

FLOOR SCHEDULE FOR WEDNESDAY, MARCH 1, 2017

HOUSE MEETS AT:	FIRST VOTE PREDICTED:	LAST VOTE PREDICTED:
10:00 a.m.: Morning Hour 12:00 p.m.: Legislative Business Fifteen "One Minutes"	2:00 – 3:00 p.m.	6:00 – 7:00 p.m.

H.Res. 156 – Rule Providing for Consideration of H.R. 1009 – OIRA Insight, Reform, and Accountability Act (Rep. Mitchell – Oversight and Government Reform) and H.R. 1004 – Regulatory Integrity Act of 2017 (Rep. Walberg – Oversight and Government Reform) (One hour of debate). The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For H.R. 1009, the Rules committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Oversight and Government Reform. The Rule allows for 6 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For H.R. 1004, the Rules committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Chair and Ranking Member of the Committee on Oversight and Government Reform. The Rule allows for 3 amendments, debatable for 10 minutes equally divided between the offeror and an opponent. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

The Rules Committee rejected a motion by Ms. Slaughter of New York to consider both H.R. 1004 and H.R. 1009 under open Rules. The Rules Committee also rejected a motion by Mr. McGovern of Massachusetts to strike the waiver of all points of order against consideration of H.R. 1009 which includes waiver of CUTGO, statutory pay-go, and sections 303 and 311 of the Congressional Budget Act. **Members are urged to VOTE NO.**

Complete Consideration of H.R. 998 – SCRUB Act (Rep. Smith (MO) – Oversight and Government Reform). This bill would establish an un-elected, nine-member commission to review existing federal rules and regulations and identify those they determine should be repealed. H.R. 998 is based on the faulty premises that regulations have an adverse impact on economic growth, job creation, and innovation. In fact, H.R. 998 would make it easier to roll back existing regulations that promote health and safety in communities and at the workplace, protect the environment, and safeguard consumers, and make it harder for every department and agency in the federal government to issue new ones. The unelected commission would have the power to issue subpoenas “requiring the attendance and testimony of witnesses and the production of any evidence relating to the duties of the commission.” This broad, unspecified authority will give an unelected panel more power than Inspectors General, while having no oversight or accountability, all at the expense of taxpayers.

In addition, Members of Congress would be unable to debate and vote on each rule recommended for immediate repeal by the unelected commission, and instead would be forced to vote on rule repeals as a package. Any recommended repeal that is approved by Congress would result in the specified agency having to rescind the covered rules within sixty days. H.R. 998 would essentially take the power away from elected representatives and Members of Congress, and give the power to an unelected appointed panel.

Further, H.R. 998 would create a “regulatory cut-go” procedure not dependent on congressional approval that would require any agency issuing a new regulation to repeal an existing regulation of greater or equal value within its jurisdiction that the commission has determined should be abolished. Under “regulatory cut-go,” all regulations recommended by the Commission for repeal would be placed into an inventory of regulations which the agencies would be required to repeal over time through a “cut-go” process as agencies promulgate new regulations. The costs of each new agency regulation must be offset by cost-reductions associated with the repeal of regulations in the inventory of regulations, until each agency completes the repeals of its own regulations specified in the inventory. Simply put, no federal agency could issue a new rule, however justified or in the public’s immediate interest, unless it cut an existing one that imposes equal “costs” on the economy.

This bill would give enormous power to an appointed commission with virtually no oversight or regulations, while tying the hands of agencies that are knowledgeable and have extensive experience

in particular areas. It would put the American people at risk, impede the ability of agencies to issue regulations that protected the public's health and security, while wasting their tax dollars.

This legislation is similar to an Executive Order issued by the Trump Administration that requires two federal regulations to be rescinded for every new regulation that is created. In January of 2016 the House passed [H.R. 1155](#) which is identical legislation to H.R. 998. That vote can be found [here](#).

The Rule makes in order no further general debate. As of yesterday, the House completed consideration of amendments through the Krishnamoorthi Amendments. The House will continue consideration of the remaining five amendments. The amendments are:

Reps. Bonamici/Davis (CA)/Polis Amendment #8. Exempts any rule or set of rules prescribed by the Secretary of Education and relating to consumer protections for student loan borrowers from the provisions of the underlying legislation.

Reps. Bonamici/Polis Amendment #9. Exempts any rule or set of rules relating to Title I of the Elementary and Secondary Education Act of 1965 from the provisions of the underlying legislation.

Rep. Raskin Amendment. Exempts rules relating to the enforcement of the Clean Air Act from the provisions of the underlying legislation.

Rep. Moore Amendment. Exempts rules affecting or impacting the special government to government relationship between the federal government and tribal communities or affecting tribal sovereignty or self-determination.

Rep. Cummings Amendment. Exempts any rule relating to protections for whistleblowers or penalties for retaliation against whistleblowers.

