

118TH CONGRESS
1ST SESSION

H. R. 5595

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

SEPTEMBER 20, 2023

Mrs. HINSON (for herself and Mr. SMITH of Missouri) introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Searching for and Cutting Regulations that are Unneces-
6 sarily Burdensome Act of 2023” or the “SCRUB Act of
7 2023”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—RETROSPECTIVE REGULATORY REVIEW COMMISSION

Sec. 101. Retrospective Regulatory Review Commission.

TITLE II—REGULATORY CUT-GO

Sec. 201. Cut-go procedures.
 Sec. 202. Applicability.
 Sec. 203. OIRA certification of cost calculations.

TITLE III—RETROSPECTIVE REVIEW OF NEW RULES

Sec. 301. Plan for future review.

TITLE IV—JUDICIAL REVIEW; EFFECTIVE DATE

Sec. 401. Judicial review.
 Sec. 402. Effective date.

3 **SEC. 2. DEFINITIONS.**

4 In this Act:

5 (1) ADMINISTRATOR.—The term “Adminis-
 6 trator” means the Administrator of the Office of In-
 7 formation and Regulatory Affairs of the Office of
 8 Management and Budget.

9 (2) AGENCY.—The term “agency” has the
 10 meaning given that term in section 551 of title 5,
 11 United States Code.

12 (3) COMMISSION.—The term “Commission”
 13 means the Retrospective Regulatory Review Commis-
 14 sion established under section 101(a).

1 (4) MAJOR RULE.—The term “major rule”
2 means any rule that the Administrator determines is
3 likely to impose—

4 (A) an annual cost on the economy of
5 \$100,000,000 or more, adjusted annually for
6 inflation;

7 (B) a major increase in costs or prices for
8 consumers, individual industries, Federal,
9 State, local, or Tribal government agencies, or
10 geographic regions;

11 (C) significant adverse effects on competi-
12 tion, employment, investment, productivity, in-
13 novation, or on the ability of United States-
14 based enterprises to compete with foreign-based
15 enterprises in domestic and export markets; or

16 (D) significant impacts on multiple sectors
17 of the economy.

18 (5) RULE.—The term “rule” has the meaning
19 given that term in section 551 of title 5, United
20 States Code.

21 (6) SET OF RULES.—The term “set of rules”
22 means a set of rules that collectively implements a
23 regulatory authority of an agency.

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

4 **SEC. 101. RETROSPECTIVE REGULATORY REVIEW COMMIS-**
5 **SION.**

6 (a) **ESTABLISHMENT.**—There is established a com-
7 mission, to be known as the “Retrospective Regulatory Re-
8 view Commission”, that shall review rules and sets of rules
9 in accordance with specified criteria to determine if a rule
10 or set of rules should be repealed to eliminate or reduce
11 the costs of regulation to the economy.

12 (b) **MEMBERSHIP.**—

13 (1) **NUMBER.**—The Commission shall be com-
14 posed of 9 members who shall be appointed by the
15 President and confirmed by the Senate.

16 (2) **DATE OF APPOINTMENT.**—Each member
17 shall be appointed not later than 180 days after the
18 date of enactment of this Act.

19 (3) **TERM.**—The term of each member shall
20 commence upon the confirmation of the member by
21 the Senate and shall extend to the later of—

22 (A) the date that is 5 years and 180 days
23 after the date of enactment of this Act; or

1 (B) the date that is 5 years after the date
2 by which all members have been confirmed by
3 the Senate.

4 (4) APPOINTMENT.—The members of the Com-
5 mission shall be appointed as follows:

6 (A) CHAIR.—The President shall appoint
7 as the Chair of the Commission an individual
8 with expertise and experience in rulemaking,
9 such as past Administrators, past chairmen of
10 the Administrative Conference of the United
11 States, and other individuals with similar exper-
12 tise and experience in rulemaking affairs and
13 the administration of regulatory reviews.

14 (B) CANDIDATE LIST OF MEMBERS.—

15 (i) IN GENERAL.—The Speaker of the
16 House of Representatives, the Minority
17 Leader of the House of Representatives,
18 the Majority Leader of the Senate, and the
19 Minority Leader of the Senate shall each
20 present to the President a list of can-
21 didates to be members of the Commission,
22 which individuals shall be learned in rule-
23 making affairs and, preferably, administra-
24 tion of regulatory reviews.

1 (ii) APPOINTMENT FROM LIST.—The
2 President shall appoint 2 members of the
3 Commission from each list provided under
4 clause (i), subject to the provisions of sub-
5 paragraph (C).

