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2D SESSION

S. 5082

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.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 18, 2024

Mr. PAUL (for himself, Mr. LEE, Mr. SCOTT of Florida, Mr. RUBIO, Mrs. BLACKBURN, Mr. DAINES, and Mr. SCHMITT) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

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 2024”.

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 Constitution of the United
 5 States grants all legislative powers to Congress. Over time,
 6 Congress has excessively delegated its constitutional
 7 charge while failing to conduct appropriate oversight and
 8 retain accountability for the content of the laws it passes.
 9 By requiring a vote in Congress, this Act will result in
 10 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. Affirmative defense.

“807. Private right of action.

“808. Exemption for monetary policy.

“809. Exemption for deregulatory actions.

“810. Effective date of certain rules.

“811. Regulatory planning and budget.

“812. Publication of guidance documents on the internet.

“813. Expiration of rules.

“814. Review of rules 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 classification of the rule as a major or
14 nonmajor rule, including an explanation of the clas-
15 sification specifically addressing each criteria for a
16 major rule contained within subparagraphs (A)
17 through (C) of section 804(3);

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

23 “(v) the proposed effective date of the rule.

1 “(B) On the date of the submission of the report
2 under subparagraph (A), the Federal agency promulgating
3 the rule shall submit to the Comptroller General and make
4 available to each House of Congress—

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

9 “(ii) the agency’s actions pursuant to sections
10 603, 604, 605, 607, and 609 of this title;

11 “(iii) the agency’s actions pursuant to sections
12 202, 203, 204, and 205 of the Unfunded Mandates
13 Reform Act of 1995 (2 U.S.C. 1532, 1533, 1534,
14 1535); and

15 “(iv) any other relevant information or require-
16 ments under any other Act and any relevant Execu-
17 tive orders.

18 “(C) Upon receipt of a report submitted under sub-
19 paragraph (A), each House shall provide copies of the re-
20 port to the chairman and ranking member of each stand-
21 ing committee with jurisdiction under the rules of the
22 House of Representatives or the Senate to report a bill
23 to amend the provision of law under which the rule is
24 issued.

1 “(2)(A) The Comptroller General shall provide a re-
2 port on each major rule to the committees of jurisdiction
3 by the end of 15 calendar days after the submission or
4 publication date. The report of the Comptroller General
5 shall include an assessment of the agency’s compliance
6 with procedural steps required by paragraph (1)(B) and
7 an assessment of whether the major rule imposes any new
8 limits or mandates on private-sector activity.

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

12 “(3) A major rule relating to a report submitted
13 under paragraph (1) shall take effect upon enactment of
14 a joint resolution of approval described in section 802 or
15 as provided for in the rule following enactment of a joint
16 resolution of approval described in section 802, whichever
17 is later.

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

21 “(5) If a joint resolution of approval relating to a
22 major rule is not enacted within the period provided in
23 subsection (b)(2), then a joint resolution of approval relat-
24 ing to the same rule may not be considered under this

1 chapter in the same Congress by either the House of Rep-
2 resentatives or the Senate.

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

6 “(2) If a joint resolution described in subsection (a)
7 is not enacted into law by the end of 70 session days or
8 legislative days, as applicable, beginning on the date on
9 which the report referred to in subsection (a)(1)(A) is re-
10 ceived by Congress (excluding days either House of Con-
11 gress is adjourned for more than 3 days during a session
12 of Congress), then the rule described in that resolution
13 shall be deemed not to be approved and such rule shall
14 not take effect.

15 “(c)(1) Notwithstanding any other provision of this
16 section (except subject to paragraph (3)), a major rule
17 may take effect for one 90-calendar-day period if the
18 President makes a determination under paragraph (2) and
19 submits written notice of such determination to the Con-
20 gress.

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

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

1 “(B) necessary for the enforcement of criminal
2 laws;

3 “(C) necessary for national security; or

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

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

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

14 “(A) in the case of the Senate, 60 session days;
15 or

16 “(B) in the case of the House of Representa-
17 tives, 60 legislative days,

18 before the date the Congress is scheduled to adjourn a
19 session of Congress through the date on which the same
20 or succeeding Congress first convenes its next session, sec-
21 tions 802 and 803 shall apply to such rule in the suc-
22 ceeding session of Congress.

