

FLOOR SCHEDULE FOR WEDNESDAY, JANUARY 11, 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"	1:30 – 2:30 p.m.	5:00 – 6:00 p.m.

H.Res. 40 – Rule providing for consideration of both **H.R. 78 – SEC Regulatory Accountability Act (Rep. Wagner – Financial Services)** and **H.R. 238 – Commodity End-User Relief Act (Rep. Conaway – Agriculture) (One hour of debate)**. The Rules Committee has recommended one Rule which would provide for consideration of two bills.

For **H.R. 78**, 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 Financial Services or their respective designees. The Rule provides for consideration of 5 amendments, each debatable for 10 minutes, equally controlled by the proponent and opponent of the amendment. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation.

For **H.R. 238**, the Rules Committee has recommended a structured Rule that provides for one hour of general debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees. The Rule provides for consideration of 8 amendments, each debatable for 10 minutes, equally controlled by the proponent and opponent of the amendment. The Rule allows one motion to recommit, with or without instructions, and waives all points of order against the legislation. **Members are urged to VOTE NO.**

H.R. 5 – **Regulatory Accountability Act of 2017 (Rep. Goodlatte – Judiciary) (One Hour of Debate)**. This bill modifies the federal rule-making process by re-writing the Administrative Procedure Act to require federal agencies to consider more than 70 new criteria when issuing rules, including alternatives to any rule proposal, the scope of the problem the rule is meant to address, and potential costs and benefits of the proposal and alternatives. The measure creates statutory thresholds for regulations to be deemed "major" rules and "high-impact" rules — i.e., rules likely to cost more than \$100 million or \$1 billion a year — and requires that these rules proposals be subject to additional criteria and procedural steps.

The result of these changes will be rules that are based mainly on minimizing costs to industry -- rather than maximizing public health, worker safety, and consumer and environmental protection benefits -- in a manner that overrides requirements in dozens of federal laws. Because the bill requires that agencies consider every "reasonable" way of rulemaking, opponents of a proposed rule could put forward literally hundreds of other regulatory proposals, require relevant agencies to review each proposal, and then litigate over whether the review of alternatives is adequate. These changes will significantly lengthen the rulemaking process and require agencies to waste limited funds on cumbersome bureaucratic hurdles.

H.R. 5 is identical to **H.R. 185**, which passed the House on January 13, 2015. That vote can be found [here](#).

The Rule, which was adopted yesterday, makes in order 16 amendments, debatable for 10 minutes, equally divided between the offeror and an opponent. The amendments are:

Goodlatte Amendment. Revises section 2 of Title II of the bill to restrain unwarranted interpretation of ambiguous statutes to find implied delegations of legislative rulemaking authority, and of ambiguous statutes and regulations to expansively extend agency authority.

Chaffetz Amendment. Requires the Office of Information and Regulatory Affairs (OIRA) to issue guidelines under Title I of the bill in 9 months.

Chabot Amendment. Requires an agency to include an economic assessment when an agency certifies that a proposed rule will not have a "significant economic impact on a substantial number of small entities" under the Regulatory Flexibility Act.

Velazquez Amendment. Strikes Title III of the bill and replaces it with alternative language that reforms the Regulatory Flexibility Act to reduce the burden of regulations on small businesses.

Peterson/Goodlatte/Chaffetz Amendment. Prohibits agencies from communicating with the public in order to generate support for or opposition to a proposed rule.

Graves/Garret/Cuellar/Babin Amendment. Provides agency accountability of major rules by

requiring retrospective review and report.

Young (LA) Amendment. Allows 90 days at a minimum for affected entities to take steps to comply with issued agency guidance.

Castor Amendment. Exempts any rule intended to protect public health and welfare from the requirements of this act.

Cicilline Amendment. Exempts any rule that provides for the prevention of the transmission of foodborne illness or addresses safety in food processing, packing, and storage from the requirements of this act.

Johnson (GA) Amendment. Exempts rules that significantly improve the employment, retention, and wages of workforce participants, especially those with significant barriers to employment, such as persons with disabilities or limited English proficiency from the requirements of this act.

Ruiz Amendment. Exempts rules pertaining to the safety of children's products or toys from the requirements of this act.

Scott (VA) Amendment. Exempts from the requirements of this act any rule which pertains to workplace health and safety and that is necessary to prevent or reduce the incidence of traumatic injury, cancer or irreversible lung disease at mining facilities which are subject to the Federal Mine Safety and Health Act of 1977 (30 USC 801, et seq) or workplaces which are subject to the Occupational Safety and Health Act (29 USC 651 et seq).

Tonko Amendment. Ensures that any rules made under the "Frank R. Lautenberg Chemical Safety for the 21st Century Act" are exempted from this act.

Grijalva Amendment. Strikes language in the underlying bill that would require the Forest Service and the Bureau of Land Management to perform regulatory flexibility analyses for forest and land management plans.

Nadler Amendment. Requires analyses conducted under Title III of the bill to include direct and indirect benefits as well as direct and indirect costs.

Posey Amendment. Requires federal agencies to report on influential scientific information and associated peer reviews disseminated or to be disseminated in a rulemaking proceeding.

Bill Text for H.R. 5:

[PDF Version](#)

Postponed Suspension (1 bill)

1. [H.R. 39](#) – TALENT Act of 2017 (Rep. McCarthy – Oversight and Government Reform)

TOMORROW'S OUTLOOK

The GOP Leadership has announced the following schedule for Thursday, January 12: The House will meet at 12:00 p.m. for legislative business. The House is expected to consider H.R. 238 – Commodity End-User Relief Act (Rep. Conaway – Agriculture). The House is also expected to consider H.R. 78 – SEC Regulatory Accountability Act (Rep. Wagner – Financial Services).

The Daily Quote

"There's more and more concerns about not doing [repeal and replace] simultaneously... You would think after six years we would have a pretty good sense of what we would like to do."

- Sen. Bob Corker (R-TN), Politico, 1/9/2017