

SEC. 204. REGULATORY IMPACT ANALYSIS.

Section 553 of title 5, United States Code, as amended by section 203, is amended by adding after subsection (h) the following:

“(i)(1) Each agency shall, in connection with every major rule, prepare, and, to the extent permitted by law, consider, a regulatory impact analysis. Such analysis may be combined with any regulatory flexibility analysis performed under sections 603 and 604.

“(2) Each agency shall initially determine whether a rule it intends to propose or issue is a major rule. The Director shall have authority to order a rule to be treated as a major rule and to require any set of related rules to be considered together as a major rule.

“(3) Except as provided in subsection (j), agencies shall prepare—

“(A) a preliminary regulatory impact analysis, which shall be transmitted, along with a notice of proposed rulemaking, to the Director at least 60 days prior to the publication of notice of proposed rulemaking, and

“(B) a final regulatory impact analysis, which shall be transmitted along with the final rule at least 30 days prior to the publication of a major rule.

“(4) Each preliminary and final regulatory impact analysis shall contain the following information:

“(A) A description of the potential benefits of the rule, including any beneficial effects that cannot be quantified in monetary terms and the identification of those likely to receive the benefits.

“(B) An explanation of the necessity, legal authority, and reasonableness of the rule and a description of the condition that the rule is to address.

“(C) A description of the potential costs of the rule, including any adverse effects that cannot be quantified in monetary terms, and the identification of those likely to bear the costs.

“(D) An analysis of alternative approaches, including market based mechanisms, that could substantially achieve the same regulatory goal at a lower cost and an explanation of the reasons why such alternative approaches were not adopted, together with a demonstration that the rule provides for the least costly approach.

“(E) A statement that the rule does not conflict with, or duplicate, any other rule or a statement of the reasons why such a conflict or duplication exists.

“(F) A statement of whether the rule will require on-site inspections or whether persons will be required by the rule to maintain any records which will be subject to inspection, and a statement of whether the rule will require persons to obtain licenses, permits, or other certifications including specification of any associated fees or fines.

“(G) An estimate of the costs to the agency for implementation and enforcement of the rule and of whether the agency can be reasonably expected to implement the rule with the current level of appropriations.

“(5)(A) the Director is authorized to review and prepare comments on any preliminary or final regulatory impact analysis, notice of proposed rulemaking, or final rule based on the requirements of this subsection.

“(B) Upon the request of the Director, an agency shall consult with the Director concerning the review of a preliminary impact analysis or notice of proposed rulemaking and shall refrain from publishing its preliminary regulatory impact analysis or notice of proposed rulemaking until such review is concluded. The Director’s review may not take longer than 90 days after the date of the request of the Director.

“(6)(A) An agency may not adopt a major rule unless the final regulatory impact analysis for the rule is approved or commented

upon in writing by the Director or by an individual designated by the Director for that purpose.

“(B) Upon receiving notice that the Director intends to comment in writing with respect to any final regulatory impact analysis or final rule, the agency shall refrain from publishing its final regulatory impact analysis or final rule until the agency has responded to the Director’s comments and incorporated those comments in the agency’s response in the rulemaking file. If the Director fails to make such comments in writing with respect to any final regulatory impact analysis or final rule within 90 days of the date the Director gives such notice, the agency may adopt such final regulatory impact analysis or final rule.

“(7) Notwithstanding section 551(16), for purposes of this subsection with regard to any rule proposed or issued by an appropriate Federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, the term ‘Director’ means the head of such agency, Administration, or Office.”.

SEC. 205. STANDARD OF CLARITY.

Section 553 of title 5, United States Code, as amended in section 204, is amended by adding after subsection (i) the following:

“(j) To the extent practicable, the head of an agency shall seek to ensure that any proposed major rule or regulatory impact analysis of such a rule is written in a reasonably simple and understandable manner and provides adequate notice of the content of the rule to affected persons.”.

SEC. 206. EXEMPTIONS.