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

1 “(i) such rule were published in the Federal
2 Register on—

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

5 “(II) in the case of the House of Rep-
6 resentatives, the 15th legislative day,
7 after the succeeding session of Congress first con-
8 venes; and

9 “(ii) a report on such rule were submitted to
10 Congress under subsection (a)(1) on such date.

11 “(B) Nothing in this paragraph shall be construed
12 to affect the requirement under subsection (a)(1) that a
13 report shall be submitted to Congress before a rule can
14 take effect.

15 “(3) A rule described under paragraph (1) shall take
16 effect as otherwise provided by law (including other sub-
17 sections of this section).

18 **“§ 802. Congressional approval procedure for major**
19 **rules**

20 “(a)(1) For purposes of this section, the term ‘joint
21 resolution’ means only a joint resolution addressing a re-
22 port classifying a rule as major pursuant to section
23 801(a)(1)(A)(iii) that—

24 “(A) bears no preamble;

1 “(B) bears the following title (with blanks filled
2 as appropriate): ‘Approving the rule submitted by
3 _____ relating to _____.’;

4 “(C) includes after its resolving clause only the
5 following (with blanks filled as appropriate): ‘That
6 Congress approves the rule submitted by _____ re-
7 lating to _____.’; and

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

9 “(2) After a House of Congress receives a report
10 classifying a rule as major pursuant to section
11 801(a)(1)(A)(iii), the majority leader of that House (or
12 his or her respective designee) shall introduce (by request,
13 if appropriate) a joint resolution described in paragraph
14 (1)—

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

17 “(B) in the case of the Senate, within 3 session
18 days.

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

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

1 “(c) In the Senate, if the committee or committees
2 to which a joint resolution described in subsection (a) has
3 been referred have not reported it at the end of 15 session
4 days after its introduction, such committee or committees
5 shall be automatically discharged from further consider-
6 ation of the resolution and it shall be placed on the cal-
7 endar. A vote on final passage of the resolution shall be
8 taken on or before the close of the 15th session day after
9 the resolution is reported by the committee or committees
10 to which it was referred, or after such committee or com-
11 mittees have been discharged from further consideration
12 of the resolution.

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

1 the motion is agreed to or disagreed to shall not be in
2 order. If a motion to proceed to the consideration of the
3 joint resolution is agreed to, the joint resolution shall re-
4 main the unfinished business of the Senate until disposed
5 of.

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

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

21 “(4) Appeals from the decisions of the Chair relating
22 to the application of the rules of the Senate to the proce-
23 dure relating to a joint resolution described in subsection
24 (a) shall be decided without debate.

1 “(e) In the House of Representatives, if any com-
2 mittee to which a joint resolution described in subsection
3 (a) has been referred has not reported it to the House
4 at the end of 15 legislative days after its introduction,
5 such committee shall be discharged from further consider-
6 ation of the joint resolution, and it shall be placed on the
7 appropriate calendar. On the second and fourth Thursdays
8 of each month it shall be in order at any time for the
9 Speaker to recognize a Member who favors passage of a
10 joint resolution that has appeared on the calendar for at
11 least 5 legislative days to call up that joint resolution for
12 immediate consideration in the House without intervention
13 of any point of order. When so called up a joint resolution
14 shall be considered as read and shall be debatable for 1
15 hour equally divided and controlled by the proponent and
16 an opponent, and the previous question shall be considered
17 as ordered to its passage without intervening motion. It
18 shall not be in order to reconsider the vote on passage.
19 If a vote on final passage of the joint resolution has not
20 been taken by the third Thursday on which the Speaker
21 may recognize a Member under this subsection, such vote
22 shall be taken on that day.

