

because the public might find out what they are doing.

This Republican scheme sets a dangerous precedent by expanding the ability of the Congress to use the Congressional Review Act to disapprove hundreds of carefully crafted policies at one time and with very little notice or debate. Republicans want to reach back to last May and cherry-pick policies that they do not agree with.

But how will the public know?

That will be difficult; and, in many instances, Republicans do not want the public to know.

I urge my colleagues to reject this power grab by the new Republican Congress. It is just like what they tried to do yesterday with the Office of Congressional Ethics. These policies don't just come out of thin air. There is a long, painstaking process with extensive public comment. Public participation doesn't appear to be a priority in this new Congress, so reject this dark bill. Side, instead, with our democratic principles in America, which include open debate, transparency, fiscal responsibility, and the security of our neighbors.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

The gentlewoman from Florida, I am sure, is well intended, but there is nothing more transparent than calling up to the floor of this House and debating the removal of regulations that have been found to be excessive or extreme or simply not consistent with the law. That is a transparent process. The term "regular order," in fact, could not be more appropriate to that process. We passed a law nearly three Presidents ago, if you will, that simply called for this procedure.

All I am saying is we should not be mired down, if there are five or six or eight bad regulations, in not combining them together for purposes of getting them disposed of in a timely fashion. I might suggest to everyone that they remember that many of us did not support the regulation change yesterday as to the ethics oversight, because we do believe in transparency and will continue to believe in transparency.

Again, nothing is more transparent than bringing to the House floor the debate about something that is believed to have been wrong done by unelected bureaucrats. "Bureaucrat" is not a dirty word, but "unelected" fits this process.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I include in the RECORD a CRS Report that highlights the fact that it would be permissible under this proposed bill that as many as 61 regulations could be bundled into one package and blocked by this bill.

CONGRESSIONAL RESEARCH SERVICE,  
January 3, 2017.

MEMORANDUM

Subject: "Major" Obama Administration Rules Potentially Eligible to be Overturned under the Congressional Review Act in the 115th Congress.

From: Maeve P. Carey, Specialist in Government Organization and Management; Christopher M. Davis, Analyst on Congress and the Legislative Process; Casey Burgat, Research Assistant.

This memorandum lists "major" rules issued by federal agencies under the Barack Obama Administration that are potentially subject to consideration under the procedures of the Congressional Review Act (CRA) in the 115th Congress. This is an updated version of a general distribution memorandum released by CRS on November 17, 2016, and previously updated on December 6, 2016.

BACKGROUND ON THE CONGRESSIONAL REVIEW ACT

The CRA is a tool that Congress may use to overturn a rule issued by a federal agency, including, in some cases, rules issued in a previous session of Congress and by a previous President. The CRA requires agencies to report on their rulemaking activities to Congress and provides Congress with a special set of procedures under which to consider legislation to overturn those rules. The CRA, which was enacted in 1996, was largely intended to assert control over agency rulemaking by establishing a special set of expedited or "fast track" legislative procedures for this purpose, primarily in the Senate.

Of the approximately 73,000 final rules that have been submitted to Congress since the legislation was enacted in 1996, the CRA has been used to disapprove one rule: the Occupational Safety and Health Administration's November 2000 final rule on ergonomics, which was overturned using the CRA in March 2001. The primary reason the CRA has overturned one rule in the 20 years since its enactment is that under most circumstances, it is likely that a President would veto such a resolution in order to protect rules developed under his own administration, and it may also be difficult for Congress to muster the two-thirds vote in both houses needed to overturn the veto. However, under a specific set of circumstances—a turnover in party control of the White House, particularly a turnover in which the incoming President shares a party affiliation with a majority in both houses of Congress—the CRA is more likely to be used successfully. The March 2001 rejection of the ergonomics rule was the result of that set of circumstances. Similar circumstances will take place in 2017 after the start of the 115th Congress and after President-elect Donald J. Trump is sworn into office.

