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4 FULL COMMITTEE MARKUP OF H.R. 822, THE NATIONAL RIGHT-TO-
5 CARRY RECIPROCIY ACT OF 2011; H.R. 420, THE VETERANS'
6 HERITAGE FIREARMS ACT OF 2011; H.R. 10, THE REGULATIONS FROM
7 THE EXECUTIVE IN NEED OF SCRUTINY ACT OF 2011; H.R. 2870,
8 THE ADAM WALSH REAUTHORIZATION ACT OF 2011; H.R. 1254, THE
9 SYNTHETIC DRUG CONTROL ACT OF 2011; AND H.R. 3012, THE
10 FAIRNESS FOR HIGH-SKILLED IMMIGRANTS ACT
11 Tuesday, October 25, 2011
12 House of Representatives
13 Committee on the Judiciary
14 Washington, D.C.

15 The committee met, pursuant to call, at 1:05 p.m.
16 a.m., in Room 2141, Rayburn Office Building, Hon. Lamar

17 Smith [chairman of the committee] presiding.

18 Present: Representatives Smith, Sensenbrenner, Coble,
19 Gallegly, Goodlatte, Lungren, Chabot, Issa, Forbes, King,
20 Franks, Gohmert, Jordan, Poe, Chaffetz, Griffin, Marino,
21 Gowdy, Ross, Adams, Quayle, Amodei, Conyers, Berman, Nadler,
22 Scott, Lofgren, Jackson Lee, Waters, Cohen, Johnson,
23 Pierluisi, Quigley, Chu, Deutch, and Sanchez.

24 Staff present: Sean McLaughlin, Chief of Staff;
25 Allison Halatei, Deputy Chief of Staff/Parliamentarian;
26 Sarah Kish, Clerk; Perry Apelbaum, Minority Staff Director;
27 and Carol Chodroff, Counsel.

28

29 Chairman Smith. The Judiciary Committee will come to
30 order. Without objection, the chair is authorized to
31 declare recesses of the committee at any time. The clerk
32 will call the roll.

33 Ms. Kish. Mr. Smith?

34 Chairman Smith. Present.

35 Ms. Kish. Mr. Sensenbrenner?

36 Mr. Coble?

37 Mr. Gallegly?

38 Mr. Gallegly. Present.

39 Ms. Kish. Mr. Goodlatte?

40 Mr. Lungren?

41 Mr. Chabot?

42 Mr. Issa?

43 Mr. Pence?

44 Mr. Forbes?

45 Mr. King?

46 Mr. King. Here.

47 Ms. Kish. Mr. Franks?

48 Mr. Franks. Here.

49 Ms. Kish. Mr. Gohmert?

50 Mr. Jordan?

51 Mr. Poe?

52 Ms. Kish. Mr. Chaffetz?

53 Mr. Chaffetz. Present.

54 Ms. Kish. Mr. Griffin?

55 Mr. Gowdy?

56 Mr. Gowdy. Here.

57 Ms. Kish. Mr. Marino?

58 Mr. Marino. Present.

59 Ms. Kish. Mr. Ross?

60 Mrs. Adams?

61 Mrs. Adams. Present.

62 Ms. Kish. Mr. Quayle?

63 Mr. Amodei?

64 Mr. Conyers?

65 Mr. Conyers. Present.

66 Ms. Kish. Mr. Berman?

67 Mr. Nadler?

68 Mr. Scott?

69 Mr. Scott. Present.

70 Ms. Kish. Mr. Watt?

71 Ms. Lofgren?

72 Ms. Jackson Lee?

73 Ms. Waters?

74 Mr. Cohen?

75 Mr. Cohen. Present.

76 Ms. Kish. Mr. Johnson?

77 Mr. Johnson. Present.

78 Ms. Kish. Mr. Pierluisi?

79 Mr. Quigley?

80 Ms. Chu?

81 Ms. Chu. Present.

82 Ms. Kish. Mr. Deutch?

83 Ms. Sanchez?

84 Mr. Amodei?

85 Mr. Amodei. Present.

86 Ms. Kish. Mr. Lungren?

87 Mr. Lungren. Here.

88 Ms. Kish. Mr. Griffin?

89 Mr. Griffin. Present.

90 Ms. Kish. Mr. Forbes?

91 Mr. Forbes. Yes.

92 Ms. Kish. Mr. Coble?

93 Mr. Coble. Here.

94 Ms. Kish. Mr. Ross?

95 Mr. Ross. Here.

96 Ms. Kish. Mr. Poe?

97 Mr. Poe. Here.

98 Chairman Smith. Pursuant to notice, I now call up

99 H.R. 822 for the purposes of markup.

100 The clerk will report the bill?

101 Ms. Kish. H.R. 822, to amend Title 18, United States

102 --

103 Chairman Smith. Without objection, the bill will be

104 considered as read.

105 [The information follows:]

106

107 Chairman Smith. When the committee last adjourned, we
108 had just passed the Franks substitute, as amended, to H.R.
109 822. We will now turn to final passage of H.R. 822.

110 A reporting quorum being present, the question is on
111 reporting the bill, as amended, favorably to the House.

112 Those in favor, say aye.

113 [A chorus of ayes.]

114 Chairman Smith. Those opposed, no?

115 [A chorus of nays.]

116 Chairman Smith. In the opinion of the chair, the ayes
117 have it, and the bill, as amended, is ordered reported
118 favorably.

119 A recorded has been requested, and the clerk will call
120 the roll?

121 Ms. Kish. Mr. Smith?

122 Chairman Smith. Aye.

123 Ms. Kish. Mr. Smith votes aye.

124 Mr. Sensenbrenner?

125 [No response.]

126 Ms. Kish. Mr. Coble?

127 Mr. Coble. Aye.

128 Ms. Kish. Mr. Coble votes aye.
129 Mr. Gallegly?
130 [No response.]
131 Ms. Kish. Mr. Goodlatte?
132 [No response.]
133 Ms. Kish. Mr. Lungren?
134 Mr. Lungren. No.
135 Ms. Kish. Mr. Lungren votes no.
136 Mr. Chabot?
137 [No response.]
138 Ms. Kish. Mr. Issa?
139 [No response.]
140 Ms. Kish. Mr. Pence?
141 [No response.]
142 Ms. Kish. Mr. Forbes?
143 Mr. Forbes. Yes.
144 Ms. Kish. Mr. Forbes votes yes.
145 Mr. King?
146 Mr. King. Aye.
147 Ms. Kish. Mr. King votes aye.
148 Mr. Franks?

149 Mr. Franks. Aye.

150 Ms. Kish. Mr. Franks votes aye.

151 Mr. Gohmert?

152 [No response.]

153 Ms. Kish. Mr. Jordan?

154 Mr. Jordan. Yes.

155 Ms. Kish. Mr. Jordan votes yes.

156 Mr. Poe?

157 Mr. Poe. Yes.

158 Ms. Kish. Mr. Poe votes yes.

159 Mr. Chaffetz?

160 Mr. Chaffetz. Aye.

161 Ms. Kish. Mr. Chaffetz votes aye.

162 Mr. Griffin?

163 Mr. Griffin. Aye.

164 Ms. Kish. Mr. Griffin votes aye.

165 Mr. Marino?

166 Mr. Marino. Aye.

167 Ms. Kish. Mr. Marino votes aye.

168 Mr. Gowdy?

169 Mr. Gowdy. Yes.

170 Ms. Kish. Mr. Gowdy votes yes.
171 Mr. Ross?
172 Mr. Ross. Aye.
173 Ms. Kish. Mr. Ross votes aye.
174 Mrs. Adams?
175 Mrs. Adams. Aye.
176 Ms. Kish. Ms. Adams votes aye.
177 Mr. Quayle?
178 [No response.]
179 Mr. Amodei?
180 Mr. Amodei. Yes.
181 Ms. Kish. Mr. Amodei votes yes.
182 Mr. Conyers?
183 Mr. Conyers. No.
184 Ms. Kish. Mr. Conyers votes no.
185 Mr. Berman?
186 Mr. Berman. No.
187 Ms. Kish. Mr. Berman votes no.
188 Mr. Nadler?
189 [No response.]
190 Ms. Kish. Mr. Scott?

191 Mr. Scott. No.

192 Ms. Kish. Mr. Scott votes no.

193 Mr. Watt?

194 [No response.]

195 Ms. Lofgren?

196 [No response.]

197 Ms. Kish. Ms. Jackson Lee?

198 [No response.]

199 Ms. Kish. Ms. Waters?

200 Ms. Waters. No.

201 Ms. Kish. Ms. Waters votes no.

202 Mr. Cohen?

203 Mr. Cohen. No.

204 Ms. Kish. Mr. Cohen votes no.

205 Mr. Johnson?

206 Mr. Johnson. No.

207 Ms. Kish. Mr. Johnson votes no.

208 Mr. Pierluisi?

209 Mr. Pierluisi. No.

210 Ms. Kish. Mr. Pierluisi votes no.

211 Mr. Quigley?

212 Mr. Quigley. No.

213 Ms. Kish. Mr. Quigley votes no,

214 Ms. Chu?

215 Ms. Chu. No.

216 Ms. Kish. Ms. Chu votes no.

217 Mr. Deutch?

218 [No response.]

219 Ms. Kish. Ms. Sanchez?

220 [No response.]

221 Chairman Smith. The gentleman from Virginia, Mr.

222 Goodlatte?

223 Mr. Goodlatte. Aye.

224 Ms. Kish. Mr. Goodlatte votes aye.

225 Chairman Smith. The gentleman from California, Mr.

226 Issa?

227 Mr. Issa. Aye.

228 Ms. Kish. Mr. Issa votes aye.

229 Chairman Smith. The gentleman from Ohio, Mr. Chabot?

230 Mr. Chabot. Aye.

231 Ms. Kish. Mr. Chabot votes aye.

232 Chairman Smith. Are there other members who wish to

233 be recorded? And the clerk will report?

234 Ms. Kish. Mr. Chairman, 17 members vote aye, 10

235 members voted nay.

236 Chairman Smith. The majority having agreed to report

237 the bill, the bill is reported favorably.

238 Mr. Sensenbrenner. Mr. Chairman?

239 Chairman Smith. The gentleman from -- we will suspend

240 and ask if the gentleman from Wisconsin is recorded?

241 Mr. Sensenbrenner. Aye.

242 Ms. Kish. Mr. Sensenbrenner votes aye.

243 Chairman Smith. The gentleman from Arizona, Mr.

244 Quayle?

245 Mr. Quayle. Aye.

246 Ms. Kish. Mr. Quayle votes aye.

247 Chairman Smith. The gentleman from New York, Mr.

248 Nadler?

249 Mr. Nadler. No.

250 Ms. Kish. Mr. Nadler votes no.

251 Chairman Smith. I opened up the floods here. Okay.

252 The clerk will report again?

253 Ms. Kish. Mr. Chairman, 19 members voted aye, 11

254 members voted nay.

255 Chairman Smith. The ayes have it, and the bill, as
256 amended, is ordered reported favorably.

257 Without objection, the bill be reported as a single
258 amendment in the nature of a substitute incorporating
259 amendments adopted. And staff is authorized to make
260 technical and conforming changes.

261 Members will have two days to submit their views.

262 [The information follows:]

263

264 Chairman Smith. Pursuant to notice, I now call up
265 H.R. 10 for purposes of markup.

266 The clerk will report the bill?

267 Ms. Kish. H.R. 10, to amend Chapter 8 of Title 5,
268 United States Code, to provide that major rules of the --

269 Chairman Smith. Without objection, the bill will be
270 considered as read.

271 [The information follows:]

272

273 Chairman Smith. I will recognize myself for an
274 opening statement, and then the ranking member.

275 The American people today have been hit by an
276 onslaught of unnecessary Federal regulations. From the
277 Obama Administration's health care mandate to increasing
278 burdens on small businesses, government regulation has
279 become a barrier to economic growth and job creation.

280 As of 2008, Federal regulations cost our economy \$1.7
281 trillion each year, and the Administration seeks to add
282 billions more.

283 By its own admission, the Administration is preparing
284 numerous regulations that each will cost the economy \$1
285 billion or more per year. Its 2011 regulatory agenda calls
286 for over 200 economically significant rules which typically
287 affect the economy by \$100 million or more each year. These
288 regulations go far beyond protecting the health and safety
289 of Americans.

290 Employers -- the people who create jobs and pay taxes
291 -- are rightly concerned about the costs these regulations
292 will impose on their businesses. So, they stop hiring, stop
293 spending, and start saving for a bill from Big Brother.

294 Rather than restrain its efforts to expand government,
295 the Administration now seeks to accomplish through
296 regulatory agencies what it cannot get approved by Congress.
297 For example, the President's former director of the Office
298 of Management and Budget, the White House office that
299 presides over new Federal regulations, recently said, "We
300 need to minimize the harm from legislative inertia by
301 relying more on automatic policies. We might be a healthier
302 democracy if we were a slightly less democratic one."

303 That anti-democratic virus has infected many of the
304 Administration's policies, from unjustified regulations, to
305 a government takeover of major companies, to criticism of
306 private sector profits, the Administration seems at war with
307 the free enterprise system.

308 The REINS Act is an urgently needed antidote to this
309 anti-democratic sentiment. It gives the people's
310 representatives in Congress the final say on whether
311 Washington will impose major new regulations on the American
312 economy, not unaccountable agency officials.

313 More than once this year, the President himself has
314 talked about the dangers that excessive regulations pose to

315 our economy. He has called for reviews of existing
316 regulations. He has professed a commitment to more
317 transparency. The President has stated that, "It is
318 extremely important to minimize regulatory burdens and avoid
319 unjustified regulatory costs."

320 These are words that need to be followed by action. A
321 5 percent reduction in Washington's regulatory budget will
322 increase unemployment by 1.2 million jobs annually,
323 according to the Phoenix Center for Advanced Legal and
324 Economic Public Policy Studies. So far, the Obama
325 Administration has proposed 4 times the number of major
326 regulations than the previous Administration over a similar
327 time period.

328 The White House has admitted to Congress that for most
329 new major rules issued in 2010, the government failed to
330 analyze both the costs and the benefits. It is time for
331 Congress to take action to reverse these harmful policies.
332 So, I urge my colleagues to support the REINS Act.

333 That concludes my opening statement. And the
334 gentleman from Michigan, the ranking member of the full
335 committee, Mr. Conyers --

336 Ms. Sanchez. Mr. Chairman?

337 Chairman Smith. -- is recognized for an opening
338 statement?

339 Ms. Sanchez. Mr. Chairman?

340 Chairman Smith. Who seeks recognition? The
341 gentlewoman from California.

342 Ms. Sanchez. I am sorry, Mr. Chairman, I hate to
343 interrupt. But I was unnecessarily delayed during the last
344 vote, and I just want it recorded that had I been here, I
345 would have voted no.

346 Chairman Smith. Without objection, the gentlewoman
347 will be so recorded.

348 Ms. Sanchez. Thank you, Mr. Chairman.

349 Chairman Smith. The gentleman from Michigan is
350 recognized?

351 Mr. Conyers. Thank you, Chairman Smith, members of
352 the committee. We are here -- we have had a measure earlier
353 today on the rulemaking process. And now, we have another
354 measure on the rulemaking process, this time H.R. 10, the
355 REINS Act.

