

118TH CONGRESS
2D SESSION

H. R. 10300

To provide for congressional review of rules with respect to which the agency explicitly relied on Chevron deference in the notice of proposed rule-making or a Federal court upheld the rule based on Chevron deference.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2024

Mrs. BICE (for herself, Mrs. MILLER of West Virginia, Mr. ESTES, Mr. SCOTT FRANKLIN of Florida, Mr. PFLUGER, Mr. MEUSER, Ms. MALOY, Mr. OWENS, Mr. BABIN, Mr. LUTTRELL, Mr. BARR, Mr. WEBSTER of Florida, Ms. TENNEY, Mr. ALLEN, Ms. VAN DUYNE, Mr. MCCORMICK, Mr. SMITH of Nebraska, Mr. CLYDE, Mr. FLEISCHMANN, Mrs. HINSON, and Mr. MANN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Accountability, Rules, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for congressional review of rules with respect to which the agency explicitly relied on Chevron deference in the notice of proposed rulemaking or a Federal court upheld the rule based on Chevron deference.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Congressional Re-Re-
3 view Act” or the “Chevron Re-Review Act”.

4 **SEC. 2. FINDINGS.**

5 Congress finds that—

6 (1) the Supreme Court has overturned jurispru-
7 dence relied upon to uphold many agency rules when
8 Chevron deference was overturned in *Loper Bright*
9 *Enterprises v. Raimondo*; and

10 (2) effective steps for improving the efficiency
11 and proper management of rules that exceed agency
12 authority and had previously been upheld by the
13 Chevron deference is imposed in order to provide Con-
14 gress an opportunity for a review of unlawful stat-
15 utes.

16 **SEC. 3. PROVISION OF INFORMATION FOR CONGRES-**
17 **SIONAL REVIEW OF CERTAIN RULES.**

18 (a) **PROVISION OF INFORMATION BY AGENCY.**—Not
19 later than 30 days after the introduction of a joint resolu-
20 tion described in section 4(a), the head of the agency that
21 made the rule shall make available to Congress and the
22 Comptroller General of the United States, upon request—

23 (1) a complete copy of the cost-benefit analysis
24 of the rule, if any;

1 (2) the agency's actions under sections 202,
2 203, 204, and 205 of the Unfunded Mandates Re-
3 form Act of 1995 (2 U.S.C. 1532 et seq.);

4 (3) any and all actions the agency has taken re-
5 lated to the rule after implementing the rule; and

6 (4) any other relevant information or require-
7 ments related to the rule under any other Act and
8 any relevant Executive order.

9 (b) PROVISION TO COMMITTEES.—Upon receipt of
10 the information described in subsection (a), each House
11 of Congress shall provide copies of such information to the
12 Chairman and Ranking Member of each committee with
13 jurisdiction over the subject matter of the rule.

14 (c) REPORTING BY THE COMPTROLLER GENERAL.—
15 Not later than 30 days after the introduction of a joint
16 resolution described in section 4(a), the Comptroller Gen-
17 eral shall submit to—

18 (1) Congress a report on the rule that is the
19 subject of the joint resolution; and

20 (2) the sponsor of the joint resolution and the
21 Chairman and Ranking Member of each committee
22 with jurisdiction over the subject matter of the rule,
23 an analysis of the copy of the cost-benefit analysis
24 of the rule made available under subsection (a)(1).

1 (d) CRS REPORT.—Not later than 30 days after the
2 introduction of a joint resolution described in section 4(a),
3 the Director of the Congressional Research Service shall
4 submit to the sponsor of the joint resolution and the
5 Chairman and Ranking Member of each committee with
6 jurisdiction over the subject matter of the rule a summary
7 of litigation with respect to the rule, if applicable.

8 (e) CBO REPORT.—Not later than 30 days after the
9 introduction of a joint resolution described in section 4(a),
10 the Director of the Congressional Budget Office shall sub-
11 mit to the sponsor of the joint resolution and the Chair-
12 man and Ranking Member of each committee with juris-
13 diction over the subject matter of the rule an analysis on
14 the cost of the rule to the economy and projected economic
15 impact if the rule ceases to be in effect.

16 (f) RULES UPHELD OR PROMULGATED BASED ON
17 CHEVRON.—

18 (1) IN GENERAL.—This Act applies to rules
19 with respect to which—

20 (A) the agency explicitly relied on Chevron
21 deference in the notice of proposed rulemaking;

22 or

23 (B) a Federal court upheld the rule based
24 on Chevron deference.

1 (2) NULLIFICATION OF RULES DISAPPROVED
2 BY CONGRESS.—Any rule that is disapproved under
3 section 4 shall be treated as though such rule had
4 never taken effect.

5 (3) NO INFERENCE TO BE DRAWN WHERE
6 RULES NOT DISAPPROVED.—If a joint resolution is
7 not enacted under section 4, no court or agency may
8 infer any intent of Congress from any action or inac-
9 tion of Congress with regard to such rule, related
10 statute, or joint resolution of disapproval.

11 **SEC. 4. CONGRESSIONAL DISAPPROVAL PROCEDURE.**

12 (a) JOINT RESOLUTION DEFINED.—For the pur-
13 poses of this section, the term “joint resolution” means
14 only a joint resolution, the matter after the resolving
15 clause of which is as follows: “That Congress disapproves
16 the rule submitted by the _____ relating to _____, with
17 respect to which [the agency explicitly relied on Chevron
18 deference in the notice of proposed rulemaking
19 _____/ a Federal court upheld the rule based
20 on Chevron deference in _____.” (the blank
21 spaces are appropriately filled in).

