

118TH CONGRESS
2D SESSION

S. _____

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

Mr. PAUL introduced the following bill; which was read twice and referred to the Committee on _____

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”.

6 **SEC. 2. PURPOSE.**

7 The purpose of this Act is to increase accountability
8 for and transparency in the Federal regulatory process.

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

11 **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULE-**
12 **MAKING.**

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

15 **“CHAPTER 8—CONGRESSIONAL REVIEW**
16 **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.

24 “(B) On the date of the submission of the report
25 under subparagraph (A), the Federal agency promulgating

1 the rule shall submit to the Comptroller General and make
2 available to each House of Congress—

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

7 “(ii) the agency’s actions pursuant to sections
8 603, 604, 605, 607, and 609 of this title;

9 “(iii) the agency’s actions pursuant to sections
10 202, 203, 204, and 205 of the Unfunded Mandates
11 Reform Act of 1995 (2 U.S.C. 1532, 1533, 1534,
12 1535); and

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

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

23 “(2)(A) The Comptroller General shall provide a re-
24 port on each major rule to the committees of jurisdiction
25 by the end of 15 calendar days after the submission or

1 publication date. The report of the Comptroller General
2 shall include an assessment of the agency's compliance
3 with procedural steps required by paragraph (1)(B) and
4 an assessment of whether the major rule imposes any new
5 limits or mandates on private-sector activity.

6 “(B) Federal agencies shall cooperate with the Comp-
7 troller General by providing information relevant to the
8 Comptroller General's report under subparagraph (A).

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

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

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

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

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

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

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

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

24 “(B) necessary for the enforcement of criminal
25 laws;

1 “(C) necessary for national security; or

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

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

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

12 “(A) in the case of the Senate, 60 session days;
13 or

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

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

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

24 “(i) such rule were published in the Federal
25 Register on—

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

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

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

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

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

16 **“§ 802. Congressional approval procedure for major**
17 **rules**

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

22 “(A) bears no preamble;

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

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

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

6 “(2) After a House of Congress receives a report
7 classifying a rule as major pursuant to section
8 801(a)(1)(A)(iii), the majority leader of that House (or
9 his or her respective designee) shall introduce (by request,
10 if appropriate) a joint resolution described in paragraph
11 (1)—

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

14 “(B) in the case of the Senate, within 3 session
15 days.

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

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

23 “(c) In the Senate, if the committee or committees
24 to which a joint resolution described in subsection (a) has
25 been referred have not reported it at the end of 15 session

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

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

1 main the unfinished business of the Senate until disposed
2 of.

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

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

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

22 “(e) In the House of Representatives, if any com-
23 mittee to which a joint resolution described in subsection
24 (a) has been referred has not reported it to the House
25 at the end of 15 legislative days after its introduction,

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

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

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

24 “(B) the procedure in the receiving House shall
25 be the same as if no joint resolution had been re-

1 ceived from the other House until the vote on pas-
2 sage, when the joint resolution received from the
3 other House shall supplant the joint resolution of
4 the receiving House.

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

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

12 “(h) This section and section 803 are enacted by
13 Congress—

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

22 “(2) with full recognition of the constitutional
23 right of either House to change the rules (so far as
24 they relate to the procedure of that House) at any

1 time, in the same manner and to the same extent as
2 in the case of any other rule of that House.

3 **“§ 803. Congressional disapproval procedure for**
4 **nonmajor rules**

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

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

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

1 bers of the Senate, and such joint resolution shall be
2 placed on the calendar.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 **“§ 804. Definitions**

17 “For purposes of this chapter:

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

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

24 “(A) a policy on a statutory, regulatory, or
25 technical issue; or

1 “(B) an interpretation of a statutory or
2 regulatory issue.

3 “(3) The term ‘major rule’—

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

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

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

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

21 “(B) includes any significant guidance doc-
22 ument; and

23 “(C) does not include any rule promul-
24 gated under the Telecommunications Act of

1 1996 (Public Law 104–104; 110 Stat. 56) or
2 the amendments made by that Act.

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

5 “(5) The term ‘rule’—

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

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

17 “(ii) any rule relating to agency man-
18 agement or personnel; or

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

23 “(B) includes any guidance document.