356 And in both of these measures, there is one

357 commonality. Both of them profess to expedite rulemaking,
358 to make it simpler and more understandable, and I assume
359 this is accidentally or inadvertently. They make rulemaking
360 more complicated, a longer, a more tedious, and has the
361 exact opposite effect of what they profess to be, claiming
362 to be an objective.

363 Last year, there were 66 major rules put into effect.
364 Under this measure before us, those 66 rules would have
365 required congressional consideration and approval, which
366 means 66 more additional committee hearings, 66 additional
367 meetings of the Rule Committee to formulate the rules going
368 to the floor, and 66 more floor debates.

369 Do you have any idea how much more time that would
370 take? And I would just like to yield briefly to anyone.
371 Oh, and on top of it, all of this has to occur within 60
372 legislative days.

373 Now, could someone seek to explain to me how these 1,
374 2, 3, 4, 5 conditions onto the rulemaking process would
375 expedite it?

376 So, the Office of Management and Budget have
377 calculated that Federal rules and regulations for the Fiscal

378 Year 2010 costs somewhere between \$6.5 and \$12.5 billion.
379 But the same rules and regulations resulted in between \$23
380 and \$82 billion in benefits, which means that if we assume
381 the highest costs and the lowest benefits, the benefits
382 clearly outweigh the costs. And that may not be the case
383 were this bill, H.R. 10, the REINS Act, a matter of law.

384 Besides the monetary benefits, regulations have a real
385 effect on the quality of our lives, ensuring safer food,
386 cleaner water, protection of workers from unsafe working
387 conditions. This is exactly what we went through at the
388 previous hearing.

389 In addition, this measure would adversely impact how
390 these necessary rules are made by imposing a mandate
391 requiring all major regulations be approved, not only by
392 both Houses of Congress, but even signed by the President
393 before they could take effect.

394 Are you serious? I mean, I think I heard someone say
395 yes. By requiring congressional approval and by giving
396 Congress too little time to act, the REINS Act would make
397 the House of Representatives even more difficult to operate
398 in than it currently is.

399 Now, the present pending rules would be impacted by
400 this bill and include a regulation establishing more
401 stringent cross-state emission standards to improve air
402 quality, and a regulation that would reduce the level of
403 particulates that workers can exposed to while on the job.

404 Well, I think the kindest thing I can say about this
405 bill in conclusion is that it is not as bad as the previous
406 bill that was considered by the Judiciary Committee earlier
407 this morning.

408 And on that note, I will submit my statement and thank
409 the chairman.

410 [The information follows:]

411

412 Chairman Smith. Thank you, Mr. Conyers. We will take
413 the compliments where we can find them.

414 The gentleman from North Carolina, Mr. Coble, the
415 chairman of the Courts, Commercial, and Administrative Law
416 Subcommittee, is recognized for an opening statement?

417 Mr. Coble. In response to this amendment, Mr.
418 Chairman?

419 Chairman Smith. I am sorry?

420 Mr. Coble. In response to the amendment? No, I have
421 no opening statement.

422 Chairman Smith. No opening statement, okay. Is the
423 gentleman from Tennessee present? We will not.

424 We will proceed to consider amendments, and I will
425 recognize myself for purposes of offering an amendment. And
426 the clerk will report it?

427 Ms. Kish. Amendment to H.R. 10, offered by Mr. Smith
428 of Texas, beginning on page 13, line 23, strike all that
429 follows through page 14 of line 4 --

430 Chairman Smith. Without objection, the amendment will
431 be considered as read.

432 [The information follows:]

433

434 Chairman Smith. And I will recognize myself to
435 explain the amendment.

436 This amendment is a technical and clarifying amendment
437 that simply consolidates in one place all provisions of the
438 bill that affect judicial review. It moots the bill's
439 provisions that amend Section 805 of Title 5, a provision
440 that would amend Section 802 of Title 5.

441 Are there other members who wish to speak on this
442 amendment?

443 If not, the question is on the amendment.

444 All in favor, say aye?

445 [A chorus of ayes.]

446 Chairman Smith. Opposed, no?

447 [No response.]

448 Chairman Smith. The majority having voted in favor of
449 the amendment, the amendment is agreed to.

450 We will now go to, I believe, an amendment to be
451 offered by the gentleman from Michigan, Mr. Conyers?

452 Mr. Conyers. I have an amendment at the desk and ask
453 that it be reported.

454 Chairman Smith. The clerk will report Conyers number

455 001?

456 Ms. Kish. Amendment to H.R. 10, offered by Mr.
457 Conyers of Michigan, page 18, line 20, insert after "means
458 any rule," the following: "other than a special rule."

459 Page 19 --

460 Chairman Smith. Without objection, the amendment will
461 be considered read.

462 [The information follows:]

463

464 Chairman Smith. And the gentleman is recognized to
465 explain his amendment?

466 Mr. Conyers. Can I withdraw my amendment, Mr.
467 Chairman?

468 Chairman Smith. Of course. Without objection, the
469 amendment is withdrawn. Does the gentleman from Tennessee
470 wish to be recognized?

471 Mr. Cohen. Mr. Chairman, yes, I would like to strike
472 the last word.

473 Chairman Smith. Without objection, the gentleman will
474 be recognized for five minutes?

475 Mr. Cohen. Thank you, Mr. Chairman.

476 We have had two hearings on H.R. 10, the Regulations
477 from the Executive In Need of Scrutiny Act of 2011, or the
478 REINS Act.

479 I remain as convinced as ever after these hearings
480 this legislation is not only unnecessary, but it is harmful
481 to the society and to the democratic process.

482 Proponents of the REINS Act claim that it is needed to
483 exert congressional oversight over Federal agency
484 rulemaking, particularly with respect to major rules, those

485 having \$100 million or more economic impact, negative or
486 positive.

487 The REINS Act requires, among other things, that
488 Congress approve proposed major rules through enactment of a
489 joint resolution of approval before such rules can take
490 effect. Congress, however, already has at its disposal
491 numerous tools to exert influence over agency rulemaking,
492 the most straightforward, of course, is its power to
493 determine the nature and scope of this delegation of
494 authority to an agency.

495 If Congress deems its delegation authority was too
496 broad, it is always free to revisit the delegation to either
497 retract or narrow the scope of the agency's authority.

498 Additionally, Congress can use its power of the purse
499 to stop implementation of specific regulations that it
500 objects to. For instance, no fewer than 19 out of the 67
501 amendments to H.R. 1, the Continued Appropriations Act of
502 2011, which passed the House earlier this year, were aimed
503 at defunding the promulgation or implementation of existing
504 and proposed regulations.

505 Congress also could conduct oversight activity,

506 whether through formal hearings or through less formal
507 interactions with the agencies and individual members or
508 committees.

509 Among the first phone calls that small business people
510 and other constituents make when they have concerns about an
511 agency action is a member of Congress, which in turn prompts
512 members to act. Congress is not shy about objecting to
513 rules that it finds objectionable, and has the means to
514 impose its will regarding such matters. Moreover, each of
515 these mechanisms ensures democratic accountability over
516 agency rulemaking.

517 The REINS Act, however, would force Congress to pass
518 judgment on major rules without the opportunity to make a
519 well-informed decision about their merits, leaving the door
520 wide open for special interests to cycle such rules in
521 Congress. Under the bill, Congress has only 70 legislative
522 days to pass the joint resolution of approval through both
523 chambers, and is limited to a total of two hours of debate
524 in each house, only one hour for each of those in favor and
525 for those opposed. Committees of jurisdiction would have
526 only 15 legislative or session days to consider the merits

527 of major rules and other jurisdiction, after which a joint
528 resolution approval is automatically discharged. And we
529 have seen how well and how quickly and how appropriately
530 Congress acts together within such a short period of time.
531 Not.

532 Under such a short circuited process, is Congress
533 really in a position to second guess the merits of rules
534 that in many cases took years of vetting to produce? Not.

535 This will simply stifle progress, stifle government,
536 and stifle health regulations, which will lead to the death
537 of many. Instead members will be bombarded with visits,
538 phone calls, and talking points from industry and lobbyists
539 who would no doubt take advantage of the short circuited
540 process to shape member views about a given rule.

541 The REINS Act also threatens to undermine Congress'
542 ability to consider other legislative business. For
543 example, in calendar year 2010 alone, there were 94 major
544 rules, while there were only approximately 116 legislative
545 days in the House during the same period. Even with our
546 expedited procedures, Congress will be forced to ignore
547 other important business, doing a further disservice to the

548 American people.

549 This is not the first time that the idea of requiring
550 congressional approval of rules has been proposed. Such
551 proposals have been considered and rejected by Congress in
552 the past. Interesting, Chief Justice John Roberts
553 criticized legislation very similar to REINS back in 1983.
554 In a memorandum, he rejected such legislation saying you
555 would hobble agency rulemaking by requiring affirmative
556 congressional assent to all major rules, and it would seem
557 to impose excessive burdens on the regulatory agencies.

558 We ought not to let the political passions of the
559 moment for such a radical change in how our government has
560 worked and worked well since the advent of the
561 administrative state. The REINS Act is both unnecessary and
562 troubling for many reasons, and in this particular case, I
563 concur with Justice Roberts and ask my colleagues to oppose
564 it.

565 Thank you, Mr. Chairman. I yield back the balance of
566 my time.

567 Chairman Smith. Thank you, Mr. Cohen.

568 And the gentleman from Michigan, Mr. Conyers, is

569 recognized?

570 Mr. Conyers. Mr. Chairman, I have an amendment at the
571 desk, and ask that it be reported.

572 Chairman Smith. The clerk will report the amendment?

573 Ms. Kish. Amendment to H.R. 10, offered by Mr.

574 Conyers of Michigan, page 18, line 20, insert --

575 Chairman Smith. Without objection, the amendment will
576 be considered as read.

577 [The information follows:]

578

579 Chairman Smith. And the gentleman is recognized to
580 explain the amendment?

581 Mr. Conyers. Thank you.

582 The amendment is only three sentences at the most.
583 And what it does is exempt from the reach of this bill all
584 proposed rules whose purpose is to protect public health and
585 safety.

586 Now, protecting the health and safety of the citizens
587 of this country is one of the core responsibilities of
588 government. And the Congress delegates its authority to
589 Federal agencies in order to more effectively meet this
590 responsibility.

591 And as we have noted, the bill before us, the REINS
592 Act, effectively stops major rules from going into effect,
593 including those needed to protect public health and safety.
594 What is the meaning of this is that in practical terms,
595 going forward, agencies would no longer be able to respond
596 effectively to the American people's pressing health and
597 safety problems because we could not make the rules to put
598 them into effect.

599 So, pending regulations that could be undermined would

600 include, among them would be the following: a Department of
601 Agriculture rule that would declare 6 highly virulent
602 pathogenic strains of E coli as adulterants in B products.
603 That is one. Another is the Consumer Product Safety
604 Commission's updated toy safety standard that protects many
605 children from being harmed with the toys that they love and
606 play with.

607 Now, it is no answer to say that H.R. 10 contains a
608 limited emergency exception. That provision just allows a
609 major rule to take effect without congressional approval for
610 only 90 days after the President issues an executive order
611 stating that there is an imminent threat to public health or
612 safety. So, to me, that is almost worthless.

613 My concern is not limited to emergency situations, but
614 reflects the position that the Federal government's ability
615 to protect public health and safety is so fundamental an
616 obligation that it would be undermined if this bill were
617 enacted. And for that reason, I urge strong support for
618 this amendment.

619 And I yield back my time.

620 Chairman Smith. Thank you, Mr. Conyers.

621 The gentleman from North Carolina, Mr. Coble, is
622 recognized?

623 Mr. Coble. I thank the Chairman.

624 Mr. Chairman, I oppose the amendment. The amendment
625 carves a protective class of regulation out of the REINS Act
626 approval procedures. The REINS Act is neutral to a
627 regulation subject. It applies equally to all new major
628 regulations. It picks no winners or losers. It just
629 requires that Congress accept accountability for all
630 decisions to impose the economic burden of major regulations
631 on our economy.

632 If an approved regulation destroys jobs and growth,
633 the voters will be able to assign the blame where it
634 belongs, that is, with Congress. If the regulation works
635 well, the voters will also know where to assign the credit.

636 Amendment 6 shields Congress from the accountability
637 for these decisions. It leaves the blame with unelected
638 agency officials, immune from the voters' views. Federal
639 regulation already imposes an estimated \$1.75 trillion
640 burden on our economy every year. That is largely because
641 no one is sufficiently accountable to the electorate for

642 costly regulatory decisions.

643 It is past time that Congress accepted accountability
644 itself for all new and major regulations, and I urge my
645 colleagues to oppose the amendment.

646 Chairman Smith. Thank you, Mr. Coble.

647 Are there other members who wish to be heard on this
648 amendment?

649 If not, the vote is on the amendment. All in favor,
650 say aye?

651 [A chorus of ayes.]

652 Chairman Smith. All opposed, nay?

653 [No response.]

654 Chairman Smith. In the opinion of the Chair, the nays
655 have it, and the amendment is not agreed to.

656 The gentleman from --

657 Mr. Conyers. Record vote.

658 Chairman Smith. A recording vote has been requested,
659 and the clerk will call the roll?

660 Ms. Kish. Mr. Smith?

661 Chairman Smith. No.

662 Ms. Kish. Mr. Smith votes no.

663 Mr. Sensenbrenner?
664 [No response.]
665 Ms. Kish. Mr. Coble?
666 Mr. Coble. No.
667 Ms. Kish. Mr. Coble votes no.
668 Mr. Gallegly?
669 [No response.]
670 Ms. Kish. Mr. Goodlatte?
671 Mr. Goodlatte. No.
672 Ms. Kish. Mr. Goodlatte votes no.
673 Mr. Lungren?
674 Mr. Lungren. No.
675 Ms. Kish. Mr. Lungren votes no.
676 Mr. Chabot?
677 Mr. Chabot. No.
678 Ms. Kish. Mr. Chabot votes no.
679 Mr. Issa?
680 Mr. Issa. No.
681 Ms. Kish. Mr. Issa votes no.
682 Mr. Pence?
683 [No response.]

684 Ms. Kish. Mr. Forbes?
685 [No response.]
686 Ms. Kish. Mr. King?
687 Mr. King. No.
688 Ms. Kish. Mr. King votes no.
689 Mr. Franks?
690 [No response.]
691 Ms. Kish. Mr. Gohmert?
692 [No response.]
693 Ms. Kish. Mr. Jordan?
694 Mr. Jordan. No.
695 Ms. Kish. Mr. Jordan votes no.
696 Mr. Poe?
697 Mr. Poe. No.
698 Ms. Kish. Mr. Poe votes no.
699 Mr. Chaffetz?
700 [No response.]
701 Ms. Kish. Mr. Griffin?
702 Mr. Griffin. No.
703 Ms. Kish. Mr. Griffin votes no.
704 Mr. Marino?

705 Mr. Marino. No.

706 Ms. Kish. Mr. Marino votes no.

707 Mr. Gowdy?

708 Mr. Gowdy. No.

709 Ms. Kish. Mr. Gowdy votes no.

710 Mr. Ross?

711 Mr. Ross. No.

712 Ms. Kish. Mr. Ross votes no.

713 Mrs. Adams?

714 Mrs. Adams. No.

715 Ms. Kish. Ms. Adams votes no.

716 Mr. Quayle?

717 Mr. Quayle. No.

718 Ms. Kish. Mr. Quayle votes no.

719 Mr. Amodei?

720 Mr. Amodei. No.

721 Ms. Kish. Mr. Amodei votes no.

722 Mr. Conyers?

723 Mr. Conyers. Aye.

724 Ms. Kish. Mr. Conyers votes aye.

725 Mr. Berman?

726 [No response.]