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

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

3 “(B) the procedure in the receiving House shall
4 be the same as if no joint resolution had been re-
5 ceived from the other House until the vote on pas-
6 sage, when the joint resolution received from the
7 other House shall supplant the joint resolution of
8 the receiving House.

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

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

16 “(h) This section and section 803 are enacted by
17 Congress—

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

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

6 **“§ 803. Congressional disapproval procedure for**
7 **nonmajor rules**

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

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

22 “(c) In the Senate, if the committee to which is re-
23 ferred a joint resolution described in subsection (a) has
24 not reported such joint resolution (or an identical joint
25 resolution) at the end of 15 session days after the date

1 of introduction of the joint resolution, such committee may
2 be discharged from further consideration of such joint res-
3 olution upon a petition supported in writing by 30 Mem-
4 bers of the Senate, and such joint resolution shall be
5 placed on the calendar.

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

23 “(2) In the Senate, debate on the joint resolution,
24 and on all debatable motions and appeals in connection
25 therewith, shall be limited to not more than 10 hours,

1 which shall be divided equally between those favoring and
2 those opposing the joint resolution. A motion to further
3 limit debate is in order and not debatable. An amendment
4 to, or a motion to postpone, or a motion to proceed to
5 the consideration of other business, or a motion to recom-
6 mit the joint resolution is not in order.

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

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

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

20 “(1) after the expiration of the 60 session days
21 beginning with the applicable submission or publica-
22 tion date; or

23 “(2) if the report under section 801(a)(1)(A)
24 was submitted during the period referred to in sec-
25 tion 801(d)(1), after the expiration of the 60 session

1 days beginning on the 15th session day after the
2 succeeding session of Congress first convenes.

3 “(f) If, before the passage by one House of a joint
4 resolution of that House described in subsection (a), that
5 House receives from the other House a joint resolution
6 described in subsection (a), then the following procedures
7 shall apply:

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

10 “(2) With respect to a joint resolution described
11 in subsection (a) of the House receiving the joint
12 resolution—

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

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

18 **“§ 804. Definitions**

19 “For purposes of this chapter:

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

22 “(2) The term ‘guidance document’ means a
23 statement of general applicability and future effect,
24 other than a regulatory action, issued by a Federal
25 agency that sets forth—

1 “(A) a policy on a statutory, regulatory, or
2 technical issue; or

3 “(B) an interpretation of a statutory or
4 regulatory issue.

5 “(3) The term ‘major rule’—

6 “(A) means any rule, including an interim
7 final rule, that the Administrator of the Office
8 of Information and Regulatory Affairs of the
9 Office of Management and Budget finds has re-
10 sulted in or is likely to result in—

11 “(i) an annual effect on the economy
12 of \$100 million or more;

13 “(ii) a major increase in costs or
14 prices for consumers, individual industries,
15 Federal, State, or local government agen-
16 cies, or geographic regions; or

17 “(iii) significant adverse effects on
18 competition, employment, investment, pro-
19 ductivity, innovation, or the ability of
20 United States-based enterprises to compete
21 with foreign-based enterprises in domestic
22 and export markets;

23 “(B) includes any significant guidance doc-
24 ument; and

1 “(C) does not include any rule promul-
2 gated under the Telecommunications Act of
3 1996 (Public Law 104–104; 110 Stat. 56) or
4 the amendments made by that Act.

5 “(4) The term ‘nonmajor rule’ means any rule
6 that is not a major rule.

7 “(5) The term ‘rule’—

8 “(A) has the meaning given such term in
9 section 551, except that such term does not in-
10 clude—

11 “(i) any rule of particular applica-
12 bility, including a rule that approves or
13 prescribes for the future rates, wages,
14 prices, services, or allowances therefore,
15 corporate or financial structures, reorga-
16 nizations, mergers, or acquisitions thereof,
17 or accounting practices or disclosures bear-
18 ing on any of the foregoing;

19 “(ii) any rule relating to agency man-
20 agement or personnel; or

21 “(iii) any rule of agency organization,
22 procedure, or practice that does not sub-
23 stantially affect the rights or obligations of
24 non-agency parties; and

25 “(B) includes any guidance document.

