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IN THE SENATE OF THE UNITED STATES

JUNE 20, 2023

Received; read the first time

JUNE 21, 2023

Read the second time and placed on the calendar

AN ACT

To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Regulations from the
5 Executive in Need of Scrutiny Act of 2023” or the
6 “REINS Act of 2023”.

1 **SEC. 2. PURPOSE.**

2 The purpose of this Act is to increase accountability
3 for and transparency in the Federal regulatory process.
4 Section 1 of article I of the United States Constitution
5 grants all legislative powers to Congress. Over time, Con-
6 gress has excessively delegated its constitutional charge
7 while failing to conduct appropriate oversight and retain
8 accountability for the content of the laws it passes. By
9 requiring a vote in Congress, the REINS Act will result
10 in more carefully drafted and detailed legislation, an im-
11 proved regulatory process, and a legislative branch that
12 is truly accountable to the American people for the laws
13 imposed upon them.

14 **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULE-**
15 **MAKING.**

16 Chapter 8 of title 5, United States Code, is amended
17 to read as follows:

18 **“CHAPTER 8—CONGRESSIONAL REVIEW**
19 **OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

“808. Review of rules currently in effect.

1 **“§ 801. Congressional review**

2 “(a)(1)(A) Before a rule may take effect, the Federal
3 agency promulgating such rule shall publish in the Federal
4 Register a list of information on which the rule is based,
5 including data, scientific and economic studies, and cost-
6 benefit analyses, and identify how the public can access
7 such information online, and shall submit to each House
8 of the Congress and to the Comptroller General a report
9 containing—

10 “(i) a copy of the rule;

11 “(ii) a concise general statement relating to the
12 rule;

13 “(iii) a finding, rendered in consultation with
14 the Administrator of the Office of Information and
15 Regulatory Affairs of the Office of Management and
16 Budget, whether the rule is a major or nonmajor
17 rule, including an explanation of the finding specifi-
18 cally addressing each criteria for a major rule con-
19 tained within subparagraphs (A) through (C) of sec-
20 tion 804(2);

21 “(iv) a list of any other related regulatory ac-
22 tions intended to implement the same statutory pro-
23 vision or regulatory objective as well as the indi-
24 vidual and aggregate economic effects of those ac-
25 tions;

26 “(v) the proposed effective date of the rule; and

1 “(vi) a statement of the constitutional authority
2 authorizing the agency to make the rule.

3 “(B) On the date of the submission of the report
4 under subparagraph (A), the Federal agency promulgating
5 the rule shall submit to the Comptroller General and make
6 available to each House of Congress (and to each com-
7 mittee of jurisdiction in each House)—

8 “(i) a complete copy of the cost-benefit analysis
9 of the rule, if any, including an analysis of any jobs
10 added or lost, differentiating between public and pri-
11 vate sector jobs;

12 “(ii) the agency’s actions pursuant to sections
13 603, 604, 605, 607, and 609 of this title;

14 “(iii) the agency’s actions pursuant to sections
15 202, 203, 204, and 205 of the Unfunded Mandates
16 Reform Act of 1995;

17 “(iv) an estimate of the effect on inflation of
18 the rule; and

19 “(v) any other relevant information or require-
20 ments under any other Act and any relevant Execu-
21 tive orders.

22 “(C) Upon receipt of a report submitted under sub-
23 paragraph (A), each House shall provide copies of the re-
24 port to the chairman and ranking member of each stand-
25 ing committee with jurisdiction under the rules of the

1 House of Representatives or the Senate to report a bill
2 to amend the provision of law under which the rule is
3 issued.

4 “(D) If requested in writing by a member of Con-
5 gress—

6 “(i) the Comptroller General shall make a de-
7 termination whether an agency action qualifies as a
8 rule for purposes of this chapter, and shall submit
9 to Congress this determination not later than 60
10 days after the date of the request; and

11 “(ii) the Comptroller General, in consultation
12 with the Director of the Congressional Budget Of-
13 fice, shall make a determination whether a rule is
14 considered a major rule under the provisions of this
15 act, and shall submit to Congress this determination
16 not later than 90 days after the date of the request.

17 For purposes of this section, a determination under this
18 subparagraph shall be deemed to be a report under sub-
19 paragraph (A).

20 “(2)(A) The Comptroller General shall provide a re-
21 port on each major rule to the committees of jurisdiction
22 by the end of 15 calendar days after the submission or
23 publication date. The report of the Comptroller General
24 shall include an assessment of the agency’s compliance
25 with procedural steps required by paragraph (1)(B) and

1 an assessment of whether the major rule imposes any new
2 limits or mandates on private-sector activity.