6 (C) RESUBMISSION OF CANDIDATE.—The
7 President may request from the presenter of a
8 list under subparagraph (B)(i) a new list of 1
9 or more candidates if the President—

10 (i) determines that any candidate on
11 the list presented pursuant to subpara-
12 graph (B)(i) does not meet the qualifica-
13 tions specified in such subparagraph to be
14 a member of the Commission; and

15 (ii) certifies that determination to the
16 congressional officials specified in subpara-
17 graph (B)(i).

18 (c) POWERS AND AUTHORITIES OF THE COMMIS-
19 SION.—

20 (1) MEETINGS AND HEARINGS.—

21 (A) MEETINGS.—The Commission may
22 meet when, where, and as often as the Commis-
23 sion determines appropriate, except that the
24 Commission shall hold public meetings not less
25 than twice each year.

1 (B) HEARINGS.—In addition to meetings
2 held under subparagraph (A), the Commission
3 may hold hearings to consider issues of fact or
4 law relevant to the work of the Commission.

5 (2) ACCESS TO INFORMATION.—

6 (A) IN GENERAL.—The Commission may
7 secure directly from any agency information
8 and documents necessary to enable the Com-
9 mission to carry out this Act.

10 (B) TIMELINE FOR PROVIDING INFORMA-
11 TION.—Upon request of the Chair of the Com-
12 mission, the head of that agency shall furnish
13 that information or document to the Commis-
14 sion as soon as possible, but not later than 2
15 weeks after the date on which the request was
16 made.

17 (3) SUBPOENAS.—

18 (A) IN GENERAL.—The Commission may
19 issue subpoenas requiring the attendance and
20 testimony of witnesses and the production of
21 any evidence relating to the duties of the Com-
22 mission.

23 (B) JURISDICTION.—The attendance of
24 witnesses and the production of evidence may
25 be required from any place within the United

1 States at any designated place of hearing within
2 the United States.

3 (C) FAILURE TO OBEY A SUBPOENA.—

4 (i) IN GENERAL.—If a person refuses
5 to obey a subpoena issued under subpara-
6 graph (A), the Commission may apply to a
7 United States district court for an order
8 requiring that person to appear before the
9 Commission to give testimony, produce evi-
10 dence, or both, relating to the matter
11 under investigation.

12 (ii) COURT OF JURISDICTION FOR AP-
13 PPLICATION.—The application may be made
14 within the judicial district where the hear-
15 ing is conducted or where that person is
16 found, resides, or transacts business.

17 (iii) PENALTY.—Any failure to obey
18 the order of the court may be punished by
19 the court as civil contempt.

20 (D) SERVICE OF SUBPOENAS.—The sub-
21 poenas of the Commission shall be served in the
22 manner provided for subpoenas issued by a
23 United States district court under the Federal
24 Rules of Civil Procedure for the United States
25 district courts.

1 (E) SERVICE OF PROCESS.—All process of
2 any court to which application is made under
3 subparagraph (C) may be served in the judicial
4 district in which the person required to be
5 served resides or may be found.

6 (d) PAY AND TRAVEL EXPENSES.—

7 (1) PAY.—

8 (A) MEMBERS.—Each member, other than
9 the Chair of the Commission, shall be paid at
10 a rate equal to the daily equivalent of the min-
11 imum annual rate of basic pay payable for level
12 IV of the Executive Schedule under section
13 5315 of title 5, United States Code, for each
14 day (including travel time) during which the
15 member is engaged in the actual performance of
16 duties vested in the Commission.

17 (B) CHAIR.—The Chair shall be paid for
18 each day referred to in subparagraph (A) at a
19 rate equal to the daily equivalent of the min-
20 imum annual rate of basic pay payable for level
21 III of the Executive Schedule under section
22 5314 of title 5, United States Code.

23 (2) TRAVEL EXPENSES.—Members shall receive
24 travel expenses, including per diem in lieu of subsist-

1 ence, in accordance with sections 5702 and 5703 of
2 title 5, United States Code.

3 (e) DIRECTOR OF STAFF.—

4 (1) IN GENERAL.—The Commission shall ap-
5 point a Director.

6 (2) PAY.—The Director shall be paid at the
7 rate of basic pay payable for level V of the Executive
8 Schedule under section 5316 of title 5, United
9 States Code.

10 (f) STAFF.—

11 (1) IN GENERAL.—Subject to paragraph (2),
12 the Director, with the approval of the Commission,
13 may appoint, fix the pay of, and terminate addi-
14 tional personnel.

15 (2) LIMITATIONS ON APPOINTMENT.—The Di-
16 rector may make such appointments without regard
17 to the provisions of title 5, United States Code, gov-
18 erning appointments in the competitive service, and
19 any personnel so appointed may be paid without re-
20 gard to the provisions of chapter 51 and subchapter
21 III of chapter 53 of that title relating to classifica-
22 tion and General Schedule pay rates, except that an
23 individual so appointed may not receive pay in ex-
24 cess of the annual rate of basic pay payable for GS-
25 15 of the General Schedule.