1 “(6) The term ‘significant guidance docu-
2 ment’—

3 “(A) means a guidance document dissemi-
4 nated to regulated entities or the general public
5 that may reasonably be anticipated to—

6 “(i) lead to an annual effect of
7 \$100,000,000 or more, or adversely affect
8 in a material way the economy, a sector of
9 the economy, productivity, competition,
10 employment, the environment, public
11 health or safety, or State, local, or Tribal
12 governments or communities;

13 “(ii) create a serious inconsistency, or
14 otherwise interfere, with an action taken or
15 planned by another agency;

16 “(iii) materially alter the budgetary
17 impact of any entitlement, grant, user fees,
18 or loan programs, or the rights or obliga-
19 tions of recipients thereof; or

20 “(iv) raise novel legal or policy issues
21 arising out of legal mandates; and

22 “(B) does not include any guidance docu-
23 ment—

24 “(i) on regulations issued in accord-
25 ance with section 556 or 557 of this title;

1 “(ii) that pertains to a military or for-
2 foreign affairs function of the United States,
3 other than procurement regulations and
4 regulations involving the import or export
5 of non-defense articles and services;

6 “(iii) on regulations that are limited
7 to the organization, management, or per-
8 sonnel matters of a Federal agency; or

9 “(iv) belonging to a category of guid-
10 ance documents exempted by the Adminis-
11 trator of the Office of Information and
12 Regulatory Affairs.

13 “(7) The term ‘submission or publication date’,
14 except as otherwise provided in this chapter,
15 means—

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

19 “(B) in the case of a nonmajor rule, the
20 later of—

21 “(i) the date on which the Congress
22 receives the report submitted under section
23 801(a)(1); and

1 “(ii) the date on which the nonmajor
2 rule is published in the Federal Register, if
3 so published.

4 **“§ 805. Judicial review**

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

7 “(b) Notwithstanding subsection (a), a court may de-
8 termine whether a Federal agency has completed the nec-
9 essary requirements under this chapter for a rule to take
10 effect.

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

20 **“§ 806. Affirmative defense**

21 “‘It shall be an affirmative defense against an alleged
22 violation of a rule for a defendant in any administrative
23 proceeding of a Federal agency, or before a court of the
24 United States, if an individual of ordinary intelligence
25 could not anticipate from the statutory language of a pro-

1 vision of law purported to form the basis for the rule in
2 question that the conduct of the individual would be un-
3 lawful.

4 **“§ 807. Private right of action**

5 “(a) A person aggrieved by the failure of a Federal
6 agency to comply with the requirements under this chapter
7 may bring a civil action in an appropriate district court
8 of the United States for injunctive relief before the date
9 on which the final rule in question takes effect.

10 “(b)(1) A person that can demonstrate potential in-
11 jury from a final rule before or after the final rule takes
12 effect may bring a civil action in an appropriate district
13 court of the United States to challenge the determination
14 of the Federal agency that the rule is not a major rule
15 under section 801(a)(1)(A)(iii).

16 “(2) In a civil action brought under paragraph (1),
17 the court may—

18 “(A) invalidate the final rule in question; or

19 “(B) determine that the final rule in question
20 is a major rule and require the Federal agency to
21 comply with the requirements under this chapter ap-
22 plicable to major rules, including congressional ap-
23 proval under section 802.

1 **“§ 808. Exemption for monetary policy**

2 “Nothing in this chapter shall apply to rules that con-
3 cern monetary policy proposed or implemented by the
4 Board of Governors of the Federal Reserve System or the
5 Federal Open Market Committee.

6 **“§ 809. Exemption for deregulatory actions**

7 “Sections 802 and 803 shall not apply to a rule iden-
8 tified as a deregulatory action in the Unified Agenda and
9 Annual Regulatory Plan under section 811.