CRA "RESET" MECHANISM

Section 801(d) of the CRA provides that, if Congress adjourns its annual session sine die less than 60 legislative days in the House of Representatives or 60 session days in the Senate after a rule is submitted to it, then the periods to submit and act on a disapproval resolution "reset" in their entirety in the next session of Congress. The purpose of this provision is to ensure that both houses of Congress have sufficient time to consider disapproving rules submitted during this end-of-session "carryover period." This provision applies in every session of Congress, but it is of particular relevance in sessions of Congress that coincide with presidential transitions. This provision allows, for a limited time period, a new Congress to consider a joint resolution disapproving a rule issued late in the previous administra-

tion. If introduced and considered at the proper time, such a joint resolution cannot be filibustered in the Senate.

The projected second-session meeting schedules of the House and Senate issued by each chamber's majority leader may be used to estimate the date in 2016 after which final rules submitted to Congress will be subject to the renewed review periods in 2017 described above. The estimated start of the reset period for all rules was determined by counting back from the projected sine die adjournment in the respective chambers—60 days of session in the Senate and 60 legislative days in the House—then taking the earlier of the two dates.

Under this calculation, CRS estimates that agency final rules submitted to Congress on or after June 13, 2016, will be subject to renewed review periods in 2017 by a new President and a new Congress. CRS day count estimates are unofficial and non-binding; the House and Senate Parliamentarians are the sole definitive arbiters of the operation of the CRA mechanism and should be consulted if a formal opinion is desired.

"MAJOR" OBAMA ADMINISTRATION RULES POTENTIALLY ELIGIBLE FOR CONSIDERATION UNDER THE CRA IN 2017

Using this estimated reset date of June 13, 2016, CRS compiled a list of major rules that would fall under this reset period—i.e., rules that could be overturned in the 115th Congress using the CRA.

Table 1 lists the major rules CRS has identified as of January 3, 2017, that could be eligible for the reset mechanism. To identify these rules, CRS used a two-step process. First, CRS consulted the Government Accountability Office's (GAO's) federal rules database to identify major rules that were issued during calendar year 2016 and posted on GAO's website as of January 3, 2017. Second, CRS used LIS's "Executive Communications" database to identify when these rules were received in Congress.

MAJOR RULES ISSUED BY THE OBAMA ADMINISTRATION THAT ARE POTENTIALLY ELIGIBLE FOR DISAPPROVAL UNDER THE CONGRESSIONAL REVIEW ACT IN THE 115TH CONGRESS  
MAJOR RULES LISTED ON GAO'S WEBSITE AS OF  
JANUARY 3, 2017

Title of Rule (As Published in Federal Register) and RIN Numbers are as follows:

Exemptions To Facilitate Intrastate and Regional Securities Offerings, 3235-AL80; Investment Company Liquidity Risk Management Programs, 3235-AL61; Retention of EB-1, EB-2, and EB-3 Immigrant Workers and Program Improvements Affecting High-Skilled Nonimmigrant Workers, 1615-ACO5; Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems), 1216-AB80; Waste Prevention, Production Subject to Royalties, and Resource Conservation, 1004-AE14; Investment Company Swing Pricing, 3235-AL61; Establishing a More Effective Fair Market Rent System; Using Small Area Fair Market Rents in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRS, 2501-AD74; Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule and Other Revisions to Part B for CY 2017; Medicare Advantage Bid Pricing Data Release; Medicare Advantage and Part D Medical Loss Ratio Data Release; Medicare Advantage Provider Network Requirements; Expansion of Medicare Diabetes Prevention Program Model; Medicare Shared Savings Program Requirements, 0938-AS81.

Medicare Program; CY 2017 Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts, 0938-AS70; Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate,

and Annual Deductible Beginning January 1, 2017, 0938-AS72; Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Organ Procurement Organization Reporting and Communication; Transplant Outcome Measures and Documentation Requirements; Electronic Health Record (EHR) Incentive Programs; Payment to Non-excepted Off-Campus Provider-Based Department of a Hospital; Hospital Value-Based Purchasing (VBP) Program; Establishment of Payment Rates Under the Medicare Physician Fee Schedule for Nonexcepted Items and Services Furnished by an Off-Campus Provider-Based Department of a Hospital, 0938-AS82; Medicare Program; Merit-Based Incentive Payment System (MIPS) and Alternative Payment Model (APM) Incentive Under the Physician Fee Schedule, and Criteria for Physician-Focused Payment Models, 0938-AS69; Medicare and Medicaid Programs; CY 2017 Home Health Prospective Payment System Rate Update; Home Health Value-Based Purchasing Model; and Home Health Quality Reporting Requirements, 0938-AS80; Student Assistance General Provisions, Federal Perkins Loan Program, Federal Family Education Loan Program, William D. Ford Federal Direct Loan Program, and Teacher Education Assistance for College and Higher Education Grant Program, 1840-AD19; Energy Conservation Program: Energy Conservation Standards for Miscellaneous Refrigeration Products, 1904-AC51.