3 “(B) Federal agencies shall cooperate with the Comp-
4 troller General by providing information relevant to the
5 Comptroller General’s report under subparagraph (A).

6 “(3) A major rule relating to a report submitted
7 under paragraph (1) shall take effect upon enactment of
8 a joint resolution of approval described in section 802 or
9 as provided for in the rule following enactment of a joint
10 resolution of approval described in section 802, whichever
11 is later.

12 “(4) A nonmajor rule shall take effect as provided
13 by section 803 after submission to Congress under para-
14 graph (1).

15 “(5) If a joint resolution of approval relating to a
16 major rule is not enacted within the period provided in
17 subsection (b)(2), then a joint resolution of approval relat-
18 ing to the same rule may not be considered under this
19 chapter in the same Congress by either the House of Rep-
20 resentatives or the Senate.

21 “(b)(1) A major rule shall not take effect unless the
22 Congress enacts a joint resolution of approval described
23 under section 802.

24 “(2) If a joint resolution described in subsection (a)
25 is not enacted into law by the end of 70 session days or

1 legislative days, as applicable, beginning on the date on
2 which the report referred to in subsection (a)(1)(A) is re-
3 ceived by Congress (excluding days either House of Con-
4 gress is adjourned for more than 3 days during a session
5 of Congress), then the rule described in that resolution
6 shall be deemed not to be approved and such rule shall
7 not take effect.

8 “(c)(1) Notwithstanding any other provision of this
9 section (except subject to paragraph (3)), a major rule
10 may take effect for one 90-calendar-day period if the
11 President makes a determination under paragraph (2) and
12 submits written notice of such determination to the Con-
13 gress.

14 “(2) Paragraph (1) applies to a determination made
15 by the President by Executive order that the major rule
16 should take effect because such rule is—

17 “(A) necessary because of an imminent threat
18 to health or safety or other emergency;

19 “(B) necessary for the enforcement of criminal
20 laws;

21 “(C) necessary for national security; or

22 “(D) issued pursuant to any statute imple-
23 menting an international trade agreement.

1 “(3) An exercise by the President of the authority
2 under this subsection shall have no effect on the proce-
3 dures under section 802.

4 “(d)(1) In addition to the opportunity for review oth-
5 erwise provided under this chapter, in the case of any rule
6 for which a report was submitted in accordance with sub-
7 section (a)(1)(A) during the period beginning on the date
8 occurring—

9 “(A) in the case of the Senate, 60 session days;
10 or

11 “(B) in the case of the House of Representa-
12 tives, 60 legislative days,
13 before the date the Congress is scheduled to adjourn a
14 session of Congress through the date on which the same
15 or succeeding Congress first convenes its next session, sec-
16 tions 802 and 803 shall apply to such rule in the suc-
17 ceeding session of Congress.

18 “(2)(A) In applying sections 802 and 803 for pur-
19 poses of such additional review, a rule described under
20 paragraph (1) shall be treated as though—

21 “(i) such rule were published in the Federal
22 Register on—

23 “(I) in the case of the Senate, the 15th
24 session day; or

1 Congress approves the rule submitted by _____ re-
2 lating to _____.’; and

3 “(D) is introduced pursuant to paragraph (2).

4 “(2) After a House of Congress receives a report
5 classifying a rule as major pursuant to section
6 801(a)(1)(A)(iii), the majority leader of that House (or
7 his or her respective designee) shall introduce (by request,
8 if appropriate) a joint resolution described in paragraph
9 (1)—

10 “(A) in the case of the House of Representa-
11 tives, within 3 legislative days; and

12 “(B) in the case of the Senate, within 3 session
13 days.

14 “(3) A joint resolution described in paragraph (1)
15 shall not be subject to amendment at any stage of pro-
16 ceeding.

17 “(b) A joint resolution described in subsection (a)
18 shall be referred in each House of Congress to the commit-
19 tees having jurisdiction over the provision of law under
20 which the rule is issued.

21 “(c) In the Senate, if the committee or committees
22 to which a joint resolution described in subsection (a) has
23 been referred have not reported it at the end of 15 session
24 days after its introduction, such committee or committees
25 shall be automatically discharged from further consider-

1 ation of the resolution and it shall be placed on the cal-
2endar. A vote on final passage of the resolution shall be
3 taken on or before the close of the 15th session day after
4 the resolution is reported by the committee or committees
5 to which it was referred, or after such committee or com-
6 mittees have been discharged from further consideration
7 of the resolution.