10 **“§ 810. Effective date of certain rules**

11 “Notwithstanding section 801—

12 “(1) any rule that establishes, modifies, opens,
13 closes, or conducts a regulatory program for a com-
14 mercial, recreational, or subsistence activity related
15 to hunting, fishing, or camping; or

16 “(2) any rule other than a major rule which a
17 Federal agency for good cause finds (and incor-
18 porates the finding and a brief statement of reasons
19 therefore in the rule issued) that notice and public
20 procedure thereon are impracticable, unnecessary, or
21 contrary to the public interest,

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

24 **“§ 811. Regulatory planning and budget**

25 “(a) In this section:

1 “(1) The term ‘costs’ means opportunity cost to
2 society.

3 “(2) The term ‘cost savings’ means the cost im-
4 posed by a regulatory action that is eliminated by
5 the repeal, replacement, or modification of such reg-
6 ulatory action.

7 “(3) The term ‘deregulatory action’ means the
8 repeal, replacement, or modification of an existing
9 regulatory action.

10 “(4) The term ‘Director’ means the Director of
11 the Office of Management and Budget.

12 “(5) The term ‘incremental regulatory cost’
13 means the difference between the estimated cost of
14 issuing a significant regulatory action and the esti-
15 mated cost saved by issuing any deregulatory action.

16 “(6) The term ‘regulation’ or ‘rule’ has the
17 meaning given the term ‘rule’ in section 804.

18 “(7) The term ‘regulatory action’ means—

19 “(A) any regulation; and

20 “(B) any other regulatory guidance, state-
21 ment of policy, information collection request,
22 form, or reporting, recordkeeping, or disclosure
23 requirements that imposes a burden on the pub-
24 lic or governs Federal agency operations.

1 “(8) The term ‘significant regulatory action’
2 means any regulatory action, other than monetary
3 policy proposed or implemented by the Board of
4 Governors of the Federal Reserve System or the
5 Federal Open Market Committee, that is likely to—

6 “(A) have an annual effect on the economy
7 of \$100,000,000 or more or adversely affect in
8 a material way the economy, a sector of the
9 economy, productivity, competition, jobs, the
10 environment, public health or safety, or State,
11 local, or Tribal governments or communities;

12 “(B) create a serious inconsistency or oth-
13 erwise interfere with an action taken or planned
14 by another Federal agency;

15 “(C) materially alter the budgetary impact
16 of entitlements, grants, user fees, or loan pro-
17 grams or the rights and obligations of recipi-
18 ents thereof; or

19 “(D) raise a novel legal or policy issue.

20 “(9) The term ‘State’ means each of the several
21 States, the District of Columbia, and each territory
22 or possession of the United States.

23 “(b)(1) During the months of April and October of
24 each year, the Director shall publish a unified regulatory
25 agenda, which shall include—

1 “(A) regulatory and deregulatory actions under
2 development or review at agencies;

3 “(B) a Federal regulatory plan of all significant
4 regulatory actions and associated deregulatory ac-
5 tions that agencies reasonably expect to issue in pro-
6 posed or final form in the current and following fis-
7 cal year; and

8 “(C) all information required to be included in
9 the regulatory flexibility agenda under section 602 of
10 this title.

11 “(2) In accordance with guidance issued by the Di-
12 rector and not less than 60 days before each date of publi-
13 cation for the unified regulatory agenda under paragraph
14 (1), the head of each Federal agency shall submit to the
15 Director an agenda of all regulatory actions and deregula-
16 tory actions under development at the Federal agency, in-
17 cluding the following:

18 “(A) For each regulatory action and deregula-
19 tory action:

20 “(i) A regulation identifier number.

21 “(ii) A brief summary of the action.

22 “(iii) The legal authority for the action.

23 “(iv) Any legal deadline for the action.

24 “(v) The name and contact information for
25 a knowledgeable Federal agency official.

1 “(vi) Any other information as required by
2 the Director.

3 “(B) An annual regulatory plan, which shall in-
4 clude a list of each significant regulatory action the
5 Federal agency reasonably expects to issue in pro-
6 posed or final form in the current and following fis-
7 cal year, including for each significant regulatory ac-
8 tion:

9 “(i) A summary, including the following:

10 “(I) A statement of the regulatory ob-
11 jectives.

