The vote was taken by electronic device, and there were—ayes 177, noes 241, not voting 12, as follows:

[Roll No. 70]

AYES—177

Bass
Beatty
Becerra
Bera (CA)
Bishop (GA)
Bishop (NY)
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Bustos
Butterfield
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly
Conyers
Cooper
Costa
Courtney
Crowley
Cuellar
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
DelBene
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Engel
Enyart
Eshoo
Esty
Farr
Fattah
Foster
Frankel (FL)
Fudge
Gabbard
Garamendi
Garcia
Grayson
Green, Al
Green, Gene
Gutiérrez
Hahn
Hanabusa
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jackson Lee
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Kuster
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis
Lipinski
Loebsack
Lofgren
Lowenthal
Lowey
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lynch
Maloney, Carolyn
Maloney, Sean
Matsui
McDermott
McGovern
McNerney
Meeks
Meng
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peters (CA)
Peters (MI)
Peterson
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Richmond
Roybal-Allard
Ruiz
Ruppersberger
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell (AL)
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Thompson (MS)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Walberg
Walz
Wasserman Schultz
Waters
Welch
Wilson (FL)
Yarmuth

NOES—241

Aderholt
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Benishek
Bentivolio
Bilirakis
Bishop (UT)
Black
Blackburn
Boustany
Brady (TX)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Buchanan
Bucshon
Burgess
Byrne
Calvert
Camp
Campbell
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coble
Coffman
Cole
Collins (GA)
Collins (NY)
Conaway
Cook
Cotton
Cramer
Crawford
Crenshaw
Culberson
Daines
Davis, Rodney
Denham
Dent
DeSantis
DesJarlais
Diaz-Balart
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Farenthold
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gallego
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Heck (NV)
Hensarling
Herrera Beutler
Holding
Hudson
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, Sam
Jones
Jordan
Joyce
Kelly (PA)
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
LaMalfa
Lamborn
Lance
Lankford
Larsen (WA)
Latham
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Maffei
Marchant
Marino
Massie
Matheson
McAllister
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
Meadows
Meehan
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Perry
Petri
Pittenger
Pitts
Poe (TX)
Pompeo
Posey
Price (GA)
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Wagner
Walden
Walorski
Weber (TX)
Webster (FL)
Wenstrup
Whitfield
Williams
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—12

Blumenauer
Ellison
Gosar
Grijalva
Jeffries
McCarthy (NY)
McCollum
Pastor (AZ)
Rangel
Rush
Waxman
Westmoreland

□ 1645

Mr. CALVERT changed his vote from ''aye'' to ''no.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2431. An act to reauthorize the National Integrated Drought Information System.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 899, UNFUNDED MANDATES INFORMATION AND TRANSPARENCY ACT OF 2013

Ms. FOXX, from the Committee on Rules, submitted a privileged report (Rept. No. 113–362) on the resolution (H. Res. 492) providing for consideration of the bill (H.R. 899) to provide for additional safeguards with respect to imposing Federal mandates, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT OF 2014

GENERAL LEAVE

Mr. GOODLATTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 2804.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 487 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 2804.

The Chair appoints the gentlewoman from North Carolina (Ms. FOXX) to preside over the Committee of the Whole.

□ 1648

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 2804) to amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes, with Ms. FOXX in the chair.

The Clerk read the title of the bill.

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

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

The Chair recognizes the gentleman from Virginia.

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

Just over 6 months ago, President Obama announced that he would once again pivot to the economy. The bottom line of his speech: after 4½ years of the Obama administration, ''We're not there yet.''

The President was right. We were not there yet nor are we there today. Job creation and economic growth continue to fall short of what is needed to produce a real and durable recovery in our country. The nominal unemployment rate is down, but that is not because enough workers have found jobs; it is because so many unemployed workers have despaired of ever finding new full-time work. They have either left the workforce or have settled for part-time jobs.

As long as this situation continues, Congress must stay focused on enacting reforms that will stop the losses, return America to prosperity, and return discouraged workers to the dignity of a good, full-time job. The legislation we consider today is just that

kind of reform. Through its strong, commonsense measures, the ALERRT Act will powerfully and comprehensively reform the Federal regulatory system, from how regulations are planned to how they are promulgated to how they are dealt with in court.

This is legislation that Congress cannot pass too soon, for while the Obama administration's pivot to the economy has faltered, the Federal bureaucracy has not wavered an instant in its imposition of new and costly regulation on our economy. The ALERRT Act responds by offering real relief to the real Americans who suffer under the mounting burdens of tyrannical regulation.

Consider, for example, Rob James, a city councilman from Avon Lake, Ohio, who testified before the Judiciary Committee this term about the impacts of new and excessive regulation on his town, its workers, and its families.

Avon Lake is a small town facing devastation by ideologically driven, anti-fossil fuel power plant regulations. These regulations are expected to destroy jobs at Avon Lake, harm Avon Lake's families, and make it even harder for Avon Lake to find the resources to provide emergency services, quality schools, and help for its neediest citizens, all the while doing comparatively little to control mercury emissions, which are the stated target of the regulations.

Title I of the ALERRT Act helps people and towns like Rob James and Avon Lake to know in real time when devastating regulations are planned, comment in time to help change them, estimate their real costs, and better plan for the results as agencies reach their final decisions.

Consider, too, Bob Sells, one of my constituents and president of the Virginia-based division of a heavy construction materials producer. His company and its workers were harmed by EPA cement kiln emission regulations that were technically unattainable and included provisions vastly changed from what EPA proposed for public comment; other EPA emission regulations that were stricter than needed to protect health, gerrymandered to impose expensive controls on other types of emissions and which prohibited commonsense uses of cheap and safe fuel that could actually help the environment; and Department of Transportation regulations that, without increasing safety, vastly increased record-keeping for ready-mix concrete drivers, unnecessarily limited their hours and suppressed their wages.

Title II of the ALERRT Act helps to protect people like Bob Sells and his workers from regulations that ask job creators to achieve the unachievable, do not help to control their stated regulatory targets, suppress hours and wages for no good reason, and inundate Americans with unnecessary paperwork.

Title III of the ALERRT Act offers long-needed help to small business people like Carl Harris, the vice president and general manager of Carl Harris Co., Inc., in Wichita, Kansas. Mr. Harris is a small home builder. Every day, he has to fight and overcome the fact that government regulations now account for 25 percent of the final price of a new single-family home.

Mr. Harris participates in small business review panels of existing law uses to try to lower the costs of regulations for small businesses, but he has seen firsthand how loopholes in existing law allow Federal agencies to ignore small business concerns while ''checking the box'' of contacting small businesses. One case is that of the Occupational Safety and Health Administration's Cranes and Derricks Rule, which was effectively negotiated before small business was ever consulted and threatened to impose disproportionate costs on small builders.

Title III of the ALERRT Act helps small business job creators like Mr. HARRIS make sure that agencies like OSHA stop treating them like procedural hurdles and afterthoughts, take into real account the difficulties small businesses face, and lower costs on small businesses that must be lowered.

Finally, consider Allen Puckett, III, who is the fourth-generation owner of Columbus Brick Company, a family-owned enterprise that has been making fired-clay bricks in Columbus, Mississippi, since 1890. His company distributes bricks to more than 15 States, has second-, third- and fourth-generation employees, offers a fully funded, profit-sharing retirement plan and a 401(k) matching program, and has a nurse practitioner come on site twice a month to provide a free clinic to all of its employees.

Mr. Puckett's company may now be shuttered in the face of two waves of sue-and-settle brick-making emissions regulations that threaten to put his company and others like it out of business. After time-consuming litigation, the first regulations were thrown out in court but not before Mr. Puckett's company had already lost at least $750,000 in compliance costs and the entire industry had lost $100 million. The second replacement regulations threaten to be twice as expensive, so expensive that Columbus Brick Company expects to have to downsize by two-thirds or close.

The translation for hardworking Americans employed by such businesses is: higher prices for goods, fewer job opportunities and lower wages.

Title IV of the ALERRT Act helps people like Allen Puckett find out about sue-and-settle rulemaking deals in time, make sure their concerns are heard by agencies and the courts, and have a fighting chance to achieve a just result for themselves, their employees, and the families and communities that depend on them.

In all of these ways and more, the ALERRT Act brings urgently needed regulatory reform to hardworking Americans, whether they are small business people struggling to be heard by faceless Washington bureaucracies or whether they are citizens of small towns who are crushed by the impacts of regulations that force plant closings, harm families, and kill the revenues needed to provide vital services.

I thank Mr. BACHUS, Mr. HOLDING, and Mr. COLLINS for joining with me in offering the individual bills that now come to the floor together as the ALERRT Act, and I urge my colleagues to vote for this urgently needed legislation.

I reserve the balance of my time.

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

Earlier this week, we had a declaration that this week would be ''stop government abuse'' week. My colleagues on the other side called for us to commemorate this week by the introduction of draconian anti-safety legislation that would allow businesses to declare war on the rules that protect Americans, including babies, children, and the elderly. That is why, Madam Chair, I rise in opposition to H.R. 2804, the Achieving Less Excess in Regulation and Requiring Transparency Act of 2014, also known as the so-called ''ALERRT Act.''

The ALERRT Act is a continuation of the same Republican obstruct at all costs paradigm that led to the sequester and to the shutdown of the Federal Government. This race to the bottom approach to the regulatory process is wasteful and dangerous, and it prioritizes profits over protecting Americans.

Although the ALERRT Act purports to ease the burden of regulations on American businesses, it would not create a single job, grow the economy or help any small business to thrive, nor does it address serious issues—the minimum wage, unemployment insurance, pay equity or immigration reform—that would help so many American workers and businesses. Instead, the only purpose of this bill is to straitjacket the same rulemaking process that protects countless Americans every day.

Title I of the bill imposes a 6-month moratorium on rules. The rulemaking process is already transparent, deliberative, and exhaustively inclusive of the views of small businesses and other interested parties.

□ 1700

Adding an additional 6 months to this process would do little except create uncertainty and increase compliance costs.

Instead of cutting through red tape, title II of the bill would add over 60 additional procedural and analytical requirements to the rulemaking process. This is yet another clear message that this bill would lengthen, not shorten or streamline, the rulemaking process, thus undermining the regulatory certainty and predictability that small businesses rely on to make long-term decisions.

In case the first two titles didn't adequately convey the message that Republicans are dead serious about helping deep-pocketed interests create regulatory mischief and confusion instead of offering serious solutions, titles III and IV would authorize virtually any party under the sun to challenge a proposed rule or intervene in litigation in Federal court no matter their connection, or lack thereof, to the issue.

Make no mistake. This bill is a wolf in sheep's clothing. It would jeopardize critical public health and safety regulatory protections and undermine the very small businesses it claims to protect.

By giving a handout to well-funded organizations to challenge proposed rules, consent decrees, and settlement agreements at every opportunity, the ALERRT Act would stack the deck against the public interest and the American taxpayer.

And who would be harmed by this deregulatory train wreck? Every American who wants to be able to breathe fresh air and who wants to drink clean water; every mother who wants safe formula for her baby and cribs that don't collapse on the baby in the middle of the night; and every small business competing for an edge in a marketplace dominated by large, well-funded competitors. And the list goes on and on and on.

I hope you will join me in my observation of stop government abuse by Republicans week and my opposition to the ALERRT Act.

I urge my colleagues to oppose this dangerous legislation, and I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, it is now my pleasure to yield 4 minutes to the gentleman from North Carolina (Mr. HOLDING), a member of the Judiciary Committee and a contributor of one of the bills that has been included in the ALERRT Act.

Mr. HOLDING. Madam Chairman, I rise in support of H.R. 2804, the ALERRT Act.

I would like to thank Chairman GOODLATTE, Chairman BACHUS, and the gentleman from Georgia for their hard work and contributions to making this legislation better.

In my district in North Carolina, small businesses are a primary driver of the economy. The businesses, like many across the country, are being harmed by excessive regulations. Excessive regulations mean lower wages for workers, fewer jobs, and higher prices for consumers.

Oftentimes, Madam Chairman, small businesses are not given enough notice of how new regulations will affect their everyday operations. They are faced with tough decisions like whether to cut workers' hours or wages or adjust their business plan elsewhere. That is why I introduced the ALERRT Act, to ensure that the administration publishes its regulatory agenda in a timely manner and provides annual disclosures about planned regulations, their expected costs, final rules, and cumulative regulatory costs, in general.

During President Obama's first term, our Nation's cumulative regulatory cost burden increased by $488 billion. Compounding the problem, this administration has failed to make public, as required by law, the effects of new regulations in a timely, reasonable manner.

The administration is required to submit a regulatory agenda twice a year, but they have consistently failed to do so on time. You will recall, Madam Chairman, that in 2012 the administration made neither disclosure required by law until December, after the general election. This deprived voters of the opportunity to see how proposed regulations would increase prices for household goods, lead to stagnant wages, and decrease job opportunities. This is important when Federal regulations already place an average burden of almost $15,000 per year on each American household. That is not a burden that folks in this economy—or any economy—should have to bear.

Madam Chairman, this bill is not about shutting down the regulatory process but about providing much-needed sunlight and transparency. It requires monthly online updates of information on planned regulations and their expected costs so everyone who is going to be affected can know, in real time, how to plan for the regulations' impacts or how to cast their vote.

The ALERRT Act is comprehensive reform that promotes economic growth and takes steps toward reform of the regulatory system to provide the government accountability that our citizens deserve.

Mr. JOHNSON of Georgia. Madam Chair, I yield 2 minutes to the gentleman from Georgia (Mr. BARROW).

Mr. BARROW of Georgia. I thank the gentleman for yielding.

Madam Chair, I rise today in support of H.R. 2804, the All Economic Regulations Are Transparent, or ALERRT, Act of 2013, and in support of the Miller-Courtney amendment.

I am pleased that this legislation includes the Regulatory Flexibility Improvements Act, a bill for which I am an original cosponsor with my Republican colleague from Alabama (Mr. BACHUS).

There are 30 million small businesses in America, and they employ over half of our workforce. These are companies in my district like Sarah in the City in Baxley or Buona Caffe in Augusta. Every day they open their doors and go to work helping American families and drive American commerce.

I also rise in support of the Miller-Courtney amendment. In February of 2008, 14 people were killed and 40 people were injured in a combustible dust explosion at the Imperial Sugar refinery in Port Wentworth, Georgia. Since then, I have worked with my colleague, Mr. MILLER, to pressure OSHA to mitigate this known hazard. I am hopeful that OSHA can complete its long-overdue work in this area to save families from ever having to go through this kind of grief again.

Now is the time for us to focus on getting people back to work and creating good-paying local jobs. That is why I support the Miller-Courtney amendment and the underlying legislation.

I urge ''yes'' votes on both.

Mr. GOODLATTE. Madam Chairman, at this time it is my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. GRAVES), the chairman of the Small Business Committee.

Mr. GRAVES of Missouri. Madam Chair, I want to thank the chairman of the committee for working with us today.

I rise in support of H.R. 2804, the ALERRT Act. This legislation represents a very important effort to bring some common sense and transparency to an out-of-control regulatory process that is stifling job growth, especially among small businesses.

I am especially pleased that legislation which the Committee on Small Business worked on, H.R. 2542, the Regulatory Flexibility Improvements Act, was incorporated into the ALERRT Act. Again, I want to thank Chairman GOODLATTE for working with the committee on the title of this bill.

For over 30 years, agencies have been required by the Regulatory Flexibility Act, or RFA, to examine the impacts of regulations on small businesses. If those impacts are significant, agencies must consider less burdensome alternatives. The problem is that agencies still fail to comply with that law, and the result is unworkable regulations that put unnecessary burdens on America's best job creators, which are small businesses.

In numerous hearings over the years, the Small Business Committee has heard about the consequences that burdensome regulations have on farmers, homebuilders, manufacturers, and many others. Instead of using their limited resources to grow and create jobs, small businesses have to spend more time and money on regulatory compliance and paperwork.

The Regulatory Flexibility Improvements Act is going to eliminate loopholes that agencies have used to avoid compliance with the RFA. Most importantly, it requires agencies to generally scrutinize the impacts of regulations on small businesses before they are finalized.

Examining whether there are less burdensome or less costly ways to implement a regulation just makes common sense. Reducing unnecessary regulatory burdens frees up scarce time, money, and resources that small businesses can use to expand their operations and hire new employees.

The Regulatory Flexibility Improvements Act is bipartisan legislation. It has strong support among the business communities. It simply requires agencies to do their homework before they regulate. If agencies do their work,

more Americans are going to be working.

Mr. JOHNSON of Georgia. Madam Chair, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. I want to thank my good friend, Congressman JOHNSON, for his leadership and the management of this legislation.

I would just like us to take a journey down memory lane:

I am sure that many of us will be reminded of the famous Pinto and the crafting of that automobile. I have no commentary on the great industry that so many of us admire, but for those of us who have memories, we realize some of the injuries that occurred in the structure of the Pinto;

Or maybe it is cars without seatbelts or airbags;

Or maybe we recall times when we travel throughout our community and we notice not only a heavy fog but polluted air. Maybe some of us have been exposed to polluted water;

Or maybe you traveled internationally, even in the 21st century, seeing the conditions that many who live outside of the United States live in, with the utilization of dirty water because they have no other water or the food danger because it is not regulated.

Well, my friends, unfortunately, the legislation that is here on the floor of the House seems to take us backwards down a poisonous memory lane. So it is very difficult to support this legislation.

I said today in a committee hearing that I know that Members come here with good intentions. So I will not attribute to anyone that this bill does not come to the floor with good intentions, but it is a bill that has not been, as a whole, considered by the Judiciary Committee.

This is now being brought to the floor with three separate bills combined, now called the ALERRT Act. But it really imposes unneeded and costly analytical and procedural requirements on agencies that would prevent them from performing their statutory responsibilities to protect the public health and safety. This, I believe, is an important responsibility. It creates unnecessary regulatory and legal uncertainty and increases costs for businesses and State, local, and tribal governments and impedes plain common sense.

I will offer an amendment dealing with homeland security. We just had a hearing today that emphasized the importance of the work of the Homeland Security Department. With our new Secretary of Homeland Security, Secretary Johnson, we are very much on the right track, recognizing franchise terrorism and the need for securing the border. Much of the work done by Homeland Security is a regulatory structure.

Why would we want to impede securing America?

Well, my friends, that is what is going to occur with this legislation, the All Economic Regulations Are Transparent Act.

I also offered an amendment dealing with baby formula. For those of us mothers who have raised children and tend to their needs as newborns and use infant formula, it is well known that there is a great need to regulate companies that manufacture infant formulas in an effort to protect babies from food-borne illnesses and promote healthy growth.

On Thursday, the FDA announced plans to revise, earlier this month, infant formula regulations with an interim final rule that will be published soon. But guess what. The legislation that we have will stand in the way as an iron wall, if you will, prohibiting any rule from being finalized until certain information is posted for 6 months.

How long will 6 months be in the life of an infant?

The CHAIR. The time of the gentlewoman has expired.

Mr. JOHNSON of Georgia. Madam Chair, I yield the gentlewoman an additional 1 minute.

Ms. JACKSON LEE. It will override existing statutes, such as the Clean Air and Clean Water Act, and override any aspect of regulating this important food product, adding more than 60 additional procedural and analytical requirements to the FDA's work on trying to help babies and making it easier for rules to be delayed or stopped by allowing regulated industry and entities to intervene.

And so, in actuality, this is not saving money. It will be a quagmire of spending money. In the meantime, the protections of our innocent babies who demand the responsibility of adults to protect the food products that they need for life by good regulations will be stopped.

□ 1715

Well, Madam Chairman, I don't want to go back down memory lane and horrible car crashes and no seatbelts and no airbags and polluted air and dangerous water. That is what we will be doing.

I look forward to introducing my amendment on the floor regarding the U.S. Department of Homeland Security. I can't imagine that my colleagues would want to stand in the way of securing America.