Section 553 of title 5, United States Code, as amended by section 205, is further amended by adding after subsection (j) the following:

“(k)(1) The provisions of this section regarding major rules shall not apply to—

“(A) any regulation that responds to an emergency situation if such regulation is reported to the Director as soon as is practicable;

“(B) any regulation for which consideration under the procedures of this section would conflict with deadlines imposed by statute or by judicial order;

“(C) any regulation proposed or issued in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such institution, credit unions, or government sponsored housing enterprises regulated by the Office of Federal Housing Enterprise Oversight;

“(D) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States, including any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States; and

“(E) any regulation proposed or issued pursuant to section 553 of title 5, United States Code, in connection with imposing trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.

A regulation described in subparagraph (B) shall be reported to the Director with a brief explanation of the conflict and the agency, in consultation with the Director, shall, to the extent permitted by statutory or judicial deadlines, adhere to the process of this section.

“(2) The Director may in accordance with the purposes of this section exempt any class

or category of regulations from any or all requirements of this section.

“(3) For purposes of paragraph (1), the term ‘emergency situation’ means a situation that is—

“(A) immediately impending and extraordinary in nature, or

“(B) demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans or substantial endangerment to private property or the environment if no action is taken.”.

SEC. 207. REPORT.

The Director of the Office of Management and Budget shall submit a report to the Congress no later than 24 months after the date of the enactment of this Act containing an analysis of rulemaking procedures of Federal agencies and an analysis of the impact of those rulemaking procedures on the regulated public and regulatory process.

SEC. 208. EFFECTIVE DATE.

The amendment made by this title shall apply only to final agency rules issued after rulemaking begun after the date of enactment of this Act.

TITLE III—PROTECTIONS

SEC. 301. PRESIDENTIAL ACTION.

Pursuant to the authority of section 7301 of title 5, United States Code, the President shall, within 180 days of the date of the enactment of this title, prescribe regulations for employees of the executive branch to ensure that Federal laws and regulations shall be administered consistent with the principle that any person shall, in connection with the enforcement of such laws and regulations—

(1) be protected from abuse, reprisal, or retaliation, and

(2) be treated fairly, equitably, and with due regard for such person’s rights under the Constitution.

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,
Will the House pass said bill?

The SPEAKER pro tempore, Mr. HASTERT, announced that the yeas had it.

Mr. GEKAS objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 415
Nays 15

¶35.15 [Roll No. 187]
YEAS—415

Abercrombie	Berman	Burr
Ackerman	Bevill	Burton
Allard	Bilbray	Buyer
Andrews	Bilirakis	Callahan
Archer	Bishop	Calvert
Armey	Bliley	Camp
Bachus	Blute	Canady
Baesler	Boehlert	Cardin
Baker (CA)	Boehner	Castle
Baker (LA)	Bonilla	Chabot
Baldacci	Bono	Chambliss
Ballenger	Borski	Chapman
Barcia	Boucher	Chenoweth
Barr	Brewster	Christensen
Barrett (NE)	Browder	Chrysler
Barrett (WI)	Brown (CA)	Clay
Bartlett	Brown (FL)	Clayton
Barton	Brown (OH)	Clement
Bass	Brownback	Clinger
Bateman	Bryant (TN)	Clyburn
Beilenson	Bryant (TX)	Coble
Bentsen	Bunn	Coburn
Bereuter	Bunning	Coleman