1 (3) AGENCY ASSISTANCE.—Following consulta-
2 tion with and upon request of the Chair of the Com-
3 mission, the head of any agency may detail any of
4 the personnel of that agency to the Commission to
5 assist the Commission in carrying out the duties of
6 the Commission under this Act.

7 (4) GAO AND OIRA ASSISTANCE.—The Comp-
8 troller General of the United States and the Admin-
9 istrator shall provide assistance, including the detail-
10 ing of employees, to the Commission in accordance
11 with an agreement entered into with the Commis-
12 sion.

13 (5) ASSISTANCE FROM OTHER PARTIES.—Con-
14 gress, the States, municipalities, federally recognized
15 Indian Tribes, and local governments may provide
16 assistance, including the detailing of employees, to
17 the Commission in accordance with an agreement
18 entered into with the Commission.

19 (g) OTHER AUTHORITY.—

20 (1) EXPERTS AND CONSULTANTS.—The Com-
21 mission may procure by contract, to the extent funds
22 are available, the temporary or intermittent services
23 of experts or consultants pursuant to section 3109
24 of title 5, United States Code.

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

4 (h) DUTIES OF THE COMMISSION.—

5 (1) REVIEW.—

6 (A) IN GENERAL.—The Commission shall
7 conduct a review of the Code of Federal Regu-
8 lations to identify rules and sets of rules that
9 collectively implement a regulatory program
10 that should be repealed to lower the cost of reg-
11 ulation to the economy.

12 (B) PRIORITY.—The Commission shall give
13 priority in the review to rules or sets of rules
14 that are major rules or include major rules,
15 have been in effect more than 15 years, impose
16 paperwork burdens that could be reduced sub-
17 stantially without significantly diminishing reg-
18 ulatory effectiveness, impose disproportionately
19 high costs on entities that qualify as small enti-
20 ties within the meaning of section 601(6) of
21 title 5, United States Code, or could be
22 strengthened in their effectiveness while reduc-
23 ing regulatory costs.

24 (C) GOAL.—The Commission shall have as
25 a goal of the Commission to achieve a reduction

1 of at least 15 percent in the cumulative costs
2 of Federal regulation with a minimal reduction
3 in the overall effectiveness of such regulation.

4 (2) NATURE OF REVIEW.—To identify which
5 rules and sets of rules should be repealed to lower
6 the cost of regulation to the economy, the Commis-
7 sion 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 without signifi-
11 cant recurrence of adverse effects or conduct
12 that the rule or set of rules was intended to
13 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 purposes of the rule or
5 set of rules.

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

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

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

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

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

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

24 or

1 (v) could in other ways substantially
2 lower costs without significantly under-
3 mining effectiveness.

4 (G) Whether the rule or set of rules inhib-
5 its innovation in or growth of the United States
6 economy, such as by impeding the introduction
7 or use of safer or equally safe technology that
8 is newer or more efficient than technology re-
9 quired by or permissible under the rule or set
10 of rules.

11 (H) Whether or not the rule or set of rules
12 harms competition within the United States
13 economy or the international economic competi-
14 tiveness of enterprises or entities based in the
15 United States.

16 (I) Such other criteria as the Commission
17 devises to identify rules and sets of rules that
18 can be repealed to eliminate or reduce unneces-
19 sarily burdensome costs to the United States
20 economy.

21 (3) METHODOLOGY FOR REVIEW.—

22 (A) IN GENERAL.—The Commission shall
23 establish a methodology for conducting the re-
24 view under this subsection (including an overall
25 review and discrete reviews of portions of the

1 Code of Federal Regulations), identifying rules
2 and sets of rules, and classifying rules under
3 this subsection and publish the terms of the
4 methodology in the Federal Register and on the
5 website of the Commission.

6 (B) PUBLIC COMMENT.—The Commission
7 may propose and seek public comment on the
8 methodology before the methodology is estab-
9 lished.

10 (4) CLASSIFICATION OF RULES AND SETS OF
11 RULES.—

12 (A) IN GENERAL.—After completion of any
13 review of rules or sets of rules under paragraph
14 (2), the Commission shall classify each rule or
15 set of rules identified in the review to qualify
16 for recommended repeal as either a rule or set
17 of rules—

18 (i) on which immediate action to re-
19 peal is recommended; or

20 (ii) that should be eligible for repeal
21 under regulatory cut-go procedures under
22 title II.

23 (B) DECISIONS BY MAJORITY.—

24 (i) IN GENERAL.—Each decision by
25 the Commission to identify a rule or set of

1 rules for classification under this para-
2 graph, and each decision whether to clas-
3 sify the rule or set of rules under clause (i)
4 or (ii) of subparagraph (A), shall be made
5 by a simple majority vote of the Commis-
6 sion.