With that in mind, I hope that we will find a way to defeat this legislation, or to make it better, and ask our colleagues who are they standing for.

Madam Chair, I rise today to speak on H.R. 2804, the "All Economic Regulations Are Transparent Act of 2014," the so-called "ALERRT Act."

H.R. 2804 makes numerous changes to the federal rule-making process, including: (1) requiring agencies to consider numerous new criteria when issuing rules, such as alternatives to rules proposals; (2) requiring agencies to review the "indirect" costs of proposed and existing rules; (3) giving the Small Business Administration expanded authority to intervene in the rule-making of other agencies; and (4) requiring federal agencies to file monthly reports on the status of their rule-making activities.

I cannot support this legislation in its present form for two reasons, one procedural and one substantive.

Procedurally, I oppose the bill because in its present form it was never considered by the Judiciary Committee. This bill was reported by the Oversight and Government Reform Committee on a party line 19–15 vote but was not acted on by Judiciary Committee.

As reported, the bill contained only provisions relating to monthly reporting requirements regarding agency rule-making.

But the bill being brought to the floor now includes three additional and very controversial Judiciary bills (H.R. 2122, Regulatory Accountability Act; H.R. 1493, Sunshine for Regulatory Decrees and Settlements Act; and H.R. 2542, Regulatory Flexibility Improvements Act).

This is not the way to legislate on matters that have such serious consequences for the public health and safety.

Substantively, I oppose the bill because it imposes unneeded and costly analytical and procedural requirements on agencies that would prevent them from performing their statutory responsibilities to protect the public health and safety.

I oppose the bill also because it creates unnecessary regulatory and legal uncertainty, increases costs for businesses and State, local and tribal governments, and impedes common-sense protections for the American public.

Madam Chairman, the bill is unnecessary and invites frivolous litigation. When a federal agency promulgates a regulation, it already must adhere to the requirements of the statute that it is implementing.

Agencies already must adhere to the robust and well-understood procedural requirements of federal law, including the Administrative Procedure Act, the Regulatory Flexibility Act (RFA), the Unfunded Mandates Reform Act of 1995 (UMRA), the Paperwork Reduction Act (PRA), and the Congressional Review Act.

Regulatory agencies already are required to promulgate regulations only upon a reasoned determination that the benefits of the regulations justify the costs and to consider regulatory alternatives. Final regulations are subject to review by the federal courts which, among other things, examine whether agencies have satisfied the substantive and procedural requirements of all applicable statutes.

Finally, Madam Chairman, H.R. 2804 in its current form does not include an exemption for rules promulgated by the Department of Homeland Security to protect the safety of the American people and the security of our country.

For this reason, I offered an amendment that provides this important exception and I thank the Rules Committee for making it in order.

The security of the homeland is one of the most preeminent concerns of the federal government. The increased need for national security following the attacks of September nth makes it important that the Department of Homeland Security not be unduly impeded in the promulgation of rules that may preempt attacks against our nation.

Unnecessary delays to rules set forth by the Department of Homeland Security can wastes

scarce resources that keep our nation safe as well as impede the regular operations of the agency.

The Jackson Lee Amendment to H.R. 2804 will improve the bill. But, on balance, the bill still has too many defects and should not be passed by this body.

Mr. GOODLATTE. Madam Chairman, at this time it is my pleasure to yield 1 minute to the gentleman from Virginia (Mr. CANTOR), the majority leader.

Mr. CANTOR. Madam Chair, I thank the gentleman from Virginia.

Madam Chair, I rise today in support of the ALERTT Act and in defense of working middle class families who face the danger that overzealous Washington regulators will destroy their jobs and impose new red tape that cuts their wages.

An America that works allows small businesses to flourish, jobs to be created, and for folks to have more take-home pay in their pockets. America doesn't work when Washington regulators impose more red tape on businesses, large and small, regardless of the cost. This bill fixes that.

Madam Chair, I hear a lot on this floor about the warnings of days gone by and the fearmongering attached to trying to at least instill some accountability on this bureaucracy in Washington. I don't think any of us on either side of the aisle wants to defend overzealous bureaucrats and imposing unnecessary burdens that have clogged this economy.

Now, America doesn't work when special interest groups use the courts to impose backroom regulations that destroy jobs and reduce take-home pay. This bill before us fixes that.

Now, make no mistake, excessive red tape hurts working middle class families. For example, it was recently reported that a proposed OSHA regulation would impose costs on a portion of the growing domestic energy sector equal to $1,120 per affected employee. These employees should not have to worry that the proposed regulations could mean smaller paychecks.

Or take, for example, another emerging practice of Washington regulators that hides the real impact that excessive regulation has on jobs. Under the pretense of minimal regulatory impact, this administration argues that the jobs lost, for instance, in mining, manufacturing, or construction, will be offset by new jobs in regulatory compliance. Therefore, a majority of their regulations look a lot better and not as harmful.

This is wrong. This is not being straight with the public. We must deliver transparency and accountability on the part of this administration and its bureaucracy.

I doubt it is any solace to the plant worker who loses his or her job because of regulations that a new job in another sector will be created to comply with these regulations.

Today, we will consider an amendment by a colleague, the gentleman from Pennsylvania, KEITH ROTHFUS, to fix these problems. This amendment will help protect middle class jobs and wages. It is exactly the kind of reform that will make America work again.

Americans should not have to settle for the ''new normal'' of slow economic and job growth that the Obama administration seems to have embraced. We, in this House, reject this ''new normal'' and we will continue to fight to create an America that works again.

I want to thank the gentleman from Virginia, Chairman GOODLATTE, and Representatives HOLDING, COLLINS and BACHUS, who have worked hard on this bill before us, and I urge my colleagues in the House to support working middle class families by supporting this bill.

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

Mining, construction work, manufacturing, those are the kinds of livelihoods that have made this country a great nation, people being able to go to work with a lunchbox in hand and work hard every day, make a decent wage.

By the way, $7.25 an hour for a full-time worker would equate to about $14,500 a year. That is just simply not enough for a working person to raise a family and take care of that family. They need help when they make $7.25 an hour. They would need help from the government if they couldn't rely on friends and relatives for support.

So that is a shame, in this day and time, where a person working a manufacturing job, or even a job in a mine or on a construction site, would be making $7.25 an hour.

We should, perhaps, Madam Chair, be paying attention to income generators such as that kind of legislation, as opposed to legislation like H.R. 2804, which would simply make it difficult to protect those workers in those unsafe occupations like mining, like construction work, like manufacturing, keeping the work site, the job place safe. Regulations are what do that.

With that, Madam Chair, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, at this time it is my pleasure to yield 2 minutes to the gentleman from Washington (Mr. HASTINGS), the chairman of the Natural Resources Committee.

Mr. HASTINGS of Washington. Madam Chair, I thank the gentleman for yielding.

I rise to support this measure, and particularly the portion that is sponsored by our colleague from Georgia (Mr. COLLINS) that will ensure transparency of Federal agencies' litigation settlement practices.

In 2011, the Obama administration entered into a mega-settlement, which was a closed-door, sweeping Endangered Species Act settlement with two litigious groups that greatly increased the ESA listings and habitat designations that could impact tens of thousands of acres and thousands of river miles across the country.

These settlements shut out affected States, local governments, private property owners, and other stakeholders who deserve to know that the most current and best scientific data is being used on these decisions.

In my own district, the Fish and Wildlife Service just listed a plant subspecies, despite clear data showing that the plant was not a species likely to go extinct. In other words, settlement deadlines trumped the science.

Let me give a couple of examples. These settlement listings could result in a listing of the Lesser Prairie Chicken that would impact five Western States, and next year the listing of the Greater Sage Grouse could cover an area of 250 million acres in 13 Western States.

Then there is the long-eared bat that could impact 39 Midwestern and Eastern States.

That is not all, Madam Chairman. The settlements also mandate decisions for 374 aquatic species in the Gulf of Mexico.

The point is, important ESA discussions should not be forced by arbitrary court decisions or deadlines, or negotiated behind closed doors by Federal lawyers supposedly on behalf of the public interest.

This legislation aims to help correct this abuse by ensuring affected States and other parties can have a say in settlements before an unelected judge signs them, and it ensures that no settlement moves forward without the public knowing what is in it.

I thank the gentleman for yielding.

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

Madam Chair, oh, how I wish that my friends on the Republican side of the aisle cared as much about America's workers as they do about America's big businesses.

Oh, how I wish that they cared more to let a minimum wage bill come to the floor, where I believe that most Members of the House of Representatives would find it within their hearts to realize that $7.25, you just can't make it on that without help. Everyone who goes out and works hard every day should be able to be paid a fair living wage and be able to support themselves and their family.

Madam Chair, I reserve the balance of my time.

Mr. GOODLATTE. Madam Chairman, at this time it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. SMITH), a member of the Judiciary Committee, and chairman of the Science, Space, and Technology Committee.

Mr. SMITH of Texas. Madam Chairman, I thank the gentleman from Virginia, the chairman of the Judiciary Committee, for yielding me time this afternoon.

Madam Chairman, I support H.R. 2804, the Achieving Less Excess in Regulation and Requiring Transparency Act, known as the ALERTT Act.

One of the biggest concerns that I hear from Texas employers is the avalanche of unnecessary Federal regulatory costs. Regulation redirects scarce capital from investment and job creation to compliance with the Federal Government. In fact, the Small Business Administration has determined that Federal regulations cost the economy $1.75 trillion each year.

This commonsense legislation is an omnibus package of regulatory relief bills that the Judiciary Committee has worked on in recent years to protect businesses. I previously authored two of the bills that are included in H.R. 2804, and appreciate their being considered again this Congress.

The ALERTT Act adds transparency to the regulatory process. It strengthens existing laws in order to prevent Federal agencies from bypassing cost-benefit analyses designed to protect small businesses, and the bill requires Federal agencies to pick the least costly alternative rule to achieve that statutory goal.

H.R. 2804 limits organizations' ability to bring sue-and-settle lawsuits against Federal agencies. These lawsuits result in one-sided regulations that shut stakeholders out of the process. The ALERTT Act restores the proper balance to regulatory consent decrees and settlements.

Madam Chairman, I thank Chairman GOODLATTE and my colleagues for their efforts to provide much-needed regulatory relief to American businesses, and I urge adoption of H.R. 2804.

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

Madam Chairman, the majority deliberately downplays the benefits of regulation and exaggerates the cost of regulation, when in fact, the benefits of regulation far exceed the costs, whether those benefits are defined in monetary terms or in terms of promoting values like protecting public health and safety, and ensuring civil rights and human dignity.

The explosion that occurred down in Texas not too long ago that wiped out an entire town, I believe it was a fertilizer plant. Many lives lost. If there had been adequate legislation and adequate regulation to protect those people and the workers in the plant, then those folks would still be here today.

What we are doing with this legislation is preventing the promulgation of the kinds of rules that would protect the health and safety of people throughout America, not just workers, but people who have to eat, people who have to drink, people who have to breathe. The benefits of regulation far outweigh the costs.

□ 1730

A 2012 draft of the Office of Management and Budget report to Congress on the costs and benefits of regulations concluded that the net benefits of regulation promulgated through the third fiscal year of the Obama administration have exceeded $91 billion.

This amount, which includes not only monetary savings, but also lives saved and injuries prevented, is more than 25 times the net benefits through the third fiscal year of the previous administration, and these are important points that I believe my friends on the other side of the aisle like to omit from their analysis.

With that, I reserve the balance of my time.

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

Mr. BARR. Madam Chair, I thank the chairman for his leadership on the ALERRT Act, and I appreciate the opportunity to respond to my friends on the other side of the aisle who talk about the importance of taking into consideration workers in America.

And I would submit, Madam Chair, that if we truly are interested in the interests of American workers, we would vote immediately to pass regulatory relief in the form of the ALERRT Act.

If my friends on the other side of the aisle were truly interested in the welfare of the working people of America, they would stop the overly burdensome regulation that is putting the American people out of work.

In Kentucky, in my home State, if you don't think this is true, consider the facts, and the facts are these: that the unemployment rate in eastern Kentucky is 1½ percent higher than the national average. There is not a recession in eastern Kentucky.

It is a depression, and it is a depression because of overly burdensome regulations coming out of the EPA, which are putting thousands of my fellow Kentuckians and all of our fellow Americans out of work.

These are heartless policies. We have lost 7,000 jobs in Kentucky's coal mines in just the last 5 years, bringing coal industry employment in the Commonwealth to its lowest level since 1927. If you want to talk about the welfare of workers, these people need paychecks.

It is because of unaccountable, overly burdensome regulations, unaccountable bureaucrats in the executive branch, that these people no longer have the opportunity to provide for their families. This is wrong. We need to roll back these burdensome regulations.

I would just say this in conclusion, Madam Chair. It is dangerous when we combine legislative power into the hands of the executive branch. Madison, in Federalist Paper No. 47, in quoting Montesquieu, said:

> The accumulation of all powers, legislative, executive, and judiciary, in the same hands; whether of one, a few, or many, and whether hereditary, self-appointed, or elective; may justly be pronounced the very definition of tyranny. There can be no liberty where the legislative and executive powers are united in the same person.

That is what is happening in America today.

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

Mr. GOODLATTE. Madam Chairman, at this time, it is my pleasure to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), the chairman of the Regulatory Reform, Commercial, and Antitrust Law Subcommittee, who has worked so closely with us on this legislation and who is the sponsor of one of the pieces of the ALERRT Act.

Mr. BACHUS. I thank the chairman.

Madam Chairman, when the law is against you, argue the facts. When the facts are against you, argue the law. When the law and the facts are against you, yell like hell and call your opponent names; and that is what we are seeing here.

This is a good law that we are proposing. The facts are on our side. And I have got to hand it to the gentleman from Georgia—crib-collapsing, baby formula-poisoning Republicans—you have done a good job, but let's go back to the facts. Get rid of the rhetoric, and talk about the facts.

The number one fact is that America is out of work. The chairman mentioned that. The gentleman from Kentucky, ANDY BARR, talked about people out of work. This country needs jobs.

Now, you have accused us of being against the American worker. We want American workers; we want people to have jobs; and to be an American worker, you have to have a job.

We can talk about the wages, but when you are unemployed, there is no wage. You talk about the American Dream, owning a home. It's not anymore. It is just having a job.

And 14 percent of our gross domestic product is absorbed by Federal regulations. Now, some of those are good regulations. We are not down here on the floor wanting to repeal some safety regulations for cribs. We are not trying to loosen the regulations on baby formula.

We are attacking—and let me say that there are good regulations; there are bad regulations; and then there are some really ugly regulations. $1.8 trillion is the annual price tag in complying with Federal regulations. That is not income tax. That is not health care. That is Federal regulations.

The Small Business Administration, not some Republican, said it costs $11,000 per American worker to comply with Federal regulations—$11,000. We are not saying that all of that is bad, but we are saying that of the hundreds of thousands of Federal regulations—and, by the way, of that $1.8 trillion, $520 million of that burden was passed in the last 4 years, and there are $87 billion worth of regulations waiting just this year to be passed.

Now, the Federal Reserve and Treasury, they come to testify at the Financial Services Committee every year, and they say: If you can increase the gross domestic product by 2 percent, we can create jobs—2 percent, if we can grow it from 2 to 4 percent. Well, let

me submit that, of that 14 percent of the gross national product that is absorbed by Federal regulations, we can find one out of seven of those regulations to change.

I will close by telling you a good one. The chairman started by talking about the cement industry. The EPA proposed a regulation that would have put 200,000 American cement workers out of work.

When we asked why, they said it is because of mercury and arsenic in the air. And we had a map, and it showed no mercury or arsenic around any of our cement plants, and we said, well, where is this mercury and arsenic coming from? China and Mexico.

The CHAIR. The time of the gentleman has expired.

Mr. GOODLATTE. Madam Chairman, it is my pleasure to yield an additional 1 minute to the gentleman from Alabama.

Mr. BACHUS. But our response wasn't to go to Mexico or China. Well, it was, really. Our response was to raise our standards or tighten our standards to be three times more stringent than the EU. It would have cost all the profits of the cement industry for 25 years to comply.

When I asked someone at the EPA and I said, Well, wait a minute, the pollution is not coming from our plants, it is coming from Mexico and China, they said: That is not our problem.

Yes, it is. Just like Andy Barr's problem, because his workers are being put out of a job, it is all of our problems. It is my problem. It is your problem. It is his problem. We are up here standing for the American worker.

If we grow this economy by 2 or 3 more percent, we won't have a problem with jobs, and these regulations will start that process.

Mr. JOHNSON of Georgia. Madam Chair, the gentleman speaks eloquently as a lawyer, and he makes excellent points.

Regulations do cost. So out of a $15 trillion gross domestic product, $1.8 trillion dedicated for regulatory expenses which protect lives—I can't put a value on one human life—but tens of thousands, hundreds of thousands of people are dying because of unsafe conditions on the job. It is certainly worth $1.7 trillion out of $15 trillion in a year.

I yield 4 minutes to the gentleman from Pennsylvania (Mr. CARTWRIGHT).

Mr. CARTWRIGHT. Madam Chairman, this bill is being brought to the floor during this week that has been labeled ''stop government abuse week.'' I am here to say that this is a bill that has some stopping power, all right.

It would stop the government from protecting our health and safety by bringing the regulatory process to a grinding halt.

And I want to address title I of this antiregulatory package right now. It includes the text of the All Economic Regulations are Transparent Act. This legislation, Madam Chairwoman, is unnecessarily burdensome for agencies.

Agencies are already required to provide status updates twice a year on their plans for proposing and finalizing rules pursuant to the Regulatory Flexibility Act and Executive Order No. 12866.

This legislation would require agencies to report monthly. They are already required to report twice a year. This takes them to monthly. It is incredibly burdensome on agencies.

But the most egregious provision in title I would prohibit agency rules from taking effect until the Office of Information and Regulatory Affairs has posted the information required by the bill online for at least 6 months. This moratorium can only be avoided if the agency claims an exception from the notice and comments requirements of the Administrative Procedure Act or if the President issues an executive order. Therefore, it delays most regulations by an additional 6 months.

I think we can all agree that transparency in the rulemaking process is a good thing, but this bill sacrifices common sense in the name of improving transparency without achieving any kind of meaningful transparency.

Agencies already make significant amounts of information available during the rulemaking process on the Web site www.regulations.gov. This bill could simply require agencies to make additional information publicly available, but it doesn't do that.

Under this bill, an agency could post information about the cost of a proposed rule on its own Web site for a year; but if the administrator of the Office of Information and Regulatory Affairs didn't post the information for at least 6 months, the agency would be prohibited from finalizing the rule.

Madam Chair, my amendment would strike the moratorium provision in title I. Striking that provision would ensure that an agency rule will not be needlessly held up because the Office of Information and Regulatory Affairs did not post a piece of information online for exactly 6 months.

I have been assured by the Congressional Budget Office that my amendment is revenue-neutral. I urge Members to vote for my amendment.

Mr. GOODLATTE. Madam Chairman, I have no further requests for time. I believe that I have the right to close, so if the gentleman from Georgia would proceed, I will reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Chair, my colleague from Alabama said that we all need to come together to find real solutions to create jobs. I submit that one way that we could create jobs, in addition to making sure that we have equal pay for equal work and that we increase the minimum wage to a living wage, another way to do that is through immigration reform.

The Chamber of Commerce and small businesses everywhere have come together in support of comprehensive immigration reform. Why? Because it creates jobs.

□ 1745

David Park, the cofounder and creator of Job Creators Alliance, wrote in 2012:

> Immigration reform is key to spurring innovation and getting the economy back on track. I am a small business owner who realizes the role legal immigrants play in creating new jobs. As founder and CEO of a boutique merchant bank, I have started or acquired nearly 30 small and midsize companies, creating hundreds of jobs for Americans across the country. I am also an immigrant and an example of how highly skilled immigrants educated in the United States can drive job creation right here.