12 “(II) The legal authority for the ac-
13 tion.

14 “(III) A statement of the need for the
15 action.

16 “(IV) The Federal agency’s schedule
17 for the action.

18 “(ii) The estimated cost.

19 “(iii) The estimated benefits.

20 “(iv) Any deregulatory action identified.

21 “(v) A best approximation of the total cost
22 or savings and any cost or savings associated
23 with a deregulatory action.

24 “(vi) An estimate of the economic effects,
25 including any estimate of the net effect that

1 such action will have on the number of jobs in
2 the United States, that was considered in draft-
3 ing the action, or, if such estimate is not avail-
4 able, a statement affirming that no information
5 on the economic effects, including the effect on
6 the number of jobs, of the action has been con-
7 sidered.

8 “(C) Information required under section 602 of
9 this title.

10 “(D) Information required under any other law
11 to be reported by agencies about significant regu-
12 latory actions, as determined by the Director.

13 “(c)(1) In the April unified regulatory agenda de-
14 scribed in subsection (b), the Director—

15 “(A) shall establish the annual Federal Regu-
16 latory Budget, which specifies the net amount of in-
17 cremental regulatory costs allowed by the Federal
18 Government and at each Federal agency for the next
19 fiscal year; and

20 “(B) may set the incremental regulatory cost
21 allowance to allow an increase, prohibit an increase,
22 or require a decrease of incremental regulatory
23 costs.

1 “(2) If the Director does not set a net amount of
2 incremental regulatory costs allowed for a Federal agency,
3 the net incremental regulatory cost allowed shall be zero.

4 “(d) Except as otherwise required by law, a signifi-
5 cant regulatory action shall have no effect unless—

6 “(1) the—

7 “(A) head of the Federal agency identifies
8 at least 1 deregulatory action to offset the costs
9 of the significant regulatory action and issues
10 the deregulatory action before or on the same
11 schedule as the significant regulatory action;

12 “(B) incremental costs of the significant
13 regulatory action as offset by any deregulatory
14 action issued before or on the same schedule as
15 the significant regulatory action do not cause
16 the Federal agency to exceed or contribute to
17 the Federal agency exceeding the incremental
18 regulatory cost allowance of the Federal agency
19 for that fiscal year; and

20 “(C) significant regulatory action was in-
21 cluded on the most recent version or update of
22 the published unified regulatory agenda; or

23 “(2) the issuance of the significant regulatory
24 action was approved in advance in writing by the Di-
25 rector and the written approval is publicly available

1 online prior to the issuance of the significant regu-
2 latory action.

3 “(e)(1) Not later than 90 days after the date of the
4 enactment of this section, the Director shall establish and
5 issue guidance on how agencies should comply with the
6 requirements of this section. Such guidance shall include
7 the following:

8 “(A) A process for standardizing the measure-
9 ment and estimation of regulatory costs, including
10 cost savings associated with deregulatory actions.

11 “(B) Standards for determining what qualifies
12 as a deregulatory action.

13 “(C) Standards for determining the costs of ex-
14 isting regulatory actions that are considered for re-
15 peal, replacement, or modification.

16 “(D) Standards by which the Director will de-
17 termine whether a regulatory action or a collection
18 of regulatory actions qualifies as a significant regu-
19 latory action.

20 “(2) The Director shall update the guidance issued
21 pursuant to this subsection as necessary.

22 **“§ 812. Publication of guidance documents on the**
23 **internet**

24 “(a) In this section, the term ‘Director’ means the
25 Director of the Office of Management and Budget.

1 “(b) Subject to subsection (e), on the date on which
2 a Federal agency issues a guidance document, the Federal
3 agency shall publish the guidance document in accordance
4 with the requirements under subsection (d).

5 “(c) Subject to subsection (e), not later than 180
6 days after the date of enactment of this section, each Fed-
7 eral agency shall publish, in accordance with the require-
8 ments under subsection (c), any guidance document issued
9 by that Federal agency that is in effect on that date.