Bill Text for H.R. 998:

[PDF Version](#)

Background for H.R. 998:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

[H.J.Res. 83](#) – Disapproving the rule submitted by the Department of Labor relating to “Clarification of Employer’s Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness” (Rep. Byrne – Education and the Workforce) (One hour of debate). The resolution disapproves of the Rule issued by the Department of Labor (DOL) to standardize the Occupational Safety and Health Administration’s (OSHA) record keeping of work-related injuries and illnesses for five years. This Rule was created in order to clarify existing practices and to ensure that employees were being protected, while giving OSHA tools to enforce their continuing obligation to record workplace injuries. In 2012 the D.C. Circuit Court of Appeals held that OSHA did not have the authority to issue a citation for the “occurrence” of a violation that continued beyond a six-month statute of limitations set forth in the Occupational Safety and Health (OSH) Act. This ruling went against forty-years of precedents in reporting workplace-safety violations. Since 1972, every administration has maintained that the five-year retention period for recording work-related injuries, illnesses or deaths is standard practice, and this DOL rule was simply put in place to codify and create some consistency that will benefit both employers and employees.

Under the terms of the Congressional Review Act (CRA) process, H.J.Res. 83, if adopted and signed by President Trump, will not only nullify, in one brief, partisan debate, this rule that helps protect working Americans but it will prevent DOL from considering a “substantially similar” rule in the future.

The Rule, which was adopted yesterday, provides for one hour of debate equally divided and controlled by the Chair and Ranking Member of the Committee on Education and the Workforce.

Bill Text for H.J.Res. 83:

[PDF Version](#)

[H.R. 1009](#) – OIRA Insight, Reform, and Accountability Act (Rep. Mitchell – Oversight and Government Reform) (One hour of debate). This bill would significantly alter the function of the Office of Information and Regulatory Affairs (OIRA). Currently, OIRA reviews significant draft rules from agencies, other than independent agencies, and can clear the rules with or without changes, or return the rules to agencies for reconsideration, and can encourage the agencies to withdraw them. Additionally, for rules that have a \$100 million impact on the economy, OIRA reviews the economic analyses and potential impact of implementation.

While both Democrats and Republicans agree that the oversight role of OIRA needs to be clarified and the review process needs to be improved, especially regarding transparency and reducing regulatory

delays, H.R. 1009 is not the answer. H.R. 1009 goes too far in strengthening OIRA at the expense of federal agencies. This legislation could hinder the independence of federal agencies like the Consumer Financial Protection Bureau, the Consumer Product Safety Commission, and the Federal Communications Commission, and subject rules promulgated by those agencies to political review by the White House. Regarding regulatory delays, H.R. 1009 would allow OIRA to conduct a review within ninety days, but it also allows the Administrator or the head of the specific agency any number of additional thirty-day period extensions, which would hamstring the regulatory process.

H.R. 1009 is not a responsible or workable solution for OIRA. During the Obama Administration, Republicans regularly warned against “executive overreach” and “inflated bureaucracy.” H.R. 1009 shows the emptiness of these warnings. Less than two months into 2017, with Republicans now controlling the White House, the Senate, and the House of Representatives, they have suddenly changed their tune. Now they are trying to centralize control of independent agencies by subjecting them to review by the White House and creating a process that can ultimately come to a standstill. H.R. 1009 is a reckless and irresponsible effort to hinder the ability of federal agencies to promulgate rules, consistent with the laws that Congress enacts, to protect the health, safety, and financial well-being of the American people.

The Rule makes in order 6 amendments, debatable for 10 minutes each, equally divided between the offeror and an opponent. The amendments are:

Rep. Mitchell Manager’s Amendment. Makes technical changes to the underlying legislation to ensure consistency in dates and terms, require OIRA to review significant guidance, and prohibit the authorization of additional funds.

Rep. Buck Amendment. Ensures that federal agencies engage their partners in state, local, and tribal government throughout the regulatory process.

Rep. Young (IA) Amendment. Requires each agency to describe steps taken to determine a new rule or regulation is not duplicative or conflicting with any existing or planned regulatory action and to require agencies to maintain a list of active regulatory actions on website.

Rep. Meadows Amendment. Requires OIRA to keep a log of the “consultation” which is any communication that occurs about a specific regulation before the regulation is submitted for review - for each regulation and to publish a list of all the consultations when the regulation is published in the Federal Register.

Rep. Chaffetz Amendment. Requires OIRA to maintain records on each significant regulatory action reviewed such that it is easily accessible to provide to Congress upon request.

Rep. Connolly Amendment. Exempts independent agencies from the underlying legislation.

Bill Text for H.R. 1009:

[PDF Version](#)

Background for H.R. 1009:

[House Report \(HTML Version\)](#)

[House Report \(PDF Version\)](#)

TOMORROW’S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, March 2: The House will meet at 9:00 a.m. for legislative business. The House is expected to complete consideration of [H.R. 1004](#) – Regulatory Integrity Act of 2017 (Rep. Walberg – Oversight and Government Reform).

The Daily Quote

“Sen. Lindsey Graham (R-S.C.) said Tuesday that President Trump’s first budget was ‘dead on arrival’ and wouldn’t make it through Congress. ‘It’s not going to happen,’ said Graham, according to NBC News. ‘It would be a disaster.’”

- The Hill, 2/28/2017