727 Ms. Kish. Mr. Nadler?

728 Mr. Nadler. Aye.

729 Ms. Kish. Mr. Nadler votes aye.

730 Mr. Scott?

731 Mr. Scott. Aye.

732 Ms. Kish. Mr. Scott votes aye.

733 Mr. Watt?

734 [No response.]

735 Ms. Lofgren?

736 Ms. Lofgren. Aye.

737 Ms. Kish. Ms. Lofgren votes aye.

738 Ms. Jackson Lee?

739 [No response.]

740 Ms. Kish. Ms. Waters?

741 Ms. Waters. Aye.

742 Ms. Kish. Ms. Waters votes aye.

743 Mr. Cohen?

744 Mr. Cohen. Aye.

745 Ms. Kish. Mr. Cohen votes aye.

746 Mr. Johnson?

747 Mr. Johnson. Aye.

748 Ms. Kish. Mr. Johnson votes aye.

749 Mr. Pierluisi?

750 Mr. Pierluisi. Aye.

751 Ms. Kish. Mr. Pierluisi votes aye.

752 Mr. Quigley?

753 Mr. Quigley. Aye.

754 Ms. Kish. Mr. Quigley votes aye.

755 Ms. Chu?

756 Ms. Chu. Aye.

757 Ms. Kish. Ms. Chu votes aye.

758 Mr. Deutch?

759 Mr. Deutch. Aye.

760 Ms. Kish. Mr. Deutch votes aye.

761 Ms. Sanchez?

762 Ms. Sanchez. Aye.

763 Ms. Kish. Ms. Sanchez votes aye.

764 Chairman Smith. The gentleman from Virginia, Mr.

765 Forbes?

766 Mr. Forbes. No.

767 Ms. Kish. Mr. Forbes votes no.

768 Chairman Smith. The gentleman from Utah, Mr.
769 Chaffetz?

770 Mr. Chaffetz. No.

771 Ms. Kish. Mr. Chaffetz votes no.

772 Mr. Sensenbrenner. No.

773 Chairman Smith. The gentleman from Wisconsin votes
774 no.

775 Are there other members who wish to be recorded? The
776 gentleman from North Carolina?

777 Mr. Watt. Aye.

778 Ms. Kish. Mr. Watt votes aye.

779 Mr. Franks?

780 Mr. Franks. No.

781 Ms. Kish. Mr. Franks votes no.

782 Chairman Smith. The clerk will report?

783 Ms. Kish. Mr. Chairman, 13 members voted aye, and 20
784 members voted nay.

785 Chairman Smith. The majority having voted against the
786 amendment, the amendment is not agreed to.

787 The gentleman from Iowa, Mr. King, is recognized?

788 Mr. King. Thank you, Mr. Chairman. I have an

789 amendment at the desk.

790 Chairman Smith. The clerk will report the amendment?

791 Ms. Kish. Amendment to H.R. 10, offered by Mr. King

792 of Iowa, page 21 --

793 Mr. King. I ask unanimous consent that the amendment

794 be considered as read.

795 Chairman Smith. Without objection, the amendment will

796 be considered as read.

797 [The information follows:]

798

799 Chairman Smith. And the gentleman from Iowa is
800 recognized to explain the amendment?

801 Mr. King. Thank you, Mr. Chairman.

802 I bring this amendment because I am very much a
803 supporter of the REINS Act. I think that it is high time
804 that this Congress took action in the expansiveness of the
805 executive branch, and I thought that over the last several
806 presidencies. And I am really convinced of that after
807 watching this President.

808 It is time we brought it forward. I am a strong
809 supporter of it.

810 I just think that this bill, the REINS Act, needs to
811 go further in that there are a couple of things to consider.

812 As I read the REINS Act and if it becomes law in its
813 present form, once a rule has passed the scrutiny of the
814 REINS Act, then it is there in perpetuity unless Congress
815 should single it out and bring it back and move a rules
816 nullification piece of legislation.

817 That is a lot of effort to try to undo something, and
818 it allows the inertia of rules that perhaps have not been
819 thoroughly thought through, that you put a rule in place,

820 and down the road 10 or 20 or 30 years, you still have the
821 rule. And under the REINS Act, you still have the rule.

822 So, what my amendment does is it sunsets any rules
823 going forward -- it sunsets them in 10 years. So, there is
824 a 10-year automatic sunset on all the rules going forward.

825 And the REINS Act also exempts rules that are of lower
826 impact than \$100 million. And this amendment eliminates
827 that \$100 million component and essentially addresses all
828 rules that would be enacted from this point going forward.
829 And it sunsets them in 10 years, so it forces Congress to
830 take them back up again for an affirmative vote. And it
831 allows similar exemptions that are in the REINS Act.

832 And with that, Mr. Chairman, I would yield back the
833 balance of my time.

834 Chairman Smith. If the gentleman would yield before
835 he yields back the balance. It was my understanding that
836 the gentleman has made a good point and was going to
837 consider withdrawing his amendment. Is that still the case
838 or not the case?

839 Mr. King. Mr. Chairman, the astuteness of the chair
840 is demonstrated again. And I am not completely satisfied

841 with the language that I have before this committee. I
842 think the bill could be improved, but also I think that this
843 is a good step in the right direction. I think that this
844 Congress needs to move the REINS Act and go forward with
845 another piece of legislation that picks up the rules that
846 exist. We are not addressing existing rules.

847 I would like to define the existing rules so that they
848 can come forward for a sunset. Maybe we could find a way to
849 do 10 percent a year over a 10-year period of time and apply
850 the entire philosophy of the REINS Act to all the rules.

851 And I would ask the attention of this committee, and
852 if anyone is interested in working on that with me, we have
853 some legislation that I would like to work to perfect. And
854 in the meantime, we have had our dialogue here, and I think
855 we have started the proper dialogue down the right path.
856 And I think this is a good piece of legislation. And it
857 does well enough without the aid of this amendment that I
858 brought forward. And I would ask unanimous consent to
859 withdraw.

860 Chairman Smith. Without objection, the amendment will
861 be withdrawn.

862 I do want to say to the gentleman from Iowa that he is
863 correct, another bill has been introduced to do exactly what
864 he wants to accomplish, and that is a bill that we should
865 consider.

866 So, I thank the gentleman from Iowa.

867 Mr. King. Thank you, Mr. Chairman.

868 Chairman Smith. The gentleman from Tennessee, Mr.
869 Cohen, is recognized?

870 Mr. Cohen. Mr. Chairman, I have an amendment at the
871 desk.

872 Chairman Smith. The clerk will report the amendment?

873 Ms. Kish. Amendment to H.R. 10, offered by Mr. Cohen
874 of Tennessee, page 18, line 20 --

875 Mr. Cohen. I ask unanimous consent that the amendment
876 be considered as read.

877 Chairman Smith. Without objection, the amendment will
878 be considered as read. And the gentleman is recognized to
879 explain the amendment?

880 Mr. Cohen. Thank you, Mr. Chairman.

881 My amendment would exempt from the congressional
882 approval process of the REINS Act any proposed rule for

883 which the Office of Management and Budget determines that
884 the benefit to society will exceed the cost.

885 Proponents of the REINS Act almost exclusively focus
886 on the cost of regulation without mention of the
887 countervailing benefits of regulation. My amendment is
888 simply an acknowledgment that when the benefit of a rule
889 exceeds its costs, it is to society's benefit that the rule
890 be put into effect without unnecessary delay. Indeed, the
891 benefits of regulation generally outweigh its costs.

892 During the two hearings of the Subcommittee on Courts,
893 Commercial and Administrative Law held on H.R. 10, we heard
894 from two distinguished witnesses that the benefits of
895 regulation routinely outweigh their costs, according to the
896 cost benefit analysis done by the Office of Management and
897 Budget and administrations of both parties.

898 For example, Sally Katzen, a former administrator of
899 OMB Office of Information and Regulatory Affairs, testified
900 that the numbers are striking. According to OMB, the
901 benefits from the regulations issued during the 10-year
902 period from 1999 to 2009 ranged from \$128 billion to \$616
903 billion. Therefore, even if one uses OMB's highest

904 estimates of cost and its lowest estimates of benefits, the
905 regulations issued over the past 10 years have produced net
906 benefits of \$73 billion to our society. That 10-year time
907 frame encompassed just a year or so of President Clinton,
908 all eight years of President Bush, and the three years
909 almost that we have of the President Obama Administration.

910 We also heard from David Goldsten, former Republican
911 House Committee chief of staff, who testified that
912 administrations of both parties have reviewed the aggregate
913 impact of regulations, and found their benefit to have
914 exceeded their costs. And, of course, all benefits are not
915 quantifiable.

916 Given the bipartisan recognition that the benefits of
917 regulation routinely outweigh its costs, it seems fair that
918 any rule that results in a net benefit to society be
919 exempted from the cumbersome and, in my view, unnecessarily,
920 possibly unconstitutional, and more likely than not,
921 frustration to the approval of almost any regulation and the
922 obfuscation of government and good policy work in this
923 congressional approval process, which should be dictated by
924 the REINS Act.

925 I yield back the balance of my time.

926 Chairman Smith. Thank you, Mr. Cohen.

927 The gentleman from North Carolina, Mr. Coble, is
928 recognized?

929 Mr. Coble. Mr. Chairman, I thank the Chairman.

930 I oppose the amendment, Mr. Chairman. The amendment
931 also carves a particular class of regulations out of the
932 REINS Act approval procedures. The Congress should be
933 accountable for all decisions to impose new, major
934 regulation our economy.

935 If regulation of this or any other kind makes sense,
936 they will win approval. Either way, it is Congress that
937 should make the decision whether to impose them or not,
938 unaccountable agency officials.

939 I urge my colleagues to oppose the amendment.

940 Chairman Smith. Thank you, Mr. Coble.

941 Are there other members who wish to be heard on the
942 amendment? If not, all in favor of the amendment, say --
943 the gentleman from Michigan, Mr. Conyers, is recognized?

944 Mr. Conyers. I would like to just pause for a moment
945 to commend Steve Cohen on the fact that we are now talking

946 about benefits versus costs.

947 Now, we had a lengthy hearing earlier this morning
948 about this same subject, and one thing we have to get
949 straightened out in our minds is whether there are more
950 costs than benefits in the rulemaking process or not.

951 And the one piece of evidence that I would like to
952 bring to our colleagues' attention is the study from the
953 Center for Progressive Reform, which shows that the
954 regulatory costs have far more benefits than costs, and that
955 there is currently floating around the \$1.75 trillion cost
956 estimate that costs outweigh benefits.

957 Mr. Cohen. Would the chairman yield for a second?

958 Mr. Conyers. Of course.

959 Mr. Cohen. Just, you know, in the same vein, I was
960 just thinking, you know, we just had an animal tragedy in
961 Ohio where the exotic animals were let loose by this crazy
962 man. Fortunately, no humans were killed, but they would
963 have been killed if they did not shoot the animals, which
964 was awful.

965 Because Ohio did not have regulations on keeping
966 exotic animals and let a man who had been convicted of

967 different crimes, including weapons offenses, interestingly
968 enough, because they did not have regulations to continue
969 under this present -- and they just signed them in after the
970 horse or the lions had left the ranch. And this could have
971 cost a lot of lives. And we see it all the time where the
972 lack of regulation --

973 We have regulations because there is a need, because
974 there is a societal need to regulate business. We do not let
975 it be simply run amuck and do whatever people want. And so,
976 it is necessary to see the benefits.

977 Government and regulations are imposed to protect
978 society at large. Health and environmental regulations, we
979 know it is going to cost lives and health costs. And health
980 care costs go up, and as health care costs go up, it hurts
981 private business. And we all know that private business is,
982 you know, secondary to the NRA. They are what makes America
983 happen.

984 And we are crippling private business and their
985 opportunity to create jobs by not allowing regulations that
986 keep them in a certain perspective.

987 And I yield back my time to Mr. Conyers.

988 Mr. Conyers. All right. Thank you very much, Mr.
989 Cohen.

990 The fact of the matter is, members of the committee,
991 that the Crain report on regulatory costs was in error. And
992 we already put into the record earlier the Progressive
993 Reform White Paper that proved and establishes it pretty
994 clearly.

995 And if Crain had properly considered regulatory
996 benefits, they would have found that regulation is a net
997 economic plus for society. And that means that the Cohen
998 amendment, which simply says that under H.R. 10, any
999 proposed rule that the Office of Management determines will
1000 have more in benefits than costs to society, is exactly what
1001 we ought to all be supporting.

1002 And I support the amendment finally because it
1003 acknowledges that when benefits of a rule to society
1004 outweigh its costs, we all have an interest in ensuring that
1005 the rule takes effect without unnecessary delay.

1006 And so, I urge support of the Cohen amendment.

1007 Chairman Smith. Thank you, Mr. Conyers.

1008 The vote is on the Cohen amendment.

1009 All in favor, say aye?

1010 [A chorus of ayes.]

1011 Chairman Smith. Opposed, nay?

1012 [A chorus of nays.]

1013 Chairman Smith. In the opinion of the chair, the --

1014 Mr. Cohen. Roll call.

1015 Chairman Smith. A roll call vote has been requested,

1016 and the clerk will call the roll?

1017 Ms. Kish. Mr. Smith?

1018 Chairman Smith. No.

1019 Ms. Kish. Mr. Smith votes no.

1020 Mr. Sensenbrenner?

1021 [No response.]

1022 Ms. Kish. Mr. Coble?

1023 Mr. Coble. No.

1024 Ms. Kish. Mr. Coble votes no.

1025 Mr. Gallegly?

1026 Mr. Gallegly. No.

1027 Ms. Kish. Mr. Gallegly votes no.

1028 Mr. Goodlatte?

1029 Mr. Goodlatte. No.

1030 Ms. Kish. Mr. Goodlatte votes no.
1031 Mr. Lungren?
1032 Mr. Lungren. No.
1033 Ms. Kish. Mr. Lungren votes no.
1034 Mr. Chabot?
1035 [No response.]
1036 Ms. Kish. Mr. Issa?
1037 [No response.]
1038 Ms. Kish. Mr. Pence?
1039 [No response.]
1040 Ms. Kish. Mr. Forbes?
1041 Mr. Forbes. No.
1042 Ms. Kish. Mr. Forbes votes no.
1043 Mr. King?
1044 Mr. King. No.
1045 Ms. Kish. Mr. King votes no.
1046 Mr. Franks?
1047 Mr. Franks. No.
1048 Ms. Kish. Mr. Franks votes no.
1049 Mr. Gohmert?
1050 Mr. Gohmert. No.

1051 Ms. Kish. Mr. Gohmert votes no.
1052 Mr. Jordan?
1053 Mr. Jordan. No.
1054 Ms. Kish. Mr. Jordan votes no.
1055 Mr. Poe?
1056 [No response.]
1057 Ms. Kish. Mr. Chaffetz?
1058 Mr. Chaffetz. No.
1059 Ms. Kish. Mr. Chaffetz votes no.
1060 Mr. Griffin?
1061 [No response.]
1062 Ms. Kish. Mr. Marino?
1063 Mr. Marino?
1064 Mr. Marino. No.
1065 Ms. Kish. Mr. Marino votes no.
1066 Mr. Gowdy?
1067 Mr. Gowdy. No.
1068 Ms. Kish. Mr. Gowdy votes no.
1069 Mr. Ross?
1070 Mr. Ross. No.
1071 Ms. Kish. Mr. Ross votes no.