So immigration reform, Madam Chair, is a job creator. We can't seem to get an immigration bill—which, by the way, has been passed by the Senate. We can't get it heard by this Congress. We cannot bring a bill to the floor that would pass the House that would result in comprehensive immigration reform. We cannot bring a bill to the floor of the House that would provide for a raise for Americans who work for $7.25 an hour, full-time. $14,500 a year is simply not enough to feed the family and take care of one's self. We can't get job-creating bills that would stimulate our economy by providing for dollars to go towards transportation and towards repairing and enhancing our infrastructure. Instead, we get caught up on messaging bills like the achieving less excess in regulation and requiring transparency act of 2014, also known as the ALERRT Act.

I oppose this bill for numerous reasons, the most important of which is that it would jeopardize critical public health and safety regulatory protections. For example, the bill requires agencies to consider potential costs and benefits associated with proposed and final rules, notwithstanding any other provisions of law. This supermandate would effectively trump all other statutes—such as the Clean Air Act, the Clean Water Act, and the Occupational Safety and Health Act—that prohibit or limit the use of cost information in setting health and safety standards.

In addition, title II of the bill would require agencies and Federal courts to consider whether a rule has ''significant adverse effects on . . . the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.'' The practical effect, Madam Chair, of this definition is that it will require agencies and the courts to consider the business and regulatory environment of other nations.

Consider, for example, a proposed rule that imposes heightened clean air requirements on American steel manufacturers. H.R. 2804 would necessarily require consideration of whether this regulation—which could potentially result in higher compliance costs—could make American steel products less competitive in a country, such as China, that has a much less stringent or no regulatory regime.

While the economic analysis under this requirement may be deceptively

simple, its dangerous ramifications for public health cannot be underestimated. Chinese officials have only recently begun to acknowledge the health hazard risks presented by extensive air pollution; and if you have been over there and tried to breathe, you know that the air is greatly polluted over there. And so the Chinese have finally awakened to that fact, but the end result is that the public health of Americans and the safety of the environment would be compromised so that American manufacturers can better compete with their foreign counterparts. This is a shortsighted regulatory race to the bottom that prioritizes profits over saving lives.

Another fundamental flaw with H.R. 2804 is that it will greatly lengthen and not shorten the already time-consuming process by which Federal rules are promulgated. Avoiding undue delay in rulemaking is important because strong regulation is vital to protecting Americans in nearly every aspect of their lives. On average, Madam Chair, it takes between 4 to 8 years for an agency to promulgate a new rule. But instead of streamlining the rulemaking process, this bill extensively adds numerous procedural hurdles to the process.

In title II of the bill, 60 additional procedural steps to the rulemaking process are included. Not only that, title II reinstates a long discredited rulemaking process that requires trial-type procedures. Known as formal rulemaking, this time-consuming process was widely rejected decades ago as being highly ineffective.

Recently proposed regulations that could be impacted by this and other provisions in the bill include rules implementing the Food Safety Modernization Act's standards to reduce food contaminants like salmonella, and that would help prevent 1.75 million cases of illness.

Another thing that would be interrupted, another rules process, strengthening chemical facility accident prevention standards in response to the 2013 fertilizer explosion in West, Texas, that resulted in the deaths of 12 volunteer firefighters and two other individuals.

Another interruption would be preventing the manufacture and distribution of tainted and counterfeit prescription drugs.

Also impacted would be the implementation of the Justice Department's national standards to prevent, detect, and respond to prison rape.

Another interruption would be adjusting the reimbursement rates to Medicare providers for end-stage renal disease and setting payments to primary care physicians under the Vaccines for Children Program.

It would also stop the establishment of meal requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010.

It would prevent implementation of the Labor Department's standards for H–2B aliens in the United States.

For all of those reasons, Madam Chair, I oppose this legislation, and I would ask my colleagues to do the same.

I yield back the balance of my time.

Mr. GOODLATTE. Madam Chairman, I yield myself the balance of my time, and I urge my colleagues to support this commonsense legislation.

Let's begin by reviewing the facts: $1.8 trillion plus—and that is just Federal Government regulations, mind you. That is not State government regulations or local government regulations. $1.8 trillion, one-eighth of the total economic production of our country, is spent on government regulations. Some of those regulations are necessary, and this law by no means eliminates the regulations. It puts them through a process whereby we will know that the regulations are needed and are done in the most cost-effective way and in the most commonsense way.

What will be the result of that? Lower costs for goods and services; lower taxes for Americans who face, right now, an average per-family cost of $11,500 a year in higher costs of goods and services and higher taxes as a result of regulatory burdens. So imagine if some of that money were reduced what the savings would be. Imagine what it would do to job creation in our country.

We have talked a lot about manufacturing here today. Last year, for the first time in history, manufacturing in the United States reached $2 trillion in production—$2 trillion. It sounds remarkable until you consider that regulations cost $1.86 trillion—just Federal Government regulations almost wiping out the entire economic production of the manufacturing sector of our economy if all those regulations apply to manufacturing, which, of course, they do not.

But consider the impact on individuals. Consider the impact upon Rob James, the city councilman in Avon Lake, Ohio, who is experiencing reduced revenues coming in to meet basic obligations like education and emergency services because regulations of power plants with unnecessary ideologically driven anti-fossil fuel burdensome regulations are expected to destroy jobs in Avon Lake.

Consider the job loss in the business of Mr. Allen Puckett and his brick manufacturing company in Mississippi who expects to have to lay off two-thirds of his employees because of the second round of sue-and-settle brick-making emissions regulation where somebody sues, and the regulatory agency makes a settlement of that in a friendly case that Mr. Puckett and his employees didn't even know about the process where the suit was being brought and couldn't enter into it and say this is what is going to happen if you have to implement these regulations.

Or consider the impact on the cost of buying a home, one of the basic parts of the American Dream, when Mr. Karl Harris of Wichita, Kansas, says that one-quarter of the cost—one-quarter of the cost of a home today is in the form of regulation, the cost of those regulations.

With this legislation in place, businesses across America and workers across America will experience an increase in their profitability and an increase in their wages. We don't need to have government interference in the marketplace with regard to wages. They would rise on their own if the government would take practical steps in reviewing regulations before they are implemented in this country.

Finally, let me say that this is all about the individual and their freedom. Government regulation suppresses freedom of ideas and of implementing new ways of doing things. Yes, we need to have regulations to protect safety in the workplace. Yes, we need to have regulations to protect the environment, but they need to be commonsense regulations that are going about doing what needs to be done and no more, and are going about doing what needs to be done in the most effective way, and they are going about doing what needs to be done in a way that the people who are going to be impacted by those regulations, who are going to see their businesses lost, their workers lose their jobs and not even have any notice that this is going to occur.

I urge my colleagues to support this important legislation and yield back the balance of my time.

Mr. CONYERS. Madam Chair, I rise in strong opposition to H.R. 2804, the "Achieving Less Excess in Regulation and Requiring Transparency Act of 2014," also known as the so-called ALERRT Act.

I oppose this bill for numerous reasons, the most of important of which is that it would jeopardize critical public health and safety regulatory protections.

For example, the bill requires agencies to consider potential costs and benefits associated with proposed and final rules "[N]withstanding any other provision of law."

This "supermandate" would effectively trump all other statutes—such as the Clean Air Act, the Clean Water Act, and the Occupational Safety and Health Act—that prohibit or limit the use of cost information in setting health and safety standards.

In addition, title II of the bill would require agencies and federal courts to consider whether a rule has "significant adverse effects on . . . the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets." The practical effect of this definition is that it will require agencies and the courts to consider the business and regulatory environments of other nations.

Consider, for example, a proposed rule that imposes heightened clean air requirements on American steel manufacturers.

H.R. 2804 would necessarily require consideration of whether this regulation—which could potentially result in higher compliance costs—could make American steel products less competitive in a country, such as China, that has a much less stringent regulatory regime.

While the economic analysis under this requirement may be deceptively simple, its dangerous ramifications for public health cannot be underestimated. Chinese officials have only recently begun to acknowledge the health hazard risks presented by extensive air pollution that affects its cities, including its capital.

The end result is that the public health of Americans and the safety of the environment will be compromised so that American manufacturers can better compete with their foreign counterparts.

This is a shortsighted regulatory ''race to the bottom'' that prioritizes profits over saving lives.

Another fundamental flaw with H.R. 2804 is that it will greatly lengthen—not shorten—the already time-consuming process by which federal rules are promulgated.

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

On average, it already takes between 4 to 8 years for an agency to promulgate a new rule.

But, instead of streamlining the rulemaking process, the bill extensively adds numerous procedural hurdles to this process.

Title II of the bill, for example, adds more than 60 additional procedural steps to the rulemaking process.

Not only that, title II re-institutes a long-discredited rulemaking process that requires ''trial-type'' procedures. Known as formal rulemaking, this time-consuming process was widely-rejected decades ago as being highly ineffective.

Recently proposed regulations that could be impacted by this and other provisions in the bill include rules: implementing the Food Safety Modernization Act's standards to reduce food contaminants like salmonella and that would help prevent 1.75 million illnesses; ''strengthening chemical facility accident prevention standards in response to the 2013 fertilizer explosion in West, Texas that resulted in the deaths of 12 volunteer firefighters and 2 other individuals; preventing the manufacture and distribution of tainted and counterfeit prescription drugs; implementing the Justice Department's National Standards to prevent, detect, and respond to prison rape; adjusting the reimbursement rates to Medicare providers for end-stage renal diseases; setting payments to primary care physicians under the Vaccines for Children Program; establishing meal requirements for the National School Lunch Program under the Healthy, Hunger-Free Kids Act of 2010; implementing Labor Department Standards for H–2B Aliens in the United States; establishing the subsistence allowance for veterans under the Vocational Rehabilitation and Employment Program; and setting the Patent and Trademark Office's fees for patents.

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

This also explains why more than 150 consumer groups, environmental organizations, labor unions, and other entities, strenuously oppose this bill. These organizations include: The AFL–CIO, The Alliance for Justice; The American Federation of State, County and Municipal Employees; The American Lung Association; The Consumer Federation of America; Consumers Union; The International Brotherhood of Teamsters; The UAW; The League of Conservation Voters; The National Women's Law Center; The Natural Resources Defense Council; People for the American Way; Public Citizen; the Sierra Club; Service Employees International Union; the Union of Concerned Scientists; and the United Steelworkers; just to name a few.

Likewise, the Administration issued a strongly worded veto threat against this bill. It warns that the bill ''would impose unneeded and costly analytical and procedural requirements on agencies that would prevent them from performing their statutory duties.''

Finally, H.R. 2804 will give well-funded, anti-regulatory interests even more opportunities to derail rulemaking.

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

Under the bill, however, well-funded regulated industries could exert even more influence over federal rulemaking than they already do.

For instance, the bill's less deferential standard of judicial review gives additional opportunities for anti-regulatory interests to engage in dilatory tactics that can substantially slow down an already slow rulemaking process.

As Public Citizen, a nonprofit consumer advocacy organization representing consumer interests, warns: ''This new and inappropriate role for the courts is a recipe for more activist judges, increased litigation, endless delays, and more rather than less uncertainty for regulated parties and the public.''

Similarly, the nonpartisan Congressional Research Service has expressed concerns about the provision's potential to make the rulemaking process more lengthy and costly.

The American people deserve better.

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

The CHAIR. All time for general debate has expired.

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

In lieu of the amendment in the nature of a substitute recommended by the Committee on Oversight and Government Reform, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 113–38. That amendment in the nature of a substitute shall be considered as read.

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

H.R. 2804

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Achieving Less Excess in Regulation and Requiring Transparency Act of 2014'' or as the ''ALERRT Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT

Sec. 101. Short title.
Sec. 102. Office of Information and Regulatory Affairs publication of information relating to rules.

TITLE II—REGULATORY ACCOUNTABILITY ACT

Sec. 201. Short title.
Sec. 202. Definitions.
Sec. 203. Rule making.
Sec. 204. Agency guidance; procedures to issue major guidance; presidential authority to issue guidelines for issuance of guidance.
Sec. 205. Hearings; presiding employees; powers and duties; burden of proof; evidence; record as basis of decision.
Sec. 206. Actions reviewable.
Sec. 207. Scope of review.
Sec. 208. Added definition.
Sec. 209. Effective date.

TITLE III—REGULATORY FLEXIBILITY IMPROVEMENTS ACT

Sec. 301. Short title; table of contents.
Sec. 302. Clarification and expansion of rules covered by the Regulatory Flexibility Act.
Sec. 303. Expansion of report of regulatory agenda.
Sec. 304. Requirements providing for more detailed analyses.
Sec. 305. Repeal of waiver and delay authority; additional powers of the Chief Counsel for Advocacy.
Sec. 306. Procedures for gathering comments.
Sec. 307. Periodic review of rules.
Sec. 308. Judicial review of compliance with the requirements of the Regulatory Flexibility Act available after publication of the final rule.
Sec. 309. Jurisdiction of court of appeals over rules implementing the Regulatory Flexibility Act.
Sec. 310. Establishment and approval of small business concern size standards by Chief Counsel for Advocacy.
Sec. 311. Clerical amendments.
Sec. 312. Agency preparation of guides.
Sec. 313. Comptroller General report.

TITLE IV—SUNSHINE FOR REGULATORY DECREES AND SETTLEMENTS ACT

Sec. 401. Short title.
Sec. 402. Definitions.
Sec. 403. Consent decree and settlement reform.
Sec. 404. Motions to modify consent decrees.
Sec. 405. Effective date.

TITLE I—ALL ECONOMIC REGULATIONS ARE TRANSPARENT ACT

SEC. 101. SHORT TITLE.

This title may be cited as the ''All Economic Regulations are Transparent Act of 2014'' or the ''ALERT Act of 2014''.

SEC. 102. OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATION OF INFORMATION RELATING TO RULES.

(a) AMENDMENT.—Title 5, United States Code, is amended by inserting after chapter 6, the following new chapter:

''CHAPTER 6A—OFFICE OF INFORMATION AND REGULATORY AFFAIRS PUBLICATION OF INFORMATION RELATING TO RULES

''Sec.
''651. Agency monthly submission to Office of Information and Regulatory Affairs.
''652. Office of Information and Regulatory Affairs Publications.
''653. Requirement for rules to appear in agency-specific monthly publication.
''654. Definitions.

''§ 651. Agency monthly submission to Office of Information and Regulatory Affairs

''On a monthly basis, the head of each agency shall submit to the Administrator of

the Office of Information and Regulatory Affairs (referred to in this chapter as the 'Administrator'), in such a manner as the Administrator may reasonably require, the following information:

''(1) For each rule that the agency expects to propose or finalize during the following year:

''(A) A summary of the nature of the rule, including the regulation identifier number and the docket number for the rule.

''(B) The objectives of and legal basis for the issuance of the rule, including—

''(i) any statutory or judicial deadline; and

''(ii) whether the legal basis restricts or precludes the agency from conducting an analysis of the costs or benefits of the rule during the rule making, and if not, whether the agency plans to conduct an analysis of the costs or benefits of the rule during the rule making.

''(C) Whether the agency plans to claim an exemption from the requirements of section 553 pursuant to section 553(b)(B).

''(D) The stage of the rule making as of the date of submission.

''(E) Whether the rule is subject to review under section 610.

''(2) For any rule for which the agency expects to finalize during the following year and has issued a general notice of proposed rule making—

''(A) an approximate schedule for completing action on the rule;

''(B) an estimate of whether the rule will cost—

''(i) less than $50,000,000;

''(ii) $50,000,000 or more but less than $100,000,000;

''(iii) $100,000,000 or more but less than $500,000,000;

''(iv) $500,000,000 or more but less than $1,000,000,000;

''(v) $1,000,000,000 or more but less than $5,000,000,000;

''(vi) $5,000,000,000 or more but less than $10,000,000,000; or

''(vii) $10,000,000,000 or more; and

''(C) any estimate of the economic effects of the rule, including any estimate of the net effect that the rule will have on the number of jobs in the United States, that was considered in drafting the rule. If such estimate is not available, a statement affirming that no information on the economic effects, including the effect on the number of jobs, of the rule has been considered.

''§ 652. Office of Information and Regulatory Affairs Publications

''(a) AGENCY-SPECIFIC INFORMATION PUBLISHED MONTHLY.—Not later than 30 days after the submission of information pursuant to section 651, the Administrator shall make such information publicly available on the Internet.

''(b) CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING PUBLISHED ANNUALLY.—

''(1) PUBLICATION IN THE FEDERAL REGISTER.—Not later than October 1 of each year, the Administrator shall publish in the Federal Register, for the previous year the following:

''(A) The information that the Administrator received from the head of each agency under section 651.

''(B) The number of rules and a list of each such rule—

''(i) that was proposed by each agency, including, for each such rule, an indication of whether the issuing agency conducted an analysis of the costs or benefits of the rule; and

''(ii) that was finalized by each agency, including for each such rule an indication of whether—

''(I) the issuing agency conducted an analysis of the costs or benefits of the rule;

''(II) the agency claimed an exemption from the procedures under section 553 pursuant to section 553(b)(B); and

''(III) the rule was issued pursuant to a statutory mandate or the rule making is committed to agency discretion by law.

''(C) The number of agency actions and a list of each such action taken by each agency that—

''(i) repealed a rule;

''(ii) reduced the scope of a rule;

''(iii) reduced the cost of a rule; or

''(iv) accelerated the expiration date of a rule.

''(D) The total cost (without reducing the cost by any offsetting benefits) of all rules proposed or finalized, and the number of rules for which an estimate of the cost of the rule was not available.

''(2) PUBLICATION ON THE INTERNET.—Not later than October 1 of each year, the Administrator shall make publicly available on the Internet the following:

''(A) The analysis of the costs or benefits, if conducted, for each proposed rule or final rule issued by an agency for the previous year.

''(B) The docket number and regulation identifier number for each proposed or final rule issued by an agency for the previous year.

''(C) The number of rules and a list of each such rule reviewed by the Director of the Office of Management and Budget for the previous year, and the authority under which each such review was conducted.

''(D) The number of rules and a list of each such rule for which the head of an agency completed a review under section 610 for the previous year.

''(E) The number of rules and a list of each such rule submitted to the Comptroller General under section 801.

''(F) The number of rules and a list of each such rule for which a resolution of disapproval was introduced in either the House of Representatives or the Senate under section 802.

''§ 653. Requirement for rules to appear in agency-specific monthly publication

''(a) IN GENERAL.—Subject to subsection (b), a rule may not take effect until the information required to be made publicly available on the Internet regarding such rule pursuant to section 652(a) has been so available for not less than 6 months.

''(b) EXCEPTIONS.—The requirement of subsection (a) shall not apply in the case of a rule—

''(1) for which the agency issuing the rule claims an exception under section 553(b)(B); or

''(2) which the President determines by Executive Order should take effect because the rule is—

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

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

''(C) necessary for national security; or

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

''§ 654. Definitions

''In this chapter, the terms 'agency', 'agency action', 'rule', and 'rule making' have the meanings given those terms in section 551.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part I of title 5, United States Code, is amended by inserting after the item relating to chapter 5, the following:

''6. The Analysis of Regulatory Functions	601
''6A. Office of Information and Regulatory Affairs Publication of Information Relating to Rules	651''.

(c) EFFECTIVE DATES.—

(1) AGENCY MONTHLY SUBMISSION TO THE OFFICE OF INFORMATION AND REGULATORY AFFAIRS.—The first submission required pursuant to section 651 of title 5, United States Code, as added by subsection (a), shall be submitted not later than 30 days after the date of the enactment of this title, and monthly thereafter.

(2) CUMULATIVE ASSESSMENT OF AGENCY RULE MAKING.—

(A) IN GENERAL.—Subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 60 days after the date of the enactment of this title.

(B) DEADLINE.—The first requirement to publish or make available, as the case may be, under subsection (b) of section 652 of title 5, United States Code, as added by subsection (a), shall be the first October 1 after the effective date of such subsection.