24 “(6) The term ‘significant guidance docu-
25 ment’—

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

4 “(i) lead to an annual effect of
5 \$100,000,000 or more, or adversely affect
6 in a material way the economy, a sector of
7 the economy, productivity, competition,
8 employment, the environment, public
9 health or safety, or State, local, or Tribal
10 governments or communities;

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

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

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

20 “(B) does not include any guidance docu-
21 ment—

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

24 “(ii) that pertains to a military or for-
25 eign affairs function of the United States,

1 other than procurement regulations and
2 regulations involving the import or export
3 of non-defense articles and services;

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

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

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

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

17 “(B) in the case of a nonmajor rule, the
18 later of—

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

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

1 **“§ 805. Judicial review**

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

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

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

17 **“§ 806. Affirmative defense**

18 “It shall be an affirmative defense against an alleged
19 violation of a rule for a defendant in any administrative
20 proceeding of a Federal agency, or before a court of the
21 United States, if an individual of ordinary intelligence
22 could not anticipate from the statutory language of a pro-
23 vision of law purported to form the basis for the rule in
24 question that the conduct of the individual would be un-
25 lawful.

1 **“§ 807. Private right of action**

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

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

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

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

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

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

22 “Nothing in this chapter shall apply to rules that con-
23 cern monetary policy proposed or implemented by the
24 Board of Governors of the Federal Reserve System or the
25 Federal Open Market Committee.

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

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

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

6 “Notwithstanding section 801—

7 “(1) any rule that establishes, modifies, opens,
8 closes, or conducts a regulatory program for a com-
9 mercial, recreational, or subsistence activity related
10 to hunting, fishing, or camping; or

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

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

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

20 “(a) In this section:

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

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

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

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

6 “(5) The term ‘incremental regulatory cost’
7 means the difference between the estimated cost of
8 issuing a significant regulatory action and the esti-
9 mated cost saved by issuing any deregulatory action.

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

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

13 “(A) any regulation; and

14 “(B) any other regulatory guidance, state-
15 ment of policy, information collection request,
16 form, or reporting, recordkeeping, or disclosure
17 requirements that imposes a burden on the pub-
18 lic or governs Federal agency operations.

19 “(8) The term ‘significant regulatory action’
20 means any regulatory action, other than monetary
21 policy proposed or implemented by the Board of
22 Governors of the Federal Reserve System or the
23 Federal Open Market Committee, that is likely to—

24 “(A) have an annual effect on the economy
25 of \$100,000,000 or more or adversely affect in

1 a material way the economy, a sector of the
2 economy, productivity, competition, jobs, the
3 environment, public health or safety, or State,
4 local, or Tribal governments or communities;

5 “(B) create a serious inconsistency or oth-
6 erwise interfere with an action taken or planned
7 by another Federal agency;

8 “(C) materially alter the budgetary impact
9 of entitlements, grants, user fees, or loan pro-
10 grams or the rights and obligations of recipi-
11 ents thereof; or

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

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

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

19 “(A) regulatory and deregulatory actions under
20 development or review at agencies;

21 “(B) a Federal regulatory plan of all significant
22 regulatory actions and associated deregulatory ac-
23 tions that agencies reasonably expect to issue in pro-
24 posed or final form in the current and following fis-
25 cal year; and

1 “(C) all information required to be included in
2 the regulatory flexibility agenda under section 602 of
3 this title.

4 “(2) In accordance with guidance issued by the Di-
5 rector and not less than 60 days before each date of publi-
6 cation for the unified regulatory agenda under paragraph
7 (1), the head of each Federal agency shall submit to the
8 Director an agenda of all regulatory actions and deregula-
9 tory actions under development at the Federal agency, in-
10 cluding the following:

11 “(A) For each regulatory action and deregula-
12 tory action:

13 “(i) A regulation identifier number.

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

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

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

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

19 “(vi) Any other information as required by
20 the Director.

21 “(B) An annual regulatory plan, which shall in-
22 clude a list of each significant regulatory action the
23 Federal agency reasonably expects to issue in pro-
24 posed or final form in the current and following fis-

1 cal year, including for each significant regulatory ac-
2 tion:

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

4 “(I) A statement of the regulatory ob-
5 jectives.

6 “(II) The legal authority for the ac-
7 tion.

8 “(III) A statement of the need for the
9 action.

10 “(IV) The Federal agency’s schedule
11 for the action.

12 “(ii) The estimated cost.

13 “(iii) The estimated benefits.

14 “(iv) Any deregulatory action identified.

15 “(v) A best approximation of the total cost
16 or savings and any cost or savings associated
17 with a deregulatory action.

18 “(vi) An estimate of the economic effects,
19 including any estimate of the net effect that
20 such action will have on the number of jobs in
21 the United States, that was considered in draft-
22 ing the action, or, if such estimate is not avail-
23 able, a statement affirming that no information
24 on the economic effects, including the effect on

1 the number of jobs, of the action has been con-
2 sidered.

3 “(C) Information required under section 602 of
4 this title.