1072 Mrs. Adams?

1073 Mrs. Adams. No.

1074 Ms. Kish. Ms. Adams votes no.

1075 Mr. Quayle?

1076 Mr. Quayle. No.

1077 Ms. Kish. Mr. Quayle votes no.

1078 Mr. Amodei?

1079 Mr. Amodei. No.

1080 Ms. Kish. Mr. Amodei votes no.

1081 Mr. Conyers?

1082 Mr. Conyers. Aye.

1083 Ms. Kish. Mr. Conyers votes aye.

1084 Mr. Berman?

1085 [No response.]

1086 Ms. Kish. Mr. Nadler?

1087 [No response.]

1088 Ms. Kish. Mr. Scott?

1089 Mr. Scott. Aye.

1090 Ms. Kish. Mr. Scott votes aye.

1091 Mr. Watt?

1092 Mr. Watt. Aye.

1093 Ms. Kish. Mr. Watt votes aye.

1094 Ms. Lofgren?

1095 Ms. Lofgren. Aye.

1096 Ms. Kish. Ms. Lofgren votes aye.

1097 Ms. Jackson Lee?

1098 [No response.]

1099 Ms. Kish. Ms. Waters?

1100 Ms. Waters. Aye.

1101 Ms. Kish. Ms. Waters votes aye.

1102 Mr. Cohen?

1103 Mr. Cohen. Aye.

1104 Ms. Kish. Mr. Cohen votes aye.

1105 Mr. Johnson?

1106 Mr. Johnson. Aye.

1107 Ms. Kish. Mr. Johnson votes aye.

1108 Mr. Pierluisi?

1109 Mr. Pierluisi. Aye.

1110 Ms. Kish. Mr. Pierluisi votes aye.

1111 Mr. Quigley?

1112 Mr. Quigley. Aye.

1113 Ms. Kish. Mr. Quigley votes aye.

1114 Ms. Chu?

1115 Ms. Chu. Aye.

1116 Ms. Kish. Ms. Chu votes aye.

1117 Mr. Deutch?

1118 Mr. Deutch. Aye.

1119 Ms. Kish. Mr. Deutch votes aye.

1120 Ms. Sanchez?

1121 Ms. Sanchez. Aye.

1122 Ms. Kish. Ms. Sanchez votes aye.

1123 Chairman Smith. The gentleman from Ohio?

1124 Mr. Chabot. No.

1125 Ms. Kish. Mr. Chabot votes no.

1126 Chairman Smith. The gentleman from Wisconsin?

1127 Mr. Sensenbrenner. No.

1128 Ms. Kish. Mr. Sensenbrenner votes no.

1129 Chairman Smith. The gentleman from Arkansas?

1130 Mr. Griffin. No.

1131 Ms. Kish. Mr. Griffin votes no.

1132 Chairman Smith. The gentleman from Texas?

1133 Mr. Poe. No.

1134 Ms. Kish. Mr. Poe votes no.

1135 Chairman Smith. The gentleman from California?

1136 Mr. Issa. No.

1137 Ms. Kish. Mr. Issa votes no.

1138 Chairman Smith. The gentleman from New York?

1139 Mr. Nadler. Aye.

1140 Ms. Kish. Mr. Nadler votes aye.

1141 Are there other members who wish to record their vote?

1142 If not, the clerk will report?

1143 Ms. Kish. Mr. Chairman, 13 members voted aye, 22

1144 members voted nay.

1145 Chairman Smith. The majority having voted against the
1146 amendment, the amendment is not agreed to.

1147 Are there other members who wish to offer amendments?

1148 Does the gentleman from Georgia have an amendment?

1149 Mr. Johnson. Yes, Mr. Chairman, I have got an
1150 amendment at the desk.

1151 Chairman Smith. The clerk will report the amendment?

1152 Ms. Kish. Amendment to H.R. 10, offered by Mr.

1153 Johnson of Georgia, page 18, line 20, insert after "means

1154 any rule," the following --

1155 Chairman Smith. Without objection, the amendment will

1156 be considered as read. And the gentleman is recognized to
1157 explain his amendment?

1158 Mr. Johnson. Thank you, Mr. Chairman.

1159 My amendment would exempt any rules from the bill's
1160 congressional approval requirements that the Office of
1161 Management and Budget determines would promote job growth.

1162 The majority claims that job growth is its top
1163 priority, and if that is the case, it should adopt this
1164 amendment.

1165 I would argue, however, that this bill is not about
1166 job growth; instead it is simply a part of the Tea Party
1167 Republican anti-regulatory agenda to slow the regulatory
1168 process and make it virtually impossible to implement rules
1169 to protect our public health and public safety.

1170 In other words, these Tea Party Republicans want to
1171 create an environment where big business and Wall Street can
1172 run amuck like they did before the recent great recession
1173 that they had to be bailed out of.

1174 Now, this bill does not improve the regulatory
1175 process. This bill is far from fine tuning the regulatory
1176 process. It would do nothing but make the regulatory

1177 process more bureaucratic. And is that not ironic? Make it
1178 more bureaucratic -- more government, in other words -- and
1179 impose unnecessary hurdles for agencies seeking to enact
1180 rules to protect our health and safety.

1181 The majority's scare tactics that regulations kill
1182 jobs is a myth. For example, according to the United Auto
1183 Workers Union, increased fuel economy standards have already
1184 led to the creation of more than 155,000 U.S. jobs.
1185 Further, the National Federation of Independent Business,
1186 which describes itself as the leading small business
1187 association representing small and independent businesses,
1188 does a regular survey of small business. One question that
1189 has been asked since 1973 is, what is the single most
1190 important problem that your business faces? The answer
1191 choices are inflation, taxes, government regulation, poor
1192 sales quality -- or, excuse me, poor sales, quality of
1193 labor, interest costs, health insurance, the cost of labor,
1194 and other matters. The single largest response was poor
1195 sales in spring 2011.

1196 Moreover, the Economic Policy Institute, a non-profit,
1197 non-partisan think tank, conducted a survey earlier this

1198 year where 80 percent of respondents believed the current
1199 regulatory environment is good for American business, and
1200 good for the overall economy.

1201 The REINS Act would delay, if not halt, regulations
1202 that are necessary for the health and safety of our
1203 constituents. Further, the bill would slow regulations that
1204 may actually foster job growth. Thus, if my colleagues on
1205 the other side of the aisle are truly concerned about job
1206 growth, I would encourage them to support this amendment to
1207 exempt any rules from the bill's congressional approval
1208 requirement that the Office of Management and Budget
1209 determines would create and promote job growth.

1210 I hope all of my colleagues will support this
1211 amendment because the regulations that will help put
1212 unemployed Americans back to work should take effect without
1213 unnecessary delay.

1214 Thank you, Mr. Chairman.

1215 Mr. Issa. Would the gentleman yield?

1216 Mr. Johnson. And I --

1217 Mr. Issa. Would the gentleman yield?

1218 Mr. Johnson. I will.

1219 Mr. Issa. When the gentleman referred to Tea Party
1220 Republicans wanting to roll back regulations eliminating
1221 safety and health and clean air, were you referring to the
1222 Tea Party Republicans here on the dais?

1223 Mr. Johnson. I am referring to --

1224 Mr. Issa. Like myself?

1225 Mr. Johnson. I am referring to the leadership of the
1226 Republican Party, which is afraid to cross the Tea Party.
1227 So, therefore, that is who I am talking about. Everyone
1228 who --

1229 Mr. Issa. Then would the gentleman please consider
1230 retracting those words that disparage members here on the
1231 dais as though we did not care about clean air, water --

1232 Mr. Johnson. I did not know that to call you a Tea
1233 Partyer was to disparage you.

1234 So, you know, I did not knowingly insult anyone. And
1235 if I did, I offer my deepest and heartfelt apologies.

1236 Mr. Issa. Well, I guess the question is, would you
1237 ask to have that portion of the record that indicated that
1238 Tea Party Republicans, you know, wanted to give us basically
1239 dirty air and water, would you mind having that removed?

1240 Mr. Johnson. -- down on the floor and beg for
1241 forgiveness, I will --

1242 Chairman Smith. The gentleman has apologized. I
1243 think we should accept that apology.

1244 Mr. Issa. I agree with the chairman that the apology
1245 is sufficient.

1246 Mr. Nadler. Would the gentleman yield?

1247 Mr. Johnson. Yes, I will yield.

1248 Mr. Nadler. I do not see why an apology is called
1249 for. Those who are going to want to appeal all these
1250 regulations, obviously do want dirtier air, and are going to
1251 get it if they pass. And I want --

1252 Mr. Issa. A point of order, Mr. Chairman. Point of
1253 order.

1254 Chairman Smith. Yes, I was just going to say, the
1255 gentleman from Georgia I believe yielded back his time or --

1256 Mr. Johnson. No, I yielded to the gentleman from New
1257 York.

1258 Chairman Smith. Okay. The gentleman from New York,
1259 okay. The gentleman's time has expired.

1260 The gentleman from North Carolina is recognized?

1261 Mr. Coble. Thank you, Mr. Chairman. I oppose the
1262 amendment.

1263 Some claim that major new regulations could create job
1264 growth, but whether they do or not, it is the Congress that
1265 should be accountable for decisions of this economic
1266 magnitude, not unelected agency officials.

1267 As I understand it, Mr. Chairman, we are not trying to
1268 eliminate rules and regulations; we are simply trying to
1269 keep Congress in the loop where it belongs.

1270 I yield back.

1271 Chairman Smith. Thank you, Mr. Coble. Are there
1272 other members who wish to be heard on the amendment?

1273 If not, the vote is on --

1274 Mr. Gohmert. Mr. Chairman.

1275 Chairman Smith. The gentleman from Texas, Mr.
1276 Gohmert, is recognized?

1277 Mr. Gohmert. Thank you, Mr. Chairman.

1278 First of all, the Republicans here that support this
1279 bill, I appreciate my friend from Georgia, but he is
1280 absolutely wrong when he says we want to let Wall Street run
1281 amuck.

1282 I was against the Wall Street bailout. It was a huge
1283 mistake. But the Wall Street passed. I am not sure how the
1284 gentleman from Georgia voted on that.

1285 Mr. Johnson. I opposed it.

1286 Mr. Gohmert. But when executives from -- did the
1287 gentleman vote for the Wall Street bailout?

1288 Mr. Johnson. No, I opposed it.

1289 Mr. Gohmert. Okay. Well, the gentleman from Georgia
1290 and I share that in common. I do not want Wall Street
1291 running amuck. And the support of this bill does not say
1292 that. And for the gentleman from New York to say that
1293 support for this bill means we want dirty water and dirty
1294 air is a huge blow to the credibility of the gentleman from
1295 New York, because it is absolutely, unequivocally not true.

1296 And how anyone can say that by increasing the number
1297 of regulations and driving businesses to China, to South
1298 America, and countries that pollute 4 to 10 times more than
1299 the United States does, somehow makes the environment better
1300 is simply wrong.

1301 So, those of us who want clean water and air, and we
1302 know that we need reasonable standards to have clean water

1303 air, because some of us think that when these businesses go
1304 to China and other countries, and they pollute so many times
1305 more than we do, we actually end up with some of that air in
1306 the same environment that the rest of us have to live in.

1307 I want those manufacturing jobs back here where we
1308 have reasonable regulations, not so oppressive that we drive
1309 them out of the country.

1310 Mr. Johnson. Would the gentleman yield?

1311 Mr. Gohmert. And that will create cleaner water and
1312 cleaner air that even my friend from New York could enjoy,
1313 with more income, more revenue this country can spend.

1314 Mr. Nadler. Would the gentleman yield?

1315 Mr. Gohmert. It is a good thing all the way around.

1316 Mr. Nadler. Would the gentleman yield?

1317 Mr. Gohmert. And, no, I have been accused of wanting
1318 dirty water and dirty air, I have no intention of yielding
1319 to the gentleman from New York. I do yield back.

1320 Chairman Smith. The gentleman's time has expired.

1321 Are there other members who wish to be heard on this
1322 amendment?

1323 Mr. Nadler. Mr. Chairman?

1324 Chairman Smith. The gentleman from New York?

1325 Mr. Nadler. Thank you, Mr. Chairman.

1326 I should not say that Mr. King or anybody else wants
1327 dirtier air. I should say that is what he will get. That
1328 is what he will get. I do not judge anybody's motives.

1329 But the fact of the matter is that we had terribly
1330 dirty air, and terribly dirty water, and all kinds of unsafe
1331 conditions. That is why the Clean Air Act and the Clean
1332 Water Act and all these other laws were passed. And that is
1333 why the various regulatory agencies regulate pursuant to
1334 grants of legislative authority.

1335 Now, I do not agree with this, but it may be some of
1336 those grants of regulatory authority ought to be changed
1337 somewhat or to be narrowed. But the fact is, to say that
1338 Congress, as this bill does, would have to approve every
1339 regulation is to say that regulations will never be
1340 approved, because you know what gridlock Congress is under,
1341 and will be under as long as you have the filibuster in the
1342 Senate needing 60 votes to approve anything. And it is also
1343 just impractical in terms of the numbers. That is why we
1344 have, for the last 75 or 80 years, have had these regulatory

1345 agencies because Congress cannot pass and approve and amend
1346 and adjust the regulations in accordance with experience.

1347 And if we pass this legislation and, in effect, stop
1348 the issuance of new regulations or, for that matter, the
1349 amendment of old regulations, you are going to get dirtier
1350 air and dirtier water and so forth.

1351 And it is not the regulations on clean air and clean
1352 water that is driving businesses to China; it is a lot of
1353 other things. And I, for one, very much want manufacturing
1354 in the United States. I have been fighting for that for 30
1355 years.

1356 But the fact is that if this bill passes, you will
1357 have dirtier air, dirtier water, more industrial accidents,
1358 more people dying in factory accidents, more people dying
1359 from bad air and bad water. And that will be the result.
1360 And that is what this legislation is about, other than
1361 political propaganda.

1362 I yield back.

1363 Mr. Forbes. Mr. Chairman?

1364 Chairman Smith. Thank you, Mr. Nadler.

1365 The gentleman from Virginia, Mr. Forbes, is

1366 recognized?

1367 Mr. Forbes. Thank you.

1368 Mr. Chairman, sometimes you sit over here and you just
1369 hear the words that are spoken, and you sit back and say,
1370 how do we make a nexus between those words and what they are
1371 trying to say.

1372 I hear on one hand friends on the other side of the
1373 aisle talking about scare tactics that we are using over
1374 here, and then gentleman over there saying if you pass this
1375 bill, you are going to have dirty water, dirty air. You are
1376 going to have corruption. You are going to have all these
1377 kinds of things.

1378 Then I hear them say if Congress has to deal with
1379 this, we will not ever get any regulations passed. I wish
1380 that was true, but I look at the health care bill that just
1381 passed that put more regulations on small businesses and
1382 businesses across the country probably than anything we have
1383 seen in decades.