8 “(d)(1) In the Senate, when the committee or com-
9 mittees to which a joint resolution is referred have re-
10 ported, or when a committee or committees are discharged
11 (under subsection (c)) from further consideration of a
12 joint resolution described in subsection (a), it is at any
13 time thereafter in order (even though a previous motion
14 to the same effect has been disagreed to) for a motion
15 to proceed to the consideration of the joint resolution, and
16 all points of order against the joint resolution (and against
17 consideration of the joint resolution) are waived. The mo-
18 tion is not subject to amendment, or to a motion to post-
19 pone, or to a motion to proceed to the consideration of
20 other business. A motion to reconsider the vote by which
21 the motion is agreed to or disagreed to shall not be in
22 order. If a motion to proceed to the consideration of the
23 joint resolution is agreed to, the joint resolution shall re-
24 main the unfinished business of the Senate until disposed
25 of.

1 “(2) In the Senate, debate on the joint resolution,
2 and on all debatable motions and appeals in connection
3 therewith, shall be limited to not more than 2 hours, which
4 shall be divided equally between those favoring and those
5 opposing the joint resolution. A motion to further limit
6 debate is in order and not debatable. An amendment to,
7 or a motion to postpone, or a motion to proceed to the
8 consideration of other business, or a motion to recommit
9 the joint resolution is not in order.

10 “(3) In the Senate, immediately following the conclu-
11 sion of the debate on a joint resolution described in sub-
12 section (a), and a single quorum call at the conclusion of
13 the debate if requested in accordance with the rules of the
14 Senate, the vote on final passage of the joint resolution
15 shall occur.

16 “(4) Appeals from the decisions of the Chair relating
17 to the application of the rules of the Senate to the proce-
18 dure relating to a joint resolution described in subsection
19 (a) shall be decided without debate.

20 “(e) In the House of Representatives, if any com-
21 mittee to which a joint resolution described in subsection
22 (a) has been referred has not reported it to the House
23 at the end of 15 legislative days after its introduction,
24 such committee shall be discharged from further consider-
25 ation of the joint resolution, and it shall be placed on the

1 appropriate calendar. On the second and fourth Thursdays
2 of each month it shall be in order at any time for the
3 Speaker to recognize a Member who favors passage of a
4 joint resolution that has appeared on the calendar for at
5 least 5 legislative days to call up that joint resolution for
6 immediate consideration in the House without intervention
7 of any point of order. When so called up a joint resolution
8 shall be considered as read and shall be debatable for 1
9 hour equally divided and controlled by the proponent and
10 an opponent, and the previous question shall be considered
11 as ordered to its passage without intervening motion. It
12 shall not be in order to reconsider the vote on passage.
13 If a vote on final passage of the joint resolution has not
14 been taken by the third Thursday on which the Speaker
15 may recognize a Member under this subsection, such vote
16 shall be taken on that day.

17 “(f)(1) If, before passing a joint resolution described
18 in subsection (a), one House receives from the other a
19 joint resolution having the same text, then—

20 “(A) the joint resolution of the other House
21 shall not be referred to a committee; and

22 “(B) the procedure in the receiving House shall
23 be the same as if no joint resolution had been re-
24 ceived from the other House until the vote on pas-
25 sage, when the joint resolution received from the

1 other House shall supplant the joint resolution of
2 the receiving House.

3 “(2) This subsection shall not apply to the House of
4 Representatives if the joint resolution received from the
5 Senate is a revenue measure.

6 “(g) If either House has not taken a vote on final
7 passage of the joint resolution by the last day of the period
8 described in section 801(b)(2), then such vote shall be
9 taken on that day.

10 “(h) This section and section 803 are enacted by
11 Congress—

12 “(1) as an exercise of the rulemaking power of
13 the Senate and House of Representatives, respec-
14 tively, and as such are deemed to be part of the
15 rules of each House, respectively, but applicable only
16 with respect to the procedure to be followed in that
17 House in the case of a joint resolution described in
18 subsection (a) and superseding other rules only
19 where explicitly so; and

20 “(2) with full recognition of the constitutional
21 right of either House to change the rules (so far as
22 they relate to the procedure of that House) at any
23 time, in the same manner and to the same extent as
24 in the case of any other rule of that House.

1 **“§ 803. Congressional disapproval procedure for**
2 **nonmajor rules**

3 “(a) For purposes of this section, the term ‘joint res-
4 olution’ means only a joint resolution introduced in the
5 period beginning on the date on which the report referred
6 to in section 801(a)(1)(A) is received by Congress and
7 ending 60 days thereafter (excluding days either House
8 of Congress is adjourned for more than 3 days during a
9 session of Congress), the matter after the resolving clause
10 of which is as follows: ‘That Congress disapproves the
11 nonmajor rule submitted by the _____ relating to
12 _____, and such rule shall have no force or effect.’ (The
13 blank spaces being appropriately filled in).