Medicaid Program; Final FY 2014 and Preliminary FY 2016 Disproportionate Share Hospital Allotments, and Final FY 2014 and Preliminary FY 2016 Institutions for Mental Diseases Disproportionate Share Hospital Limits, 0938-ZB30; Cross-State Air Pollution Rule Update For The 2008 Ozone NAAQS, 2060-AS05; Greenhouse Gas Emissions and Fuel Efficiency Standards for Medium-and Heavy-Duty Engines and Vehicles—Phase 2, 2060-AS16; U.S. Citizenship and Immigration Services Fee Schedule, 1615-AC09; Treatment of Certain Interests in Corporations as Stock or Indebtedness, 1545-BN40; Establishment of the Electronic Visa Update System (EVUS), 1651-AB08; ONC Health IT Certification Program: Enhanced Oversight and Accountability, 0955-AA00; Clearing Requirement Determination Under Section 2(H) of the Commodity Exchange Act For Interest Rate Swaps, 3038-AE20; Standards For Covered Clearing Agencies, 3235-AL48.

Medicare and Medicaid Programs, Reform of Requirements for Long-Term Care Facilities, 0938-AR61; Child Care And Development Fund (CCDF) Program, 0970-AC67; Establishing Paid Sick Leave For Federal Contractors, 1235-AA13; OCC Guidelines Establishing Standards For Recovery Planning By Certain Large Insured National Banks, Insured Federal Savings Associations, And Insured Federal Branches; Technical Amendments, 1557-AD96; Emergency Preparedness Requirements For Medicare And Medicaid Participating Providers And Suppliers, 0938-A091; Migratory Bird Hunting Regulations On Certain Federal Indian Reservations And Ceded Lands For The 2016-17 Season, 1018-BA70; Safety And Effectiveness Of Consumer Antiseptics; Topical Antimicrobial Drug Products For Over-The-Counter-Human Use, 0910-AF69; Head Start Performance Standards, 0970-AC63; Standards Of Performance For Municipal Solid Waste Landfills, 2060-AM08; Emission Guidelines And Compliance Times For Municipal Solid Waste Landfills, 2060-AS23.

Federal Acquisition Regulation; Fair Pay And Safe Workplaces, 9000-AM81; Medicare Program; Hospital Inpatient Prospective Payment Systems For Acute Care Hospitals And The Long-Term Care Hospital Prospective Payment System & Policy Changes &

Fiscal Year 2017 Rates; Quality Reporting Requirements For Specific Providers; Graduate Medical Education; Hospital Notification Procedures Applicable To Beneficiaries Receiving Observation Services; Technical Changes Relating To Costs To Organizations & Medicare Cost Reports; Finalization Of Interim Final Rules With Comment Period On LTCH PPS Payments For Severe Wounds, Modifications Of Limitations On Redesignation By The Medicare Geographic Classification Review Board, & Extensions Of Payments To MDHS And Low-Volume Hospitals, 0938-A577; 0938-A588; 0938-AS41; Workforce Innovation And Opportunity Act; Joint Rule For Unified And Combined State Plans, Performance Accountability, And The One-Stop System Joint Provisions; Final Rule, 1205-AB74; Workforce Innovation And Opportunity Act, 1205-AB73; Medicare Program; Prospective Payment System And Consolidated Billing For Skilled Nursing Facilities For FY 2017, SNF Value-Based Purchasing Program, SNF Quality Reporting Program, And SNF Payment Models Research, 0938-AS75.

