

HR 3010

Regulatory Accountability Act of 2011

Congress: 112 (2011–2013, Ended)

Chamber: House

Policy Area: Government Operations and Politics

Introduced: Sep 22, 2011

Current Status: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Government

Latest Action: Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs. (Dec 5, 2011)

Official Text: <https://www.congress.gov/bill/112th-congress/house-bill/3010>

Sponsor

Name: Rep. Smith, Lamar [R-TX-21]

Party: Republican • **State:** TX • **Chamber:** House

Cosponsors (37 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Coble, Howard [R-NC-6]	R · NC		Sep 22, 2011
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Sep 22, 2011
Rep. Chaffetz, Jason [R-UT-3]	R · UT		Oct 26, 2011
Rep. Franks, Trent [R-AZ-2]	R · AZ		Oct 26, 2011
Rep. Gallegly, Elton [R-CA-24]	R · CA		Oct 26, 2011
Rep. Goodlatte, Bob [R-VA-6]	R · VA		Oct 26, 2011
Rep. Gowdy, Trey [R-SC-4]	R · SC		Oct 26, 2011
Rep. Griffin, Tim [R-AR-2]	R · AR		Oct 26, 2011
Rep. Kline, John [R-MN-2]	R · MN		Oct 26, 2011
Rep. Mica, John L. [R-FL-7]	R · FL		Oct 26, 2011
Rep. Pence, Mike [R-IN-6]	R · IN		Oct 26, 2011
Rep. Quayle, Benjamin [R-AZ-3]	R · AZ		Oct 26, 2011
Rep. Ross, Dennis A. [R-FL-12]	R · FL		Oct 26, 2011
Rep. Shuster, Bill [R-PA-9]	R · PA		Oct 26, 2011
Rep. Adams, Sandy [R-FL-24]	R · FL		Nov 2, 2011
Rep. Austria, Steve [R-OH-7]	R · OH		Nov 2, 2011
Rep. Baca, Joe [D-CA-43]	D · CA		Nov 2, 2011
Rep. Calvert, Ken [R-CA-44]	R · CA		Nov 2, 2011
Rep. Cardoza, Dennis A. [D-CA-18]	D · CA		Nov 2, 2011
Rep. Costa, Jim [D-CA-20]	D · CA		Nov 2, 2011
Rep. Davis, Geoff [R-KY-4]	R · KY		Nov 2, 2011
Rep. Gohmert, Louie [R-TX-1]	R · TX		Nov 2, 2011
Rep. Johnson, Bill [R-OH-6]	R · OH		Nov 2, 2011
Rep. Carter, John R. [R-TX-31]	R · TX		Nov 3, 2011
Rep. Matheson, Jim [D-UT-2]	D · UT		Nov 3, 2011
Rep. Conaway, K. Michael [R-TX-11]	R · TX		Nov 4, 2011
Rep. Donnelly, Joe [D-IN-2]	D · IN		Nov 15, 2011
Rep. Issa, Darrell E. [R-CA-49]	R · CA		Nov 15, 2011
Rep. Jones, Walter B., Jr. [R-NC-3]	R · NC		Nov 15, 2011
Rep. King, Steve [R-IA-5]	R · IA		Nov 15, 2011
Rep. Lummis, Cynthia M. [R-WY-At Large]	R · WY		Nov 15, 2011
Rep. Whitfield, Ed [R-KY-1]	R · KY		Nov 15, 2011
Rep. Flake, Jeff [R-AZ-6]	R · AZ		Nov 18, 2011
Rep. Jenkins, Lynn [R-KS-2]	R · KS		Nov 18, 2011
Rep. Scott, Austin [R-GA-8]	R · GA		Nov 18, 2011
Rep. Shuler, Heath [D-NC-11]	D · NC		Nov 18, 2011
Rep. Wilson, Joe [R-SC-2]	R · SC		Nov 18, 2011

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred To	Dec 5, 2011
Judiciary Committee	House	Discharged from	Oct 27, 2011

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
112 HRES 477	Related bill	Nov 30, 2011: Motion to reconsider laid on the table Agreed to without objection.
112 S 1606	Related bill	Sep 22, 2011: Read twice and referred to the Committee on Homeland Security and Governmental Affairs.

