

[DISCUSSION DRAFT]

113TH CONGRESS
2^D SESSION

H. R. _____

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. SMITH of Missouri introduced the following bill; which was referred to the Committee on _____

A BILL

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

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 “Searching for and Cut-
5 ting Regulations that are Unnecessarily Burdensome Act
6 of 2014” or as the “SCRUB Act of 2014”.

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1 **TITLE I—RETROSPECTIVE REGU-**
2 **LATORY REVIEW COMMIS-**
3 **SION**

4 **SEC. 101. IN GENERAL.**

5 (a) ESTABLISHMENT.—There is established a com-
6 mission, to be known as the Retrospective Regulatory Re-
7 view Commission, that shall review rules and sets of rules
8 in accordance with specified criteria to determine if a rule
9 or set of rules should be repealed or amended to eliminate
10 or reduce the costs of regulation to the economy. The
11 Commission shall terminate on the date that is 3 years
12 after the date of the appointment of the ninth member
13 of the Commission.

14 (b) MEMBERSHIP.—

15 (1) NUMBER.—The Commission shall be com-
16 posed of 9 members who shall be appointed not later

1 than 180 days after the date of enactment of this
2 Act.

3 (2) TERM.—The term of each member shall be
4 3 years, beginning on the date that is 180 days after
5 the date of enactment of this Act.

6 (3) APPOINTMENT.—The members of the Com-
7 mission shall be appointed as follows:

8 (A) The President shall appoint the chair
9 of the Commission from among past Adminis-
10 trators of the Office of Information and Regu-
11 latory Affairs, past chairmen of the Administra-
12 tive Conference of the United States, and other
13 candidates of similar expertise and experience
14 in rule making affairs and the administration of
15 regulatory reviews.

16 (B) The Speaker of the House of Rep-
17 resentatives, the Minority Leader of the House
18 of Representatives, the Majority Leader of the
19 Senate, and the Minority Leader of the Senate
20 shall each appoint 2 members of the Commis-
21 sion.

22 (c) POWERS AND AUTHORITIES OF THE COMMIS-
23 SION.—

24 (1) MEETINGS.—The Commission may meet
25 when, where, and as often as the Commission deter-

1 mines appropriate, except that the Commission shall
2 hold public meetings not less than twice each year.

3 (2) HEARINGS.—In addition to meetings held
4 under paragraph (1), the Commission may hold
5 hearings to consider issues of fact or law relevant to
6 the Commission's work. Any hearing held by the
7 Commission shall be in public.

8 (3) ACCESS TO INFORMATION.—The Commis-
9 sion may secure directly from any department or
10 agency of the United States information necessary
11 to enable it to carry out this Act. Upon request of
12 the chair of the Commission, the head of that de-
13 partment or agency shall furnish that information to
14 the Commission.

15 (4) SUBPOENAS.—

16 (A) IN GENERAL.—The Commission may
17 issue subpoenas requiring the attendance and
18 testimony of witnesses and the production of
19 any evidence relating to the duties of the Com-
20 mission. The attendance of witnesses and the
21 production of evidence may be required from
22 any place within the United States at any des-
23 ignated place of hearing within the United
24 States.

1 (B) FAILURE TO OBEY A SUBPOENA.—If a
2 person refuses to obey a subpoena issued under
3 subparagraph (a), the Commission may apply
4 to a United States district court for an order
5 requiring that person to appear before the Com-
6 mission to give testimony, produce evidence, or
7 both, relating to the matter under investigation.
8 The application may be made within the judicial
9 district where the hearing is conducted or where
10 that person is found, resides, or transacts busi-
11 ness. Any failure to obey the order of the court
12 may be punished by the court as civil contempt.

13 (C) SERVICE OF SUBPOENAS.—The sub-
14 poenas of the Commission shall be served in the
15 manner provided for subpoenas issued by a
16 United States district court under the Federal
17 Rules of Civil Procedure for the United States
18 district courts.

19 (D) SERVICE OF PROCESS.—All process of
20 any court to which application is made under
21 paragraph (2) may be served in the judicial dis-
22 trict in which the person required to be served
23 resides or may be found.