Medicare Program; Inpatient Rehabilitation Facility Prospective Payment System For Federal Fiscal Year 2017, 0938-AS78; Medicare Program; FF 2017 Hospice Wage Index And Payment Rate Update And Hospice Quality Reporting Requirements, 0938-AS79; Margin And Capital Requirements For Covered Swap Entities, 3052-AC69; Medicare Program; FY 2017 Inpatient Psychiatric Facilities Prospective Payment System—Rate Update, 0938-AS76; National School Lunch Program And School Breakfast Program. Nutrition Standards For All Foods Sold In School As Required By The Healthy, Hunger-Free Kids Act Of 2010, 0584-AE09; Revised Critical Infrastructure Protection Reliability Standards No RIN provided; Amendments To The Commission's Rules Of Practice, 3235-AL87; Disclosure Of Payments By Resource Extraction Issuers, 3235-AL53; Migratory Bird Hunting; Seasons And Bag And Possession Limits For Certain Migratory Game Birds, 1018-BA70; Oil And Gas And Sulfur Operations On The Outer Continental Shelf—Requirements For Exploratory Drilling On The Arctic Outer Continental Shelf, 1082-AA00.

Medication Assisted Treatment For Opioid Use Disorders, 0930-AA22; Department Of Labor Federal Civil Penalties Inflation Adjustment Act Catch-Up Adjustments, 1290-AA31; General Administrative Regulations; Catastrophic Risk Protection Endorsement; Area Risk Protection Insurance Regulations; And The Common Crop Insurance Regulations, Basic Provisions, 0563-AC49; Transition Assistance Program (TAP) For Military Personnel, 0790-AJ17; Operation And Certification Of Small Unmanned Aircraft Systems, 2120-AJ60; Transit Asset Management, National Transit Database; FTA-2014-0020, 092132-AB07; Revision Of Fee Schedules; Fee Recovery For Fiscal Year 2016, 3150-AJ66; Medicare Program; Medicare Clinical Diagnostic Laboratory Tests Payment System, 0938-AS33; James Zadroga 9/11 Victim Compensation Fund Reauthorization Act, 1105-AB49; Energy Conservation Program: Energy Conservation Standards For Battery Chargers, 1904-AB57; Energy Conservation Program: Energy Conservation Standards For Dehumidifiers, 1904-AC81; Removal Of Mandatory Country Of Origin Labeling Requirements For Beef And Pork Muscle Cuts, Ground Beef, And Ground Pork, 0581-AD29.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentleman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. I thank the gentleman for yielding.

Mr. Speaker, here we go again with another piece of misguided legislation, but this one will jeopardize the health and safety of the American people to benefit corporate America and polluters.

Let's be clear. The protections that will be overwhelmingly targeted by this measure are not so-called mid-night regulations. These are rules that went through significant vetting. There are a host of statutes that govern how regulations are crafted. From the Administrative Procedure Act to the Regulatory Flexibility Act, to the Unfunded Mandates Reform Act, to the Paperwork Reduction Act, there are numerous processes to ensure regulations are written in a way that protect the American people while preventing overreach.

Mr. Speaker, as the ranking member of the Small Business Committee, I am well acquainted with the need to ensure that the regulatory process is balanced. No one here supports overregulation; but, at the same time, we cannot eliminate safeguards that have a proven record of protecting the American public. This bill also has the potential to create significant regulatory uncertainty for the same small businesses my colleagues say they are trying to help.

At its core, this bill is about enabling the largest and most powerful corporations to run rampant—without accountability. The legislation before us could result in less protections for consumers, and it could strip away workplace protections. We should reject this bill. I urge my colleagues to vote “no.”

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from California has 7½ minutes remaining, and the time of the gentleman from Michigan has expired.

Mr. ISSA. Mr. Speaker, I yield myself the balance of my time.

I served on the Small Business Committee with Ms. VELÁZQUEZ a long time ago. One thing that we all know is, with regard to that committee, the NFIB—the National Federation of Independent Business—and small business groups alike are something we look at, even NAM—the National Association of Manufacturers—and, of course, the Chamber. All of those organizations support this legislation. They have written letters in support, and I include in the RECORD those letters.

The following is a list of supporters of H.R. 21, the Midnight Rules Relief Act:

American Action Forum, American Center for Law and Justice, American Commitment, American Energy Alliance, American Fuel and Petrochemical Manufacturers, Americans for Prosperity—Key Vote, Americans for Tax Reform, Associated Builders and Contractors, Competitive Enterprise Institute, Concerned Women for America.

Family Business Coalition, FreedomWorks, Heating Air-conditioning & Refrigeration Distributors International