7 (ii) REQUIREMENT FOR VOTE.—No
8 such vote shall take place until after all
9 members of the Commission have been
10 confirmed by the Senate.

11 (5) INITIATION OF REVIEW BY OTHER PER-
12 SONS.—

13 (A) IN GENERAL.—The Commission may
14 also conduct a review under paragraph (2) of,
15 and, if appropriate, classify under paragraph
16 (4), any rule or set of rules that is submitted
17 for review to the Commission by—

18 (i) the President;

19 (ii) a Member of Congress;

20 (iii) any officer or employee of a Fed-
21 eral, State, local, or Tribal government, or
22 regional governmental body; or

23 (iv) any member of the public.

1 (B) FORM OF SUBMISSION.—A submission
2 to the Commission under this paragraph
3 shall—

4 (i) identify the specific rule or set of
5 rules submitted for review;

6 (ii) provide a statement of evidence to
7 demonstrate that the rule or set of rules
8 qualifies to be identified for repeal under
9 the criteria listed in paragraph (2); and

10 (iii) such other information as the
11 submitter believes may be helpful to the re-
12 view by the Commission, including a state-
13 ment of the interest of the submitter in the
14 matter.

15 (C) PUBLIC AVAILABILITY.—The Commis-
16 sion shall make each submission received under
17 this paragraph available on the website of the
18 Commission as soon as possible, but not later
19 than 1 week after the date on which the sub-
20 mission was received.

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

22 (1) NOTICES OF AND REPORTS ON ACTIVI-
23 TIES.—The Commission shall publish, in the Federal
24 Register and on the website of the Commission—

1 (A) notices in advance of all public meet-
2 ings, hearings, and classifications under sub-
3 section (h) informing the public of the basis,
4 purpose, and procedures for the meeting, hear-
5 ing, or classification; and

6 (B) reports after the conclusion of any
7 public meeting, hearing, or classification under
8 subsection (h) summarizing in detail the basis,
9 purpose, and substance of the meeting, hearing,
10 or classification.

11 (2) ANNUAL REPORTS TO CONGRESS.—

12 (A) IN GENERAL.—Not later than 1 year
13 after the date on which all Commission mem-
14 bers have been confirmed by the Senate, and
15 annually thereafter, the Commission shall sub-
16 mit a report simultaneously to each House of
17 Congress detailing the activities of the Commis-
18 sion for the previous year, and listing all rules
19 and sets of rules classified under subsection (h)
20 during that year.

21 (B) INFORMATION INCLUDED.—For each
22 rule or set of rules listed under subparagraph
23 (A), the Commission shall—

24 (i) identify the agency that made the
25 rule or set of rules;

1 (ii) identify the annual cost of the rule
2 or set of rules to the United States econ-
3 omy and the basis upon which the Com-
4 mission identified that cost;

5 (iii) identify whether the rule or set of
6 rules was classified under clause (i) or
7 clause (ii) of subsection (h)(4)(A);

8 (iv) identify the criteria under sub-
9 section (h)(2) that caused the classification
10 of the rule or set of rules and the basis
11 upon which the Commission determined
12 that those criteria were met;

13 (v) for each rule or set of rules listed
14 under the criteria set forth in subpara-
15 graph (B), (D), (F), (G), or (H) of sub-
16 section (h)(2), or other criteria established
17 by the Commission under subparagraph (I)
18 of such subsection under which the Com-
19 mission evaluated alternatives to the rule
20 or set of rules that could lead to lower reg-
21 ulatory costs, identify alternatives to the
22 rule or set of rules that the Commission
23 recommends the agency consider as re-
24 placements for the rule or set of rules and
25 the basis on which the Commission rests

1 the recommendations, and, in identifying
2 such alternatives, emphasize alternatives
3 that will achieve regulatory effectiveness at
4 the lowest cost and with the lowest adverse
5 impacts on jobs;

6 (vi) for each rule or set of rules listed
7 under the criteria set forth in subsection
8 (h)(2)(E), the other Federal, State, or
9 local governmental rules that the Commis-
10 sion found the rule or set of rules to over-
11 lap, duplicate, or conflict with, and the
12 basis for the findings of the Commission;
13 and

14 (vii) in the case of each set of rules so
15 listed, analyze whether Congress should
16 also consider repeal of the statutory au-
17 thority implemented by the set of rules.