(C) FIRST PUBLICATION.—The requirement under section 652(b)(2)(A) of title 5, United States Code, as added by subsection (a), shall include for the first publication, any analysis of the costs or benefits conducted for a proposed or final rule, for the 10 years before the date of the enactment of this title.

(3) REQUIREMENT FOR RULES TO APPEAR IN AGENCY-SPECIFIC MONTHLY PUBLICATION.—Section 653 of title 5, United States Code, as added by subsection (a), shall take effect on the date that is 8 months after the date of the enactment of this title.

TITLE II—REGULATORY ACCOUNTABILITY ACT

SEC. 201. SHORT TITLE.

This title may be cited as the ''Regulatory Accountability Act of 2014''.

SEC. 202. DEFINITIONS.

Section 551 of title 5, United States Code, is amended—

(1) in paragraph (13), by striking ''and'' at the end;

(2) in paragraph (14), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

''(15) 'major rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose—

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

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

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(D) significant impacts on multiple sectors of the economy;

''(16) 'high-impact rule' means any rule that the Administrator of the Office of Information and Regulatory Affairs determines is likely to impose an annual cost on the economy of $1,000,000,000 or more, adjusted annually for inflation;

''(17) 'guidance' means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory or technical issue or an interpretation of a statutory or regulatory issue;

''(18) 'major guidance' means guidance that the Administrator of the Office of Information and Regulatory Affairs finds is likely to lead to—

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

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

''(C) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(D) significant impacts on multiple sectors of the economy;

''(19) the 'Information Quality Act' means section 515 of Public Law 106–554, the Treasury and General Government Appropriations Act for Fiscal Year 2001, and guidelines issued by the Administrator of the Office of Information and Regulatory Affairs or other agencies pursuant to the Act; and

''(20) the 'Office of Information and Regulatory Affairs' means the office established under section 3503 of chapter 35 of title 44 and any successor to that office.''.

SEC. 203. RULE MAKING.

(a) Section 553(a) of title 5, United States Code, is amended by striking ''(a) This section applies'' and inserting ''(a) APPLICABILITY.—This section applies''.

(b) Section 553 of title 5, United States Code, is amended by striking subsections (b) through (e) and inserting the following:

''(b) RULE MAKING CONSIDERATIONS.—In a rule making, an agency shall make all preliminary and final factual determinations based on evidence and consider, in addition to other applicable considerations, the following:

''(1) The legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making.

''(2) Other statutory considerations applicable to whether the agency can or should propose a rule or undertake other agency action.

''(3) The specific nature and significance of the problem the agency may address with a rule (including the degree and nature of risks the problem poses and the priority of addressing those risks compared to other matters or activities within the agency's jurisdiction), whether the problem warrants new agency action, and the countervailing risks that may be posed by alternatives for new agency action.

''(4) Whether existing rules have created or contributed to the problem the agency may address with a rule and whether those rules could be amended or rescinded to address the problem in whole or part.

''(5) Any reasonable alternatives for a new rule or other response identified by the agency or interested persons, including not only responses that mandate particular conduct or manners of compliance, but also—

''(A) the alternative of no Federal response;

''(B) amending or rescinding existing rules;

''(C) potential regional, State, local, or tribal regulatory action or other responses that could be taken in lieu of agency action; and

''(D) potential responses that—

''(i) specify performance objectives rather than conduct or manners of compliance;

''(ii) establish economic incentives to encourage desired behavior;

''(iii) provide information upon which choices can be made by the public; or

''(iv) incorporate other innovative alternatives rather than agency actions that specify conduct or manners of compliance.

''(6) Notwithstanding any other provision of law—

''(A) the potential costs and benefits associated with potential alternative rules and other responses considered under section 553(b)(5), including direct, indirect, and cumulative costs and benefits and estimated impacts on jobs (including an estimate of the net gain or loss in domestic jobs), economic growth, innovation, and economic competitiveness;

''(B) means to increase the cost-effectiveness of any Federal response; and

''(C) incentives for innovation, consistency, predictability, lower costs of enforcement and compliance (to government entities, regulated entities, and the public), and flexibility.

''(c) ADVANCE NOTICE OF PROPOSED RULE MAKING FOR MAJOR RULES, HIGH-IMPACT RULES, AND RULES INVOLVING NOVEL LEGAL OR POLICY ISSUES.—In the case of a rule making for a major rule or high-impact rule or a rule that involves a novel legal or policy issue arising out of statutory mandates, not later than 90 days before a notice of proposed rule making is published in the Federal Register, an agency shall publish advance notice of proposed rule making in the Federal Register. In publishing such advance notice, the agency shall—

''(1) include a written statement identifying, at a minimum—

''(A) the nature and significance of the problem the agency may address with a rule, including data and other evidence and information on which the agency expects to rely for the proposed rule;

''(B) the legal authority under which a rule may be proposed, including whether a rule making is required by statute, and if so, whether by a specific date, or whether the agency has discretion to commence a rule making;

''(C) preliminary information available to the agency concerning the other considerations specified in subsection (b); and

''(D) in the case of a rule that involves a novel legal or policy issue arising out of statutory mandates, the nature of and potential reasons to adopt the novel legal or policy position upon which the agency may base a proposed rule;

''(2) solicit written data, views or argument from interested persons concerning the information and issues addressed in the advance notice; and

''(3) provide for a period of not fewer than 60 days for interested persons to submit such written data, views, or argument to the agency.

''(d) NOTICES OF PROPOSED RULE MAKING; DETERMINATIONS OF OTHER AGENCY COURSE.—(1) Before it determines to propose a rule, and following completion of procedures under subsection (c), if applicable, the agency shall consult with the Administrator of the Office of Information and Regulatory Affairs. If the agency thereafter determines to propose a rule, the agency shall publish a notice of proposed rule making, which shall include—

''(A) a statement of the time, place, and nature of public rule making proceedings;

''(B) reference to the legal authority under which the rule is proposed;

''(C) the terms of the proposed rule;

''(D) a description of information known to the agency on the subject and issues of the proposed rule, including but not limited to—

''(i) a summary of information known to the agency concerning the considerations specified in subsection (b);

''(ii) a summary of additional information the agency provided to and obtained from interested persons under subsection (c);

''(iii) a summary of any preliminary risk assessment or regulatory impact analysis performed by the agency; and

''(iv) information specifically identifying all data, studies, models, and other evidence or information considered or used by the agency in connection with its determination to propose the rule;

''(E)(i) a reasoned preliminary determination of need for the rule based on the information described under subparagraph (D); and

''(ii) an additional statement of whether a rule is required by statute;

''(F) a reasoned preliminary determination that the benefits of the proposed rule meet the relevant statutory objectives and justify the costs of the proposed rule (including all costs to be considered under subsection (b)(6)), based on the information described under subparagraph (D);

''(G) a discussion of—

''(i) the alternatives to the proposed rule, and other alternative responses, considered by the agency under subsection (b);

''(ii) the costs and benefits of those alternatives (including all costs to be considered under subsection (b)(6));

''(iii) whether those alternatives meet relevant statutory objectives; and

''(iv) why the agency did not propose any of those alternatives; and

''(H)(i) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule; and

''(ii) if so, whether or not the agency proposes to amend or rescind any such rules, and why.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination to propose the rule, including any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information prepared or described by the agency under subparagraph (D) and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the proposed rule and made accessible to the public by electronic means and otherwise for the public's use when the notice of proposed rule making is published.

''(2)(A) If the agency undertakes procedures under subsection (c) and determines thereafter not to propose a rule, the agency shall, following consultation with the Office of Information and Regulatory Affairs, publish a notice of determination of other agency course. A notice of determination of other agency course shall include information required by paragraph (1)(D) to be included in a notice of proposed rule making and a description of the alternative response the agency determined to adopt.

''(B) If in its determination of other agency course the agency makes a determination to amend or rescind an existing rule, the agency need not undertake additional proceedings under subsection (c) before it publishes a notice of proposed rule making to amend or rescind the existing rule.

All information provided to or considered by the agency, and steps to obtain information by the agency, in connection with its determination of other agency course, including but not limited to any preliminary risk assessment or regulatory impact analysis prepared by the agency and all other information that would be required to be prepared or described by the agency under paragraph (1)(D) if the agency had determined to publish a notice of proposed rule making and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the determination and made accessible to the public by electronic means and otherwise for the public's use

when the notice of determination is published.

''(3) After notice of proposed rule making required by this section, the agency shall provide interested persons an opportunity to participate in the rule making through submission of written data, views, or arguments with or without opportunity for oral presentation, except that—

''(A) if a hearing is required under paragraph (4)(B) or subsection (e), opportunity for oral presentation shall be provided pursuant to that requirement; or

''(B) when other than under subsection (e) of this section rules are required by statute or at the discretion of the agency to be made on the record after opportunity for an agency hearing, sections 556 and 557 shall apply, and paragraph (4), the requirements of subsection (e) to receive comment outside of the procedures of sections 556 and 557, and the petition procedures of subsection (e)(6) shall not apply.

The agency shall provide not fewer than 60 days for interested persons to submit written data, views, or argument (or 120 days in the case of a proposed major or high-impact rule).

''(4)(A) Within 30 days of publication of notice of proposed rule making, a member of the public may petition for a hearing in accordance with section 556 to determine whether any evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act.

''(B)(i) The agency may, upon review of the petition, determine without further process to exclude from the rule making the evidence or other information that is the subject of the petition and, if appropriate, withdraw the proposed rule. The agency shall promptly publish any such determination.

''(ii) If the agency does not resolve the petition under the procedures of clause (i), it shall grant any such petition that presents a prima facie case that evidence or other information upon which the agency bases the proposed rule fails to comply with the Information Quality Act, hold the requested hearing not later than 30 days after receipt of the petition, provide a reasonable opportunity for cross-examination at the hearing, and decide the issues presented by the petition not later than 60 days after receipt of the petition. The agency may deny any petition that it determines does not present such a prima facie case.

''(C) There shall be no judicial review of the agency's disposition of issues considered and decided or determined under subparagraph (B)(ii) until judicial review of the agency's final action. There shall be no judicial review of an agency's determination to withdraw a proposed rule under subparagraph (B)(i) on the basis of the petition.

''(D) Failure to petition for a hearing under this paragraph shall not preclude judicial review of any claim based on the Information Quality Act under chapter 7 of this title.

''(e) HEARINGS FOR HIGH-IMPACT RULES.—Following notice of a proposed rule making, receipt of comments on the proposed rule, and any hearing held under subsection (d)(4), and before adoption of any high-impact rule, the agency shall hold a hearing in accordance with sections 556 and 557, unless such hearing is waived by all participants in the rule making other than the agency. The agency shall provide a reasonable opportunity for cross-examination at such hearing. The hearing shall be limited to the following issues of fact, except that participants at the hearing other than the agency may waive determination of any such issue:

''(1) Whether the agency's asserted factual predicate for the rule is supported by the evidence.

''(2) Whether there is an alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost (including all costs to be considered under subsection (b)(6)) than the proposed rule.

''(3) If there is more than one alternative to the proposed rule that would achieve the relevant statutory objectives at a lower cost than the proposed rule, which alternative would achieve the relevant statutory objectives at the lowest cost.

''(4) Whether, if the agency proposes to adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives (including all costs to be considered under subsection (b)(6)), the additional benefits of the more costly rule exceed the additional costs of the more costly rule.

''(5) Whether the evidence and other information upon which the agency bases the proposed rule meets the requirements of the Information Quality Act.

''(6) Upon petition by an interested person who has participated in the rule making, other issues relevant to the rule making, unless the agency determines that consideration of the issues at the hearing would not advance consideration of the rule or would, in light of the nature of the need for agency action, unreasonably delay completion of the rule making. An agency shall grant or deny a petition under this paragraph within 30 days of its receipt of the petition.

No later than 45 days before any hearing held under this subsection or sections 556 and 557, the agency shall publish in the Federal Register a notice specifying the proposed rule to be considered at such hearing, the issues to be considered at the hearing, and the time and place for such hearing, except that such notice may be issued not later than 15 days before a hearing held under subsection (d)(4)(B).

''(f) FINAL RULES.—(1) The agency shall adopt a rule only following consultation with the Administrator of the Office of Information and Regulatory Affairs to facilitate compliance with applicable rule making requirements.

''(2) The agency shall adopt a rule only on the basis of the best reasonably obtainable scientific, technical, economic, and other evidence and information concerning the need for, consequences of, and alternatives to the rule.

''(3)(A) Except as provided in subparagraph (B), the agency shall adopt the least costly rule considered during the rule making (including all costs to be considered under subsection (b)(6)) that meets relevant statutory objectives.

''(B) The agency may adopt a rule that is more costly than the least costly alternative that would achieve the relevant statutory objectives only if the additional benefits of the more costly rule justify its additional costs and only if the agency explains its reason for doing so based on interests of public health, safety or welfare that are clearly within the scope of the statutory provision authorizing the rule.

''(4) When it adopts a final rule, the agency shall publish a notice of final rule making. The notice shall include—

''(A) a concise, general statement of the rule's basis and purpose;

''(B) the agency's reasoned final determination of need for a rule to address the problem the agency seeks to address with the rule, including a statement of whether a rule is required by statute and a summary of any final risk assessment or regulatory impact analysis prepared by the agency;

''(C) the agency's reasoned final determination that the benefits of the rule meet the relevant statutory objectives and justify the rule's costs (including all costs to be considered under subsection (b)(6));

''(D) the agency's reasoned final determination not to adopt any of the alternatives to the proposed rule considered by the agency during the rule making, including—

''(i) the agency's reasoned final determination that no alternative considered achieved the relevant statutory objectives with lower costs (including all costs to be considered under subsection (b)(6)) than the rule; or

''(ii) the agency's reasoned determination that its adoption of a more costly rule complies with subsection (f)(3)(B);

''(E) the agency's reasoned final determination—

''(i) that existing rules have not created or contributed to the problem the agency seeks to address with the rule; or

''(ii) that existing rules have created or contributed to the problem the agency seeks to address with the rule, and, if so—

''(I) why amendment or rescission of such existing rules is not alone sufficient to respond to the problem; and

''(II) whether and how the agency intends to amend or rescind the existing rule separate from adoption of the rule;

''(F) the agency's reasoned final determination that the evidence and other information upon which the agency bases the rule complies with the Information Quality Act; and

''(G)(i) for any major rule or high-impact rule, the agency's plan for review of the rule no less than every ten years to determine whether, based upon evidence, there remains a need for the rule, whether the rule is in fact achieving statutory objectives, whether the rule's benefits continue to justify its costs, and whether the rule can be modified or rescinded to reduce costs while continuing to achieve statutory objectives; and

''(ii) review of a rule under a plan required by clause (i) of this subparagraph shall take into account the factors and criteria set forth in subsections (b) through (f) of section 553 of this title.

All information considered by the agency in connection with its adoption of the rule, and, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, information provided by that Office in consultations with the agency, shall be placed in the docket for the rule and made accessible to the public for the public's use no later than when the rule is adopted.

''(g) EXCEPTIONS FROM NOTICE AND HEARING REQUIREMENTS.—(1) Except when notice or hearing is required by statute, the following do not apply to interpretive rules, general statements of policy, or rules of agency organization, procedure, or practice:

''(A) Subsections (c) through (e).

''(B) Paragraphs (1) through (3) of subsection (f).

''(C) Subparagraphs (B) through (H) of subsection (f)(4).

''(2)(A) When the agency for good cause, based upon evidence, finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that compliance with subsection (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section before the issuance of an interim rule is impracticable or contrary to the public interest, including interests of national security, such subsections or requirements to render final determinations shall not apply to the agency's adoption of an interim rule.

''(B) If, following compliance with subparagraph (A) of this paragraph, the agency adopts an interim rule, it shall commence proceedings that comply fully with subsections (d) through (f) of this section immediately upon publication of the interim rule, shall treat the

publication of the interim rule as publication of a notice of proposed rule making and shall not be required to issue supplemental notice other than to complete full compliance with subsection (d). No less than 270 days from publication of the interim rule (or 18 months in the case of a major rule or high-impact rule), the agency shall complete rule making under subsections (d) through (f) of this subsection and take final action to adopt a final rule or rescind the interim rule. If the agency fails to take timely final action, the interim rule will cease to have the effect of law.

''(C) Other than in cases involving interests of national security, upon the agency's publication of an interim rule without compliance with subsections (c), (d), or (e) or requirements to render final determinations under subsection (f) of this section, an interested party may seek immediate judicial review under chapter 7 of this title of the agency's determination to adopt such interim rule. The record on such review shall include all documents and information considered by the agency and any additional information presented by a party that the court determines necessary to consider to assure justice.

''(3) When the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are unnecessary, including because agency rule making is undertaken only to correct a de minimis technical or clerical error in a previously issued rule or for other noncontroversial purposes, the agency may publish a rule without compliance with subsections (c), (d), (e), or (f)(1)–(3) and (f)(4)(B)–(F). If the agency receives significant adverse comment within 60 days after publication of the rule, it shall treat the notice of the rule as a notice of proposed rule making and complete rule making in compliance with subsections (d) and (f).

''(h) ADDITIONAL REQUIREMENTS FOR HEARINGS.—When a hearing is required under subsection (e) or is otherwise required by statute or at the agency's discretion before adoption of a rule, the agency shall comply with the requirements of sections 556 and 557 in addition to the requirements of subsection (f) in adopting the rule and in providing notice of the rule's adoption.

''(i) DATE OF PUBLICATION OF RULE.—The required publication or service of a substantive final or interim rule shall be made not less than 30 days before the effective date of the rule, except—

''(1) a substantive rule which grants or recognizes an exemption or relieves a restriction;

''(2) interpretive rules and statements of policy; or

''(3) as otherwise provided by the agency for good cause found and published with the rule.

''(j) RIGHT TO PETITION.—Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

''(k) RULE MAKING GUIDELINES.—(1)(A) The Administrator of the Office of Information and Regulatory Affairs shall establish guidelines for the assessment, including quantitative and qualitative assessment, of the costs and benefits of proposed and final rules and other economic issues or issues related to risk that are relevant to rule making under this title. The rigor of cost-benefit analysis required by such guidelines shall be commensurate, in the Administrator's determination, with the economic impact of the rule.

''(B) To ensure that agencies use the best available techniques to quantify and evaluate anticipated present and future benefits, costs, other economic issues, and risks as accurately as possible, the Administrator of the Office of Information and Regulatory Affairs shall regularly update guidelines established under paragraph (1)(A) of this subsection.

''(2) The Administrator of the Office of Information and Regulatory Affairs shall also issue guidelines to promote coordination, simplification and harmonization of agency rules during the rule making process and otherwise. Such guidelines shall assure that each agency avoids regulations that are inconsistent or incompatible with, or duplicative of, its other regulations and those of other Federal agencies and drafts its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(3) To ensure consistency in Federal rule making, the Administrator of the Office of Information and Regulatory Affairs shall—

''(A) issue guidelines and otherwise take action to ensure that rule makings conducted in whole or in part under procedures specified in provisions of law other than those of subchapter II of this title conform to the fullest extent allowed by law with the procedures set forth in section 553 of this title; and

''(B) issue guidelines for the conduct of hearings under subsections 553(d)(4) and 553(e) of this section, including to assure a reasonable opportunity for cross-examination. Each agency shall adopt regulations for the conduct of hearings consistent with the guidelines issued under this subparagraph.

''(4) The Administrator of the Office of Information and Regulatory Affairs shall issue guidelines pursuant to the Information Quality Act to apply in rule making proceedings under sections 553, 556, and 557 of this title. In all cases, such guidelines, and the Administrator's specific determinations regarding agency compliance with such guidelines, shall be entitled to judicial deference.