10 “(d)(1) All guidance documents published under sub-
11 sections (b) and (c) by a Federal agency shall be published
12 in a single location on an internet website designated by
13 the Director under paragraph (4).

14 “(2) Each Federal agency shall, for guidance docu-
15 ments published by the Federal agency under subsections
16 (b) and (c), publish a hyperlink on the internet website
17 of the Federal agency that provides access to the guidance
18 documents at the location described in paragraph (1).

19 “(3)(A) The guidance documents described in para-
20 graph (1) shall be—

21 “(i) categorized as guidance documents; and

22 “(ii) further divided into subcategories as ap-
23 propriate.

1 “(B) The hyperlinks described in paragraph (2) shall
2 be prominently displayed on the internet website of the
3 Federal agency.

4 “(4) Not later than 90 days after the date of enact-
5 ment of this section, the Director shall designate an inter-
6 net website on which guidance documents shall be pub-
7 lished under subsections (b) and (c).

8 “(e) If a guidance document issued by a Federal
9 agency is a document that is exempt from disclosure under
10 section 552(b) of this title (commonly known as the ‘Free-
11 dom of Information Act’), or contains information that is
12 exempt from disclosure under that section, that document
13 or information, as the case may be, shall not be subject
14 to the requirements under this section.

15 “(f) On the date on which a guidance document
16 issued by a Federal agency is rescinded, or, in the case
17 of a guidance document that is rescinded pursuant to a
18 court order, not later than the date on which the order
19 is entered, the Federal agency shall, at the location de-
20 scribed in subsection (d)(1)—

21 “(1) maintain the rescinded guidance docu-
22 ment; and

23 “(2) indicate—

24 “(A) that the guidance document is re-
25 scinded;

1 “(B) if the guidance document was re-
2 scinded pursuant to a court order, the case
3 number of the case in which the order was en-
4 tered; and

5 “(C) the date on which the guidance docu-
6 ment was rescinded.

7 **“§ 813. Expiration of rules**

8 “(a)(1) Except as provided in this section, each major
9 rule made by a Federal agency shall cease to have effect—

10 “(A) beginning on the date that is 10 years
11 after the date of enactment of a joint resolution de-
12 scribed in subsection (d) with regard to the rule; or

13 “(B) if a joint resolution of extension described
14 in subsection (d) has been enacted with regard to
15 the rule, beginning on the date that is 10 years after
16 the date of enactment of the most recently enacted
17 such joint resolution.

18 “(2) The rule may not be reissued in substantially
19 the same form, and a new rule that is substantially the
20 same as such a rule may not be issued, unless the reissued
21 or new rule is specifically authorized by a law enacted
22 after the date described in this subsection (a).

23 “(b) Not later than 180 days before the date de-
24 scribed in subsection (a), the Federal agency shall submit
25 a report similar to the report described in 801(a)(1)(A)

1 to each House of Congress and to the Comptroller Gen-
2 eral, except that instead of the proposed effective date,
3 such report shall contain the date described in subsection
4 (a).

5 “(c) The President may by Executive order exempt
6 not more than 1 rule during each Congress from the appli-
7 cation of subsection (a) for a period of not more than 30
8 days if the President determines, and submits to Congress
9 written notice of such determination, that such rule is—

10 “(1) necessary because of an imminent threat
11 to health or safety or other emergency;

12 “(2) necessary for the enforcement of criminal
13 laws;

14 “(3) necessary for national security; or

15 “(4) issued pursuant to any statute imple-
16 menting an international trade agreement.

17 “(d)(1) For purposes of this section, the term ‘joint
18 resolution’ means only a joint resolution introduced on or
19 after the date on which the report referred to subsection
20 (b) is received by Congress (excluding days either House
21 of Congress is adjourned for more than 3 days during a
22 session of Congress), the matter after the resolving clause
23 of which is as follows: “That Congress extends the rule
24 submitted by the ____ relating to ____.” (The blank

1 spaces being appropriately filled in). The following shall
2 apply to such a joint resolution:

3 “(A) In the House, the majority leader of the
4 House of Representatives (or his designee) and the
5 minority leader of the House of Representatives (or
6 his designee) shall introduce such joint resolution
7 (by request), within 3 legislative days after Congress
8 receives the report submitted under subsection (b).

