. Chairman, first, I want to say that I have been a long and strong supporter of the REINS Act. I want to compliment Congressman Geoff Davis of Kentucky for introducing and crafting that legislation. While he was doing that, I was drafting a bill that I named the Sunset Act, and I looked at this from the broad scope of this, that we have a lot of regulations that exist and have existed for decades. Some of them are burdensome and some of them are not.

The effect of the REINS Act, which I certainly will support on a final passage, hopefully with the King amendment adopted in it, but the REINS Act de facto simply grandfathers in existing regulations. So it is only prospective. It addresses the major regulations going forward, but not those that we are stuck with, such as the Waters of the United States, the Clean Power Plan, the overtime rule, the fiduciary rule, the net neutrality rule, the Dodd-Frank rules, and, heaven forbid, the ObamaCare rules if we should fail to repeal ObamaCare.

So what the King amendment does is it directs and allows the agencies and the executive branch of government to send a minimum of 10 percent of their regulations to the Congress each year for the duration of a decade encompassing a full 100 percent of all the regulations in place at the time of passage and enactment of the underlying legislation.

That gives Congress, then, authority and a vote over all of this. It gives us an ability to amend that legislation. We can pass them all en banc, we can amend them accordingly, or we can do what our Founding Fathers envisioned we should do. That is the essence of this.

By the way, President-elect Trump has made some strong pledges on dramatically reducing regulation in the United States. He doesn't have the tools without the King amendment.

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

Mr. JOHNSON of Georgia. Mr. Chairman, I rise in opposition to the King amendment.

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

Mr. JOHNSON of Georgia. Mr. Chair, I oppose this amendment, which establishes an idiosyncratic process establishing an automatic sunset of public health and safety protections. It requires that agencies conduct an annual review of current rules to designate 10 percent of its existing rules to be eliminated within 10 years of the bill's enactment unless Congress enacts a joint resolution of approval for eligible bills.

Now, I understand to the listening public that sounds kind of complicated, but the bottom line is they want to do away—my friends on the other side of the aisle—with net neutrality, which is something that a Federal agency requires. So if you want the Internet, which we all built and paid for through the Federal Government through our taxes and then we turned it over to the private sector, but we still have a public interest in the net being neutral so that all traffic flows equally over the Web without some being slower than others according to how much you can afford to pay. That is not fair.

So this King amendment is a part of a regulatory scheme proposed by this legislation, the REINS Act, which is going to hurt Americans. It is going to hurt the health, safety, and well-being of the people when you are not able to have clean water, clean food, edible food, safe products, clean air, and clean water. These are the things that the REINS Act gets at. It doesn't want Americans to be healthy. It doesn't want the Internet to be neutral. Why? Because corporate America and Wall Street put people in office to do their bidding. That is what the REINS Act is all about. This King amendment will make it worse.

Under current law, Federal agencies already conduct an extensive retrospective review process of existing rules and have already saved taxpayers billions of dollars in cost savings. Since 2011, the Obama administration has made a durable commitment to ensuring retrospective review of existing regulatory protections. Under Executive Orders 13563 and 13610, the administration has required that of agencies.

According to Howard Shelanski, the administrator of the Office of Information and Regulatory Affairs under the Obama administration, the Obama administration's retrospective review initiative has achieved an estimated $37 billion in cost savings, reduced paperwork, and other benefits for Americans over the past 5 years.

Furthermore, as the Obama administration has stated in the context of a veto threat of a similarly draconian antiregulatory proposal in a previous Congress, ''It is important that retrospective review efforts not unnecessarily constrain an agency's ability to provide a timely response to critical public health or safety issues, or constrain its ability to implement new statutory provisions.'' That is what the King amendment would do.

In fact, because agencies are already committed to a thorough review process to identify and eliminate regulatory burdens, it may be impossible for agencies to make additional cuts without severely affecting public health and safety.