''(l) INCLUSION IN THE RECORD OF CERTAIN DOCUMENTS AND INFORMATION.—The agency shall include in the record for a rule making, and shall make available by electronic means and otherwise, all documents and information prepared or considered by the agency during the proceeding, including, at the discretion of the President or the Administrator of the Office of Information and Regulatory Affairs, documents and information communicated by that Office during consultation with the Agency.

''(m) MONETARY POLICY EXEMPTION.—Nothing in subsection (b)(6), subparagraphs (F) and (G) of subsection (d)(1), subsection (e), subsection (f)(3), and subparagraphs (C) and (D) of subsection (f)(5) shall apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 204. AGENCY GUIDANCE; PROCEDURES TO ISSUE MAJOR GUIDANCE; PRESIDENTIAL AUTHORITY TO ISSUE GUIDELINES FOR ISSUANCE OF GUIDANCE.

(a) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by inserting after section 553 the following new section:

''§ 553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance

''(a) Before issuing any major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, an agency shall—

''(1) make and document a reasoned determination that—

''(A) assures that such guidance is understandable and complies with relevant statutory objectives and regulatory provisions (including any statutory deadlines for agency action);

''(B) summarizes the evidence and data on which the agency will base the guidance;

''(C) identifies the costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) of conduct conforming to such guidance and assures that such benefits justify such costs; and

''(D) describes alternatives to such guidance and their costs and benefits (including all costs to be considered during a rule making under section 553(b) of this title) and explains why the agency rejected those alternatives; and

''(2) confer with the Administrator of the Office of Information and Regulatory Affairs on the issuance of such guidance to assure that the guidance is reasonable, understandable, consistent with relevant statutory and regulatory provisions and requirements or practices of other agencies, does not produce costs that are unjustified by the guidance's benefits, and is otherwise appropriate.

Upon issuing major guidance, or guidance that involves a novel legal or policy issue arising out of statutory mandates, the agency shall publish the documentation required by subparagraph (1) by electronic means and otherwise.

''(b) Agency guidance—

''(1) is not legally binding and may not be relied upon by an agency as legal grounds for agency action;

''(2) shall state in a plain, prominent and permanent manner that it is not legally binding; and

''(3) shall, at the time it is issued or upon request, be made available by the issuing agency to interested persons and the public by electronic means and otherwise.

Agencies shall avoid the issuance of guidance that is inconsistent or incompatible with, or duplicative of, the agency's governing statutes or regulations, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.

''(c) The Administrator of the Office of Information and Regulatory Affairs shall have authority to issue guidelines for use by the agencies in the issuance of major guidance and other guidance. Such guidelines shall assure that each agency avoids issuing guidance documents that are inconsistent or incompatible with, or duplicative of, the law, its other regulations, or the regulations of other Federal agencies and drafts its guidance documents to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty.''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 5 of title 5, United States Code, is amended by inserting after the item relating to section 553 the following new item:

''553a. Agency guidance; procedures to issue major guidance; authority to issue guidelines for issuance of guidance.''.

SEC. 205. HEARINGS; PRESIDING EMPLOYEES; POWERS AND DUTIES; BURDEN OF PROOF; EVIDENCE; RECORD AS BASIS OF DECISION.

Section 556 of title 5, United States Code, is amended by striking subsection (e) and inserting the following:

''(e)(1) The transcript of testimony and exhibits, together with all papers and requests filed in the proceeding, constitutes the exclusive record for decision in accordance with section 557 and shall be made available to the parties and the public by electronic means and, upon payment of lawfully prescribed costs, otherwise. When an agency decision rests on official notice of a material

fact not appearing in the evidence in the record, a party is entitled, on timely request, to an opportunity to show the contrary.

''(2) Notwithstanding paragraph (1) of this subsection, in a proceeding held under this section pursuant to section 553(d)(4) or 553(e), the record for decision shall also include any information that is part of the record of proceedings under section 553.

''(f) When an agency conducts rule making under this section and section 557 directly after concluding proceedings upon an advance notice of proposed rule making under section 553(c), the matters to be considered and determinations to be made shall include, among other relevant matters and determinations, the matters and determinations described in subsections (b) and (f) of section 553.

''(g) Upon receipt of a petition for a hearing under this section, the agency shall grant the petition in the case of any major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would, in light of the need for agency action, unreasonably delay completion of the rule making. The agency shall publish its decision to grant or deny the petition when it renders the decision, including an explanation of the grounds for decision. The information contained in the petition shall in all cases be included in the administrative record. This subsection shall not apply to rule makings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.''.

SEC. 206. ACTIONS REVIEWABLE.

Section 704 of title 5, United States Code, is amended—

(1) by striking ''Agency action made'' and inserting ''(a) Agency action made''; and

(2) by adding at the end the following: ''Denial by an agency of a correction request or, where administrative appeal is provided for, denial of an appeal, under an administrative mechanism described in subsection (b)(2)(B) of the Information Quality Act, or the failure of an agency within 90 days to grant or deny such request or appeal, shall be final action for purposes of this section.

''(b) Other than in cases involving interests of national security, notwithstanding subsection (a) of this section, upon the agency's publication of an interim rule without compliance with section 553(c), (d), or (e) or requirements to render final determinations under subsection (f) of section 553, an interested party may seek immediate judicial review under this chapter of the agency's determination to adopt such rule on an interim basis. Review shall be limited to whether the agency abused its discretion to adopt the interim rule without compliance with section 553(c), (d), or (e) or without rendering final determinations under subsection (f) of section 553.''.

SEC. 207. SCOPE OF REVIEW.

Section 706 of title 5, United States Code is amended—

(1) by striking ''To the extent necessary'' and inserting ''(a) To the extent necessary'';

(2) in paragraph (2)(A) of subsection (a) (as designated by paragraph (1) of this section), by inserting after ''in accordance with law'' the following: ''(including the Information Quality Act)''; and

(3) by adding at the end the following:

''(b) The court shall not defer to the agency's—

''(1) interpretation of an agency rule if the agency did not comply with the procedures of section 553 or sections 556–557 of chapter 5 of this title to issue the interpretation;

''(2) determination of the costs and benefits or other economic or risk assessment of the action, if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator of the Office of Information and Regulatory Affairs under section 553(k);

''(3) determinations made in the adoption of an interim rule; or

''(4) guidance.

''(c) The court shall review agency denials of petitions under section 553(e)(6) or any other petition for a hearing under sections 556 and 557 for abuse of agency discretion.''.

SEC. 208. ADDED DEFINITION.

Section 701(b) of title 5, United States Code, is amended—

(1) in paragraph (1), by striking ''and'' at the end;

(2) in paragraph (2), by striking the period at the end, and inserting ''; and''; and

(3) by adding at the end the following:

''(3) 'substantial evidence' means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion in light of the record considered as a whole, taking into account whatever in the record fairly detracts from the weight of the evidence relied upon by the agency to support its decision.''.

SEC. 209. EFFECTIVE DATE.

The amendments made by this title to—

(1) sections 553, 556, and 704 of title 5, United States Code;

(2) subsection (b) of section 701 of such title;

(3) paragraphs (2) and (3) of section 706(b) of such title; and

(4) subsection (c) of section 706 of such title,

shall not apply to any rule makings pending or completed on the date of enactment of this title.

TITLE III—REGULATORY FLEXIBILITY IMPROVEMENTS ACT

SEC. 301. SHORT TITLE; TABLE OF CONTENTS.

This title may be cited as the ''Regulatory Flexibility Improvements Act of 2014''.

SEC. 302. CLARIFICATION AND EXPANSION OF RULES COVERED BY THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Paragraph (2) of section 601 of title 5, United States Code, is amended to read as follows:

''(2) RULE.—The term 'rule' has the meaning given such term in section 551(4) of this title, except that such term does not include a rule pertaining to the protection of the rights of and benefits for veterans or a rule of particular (and not general) applicability relating to rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or to valuations, costs or accounting, or practices relating to such rates, wages, structures, prices, appliances, services, or allowances.''.

(b) INCLUSION OF RULES WITH INDIRECT EFFECTS.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(9) ECONOMIC IMPACT.—The term 'economic impact' means, with respect to a proposed or final rule—

''(A) any direct economic effect on small entities of such rule; and

''(B) any indirect economic effect (including compliance costs and effects on revenue) on small entities which is reasonably foreseeable and results from such rule (without regard to whether small entities will be directly regulated by the rule).''.

(c) INCLUSION OF RULES WITH BENEFICIAL EFFECTS.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (c) of section 603 of title 5, United States Code, is amended by striking the first sentence and inserting ''Each initial regulatory flexibility analysis shall also contain a detailed description of alternatives to the proposed rule which minimize any adverse significant economic impact or maximize any beneficial significant economic impact on small entities.''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—The first paragraph (6) of section 604(a) of title 5, United States Code, is amended by striking ''minimize the significant economic impact'' and inserting ''minimize the adverse significant economic impact or maximize the beneficial significant economic impact''.

(d) INCLUSION OF RULES AFFECTING TRIBAL ORGANIZATIONS.—Paragraph (5) of section 601 of title 5, United States Code, is amended by inserting ''and tribal organizations (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l))),'' after ''special districts,''.

(e) INCLUSION OF LAND MANAGEMENT PLANS AND FORMAL RULEMAKING.—

(1) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 603 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rule,''; and

(B) by inserting ''or publishes a revision or amendment to a land management plan,'' after ''United States,''.

(2) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (a) of section 604 of title 5, United States Code, is amended in the first sentence—

(A) by striking ''or'' after ''proposed rulemaking,''; and

(B) by inserting ''or adopts a revision or amendment to a land management plan,'' after ''section 603(a),''.

(3) LAND MANAGEMENT PLAN DEFINED.—Section 601 of title 5, United States Code, is amended by adding at the end the following new paragraph:

''(10) LAND MANAGEMENT PLAN.—

''(A) IN GENERAL.—The term 'land management plan' means—

''(i) any plan developed by the Secretary of Agriculture under section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604); and

''(ii) any plan developed by the Secretary of the Interior under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

''(B) REVISION.—The term 'revision' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(5) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–6 of title 43, Code of Federal Regulations (or any successor regulation).

''(C) AMENDMENT.—The term 'amendment' means any change to a land management plan which—

''(i) in the case of a plan described in subparagraph (A)(i), is made under section 6(f)(4) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(4)) and with respect to which the Secretary of Agriculture prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)); or

''(ii) in the case of a plan described in subparagraph (A)(ii), is made under section 1610.5–5 of title 43, Code of Federal Regulations (or any successor regulation) and with respect to which the Secretary of the Interior prepares a statement described in section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).''.

(f) INCLUSION OF CERTAIN INTERPRETIVE RULES INVOLVING THE INTERNAL REVENUE LAWS.—

(1) IN GENERAL.—Subsection (a) of section 603 of title 5, United States Code, is amended by striking the period at the end and inserting ''or a recordkeeping requirement, and without regard to whether such requirement is imposed by statute or regulation.''.

(2) COLLECTION OF INFORMATION.—Paragraph (7) of section 601 of title 5, United States Code, is amended to read as follows:

''(7) COLLECTION OF INFORMATION.—The term 'collection of information' has the meaning given such term in section 3502(3) of title 44.''.

(3) RECORDKEEPING REQUIREMENT.—Paragraph (8) of section 601 of title 5, United States Code, is amended to read as follows:

''(8) RECORDKEEPING REQUIREMENT.—The term 'recordkeeping requirement' has the meaning given such term in section 3502(13) of title 44.''.

(g) DEFINITION OF SMALL ORGANIZATION.—Paragraph (4) of section 601 of title 5, United States Code, is amended to read as follows:

''(4) SMALL ORGANIZATION.—

''(A) IN GENERAL.—The term 'small organization' means any not-for-profit enterprise which, as of the issuance of the notice of proposed rulemaking—

''(i) in the case of an enterprise which is described by a classification code of the North American Industrial Classification System, does not exceed the size standard established by the Administrator of the Small Business Administration pursuant to section 3 of the Small Business Act (15 U.S.C. 632) for small business concerns described by such classification code; and

''(ii) in the case of any other enterprise, has a net worth that does not exceed $7,000,000 and has not more than 500 employees.

''(B) LOCAL LABOR ORGANIZATIONS.—In the case of any local labor organization, subparagraph (A) shall be applied without regard to any national or international organization of which such local labor organization is a part.

''(C) AGENCY DEFINITIONS.—Subparagraphs (A) and (B) shall not apply to the extent that an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions for such term which are appropriate to the activities of the agency and publishes such definitions in the Federal Register.''.

SEC. 303. EXPANSION OF REPORT OF REGULATORY AGENDA.

Section 602 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking '', and'' at the end and inserting ''; '';

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

''(3) a brief description of the sector of the North American Industrial Classification System that is primarily affected by any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities; and''; and

(2) in subsection (c), to read as follows:

''(c) Each agency shall prominently display a plain language summary of the information contained in the regulatory flexibility agenda published under subsection (a) on its website within 3 days of its publication in the Federal Register. The Office of Advocacy of the Small Business Administration shall compile and prominently display a plain language summary of the regulatory agendas referenced in subsection (a) for each agency on its website within 3 days of their publication in the Federal Register.''.

SEC. 304. REQUIREMENTS PROVIDING FOR MORE DETAILED ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Subsection (b) of section 603 of title 5, United States Code, is amended to read as follows:

''(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

''(1) describing the reasons why action by the agency is being considered;

''(2) describing the objectives of, and legal basis for, the proposed rule;

''(3) estimating the number and type of small entities to which the proposed rule will apply;

''(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

''(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided;

''(6) estimating the additional cumulative economic impact of the proposed rule on small entities beyond that already imposed on the class of small entities by the agency or why such an estimate is not available; and

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) in paragraph (4), by striking ''an explanation'' and inserting ''a detailed explanation'';

(B) in each of paragraphs (4), (5), and the first paragraph (6), by inserting ''detailed'' before ''description''; and

(C) by adding at the end the following:

''(7) describing any disproportionate economic impact on small entities or a specific class of small entities.''.

(2) INCLUSION OF RESPONSE TO COMMENTS ON CERTIFICATION OF PROPOSED RULE.—Paragraph (2) of section 604(a) of title 5, United States Code, is amended by inserting ''(or certification of the proposed rule under section 605(b))'' after ''initial regulatory flexibility analysis''.

(3) PUBLICATION OF ANALYSIS ON WEBSITE.—Subsection (b) of section 604 of title 5, United States Code, is amended to read as follows:

''(b) The agency shall make copies of the final regulatory flexibility analysis available to the public, including placement of the entire analysis on the agency's website, and shall publish in the Federal Register the final regulatory flexibility analysis, or a summary thereof which includes the telephone number, mailing address, and link to the website where the complete analysis may be obtained.''.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Subsection (a) of section 605 of title 5, United States Code, is amended to read as follows:

''(a) A Federal agency shall be treated as satisfying any requirement regarding the content of an agenda or regulatory flexibility analysis under section 602, 603, or 604, if such agency provides in such agenda or analysis a cross-reference to the specific portion of another agenda or analysis which is required by any other law and which satisfies such requirement.''.

(d) CERTIFICATIONS.—Subsection (b) of section 605 of title 5, United States Code, is amended—

(1) by inserting ''detailed'' before ''statement'' the first place it appears; and

(2) by inserting ''and legal'' after ''factual''.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

''§ 607. Quantification requirements

''In complying with sections 603 and 604, an agency shall provide—

''(1) a quantifiable or numerical description of the effects of the proposed or final rule and alternatives to the proposed or final rule; or

''(2) a more general descriptive statement and a detailed statement explaining why quantification is not practicable or reliable.''.

SEC. 305. REPEAL OF WAIVER AND DELAY AUTHORITY; ADDITIONAL POWERS OF THE CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Section 608 is amended to read as follows:

''§ 608. Additional powers of Chief Counsel for Advocacy

''(a)(1) Not later than 270 days after the date of the enactment of this section, the Chief Counsel for Advocacy of the Small Business Administration shall, after opportunity for notice and comment under section 553, issue rules governing agency compliance with this chapter. The Chief Counsel may modify or amend such rules after notice and comment under section 553. This chapter (other than this subsection) shall not apply with respect to the issuance, modification, and amendment of rules under this paragraph.

''(2) An agency shall not issue rules which supplement the rules issued under subsection (a) unless such agency has first consulted with the Chief Counsel for Advocacy to ensure that such supplemental rules comply with this chapter and the rules issued under paragraph (1).

''(b) Notwithstanding any other law, the Chief Counsel for Advocacy of the Small Business Administration may intervene in any agency adjudication (unless such agency is authorized to impose a fine or penalty under such adjudication), and may inform the agency of the impact that any decision on the record may have on small entities. The Chief Counsel shall not initiate an appeal with respect to any adjudication in which the Chief Counsel intervenes under this subsection.

''(c) The Chief Counsel for Advocacy may file comments in response to any agency notice requesting comment, regardless of whether the agency is required to file a general notice of proposed rulemaking under section 553.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 611(a)(1) of such title is amended by striking ''608(b),''.

(2) Section 611(a)(2) of such title is amended by striking ''608(b),''.

(3) Section 611(a)(3) of such title is amended—

(A) by striking subparagraph (B); and

(B) by striking ''(3)(A) A small entity'' and inserting the following:

''(3) A small entity''.

SEC. 306. PROCEDURES FOR GATHERING COMMENTS.

Section 609 of title 5, United States Code, is amended by striking subsection (b) and all that follows through the end of the section and inserting the following:

''(b)(1) Prior to publication of any proposed rule described in subsection (e), an agency making such rule shall notify the Chief Counsel for Advocacy of the Small Business Administration and provide the Chief Counsel with—

''(A) all materials prepared or utilized by the agency in making the proposed rule, including the draft of the proposed rule; and

''(B) information on the potential adverse and beneficial economic impacts of the proposed rule on small entities and the type of small entities that might be affected.

''(2) An agency shall not be required under paragraph (1) to provide the exact language of any draft if the rule—

''(A) relates to the internal revenue laws of the United States; or

''(B) is proposed by an independent regulatory agency (as defined in section 3502(5) of title 44).

''(c) Not later than 15 days after the receipt of such materials and information under subsection (b), the Chief Counsel for Advocacy of the Small Business Administration shall—

''(1) identify small entities or representatives of small entities or a combination of both for the purpose of obtaining advice, input, and recommendations from those persons about the potential economic impacts of the proposed rule and the compliance of the agency with section 603; and

''(2) convene a review panel consisting of an employee from the Office of Advocacy of the Small Business Administration, an employee from the agency making the rule, and in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), an employee from the Office of Information and Regulatory Affairs of the Office of Management and Budget to review the materials and information provided to the Chief Counsel under subsection (b).

''(d)(1) Not later than 60 days after the review panel described in subsection (c)(2) is convened, the Chief Counsel for Advocacy of the Small Business Administration shall, after consultation with the members of such panel, submit a report to the agency and, in the case of an agency other than an independent regulatory agency (as defined in section 3502(5) of title 44), the Office of Information and Regulatory Affairs of the Office of Management and Budget.

''(2) Such report shall include an assessment of the economic impact of the proposed rule on small entities, including an assessment of the proposed rule's impact on the cost that small entities pay for energy, an assessment of the proposed rule's impact on start-up costs for small entities, and a discussion of any alternatives that will minimize adverse significant economic impacts or maximize beneficial significant economic impacts on small entities.

''(3) Such report shall become part of the rulemaking record. In the publication of the proposed rule, the agency shall explain what actions, if any, the agency took in response to such report.

''(e) A proposed rule is described by this subsection if the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget, the head of the agency (or the delegatee of the head of the agency), or an independent regulatory agency determines that the proposed rule is likely to result in—

''(1) an annual effect on the economy of $100,000,000 or more;

''(2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local governments, tribal organizations, or geographic regions;

''(3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets; or

''(4) a significant economic impact on a substantial number of small entities.

''(f) Upon application by the agency, the Chief Counsel for Advocacy of the Small Business Administration may waive the requirements of subsections (b) through (e) if the Chief Counsel determines that compliance with the requirements of such subsections are impracticable, unnecessary, or contrary to the public interest.