14 “(b) A joint resolution described in subsection (a)
15 shall be referred to the committees in each House of Con-
16 gress with jurisdiction.

17 “(c) In the Senate, if the committee to which is re-
18 ferred a joint resolution described in subsection (a) has
19 not reported such joint resolution (or an identical joint
20 resolution) at the end of 15 session days after the date
21 of introduction of the joint resolution, such committee may
22 be discharged from further consideration of such joint res-
23 olution upon a petition supported in writing by 30 Mem-
24 bers of the Senate, and such joint resolution shall be
25 placed on the calendar.

1 “(d)(1) In the Senate, when the committee to which
2 a joint resolution is referred has reported, or when a com-
3 mittee is discharged (under subsection (c)) from further
4 consideration of a joint resolution described in subsection
5 (a), it is at any time thereafter in order (even though a
6 previous motion to the same effect has been disagreed to)
7 for a motion to proceed to the consideration of the joint
8 resolution, and all points of order against the joint resolu-
9 tion (and against consideration of the joint resolution) are
10 waived. The motion is not subject to amendment, or to
11 a motion to postpone, or to a motion to proceed to the
12 consideration of other business. A motion to reconsider the
13 vote by which the motion is agreed to or disagreed to shall
14 not be in order. If a motion to proceed to the consideration
15 of the joint resolution is agreed to, the joint resolution
16 shall remain the unfinished business of the Senate until
17 disposed of.

18 “(2) In the Senate, debate on the joint resolution,
19 and on all debatable motions and appeals in connection
20 therewith, shall be limited to not more than 10 hours,
21 which shall be divided equally between those favoring and
22 those opposing the joint resolution. A motion to further
23 limit debate is in order and not debatable. An amendment
24 to, or a motion to postpone, or a motion to proceed to

1 the consideration of other business, or a motion to recom-
2 mit the joint resolution is not in order.

3 “(3) In the Senate, immediately following the conclu-
4 sion of the debate on a joint resolution described in sub-
5 section (a), and a single quorum call at the conclusion of
6 the debate if requested in accordance with the rules of the
7 Senate, the vote on final passage of the joint resolution
8 shall occur.

9 “(4) Appeals from the decisions of the Chair relating
10 to the application of the rules of the Senate to the proce-
11 dure relating to a joint resolution described in subsection
12 (a) shall be decided without debate.

13 “(e) In the Senate, the procedure specified in sub-
14 section (e) or (d) shall not apply to the consideration of
15 a joint resolution respecting a nonmajor rule—

16 “(1) after the expiration of the 60 session days
17 beginning with the applicable submission or publica-
18 tion date; or

19 “(2) if the report under section 801(a)(1)(A)
20 was submitted during the period referred to in sec-
21 tion 801(d)(1), after the expiration of the 60 session
22 days beginning on the 15th session day after the
23 succeeding session of Congress first convenes.

24 “(f) If, before the passage by one House of a joint
25 resolution of that House described in subsection (a), that

1 House receives from the other House a joint resolution
2 described in subsection (a), then the following procedures
3 shall apply:

4 “(1) The joint resolution of the other House
5 shall not be referred to a committee.

6 “(2) With respect to a joint resolution described
7 in subsection (a) of the House receiving the joint
8 resolution—

9 “(A) the procedure in that House shall be
10 the same as if no joint resolution had been re-
11 ceived from the other House; but

12 “(B) the vote on final passage shall be on
13 the joint resolution of the other House.

14 **“§ 804. Definitions**

15 “For purposes of this chapter:

16 “(1) The term ‘Federal agency’ means any
17 agency as that term is defined in section 551(1).

18 “(2) The term ‘major rule’ means any rule, in-
19 cluding an interim final rule, that the Administrator
20 of the Office of Information and Regulatory Affairs
21 of the Office of Management and Budget or the
22 Federal agency promulgating such rule finds has re-
23 sulted in or is likely to result in—

24 “(A) an annual effect on the economy of
25 \$100 million or more;

1 “(B) a major increase in costs or prices for
2 consumers, individual industries, Federal,
3 State, or local government agencies, or geo-
4 graphic regions;

5 “(C) significant adverse effects on competi-
6 tion, employment, investment, productivity, in-
7 novation, or the ability of United States-based
8 enterprises to compete with foreign-based enter-
9 prises in domestic and export markets; or

10 “(D) in an increase in mandatory vaccina-
11 tions.

12 “(3) The term ‘nonmajor rule’ means any rule
13 that is not a major rule.