24 (d) PAY AND TRAVEL EXPENSES.—

25 (1) PAY.—

1 (A) MEMBERS.—Each member, other than
2 the chair, shall be paid at a rate equal to the
3 daily equivalent of the minimum annual rate of
4 basic pay payable for level IV of the Executive
5 Schedule under section 5315 of title 5, United
6 States Code, for each day (including travel
7 time) during which the member is engaged in
8 the actual performance of duties vested in the
9 Commission.

10 (B) CHAIR.—The chair shall be paid for
11 each day referred to in subparagraph (A) at a
12 rate equal to the daily equivalent of the min-
13 imum annual rate of basic pay payable for level
14 III of the Executive Schedule under section
15 5314 of title 5, United States Code.

16 (2) TRAVEL EXPENSES.—Members shall receive
17 travel expenses, including per diem in lieu of subsist-
18 ence, in accordance with sections 5702 and 5703 of
19 title 5, United States Code.

20 (e) DIRECTOR OF STAFF.—

21 (1) IN GENERAL.—The Commission shall ap-
22 point a Director.

23 (2) PAY.—The Director shall be paid at the
24 rate of basic pay payable for level IV of the Execu-

1 tive Schedule under section 5315 of title 5, United
2 States Code.

3 (f) STAFF.—

4 (1) IN GENERAL.—Subject to paragraph (2),
5 the Director, with the approval of the Commission,
6 may appoint and fix the pay of additional personnel
7 from the public and private sectors.

8 (2) LIMITATIONS ON APPOINTMENT.—The Di-
9 rector may make such appointments without regard
10 to the provisions of title 5, United States Code, gov-
11 erning appointments in the competitive service, and
12 any personnel so appointed may be paid without re-
13 gard to the provisions of chapter 51 and subchapter
14 III of chapter 53 of that title relating to classifica-
15 tion and General Schedule pay rates, except that an
16 individual so appointed may not receive pay in ex-
17 cess of the annual rate of basic pay payable for GS-
18 18 of the General Schedule.

19 (3) AGENCY ASSISTANCE.—Following consulta-
20 tion with and upon request of the Director, the head
21 of any Federal department or agency shall detail any
22 of the personnel of that department or agency to the
23 Commission to assist the Commission in carrying
24 out its duties under this Act.

1 (4) GAO AND OIRA ASSISTANCE.—The Comp-
2 troller General of the United States and the Admin-
3 istrator of the Office of Information and Regulatory
4 Affairs shall provide assistance, including the detail-
5 ing of employees, to the Commission in accordance
6 with an agreement entered into with the Commis-
7 sion.

8 (5) ASSISTANCE FROM OTHER PARTIES.—Con-
9 gress, the States, municipalities, Federally recog-
10 nized Indian tribes, and local governments may pro-
11 vide assistance, including the detailing of employees,
12 to the Commission in accordance with an agreement
13 entered into with the Commission

14 (g) OTHER AUTHORITY.—

15 (1) EXPERTS AND CONSULTANTS.—The Com-
16 mission may procure by contract, to the extent funds
17 are available, the temporary or intermittent services
18 of experts or consultants pursuant to section 3109
19 of title 5, United States Code.

20 (2) PROPERTY.—The Commission may lease
21 space and acquire personal property to the extent
22 funds are available.

23 (h) DUTIES OF THE COMMISSION.—

24 (1) IN GENERAL.—The Commission shall con-
25 duct a review of the Code of Federal Regulations to

1 identify rules and sets of rules that collectively im-
2 plement a regulatory program that should be re-
3 pealed or amended.

4 (2) NATURE OF REVIEW.—To identify which
5 rules and sets of rules should be repealed or amend-
6 ed to lower the cost of regulation to the economy,
7 the Commission shall apply the following criteria:

8 (A) Whether the original purpose of the
9 rule or set of rules was achieved, and the rule
10 or set of rules could be repealed or amended
11 without significant recurrence of adverse effects
12 or conduct that the rule or set of rules was in-
13 tended to prevent or reduce.

14 (B) Whether the implementation, compli-
15 ance, administration, enforcement or other costs
16 of the rule or set of rules to the economy are
17 not justified by the benefits to society within
18 the United States produced by the expenditure
19 of those costs.

20 (C) Whether the rule or set of rules has
21 been rendered unnecessary or obsolete, taking
22 into consideration the length of time since the
23 rule was made and the degree to which tech-
24 nology, economic conditions, market practices,

1 or other relevant factors have changed in the
2 subject area affected by the rule or set of rules.