''(g) A small entity or a representative of a small entity may submit a request that the agency provide a copy of the report prepared under subsection (d) and all materials and information provided to the Chief Counsel for Advocacy of the Small Business Administration under subsection (b). The agency receiving such request shall provide the report, materials and information to the requesting small entity or representative of a small entity not later than 10 business days after receiving such request, except that the agency shall not disclose any information that is prohibited from disclosure to the public pursuant to section 552(b) of this title.''.

SEC. 307. PERIODIC REVIEW OF RULES.

Section 610 of title 5, United States Code, is amended to read as follows:

''§ 610. Periodic review of rules

''(a) Not later than 180 days after the enactment of this section, each agency shall publish in the Federal Register and place on its website a plan for the periodic review of rules issued by the agency which the head of the agency determines have a significant economic impact on a substantial number of small entities. Such determination shall be made without regard to whether the agency performed an analysis under section 604. The purpose of the review shall be to determine whether such rules should be continued without change, or should be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any adverse significant economic impacts or maximize any beneficial significant economic impacts on a substantial number of small entities. Such plan may be amended by the agency at any time by publishing the revision in the Federal Register and subsequently placing the amended plan on the agency's website.

''(b) The plan shall provide for the review of all such agency rules existing on the date of the enactment of this section within 10 years of the date of publication of the plan in the Federal Register and for review of rules adopted after the date of enactment of this section within 10 years after the publication of the final rule in the Federal Register. If the head of the agency determines that completion of the review of existing rules is not feasible by the established date, the head of the agency shall so certify in a statement published in the Federal Register and may extend the review for not longer than 2 years after publication of notice of extension in the Federal Register. Such certification and notice shall be sent to the Chief Counsel for Advocacy of the Small Business Administration and the Congress.

''(c) The plan shall include a section that details how an agency will conduct outreach to and meaningfully include small businesses (including small business concerns owned and controlled by women, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such terms are defined in the Small Business Act)) for the purposes of carrying out this section. The agency shall include in this section a plan for how the agency will contact small businesses and gather their input on existing agency rules.

''(d) Each agency shall annually submit a report regarding the results of its review pursuant to such plan to the Congress, the Chief Counsel for Advocacy of the Small Business Administration, and, in the case of agencies other than independent regulatory agencies (as defined in section 3502(5) of title 44) to the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget. Such report shall include the identification of any rule with respect to which the head of the agency made a determination described in paragraph (5) or (6) of subsection (e) and a detailed explanation of the reasons for such determination.

''(e) In reviewing a rule pursuant to subsections (a) through (d), the agency shall amend or rescind the rule to minimize any adverse significant economic impact on a substantial number of small entities or disproportionate economic impact on a specific class of small entities, or maximize any beneficial significant economic impact of the rule on a substantial number of small entities to the greatest extent possible, consistent with the stated objectives of applicable statutes. In amending or rescinding the rule, the agency shall consider the following factors:

''(1) The continued need for the rule.

''(2) The nature of complaints received by the agency from small entities concerning the rule.

''(3) Comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration.

''(4) The complexity of the rule.

''(5) The extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State, territorial, and local rules.

''(6) The contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such calculations cannot be made and reports that determination in the annual report required under subsection (d).

''(7) The length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule.

''(f) The agency shall publish in the Federal Register and on its website a list of rules to be reviewed pursuant to such plan. The agency shall include in the publication a solicitation of public comments on any further inclusions or exclusions of rules from the list, and shall respond to such comments. Such publication shall include a brief description of the rule, the reason why the agency determined that it has a significant economic impact on a substantial number of small entities (without regard to whether it had prepared a final regulatory flexibility analysis for the rule), and request comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rule.''.

SEC. 308. JUDICIAL REVIEW OF COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATORY FLEXIBILITY ACT AVAILABLE AFTER PUBLICATION OF THE FINAL RULE.

(a) IN GENERAL.—Paragraph (1) of section 611(a) of title 5, United States Code, is amended by striking ''final agency action'' and inserting ''such rule''.

(b) JURISDICTION.—Paragraph (2) of such section is amended by inserting ''(or which would have such jurisdiction if publication of the final rule constituted final agency action)'' after ''provision of law,''.

(c) TIME FOR BRINGING ACTION.—Paragraph (3) of such section is amended—

(1) by striking ''final agency action'' and inserting ''publication of the final rule''; and

(2) by inserting '', in the case of a rule for which the date of final agency action is the

same date as the publication of the final rule,'' after ''except that''.

(d) INTERVENTION BY CHIEF COUNSEL FOR ADVOCACY.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting before the first period ''or agency compliance with section 601, 603, 604, 605(b), 609, or 610''.

SEC. 309. JURISDICTION OF COURT OF APPEALS OVER RULES IMPLEMENTING THE REGULATORY FLEXIBILITY ACT.

(a) IN GENERAL.—Section 2342 of title 28, United States Code, is amended—

(1) in paragraph (6), by striking ''and'' at the end;

(2) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(3) by inserting after paragraph (7) the following new paragraph:

''(8) all final rules under section 608(a) of title 5.''.

(b) CONFORMING AMENDMENTS.—Paragraph (3) of section 2341 of title 28, United States Code, is amended—

(1) in subparagraph (D), by striking ''and'' at the end;

(2) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(F) the Office of Advocacy of the Small Business Administration, when the final rule is under section 608(a) of title 5.''.

(c) AUTHORIZATION TO INTERVENE AND COMMENT ON AGENCY COMPLIANCE WITH ADMINISTRATIVE PROCEDURE.—Subsection (b) of section 612 of title 5, United States Code, is amended by inserting ''chapter 5, and chapter 7,'' after ''this chapter,''.

SEC. 310. ESTABLISHMENT AND APPROVAL OF SMALL BUSINESS CONCERN SIZE STANDARDS BY CHIEF COUNSEL FOR ADVOCACY.

(a) IN GENERAL.—Subparagraph (A) of section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)(A)) is amended to read as follows:

''(A) IN GENERAL.—In addition to the criteria specified in paragraph (1)—

''(i) the Administrator may specify detailed definitions or standards by which a business concern may be determined to be a small business concern for purposes of this Act or the Small Business Investment Act of 1958; and

''(ii) the Chief Counsel for Advocacy may specify such definitions or standards for purposes of any other Act.''.

(b) APPROVAL BY CHIEF COUNSEL.—Clause (iii) of section 3(a)(2)(C) of the Small Business Act (15 U.S.C. 632(a)(2)(C)(iii)) is amended to read as follows:

''(iii) except in the case of a size standard prescribed by the Administrator, is approved by the Chief Counsel for Advocacy.''.

(c) INDUSTRY VARIATION.—Paragraph (3) of section 3(a) of the Small Business Act (15 U.S.C. 632(a)(3)) is amended—

(1) by inserting ''or Chief Counsel for Advocacy, as appropriate'' before ''shall ensure''; and

(2) by inserting ''or Chief Counsel for Advocacy'' before the period at the end.

(d) JUDICIAL REVIEW OF SIZE STANDARDS APPROVED BY CHIEF COUNSEL.—Section 3(a) of the Small Business Act (15 U.S.C. 632(a)) is amended by adding at the end the following new paragraph:

''(9) JUDICIAL REVIEW OF STANDARDS APPROVED BY CHIEF COUNSEL.—In the case of an action for judicial review of a rule which includes a definition or standard approved by the Chief Counsel for Advocacy under this subsection, the party seeking such review shall be entitled to join the Chief Counsel as a party in such action.''.

SEC. 311. CLERICAL AMENDMENTS.

(a) DEFINITIONS.—Section 601 of title 5, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(1) the term'' and inserting the following:

''(1) AGENCY.—The term'';

(2) in paragraph (3)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(3) the term'' and inserting the following:

''(3) SMALL BUSINESS.—The term'';

(3) in paragraph (5)—

(A) by striking the semicolon at the end and inserting a period; and

(B) by striking ''(5) the term'' and inserting the following:

''(5) SMALL GOVERNMENTAL JURISDICTION.—The term''; and

(4) in paragraph (6)—

(A) by striking ''; and'' and inserting a period; and

(B) by striking ''(6) the term'' and inserting the following:

''(6) SMALL ENTITY.—The term''.

(b) INCORPORATIONS BY REFERENCE AND CERTIFICATIONS.—The heading of section 605 of title 5, United States Code, is amended to read as follows:

''§ 605. Incorporations by reference and certifications''.

(c) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following new item:

''605. Incorporations by reference and certifications.'';

(2) by striking the item relating to section 607 and inserting the following new item:

''607. Quantification requirements.'';

and

(3) by striking the item relating to section 608 and inserting the following:

''608. Additional powers of Chief Counsel for Advocacy.''.

(d) OTHER CLERICAL ADENDMENTS TO CHAPTER 6.—Chapter 6 of title 5, United States Code, is amended as follows:

(1) In section 603, by striking subsection (d).

(2) In section 604(a) by striking the second paragraph (6).

SEC. 312. AGENCY PREPARATION OF GUIDES.

Section 212(a)(5) the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended to read as follows:

''(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to distribute such guides. In developing guides, agencies shall solicit input from affected small entities or associations of affected small entities. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.''.

SEC. 313. COMPTROLLER GENERAL REPORT.

Not later than 90 days after the date of enactment of this title, the Comptroller General of the United States shall complete and publish a study that examines whether the Chief Counsel for Advocacy of the Small Business Administration has the capacity and resources to carry out the duties of the Chief Counsel under this title and the amendments made by this title.

TITLE IV—SUNSHINE FOR REGULATORY DECREES AND SETTLEMENTS ACT

SEC. 401. SHORT TITLE.

This title may be cited as the ''Sunshine for Regulatory Decrees and Settlements Act of 2014''.

SEC. 402. DEFINITIONS.

In this title—

(1) the terms ''agency'' and ''agency action'' have the meanings given those terms under section 551 of title 5, United States Code;

(2) the term ''covered civil action'' means a civil action—

(A) seeking to compel agency action;

(B) alleging that the agency is unlawfully withholding or unreasonably delaying an agency action relating to a regulatory action that would affect the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government; and

(C) brought under—

(i) chapter 7 of title 5, United States Code; or

(ii) any other statute authorizing such an action;

(3) the term ''covered consent decree'' means—

(A) a consent decree entered into in a covered civil action; and

(B) any other consent decree that requires agency action relating to a regulatory action that affects the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government;

(4) the term ''covered consent decree or settlement agreement'' means a covered consent decree and a covered settlement agreement; and

(5) the term ''covered settlement agreement'' means—

(A) a settlement agreement entered into in a covered civil action; and

(B) any other settlement agreement that requires agency action relating to a regulatory action that affects the rights of—

(i) private persons other than the person bringing the action; or

(ii) a State, local, or tribal government.

SEC. 403. CONSENT DECREE AND SETTLEMENT REFORM.

(a) PLEADINGS AND PRELIMINARY MATTERS.—

(1) IN GENERAL.—In any covered civil action, the agency against which the covered civil action is brought shall publish the notice of intent to sue and the complaint in a readily accessible manner, including by making the notice of intent to sue and the complaint available online not later than 15 days after receiving service of the notice of intent to sue or complaint, respectively.

(2) ENTRY OF A COVERED CONSENT DECREE OR SETTLEMENT AGREEMENT.—A party may not make a motion for entry of a covered consent decree or to dismiss a civil action pursuant to a covered settlement agreement until after the end of proceedings in accordance with paragraph (1) and subparagraphs (A) and (B) of paragraph (2) of subsection (d) or subsection (d)(3)(A), whichever is later.

(b) INTERVENTION.—

(1) REBUTTABLE PRESUMPTION.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a person who alleges that the agency action in dispute would affect the person, the court shall presume, subject to rebuttal, that the interests of the person would not be represented adequately by the existing parties to the action.

(2) STATE, LOCAL, AND TRIBAL GOVERNMENTS.—In considering a motion to intervene in a covered civil action or a civil action in which a covered consent decree or settlement agreement has been proposed that is filed by a State, local, or tribal government, the court shall take due account of whether the movant—

(A) administers jointly with an agency that is a defendant in the action the statutory provisions that give rise to the regulatory action to which the action relates; or

(B) administers an authority under State, local, or tribal law that would be preempted by the regulatory action to which the action relates.

(c) SETTLEMENT NEGOTIATIONS.—Efforts to settle a covered civil action or otherwise reach an agreement on a covered consent decree or settlement agreement shall—

(1) be conducted pursuant to the mediation or alternative dispute resolution program of the court or by a district judge other than the presiding judge, magistrate judge, or special master, as determined appropriate by the presiding judge; and

(2) include any party that intervenes in the action.

(d) PUBLICATION OF AND COMMENT ON COVERED CONSENT DECREES OR SETTLEMENT AGREEMENTS.—

(1) IN GENERAL.—Not later than 60 days before the date on which a covered consent decree or settlement agreement is filed with a court, the agency seeking to enter the covered consent decree or settlement agreement shall publish in the Federal Register and online—

(A) the proposed covered consent decree or settlement agreement; and

(B) a statement providing—

(i) the statutory basis for the covered consent decree or settlement agreement; and

(ii) a description of the terms of the covered consent decree or settlement agreement, including whether it provides for the award of attorneys' fees or costs and, if so, the basis for including the award.

(2) PUBLIC COMMENT.—

(A) IN GENERAL.—An agency seeking to enter a covered consent decree or settlement agreement shall accept public comment during the period described in paragraph (1) on any issue relating to the matters alleged in the complaint in the applicable civil action or addressed or affected by the proposed covered consent decree or settlement agreement.

(B) RESPONSE TO COMMENTS.—An agency shall respond to any comment received under subparagraph (A).

(C) SUBMISSIONS TO COURT.—When moving that the court enter a proposed covered consent decree or settlement agreement or for dismissal pursuant to a proposed covered consent decree or settlement agreement, an agency shall—

(i) inform the court of the statutory basis for the proposed covered consent decree or settlement agreement and its terms;

(ii) submit to the court a summary of the comments received under subparagraph (A) and the response of the agency to the comments;

(iii) submit to the court a certified index of the administrative record of the notice and comment proceeding; and

(iv) make the administrative record described in clause (iii) fully accessible to the court.

(D) INCLUSION IN RECORD.—The court shall include in the court record for a civil action the certified index of the administrative record submitted by an agency under subparagraph (C)(iii) and any documents listed in the index which any party or amicus curiae appearing before the court in the action submits to the court.

(3) PUBLIC HEARINGS PERMITTED.—

(A) IN GENERAL.—After providing notice in the Federal Register and online, an agency may hold a public hearing regarding whether to enter into a proposed covered consent decree or settlement agreement.

(B) RECORD.—If an agency holds a public hearing under subparagraph (A)—

(i) the agency shall—

(I) submit to the court a summary of the proceedings;

(II) submit to the court a certified index of the hearing record; and

(III) provide access to the hearing record to the court; and

(ii) the full hearing record shall be included in the court record.

(4) MANDATORY DEADLINES.—If a proposed covered consent decree or settlement agreement requires an agency action by a date certain, the agency shall, when moving for entry of the covered consent decree or settlement agreement or dismissal based on the covered consent decree or settlement agreement, inform the court of—

(A) any required regulatory action the agency has not taken that the covered consent decree or settlement agreement does not address;

(B) how the covered consent decree or settlement agreement, if approved, would affect the discharge of the duties described in subparagraph (A); and

(C) why the effects of the covered consent decree or settlement agreement on the manner in which the agency discharges its duties is in the public interest.

(e) SUBMISSION BY THE GOVERNMENT.—

(1) IN GENERAL.—For any proposed covered consent decree or settlement agreement that contains a term described in paragraph (2), the Attorney General or, if the matter is being litigated independently by an agency, the head of the agency shall submit to the court a certification that the Attorney General or head of the agency approves the proposed covered consent decree or settlement agreement. The Attorney General or head of the agency shall personally sign any certification submitted under this paragraph.

(2) TERMS.—A term described in this paragraph is—

(A) in the case of a covered consent decree, a term that—

(i) converts into a nondiscretionary duty a discretionary authority of an agency to propose, promulgate, revise, or amend regulations;

(ii) commits an agency to expend funds that have not been appropriated and that have not been budgeted for the regulatory action in question;

(iii) commits an agency to seek a particular appropriation or budget authorization;

(iv) divests an agency of discretion committed to the agency by statute or the Constitution of the United States, without regard to whether the discretion was granted to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties; or

(v) otherwise affords relief that the court could not enter under its own authority upon a final judgment in the civil action; or

(B) in the case of a covered settlement agreement, a term—

(i) that provides a remedy for a failure by the agency to comply with the terms of the covered settlement agreement other than the revival of the civil action resolved by the covered settlement agreement; and

(ii) that—

(I) interferes with the authority of an agency to revise, amend, or issue rules under the procedures set forth in chapter 5 of title 5, United States Code, or any other statute or Executive order prescribing rulemaking procedures for a rulemaking that is the subject of the covered settlement agreement;

(II) commits the agency to expend funds that have not been appropriated and that have not been budgeted for the regulatory action in question; or

(III) for such a covered settlement agreement that commits the agency to exercise in a particular way discretion which was committed to the agency by statute or the Constitution of the United States to respond to changing circumstances, to make policy or managerial choices, or to protect the rights of third parties.

(f) REVIEW BY COURT.—

(1) AMICUS.—A court considering a proposed covered consent decree or settlement agreement shall presume, subject to rebuttal, that it is proper to allow amicus participation relating to the covered consent decree or settlement agreement by any person who filed public comments or participated in a public hearing on the covered consent decree or settlement agreement under paragraph (2) or (3) of subsection (d).

(2) REVIEW OF DEADLINES.—

(A) PROPOSED COVERED CONSENT DECREES.—For a proposed covered consent decree, a court shall not approve the covered consent decree unless the proposed covered consent decree allows sufficient time and incorporates adequate procedures for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rulemaking and, unless contrary to the public interest, the provisions of any Executive order that governs rulemaking.

(B) PROPOSED COVERED SETTLEMENT AGREEMENTS.—For a proposed covered settlement agreement, a court shall ensure that the covered settlement agreement allows sufficient time and incorporates adequate procedures for the agency to comply with chapter 5 of title 5, United States Code, and other applicable statutes that govern rulemaking and, unless contrary to the public interest, the provisions of any Executive order that governs rulemaking.

(g) ANNUAL REPORTS.—Each agency shall submit to Congress an annual report that, for the year covered by the report, includes—

(1) the number, identity, and content of covered civil actions brought against and covered consent decrees or settlement agreements entered against or into by the agency; and

(2) a description of the statutory basis for—

(A) each covered consent decree or settlement agreement entered against or into by the agency; and

(B) any award of attorneys fees or costs in a civil action resolved by a covered consent decree or settlement agreement entered against or into by the agency.

SEC. 404. MOTIONS TO MODIFY CONSENT DECREES.

If an agency moves a court to modify a covered consent decree or settlement agreement and the basis of the motion is that the terms of the covered consent decree or settlement agreement are no longer fully in the public interest due to the obligations of the agency to fulfill other duties or due to changed facts and circumstances, the court shall review the motion and the covered consent decree or settlement agreement de novo.

SEC. 405. EFFECTIVE DATE.

This title shall apply to—

(1) any covered civil action filed on or after the date of enactment of this title; and

(2) any covered consent decree or settlement agreement proposed to a court on or after the date of enactment of this title.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those

printed in House Report 113–361. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. JOHNSON OF GEORGIA

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 113–361.

Mr. JOHNSON of Georgia. As the designee of Mr. CARTWRIGHT, I am offering amendment No. 1.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, after line 4, the table of sections is amended to read as follows:

''Sec.
''651. Agency monthly submission to Office of Information and Regulatory Affairs.
''652. Office of Information and Regulatory Affairs Publications.
''653. Definitions.''.

Page 8, strike line 21, and all that follows through page 9, line 15.