14 “(4) The term ‘rule’ has the meaning given
15 such term in section 551, except that such term—

16 “(A) includes interpretative rules, general
17 statements of policy, and all other agency guid-
18 ance documents; and

19 “(B) does not include—

20 “(i) any rule of particular applica-
21 bility, including a rule that approves or
22 prescribes for the future rates, wages,
23 prices, services, or allowances therefore,
24 corporate or financial structures, reorga-
25 nizations, mergers, or acquisitions thereof,

1 or accounting practices or disclosures bear-
2 ing on any of the foregoing;

3 “(ii) any rule relating to agency man-
4 agement or personnel; or

5 “(iii) any rule of agency organization,
6 procedure, or practice that does not sub-
7 stantially affect the rights or obligations of
8 non-agency parties.

9 “(5) The term ‘submission or publication date’,
10 except as otherwise provided in this chapter,
11 means—

12 “(A) in the case of a major rule, the date
13 on which the Congress receives the report sub-
14 mitted under section 801(a)(1); and

15 “(B) in the case of a nonmajor rule, the
16 later of—

17 “(i) the date on which the Congress
18 receives the report submitted under section
19 801(a)(1); and

20 “(ii) the date on which the nonmajor
21 rule is published in the Federal Register, if
22 so published.

23 **“§ 805. Judicial review**

24 “(a) No determination, finding, action, or omission
25 under this chapter shall be subject to judicial review.

1 “(b) Notwithstanding subsection (a), a court may de-
2 termine whether a Federal agency has completed the nec-
3 essary requirements under this chapter for a rule to take
4 effect.

5 “(c) The enactment of a joint resolution of approval
6 under section 802 shall not be interpreted to serve as a
7 grant or modification of statutory authority by Congress
8 for the promulgation of a rule, shall not extinguish or af-
9 fect any claim, whether substantive or procedural, against
10 any alleged defect in a rule, and shall not form part of
11 the record before the court in any judicial proceeding con-
12 cerning a rule except for purposes of determining whether
13 or not the rule is in effect.

14 **“§ 806. Exemption for monetary policy**

15 “Nothing in this chapter shall apply to rules that con-
16 cern monetary policy proposed or implemented by the
17 Board of Governors of the Federal Reserve System or the
18 Federal Open Market Committee.

19 **“§ 807. Effective date of certain rules**

20 “Notwithstanding section 801—

21 “(1) any rule that establishes, modifies, opens,
22 closes, or conducts a regulatory program for a com-
23 mercial, recreational, or subsistence activity related
24 to hunting, fishing, or camping; or

1 “(2) any rule other than a major rule which an
2 agency for good cause finds (and incorporates the
3 finding and a brief statement of reasons therefore in
4 the rule issued) that notice and public procedure
5 thereon are impracticable, unnecessary, or contrary
6 to the public interest,

7 shall take effect at such time as the Federal agency pro-
8 mulgating the rule determines.

9 **“§ 808. Review of rules currently in effect**

10 “(a) ANNUAL REVIEW.—Beginning on the date that
11 is 6 months after the date of enactment of this section
12 and annually thereafter for the 4 years following, each
13 agency shall designate not less than 20 percent of eligible
14 rules made by that agency for review, and shall submit
15 a report including each such eligible rule in the same man-
16 ner as a report under section 801(a)(1). Section 801, sec-
17 tion 802, and section 803 shall apply to each such rule,
18 subject to subsection (c) of this section. No eligible rule
19 previously designated may be designated again.

20 “(b) SUNSET FOR ELIGIBLE RULES NOT EX-
21 TENDED.—Beginning after the date that is 5 years after
22 the date of enactment of this section, if Congress has not
23 enacted a joint resolution of approval for that eligible rule,
24 that eligible rule shall not continue in effect.

25 “(c) APPROVAL OF RULES.—

1 Code, affecting budget authority, outlays, or re-
2 cepts shall be assumed to be effective unless it
3 is not approved in accordance with such sec-
4 tion.”.

5 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF**
6 **RULES.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a study to determine, as of
9 the date of the enactment of this Act—

10 (1) how many rules (as such term is defined in
11 section 804 of title 5, United States Code) were in
12 effect;

13 (2) how many major rules (as such term is de-
14 fined in section 804 of title 5, United States Code)
15 were in effect; and

16 (3) the total estimated economic cost imposed
17 by all such rules.

18 (b) REPORT.—Not later than 1 year after the date
19 of the enactment of this Act, the Comptroller General of
20 the United States shall submit a report (and publish the
21 report on the website of the Comptroller General) to Con-

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