Regulatory Accountability Act of 2011 - (Sec. 2) Defines "major rule" and "major guidance" for purposes of this Act as a rule or guidance that is likely to impose: (1) an annual cost on the economy of \$100 million or more, adjusted annually for inflation; (2) a major increase in costs or prices; (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. enterprises to compete with foreign-based enterprises; or (4) significant impacts on multiple sectors of the economy. Defines "high-impact rule" as a rule that is likely to have an annual cost on the economy of \$1 billion or more, adjusted annually for inflation.

(Sec. 3) Revises procedures for rulemaking under the Administrative Procedure Act (APA) to require a federal agency, in the rulemaking process, to make all preliminary and final factual determinations based on evidence and to consider: (1) the legal authority under which a rule may be proposed, (2) the specific nature and significance of the problem the agency may address with a rule, (3) whether existing rules have created or contributed to the problem the agency may address with a rule and whether such rules may be amended or rescinded, (4) any reasonable alternatives for a new rule, and (5) the potential costs and benefits associated with potential alternative rules.

Revises rulemaking notice requirements to require an agency to: (1) publish in the Federal Register advance notice of proposed rulemaking involving a major or high-impact rule that involves a novel legal or policy issue arising out of statutory mandates; (2) consult with the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget (OMB) before issuing a proposed rule and after the issuance of an advance notice of proposed rulemaking; (3) provide interested persons an opportunity to participate in the rulemaking process; (4) hold a hearing before the adoption of any high-impact rule; (5) expand requirements for the adoption of a final rule, including requiring that the agency adopt a rule only on the basis of the best evidence and at the least cost; and (6) grant any interested person the right to petition for the issuance, amendment, or repeal of a rule. Specifies the minimum amount of information that must be included in an advance notice.

Requires the Administrator to issue guidelines to promote coordination, simplification, and harmonization of agency rules during the rulemaking process

Exempts from such revised procedures rulemakings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 4) Imposes new requirements for issuing any major guidance or guidance that involves a novel legal or policy issue arising out of statutory mandates. Authorizes the Administrator to issue guidelines for agencies in issuing major guidance or other guidance.

(Sec. 5) Provides for electronic access to transcripts of testimony and exhibits and other papers filed in a rulemaking proceeding.

Requires the record of decision in a rulemaking proceeding to include information from a hearing under the Information Quality Act or on a high-impact rule.

Requires an agency to grant a petition for a hearing in the case of a major rule, unless the agency reasonably determines that a hearing would not advance consideration of the rule or would unreasonably delay completion of the rulemaking. Exempts from this requirement rulemakings that concern monetary policy proposed or implemented by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

(Sec. 6) Provides that an agency's denial of an Information Quality Act petition, or a failure to grant or deny such petition within 90 days, is reviewable by a court as a final action. Allows immediate judicial review of interim rules, other than in cases involving national security interests, issued without compliance with the notice requirements of this Act.

(Sec. 7) Revises standards for the scope of judicial review of agency rulemaking to prohibit a court from deferring to an agency's: (1) interpretation of a rule if the agency did not comply with APA requirements, (2) determination of the costs and benefits or other economic or risk assessment if the agency failed to conform to guidelines on such determinations and assessments established by the Administrator, (3) determinations made in the adoption of an interim rule, or (4) guidance.

(Sec. 8) Defines "substantial evidence" for purposes of evaluating agency adjudications and for rulemaking under APA as 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. 9) Provides that the amendments made by this Act to specified provisions of federal law shall not apply to any rule makings pending or completed on the enactment date of this Act.