1384 And I look, and I think a bill like this, and
1385 amendment like this, sometimes really does show the
1386 difference between the two sides. And I am glad to see that

1387 differentiation because the bottom line is this. Nobody
1388 over here has said we should never have a regulation. What
1389 we are saying is that there should be some nexus between the
1390 regulation and what it is trying to accomplish, and that we
1391 should weigh the benefits of that regulation.

1392 When you look at what this amendment would do, it
1393 would say one person gets to determine whether or not a
1394 particular regulation does what it says it is going to do.
1395 What we say is that is not good. We ought to have
1396 transparency and accountability and let Congress bring that
1397 regulation up. Let us be accountable for the regulation.
1398 Let us look at it and be transparent.

1399 Let me just give you a couple of examples. If we had
1400 this amendment, when you have the Administration's jobs
1401 bill, just because it says it is a jobs bill does not mean
1402 it is going to create jobs. That is why so many Democrats
1403 as well as Republicans are running from that bill saying we
1404 do not want any parts of it because it is not going to
1405 create jobs just because it says jobs in the bill.

1406 We heard the same thing about the \$800 billion stimulus
1407 bill. It is a jobs creator. That administrator would have

1408 stamped it and said, this is going to create jobs. Well,
1409 the \$576 million we sent to Solyndra did not create jobs.
1410 It just took money away from the taxpayers.

1411 And what we are simply saying with this bill, and by
1412 rejecting this amendment, is to bring a little common sense
1413 into the process. You can pick any 10 businessmen anywhere
1414 in this country and put them in a room and say, are these
1415 regulations that are being imposed on you helping to create
1416 jobs, and they will look at you and laugh and say,
1417 absolutely not. The weight of these regulations are
1418 destroying our jobs. They are sending jobs overseas.

1419 And what this bill does, and the rejection of this
1420 amendment does, is simply say, as the gentleman from North
1421 Carolina said, Congress ought to be accountable. We ought
1422 to look and make sure there is some nexus before we just
1423 have some administrator, some bureaucrat, just say it sounds
1424 like it is a good idea, and put it into effect. So, I hope
1425 we will defeat the amendment.

1426 With that, Mr. Chairman, I yield --

1427 Mr. Issa. Would the gentleman yield?

1428 Mr. Forbes. I would be happy to yield to a gentleman

1429 who knows more about regulations than most of us.

1430 Mr. Issa. Well, you know, all of us who have been
1431 involved in American Job Creators and
1432 americanjobcreators,.com have already seen again and again
1433 that clearly you are right, that creation of excess
1434 regulations is a burden.

1435 What is amazing to me today in the debate is the
1436 President comes before a joint session, as you recall we
1437 were there, and he tells us he has got at least 500
1438 regulations that have foolhardily been created that he wants
1439 to get rid of. And he wants to slow down the process, and
1440 he wants to make sure that America is not creating
1441 regulations and destroying jobs.

1442 And the amazing thing to me is, I do not think the
1443 other side of the aisle was present. That is what I cannot
1444 understand, and I appreciate the gentleman making that so
1445 clear.

1446 Mr. Forbes. And I think what the gentleman is
1447 pointing out, too, is they might have been present, but they
1448 may disagree because we have heard over there that
1449 regulations always outweigh, because the truth is that they

1450 do not. And so, with this, we try to get rid of some of
1451 these regulations so we can create jobs in America.

1452 And, Mr. Chairman, I yield back.

1453 Chairman Smith. Thank you, Mr. Forbes.

1454 Mr. Quigley. Mr. Chairman?

1455 Chairman Smith. The gentleman from Illinois, Mr.
1456 Quigley, is recognized?

1457 Mr. Quigley. Thank you, Mr. Chairman.

1458 Look, I get this is all in the context of how you
1459 phrase this. And I get that the CEOs and people who run
1460 large corporations, you said, do you want these regulations,
1461 are they going to help you create jobs, they are going to
1462 say no. But let us not forget short term history here.

1463 You know, they came and testified before Congress.
1464 The people who ran Enron. Let us say if you would have gone
1465 to them before all this happened and say, what do you think
1466 of the following regulations, I suppose they probably would
1467 have been against those. I think if you had talked to
1468 people who own and run coal mines before these disasters,
1469 what do you think about these regulations, they would have
1470 said, they will be job killers. They are going to cost us

1471 too much money. Commuter airline CEOs, before the disaster
1472 in Buffalo, for example, would have said, these are a bad
1473 idea. People who run the Indiana State Fair and the people
1474 who operate out of that would have said, these regulations
1475 are burdensome. We do not need to deal with these issues.

1476 If you go talk to the CEOs of the major banks before
1477 the Wall Street debacle, they would have said we do need
1478 this kind of regulation. You are strangling growth. The
1479 farmers, the people who produce cantaloupe, turkey
1480 producers, hamburger, eggs.

1481 I know you do not want to think about it. If you call
1482 it regulation, job killing regulation, people's concept of
1483 that is going to be, well, that is a bad thing. But when
1484 they do all those other things and when they cross a bridge
1485 in Minnesota, or when they come to my city of Chicago, where
1486 there is chromium in your tap water, six times the healthy
1487 limit, when there is mercury, three times the healthy limit,
1488 people's concept, well, you have got to protect us from
1489 that.

1490 So, I think we are both getting to that same point is
1491 that there has to be a balance. The point we are trying to

1492 stress, I believe, with all due respect, is that we know
1493 that things do not pass the Senate. So, with this bill,
1494 everything has got to go through the Senate, and that is
1495 just not going to happen.

1496 So, in the end, this is not a balance. This is
1497 sending something to the cul-de-sac, which is the United
1498 States Senate. And you know that nothing is going to happen
1499 as a result.

1500 If you are, with all due respect, in my mind, serious
1501 about this, you would sit down, as the President suggested
1502 to all of us, and talk about a middle ground, about how to
1503 do regulations that are not redundant, duplicative, how to
1504 get rid of those, how to deal with those that are the fine
1505 middle ground here, because we are all getting to the same
1506 point, I think, in the end, and that is protecting our
1507 citizenry and people who work. And you ought to be able to
1508 eat in the morning, fly a plane without fear, and have a
1509 glass of water in my hometown without fear, cross a bridge
1510 without fear.

1511 But this in the end is too far. It is too extreme.
1512 So, it is not all regulation is great, which you would like

1513 to think one side is saying, or that all regulation is bad.
1514 But we are talking past each other. Just try to remember
1515 those tragedies and those debacles and not have amnesia
1516 about them, and recognize those CEOs will not want any
1517 regulation. They are going to say they do. They want
1518 reasonable measures. But in the end they really do not.
1519 And it takes a debacle or a tragedy before something
1520 dramatic happens.

1521 So, I would like to think there is a middle ground.

1522 Mr. Johnson. Would the gentleman yield?

1523 Mr. Quigley. And at this point I would yield.

1524 Mr. Johnson. Yeah. I am almost certain that not one
1525 person amongst the Tea Partyers would be able to raise their
1526 hand and say I voted for reasonable regulations on Wall
1527 Street after the Wall Street debacle. I voted for the Dodd-
1528 Frank bill. I am certain that there is no one here who
1529 could raise their hand and proudly say that I voted for
1530 regulations on Wall Street.

1531 And if I controlled the time, I would yield, but I
1532 have no one ask for me to yield --

1533 Mr. Issa. Well, because you are talking about two

1534 different things, reasonable reform and Dodd-Frank. Which
1535 one do you want us to answer?

1536 Chairman Smith. The gentleman from Illinois has the
1537 time. Will the gentleman from Illinois yield to the
1538 gentleman who seeks recognition?

1539 Mr. Quigley. Does he really seek recognition? If he
1540 does, then I would.

1541 Mr. Issa. Look, I happen to be --

1542 Mr. Quigley. I thought it was an excited utterance at
1543 first.

1544 Mr. Issa. No, if the gentleman would yield. I would
1545 ask on the gentleman's time that perhaps we all need to
1546 realize that we can disagree on the specifics of this piece
1547 of legislation and on the merits of sending something to the
1548 Senate, and hopefully recognize that, you know, clean air
1549 and clean water began with a Republican president and
1550 Democratic Congress. We have in the past worked on sensible
1551 reforms, and I hope in the future, any time we are having a
1552 discussion like this, it will not degrade into a question of
1553 people's integrity on either side of the aisle.

1554 And I thank the gentleman for yielding.

1555 Ms. Jackson Lee. Mr. Chairman?

1556 Chairman Smith. The gentleman's time has expired.

1557 Ms. Jackson Lee. Mr. Chairman?

1558 Mr. Lungren. Mr. Chairman.

1559 Chairman Smith. The gentleman from California, Mr.
1560 Lungren, is recognized?

1561 Mr. Lungren. Thank you very much, Mr. Chairman. I
1562 rise in opposition to the amendment.

1563 When we are talking about balance, we ought to
1564 consider a couple of things. During the past 26 months, 75
1565 major regulations with a net increase in reporting costs to
1566 the private sector of \$38 billion have been imposed on the
1567 private sector. At the end of last year, the *Federal*
1568 *Register*, issued by the Federal government, stood at 82,590
1569 pages, an increase of 69,676 pages since 2009. At the
1570 moment, the *Federal Register* stands at 65,926 pages already.

1571 A study done by Nicole and Mark Crain on behalf of the
1572 Small Business Administration estimated the annual cost of
1573 Federal regulations in the U.S. to increase more than \$1.7
1574 trillion in 2008.

1575 That hardly sounds like a failure to regulate. It may

1576 suggest that we are over regulating. It may suggest that we
1577 have been doing over the past number of years is moving not
1578 in an area of balance, but an area of overregulation.

1579 Have we forgotten what the former Speaker of the House
1580 said when we passed or were about to pass the health care
1581 bill? We have to pass it to find out what is in it? Do you
1582 recall what Senator Dodd said during the currency of the
1583 debate on Dodd-Frank? "We will not know what it means until
1584 the regulators have given us the regulations." That is
1585 nonsense. That does not have anything to do with, as far as
1586 I can tell, with what the Constitution says about us having
1587 an obligation to be the legislative body of the Federal
1588 government.

1589 And this suggestion somehow that we need more
1590 regulation, I keep hearing from the other side, why settle
1591 for the regulation we have now? Let us double it or triple
1592 it. If that is the way you improve your health and if that
1593 is the way you clean the water, we do not have enough
1594 regulation. If, in fact, the argument that has been posited
1595 is more regulation equals cleaner water, equals cleaner air,
1596 equals less mercury, equals less lead, then let us pass more

1597 legislation that creates more regulation.

1598 The fact of the matter is we know intuitively that is
1599 not the case. Our constituents are telling us it is not the
1600 case. President Obama has admitted it is not the case. And
1601 I, for one, am shocked that I hear from the other side the
1602 condemnation of the democratically controlled Senate.

1603 I realize that is part of the legislative branch.
1604 That is unfortunately what the Constitution gives us. But
1605 the fact of the matter is, all this legislation does is
1606 require congressional review of these major regulations.

1607 Now, maybe my friends on the other side of the aisle
1608 have lost confidence in the legislative branch. I would
1609 think what we ought to do is work harder to give the
1610 American people more confidence in the legislative branch.
1611 Do not give up on yourselves so fast. Do not give up on
1612 your colleagues in the Senate so fast.

1613 The fact of the matter is, that this bill before us
1614 simply says that the legislative branch ought to have a say
1615 when you are having regulations of such a major impact on
1616 the -- yes, the business community. I have heard "CEO" said
1617 in here as if it is a four-letter word. I guess there is

1618 two four-letter words on the other side these days, "CEO"
1619 and "PROFIT." Both of those are terrible because both of
1620 those equate to dirty air, dirty water, more mercury, more
1621 this, more that.

1622 I frankly think most people try to do the right thing.
1623 I believe in regulation. I believe most regulators try to
1624 do the right thing. But they go astray at times. And I
1625 think we have gone astray quite a bit, and we need to come
1626 back.

1627 Now, why is this the case? Because I keep hearing
1628 from the other side of the aisle, on the floor, and in your
1629 public statements that you are worried about jobs. Now, you
1630 did not do anything when you were in control about it, but
1631 you are still worried about it. Now, when we are trying to
1632 do something about it, you immediately say, well, no, it is
1633 not about jobs, it is about clean water, clean air, this and
1634 that.

1635 Okay, we will tell you. We are for clean water. We
1636 are for clean air. But we are also for jobs. We happen to
1637 think they are not mutually exclusive. We think we can have
1638 all three. That is why this bill is before us. That is why

1639 I would argue against this amendment. That is why I still
1640 have faith in the Congress despite the frustrations of the
1641 Congress, because frankly we are the branch of government
1642 closest to the American people. We ought not to reject
1643 that. We ought not to be afraid of it. And frankly we
1644 ought to stand up for the principle that maybe the people
1645 have a right to be represented by the folks they elect and
1646 not unelected, yes, occasionally faceless bureaucrats with
1647 whom they have no opportunity to appeal. They are appealing
1648 to us now. All we are trying to do is respond to, I think,
1649 their very legitimate, very serious, and very genuine
1650 concern about jobs, along with clean water and clean air.

1651 And I would be happy to --

1652 Mr. Smith. The gentleman's time has expired.

1653 Mr. Cohen. Would the gentleman yield?

1654 Ms. Jackson Lee. Mr. Chairman?

1655 Mr. Conyers. Mr. Chairman?

1656 Chairman Smith. The gentleman from Michigan, Mr.

1657 Conyers?

1658 Mr. Conyers. Thank you, Mr. Chairman. I applaud my

1659 colleague from California, Mr. Lungren's urging us to keep

1660 the faith in terms of the Congress. I share that view.

1661 And I also appreciated his analysis of the Johnson
1662 amendment, except up to the point where he cited the Crain
1663 report of a \$1.75 trillion expense. And I have spent some
1664 time this morning indicating that that report has been
1665 rather thoroughly discredited. And I would like him to know
1666 that the Center for Progressive Reform has already
1667 established that it is seriously inaccurate. Maybe the rest
1668 of his statements are more meritorious.

1669 I would like to also in support of the Johnson
1670 amendment, and this has been put in the record also, from
1671 the Office of Management and Budget, that the benefits of
1672 regulation exceeds the cost of regulation by a considerable
1673 amount. I would point out to you -- well, I will not put in
1674 the record again. But there is a very substantial benefit
1675 that comes from regulations that exceed the costs. I think
1676 that is important.

1677 And the one example that I am proud to mention, and
1678 also put in the record, is the report from the United
1679 Automobile Workers and the Natural Resources Defense
1680 Council, which have shown that through standards regulating

1681 vehicle emissions and a clean vehicle research and
1682 development and production, that they are already
1683 responsible for 155,000 jobs at 504 facilities in 43 States
1684 and the District of Columbia, and that 119,000 of those jobs
1685 have been created in this industry since 2009 alone.

1686 And so, what am I trying to prove in support of the
1687 Johnson amendment is that we can have regulations that
1688 promote job growth and put Americans put back to work. And,
1689 to me, this is one dramatic example coming from Detroit that
1690 I am very happy to show you that sensible regulations can
1691 create and do create jobs.

1692 And it is for that reason that I commend the gentleman
1693 from Georgia for his amendment. And I urge that it be given
1694 the most careful and full consideration.