18 (3) FINAL REPORT.—

19 (A) IN GENERAL.—Not later than the date
20 on which the appointments of the members of
21 the Commission expire, the Commission shall
22 submit a final report simultaneously to each
23 House of Congress summarizing all activities
24 and recommendations of the Commission, in-
25 cluding a list of all rules or sets of rules the

1 Commission classified under clause (i) of sub-
2 section (h)(4)(A) for immediate action to re-
3 peal, a separate list of all rules or sets of rules
4 the Commission classified under clause (ii) of
5 subsection (h)(4)(A) for repeal, and with regard
6 to each rule or set of rules listed on either list,
7 the information described in subparagraphs (A)
8 through (F) of subsection (h)(2).

9 (B) INCLUSION IN FINAL REPORT.—The
10 report required under subparagraph (A) may be
11 included in the final annual report of the Com-
12 mission under paragraph (2) and may include
13 the recommendation of the Commission as to
14 whether the Commission should be reauthorized
15 by Congress.

16 (j) REPEAL OF REGULATIONS; CONGRESSIONAL
17 CONSIDERATION OF COMMISSION REPORTS.—

18 (1) IN GENERAL.—Subject to paragraph (2)—

19 (A) the head of each agency with authority
20 to repeal a rule or set of rules classified by the
21 Commission under subsection (h)(4)(A)(i) for
22 immediate action to repeal and newly listed as
23 such in an annual or final report of the Com-
24 mission under paragraph (2) or (3) of sub-
25 section (i) shall repeal the rule or set of rules

1 as recommended by the Commission within 60
2 days after the enactment of a joint resolution
3 under paragraph (2) for approval of the rec-
4 ommendations of the Commission in the report;
5 and

6 (B) the head of each agency with authority
7 to repeal a rule or set of rules classified by the
8 Commission under subsection (h)(4)(A)(ii) for
9 repeal and newly listed as such in an annual or
10 final report of the Commission under paragraph
11 (2) or (3) of subsection (i) shall repeal the rule
12 or set of rules as recommended by the Commis-
13 sion pursuant to section 201, following the en-
14 actment of a joint resolution under paragraph
15 (2) for approval of the recommendations of the
16 Commission in the report.

17 (2) CONGRESSIONAL APPROVAL PROCEDURE.—
18

19 (A) DEFINITION.—For purposes of this
20 subsection, the term “joint resolution” means
21 only a joint resolution—

22 (i) which is introduced after the date
23 on which the Commission transmits to
24 Congress under paragraph (2) or (3) of
25 subsection (i) the report containing the

1 recommendations to which the joint resolu-
2 tion pertains;

3 (ii) which does not have a preamble;

4 (iii) the matter after the resolving
5 clause of which is only as follows: “That
6 Congress approves the recommendations
7 for repeal of the Retrospective Regulatory
8 Review Commission as submitted by the
9 Commission on _____”, the blank
10 space being filled in with the appropriate
11 date; and

12 (iv) the title of which is as follows:

13 “Approving recommendations for repeal of
14 the Retrospective Regulatory Review Com-
15 mission.”.

16 (B) INTRODUCTION OF JOINT RESOLU-
17 TION.—Not later than 5 session days after the
18 date on which a House of Congress receives a
19 report transmitted to Congress under para-
20 graph (2) or (3) of subsection (i), the majority
21 leader of that House (or his or her respective
22 designee) shall introduce, by request, a joint
23 resolution described in subparagraph (A).

24 (C) REFERRAL OF JOINT RESOLUTION.—

1 (i) IN GENERAL.—A joint resolution
2 introduced under subparagraph (B) shall
3 be referred to—

4 (I) the Committee on Homeland
5 Security and Governmental Affairs of
6 the Senate, in the case of a joint reso-
7 lution introduced in the Senate; and

8 (II) the Committee on Oversight
9 and Accountability of the House of
10 Representatives, in the case of a joint
11 resolution introduced in the House of
12 Representatives.

13 (ii) REPORT TO FULL HOUSE.—Not
14 later than 30 days after the date on which
15 a joint resolution is introduced under sub-
16 paragraph (B), the committees to which
17 the joint resolution has been referred
18 under clause (i) shall each report the joint
19 resolution—

20 (I) without any revision or
21 amendment; and

22 (II) with a favorable rec-
23 ommendation, an unfavorable rec-
24 ommendation, or without rec-
25 ommendation.

1 (iii) FAILURE TO REPORT.—If a com-
2 mittee fails to report a joint resolution
3 within the period described in clause (ii),
4 the committee shall be automatically dis-
5 charged from consideration of the joint
6 resolution and the joint resolution shall be
7 placed on the appropriate calendar.