Lastly, while the majority has repeatedly noted that H.R. 26 is forward-looking legislation, this amendment would make the bill apply retroactively to protections and safeguards that exist at the bill's date of enactment, a bald attempt to gut protections adopted by the Obama administration, including net neutrality.

Mr. Chairman, I oppose the amendment, and I urge my colleagues to do the same.

I reserve the balance of my time.

STATEMENT OF ADMINISTRATION POLICY

H.R. 427—REGULATIONS FROM THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2015—REP. YOUNG, R–IN, AND 171 COSPONSORS

The Administration is committed to ensuring that regulations are smart and effective, and tailored to further statutory goals in the most cost-effective and efficient manner. Accordingly, the Administration strongly opposes House passage of H.R. 427, the Regulations from the Executive in Need of Scrutiny Act of 2015, which would impose an unprecedented requirement that a joint resolution of approval be enacted by the Congress before any major rule of an Executive Branch agency could have force or effect. This radical departure from the longstanding separation of powers between the Executive and Legislative branches 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.

There is no justification for such an unprecedented requirement. When a Federal agency promulgates a major rule, it must already adhere to the particular requirements of the statute that it is implementing and to the constraints imposed by other Federal statutes and the Constitution. Indeed, in many cases, the Congress has mandated that the agency issue the particular rule. The agency must also comply with the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 et seq.). When an agency issues a major rule, it must perform analyses of benefits and costs, analyses that are typically required by one or more statutes (such as the Regulatory Flexibility Act, the Unfunded Mandates Reform Act, and the Paperwork Reduction Act) as well as by Executive Orders 12866 and 13563.

In addition, this Administration has already taken numerous steps to reduce regulatory costs and to ensure that all major regulations are designed to maximize net benefits to society. Executive Order 13563 requires careful cost-benefit analysis, public participation, harmonization of rulemaking across agencies, flexible regulatory approaches, and a regulatory retrospective review. In addition, Executive Order 13610 further institutionalizes retrospective review by requiring agencies to report regularly on the ways in which they are identifying and reducing the burden of existing regulations. Finally, agency rules are subject to the jurisdiction of Federal courts.

Moreover, for the past 19 years, the Congress itself has had the opportunity, under the Congressional Review Act of 1996, to review on an individual basis the rules—both major and non-major—that Federal agencies have issued.

By replacing this well-established framework with a blanket requirement of Congressional approval, H.R. 427 would throw all major regulations into a months-long limbo, fostering uncertainty and impeding business investment that is vital to economic growth. Maintaining an appropriate allocation of responsibility between the two branches is essential to ensuring that the Nation's regulatory system effectively protects public health, welfare, safety, and our environment, while also promoting economic growth, innovation, competitiveness, and job creation.

If the President were presented with H.R. 427, his senior advisors would recommend that he veto the bill.

Mr. KING of Iowa. Mr. Chairman, I would inquire as to how much time may be remaining for each side.

The Acting CHAIR. The gentleman from Iowa has 3½ minutes remaining. The gentleman from Georgia has half a minute remaining.

Mr. KING of Iowa. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. MARINO).

Mr. MARINO. Mr. Chairman, first of all, I fully support Congressman KING's amendment. It improves the viability of the REINS Act and makes sure that the responsibility of legislation is in the hands of we legislators.

Let me just ask this simple question. My good friend on the other side says that we should let the agencies and departments regulate and make rules. Let me ask this: How has it been going in the last 20 years in this country?

We are $20 trillion in debt, and 20 million people are out of work or underemployed.

Are we going to continue to let bureaucrats make these decisions that crush jobs?

No, I don't think so. It is our responsibility in the House and it is our responsibility in the Senate. We can hear from those individuals, as I have repeatedly said here, in those agencies. We need to make the final decision because just look at the track record over the last 20, 30 years of unelected bureaucrats making these rules, laws, and regulations.

