



Legislative Bulletin.....February 10, 2011

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H.Res. 72—Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth.

H.Res. 72—Directing certain standing committees to inventory and review existing, pending, and proposed regulations and orders from agencies of the Federal Government, particularly with respect to their effect on jobs and economic growth. (Rep. Sessions, R-TX)

Order of Business: The House is scheduled to begin consideration of H.Res. 72 on February 10, 2011 under a closed rule that provides a total of nine hours and 30 minutes of debate, and waives all points of order against consideration of the resolution.

Summary: The resolution directs standing committees (as designated below) to “inventory and review existing, pending, and proposed regulations, orders, and other administrative actions or procedures by agencies of the Federal Government within such committee’s jurisdiction.”

In completing the review and inventory directed of committees by the resolution, each committee is directed to identify regulations, executive and agency orders, and other administrative actions or procedures that:

- (1) “impede private-sector job creation;
- (2) “discourage innovation and entrepreneurial activity;
- (3) “hurt economic growth and investment;
- (4) “harm the Nation’s global competitiveness;
- (5) “limit access to credit and capital;
- (6) “fail to utilize or apply accurate cost-benefit analyses;
- (7) “create additional economic uncertainty;
- (8) “are promulgated in such a way as to limit transparency and the opportunity for public comment, particularly by affected parties;
- (9) “lack specific statutory authorization;
- (10) “undermine labor-management relations;
- (11) “result in large-scale unfunded mandates on employers without due cause;
- (12) “impose undue paperwork and cost burdens on small businesses; or

(13) “prevent the United States from becoming less dependent on foreign energy sources.”

The resolution directs the ten committees named below to file a report identifying any oversight or legislative activity conducted in support of, or as a result of, this review. The committees impacted by the resolution are as follows:

- (1) The Committee on Agriculture;
- (2) The Committee on Education and the Workforce;
- (3) The Committee on Energy and Commerce;
- (4) The Committee on Financial Services;
- (5) The Committee on the Judiciary;
- (6) The Committee on Natural Resources;
- (7) The Committee on Oversight and Government Reform;
- (8) The Committee on Small Business;
- (9) The Committee on Transportation and Infrastructure; and
- (10) The Committee on Ways and Means.

Additional Background: The following are some examples of federal regulations that may not meet a rigorous cost-benefit analysis test.

- The government [regulates](#) how large holes in Swiss cheese can be.
- The Occupational Safety and Health Administration [prohibits](#) the sale of ladders with rungs shorter than twelve inches.
- The Environmental Protection Agency recently finalized a [rule](#) that subjects dairy producers to the Spill Prevention, Control and Countermeasure program, which was created in 1970 to prevent oil spills.
- The [TSA](#) disallowed snow globes in carry-on luggage.
- The Department of Transportation made it [illegal](#) for people with diabetes to drive vehicles involved in interstate commerce.
- New EPA [regulations](#) on cement manufacturers which will cost a minimum of nearly 10% and potentially 38% of industry revenue.
- Refusing a pat-down from TSA screeners (in spite of being willing to exit the airport without flying) merits a civil penalty of [up to \\$11,000](#).
- The [International Trade Administration](#), upset that a Thai shrimp company was selling shrimp too cheaply, placed a minimum allowable profit margin of 1.88% on shrimp.
- The [USDA](#) now requires all rice to be inspected and receive a rice inspection certificate.

- The [Agricultural Marketing Service](#) has a potato research and marketing plan. Potato handlers and importers are charged 3 cents per hundredweight of potatoes for the service.
- There are 61 sections of [regulations](#) on hunting migratory birds.
- Regulations promulgated from the [Sarbanes-Oxley Act](#) have an average cost of 2.5% of a company's revenue. According to [Damian Reece](#), City Editor of the Telegraph, American exchanges "have lost huge amounts of business in recent years as a direct consequence of Sarbanes-Oxley."

From the [U.S. Chamber](#): "The Small Business Administration's Office of Advocacy put the total price tag of complying with federal regulations at \$1.75 trillion in 2008. That amounts to \$15,500 for each U.S. household. In the same year, the average cost to businesses was nearly \$8,100 per employee. Costs are 36 percent higher for small businesses, which create 60 to 80 percent of new jobs."

Cost to Taxpayers: The resolution would have no impact on the federal budget.

Committee Action: On February 8, 2011, the House Committee on Rules favorably reported the resolution to the House with an amendment by a voice vote.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: House rules do not require constitutional authority statements from sponsors of house resolutions. Article I, Section 5, states: "*Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.*" [emphasis added]

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