

118TH CONGRESS  
2D SESSION

# H. R. 8889

To provide for the sunset of rules upheld based on Chevron deference.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2024

Mr. GREEN of Tennessee (for himself, Mr. OGLES, Mr. BRECHEEN, Mrs. MILLER of Illinois, Mr. PENCE, Mr. COLLINS, Mr. MOORE of Alabama, Mr. BIGGS, and Mr. ZINKE) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Oversight and Accountability, and Rules, 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

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## A BILL

To provide for the sunset of rules upheld 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Sunset Chevron Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) The term “Chevron deference” means the  
8 legal doctrine of judicial deference pursuant to Chev-

1       ron U.S.A., Inc. v. Natural Resources Defense  
2       Council, Inc. (467 U.S. 837 (1984)).

3               (2) The term “sunset date” means the date on  
4       which a rule will cease to have force or effect.

5               (3) The term “rule” has the meaning given  
6       such term in section 551 of title 5, United States  
7       Code.

8       **SEC. 3. GAO REVIEW OF RULES UPHELD BY CHEVRON DEF-**  
9               **ERENCE.**

10       (a) IN GENERAL.—Not later than 180 days after the  
11       date of enactment of this Act, the Comptroller General  
12       of the United States shall compile and publish a list of  
13       each decision issued by a Federal court that—

14               (1) upheld a rule based on Chevron deference;

15               (2) was not subsequently overturned; and

16               (3) pertains to a rule that is in effect on the  
17       date of enactment of this Act.

18       (b) ORGANIZATION OF LIST.—Such list shall—

19               (1) be organized by the agency that made the  
20       rule, and for each such agency, the list shall be in  
21       reverse chronological order of the date on which the  
22       agency made the relevant rule; and

23               (2) provide a sunset date for each rule.

1 (c) SUNSET DATE CALCULATION.—The Comptroller  
2 General shall calculate the sunset date for each rule identi-  
3 fied in the list compiled under subsection (a) as follows:

4 (1) The sunset date for the most recent rule  
5 made by each agency and identified in the list under  
6 subsection (a) shall be on the date that is 30 days  
7 after the list under subsection (a) is published.

8 (2) The sunset date for each prior rule made by  
9 such agency and identified in the list under sub-  
10 section (a) shall be 30 days after the sunset date of  
11 the rule made by such agency and identified in such  
12 list that precedes such prior rule.

13 **SEC. 4. EXCEPTION TO THE CRA TO THE 6-LEGISLATIVE-**  
14 **DAY WINDOW FOR CERTAIN RULES.**

15 Chapter 8 of title 5, United States Code, shall apply  
16 to each rule identified under section 3, except that the 60-  
17 day period for filing a joint resolution under section  
18 802(a) of that title shall not apply.

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