9 “(B) In the Senate, the majority leader of the
10 Senate (or his designee) and the minority leader of
11 the Senate (or his designee) shall introduce such
12 joint resolution described in subsection (a) (by re-
13 quest), within 3 session days after Congress receives
14 the report submitted under subsection (b).

15 “(2) Subsections (b) through (g) of section 802 shall
16 apply to a joint resolution described in paragraph (1) of
17 this subsection in the same manner as a joint resolution
18 described in subsection (a) of section 802, except that for
19 purposes of that subsection, the term ‘submission date’
20 means the date on which the Congress receives the report
21 submitted under subsection (b).

22 **“§ 814. Review of rules in effect**

23 “(a) Beginning on the date that is 6 months after
24 the date of enactment of this section and annually there-
25 after for the 9 years following, each Federal agency shall

1 designate not less than 10 percent of eligible rules made
2 by that Federal agency for review, and shall submit a re-
3 port including each such eligible rule in the same manner
4 as a report under section 801(a)(1). Section 801 and sec-
5 tion 802 shall apply to each such rule, subject to sub-
6 section (c) of this section. No eligible rule previously des-
7 ignated may be designated again.

8 “(b) Beginning after the date that is 10 years after
9 the date of enactment of this section, if Congress has not
10 enacted a joint resolution of approval for that eligible rule,
11 that eligible rule shall not continue in effect.

12 “(c) In applying sections 801 and 802 to eligible rules
13 under this section, the following shall apply:

14 “(1) The words ‘take effect’ shall be read as
15 ‘continue in effect’.

16 “(2) Except as provided in paragraph (3), a
17 single joint resolution of approval shall apply to all
18 eligible rules in a report designated for a year, and
19 the matter after the resolving clause of that joint
20 resolution is as follows: “That Congress approves
21 the rules submitted by the ____ for the year ____.”
22 (The blank spaces being appropriately filled in).

23 “(3) It shall be in order to consider any amend-
24 ment that provides for specific conditions on which

1 the approval of a particular eligible rule included in
2 the joint resolution is contingent.

3 “(4) A Member of either House may move that
4 a separate joint resolution be required for a specified
5 rule.

6 “(d) In this section, the term ‘eligible rule’ means a
7 major rule that is in effect as of the date of enactment
8 of this section.”.

9 **SEC. 4. BUDGETARY EFFECTS OF RULES SUBJECT TO SEC-**
10 **TION 802 OF TITLE 5, UNITED STATES CODE.**

11 Section 257(b)(2) of the Balanced Budget and Emer-
12 gency Deficit Control Act of 1985 (2 U.S.C. 907(b)(2))
13 is amended by adding at the end the following new sub-
14 paragraph:

15 “(E) BUDGETARY EFFECTS OF RULES
16 SUBJECT TO SECTION 802 OF TITLE 5, UNITED
17 STATES CODE.—Any rule subject to the con-
18 gressional approval procedure set forth in sec-
19 tion 802 of title 5, United States Code, affect-
20 ing budget authority, outlays, or receipts shall
21 be assumed to be effective unless it is not ap-
22 proved in accordance with such section.”.

1 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF**
2 **RULES.**

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

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

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

12 (3) the total estimated economic cost imposed
13 by all such rules.

14 (b) REPORT.—Not later than 1 year after the date
15 of the enactment of this Act, the Comptroller General of
16 the United States shall submit a report to Congress that
17 contains the findings of the study conducted under sub-
18 section (a).

19 **SEC. 6. DEFINITION OF “RULE” TO INCLUDE SIGNIFICANT**
20 **GUIDANCE.**

21 Section 551(4) of title 5, United States Code, is
22 amended by inserting before the semicolon at the end the
23 following: “, as well as significant guidance (as such term
24 is defined in section 804).”.

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