1695 Chairman Smith. Thank you, Mr. Conyers.

1696 The gentleman from Iowa, Mr. King?

1697 Mr. King. Thank you, Mr. Chairman.

1698 I move to strike the last word in the last amendment.

1699 Chairman Smith. The gentleman is recognized for five
1700 minutes?

1701 Mr. King. Thank you, Mr. Chairman. First of all, I

1702 would suggest that we take a look at the statistics that are
1703 delivered by the gentleman from Michigan, and see how many
1704 of those were government jobs created to oversee these
1705 massive amounts of regulation that we have.

1706 My first trepidation about entering into business back
1707 in 1975 when we had a tiny little bit of regulation compared
1708 to what we have now is how will I deal with all of the
1709 regulators? I do not know who they are. I do not how to
1710 follow them. I do not how to find them. I cannot find
1711 their regulations. If I can read them, I cannot afford the
1712 attorneys to interpret it for me.

1713 And that was one of the things that might have kept me
1714 out of business in 1975. Now, we are a second generation
1715 business. My oldest son owns that business, and I worry
1716 about he can comply with all the regulations.

1717 I just happened to see on the news about two or three
1718 weeks ago that the U.S. Department of Energy had fined three
1719 companies in America in an aggregate of a number approaching
1720 \$200,000 because they had been doing this outrageous thing
1721 that endangers every American. They were selling shower
1722 heads to let more water out of them than the government

1723 thought should go out of the shower head.

1724 And I will tell you how I celebrate those things. It
1725 is my water. It my shower head. I do not want a nanny
1726 state. I drilled my showerhead out with an eight-inch bit,
1727 and now I can take a shower in three minutes instead of 12,
1728 and it gives me nine more minutes a day to take on issues
1729 like this.

1730 And I would encourage any American that finds
1731 themselves wasting too much time waiting for their feet to
1732 get wet to drill out their Al Gore water saver shower head
1733 and go ahead and commit an act of civil disobedience.

1734 That is an example. Nobody is safer or clean because
1735 of these regulations. You argue about clean water, clean
1736 air, and endangered species. I have spent my life doing
1737 that, trying to send every raindrop down through the soil
1738 profile to purify that water. We have done all kinds of
1739 work to do that. We created wetlands all over the place.

1740 And I am a Tea Party person, and I am committed to
1741 clean air, clean water. In fact, I am one of those people
1742 that actually understands it. It has been my life's work.

1743 But I think there is something that people on the

1744 other side of this argument need to understand, and that is
1745 that there is no company in the United States of America
1746 that has on their website we are in compliance with all
1747 Federal regulations. Can anybody think of a single company
1748 that would have the audacity to post a little banner on
1749 their website? They might say, green this, green that.
1750 They might say they are in compliance with the dreams of the
1751 Administration, but not one single company in America has on
1752 their website we are in compliance with all Federal
1753 regulations.

1754 And I would suggest that if any one, any company
1755 should do that, they would get the doo-dah of the year
1756 award, because what would happen would be, these 682 Federal
1757 agencies, and that is posted on our website in 2008, 682
1758 regulating agencies that are Federal in the United States
1759 would descend upon that company to prove that company wrong.
1760 It is impossible to be in compliance with all regulations.
1761 Everybody in business knows it.

1762 You steer a course to try to avoid the worst kind of
1763 calamity that could come at you, and that would be a huddle
1764 of regulators seeking to regulate you simultaneously. That

1765 is how life really is.

1766 And when I came into here into the Congress, I was
1767 astonished at how generalized our legislation is. In the
1768 State legislature, we wrote specific single subject bills,
1769 and we analyzed how it impacted way down below the rules
1770 level that goes on here in this Congress. We write a broad
1771 piece of generalized legislation, like, for example, 2,600
1772 pages of Obamacare, and it now has passed over 10,000 pages
1773 of regulation. That is a huge big bill. There are many
1774 more, tens of thousands of pages to come with Obamacare.
1775 That is what we are looking at.

1776 The Congress has not accepted its responsibility to
1777 control the regulators. We have handed it to over to the
1778 agencies. And if we continue to do that, we are going to
1779 get more of the like kind.

1780 And another thing that has happened is, yes, there was
1781 a time when it was more important than today to turn more
1782 resources into clean air and clean water and endangered
1783 species. We have accomplished a great deal in the last
1784 couple of generations on that, but the people that are now
1785 writing the rules and interpreting the legislation are the

1786 sons and daughters of the people who brought this about back
1787 in the 70s. They are as zealous as their predecessors were,
1788 and they have got far less reason to be so, but they still
1789 impose regulations on us.

1790 So, I would put that challenge out. You people on the
1791 other side, come up with a company. Come up with a witness
1792 that will come in here and testify under oath that they are
1793 in compliance with all Federal regulations, and I will
1794 predict their bankruptcy within 18 months.

1795 I yield back the balance of my time.

1796 Chairman Smith. Thank you, Mr. King.

1797 The gentlewoman from Texas, Ms. Jackson Lee, is
1798 recognized?

1799 Ms. Jackson Lee. Mr. Chairman, I would like to go
1800 back to the core message of this particular legislation, and
1801 then join with the underlying amendment.

1802 I think Mr. Johnson's amendment is before us. Is that
1803 not right, Mr. Johnson?

1804 Mr. Johnson. That is correct.

1805 Ms. Jackson Lee. And I read your amendment simply --
1806 I read it in summary, but I understand it to mean that if it

1807 was determined by the ORRA that the regulation or the rule
1808 provided job growth, that it would be excluded from this
1809 procedure. Is that my understanding?

1810 Mr. Johnson. You are correct.

1811 Ms. Jackson Lee. That is a simple amendment that just
1812 moves me to have an incredible utterance that Mr. Quigley
1813 cited to my other good friend on the other side of the
1814 aisle, is pass the jobs bill. Pass the jobs bill.

1815 But I think your amendment is about job creation and
1816 job promotion, if I am understanding it correctly. It is a
1817 simple pronouncement that if it creates a job, then allow it
1818 to move forward.

1819 Mr. Johnson. That is correct.

1820 Ms. Jackson Lee. It has nothing to do with the
1821 unfortunate circumstances of a green energy company or
1822 shower heads or anything of that sort. It is a simple
1823 point, if it creates a job, let it go through.

1824 I just want to remind my colleagues of what this
1825 legislation does. It amends the Congressional Review Act to
1826 require congressional approval of major rules before they
1827 can take effect, changing the Act's presumption in the case

1828 of major rules from one where rules take effect in the
1829 absence of congressional action.

1830 A colleague has mentioned the stop sign and red light
1831 that takes place in the other body. But has anybody looked
1832 upon what has occurred in this body? There has not been a
1833 single piece of legislation passed that has been signed by
1834 the President of the United States of consequence, the job
1835 creation. There has not been any effort, either by its
1836 entirety or by piece, of any jobs bill or a portion of the
1837 jobs bill that the President has submitted, the American
1838 Jobs Act. We have not passed or come to any conclusion on
1839 the appropriations. We have not resolved the funding of the
1840 government with another continuing resolution ending on
1841 November 18th.

1842 And so, when you talk about serious needs of the
1843 American people, this Congress governed by my friends on the
1844 other side of the aisle has done nothing. And now, they
1845 want to pass legislation that has a big fat red stop sign in
1846 front of every --

1847 Mr. Lungren. Will the gentlelady yield?

1848 Ms. Jackson Lee. Not at this moment.

1849 Mr. Lungren. Oh.

1850 Ms. Jackson Lee. Big fat red stop sign in front of
1851 every single legislative initiative that one could have.

1852 And so, I query my friends, why would not a simple
1853 amendment, a straight statement of this amendment made by
1854 the gentleman from Georgia, a simple statement, if it
1855 creates a job. He has no authority to determine whether it
1856 creates a job. Democrats have no authority to determine
1857 whether it creates a job. Democrats will, as they say, as
1858 the cycle moves, presidencies moves from one to the next in
1859 terms of parties, and it is no particular attention to one
1860 party or another. And Democrats have also made the point
1861 that we would like a regulatory structure that promotes jobs
1862 and allows small businesses to thrive.

1863 So, I cannot understand the opposition to an amendment
1864 that, in effect, helps to soften the blow of two bodies, two
1865 houses, who in and of themselves have been effective,
1866 particularly as we move in this year.

1867 I will yield to the gentleman from California for a
1868 brief moment.

1869 Mr. Lungren. Well, the gentlelady asked about bills.

1870 We did pass my bill, H.R. 4, which was actually signed by
1871 the President into law that got rid of Section 9006 of the
1872 health care bill, that got rid of that 1099 requirement. We
1873 passed the Colombia Free Trade Agreement, the Panama Free
1874 Trade Agreement -- what was the third one -- the Korea Free
1875 Trade Agreement. And they were all signed by the President
1876 last week as part of the jobs bill. We passed --

1877 Ms. Jackson Lee. Let me thank you, and I reclaim my
1878 time. Let me congratulate --

1879 Mr. Lungren. Well, there are others --

1880 Ms. Jackson Lee. Let me congratulate you for your
1881 bill and mention that there is a sizable agreement on
1882 whether the trade bills create jobs in areas that are
1883 severely depressed.

1884 I do want to make note and correct myself that the
1885 patent bill out of this committee, congratulate the chairman
1886 on that and hope that we see some jobs created. But that is
1887 far and few in between in the number of regulations that are
1888 dealing with savings lives that you are now blocking.

1889 But the point of the amendment is, let me stick on the
1890 support for the amendment, Mr. Johnson's amendment simply

1891 declares that if it is determined that this is a job
1892 creator, let us not stand in the way by one stop sign on one
1893 side of the street and another stop sign on another side of
1894 the street, which includes the United States Congress.

1895 So, I would simply ask my colleagues to look at the
1896 simplicity of Mr. Johnson's amendment, and ask for their
1897 agreement that we have been less than stellar as a Congress
1898 in passing major long-listing bills to create jobs.

1899 I yield back.

1900 Chairman Smith. The gentlewoman's time has expired.

1901 The question is on the Johnson amendment.

1902 All in favor, say aye?

1903 [A chorus of ayes.]

1904 Chairman Smith. Opposed, no?

1905 [A chorus of nays.]

1906 Chairman Smith. In the opinion of the chair, the nos
1907 have it, and the amendment is not agreed to.

1908 Mr. Johnson. Ask for a recorded vote.

1909 Chairman Smith. A recorded vote has been requested,
1910 and the clerk will call the roll?

1911 Ms. Kish. Mr. Smith?

1912 Chairman Smith. No.

1913 Ms. Kish. Mr. Smith votes no.

1914 Mr. Sensenbrenner?

1915 [No response.]

1916 Ms. Kish. Mr. Coble?

1917 Mr. Coble. No.

1918 Ms. Kish. Mr. Coble votes no.

1919 Mr. Gallegly?

1920 Mr. Gallegly. No.

1921 Ms. Kish. Mr. Gallegly votes no.

1922 Mr. Goodlatte?

1923 Mr. Goodlatte. No.

1924 Ms. Kish. Mr. Goodlatte votes no.

1925 Mr. Lungren?

1926 Mr. Lungren. No.

1927 Ms. Kish. Mr. Lungren votes no.

1928 Mr. Chabot?

1929 Mr. Chabot. No.

1930 Ms. Kish. Mr. Chabot votes no.

1931 Mr. Issa?

1932 [No response.]

1933 Ms. Kish. Mr. Pence?
1934 [No response.]
1935 Ms. Kish. Mr. Forbes?
1936 Mr. Forbes. No.
1937 Ms. Kish. Mr. Forbes votes no.
1938 Mr. King?
1939 Mr. King. No.
1940 Ms. Kish. Mr. King votes no.
1941 Mr. Franks?
1942 Mr. Franks. No.
1943 Ms. Kish. Mr. Franks votes no.
1944 Mr. Gohmert?
1945 Mr. Gohmert. No.
1946 Ms. Kish. Mr. Gohmert votes no.
1947 Mr. Jordan?
1948 Mr. Jordan. No.
1949 Ms. Kish. Mr. Jordan votes no.
1950 Mr. Poe?
1951 Mr. Poe. No.
1952 [No response.]
1953 Ms. Kish. Mr. Chaffetz?

1954 Mr. Chaffetz. No.

1955 Ms. Kish. Mr. Chaffetz votes no.

1956 Mr. Griffin?

1957 [No response.]

1958 Ms. Kish. Mr. Marino?

1959 Mr. Marino. No.

1960 Ms. Kish. Mr. Marino votes no.

1961 Mr. Gowdy?

1962 Mr. Gowdy. No.

1963 Ms. Kish. Mr. Gowdy votes no.

1964 Mr. Ross?

1965 Mr. Ross. No.

1966 Ms. Kish. Mr. Ross votes no.

1967 Mrs. Adams?

1968 Mrs. Adams. No.

1969 Ms. Kish. Ms. Adams votes no.

1970 Mr. Quayle?

1971 Mr. Quayle. No.

1972 Ms. Kish. Mr. Quayle votes no.

1973 Mr. Amodei?

1974 Mr. Amodei. No.

1975 Ms. Kish. Mr. Amodei votes no.
1976 Mr. Conyers?
1977 Mr. Conyers. Aye.
1978 Ms. Kish. Mr. Conyers votes aye.
1979 Mr. Berman?
1980 [No response.]
1981 Ms. Kish. Mr. Nadler?
1982 Mr. Nadler. Aye.
1983 Ms. Kish. Mr. Nadler votes aye.
1984 Mr. Scott?
1985 Mr. Scott. Aye.
1986 Ms. Kish. Mr. Scott votes aye.
1987 Mr. Watt?
1988 Mr. Watt. Aye.
1989 Ms. Kish. Mr. Watt votes aye.
1990 Ms. Lofgren?
1991 Ms. Lofgren. Aye.
1992 Ms. Kish. Ms. Lofgren votes aye.
1993 Ms. Jackson Lee?
1994 [No response.]
1995 Ms. Kish. Ms. Waters?

1996 Ms. Waters. Aye.

1997 Ms. Kish. Ms. Waters votes aye.

1998 Mr. Cohen?

1999 Mr. Cohen. Aye.

2000 Ms. Kish. Mr. Cohen votes aye.

2001 Mr. Johnson?

2002 Mr. Johnson. Aye.

2003 Ms. Kish. Mr. Johnson votes aye.

2004 Mr. Pierluisi?

2005 Mr. Pierluisi. Aye.

2006 Ms. Kish. Mr. Pierluisi votes aye.

2007 Mr. Quigley?

2008 Mr. Quigley. Aye.

2009 Ms. Kish. Mr. Quigley votes aye.

2010 Ms. Chu?

2011 Ms. Chu. Aye.

2012 Ms. Kish. Ms. Chu votes aye.

2013 Mr. Deutch?

2014 Mr. Deutch. Aye.

2015 Ms. Kish. Mr. Deutch votes aye.

2016 Ms. Sanchez?

2017 [No response.]

2018 Chairman Smith. The gentleman from California, Mr.

2019 Issa?

2020 Mr. Issa. On behalf of the Tea Party, I would like to

2021 vote no.

2022 [Laughter.]

2023 Ms. Kish. Mr. Issa votes no.

2024 Chairman Smith. The gentleman from Arkansas?

2025 Mr. Griffin. No.

2026 Ms. Kish. Mr. Griffin votes no.

2027 Chairman Smith. The gentlewoman from Texas?

2028 Ms. Jackson Lee. How am I recorded?

2029 Ms. Kish. Not recorded, ma'am.

2030 Ms. Jackson Lee. Aye.

2031 Ms. Kish. Ms. Jackson Lee votes aye.

2032 Chairman Smith. The clerk will report.

2033 The gentleman from Wisconsin is out of position, so he

2034 was not readily seen, but the gentleman from Wisconsin

2035 votes?