8 (D) SENATE PROCEDURES.—

9 (i) IN GENERAL.—In the Senate,
10 when the committee to which a joint reso-
11 lution described in subparagraph (A) is re-
12 ferred has reported the joint resolution
13 under subparagraph (C)(ii), or when the
14 committee is discharged under subpara-
15 graph (C)(iii) from further consideration of
16 the joint resolution, it is at any time there-
17 after in order for a motion to proceed to
18 consideration of the joint resolution, and
19 all points of order against the joint resolu-
20 tion and against consideration of the joint
21 resolution are waived.

22 (ii) DEBATE ON MOTION TO PRO-
23 CEED.—

24 (I) IN GENERAL.—In the Senate,
25 the motion to proceed to the joint res-

1 olution is non-debatable and is not
2 subject to amendment, a motion to
3 postpone, or to a motion to proceed to
4 the consideration of other business.

5 (II) MOTION TO RECONSIDER.—

6 A motion to reconsider the vote by
7 which the motion is agreed to or dis-
8 agreed to shall not be in order.

9 (III) VOTE ON MOTION TO PRO-

10 CEED.—A vote on the motion to pro-
11 ceed shall occur upon the expiration
12 or yielding back of the time for debate
13 without any further debate or any in-
14 tervening motion or other action.

15 (IV) REPEATED MOTIONS.—Re-

16 peated motions to proceed to the joint
17 resolution are in order, if necessary.

18 (V) UNFINISHED BUSINESS.—If

19 a motion to proceed to the consider-
20 ation of the joint resolution is agreed
21 to, the joint resolution shall remain
22 the unfinished business of the Senate
23 until disposed of.

24 (iii) DEBATE ON JOINT RESOLU-

25 TION.—

1 (I) IN GENERAL.—In the Senate,
2 debate on the joint resolution shall be
3 limited to not more than 30 hours,
4 which shall be divided equally between
5 those favoring and those opposing the
6 joint resolution.

7 (II) AMENDMENT.—An amend-
8 ment to the joint resolution or any
9 motion, including a motion to recom-
10 mit, is not in order.

11 (iv) VOTE ON FINAL PASSAGE.—In
12 the Senate, the third reading of the joint
13 resolution shall be considered to have oc-
14 curred and a vote on final passage shall
15 occur immediately upon the expiration or
16 yielding back of the time for debate with-
17 out any intervening motion or other action.

18 (v) VETO OVERRIDE.—

19 (I) PRESIDENTIAL VETO.—

20 (aa) IN GENERAL.—If the
21 President vetoes a joint resolu-
22 tion described in subparagraph
23 (A), in the Senate, upon receipt
24 of the veto message from the
25 President or the House of Rep-

1 representatives, the veto message
2 shall be considered as read,
3 printed in the Congressional
4 Record, and entered in the Sen-
5 ate Journal.

6 (bb) PROCEED TO CONSID-
7 ERATION.—The Senate shall im-
8 mediately proceed to consider-
9 ation of whether to pass the joint
10 resolution, the objections of the
11 President notwithstanding.

12 (II) DEBATE.—In the Senate,
13 debate on a veto message shall be lim-
14 ited to not more than 30 hours, which
15 shall be divided equally between those
16 favoring and those opposing the joint
17 resolution, and any motion, including
18 a motion to table, to refer to a com-
19 mittee, or to proceed to another meas-
20 ure, is not in order.

21 (III) VOTE.—In the Senate, a
22 vote to override a veto shall occur im-
23 mediately upon the expiration or
24 yielding back of the time for debate

1 without any intervening motion or
2 other action.

3 (E) HOUSE OF REPRESENTATIVES PROCE-
4 DURES.—

5 (i) IN GENERAL.—In the House of
6 Representatives, the Speaker of the House
7 of Representatives shall declare the House
8 resolved into a Committee of the Whole
9 immediately after approval of the Journal
10 on the day after the committee to which a
11 joint resolution described in subparagraph
12 (A) was referred reports the joint resolu-
13 tion under subparagraph (C)(ii) or is dis-
14 charged from consideration of the joint
15 resolution under subparagraph (C)(iii).

16 (ii) POINTS OF ORDER.—All points of
17 order against the joint resolution and
18 against consideration of the joint resolu-
19 tion are waived.

20 (iii) DEBATE.—

21 (I) IN GENERAL.—In the House
22 of Representatives, debate on the joint
23 resolution shall be limited to not more
24 than 30 hours, which shall be divided

1 equally between those favoring and
2 those opposing the joint resolution.

3 (II) AMENDMENT.—An amend-
4 ment to the joint resolution or any
5 motion, including a motion to recom-
6 mit, is not in order.

7 (III) CONSIDERATION OF PRE-
8 VIOUS QUESTION.—When the joint
9 resolution is called up, the previous
10 question shall be considered as or-
11 dered to its passage without inter-
12 vening motion upon the expiration or
13 yielding back of the time for debate
14 without any further debate or inter-
15 vening motion or other action.