3 (D) Whether the rule or set of rules is in-
4 effective at achieving the rule or set's purpose.

5 (E) Whether the rule or set of rules over-
6 laps, duplicates, or conflicts with other federal
7 rules, and to the extent feasible, with state and
8 local governmental rules.

9 (F) Whether the rule or set of rules has
10 excessive compliance costs or is otherwise exces-
11 sively burdensome, as compared to alternatives
12 that—

13 (i) specify performance objectives
14 rather than conduct or manners of compli-
15 ance;

16 (ii) establish economic incentives to
17 encourage desired behavior;

18 (iii) provide information upon which
19 choices can be made by the public; or

20 (iv) incorporate other innovative alter-
21 natives rather than agency actions that
22 specify conduct or manners of compliance.

23 (G) Whether the rule or set of rules inhib-
24 its innovation in or growth of the United States
25 economy.

1 (H) Whether or not the rule or set of rules
2 harms competition within the United States
3 economy or the international economic competi-
4 tiveness of enterprises or entities based in the
5 United States.

6 (I) Such other criteria as the Commission
7 devises to identify rules and sets of rules that
8 can be repealed or amended to eliminate or re-
9 duce unnecessarily burdensome costs to the
10 United States economy.

11 (3) METHODOLOGY FOR REVIEW.—The Com-
12 mission shall establish a methodology for conducting
13 its review, identifying rules and sets of rules, and
14 classifying rules under this subsection and publish
15 the terms of its methodology in the Federal Register
16 and on an Internet Website of the Commission. The
17 Commission may propose and seek public comment
18 on the methodology before the methodology is estab-
19 lished.

20 (4) CLASSIFICATION OF RULES AND SETS OF
21 RULES.—

22 (A) IN GENERAL.—After completion of a
23 review under paragraph (2), the Commission
24 shall classify each rule or set of rules identified
25 in the review as either—

- 1 (i) a rule or set of rules—
2 (I) on which immediate action to
3 repeal or amend is recommended; or
4 (II) that should be eligible for
5 regulatory cut-go procedures under
6 title II; and
7 (ii) whether the rule or set of rules, in
8 either case, is recommended to be repealed
9 or, instead, amended.

10 If the rule is recommended to be amended, the
11 Commission shall specify the nature of the
12 amendments recommended and the amount of
13 regulatory cost reduction that the amendments
14 would achieve.

15 (B) DECISIONS BY MAJORITY.—Each deci-
16 sion by the Commission to identify a rule or set
17 of rules for classification under this paragraph,
18 and each decision whether to classify the rule or
19 set of rules under subparagraph (A)(i)(I) or, in-
20 stead, subparagraph (A)(i)(II), shall be made
21 by a simple majority vote of the Commission,
22 except that, in the case of a major rule or set
23 of major rules, the Chairman may determine to
24 identify and classify a rule or set of rules that

1 4 members of the Commission vote to identify
2 or classify.

3 (5) INITIATION OF REVIEW BY OTHER PER-
4 SONS.—

5 (A) IN GENERAL.—The Commission shall
6 also conduct a review under paragraph (2) of,
7 and, if appropriate, classify under paragraph
8 (4), any rule or set of rules that is submitted
9 for review to the Commission by—

- 10 (i) the President;
- 11 (ii) a Member of Congress;
- 12 (iii) any officer or employee of a Fed-
13 eral, State, local or tribal government, or
14 regional governmental body; or
- 15 (iv) any member of the public.

16 (B) FORM OF SUBMISSION.—A submission
17 to the Commission under this paragraph
18 shall—

- 19 (i) identify the specific rule or set of
20 rules submitted for review;
- 21 (ii) provide a statement of evidence to
22 demonstrate that the rule or set of rules
23 qualifies to be identified for repeal or
24 amendment under the criteria listed in
25 paragraph (2); and

1 (iii) such other information as the
2 submitter believes may be helpful to the
3 Commission's review, including a state-
4 ment of the submitter's interest in the
5 matter.

6 (i) NOTICES AND REPORTS OF THE COMMISSION.—

7 (1) NOTICES OF AND REPORTS ON ACTIVI-
8 TIES.—The Commission shall publish, in the Federal
9 Register and on an Internet Website of the Commis-
10 sion—

11 (A) notices in advance of all public meet-
12 ings and hearings and classifications under sub-
13 section (h) informing the public of the basis,
14 purpose and procedures for the meeting, hear-
15 ing or classification; and

16 (B) reports after the conclusion of any
17 public meeting, hearing, or classification under
18 subsection (h) summarizing in detail the basis,
19 purpose and substance of the meeting, hearing,
20 or classification.