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

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

10 “(A) shall establish the annual Federal Regu-
11 latory Budget, which specifies the net amount of in-
12 cremental regulatory costs allowed by the Federal
13 Government and at each Federal agency for the next
14 fiscal year; and

15 “(B) may set the incremental regulatory cost
16 allowance to allow an increase, prohibit an increase,
17 or require a decrease of incremental regulatory
18 costs.

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

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

24 “(1) the—

1 “(A) head of the Federal agency identifies
2 at least 1 deregulatory action to offset the costs
3 of the significant regulatory action and issues
4 the deregulatory action before or on the same
5 schedule as the significant regulatory action;

6 “(B) incremental costs of the significant
7 regulatory action as offset by any deregulatory
8 action issued before or on the same schedule as
9 the significant regulatory action do not cause
10 the Federal agency to exceed or contribute to
11 the Federal agency exceeding the incremental
12 regulatory cost allowance of the Federal agency
13 for that fiscal year; and

14 “(C) significant regulatory action was in-
15 cluded on the most recent version or update of
16 the published unified regulatory agenda; or

17 “(2) the issuance of the significant regulatory
18 action was approved in advance in writing by the Di-
19 rector and the written approval is publicly available
20 online prior to the issuance of the significant regu-
21 latory action.

22 “(e)(1) Not later than 90 days after the date of the
23 enactment of this section, the Director shall establish and
24 issue guidance on how agencies should comply with the

1 requirements of this section. Such guidance shall include
2 the following:

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

6 “(B) Standards for determining what qualifies
7 as a deregulatory action.

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

11 “(D) Standards by which the Director will de-
12 termine whether a regulatory action or a collection
13 of regulatory actions qualifies as a significant regu-
14 latory action.

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

17 **“§ 812. Publication of guidance documents on the**
18 **internet**

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

21 “(b) Subject to subsection (e), on the date on which
22 a Federal agency issues a guidance document, the Federal
23 agency shall publish the guidance document in accordance
24 with the requirements under subsection (d).

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

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

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

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

17 “(i) categorized as guidance documents; and

18 “(ii) further divided into subcategories as ap-
19 propriate.

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

23 “(4) Not later than 90 days after the date of enact-
24 ment of this section, the Director shall designate an inter-

1 net website on which guidance documents shall be pub-
2 lished under subsections (b) and (c).

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

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

16 “(1) maintain the rescinded guidance docu-
17 ment; and

18 “(2) indicate—

19 “(A) that the guidance document is re-
20 scinded;

21 “(B) if the guidance document was re-
22 scinded pursuant to a court order, the case
23 number of the case in which the order was en-
24 tered; and

1 “(C) the date on which the guidance docu-
2 ment was rescinded.

3 **“§ 813. Expiration of rules**

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

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

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

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

19 “(b) Not later than 180 days before the date de-
20 scribed in subsection (a), the Federal agency shall submit
21 a report similar to the report described in 801(a)(1)(A)
22 to each House of Congress and to the Comptroller Gen-
23 eral, except that instead of the proposed effective date,
24 such report shall contain the date described in subsection
25 (a).

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

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

8 “(2) necessary for the enforcement of criminal
9 laws;

10 “(3) necessary for national security; or

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

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

23 “(A) In the House, the majority leader of the
24 House of Representatives (or his designee) and the
25 minority leader of the House of Representatives (or

1 his designee) shall introduce such joint resolution
2 (by request), within 3 legislative days after Congress
3 receives the report submitted under subsection (b).

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

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

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

18 “(a) Beginning on the date that is 6 months after
19 the date of enactment of this section and annually there-
20 after for the 9 years following, each Federal agency shall
21 designate not less than 10 percent of eligible rules made
22 by that Federal agency for review, and shall submit a re-
23 port including each such eligible rule in the same manner
24 as a report under section 801(a)(1). Section 801 and sec-
25 tion 802 shall apply to each such rule, subject to sub-

1 section (c) of this section. No eligible rule previously des-
2 ignated may be designated again.

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

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

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

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

18 “(3) It shall be in order to consider any amend-
19 ment that provides for specific conditions on which
20 the approval of a particular eligible rule included in
21 the joint resolution is contingent.

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

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

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

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

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

18 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY OF**
19 **RULES.**

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

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

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

4 (3) the total estimated economic cost imposed
5 by all such rules.

6 (b) REPORT.—Not later than 1 year after the date
7 of the enactment of this Act, the Comptroller General of
8 the United States shall submit a report to Congress that
9 contains the findings of the study conducted under sub-
10 section (a).

11 **SEC. 6. DEFINITION OF “RULE” TO INCLUDE SIGNIFICANT**
12 **GUIDANCE.**

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