Collins (CA)	Hefner	Moran
Combest	Heineman	Morella
Condit	Herger	Murtha
Cooley	Hilleary	Myers
Costello	Hilliard	Myrick
Cox	Hobson	Neal
Coyne	Hoekstra	Nethercatt
Cramer	Hoyer	Neumann
Crane	Holden	Ney
Crapo	Horn	Norwood
Creameans	Hostettler	Nussle
Cubin	Houghton	Oberstar
Cunningham	Hoyer	Obey
Danner	Hutchinson	Olver
Davis	Hyde	Ortiz
de la Garza	Inglis	Orton
Deal	Istook	Owens
DeFazio	Jackson-Lee	Oxley
DeLauro	Jacobs	Packard
DeLay	Jefferson	Pallone
Deutsch	Johnson (CT)	Parker
Diaz-Balart	Johnson (SD)	Pastor
Dickey	Johnson, E. B.	Paxon
Dicks	Johnson, Sam	Payne (NJ)
Dingell	Jones	Payne (VA)
Dixon	Kanjorski	Pelosi
Doggett	Kaptur	Peterson (FL)
Dooley	Kasich	Peterson (MN)
Doolittle	Kelly	Petri
Dorman	Kennedy (MA)	Pickett
Doyle	Kennedy (RI)	Pombo
Dreier	Kennelly	Pomeroy
Duncan	Kildee	Porter
Dunn	Kim	Portman
Durbin	King	Poshard
Edwards	Kingston	Pryce
Ehlers	Klecza	Quillen
Ehrlich	Klink	Quinn
Emerson	Klug	Radanovich
Engel	Knollenberg	Rahall
English	Kolbe	Ramstad
Ensign	LaFalce	Reed
Eshoo	LaHood	Regula
Evans	Lantos	Reynolds
Everett	Largent	Richardson
Ewing	Latham	Riggs
Farr	LaTourrette	Rivers
Fattah	Laughlin	Roberts
Fawell	Lazio	Roemer
Fazio	Leach	Rogers
Fields (LA)	Levin	Rohrabacher
Fields (TX)	Lewis (CA)	Ros-Lehtinen
Filner	Lewis (GA)	Rose
Flake	Lewis (KY)	Roth
Flanagan	Lightfoot	Roukema
Foglietta	Lincoln	Roybal-Allard
Foley	Linder	Royce
Forbes	Lipinski	Sabo
Ford	Livingston	Salmon
Fowler	LoBiondo	Sanders
Fox	Lofgren	Sanford
Frank (MA)	Longley	Sawyer
Franks (CT)	Lowey	Saxton
Franks (NJ)	Lucas	Scarborough
Frelinghuysen	Luther	Schaefer
Frisa	Maloney	Schiff
Frost	Manton	Schroeder
Funderburk	Manzullo	Schumer
Furse	Markey	Scott
Galleghy	Martinez	Seastrand
Ganske	Martini	Sensenbrenner
Gejdenson	Mascara	Serrano
Gekas	Matsui	Shadegg
Gephardt	McCarthy	Shaw
Geren	McCollum	Shays
Gibbons	McCrery	Shuster
Gilchrest	McDade	Sisisky
Gillmor	McDermott	Skaggs
Gilman	McHale	Skeen
Goodlatte	McHugh	Skelton
Goodling	McInnis	Slaughter
Gordon	McIntosh	Smith (MI)
Goss	McKeon	Smith (NJ)
Graham	McNulty	Smith (TX)
Green	Meehan	Smith (WA)
Greenwood	Meek	Solomon
Gunderson	Menendez	Souder
Gutierrez	Metcalf	Spence
Gutknecht	Meyers	Spratt
Hall (OH)	Mfume	Stark
Hall (TX)	Mica	Stearns
Hamilton	Miller (CA)	Stenholm
Hancock	Miller (FL)	Stockman
Hansen	Mineta	Stokes
Harman	Minge	Studds
Hastert	Mink	Stump
Hastings (WA)	Molinari	Stupak
Hayes	Mollohan	Talent
Hayworth	Montgomery	Tanner
Hefley	Moorhead	Tate

Tauzin	Upton	Whitfield
Taylor (MS)	Velazquez	Wicker
Taylor (NC)	Vento	Williams
Tejeda	Visclosky	Wilson
Thomas	Volkmer	Wise
Thompson	Vucanovich	Wolf
Thornberry	Waldholtz	Woolsey
Thornton	Walker	Wyden
Thurman	Walsh	Wynn
Tiahrt	Wamp	Yates
Torkildsen	Ward	Young (AK)
Torres	Watts (OK)	Young (FL)
Torricelli	Weldon (FL)	Zeliff
Towns	Weldon (PA)	Zimmer
Traficant	Weller	
Tucker	White	

NAYS—15

Becerra	Dellums	Nadler
Bonior	Hastings (FL)	Rangel
Collins (IL)	Hinchey	Waters
Collins (MI)	Johnston	Watt (NC)
Conyers	McKinney	Waxman

NOT VOTING—4

Gonzalez	Moakley
Hunter	Rush

So the bill was passed.
A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered, That the Clerk request the concurrence of the Senate in said bill.