21 (2) ANNUAL REPORTS TO CONGRESS.—Each
22 year, beginning on the date that is one year after
23 the appointment of the ninth Member of the Com-
24 mission, the Commission shall submit a report to
25 Congress detailing the activities of the Commission

1 for the previous year, and listing all rules and sets
2 of rules classified under subsection (h) during that
3 year. For each rule or set of rules so listed, the
4 Commission shall—

5 (A) identify the agency that made the rule
6 or set of rules;

7 (B) identify the annual cost of the rule or
8 set of rules to the United States economy;

9 (C) identify whether or not the rule or set
10 of rules was classified under subsection
11 (h)(4)(A)(i)(I) or (h)(4)(A)(i)(II) and, in either
12 case, whether the rule is recommended to be re-
13 pealed or, instead, amended;

14 (D) if the rule or set of rules is rec-
15 ommended to be amended, summarize the na-
16 ture of the amendments recommended and the
17 amount of regulatory cost reductions that the
18 amendments would achieve; and

19 (E) identify the criteria under subsection
20 (h)(2) that caused the classification of the rule
21 or set of rules.

22 (3) FINAL REPORT.—Not later than the date
23 on which the Commission members' appointments
24 expire, the Commission shall submit a final report to
25 Congress summarizing all activities and rec-

1 ommendations of the Commission, including a list of
2 all rules or sets of rules the Commission classified
3 under subparagraph (h)(4)(A)(i)(I) for immediate
4 action to repeal or amend, a separate list of all rules
5 or sets of rules the Commission classified under sub-
6 paragraph (h)(4)(A)(i)(II) for repeal or amendment,
7 and with regard to each rule or set of rules listed
8 on either list, the information described in subpara-
9 graphs (A) through (E) of paragraph (2). This re-
10 port may be included in the final annual report of
11 the Commission under paragraph (2) and may in-
12 clude the Commission's recommendation whether the
13 Commission should be reauthorized by Congress.

14 (j) IMMEDIATE REPEAL OF REGULATIONS; CON-
15 GRESSIONAL CONSIDERATION OF FINAL COMMISSION RE-
16 PORT.—

17 (1) IN GENERAL.—Subject to paragraph (2),
18 the head of each agency with authority to repeal a
19 rule or set of rules classified by the Commission
20 under subparagraph (h)(4)(A)(i)(I) for immediate
21 action to repeal or amend and listed as such in the
22 Commission's final report under subsection (i)(3)
23 shall repeal or amend the rule or set of rules as rec-
24 ommended by the Commission within, in the case of
25 repeal, 60 days or, in the case of amendment, 120

1 days, after the expiration of the period specified in
2 paragraph (2) for disapproval of recommendations of
3 the Commission in the final report.

4 (2) CONGRESSIONAL DISAPPROVAL.—

5 (A) IN GENERAL.—Except as otherwise
6 provided under subsection (k), no head of an
7 agency described in paragraph (1) may carry
8 out any repeal or amendment classified for im-
9 mediate repeal by the Commission under sub-
10 paragraph (h)(4)(A)(i)(I) and listed as such by
11 the Commission in the final report transmitted
12 to Congress under subsection (i)(3) if a joint
13 resolution is enacted, in accordance with the
14 provisions of subparagraph (C), disapproving
15 such recommendations of the Commission for
16 immediate repeal or amendment before the ear-
17 lier of—

18 (i) the end of the 45-day period begin-
19 ning on the date on which the Commission
20 transmits such report; or

21 (ii) the adjournment of Congress sine
22 die for the session during which such re-
23 port is transmitted.

24 (B) COMPUTATION OF PERIOD.—For pur-
25 poses of subparagraphs (A) and (C), the days

1 on which either House of Congress is not in
2 session because of an adjournment of more
3 than three days to a day certain shall be ex-
4 cluded in the computation of a period.