Mr. JOHNSON of Georgia. Mr. Chairman, we can't blame a $20 trillion deficit or debt on nameless, faceless bureaucrats. We can blame a lot of that debt on the George Bush administration and the legislators who voted for tax cuts for the wealthy that were not paid for and funded two wars that were not paid for. That is what we can blame that $20 trillion debt on.

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Again, if you are in favor of net neutrality, you should oppose this amendment.

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

Mr. KING of Iowa. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first, I would say that yes, we can blame a lot of debt and deficit on a burden of regulations. We can blame it because there is a huge cost to our executive branch of government. That cost, much of it, the unnecessary component, all that goes against our debt and deficit.

We saw, as Barack Obama came in as President, we had a $10 trillion debt, which he was very critical of throughout his campaign in 2007 and 2008. Now, as he leaves office here, thankfully, in a couple of weeks, it is a $20 trillion debt, and we can start to ratchet this thing back down.

Looking at the Obama administration and their reports on the costs of regulation, they come up with this number reported to the Heritage Foundation that the annual cost of regulations to the United States, according to the Obama administration, is $108 billion, Mr. Chairman. So that is what we are looking at here for costs.

But I want to get at the real meat of this. Article I of the Constitution says Congress shall make all law. Yet, we have the courts making laws across the street, and we have regulations coming at us at a rate of—and I expressed to the gentleman from Georgia—ten-to-one. For every law we passed in the 114th Congress, there were at least 10 regulations that were poured over our head, and we are sitting in a place where we don't have the tools to undo them.

Now we have a President that is ready, and he wants to undo these regulations. If we make him march through the Administrative Procedure Act, it is heavy, it is burdensome, and it is time-consuming. But the King amendment gives the tools for the next President of the United States to work with Congress to trim this regulatory burden down. And the most important part is, it makes all of us in the House and the Senate accountable then for all of the regulations.

The APA was allowed to dish off this legislative responsibility to the executive branch. Congress took a pass. They ducked their responsibility of being accountable for all legislation and found a way to be producing less than 10 percent of the legislation that exists even in a given year.

The King amendment says that over the period of a decade, 10 percent a year at a minimum, Congress will have to review all the regulations. The people from across America—we the people—will weigh in on that regulation. And then an even better part is not only will we be accountable here in Congress—and we should be—but when the nameless, faceless bureaucrats are across the desk from our constituents and they refuse to listen to our constituents, there is going to be a little bug in the back of their ear that is going to be saying to them: You know what? This constituent that may be losing their business over this regulation, the next stop they make is going to be with their Congressman. These regulations that we promulgated are going to be subject then to being repealed by the United States Congress, as they should be.

Support the King amendment. It puts the authority back into the hands of Article I, we the people.

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

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

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.

Mr. MARINO. 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. BYRNE) having assumed the chair, Mr. POE of Texas, 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. 26) 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.

OBJECTING TO UNITED NATIONS SECURITY COUNCIL RESOLUTION 2334

Mr. ROYCE of California. Mr. Speaker, pursuant to House Resolution 22, I call up the resolution (H. Res. 11) objecting to United Nations Security Council Resolution 2334 as an obstacle to Israeli-Palestinian peace, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 22, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 11

Whereas the United States has long supported a negotiated settlement leading to a sustainable two-state solution with the democratic, Jewish state of Israel and a demilitarized, democratic Palestinian state living side-by-side in peace and security;

Whereas since 1993, the United States has facilitated direct, bilateral negotiations between both parties toward achieving a two-state solution and ending all outstanding claims;

Whereas it is the long-standing policy of the United States that a peaceful resolution to the Israeli-Palestinian conflict will only come through direct, bilateral negotiations between the two parties;

Whereas it is the long-standing position of the United States to oppose and, if necessary, veto United Nations Security Council resolutions dictating additional binding parameters on the peace process;

Whereas it is the long-standing position of the United States to oppose and, if necessary, veto one-sided or anti-Israel resolutions at the United Nations Security Council;

Whereas the United States has stood in the minority internationally over successive Administrations in defending Israel in international forums, including vetoing one-sided