16 (F) PROCEDURES WITH DUPLICATE JOINT
17 RESOLUTIONS.—If, before passing a joint reso-
18 lution described in subparagraph (A), 1 House
19 of Congress receives from the other a joint reso-
20 lution having the same text, then—

21 (i) the joint resolution of the other
22 House shall not be referred to a com-
23 mittee; and

24 (ii) the receiving House shall consider
25 the joint resolution of the other House as

1 if the committee of the receiving House to
2 which the joint resolution would have been
3 referred to under subparagraph (C)(i) had
4 reported the joint resolution under sub-
5 paragraph (C)(ii) or was discharged from
6 consideration of the joint resolution under
7 subparagraph (C)(iii).

8 (3) REISSUANCE OF RULES.—

9 (A) NO SUBSTANTIALLY SIMILAR RULE TO
10 BE REISSUED.—A rule that is repealed under
11 paragraph (1) or section 201 may not be re-
12 issued in substantially the same form, and a
13 new rule that is substantially the same as such
14 a rule may not be issued, unless the reissued or
15 new rule is specifically authorized by a law en-
16 acted after the date of the joint resolution ap-
17 proving the recommendation of the Commission
18 to repeal the original rule.

19 (B) AGENCY TO ENSURE AVOIDANCE OF
20 SIMILAR DEFECTS.—An agency, in making any
21 new rule to implement statutory authority pre-
22 viously implemented by a rule repealed under
23 paragraph (1) or section 201, shall assure
24 that—

1 (i) the new rule does not result in the
2 same adverse effects of the repealed rule
3 that caused the Commission to recommend
4 to Congress the repeal of the latter; and

5 (ii) the new rule will not result in new
6 adverse effects of the kind described in the
7 criteria specified under subsection (h)(2).

8 (k) WEBSITE.—

9 (1) IN GENERAL.—The Commission shall estab-
10 lish a public website that—

11 (A) uses current information technology to
12 make records available on the website;

13 (B) provides information in a standard
14 data format; and

15 (C) receives and publishes public com-
16 ments.

17 (2) PUBLISHING OF INFORMATION.—Any infor-
18 mation required to be made available on the website
19 established under paragraph (1) shall be published
20 in a timely manner and accessible by the public on
21 the website at no cost.

22 (3) RECORD OF PUBLIC MEETINGS AND HEAR-
23 INGS.—All records of public meetings and hearings
24 shall be published on the website established under
25 paragraph (1) as soon as possible, but not later than

1 1 week after the date on which such public meeting
2 or hearing occurred.

3 (4) PUBLIC COMMENTS.—The Commission shall
4 publish on the website established under paragraph
5 (1) all public comments and submissions.

6 (5) NOTICES.—The Commission shall publish
7 on the website established under paragraph (1) no-
8 tices of all public meetings and hearings not later
9 than 1 week before the date on which such public
10 meeting or hearing occurs.

11 (1) APPLICABILITY OF THE FEDERAL ADVISORY
12 COMMITTEE ACT.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided in this Act, the Commission shall be subject to
15 the provisions of chapter 10 of title 5, United States
16 Code.

17 (2) ADVISORY COMMITTEE MANAGEMENT OFFI-
18 CER.—The Commission shall not be subject to the
19 control of any Advisory Committee Management Of-
20 ficer designated under section 1007(b) of title 5,
21 United States Code.

22 (3) SUBCOMMITTEE.—Any subcommittee of the
23 Commission shall be treated as the Commission for
24 purposes of chapter 10 of title 5, United States
25 Code.

1 (4) CHARTER.—The enactment of this Act shall
2 be considered to meet the requirements of the Com-
3 mission under section 1008(c) of title 5, United
4 States Code.

5 (m) TERMINATION.—The Commission shall termi-
6 nate on the later of—

7 (1) the date that is 5 years and 180 days after
8 the date of enactment of this Act; or

9 (2) 5 years after the date on which the terms
10 of all members of the Commission have commenced.

11 (n) AUTHORIZATION OF APPROPRIATIONS.—

12 (1) IN GENERAL.—There are authorized to be
13 appropriated such sums as may be necessary to the
14 Commission to carry out this title, but not more
15 than \$30,000,000.

16 (2) AVAILABILITY.—Any sums appropriated
17 under paragraph (1) shall remain available, without
18 fiscal year limitation, until the earlier of—

19 (A) the date on which such sums are ex-
20 pended; or

21 (B) the date on which the Commission ter-
22 minates.