5 (C) TERMS OF THE RESOLUTION.—For
6 purposes of paragraph (A), the term “joint res-
7 olution” means only a joint resolution which is
8 introduced within the 10-day period beginning
9 on the date on which the Commission transmits
10 the final report to the Congress under sub-
11 section (i)(3), and—

12 (i) which does not have a preamble;

13 (ii) the matter after the resolving
14 clause of which is as follows: “That Con-
15 gress disapproves the recommendations for
16 immediate repeal and amendment of the
17 Retrospective Regulatory Review Commis-
18 sion as submitted by the Commission on
19 _____”, the blank space being filled in
20 with the appropriate date; and

21 (iii) the title of which is as follows:
22 “Joint resolution disapproving the rec-
23 ommendations for immediate repeal and
24 amendment of the Retrospective Regu-
25 latory Review Commission.”

1 (D) REFERRAL.—A resolution described in
2 subparagraph (C) that is introduced in the
3 House of Representatives shall be referred to
4 the Committee on Oversight and Government
5 Reform of the House of Representatives. A res-
6 olution described in subparagraph (C) intro-
7 duced in the Senate shall be referred to the
8 Committee on Homeland Security and Govern-
9 mental Affairs.

10 (E) DISCHARGE.—If the committee to
11 which a resolution described in subparagraph
12 (C) is referred has not reported such resolution
13 (or an identical resolution) by the end of the
14 20-day period beginning on the date on which
15 the Commission transmits the final report to
16 the Congress under subsection (i)(3), such com-
17 mittee shall be, at the end of such period, dis-
18 charged from further consideration of such res-
19 olution, and such resolution shall be placed on
20 the appropriate calendar of the House involved.

21 (F) CONSIDERATION.—

22 (i) IN GENERAL.—On or after the
23 third day after the date on which the com-
24 mittee to which such a resolution is re-
25 ferred has reported, or has been discharged

1 (under subparagraph (E)) from further
2 consideration of, such a resolution, it is in
3 order (even though a previous motion to
4 the same effect has been disagreed to) for
5 any Member of the respective House to
6 move to proceed to the consideration of the
7 resolution. A Member may make the mo-
8 tion only on the day after the calendar day
9 on which the Member announces to the
10 House concerned the Member's intention
11 to make the motion, except that, in the
12 case of the House of Representatives, the
13 motion may be made without such prior
14 announcement if the motion is made by di-
15 rection of the committee to which the reso-
16 lution was referred. All points of order
17 against the resolution (and against consid-
18 eration of the resolution) are waived. The
19 motion is highly privileged in the House of
20 Representatives and is privileged in the
21 Senate and is not debatable. The motion is
22 not subject to amendment, or to a motion
23 to postpone, or to a motion to proceed to
24 the consideration of other business. A mo-
25 tion to reconsider the vote by which the

1 motion is agreed to or disagreed to shall
2 not be in order. If a motion to proceed to
3 the consideration of the resolution is
4 agreed to, the respective House shall im-
5 mediately proceed to consideration of the
6 joint resolution without intervening motion,
7 order, or other business, and the resolution
8 shall remain the unfinished business of the
9 respective House until disposed of.

10 (ii) DEBATE.—Debate on the resolu-
11 tion, and on all debatable motions and ap-
12 peals in connection therewith, shall be lim-
13 ited to not more than 2 hours, which shall
14 be divided equally between those favoring
15 and those opposing the resolution. An
16 amendment to the resolution is not in
17 order. A motion further to limit debate is
18 in order and not debatable. A motion to
19 postpone, or a motion to proceed to the
20 consideration of other business, or a mo-
21 tion to recommit the resolution is not in
22 order. A motion to reconsider the vote by
23 which the resolution is agreed to or dis-
24 agreed to is not in order

1 (iii) VOTE ON FINAL PASSAGE.—Im-
2 mediately following the conclusion of the
3 debate on a resolution described in sub-
4 paragraph (C) and a single quorum call at
5 the conclusion of the debate if requested in
6 accordance with the rules of the appro-
7 priate House, the vote on final passage of
8 the resolution shall occur.

9 (iv) APPEALS FROM DECISIONS OF
10 THE CHAIR.—Appeals from the decisions
11 of the Chair relating to the application of
12 the rules of the Senate or the House of
13 Representatives, as the case may be, to the
14 procedure relating to a resolution described
15 in subparagraph (C) shall be decided with-
16 out debate.