Actions Timeline

- **Dec 5, 2011:** Received in the Senate and Read twice and referred to the Committee on Homeland Security and Governmental Affairs.
- **Dec 2, 2011:** Considered under the provisions of rule H. Res. 477. (consideration: CR H8081-8105)
- **Dec 2, 2011:** Measure provides for consideration of H.R. 3463 with one hour of general debate, equally divided and controlled; bill is closed to amendments. Provides for consideration of H.R. 527 with one hour of general debate, equally divided and controlled; specified amendments are in order. Provides for consideration of H.R. 3010 with one hour of general debate, equally divided and controlled; specified amendments are in order.
- **Dec 2, 2011:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 477 and Rule XVIII.
- **Dec 2, 2011:** The Speaker designated the Honorable Steve Womack to act as Chairman of the Committee.
- **Dec 2, 2011:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 3010.
- **Dec 2, 2011:** DEBATE - Pursuant to the provisions of H.Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Moore amendment.
- **Dec 2, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Moore amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Moore demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 2, 2011:** DEBATE - Pursuant to the provisions of H.Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Olson amendment.
- **Dec 2, 2011:** DEBATE - Pursuant to the provisions of H.Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee amendment No. 3.
- **Dec 2, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee amendment No. 3, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Smith (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 2, 2011:** DEBATE - Pursuant to the provisions of H.Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Connolly (VA) amendment.
- **Dec 2, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Connolly amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Smith (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 2, 2011:** DEBATE - Pursuant to the provisions of H.Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Nadler amendment.
- **Dec 2, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Nadler amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Smith (TX) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 2, 2011:** DEBATE - Pursuant to the provisions of H.Res. 477, the Committee of the Whole proceeded with 10 minutes of debate on the Jackson Lee amendment No. 7.
- **Dec 2, 2011:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Jackson Lee amendment No. 7, the Chair put the question on adoption of the amendment and by voice vote, announced that the noes had prevailed. Ms. Jackson Lee demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until a time to be announced.
- **Dec 2, 2011:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 3010.
- **Dec 2, 2011:** The House adopted the amendment in the nature of a substitute as agreed to by the Committee of the Whole House on the state of the Union. (text of committee amendment in the nature of a substitute: CR H8088-8092)
- **Dec 2, 2011:** The previous question was ordered pursuant to the rule. (consideration: CR H8103)
- **Dec 2, 2011:** Mr. Boswell moved to recommit with instructions to Judiciary. (consideration: CR H8103-8105; text: CR H8103)
- **Dec 2, 2011:** DEBATE - The House proceeded with 10 minutes of debate on the Boswell motion to recommit with instructions. The instructions contained in the motion seek to require the bill to be reported back to the House with an amendment that stipulates the provisions in this Act shall not apply to new regulations or the revision of existing

regulations that reduce costs or increase coverage for pharmaceuticals and other health services for seniors, or efforts by the Secretaries of Health and Human Services, Veterans Administration, and Defense to negotiate lower prescription drug prices.

- **Dec 2, 2011:** The previous question on the motion to recommit with instructions was ordered without objection. (consideration: CR H8104)
- **Dec 2, 2011:** On motion to recommit with instructions Failed by recorded vote: 186 - 233 (Roll no. 887). (consideration: CR H8105)
- **Dec 2, 2011:** Passed/agreed to in House: On passage Passed by recorded vote: 253 - 167 (Roll no. 888).
- **Dec 2, 2011:** On passage Passed by recorded vote: 253 - 167 (Roll no. 888).
- **Dec 2, 2011:** Motion to reconsider laid on the table Agreed to without objection.
- **Nov 30, 2011:** Rule H. Res. 477 passed House.
- **Nov 29, 2011:** Rules Committee Resolution H. Res. 477 Reported to House. Measure provides for consideration of H.R. 3463 with one hour of general debate, equally divided and controlled; bill is closed to amendments. Provides for consideration of H.R. 527 with one hour of general debate, equally divided and controlled; specified amendments are in order. Provides for consideration of H.R. 3010 with one hour of general debate, equally divided and controlled; specified amendments are in order.
- **Nov 22, 2011:** Reported (Amended) by the Committee on Judiciary. H. Rept. 112-294.
- **Nov 22, 2011:** Placed on the Union Calendar, Calendar No. 195.
- **Nov 3, 2011:** Committee Consideration and Mark-up Session Held.
- **Nov 3, 2011:** Ordered to be Reported (Amended) by the Yeas and Nays: 16 - 6.
- **Oct 27, 2011:** Subcommittee on Courts, Commercial and Administrative Law Discharged.
- **Oct 25, 2011:** Committee Hearings Held.
- **Oct 12, 2011:** Referred to the Subcommittee on Courts, Commercial and Administrative Law.
- **Sep 22, 2011:** Introduced in House
- **Sep 22, 2011:** Referred to the House Committee on the Judiciary.