1 **TITLE II—REGULATORY CUT-GO**

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

3 (a) IN GENERAL.—Except as provided in section
4 101(j)(2), section 202, or subsection (b) of this section,
5 when an agency makes a new rule, the agency shall repeal
6 rules or sets of rules of that agency classified by the Com-
7 mission under section 101(h)(4)(A)(ii), such that the an-
8 nual costs of the new rule to the United States economy
9 is offset by such repeals, in an amount equal to or greater
10 than the cost of the new rule, based on the regulatory cost
11 reductions of repeal identified by the Commission.

12 (b) ALTERNATIVE PROCEDURE.—

13 (1) IN GENERAL.—An agency may, alter-
14 natively, repeal rules or sets of rules of that agency
15 classified by the Commission under section
16 101(h)(4)(A)(ii) prior to the time specified in sub-
17 section (a).

18 (2) APPLICATION OF REDUCTION OF COST.—If
19 an agency repeals a rule or set of rules under para-
20 graph (1) and thereby reduces the annual, inflation-
21 adjusted cost of the rule or set of rules to the
22 United States economy, the agency may thereafter
23 apply the reduction in regulatory costs, based on the
24 regulatory cost reductions of repeal identified by the
25 Commission, to meet, in whole or in part, the regu-

1 latory cost reduction required under subsection (a)
2 to be made at the time the agency promulgates a
3 new rule.

4 (c) ACHIEVEMENT OF FULL NET COST REDUC-
5 TIONS.—

6 (1) IN GENERAL.—Subject to the provisions of
7 paragraph (2), an agency may offset the costs of a
8 new rule or set of rules by repealing a rule or set
9 of rules listed by the Commission under section
10 101(h)(4)(A)(ii) that implement the same statutory
11 authority as the new rule or set of rules.

12 (2) LIMITATION.—When using the authority
13 provided in paragraph (1), the agency shall achieve
14 a net reduction in costs imposed by the body of rules
15 of the agency (including the new rule or set of rules)
16 that is equal to or greater than the cost of the new
17 rule or set of rules to be promulgated, including,
18 whenever necessary, by repealing additional rules of
19 the agency listed by the Commission under section
20 101(h)(4)(A)(ii).

21 **SEC. 202. APPLICABILITY.**

22 An agency shall no longer be subject to the require-
23 ments of sections 201 and 203 beginning on the date on
24 which there is no rule or set of rules of the agency classi-
25 fied by the Commission under section 101(h)(4)(A)(ii)

1 that has not been repealed such that all regulatory cost
2 reductions identified by the Commission to be achievable
3 through repeal have been achieved.

4 **SEC. 203. OIRA CERTIFICATION OF COST CALCULATIONS.**

5 (a) IN GENERAL.—The Administrator shall review
6 and certify the accuracy of agency determinations of the
7 costs of new rules under section 201.

8 (b) INCLUSION.—The certification described in sub-
9 section (a) shall be included in the administrative record
10 of the relevant rulemaking by the agency promulgating the
11 rule, and the Administrator shall transmit a copy of the
12 certification to Congress when the Administrator trans-
13 mits the certification to the agency.

14 **TITLE III—RETROSPECTIVE**
15 **REVIEW OF NEW RULES**

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

17 (a) IN GENERAL.—When an agency makes a rule, the
18 agency shall include in the final issuance of such rule a
19 plan for the review of such rule by not later than 10 years
20 after the date such rule is made.

21 (b) REVIEW OF MAJOR RULES.—In the case of a
22 major rule of an agency, the plan for review under sub-
23 section (a) shall be substantially similar to the review by
24 the Commission under section 101(h).

1 (c) REVIEW OTHER RULES.—In the case of a rule
2 of an agency other than a major rule, the plan for review
3 under subsection (a) shall include other procedures and
4 standards to enable the agency to determine whether to
5 repeal or amend the rule to eliminate unnecessary regu-
6 latory costs to the economy.

7 (d) PUBLIC COMMENT ON PLAN.—Whenever feasible,
8 an agency shall include a proposed plan for review of a
9 proposed rule under subsection (a) in the notice of pro-
10 posed rulemaking for the rule and shall receive public com-
11 ment on the plan.

12 **TITLE IV—JUDICIAL REVIEW;**
13 **EFFECTIVE DATE**

14 **SEC. 401. JUDICIAL REVIEW.**

15 (a) IMMEDIATE REPEALS.—Agency compliance with
16 paragraphs (1) and (3) of section 101(j) shall be subject
17 to judicial review under chapter 7 of title 5, United States
18 Code.

19 (b) CUT-GO PROCEDURES.—Agency compliance with
20 title II shall be subject to judicial review under chapter
21 7 of title 5, United States Code.

22 (c) PLANS FOR FUTURE REVIEW.—Agency compli-
23 ance with section 301 shall be subject to judicial review
24 under chapter 7 of title 5, United States Code.

1 **SEC. 402. EFFECTIVE DATE.**

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

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