17 (G) CONSIDERATION BY OTHER HOUSE.—

18 (i) IN GENERAL.—If, before the pas-
19 sage by one House of a resolution of that
20 House described in subparagraph (C), that
21 House receives from the other House a
22 resolution described in subparagraph (C),
23 then the following procedures shall apply:

24 (I) REFERRAL.—The resolution
25 of the other House shall not be re-

1 ferred to a committee and may not be
2 considered in the House receiving it
3 except in the case of final passage as
4 provided in subparagraph (G)(II).

5 (II) PROCEDURE THERE-
6 AFTER.—With respect to a resolution
7 described in subparagraph (C) of the
8 House receiving the resolution—

9 (aa) the procedure in that
10 House shall be the same as if no
11 resolution had been received from
12 the other House; and

13 (bb) the vote on final pas-
14 sage shall be on the resolution of
15 the other House

16 (ii) NO LONGER IN ORDER.—Upon
17 disposition of the resolution received from
18 the other House, it shall no longer be in
19 order to consider the resolution that origi-
20 nated in the receiving House.

21 (H) RULES OF THE SENATE AND
22 HOUSE.—This section is enacted by Congress—

23 (i) as an exercise of the rulemaking
24 power of the Senate and House of Rep-
25 resentatives, respectively, and as such it is

1 deemed a part of the rules of each House,
2 respectively, but applicable only with re-
3 spect to the procedure to be followed in
4 that House in the case of a resolution de-
5 scribed in subparagraph (C), and it super-
6 sedes other rules only to the extent that it
7 is inconsistent with such rules; and

8 (ii) with full recognition of the con-
9 stitutional right of either House to change
10 the rules (so far as relating to the proce-
11 dure of that House) at any time, in the
12 same manner, and to the same extent as in
13 the case of any other rule of that House.

14 (k) APPLICATION OF CUT-GO PROCEDURES TO
15 RULES OR SETS OF RULES AFFECTED BY A JOINT RESO-
16 LUTION.—All rules and sets of rules for which a resolution
17 of disapproval under subsection (j) has been enacted shall
18 thereafter be repealed or amended under title II of this
19 Act.

20 (l) TRANSFER OF FUNDS FROM REGULATORY AGEN-
21 CIES.—Of the unobligated amounts made available in fu-
22 ture fiscal years for each agency that makes rules subject
23 to review by the Commission, up to 1 percent or
24 \$25,000,000, whichever is greater, shall be available for
25 the Commission.

1 (m) CONSULTATION BETWEEN THE CHAIRMAN AND
2 THE DIRECTOR.—The Chairman of the Commission shall
3 consult with the Director of the Office of Management and
4 Budget before making requests for agency funds under
5 paragraph (j).

6 **TITLE II—REGULATORY CUT-GO**

7 **SEC. 201. CUT-GO PROCEDURES.**

8 (a) IN GENERAL.—Except as provided in section 202,
9 an agency, when the agency makes a new rule, shall repeal
10 or amend rules or sets of rules of that agency classified
11 by the Commission under section 101(h)(4)(A)(i)(II) or
12 required to be repealed or amended by the agency under
13 section 101(k), such that the annual costs of the new rule
14 to the United States economy is offset by such repeals or
15 amendments, in an amount equal to or greater than the
16 cost of the new rule, based on the regulatory cost reduc-
17 tions of repeal or amendment identified by the Commis-
18 sion.

19 (b) ALTERNATIVE PROCEDURE.—An agency may, al-
20 ternatively, repeal or amend a rule or set of rules of that
21 agency classified by the Commission under section
22 101(h)(4)(A)(i)(II) or required to be repealed or amended
23 by the agency under section 101(k) prior to the time speci-
24 fied in subsection (a). If the agency so repeals or amends
25 such a rule or set of rules and thereby reduces the annual,

1 inflation-adjusted cost of the rule or set of rules to the
2 United States economy, the agency may thereafter apply
3 the reduction in regulatory costs, based on the regulatory
4 cost reductions of repeal or amendment identified by the
5 Commission, to meet, in whole or in part, the regulatory
6 cost reduction required under subsection (a) of this section
7 to be made at the time the agency promulgates a new rule.

8 **SEC. 202. APPLICABILITY.**

9 An agency shall no longer be subject to the require-
10 ments of section 201 and 203 beginning on the date that
11 there is no rule or set of rules of the agency classified
12 by the Commission under section 101(d)(4)(A)(i)(II) or
13 required to be repealed or amended by the agency under
14 section 101(k) that has not been repealed or amended
15 such that all regulatory cost reductions identified by the
16 Commission to be achievable through repeal or amend-
17 ment have been achieved.