Page 9, line 16, strike ''**654**'' and insert ''**653**''.

Page 11, strike lines 3 through 7.

The CHAIR. Pursuant to House Resolution 487, the gentleman from Georgia (Mr. JOHNSON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. JOHNSON of Georgia. Madam Chair, this amendment simply strikes the moratorium provisions in title I of the bill. Madam Chair, a regulatory moratorium makes absolutely no sense. Cass Sunstein, the former head of the Office of Information and Regulatory Affairs, has observed:

> A moratorium would not be a scalpel or a machete; it would be more like a nuclear bomb, in the sense that it would prevent regulations that cost very little and have very significant economic and public health benefits.

□ 1800

This is yet another iteration of an attempt by the majority to obstruct at all costs and stop all regulations. In the last Congress, we considered H.R. 4078, which would have imposed a moratorium for ''any quarter'' where the Bureau of Labor Statistics average of monthly unemployment rates is equal to or less than 6 percent. Although the Republican-controlled House passed the bill, it of course died in the Senate.

A moratorium threatens key health and safety regulations. During the 104th Congress, the House passed the Regulatory Transition Act of 1995, a bill that imposed a regulatory moratorium pending the institution of a risk analysis and assessment regime. The Committee on Oversight and Government Reform Democrats, in their dissent to the reported bill, observed that the legislation was ''ill-conceived'' and that it had ''unknown consequences.'' In particular, they noted:

> The bill ignores the interests of the average American. There is no effort in this bill to sort out the good from the bad. It is a one-size-fits-all solution. The bill will threaten key health and safety regulations, such as improved meat and poultry inspection procedures, while also halting regulations favored by business, such as rules at the FCC to allocate portions of the spectrum for new telephone systems.

Accordingly, I urge my colleagues to support this amendment that would strike the bill's pernicious moratorium provision.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR (Ms. ROS-LEHTINEN). The gentleman from Virginia is recognized for 5 minutes.

Mr. GOODLATTE. Madam Chair, as Federal regulatory agencies attempt to pile more and more regulatory burdens on America's struggling workers, families and small businesses, the least we can ask is that they be transparent about it. What could be more transparent than requiring them, the regulators, on a monthly basis, online, to update the public with real-time information about what new regulations are coming and how much they will cost?

Once they have that information, affected individuals and job creators will be able to plan and budget meaningfully for new costs they may have to absorb. If they are denied that information, they will only be blindsided. That is not fair.

Title I of the ALERRT Act makes sure this information is provided to the public. To provide a strong incentive to agencies to honor its requirements, title I prohibits new regulations from becoming effective unless agencies provide transparent information online for 6 months preceding the regulations' issuance.

The amendment seeks to eliminate that incentive. Without an incentive like that in existing law, what have we seen from the Obama administration? Repeated failures to make disclosures required by statute and executive order, including the administration's yearlong hiding of the ball on new regulations during the 2012 election cycle. I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Chair, the majority is pursuing this legislation in complete disregard of various recent examples of regulatory failure. These include the Massey coal mine explosion in West Virginia which took the lives of 29 miners. In fact, next month will mark the 1-year anniversary of that explosion. The explosion of BP's Deepwater Horizon oil rig in the Gulf of Mexico that stemmed from lax regulation of oil drilling platforms is also a prominent example. The home foreclosure crisis, the 2008 financial crisis, and the ensuing Great Recession, all of which stemmed from the fact that regulators under the Bush administration lacked the direction, resources, and authority to confront the highly reckless behavior of the private sector, and particularly the lending and financial service industries.

It was a direct response to these regulatory failures in the financial realm that Congress passed the Dodd-Frank Act and other measures during the 111th Congress, and Republicans have tried to repeal those measures and have tried to repeal the Affordable Care Act.

Of the 58 bills that were passed out of this so-called do-nothing Congress in the first year of this session, not one of them was a jobs bill; not one job created. Do we set ourselves up again for the kind of regulatory Wild Wild West that got us into trouble in the first place?

I reserve the balance of my time.

Mr. GOODLATTE. Madam Chair, I yield 1 minute to the gentleman from Alabama (Mr. BACHUS), the chairman of the subcommittee.

Mr. BACHUS. Madam Chair, let me say this: the gentleman from Georgia has talked about these regulations all being necessary, but the President himself on the campaign trail said we need to repeal unnecessary Federal regulations. He stood right here in the House when he gave two State of the Unions and said we need to eliminate some of our Federal regulations, and he charged the Congress to do that. It has been part of his agenda. It has been part of what he has campaigned on and what he has brought to the Congress as his State of the Union message, and that is exactly what this bill does.

He said regulations aren't abstract ideas. They cost money. In certain cases, the benefit is simply not there. We are not talking about endangering public health. We are talking about regulations that endanger jobs unnecessarily.

Mr. JOHNSON of Georgia. Madam Chair, I think everyone can agree that the Federal agencies need the resources to be able to go back and review and rescind and repeal any unnecessary regulations, but we have been busy cutting government for the last 3 years. This legislation before us won't cut any regulations, but it certainly will keep any regulations from coming forward. I think that would accomplish the objective of the Republicans here, which is to protect Big Business.

With that, I yield back the balance of my time.

Mr. GOODLATTE. Madam Chair, I yield myself the balance of my time, and just say that the fact of the matter is that the provision in the bill that this amendment attacks is a very straightforward provision that just provides for transparency. It doesn't stop any of the regulations the gentleman from Georgia referenced; it simply says if you do the regulations, tell us about them ahead of time so as you move toward the final implementation, the last 6 months before it goes

into effect, the public gets to see it, the media gets to see it, the businesses that are impacted get to see it, the workers who may lose their jobs get to see it. That allows them to prepare for it, and it allows them to comment. It allows them to try to change the law. It is simply a fair way to enter into regulations. It is a commonsense provision that should be kept in the bill, and the amendment should be defeated.

I yield back the balance of my time.

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

The amendment was rejected.

AMENDMENT NO. 2 OFFERED BY MR. MURPHY OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in House Report 113–361.

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

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

In the bill, strike title II and title IV, and redesignate provisions and conform the table of contents accordingly.

The Acting CHAIR. Pursuant to House Resolution 487, the gentleman from Florida (Mr. MURPHY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MURPHY of Florida. Madam Chair, as a former small businessman, I am acutely aware of the strain unnecessary regulations have on businesses. While I strongly support the underlying bill's goal of reducing the regulatory burden on American companies, truly smart regulatory reform would preserve government's ability to enforce clean air laws, food safety, and consumer protections. It would not pile on duplicative procedural hurdles on already inefficient agencies, gumming up government bureaucracy and obstructing agencies' most basic functions.

Too often, the debate up here is about more regulations versus fewer regulations, but we should be focused on smarter regulations.

We should all be able to agree that government has a role to play in clean water for Americans, an issue the people in the Treasure Coast are all too familiar with.

We should all be able to agree that when a consumer walks through the door of a bank looking for a mortgage, that government has a role to play in protecting that consumer, but these regulations should help the public without unnecessarily hindering business, our Nation's economic engine. We must both protect Americans and enable commerce. The business community is not against all regulation, they are against excessively burdensome regulation.

In my district, business owners believe that protecting the environment and clean water standards is not antigrowth. In fact, it is pro-jobs.

When I recently toured the family-run Armellini trucking company in my district, the Armellinis were not against truck safety standards. They do the right thing by their workers, and they abide by safe driving rules. They want regulations to ensure that others do the same. What they are against are new truck safety standards that hinder growth without actually making trucking any safer.

Smarter regulations should protect good businesses from bad actors.

I will give another example. Denny Hudson runs Seacoast Bank, a small community bank in Stuart, Florida. Like many small financial institutions, Seacoast weathered the financial crisis because they were not involved in risky financial behavior. They expected mortgages to be repaid on time, and they wanted the small businesses they supported to succeed.

After the financial crisis of 2008 nearly took down the global economy, most people agreed that government regulators needed to better protect our financial system, but if new regulations keep community banks like Seacoast from getting creditworthy young families into their first home, or providing capital to new small businesses, that is a problem.

My amendment is simple. While recognizing the goal of the underlying legislation to improve the regulatory process, my amendment maintains the government's responsibility to protect the environment, consumer health, and workplace safety. I propose removing costly hurdles that would make government less efficient, while protecting the right of the American people to hold their government accountable when it fails to protect their health, safety, and civil rights.

My colleagues across the aisle frequently complain about too much bureaucracy. We should not compound the problem by creating duplicative government processes. Let's examine the effectiveness of regulations already in place.

Senator KING introduced a bipartisan bill that would do exactly that. It would establish a process to identify and either strike or improve outdated and obsolete regulations. We should be doing the same thing in this body. At a time when we should be doing more with less, can we really afford to increase spending with more government bureaucracy?

I urge my colleagues to support this commonsense amendment to improve the underlying bill, save the partisan fight over controversial sections for another day, streamline the regulatory process, and save 70 million taxpayer dollars. I thank my colleagues.

I yield back the balance of my time.

Mr. GOODLATTE. Madam Chair, I rise in opposition to the amendment.

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

Mr. GOODLATTE. America's small businesses, workers, and families are being crushed by an annual regulatory burden that in 2012 amounted to $15,000 per household. That is an expense bigger than any family expense except for housing, and the number of new costly regulations just keeps growing and growing.

□ 1815

In response, titles II and IV of the bill, which this amendment seeks to strike, those two titles write into statute best practices into rulemaking that help to lower costs, avoid unnecessary regulation, and keep pro-regulatory special interests from abusing the courts to force new costly regulations upon the public.

They do all of this without denying the ability of agencies to issue new regulations that are sensible to fulfill statutory mandates.

Why is this so important that the bill do that? Because although these are best practices, they are too often honored in the breach or not at all because they are not yet written into statute.

The amendment substantially guts the bill; denies important protections to American workers, families, and job creators; and unjustifiably prolongs the time during which regulatory agencies can operate without adequate checks and balances.

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

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

The amendment was rejected.

AMENDMENT NO. 3 OFFERED BY MR. ROTHFUS

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in House Report 113–361.

Mr. ROTHFUS. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 12, after line 19, insert the following (and redesignate accordingly):

''(17) 'negative-impact on jobs and wages rule' means any rule that the agency that made the rule or the Administrator of the Office of Information and Regulatory Affairs determines is likely to—

''(A) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

''(B) in one or more sectors of the economy that has a 6-digit code under the North American Industry Classification System, reduce average weekly wages for employment not related to new regulatory compliance by 1 percent or more annually during the 1-year, 5-year, or 10-year period after implementation;

''(C) in any industry area (as such term is defined in the Current Population Survey conducted by the Bureau of Labor Statistics) in which the most recent annual unemployment rate for the industry area is greater than 5 percent, as determined by the Bureau

of Labor Statistics in the Current Population Survey, reduce employment not related to new regulatory compliance during the first year after implementation; or

''(D) in any industry area in which the Bureau of Labor Statistics projects in the Occupational Employment Statistics program that the employment level will decrease by 1 percent or more, further reduce employment not related to new regulatory compliance during the first year after implementation;''.

Page 16, line 16, insert after ''domestic jobs),'' the following: ''wages,''.

Page 16, line 25, insert after ''HIGH-IMPACT RULES'' the following: ''NEGATIVE-IMPACT ON JOBS AND WAGES RULES,''.

Page 17, line 2, strike ''a major rule or high-impact rule'' and insert the following: ''a major rule, a high-impact rule, a negative-impact on jobs and wages rule,''.

Page 29, line 13, strike ''and''.

Page 29, line 14, strike ''major rule or high-impact rule,'' and insert the following: ''major rule, high-impact rule, or negative-impact on jobs and wages rule,''.

Page 30, line 2, strike the period at the end and insert ''; and''.

Page 30, after line 2, insert the following:

''(H) for any negative-impact on jobs and wages rule, a statement that the head of the agency that made the rule approved the rule knowing about the findings and determination of the agency or the Administrator of the Office of Information and Regulatory Affairs that qualified the rule as a negative impact on jobs and wages rule.''.

The Acting CHAIR. Pursuant to House Resolution 487, the gentleman from Pennsylvania (Mr. ROTHFUS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ROTHFUS. Madam Chairman, Americans face a regulatory burden with staggering costs to our economy and with substantial impacts on family budgets.

A recent paper by the Competitive Enterprise Institute estimates that the cost of Federal regulations to the economy exceeds $1.8 trillion. The American Action Forum predicts that $143 billion in new regulations may be finalized this year.

These figures are very troubling. That is why the bill we are considering is so important. H.R. 2804 reforms the regulatory process and will help promote the economic growth we so desperately need to get our economy booming again and add jobs.

The amendment that I offer today with my friend, Mr. BARR, is simple and one that I hope my colleagues on both sides of the aisle will support.

If a regulation decreases employment or wages by 1 percent or more in an industry, it will be subject to heightened review and additional transparency requirements.

The amendment also requires agency heads to certify that they knowingly approved a rule that will result in lost jobs or reduced wages.

The principle is simple: If Federal bureaucrats are going to implement rules that take wages or jobs from Americans, they should take responsibility for their decisions.

It is important that Washington bureaucrats think through the impacts, the costs, and the burdens that red tape imposes on American families and communities. Bureaucratic elites are regulating solid, good-paying jobs right out of existence.

At a time when wages are stagnant for many American workers and when we so desperately need to grow the economy and add jobs, this is unbelievable.

On February 7, with my hardhat secured and my headlamp on, I had the privilege of traveling underground to learn more about the work and operations of the Madison mine in Nanty Glo, Pennsylvania. Miners like these work hard every day to power our electric grid and to supply our steel mills.

But their way of life is being purposefully regulated out of existence. Dan, the mine electrician, recently asked me what is going to be done to curb the President's war on coal. He wrote: As a mine electrician in your district, my men are asking me questions like: Is this ever going to end, or are we all going to be looking for new jobs?

My friends, this problem extends well beyond the coalfields of Pennsylvania or Kentucky. Regulations cost each household almost $14,700. That is almost 30 percent of an average Pennsylvania family's annual income.

Complying with this mountain of paperwork will also cost families and businesses almost 10.4 billion hours this year. Who thinks that this is the most productive use of their time?

Madam Chairman, the American people cannot afford more lost jobs and further reduced wages. Every lost job means one less person helping with the taxes needed to support Social Security, Medicare, and other critical programs for veterans, health care, education, and national defense.

I urge my colleagues to support the Rothfus-Barr amendment and the underlying bill.

Madam Chairman, I yield 1 minute to the gentleman from Kentucky (Mr. BARR), my friend.

Mr. BARR. Madam Chairman, I thank the gentleman and my friend from Pennsylvania for yielding. I appreciate the hard work that both he and his staff have put into this important amendment, which I had the pleasure to join him in introducing.

As I indicated earlier in the debate on the underlying legislation, in Kentucky, the overregulation of the Kentucky coal industry has really taken a toll. Under President Obama, Appalachian Kentucky has lost about 7,000 jobs in just 5 years, putting coal industry employment in the Commonwealth to its lowest level since records were first kept in 1927.

This amendment would strengthen the underlying regulatory reform legislation by holding accountable those agencies that go after already suffering workers like Kentucky and Pennsylvania coal miners.

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

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

Mr. JOHNSON of Georgia. Madam Chairman, this amendment would add an additional level of analysis in the regulatory process that examines whether or not regulations have a negative impact on jobs and wages.

Adding this additional requirement that is highly speculative and analytical would further slow down the rulemaking process, adding more red tape.

I invite the gentleman to support my amendment, amendment No. 9, which we will get to shortly, that would exclude from the bill any rule, consent decree, or settlement agreement that would result in net job creation or have greater benefits than costs.

I would also hope that my friends on both sides of the aisle would have a desire to improve the economy and take actions to foster job growth, instead of adding more red tape to the regulatory process.

To the extent that regulations have anything to do with jobs, H.R. 2804's proponents should overwhelmingly support my amendment No. 9, which exempts from the bill all rules that OMB determines would result in net job creation.

With respect to regulations stifling job creation, the evidence, Madam Chairman, is to the contrary. If anything, regulations can promote job growth and put Americans back to work.

For instance, the BlueGreen Alliance notes:

> Studies on the direct impact of regulations on job growth have found that most regulations result in modest job growth or have no effect, and economic growth has consistently surged forward in concert with these health and safety protections. The Clean Air Act is a shining example, given that the economy has grown 204 percent and private sector job creation has expanded 86 percent since its passage in 1970.

In reference to the Clean Air Act, the Office of Management and Budget observed that 40 years of success with this measure have demonstrated that strong environmental protections and strong economic growth go hand-in-hand.

Regulations create valuable jobs and research across industries. For example, a pending regulation limiting the amount of airborne mercury will not just reduce the amount of seriously toxic pollutants, but create as many as 45,000 temporary jobs and possibly 8,000 permanent jobs, as The New York Times noted last month.

Heightened vehicle emissions standards have spurred clean vehicle research, development, and production efforts that in turn have already generated more than 150,000 jobs at 504 facilities in 43 States across the United States of America.

The majority's own witness clearly debunked the myth that regulations stymie job creation during his testimony at a Judiciary Committee hearing held in the last Congress on an antiregulatory bill.

Christopher DeMuth, with the American Enterprise Institute, a conservative think tank, stated in his prepared testimony:

The ''focus on jobs . . . can lead to confusion in regulatory debates'' and that the employment effects of regulation, while important, ''are indeterminant.''

The claim by the bill's proponents, namely, that regulatory uncertainty creates a disincentive for businesses to add jobs, was rejected by Bruce Bartlett, a senior policy analyst in the Reagan and George H. W. Bush administrations.

He observed:

Regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community, year in and year out. In other words, it is a simple case of political opportunism, not a serious effort to deal with high employment.

That was Bruce Bartlett.

Leading scholars, such as Wake Forest Law Professor Sidney Shapiro has testified:

All of the available evidence contradicts the claim that regulatory uncertainty is deterring business development and investment.

Scant demand, not regulations, drives hiring choices.

In sum, there is no credible evidence that regulations depress job creation.

I yield back the balance of my time.

Mr. ROTHFUS. Madam Chairman, may I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Pennsylvania has 1 minute remaining.

Mr. ROTHFUS. Madam Chairman, I yield 30 seconds to the gentleman from Virginia (Mr. GOODLATTE), the chairman.

Mr. GOODLATTE. Madam Chairman, I thank the gentleman from Pennsylvania for yielding.

I strongly support the amendment that he and the gentleman from Kentucky (Mr. BARR) have offered. I urge my colleagues to support it as well, which protects America's workers.

I support the amendment.

Those who suffer the most from over-reaching regulations are workers who lose their jobs or see their wages cut on account of regulations that cost too much. Displaced workers suffer lower earnings once they find new work. That earnings gap persists over the long-term. Blue collar workers are the hardest hit.

Those who take too long to find new work are more likely to leave the labor force and retire. These workers, their families, and this country cannot afford to lose good work, good workers and good wages to needless regulatory excess. This amendment makes sure that agencies better analyze the potential impacts of new regulations on jobs and wages. And it makes sure that agencies come clean with the American people when they impose new regulations that they know will impose real adverse impacts on jobs and wages.

It will protect America's workers and families—and give voters the information they need to hold agencies and their enablers accountable when agencies recklessly destroy jobs and wages.

I urge my colleagues to support the amendment.

Mr. ROTHFUS. Madam Chair, I urge my colleagues to pass this amendment. It is a good amendment. It will shine a light on the process of the regulatory elites here in Washington, D.C., and the impact it is having on our jobs and on our wages.

I yield back the balance of my time.

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

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

Mr. ROTHFUS. Madam Chairman, I demand a recorded vote.

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

AMENDMENT NO. 4 OFFERED BY MR. BRADY OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in House Report 113–361.

Mr. BRADY of Texas. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 17, line 23, strike ''; and'' and insert the following: '';''.

Page 18, line 4, insert ''and'' after ''rule;'';

Page 18, insert after line 4 the following:

''(E) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;''.