22 (b) REFERRAL.—A joint resolution described in sub-
23 section (a) shall be referred to the committees in each
24 House of Congress with jurisdiction.

1 (c) DISCHARGE.—If the committee to which is re-
2 ferred a joint resolution described in subsection (a) has
3 not reported such joint resolution (or an identical resolu-
4 tion) at the end of 20 calendar days after the submission
5 or introduction of legislation to disapprove the rule, such
6 committee may be discharged from further consideration
7 of such joint resolution and placed on the appropriate cal-
8 endar of the House involved—

9 (1) in the Senate, upon a petition supported in
10 writing by 30 Members of the Senate; and

11 (2) in the House of Representatives, upon a pe-
12 tition supported in writing by one-fourth of the
13 Members duly sworn and chosen, or by motion of
14 the Speaker supported by the Minority Leader.

15 (d) FLOOR CONSIDERATION.—

16 (1) IN GENERAL.—When the committee to
17 which a joint resolution is referred has reported, or
18 when a committee is discharged (under subsection
19 (c)) from further consideration of, a joint resolution
20 described in subsection (a), it is at any time there-
21 after in order (even though a previous motion to the
22 same effect has been disagreed to) for a motion to
23 proceed to the consideration of the joint resolution,
24 and all points of order against the joint resolution
25 (and against consideration of joint resolution) are

1 waived. The motion is not subject to amendment, to
2 a motion to postpone, or to a motion to proceed to
3 the consideration of other business. A motion to re-
4 consider the vote by which the motion is agreed to
5 or disagreed to shall not be in order. If a motion to
6 proceed to the consideration of the joint resolution
7 is agreed to, the joint resolution shall remain the un-
8 finished business of the respective House until dis-
9 posed of.

10 (2) DEBATE.—Debate on the joint resolution,
11 and on all debatable motions and appeals in connec-
12 tion therewith, shall be limited to not more than 10
13 hours, which shall be divided equally between those
14 favoring and those opposing the resolution. A motion
15 further to limit debate is in order and not debatable.
16 An amendment to, or a motion to postpone, or a mo-
17 tion to proceed to the consideration of other busi-
18 ness, or a motion to recommit the resolution is not
19 in order.

20 (3) FINAL PASSAGE.—Immediately following
21 the conclusion of the debate on a resolution de-
22 scribed in subsection (a), and a single quorum call
23 at the conclusion of the debate if requested in ac-
24 cordance with the rules of the appropriate House,

1 the vote on final passage of the resolution shall
2 occur.

3 (4) APPEALS.—Appeals from the decisions of
4 the Chair relating to the application of the rules of
5 the Senate or the House of Representatives, as the
6 case may be, to the procedure relating to a resolu-
7 tion described in subsection (a) shall be decided
8 without debate.

9 (5) TREATMENT IF OTHER HOUSE HAS
10 ACTED.—If, before the passage by one House of a
11 resolution of that House described in subsection (a),
12 that House receives from the other House a resolu-
13 tion described in subsection (a), then the following
14 procedures shall apply:

15 (A) NONREFERRAL.—The resolution of the
16 other House shall not be referred to a com-
17 mittee.

18 (B) FINAL PASSAGE.—With respect to a
19 resolution described in subsection (a) of the
20 House receiving the resolution—

21 (i) the procedure in that House shall
22 be the same as if no resolution had been
23 received from the other House; but

24 (ii) the vote on final passage shall be
25 on the resolution of the other House.

1 (e) CONSTITUTIONAL AUTHORITY.—This section is
2 enacted by Congress—

3 (1) as an exercise of the rulemaking power of
4 the Senate and the House of Representatives, re-
5 spectively, and as such it is deemed a part of the
6 rules of each House, respectively, but applicable only
7 with respect to procedure to be followed in this sec-
8 tion, and it supersedes other rules only to the extent
9 that it is inconsistent with such rules; and

10 (2) with full recognition of the constitutional
11 right of either House to change the rules (so far as
12 relating to the procedure of that House) at any time,
13 in the same manner, and to the same extent as in
14 the case of any other rule of that House.

15 **SEC. 5. DEFINITIONS.**

16 For the purposes of this Act:

17 (1) AGENCY.—The term “agency” has the
18 meaning given such term in section 551(1) of title
19 5, United States Code.

20 (2) RULE.—The term “rule” has the meaning
21 given such term in section 804 of title 5, United
22 States Code, except that such term does not include
23 any rule related to monetary policy made by Board
24 of Governors of the Federal Reserve System or the
25 Federal Open Market Committee.

1 (3) CHEVRON DEFERENCE.—The term “Chev-
2 ron deference” means the legal doctrine of judicial
3 deference under *Chevron U.S.A., Inc. v. Natural Re-*
4 *sources Defense Council, Inc.* (467 U.S. 837
5 (1984)).

6 **SEC. 6. JUDICIAL REVIEW.**

7 No determination, finding, action, or omission under
8 this Act shall be subject to judicial review.

9 **SEC. 7. SEVERABILITY.**

10 If any provision of this Act, or the application of any
11 provision of this Act to any person or circumstance, is held
12 invalid, the application of such provision to other persons
13 or circumstances, and the remainder of this Act, shall not
14 be affected thereby.

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