18 **SEC. 203. CONGRESSIONAL APPROVAL OF RULES LACKING**

19 **REQUIRED AGENCY OFFSETS.**

20 (a) **LIMITATION ON CUT-GO RULE TAKING EF-**
21 **FECT.**—Section 801(a) of title 5, United States Code, is
22 amended—

23 (1) in paragraph (1)(B)—

24 (A) in clause (iii), by striking “and” at the
25 end;

1 (B) by inserting after clause (iii) the fol-
2 lowing:

3 “(iv) a certification that the agency
4 has complied with section 201 of the
5 Searching for and Cutting Regulations
6 that are Unnecessarily Burdensome Act of
7 2014 and a brief summary of the repeals
8 and amendments made by the agency to so
9 comply; and”.

10 (C) by redesignating clause (iv) as clause
11 (v).

12 (2) in paragraph (2), by adding at the end the
13 following:

14 “(C) The Comptroller General shall pro-
15 vide a report on each rule to the committees of
16 jurisdiction in each House of the Congress by
17 the end of 15 calendar days after the submis-
18 sion or publication date as provided in section
19 802(b)(2). The report of the Comptroller Gen-
20 eral shall include an assessment of the agency’s
21 compliance with section 201 of the Searching
22 for and Cutting Regulations that are Unneces-
23 sarily Burdensome Act of 2014, including a cer-
24 tification of whether the agency has or has not
25 complied.”.

1 (3) in paragraph (4), by inserting after “major
2 rule” the following: “or a cut-go rule”; and

3 (4) by adding at the end the following:

4 “(6) A cut-go rule relating to a report sub-
5 mitted under paragraph (1) shall take effect only on
6 the date that a joint resolution authorizing such rule
7 is enacted. A cut-go rule that does not take effect
8 under this paragraph may not be reissued in sub-
9 stantially the same form, and a new rule that is sub-
10 stantially the same as such a rule may not be issued,
11 unless the reissued or new rule complies with section
12 201 of the Searching for and Cutting Regulations
13 that are Unnecessarily Burdensome Act of 2014 or
14 is specifically authorized by a law enacted after the
15 date of the submission of a report relating to the
16 cut-go rule.”.

17 (b) CUT-GO RULE DEFINED.—Section 804 of title 5,
18 United States Code, is amended by adding at the end the
19 following:

20 “(4) The term ‘cut-go rule’ means any rule
21 made by an agency that is subject to section 201 of
22 the Searching for and Cutting Regulations that are
23 Unnecessarily Burdensome Act of 2014, and with
24 regard to which the Comptroller General of the
25 United States certifies under section 801(a)(2)(C)

1 that the agency has not complied with such section
2 201 by repealing or amending rules and sets of rules
3 classified by the Retrospective Regulatory Review
4 Commission under section 101(d)(4)(A)(i)(II) or re-
5 quired to be repealed or amended by the agency
6 under section 101(k) of such Act.”.

7 (c) CONGRESSIONAL APPROVAL OF NEW RULES.—

8 (1) IN GENERAL.—Chapter 8 of title 5 is
9 amended by adding at the end the following:

10 **“§ 809. Cut-go rules**

11 “(a)(1) For purposes of this section, the term ‘joint
12 resolution’ means only a joint resolution addressing a re-
13 port classifying a rule as a cut-go rule pursuant to section
14 801(a)(1)(A)(iii) that

15 “(A) bears no preamble;

16 “(B) bears the following title: ‘Approving
17 the rule submitted by _____ relating to
18 _____.’ (The blank spaces being appropriately
19 filled in);

20 “(C) includes after its resolving clause only
21 the following: ‘That Congress approves the rule
22 submitted by _____ relating to _____.’ (The
23 blank spaces being appropriately filled in); and

24 “(D) is introduced pursuant to paragraph
25 (2).