Page 19, line 20, strike ''and''.

Page 19, line 22, insert ''and'' after ''statute;''.

Page 19, insert after line 22 the following:

''(iii) an achievable objective for the rule and metrics by which the agency will measure progress toward that objective;''.

Page 29, line 13, strike ''and''.

Page 29, insert after line 13 the following:

''(G) the agency's reasoned final determination that the rule meets the objectives that the agency identified in subsection (d)(1)(E)(iii) or that other objectives are more appropriate in light of the full administrative record and the rule meets those objectives;

''(H) the agency's reasoned final determination that it did not deviate from the metrics the agency included in subsection (d)(1)(E)(iii) or that other metrics are more appropriate in light of the full administrative record and the agency did not deviate from those metrics; and''.

Page 29, line 14, strike ''(G)(i) for any major rule'' and insert the following: ''(I)(i) for any major rule''.

The Acting CHAIR. Pursuant to House Resolution 487, the gentleman from Texas (Mr. BRADY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BRADY of Texas. Madam Chairman, we are going through a very disappointing economic recovery. Millions of people can't find full-time work; millions more have given up looking for work; and our local businesses are just drowning in red tape.

They often ask: Doesn't anyone in Washington consider the impact on our local businesses and the economy from all this new red tape before they put it in place? Well, sadly not often enough.

In 2012, the Federal Government imposed 3,708 new Federal rules. Guess how many of them had a cost benefit analysis? Simply ask the question: How does this affect the economy? The answer is 14—14 out of more than 3,000.

I applaud Chairman GOODLATTE's commitment to reforming the way this government conducts red tape. I have an amendment that complements his efforts, one drawn from my own Sound Regulation Act, which I think is helpful as we move this reform through.

The point here is this: When a Federal agency sets out to adopt new rules and red tape, the agency has a responsibility to state clearly the achievable objective of those rules or regulations. After all, our citizens have the right to know what their Federal Government intends to accomplish with this red tape.

□ 1830

The agency also has the responsibility to tell the American people up front what metrics it is going to use to measure the progress toward that objective. No more manipulative statistics. No more fuzzy math. When the agency publishes the final rule, it has the responsibility to certify to the American people that the rule actually meets the objective the agency originally identified. It is just common sense.

My amendment says to regulators: Tell us your objective. Tell us how you are going to meet it and measure it. Then tell us you actually did what you promised.

It is common sense, and it may just help put this painful recovery behind us.

Madam Chairman, I yield to the gentleman from Virginia (Mr. GOODLATTE), the chairman of the committee.

Mr. GOODLATTE. I thank the gentleman from Texas for yielding, and I strongly support his amendment.

Madam Chairman, one of the simplest, most effective, and most commonsense measures we can take to make sure agencies issue smarter regulations is to require them to do just what this amendment requires: identify achievable objectives for new regulations when they propose them; identify metrics by which they will measure whether those objectives are achieved; and at the end of their rulemakings, live by their own, stated objectives and whether the metrics say the proposed regulations can achieve them.

That is plain, simple, commonsense decisionmaking that American families and businesses live by every day. It is high time that Federal agencies be required to live by these standards, too.

I urge my colleagues to support the gentleman from Texas' amendment.

Mr. BRADY of Texas. Madam Chair, I reserve the balance of my time.

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

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

Mr. JOHNSON of Georgia. Madam Chair, this amendment reminds me of how things used to be when I was a young parent and I had my children at home. When it came time for my favorite TV program, I would tell them to go upstairs and clean up their room again.

They would say, Daddy, we already cleaned up the room, and I would say, Go clean it up again.

Then when they would scamper upstairs, I would put the TV on and watch my program in peace. So it gave them some busy work.

That is pretty much what this amendment does. It creates an additional requirement in the rulemaking process for an agency to articulate achievable objectives and metrics indicating progress toward those objectives.

This amendment piles on the bill's numerous mandatory new rulemaking requirements, and it implies that agencies issue rules that lack an achievable objective, notwithstanding the fact that regulations already go through an extensive public notice and comment period as well as being subjected to judicial review.

The bill would impose unneeded and costly analytical and procedural requirements on agencies that would prevent them from performing their statutory responsibilities. It would also create needless regulatory and legal uncertainty, increase costs for businesses and State, local, and tribal governments, and it would impede commonsense protections for the American public.

That is why, Madam Chair, there are more than 150 consumer groups, environmental organizations, labor unions, and other entities that are strenuously opposed to this bill. These organizations include the AFL–CIO, the Alliance for Justice, the American Federation of State, County and Municipal Employees, the American Lung Association, the Consumer Federation of America, the Consumers Union, the International Brotherhood of Teamsters, the UAW, the League of Conservation Voters, the National Women's Law Center, the National Resources Defense Council, People For the American Way, Public Citizen, the Sierra Club, the Service Employees International Union, the Union of Concerned Scientists, and the United Steelworkers, just to name a few.

Likewise, the administration has issued a strongly worded veto threat against this bill. It warns that the bill would impose unneeded and costly analytical and procedural requirements on agencies that would prevent them from performing their statutory duties.

For those reasons, I strongly urge my colleagues to oppose this amendment.

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

Mr. BRADY of Texas. Madam Chair, very briefly, my friend from Georgia is a good man. I am surprised there aren't regulations about when you can send your kids up to clean their rooms again.

Look, this is just saying to Washington: tell us what your goal is—how you are going to measure it and if you achieve it—before you put this red tape on our local businesses. It is common sense and, frankly, long overdue. I urge strong support for this amendment.

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

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

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. RIGELL

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 113–361.

Mr. RIGELL. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 53, line 24, strike ''and''.

Page 54, line 3, after ''entitites'' the following: ''; and''.

Page 54, line 3, insert before the first period the following:

''(8) describing any impairment of the ability of small entities to have access to credit''.

The Acting CHAIR. Pursuant to House Resolution 487, the gentleman from Virginia (Mr. RIGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. RIGELL. I would like to thank my fellow Virginian, Chairman GOODLATTE, for his leadership on the underlying bill. I also want to thank Mr. GRAVES, the chairman of the House Committee on Small Business, for working with me and my staff on advancing my amendment.

Madam Chairman, I think my amendment is noteworthy first for its brevity, as it is only 14 words long in total, yet it packs a powerful and much-needed punch because it addresses a central issue to job creation, which is a shared value and a shared objective in this House: increasing access to credit and, in some cases, not prohibiting access to credit.

This is not a theoretical issue for me. I have been a businessman for 30 years and an entrepreneur for about 23 years, and I know the great joy of looking into an applicant and fellow American's eyes and saying these incredible words: ''You're hired.'' Those are life-changing words.

One of the reasons that I could say those words to those who applied at our company was that a local lender, a small local bank, was able to lend me the money I needed to start my business and to grow my business. Yet those very same small lenders—those small banks in Virginia's Second Congressional District—are reeling. They are reeling from waves of new regulations, nearly all of which are overly burdensome and so many of which are not needed at all. They should never have been written. The result is that some banks are hiring, but they are not hiring loan officers; they are hiring compliance officers.

From my own experience, Madam Chairman, and from my own deliberate and intentional listening to the small businesses and lenders of Virginia's Second Congressional District, I have come to a conclusion which is clear, which is irrefutable in my mind, and which is deeply troubling. That is that the actions of this body collectively and of the administration have made it more difficult—not easier but more difficult—for small businesses to get the credit they need to grow their businesses and to hire more people.

This cannot be reconciled with the words that President Obama shared in this very Chamber in his State of the Union speech in 2012. It was a statement that should have been the basis for common ground. He noted correctly that most new jobs and businesses, like my own, were created in startups and small businesses.

He said this:

> Let's pass an agenda that helps small businesses succeed. Tear down regulations that prevent aspiring entrepreneurs from getting the financing to grow.

H.R. 2804 does just that. It is a significant and meaningful step forward in that area.

That is why I have come to the House floor this evening. What a privilege it is to be here, to be a strong voice for the hardworking men and women across this country who are laboring under an increasing level of burden from the Federal Government—one that should get out of the way, yet it continues to put roadblock after roadblock after roadblock in the way of hardworking Americans who are trying to create jobs. They have mortgages on their homes. They have signed these loans personally. I understand the burden and the challenges that are faced by small business owners. One reason I sought this office was to be as strong a voice as I could be for those who, if you unleash them, are the most powerful job-creating engine the world has ever known—small business owners in America.

That is what H.R. 2804 does, and I think my amendment strengthens that. I appreciate the opportunity to speak in favor of this, and I ask my colleagues for their careful consideration of my amendment because I think, in doing so, they will vote in the affirmative. I urge my colleagues to vote in favor of H.R. 2804 and for my amendment.

Madam Chairman, I reserve the balance of my time.

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

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

Mr. JOHNSON of Georgia. Madam Chair, this amendment harkens me back to the time when my kids were young and when I was trying to make sure that they would not jump into something where one of their schoolmates might be being bullied, and then they would jump in on the part of the bully or would just participate in the antagonism against the victim, and I told them not to pile on.

This amendment is a classic case of piling on. It would add an eighth requirement for the initial regulatory flexibility analysis specified by the bill. The agency would have to provide a detailed statement describing any impairment of the ability of small entities to have access to credit. The bill already requires agencies to consider all indirect costs, which would include this issue. This amendment would allow yet another ground for a regulated entity to challenge a rulemaking.

Title III does nothing to help small businesses and other small entities reduce compliance costs or to ensure agency compliance with the RFA. Instead, this amendment would impose another unnecessary burden on agencies. This is just another piling on of the already burdensome new rulemaking requirements.

This amendment as well as the bill ignore the fact that the small businesses, like their larger counterparts, can substantially impact the health and safety of their workers as well as that of the general public. Small businesses, like all businesses, provide services and goods that affect our lives and carry the same risks of harm as the services and goods that large businesses provide. It makes no difference to someone who is breathing dirty air or drinking poisoned water whether the hazards come from a small or a large business.

Speaking of business, the American Sustainable Business Council is a growing national coalition of businesses and business organizations committed to advancing policies that support a vibrant and sustainable economy. The American Sustainable Business Council, through its partner organizations, represents over 200,000 businesses and more than 325,000 business professionals, including industry associations, local and State Chambers of Commerce, micro enterprises, social enterprises, green and sustainable businesses, local livable economy groups, women and minority business leaders, and investors and investor networks.

While some inside the beltway claim that regulations are holding back our economic recovery, the American Sustainable Business Council has a different view. It, along with other small business organizations, released a February 2012 poll of small business owners which found that small businesses don't see regulations as a major concern. Its polling confirmed that small business owners value regulations if they are well-constructed and fairly enforced.

□ 1845

They found that small business owners believe certain governmental regulations play an important role: 86 percent of them believe some regulation is necessary for a modern economy; 93 percent of respondents believe their business can live with some regulation if it is fair and manageable; 78 percent of small employers agree regulations are important in protecting small businesses from unfair competition and to help level the playing field with big businesses; 79 percent of small business owners support having clean air and water in the community in order to keep their family, employees, and customers healthy.

Madam Chair, I include the letter from the American Sustainable Business Council in the RECORD, and I yield back the balance of my time.

AMERICAN SUSTAINABLE BUSINESS COUNCIL,
Washington, DC, February 25, 2014.

DEAR REPRESENTATIVE: I write you today to urge you to oppose the mini-omnibus bill of four flawed regulatory proposals (packaged into H.R. 2804) and H.R. 899, the Unfunded Mandates Transparency and Information Act. Votes on these bills are expected this week. These bills hurt small and medium sized businesses by halting the regulatory process that levels the playing group for these businesses to compete, creates incentives for innovation and protects our customers and employees.

The package of Anti-Regulatory policies these bills represent constitutes a shift away from forty years of regulatory precedent that protects the public against a range of market imperfections. These policies will also lead to a more chaotic and less competitive market. And finally, the bills will have the unintended consequence of shifting the burden of proof for environmental, health and safety issues back to taxpayers and away from powerful corporate interests. Eroding the operational capacity of regulatory agencies to do their job, as these bills appear designed to do, will not foster productive growth among small and mid-sized firms. Instead these actions will allow the largest firms to further dominate the marketplace.

Also if enacted, this package of bills would open the door for more problems like the financial and mortgage crisis of 2008. This would, in our view, would further damage our economy, stifle consumer demand and put small companies out of business.

The American Sustainable Business Council (ASBC) is a growing national coalition of businesses and business organizations committed to advancing policies that support a vibrant and sustainable economy. ASBC, through its partner organizations, represents over 200,000 businesses and more than 325,000 business professionals, including industry associations, local and state chambers of commerce, micro-enterprise, social enterprise, green and sustainable business, local living economy groups, woman and minority business leaders, and investor networks.

While some inside the Beltway claim that regulations are holding back our economic recovery, ASBC has a different view. ASBC, along with other small business organizations, released in February 2012 a poll of small business owners which found that small businesses don't see regulations as a major concern.

Our polling confirmed that small business owners value regulations if they are well-constructed and fairly enforced:

Small business owners believe certain government regulations play an important role

86% believe some regulation is necessary for a modern economy and 93% of respondents believe their business can live with some regulation if it is fair and manageable.

78% of small employers agree regulations are important in protecting small businesses from i unfair competition and to level the playing field with big business.

79% of small business owners support having clean air and water in their community in order to keep their family, employees and customers healthy.

61% support standards that move the country towards energy efficiency and clean energy.

Supporting the ASBC 2012 poll is a Wells Fargo/Gallup poll of small businesses conducted this past October, which found that only seven percent mentioned regulations as being an important challenge.

Given the important role regulations play yet there still may be a small percentage of businesses having difficulty with them, the answer is not H.R. 2804 and H.R. 899. Instead we believe the solution lies in expanding the capacity of the regulatory agencies to provide assistance to small businesses in compliance. Increasing the number of agency ombudsmen and/or ombudsmen within the SBA and giving them the resources to be more proactive as well as responsive will target federal dollars to specific areas of concern. Our experience has been that the ombudsmen process works well.

Blocking, weakening or delaying critical standards and safeguards will not address existing needed regulations that a small number of small businesses have trouble with compliance. It will only worsen the uneven economic playing field that leaves many small and medium sized businesses at a competitive disadvantage. It also inhibits innovation in new technologies that can create good, sustainable jobs and create safer products, workplaces and communities.

We call on the House of Representatives to reject this package of anti-regulatory policies.

Sincerely

DAVID LEVINE,
CEO.

FRANK KNAPP,
Co-chair, ASBC Action Fund & CEO, South Carolina Small Business Chamber of Commerce.

Mr. RIGELL. Madam Chair, I would just state to my friend and colleague that the only piling on, as I see it, are the regulations that are continuing to burden the small business owners.

I yield the remainder of my time to the gentleman from Virginia, Chairman GOODLATTE, my friend and colleague.

Mr. GOODLATTE. I thank the gentleman for yielding, and I strongly support his amendment.

Madam Chair, title III of the ALERRT Act makes important reforms to assure that agencies identify whether their new regulations will have significant adverse effects on small businesses. One of the most important adverse effects is to identify whether

these new regulations will make it harder for small businesses to obtain credit.

Small businesses create the majority of the new jobs in our economy, yet without access to credit, how can they do that? How can they even survive? The gentleman's amendment makes sure that agencies do identify whether new regulations will make it harder for a substantial number of small businesses to obtain credit. It is a reform that is long overdue and especially important as our country struggles to achieve a real and durable job recovery.

I thank the gentleman for his amendment and urge my colleagues to support it.

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

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

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. TIPTON

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 113–361.

Mr. TIPTON. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 66, line 1, strike ''The agency'' and insert ''Each year, each agency''.

The Acting CHAIR. Pursuant to House Resolution 487, the gentleman from Colorado (Mr. TIPTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Colorado.

Mr. TIPTON. Madam Chairman, I would like to thank Chairman GRAVES and Chairman GOODLATTE for all of their work.

I yield myself as much time as I may consume.

Madam Chairman, I rise today in support of my amendment to title III, the Regulatory Flexibility Improvements Act, which will ensure that a requirement under current law, the Regulatory Flexibility Act, or RFA, remains intact.

As the 1970s came to a close, Congress took note of the challenges that small businesses were facing. They were struggling to run their businesses while complying with an increasing number of complicated regulations. This led to the passage of the Regulatory Flexibility Act of 1980, which was designed to improve agency rulemaking. Under statute, the Federal Government agencies looking to regulate the private sector must evaluate the costs of doing so on small businesses, and where the costs are found to be significant, seek less burdensome alternatives to their proposed actions.

A key piece of the RFA is section 610, the ''look-back'' provision, which requires agencies to periodically evaluate the necessity of every existing regulation that has ''significant'' economic impact on a substantial number of small businesses and determine whether those regulations should be amended or rescinded to minimize burdens on small businesses. As a part of the section 610 review process, agencies must annually publish the list of regulations they plan to review in the Federal Register. This amendment makes a technical correction to the text of title III to ensure this current annual publication requirement remains in place. It is an entirely appropriate exercise for the agencies to review old regulations and weed out ones that are outdated, ineffective, or overly burdensome.

Ten years is a lifetime in terms of our private sector's ability to radically transform marketplaces. Reviewing the actual impacts of existing regulations every 10 years just makes sense. Understanding real-world consequences of a regulation on small businesses and taking into account changes in other areas of Federal, State, or local law that may affect the necessity of the regulations are just a few of the reasons that make these reviews absolutely essential.

The regulatory burden for small businesses has not lightened since the passage of RFA. In fact, agencies have been so busy issuing new regulations that they have sometimes failed to comply with already existing requirements to annually publish their list of regulations to be reviewed and then to review them. This simply isn't acceptable.

This amendment will relieve Federal agencies of any ambiguity as to whether or not this annual publication requirement still exists and ensure that small businesses can continue to make their voices heard after a regulation has become implemented.

I urge Members to vote ''yes'' on this amendment, and I reserve the balance of my time.

Mr. JOHNSON of Georgia. Madam Chairman, I claim the time in opposition to the amendment, though I am in support of this amendment.

The Acting CHAIR. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. JOHNSON of Georgia. It is to my horror that I would agree to this amendment, but it simply corrects a drafting error. So we do not oppose this amendment. It makes a thoroughly flawed bill slightly less thoroughly flawed.

With that, I yield back the balance of my time.

Mr. TIPTON. Madam Chair, I thank the gentleman for his support of this amendment. It speaks to a very important point. We have got to make sure that the agencies are actually doing what the law is requiring. This clarification simply achieves that.

Mr. GOODLATTE. Will the gentleman yield?

Mr. TIPTON. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I support his commonsense amendment and urge my colleagues to join in making it unanimous.

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

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

The amendment was agreed to.

Mr. GOODLATTE. Madam Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TIPTON) having assumed the chair, Ms. ROS-LEHTINEN, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2804) to amend title 5, United States Code, to require the Administrator of the Office of Information and Regulatory Affairs to publish information about rules on the Internet, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE HONORABLE ROSA L. DELAURO, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable ROSA L. DELAURO, Member of Congress:

HOUSE OF REPRESENTATIVES,
February 25, 2014

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued by the United States District Court for the District of New Jersey, purporting to require that I produce certain documents, at least some of which relate to official functions, and appear to testify at a deposition on similar matters in a particular civil case.

After consulting with the Office of General Counsel, I will make the determinations required by Rule VIII.

Sincerely,

ROSA L. DELAURO,
Member of Congress.

APPOINTMENT OF MEMBERS TO THE BOARD OF TRUSTEES OF GALLAUDET UNIVERSITY

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 20 U.S.C. 4303, and the order of the House of January 3, 2013, of the following Members on the part of the House to the Board of Trustees of Gallaudet University:

Mr. YODER, Kansas
Mr. BUTTERFIELD, North Carolina

APPOINTMENT OF MEMBER TO THE BRITISH-AMERICAN INTERPALIAMENTARY GROUP

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to 22 U.S.C. 276,