2036 Mr. Sensenbrenner. No.

2037 Ms. Kish. Mr. Sensenbrenner votes no.

2038 Chairman Smith. And the gentlewoman from California?

2039 Ms. Sanchez. Yes.

2040 Ms. Kish. Ms. Sanchez votes yes.

2041 Chairman Smith. The clerk will report.

2042 Ms. Kish. Mr. Chairman, 14 members voted aye, and 21
2043 members voted nay.

2044 Chairman Smith. The majority having voted against the
2045 amendment, the amendment is not agreed to.

2046 The gentlewoman from Texas is recognized?

2047 Ms. Jackson Lee. Mr. Chairman, I have an amendment at
2048 the desk. The amendment is Jackson Lee 004.

2049 Chairman Smith. The clerk will report the amendment?

2050 Ms. Kish. Amendment to H.R. 10, offered by Ms.
2051 Jackson Lee of Texas, page 18, line 20 --

2052 Ms. Jackson Lee. I ask that the amendment be
2053 considered as read.

2054 Chairman Smith. Without objection, the amendment will
2055 be considered as read.

2056 [The information follows:]

2057

2058 Chairman Smith. And the gentlewoman is recognized to
2059 explain her amendment?

2060 Ms. Jackson Lee. Mr. Chairman, preceding that, I was
2061 on the floor at the time of the final vote of the gun carry
2062 bill, I believe it is H.R. 822. If I had been present, I
2063 would have voted a resounding no.

2064 On Amendment Conyers 001, if I had been present, I
2065 would have voted aye.

2066 On Cohen Amendment 003, if I had been present, I would
2067 have voted aye.

2068 I ask unanimous consent that that be placed
2069 appropriately in the record at the appropriate place.

2070 Chairman Smith. Without objection, that will be made
2071 a part of the record.

2072 [The information follows:]

2073

2074 Chairman Smith. And the gentlewoman continues to be
2075 recognized?

2076 Ms. Jackson Lee. I thank the gentleman.

2077 My amendment is, again, a simple, straightforward
2078 amendment in trying to highlight the necessity for those who
2079 are most vulnerable, for us to be able to protect them in
2080 the general scheme of this particular legislation. It
2081 allows no exceptions. And it seems that when you speak of
2082 infant formula, which is a priority and necessity for
2083 infants, again, that cannot speak for themselves, new
2084 mothers who do not have generally have a large advocacy
2085 group, we ask that the need to review and be certain of the
2086 oversight of infant formula and regulations dealing with
2087 that be allowed to be exempt from this particular
2088 legislation.

2089 Current law requires Federal agencies to carefully
2090 consider all relevant information before finalizing a new
2091 rule. The process is transparent and open, and permits
2092 participation and comments from all stakeholders, the public
2093 scientific and public interest and public health
2094 organizations as well as the industry.

2095 If I would do any amendment to our process -- we just
2096 had an earlier hearing -- it would be to ramp up and educate
2097 the public about their ability to give insight. Maybe in
2098 this instance we would ramp up the opportunity for pregnant
2099 mothers or mothers with newborn babies to have an immediate
2100 access to the regulatory scheme.

2101 REINS would force each new major regulation to go
2102 through a congressional approval process, which we have been
2103 discussing for a period of time, the stop light body on the
2104 other side or this particular side, wrapped in political
2105 issues, subjecting it to political infighting and
2106 legislative gridlock.

2107 If either House of Congress fails to approve a major
2108 rule in a narrow 70-day window, the rule will cease to
2109 exist. This bill would delay and possibly undo critical
2110 safeguards that protect that our civil rights, environment,
2111 food, children's toys, workplaces, health care, and the
2112 economy, but in this instance, a necessary necessity for the
2113 life of an infant that is not on the mother's milk, and that
2114 is infant formula.

2115 By requiring Congress to vote on and approved every

2116 new agency with an estimated economic impact, either cost or
2117 benefit of \$100 million or more, or any rule with a
2118 significant effect on prices, competitiveness, productivity,
2119 or other economic factors, the Act would prohibit agencies
2120 from implementing rules that do not garner congressional
2121 approval.

2122 If this is not the case for infant formula, then I
2123 would suggest that we have a simple voice vote and approve
2124 this amendment.

2125 The REINS Act would cover nearly every aspect of
2126 government operations and service. Not only would health,
2127 safety, and environmental protection be required to face a
2128 fast track vote in Congress before they could be
2129 implemented, but so could committee rules covering civil
2130 rights. And it turns it upside down because it says that if
2131 Congress does not vote directly, then it does not exist.

2132 Each year, 128,000 Americans are hospitalized due to a
2133 food-borne illness, and 3,000 die. The threat to our food
2134 is a real one, and infant formula is not where this battle
2135 needs to be waged.

2136 Congress passed and the President signed into law FDA

2137 Food Safety Modernization Act in January 2011 in an effort
2138 to reduce the toll of food-borne illnesses on our Nation.
2139 While some provisions of the law have taken without
2140 regulatory action, many require the FDA to promulgate rules
2141 in order for the law to be in full effect.

2142 There is a process in place for the FDA to function.
2143 Even today as we watch listeria growing the food product
2144 cantaloupe, we realize that all is not perfect. Now, add
2145 another layer where members of Congress have to step away
2146 from their rightly aligned political views. They have every
2147 right to be on the floor of the House debating disagreement.
2148 And to throw into that mix the approval of a regulation is
2149 going to throw gasoline on fire.

2150 In 2006, more than 200 illnesses and three deaths were
2151 linked to bag spinach contaminated with e coli. In 2008,
2152 1,400 people were infected with salmonella from Serrano
2153 peppers from a contaminated farm in Mexico.

2154 According to the Emerging Pathogens Institute at the
2155 University of Florida, an estimated 1.2 million people get
2156 sick each year and 7,000 hospitalized; 134 will die.

2157 So, my colleagues, I would ask for a simple

2158 declaration that if it is involving infant formula, it will
2159 be exempt in order to protect the most vulnerable and those
2160 that have no lobbying presence here in the United States
2161 Congress, and would simply ask for a fair chance at
2162 surviving as a utilized infant formula.

2163 I ask my colleagues to support the amendment. I yield
2164 back.

2165 Chairman Smith. Thank you, Ms. Jackson Lee.

2166 The gentleman from North Carolina is recognized?

2167 Mr. Coble. I thank the Chairman. Mr. Chairman, I
2168 oppose the gentlelady's amendment.

2169 Once again, the amendment attempts to shield Congress
2170 from accountability for the economic impact of new major
2171 regulations on our economy. There is no good reason for
2172 Congress to hide from accountability from major decisions
2173 that affect our economy.

2174 More than any one kind of regulation, the American
2175 people want a Congress that will listen to the voters and
2176 stand up to its responsibility for Washington's decisions.

2177 As I said before, Mr. Chairman, we are not attempting
2178 to eliminate regulations; we are simply assuring the fact

2179 that we need to keep in the loop the Congress where it
2180 belongs.

2181 I yield back.

2182 Ms. Jackson Lee. Would the gentleman yield?

2183 Mr. Coble. Sure.

2184 Ms. Jackson Lee. That is my good friend from North
2185 Carolina, Mr. Coble. We have worked together.

2186 I think the only point that I would make in your
2187 opposition is that we may have an agreement or disagreement
2188 on the underlying legislation. It does require an action by
2189 Congress that then defeats the regulation if we do not act.
2190 And that means that you leave infant formula exposed to the
2191 lack of regulation oversight to the vulnerable population.

2192 I ask the gentleman just to consider that it is a
2193 simple exemption, and I think it protects those who cannot
2194 speak for themselves.

2195 I am happy to yield back to the gentleman.

2196 Mr. Coble. I thank the lady, but I stand by my
2197 statement. I thank the gentlelady nonetheless.

2198 Chairman Smith. Okay. The gentleman yields back his
2199 time.

2200 Are there other members who wish to be heard?

2201 If not, the question is on the amendment.

2202 All in favor, say aye?

2203 [A chorus of ayes.]

2204 Chairman Smith. Opposed, no?

2205 [A chorus of nays.]

2206 Ms. Jackson Lee. Roll call.

2207 Chairman Smith. A roll call vote has been requested,

2208 and the clerk will call the roll?

2209 Ms. Kish. Mr. Smith?

2210 Chairman Smith. No.

2211 Ms. Kish. Mr. Smith votes no.

2212 Mr. Sensenbrenner?

2213 [No response.]

2214 Ms. Kish. Mr. Coble?

2215 Mr. Coble. No.

2216 Ms. Kish. Mr. Coble votes no.

2217 Mr. Gallegly?

2218 Mr. Gallegly. No.

2219 Ms. Kish. Mr. Gallegly votes no.

2220 Mr. Goodlatte?

2221 Mr. Goodlatte. No.

2222 [No response.]

2223 Ms. Kish. Mr. Lungren?

2224 Mr. Lungren. No.

2225 Ms. Kish. Mr. Lungren votes no.

2226 Mr. Chabot?

2227 Mr. Chabot. No.

2228 Ms. Kish. Mr. Chabot votes no.

2229 Mr. Issa?

2230 [No response.]

2231 Ms. Kish. Mr. Pence?

2232 [No response.]

2233 Ms. Kish. Mr. Forbes?

2234 Mr. Forbes. No.

2235 Ms. Kish. Mr. Forbes votes no.

2236 Mr. King?

2237 Mr. King. No.

2238 Ms. Kish. Mr. King votes no.

2239 Mr. Franks?

2240 Mr. Franks. No.

2241 Ms. Kish. Mr. Franks votes no.

2242 Mr. Gohmert?

2243 Mr. Gohmert. No.

2244 Ms. Kish. Mr. Gohmert votes no.

2245 Mr. Jordan?

2246 Mr. Jordan. No.

2247 Ms. Kish. Mr. Jordan votes no.

2248 Mr. Poe?

2249 Mr. Poe. No.

2250 Ms. Kish. Mr. Poe votes no.

2251 Mr. Chaffetz?

2252 Mr. Chaffetz. No.

2253 Ms. Kish. Mr. Chaffetz votes no.

2254 Mr. Griffin?

2255 [No response.]

2256 Ms. Kish. Mr. Marino?

2257 Mr. Marino. No.

2258 Ms. Kish. Mr. Marino votes no.

2259 Mr. Gowdy?

2260 Mr. Gowdy. No.

2261 Ms. Kish. Mr. Gowdy votes no.

2262 Mr. Ross?

2263 Mr. Ross. No.

2264 Ms. Kish. Mr. Ross votes no.

2265 Mrs. Adams?

2266 Mrs. Adams. No.

2267 Ms. Kish. Ms. Adams votes no.

2268 Mr. Quayle?

2269 Mr. Quayle. No.

2270 Ms. Kish. Mr. Quayle votes no.

2271 Mr. Amodei?

2272 Mr. Amodei. No.

2273 Ms. Kish. Mr. Amodei votes no.

2274 Mr. Conyers?

2275 Mr. Conyers. Aye.

2276 Ms. Kish. Mr. Conyers votes aye.

2277 Mr. Berman?

2278 [No response.]

2279 Ms. Kish. Mr. Nadler?

2280 Mr. Nadler. Aye.

2281 Ms. Kish. Mr. Nadler votes aye.

2282 Mr. Scott?

2283 Mr. Scott. Aye.

2284 [No response.]

2285 Mr. Kish. Mr. Watt?

2286 Mr. Watt. Aye.

2287 Ms. Kish. Mr. Watt votes aye.

2288 Ms. Lofgren?

2289 Ms. Lofgren. Aye.

2290 Ms. Kish. Ms. Lofgren votes aye.

2291 Ms. Jackson Lee?

2292 Ms. Jackson Lee. Aye.

2293 Ms. Kish. Ms. Jackson Lee votes aye.

2294 Ms. Waters?

2295 Ms. Waters. Aye.

2296 Ms. Kish. Ms. Waters votes aye.

2297 Mr. Cohen?

2298 Mr. Cohen. Aye.

2299 Ms. Kish. Mr. Cohen votes aye.

2300 Mr. Johnson?

2301 [No response.]

2302 Ms. Kish. Mr. Pierluisi?

2303 Mr. Pierluisi. Aye.

2304 Ms. Kish. Mr. Pierluisi votes aye.

2305 Mr. Quigley?

2306 Mr. Quigley. Aye.

2307 Ms. Kish. Mr. Quigley votes aye.

2308 Ms. Chu?

2309 Ms. Chu. Aye.

2310 Ms. Kish. Ms. Chu votes aye.

2311 Mr. Deutch?

2312 Mr. Deutch. Aye.

2313 Ms. Kish. Mr. Deutch votes aye.

2314 Ms. Sanchez?

2315 Ms. Sanchez. Aye.

2316 Ms. Kish. Ms. Sanchez votes aye.

2317 Chairman Smith. The gentleman from California, Mr.

2318 Issa?

2319 Mr. Issa. No.

2320 Ms. Kish. Mr. Issa votes no.

2321 Chairman Smith. The gentleman from Virginia, Mr.

2322 Goodlatte?

2323 Mr. Goodlatte. No.

2324 Ms. Kish. Mr. Goodlatte votes no.

2325 Chairman Smith. The gentleman from Arkansas, Mr.

2326 Griffin?

2327 Mr. Griffin. No.

2328 Ms. Kish. Mr. Griffin votes no.

2329 Chairman Smith. The gentleman from Wisconsin?

2330 Mr. Sensenbrenner. No.

2331 Ms. Kish. Mr. Sensenbrenner votes no.

2332 Ms. Jackson Lee. Mr. Chairman?

2333 Chairman Smith. The gentlewoman from Texas?

2334 Ms. Jackson Lee. How am I recorded?

2335 Ms. Kish. Ms. Jackson Lee has voted.

2336 Chairman Smith. The gentleman from Georgia?

2337 Mr. Johnson. Aye.

2338 Ms. Kish. Mr. Johnson votes aye.

2339 Chairman Smith. Are there other members who wish to
2340 be recorded?

2341 The clerk will report?

2342 Ms. Kish. Mr. Chairman, 13 members voted aye, 22

2343 members voted nay.

2344 Chairman Smith. The majority having voted against the

2345 amendment, the amendment is not agreed to.

2346 The last amendment will be offered by the gentleman

2347 from Illinois, Mr. Quigley?

2348 Mr. Quigley. Thank you, Mr. Chairman. I have an
2349 amendment at the desk.

2350 Chairman Smith. The clerk will report the amendment?

2351 Ms. Kish. Amendment to H.R. 10, offered by Mr.
2352 Quigley of Illinois, add at the end of the bill the
2353 following, Section 4, GAO Report, not later than one year
2354 after the date of enactment of this Act, the comptroller
2355 general of the United States --

2356 Chairman Smith. Without objection, the amendment will
2357 be considered as read.

2358 [The information follows:]

2359

2360 Chairman Smith. And the gentleman is recognized to
2361 explain his amendment?

2362 Mr. Quigley. Mr. Chairman, before I begin, I would
2363 ask unanimous consent for line 5 to have two words stricken,
2364 the two words "cost and."