1 “(2) After a House of Congress receives a re-
2 port pursuant to section 801(a)(2)(C) that the agen-
3 cy has not complied with section 201 of the Search-
4 ing for and Cutting Regulations that are Unneces-
5 sarily Burdensome Act of 2014, the majority leader
6 of that House (or the designee of the majority lead-
7 er) shall introduce (by request, if appropriate) a
8 joint resolution described in paragraph (1)—

9 “(A) in the case of the House of Rep-
10 representatives, within 3 legislative days; and

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

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

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

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

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

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

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

11 “(3) In the Senate, immediately following the
12 conclusion of the debate on a joint resolution de-
13 scribed in subsection (a), and a single quorum call
14 at the conclusion of the debate if requested in ac-
15 cordance with the rules of the Senate, the vote on
16 final passage of the joint resolution shall occur.

17 “(4) Appeals from the decisions of the Chair re-
18 lating to the application of the rules of the Senate
19 to the procedure relating to a joint resolution de-
20 scribed in subsection (a) shall be decided without de-
21 bate.

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

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

20 “(f)(1) For purposes of this subsection, the term
21 ‘identical joint resolution’ means a joint resolution of the
22 first House that proposes to approve the same cut-go rule
23 as a joint resolution of the second House.

24 “(2) If the second House receives from the first
25 House a joint resolution, the Chair shall determine

1 whether the joint resolution is an identical joint res-
2 olution.

3 “(3) If the second House receives an identical
4 joint resolution—

5 “(A) the identical joint resolution shall not
6 be referred to a committee; and

7 “(B) the procedure in the second House
8 shall be the same as if no joint resolution had
9 been received from the first house, except that
10 the vote on final passage shall be on the iden-
11 tical joint resolution.

12 “(4) This subsection shall not apply to the
13 House of Representatives if the joint resolution re-
14 ceived from the Senate is a revenue measure.

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

19 (2) TABLE OF SECTIONS.—The table of sections
20 for such chapter 8 is amended by adding at the end
21 the following:

“§ 809. Cut-go rules.”.

22 **SEC. 204. OIRA CERTIFICATION OF COST-BENEFIT CAL-**
23 **CULATIONS.**

24 The Administrator of the Office of Information and
25 Regulatory Affairs of the Office of Managment and Budg-

1 et shall review and certify the accuracy of agency deter-
2 minations of the costs of new rules under section 201. The
3 certification shall be included in the administrative record
4 of the relevant rule making by the agency promulgating
5 the rule, and the Administrator shall transmit a copy of
6 the certification to Congress when it transmits the certifi-
7 cation to the agency.

8 **TITLE III—RETROSPECTIVE**
9 **REVIEW OF NEW RULES**

10 **SEC. 301. PLAN FOR FUTURE REVIEW.**

11 When an agency makes a rule, the agency shall in-
12 clude in the final issuance of such rule a plan for the re-
13 view of such rule by not later than 10 years after the date
14 such rule is made. Such a review, in the case of a major
15 rule, shall be substantially similar to the review by the
16 Commission under section 101(h). Whenever feasible, the
17 agency shall include a proposed plan for review of a pro-
18 posed rule in its notice of proposed rulemaking and shall
19 receive public comment on the plan.

20 **TITLE IV—JUDICIAL REVIEW**

21 **SEC. 401. JUDICIAL REVIEW.**

22 Agency compliance with section 301 shall be subject
23 to judicial review under chapter 7 of title 5.

1 **TITLE V—MISCELLANEOUS**
2 **PROVISIONS**

3 **SEC. 501. DEFINITIONS.**

4 In this Act:

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

8 (2) The term “Commission” means the Retro-
9 spective Regulatory Review Commission established
10 under section 101.

11 (3) The term “major rule” means any rule that
12 the Administrator of the Office of Information and
13 Regulatory Affairs determines is likely to impose—

14 (A) an annual cost on the economy of
15 \$100,000,000 or more, adjusted annually for
16 inflation;

17 (B) a major increase in costs or prices for
18 consumers, individual industries, Federal,
19 State, local, or tribal government agencies, or
20 geographic regions;

21 (C) significant adverse effects on competi-
22 tion, employment, investment, productivity, in-
23 novation, or on the ability of United States-
24 based enterprises to compete with foreign-based
25 enterprises in domestic and export markets; or

1 (D) significant impacts on multiple sectors
2 of the economy.

3 (4) The term “set of rules” means a set of
4 rules that collectively implements a regulatory au-
5 thority of an agency.

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

9 **SEC. 502. EFFECTIVE DATE.**

10 This Act and the amendments made by this Act shall
11 take effect beginning on the date of enactment.