35.16 MEXICAN ECONOMY

Mr. LEACH, by direction of the Committee on Banking and Financial Services and pursuant to the order of the House of February 28, 1995, called up the following privileged resolution (H. Res. 80):

Resolved, That the President is hereby requested to provide to the House of Representatives, not later than 14 days after the adoption of this resolution, the following documents:

(1) Any document concerning the assured source of repayment to the United States for any short-, intermediate-, or long-term credit facility made available to Mexico after December 31, 1994.

(2) Any document concerning the net worth of Pemex, the historical annual revenues of Pemex, the projected annual revenues during the 5-year period beginning on the date of the adoption of this resolution, and the extent to which the proceeds from the sale of Mexican oil to customers within Mexico or outside of Mexico—

(A) are required to be paid to the Government of Mexico as taxes or as payments in lieu of taxes; or

(B) have been pledged as collateral for the repayment of any loans or other extensions of credit to the Government of Mexico or to Pemex other than any credit facility described in paragraph (1).

(3) Any document concerning the value of any oil the proceeds from the sale of which are pledged to assure the repayment of any financial assistance provided by the United States to Mexico, the documentation received by the United States in connection with such pledge, and the manner in which the United States may exercise any rights under such pledge to obtain the proceeds as repayment for losses incurred.

(4) Any document concerning any assurances given by the Government of Mexico to the United States Government with respect to changes in past economic policies or the adoption of a new economic plan.

(5) Any document concerning the decision by the President to use the assets of the exchange stabilization fund established under section 5302 of title 31, United States Code, in connection with any short-, intermediate-, or long-term credit facility made available to Mexico after December 31, 1994.

(6) Any document concerning the criteria used by the President or the Secretary of the Treasury in making any decision to use the assets of the exchange stabilization fund to respond to any economic, balance of payments, or exchange crisis in any country and the facts on which such determinations were made with respect to Poland, in 1989, and to Mexico in December of 1994 and early 1995.

(7) Any document concerning how the use of the assets of the exchange stabilization fund as a source of credit to Mexico compares with all prior uses of the assets of the fund since 1945 for all other countries under section 5302 of title 31, United States Code, with regard to—

(A) the dollar amount of each transaction;

(B) the type of the transaction, such as loan, loan guarantee, or swap agreement (as defined in section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act);

(C) the purpose of the transaction, such as whether it was to support the United States dollar, to support a foreign currency, or any other purpose;

(D) the duration, in years, of the transaction during which any credit was or is permitted to remain outstanding;

(E) any security or collateral pledged to assure repayment with respect to each such transaction; and

(F) the existence of any agreement involving the International Monetary Fund or the Board of Governors of the Federal Reserve System in connection with each such transaction and the terms of each agreement by such Fund or Board.

(8) Any document concerning debts owed by the Government of Mexico and any entity owned or controlled by the Government of Mexico to United States public or private creditors which are outstanding as of the date of the adoption of this resolution, the status of each such debt (including whether such debt has been refinanced), and the collateral or security pledged to assure repayment of such debt.

(9) Any document concerning an accounting of all the fund flows through the exchange stabilization fund established under section 5302 of title 31, United States Code, during the 24-month period ending on the date of the adoption of this resolution, including the identification of the amount of and purpose for each transaction involving such fund during such period.

(10) Any document concerning the balance of available assets in the exchange stabilization fund as of the date of the adoption of this resolution.

(11) Any document concerning the amount by which the total principal amount of loans, loan guarantees, and other extensions of credit which the President has announced will be made available to Mexico exceeds the total amount of available assets in the exchange stabilization fund established under section 5302 of title 31, United States Code, and the means for covering the shortfall, if any.

(12) Any document concerning the departure of the International Monetary Fund from the Fund's customary guidelines for country assistance, including any recommendation made by the President or any other officer or employee in the executive branch to the Fund regarding the amount of financial assistance the Fund was preparing to make available to Mexico, and any reciprocal agreement made by the executive branch to the Fund for making such assistance available in any amount greatly in excess of the customary guidelines.

(13) Any document concerning the factual circumstances pursuant to which the Bank for International Settlements has become a lender to individual countries beyond the Bank's customary role as a clearinghouse for central banks.