2365 Chairman Smith. Without objection, those two words
2366 will be stricken from the amendment.

2367 Mr. Quigley. Thank you, Mr. Chairman.

2368 Mr. Chairman, I also had considered asking unanimous
2369 consent to insert at this point all debate previously had on
2370 this bill because the amendment discussions become a bit
2371 duplicative. But once we discuss the word "faith" I felt
2372 there had to be at least some discussion.

2373 What we are really concerned about here is whether or
2374 not a review process by Congress, a redundant process, could
2375 actually work in the Senate.

2376 For those who suggest perhaps I am not optimistic or I
2377 do not have faith, I would just remind people when it comes
2378 to the Senate, I am a Cubs fan, so I have faith. I am
2379 optimistic. And I would remind people that anybody can have
2380 a bad century.

2381 [Laughter.]

2382 Mr. Quigley. I want to thank my colleagues from
2383 Massachusetts on a tangent here for sending us steel, and I
2384 would like to think we will not have this discussion next
2385 year.

2386 All that being said, quite simply, my amendment
2387 directs the comptroller general to submit to Congress a
2388 report detailing exactly how these rules benefit our public
2389 health and our environmental wellbeing.

2390 In short, in 2010, OMB found that the cost benefit of
2391 major rules issued by the executive branch agencies over
2392 Fiscal Year '99 to 2009 was a net benefit of \$73 billion to
2393 our society.

2394 I look forward to similar findings from the
2395 comptroller general as directed to be reported under this
2396 amendment, and urge my colleagues to support the initiative.

2397 Chairman Smith. Thank you, Mr. Quigley.

2398 I will recognize myself in opposition to the
2399 amendment, and I want to say that appreciate the gentleman's
2400 comments and the spirit of his comment as well.

2401 Under Executive Orders 12866 and 13563, the Office of

2402 Information Regulatory Affairs and the agencies responsible
2403 for the relevant regulations already have information on the
2404 regulation's benefits. A GAO report is not needed to obtain
2405 it.

2406 Information on the cumulative benefits of existing
2407 regulations also is beyond the purpose of the bill. The
2408 REINS Act does not seek to roll back existing regulations.
2409 The REINS Act determines who will be accountable for
2410 decisions to allow new major regulations to go into effect,
2411 Congress or solely the agency.

2412 The REINS Act does not pre-determine whether new rules
2413 are good or bad, and does not discount the potential
2414 benefits of new rules. Congress already will receive
2415 information on the benefits of new rules when they are
2416 submitted for consideration.

2417 I also oppose the amendment because it calls only for
2418 a report on the benefits of a few major regulations. It
2419 does not call for a report on the cost, and it does not
2420 require a report that covers all major regulations. Both
2421 sides of the cost benefit equation are important to sound
2422 rulemaking, so if information on all types of major

2423 regulations, not just a select few.

2424 So, I urge my colleagues to oppose the amendment, and
2425 yield back the balance of my time.

2426 Are there other members who wish to be heard?

2427 The question is on the amendment.

2428 All in favor, say aye?

2429 [A chorus of ayes.]

2430 Chairman Smith. All opposed, no?

2431 [A chorus of nays.]

2432 Chairman Smith. In the opinion of the Chair, the nos
2433 have it, and the amendment is not agreed to.

2434 Mr. Quigley. Mr. Chairman, I ask for a recorded vote.

2435 Chairman Smith. A roll call vote has been requested.

2436 The clerk will call the roll?

2437 Ms. Kish. Mr. Smith?

2438 Chairman Smith. No.

2439 Ms. Kish. Mr. Smith votes no.

2440 Mr. Sensenbrenner?

2441 Mr. Sensenbrenner. No.

2442 Ms. Kish. Mr. Sensenbrenner votes no.

2443 Mr. Coble?

2444 [No response.]

2445 Ms. Kish. Mr. Gallegly?

2446 Mr. Gallegly. No.

2447 Ms. Kish. Mr. Gallegly votes no.

2448 Mr. Goodlatte?

2449 [No response.]

2450 Ms. Kish. Mr. Lungren?

2451 Mr. Lungren. No.

2452 Ms. Kish. Mr. Lungren votes no.

2453 Mr. Chabot?

2454 Mr. Chabot. No.

2455 Ms. Kish. Mr. Chabot votes no.

2456 Mr. Issa?

2457 [No response.]

2458 Ms. Kish. Mr. Pence?

2459 [No response.]

2460 Ms. Kish. Mr. Forbes?

2461 Mr. Forbes. No.

2462 Ms. Kish. Mr. Forbes votes no.

2463 Mr. King?

2464 Mr. King. No.

2465 Ms. Kish. Mr. King votes no.
2466 Mr. Franks?
2467 Mr. Franks. No.
2468 Ms. Kish. Mr. Franks votes no.
2469 Mr. Gohmert?
2470 [No response.]
2471 Ms. Kish. Mr. Jordan?
2472 Mr. Jordan. No.
2473 Ms. Kish. Mr. Jordan votes no.
2474 Mr. Poe?
2475 Mr. Poe. No.
2476 Ms. Kish. Mr. Poe votes no.
2477 Mr. Chaffetz?
2478 Mr. Chaffetz. No.
2479 Ms. Kish. Mr. Chaffetz votes no.
2480 Mr. Griffin?
2481 Mr. Griffin. No.
2482 Ms. Kish. Mr. Griffin votes no.
2483 Mr. Marino?
2484 Mr. Marino. No.
2485 Ms. Kish. Mr. Marino votes no.

2486 Mr. Gowdy?

2487 Mr. Gowdy. No.

2488 Ms. Kish. Mr. Gowdy votes no.

2489 Mr. Ross?

2490 Mr. Ross. No.

2491 Ms. Kish. Mr. Ross votes no.

2492 Mrs. Adams?

2493 Mrs. Adams. No.

2494 Ms. Kish. Ms. Adams votes no.

2495 Mr. Quayle?

2496 Mr. Quayle. No.

2497 Ms. Kish. Mr. Quayle votes no.

2498 Mr. Amodei?

2499 Mr. Amodei. No.

2500 Ms. Kish. Mr. Amodei votes no.

2501 Mr. Conyers?

2502 Mr. Conyers. Aye.

2503 Ms. Kish. Mr. Conyers votes aye.

2504 Mr. Berman?

2505 [No response.]

2506 Ms. Kish. Mr. Nadler?

2507 Mr. Nadler. Aye.

2508 Ms. Kish. Mr. Nadler votes aye.

2509 Mr. Scott?

2510 [No response.]

2511 Ms. Kish. Mr. Watt?

2512 Mr. Watt. Aye.

2513 Ms. Kish. Mr. Watt votes aye.

2514 Ms. Lofgren?

2515 Ms. Lofgren. Aye.

2516 Ms. Kish. Ms. Lofgren votes aye.

2517 Ms. Jackson Lee?

2518 [No response.]

2519 Ms. Kish. Ms. Waters?

2520 Ms. Waters. Aye.

2521 Ms. Kish. Ms. Waters votes aye.

2522 Mr. Cohen?

2523 Mr. Cohen. Aye.

2524 Ms. Kish. Mr. Cohen votes aye.

2525 Mr. Johnson?

2526 [No response.]

2527 Ms. Kish. Mr. Pierluisi?

2528 Mr. Pierluisi. Aye.

2529 Ms. Kish. Mr. Pierluisi votes aye.

2530 Mr. Quigley?

2531 Mr. Quigley. Aye.

2532 Ms. Kish. Mr. Quigley votes aye.

2533 Ms. Chu?

2534 Ms. Chu. Aye.

2535 Ms. Kish. Ms. Chu votes aye.

2536 Mr. Deutch?

2537 Mr. Deutch. Aye.

2538 Ms. Kish. Mr. Deutch votes aye.

2539 Ms. Sanchez?

2540 Ms. Sanchez. Aye.

2541 Ms. Kish. Ms. Sanchez votes aye.

2542 Chairman Smith. The gentleman from Virginia, Mr.

2543 Goodlatte?

2544 Mr. Goodlatte. No.

2545 Ms. Kish. Mr. Goodlatte votes no.

2546 Chairman Smith. The gentleman from North Carolina?

2547 Mr. Coble. No.

2548 Ms. Kish. Mr. Coble votes no.

2549 Chairman Smith. The gentleman from California?

2550 Mr. Issa. No.

2551 Ms. Kish. Mr. Issa votes no.

2552 Chairman Smith. Are there other members who wish to
2553 record their vote?

2554 If not, the clerk will report.

2555 The gentleman from Georgia?

2556 Mr. Johnson. Aye.

2557 Ms. Kish. Mr. Johnson votes aye.

2558 Chairman Smith. The clerk will report.

2559 Has the gentleman from California voted?

2560 Ms. Sanchez. Have I? Yes.

2561 Chairman Smith. Okay?

2562 Ms. Kish. Mr. Chairman, 12 members voted aye, 21
2563 members voted nay.

2564 Chairman Smith. The majority having voted against the
2565 amendment, the amendment is not agreed to.

2566 Let me say to members that after we vote on final
2567 passage, we will not be returning for a markup today, but we
2568 do have a markup scheduled for Thursday.

2569 A reporting quorum being present, the question is on

2570 reporting the bill, as amended, favorably to the House.

2571 Those in favor, say aye?

2572 [A chorus of ayes.]

2573 Chairman Smith. All opposed, no?

2574 [No response.]

2575 Chairman Smith. The ayes have it, and the bill, as
2576 amended, is ordered reported favorably.

2577 A recorded vote has been requested. The clerk will
2578 call the roll?

2579 Ms. Kish. Mr. Smith?

2580 Chairman Smith. Aye.

2581 Ms. Kish. Mr. Smith votes aye.

2582 Mr. Sensenbrenner?

2583 Mr. Sensenbrenner. Aye.

2584 Ms. Kish. Mr. Sensenbrenner votes aye.

2585 Mr. Coble?

2586 Mr. Coble. Aye.

2587 Ms. Kish. Mr. Coble votes aye.

2588 Mr. Gallegly?

2589 Mr. Gallegly. Aye.

2590 Ms. Kish. Mr. Gallegly votes aye.

2591 Mr. Goodlatte?

2592 Mr. Goodlatte. Aye.

2593 Ms. Kish. Mr. Goodlatte votes aye.

2594 Mr. Lungren?

2595 Mr. Lungren. Aye.

2596 Ms. Kish. Mr. Lungren votes aye.

2597 Mr. Chabot?

2598 Mr. Chabot. Aye.

2599 Ms. Kish. Mr. Chabot votes aye.

2600 Mr. Issa?

2601 Mr. Issa. Aye.

2602 Ms. Kish. Mr. Issa votes aye.

2603 Mr. Pence?

2604 [No response.]

2605 Ms. Kish. Mr. Forbes?

2606 Mr. Forbes. Aye.

2607 Ms. Kish. Mr. Forbes votes aye.

2608 Mr. King?

2609 Mr. King. Aye.

2610 Ms. Kish. Mr. King votes aye.

2611 Mr. Franks?

2612 Mr. Franks. Aye.

2613 Ms. Kish. Mr. Franks votes aye.

2614 Mr. Gohmert?

2615 Mr. Gohmert. Aye.

2616 Ms. Kish. Mr. Gohmert vote aye.

2617 Mr. Jordan?

2618 Mr. Jordan. Aye.

2619 Ms. Kish. Mr. Jordan votes aye.

2620 Mr. Jordan. Aye.

2621 Ms. Kish. Mr. Jordan votes aye.

2622 Mr. Poe?

2623 Mr. Poe. Yes.

2624 Ms. Kish. Mr. Poe votes yes.

2625 Mr. Chaffetz?

2626 Mr. Chaffetz. Aye.

2627 Ms. Kish. Mr. Chaffetz votes aye.

2628 Mr. Griffin?

2629 Mr. Griffin. Aye.

2630 Ms. Kish. Mr. Griffin votes aye.

2631 Mr. Marino?

2632 Mr. Marino. Aye.

2633 Ms. Kish. Mr. Marino votes aye.

2634 Mr. Gowdy?

2635 Mr. Gowdy. Yes.

2636 Ms. Kish. Mr. Gowdy votes yes.

2637 Mr. Ross?

2638 Mr. Ross. Yes.

2639 Ms. Kish. Mr. Ross votes yes.

2640 Mrs. Adams?

2641 Mrs. Adams. Yes.

2642 Ms. Kish. Ms. Adams votes yes.

2643 Mr. Quayle?

2644 Mr. Quayle. Aye.

2645 Ms. Kish. Mr. Quayle votes aye.

2646 Mr. Amodei?

2647 Mr. Amodei. Aye.

2648 Ms. Kish. Mr. Amodei votes aye.

2649 Mr. Conyers?

2650 Mr. Conyers. No.

2651 Ms. Kish. Mr. Conyers votes no.

2652 Mr. Berman?

2653 [No response.]

2654 Ms. Kish. Mr. Nadler?

2655 Mr. Nadler. No.

2656 Ms. Kish. Mr. Nadler votes no.

2657 Mr. Scott?

2658 Mr. Scott. No.

2659 Ms. Kish. Mr. Scott votes no.

2660 Mr. Watt?

2661 Mr. Watt. No.

2662 Ms. Kish. Mr. Watt votes no.

2663 Ms. Lofgren?

2664 Ms. Lofgren. No.

2665 Ms. Kish. Ms. Lofgren votes no.

2666 Ms. Jackson Lee?

2667 [No response.]

2668 Ms. Kish. Ms. Waters?

2669 Ms. Waters. No.

2670 Ms. Kish. Ms. Waters votes no.

2671 Mr. Cohen?

2672 Mr. Cohen. No.

2673 Ms. Kish. Mr. Cohen votes no.

2674 Mr. Johnson?

2675 Mr. Johnson. No.

2676 Ms. Kish. Mr. Johnson votes no.

2677 Mr. Pierluisi?

2678 Mr. Pierluisi. No.

2679 Ms. Kish. Mr. Pierluisi votes no.

2680 Mr. Quigley?

2681 Mr. Quigley. No.

2682 Ms. Kish. Mr. Quigley votes no.

2683 Ms. Chu?

2684 Ms. Chu. No.

2685 Ms. Kish. Ms. Chu votes no.

2686 Mr. Deutch?

2687 Mr. Deutch. No.

2688 Ms. Kish. Mr. Deutch votes no.

2689 Ms. Sanchez?

2690 Ms. Sanchez. No.

2691 Ms. Kish. Ms. Sanchez votes no.

2692 Chairman Smith. Are there other members who wish to

2693 record their votes?

2694 The gentleman from California, Mr. Berman?

2695 Mr. Berman. No.

2696 Ms. Kish. Mr. Berman votes no.

2697 Chairman Smith. The clerk will report?

2698 Ms. Kish. Mr. Chairman, 22 members voted aye, 14

2699 members voted nay.

2700 Chairman Smith. The ayes have it, and the bill, as

2701 amended, is ordered reported favorably.

2702 Without objection, the bill will be reported as a

2703 single amendment in the nature of a substitute incorporating

2704 amendments adopted. And staff is authorized to make

2705 technical and conforming changes.

2706 Members will have 2 days to submit their views.

2707 [The information follows:]

2708

2709 Chairman Smith. I thank those who are still here for
2710 their presence.

2711 And we stand adjourned.

2712 [Whereupon, at 3:08 p.m., the committee was
2713 adjourned.]