

116TH CONGRESS
2D SESSION

H. R. 8788

To amend title 5, United States Code, to exempt deregulatory rule from congressional review requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 19, 2020

Mr. LOUDERMILK (for himself, Mr. ALLEN, and Mr. FLORES) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 5, United States Code, to exempt deregulatory rule from congressional review requirements, 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 “Terminating Heavy
5 Regulations to Invigorate a Vibrant Economy Act” or the
6 “THRIVE Act”.

1 **SEC. 2. CONGRESSIONAL REVIEW ACT DEREGULATORY**

2 **RULE EXEMPTION.**

3 (a) IN GENERAL.—Chapter 8 of title 5, United
4 States Code (commonly known as the “Congressional Re-
5 view Act”), is amended—

6 (1) in section 804, by adding at the end the fol-
7 lowing:

8 “(4) DEREGULATORY ACTION.—The term ‘de-
9 regulatory rule’—

10 “(A) means a rule that has been finalized
11 by the promulgating agency and has total costs
12 less than zero;

13 “(B) includes a rule that—

14 “(i) repeals or revises an existing rule;
15 and

16 “(ii) is cost saving as determined by
17 the promulgating agency for purposes of
18 the total incremental cost allowance; and

19 “(C) includes a rule promulgated pursuant
20 to an informal, formal, or negotiated rule-
21 making.

22 “(5) TOTAL INCREMENTAL ALLOWANCE.—The
23 term ‘total incremental allowance’ means the total
24 amount of incremental costs that may be allowed for
25 each agency in issuing new regulations and repealing
26 regulations for the next fiscal year.”; and

1 (2) by inserting after section 807 the following:

2 **“§ 807A. Deregulatory rule exemption**

3 “Nothing in this chapter shall apply to any deregula-
4 tory rule.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 for chapter 8 of title 5, United States Code, is amended
7 by inserting after the item relating to section 807 the fol-
8 lowing:

“807A. Deregulatory rule exemption.”.

9 **SEC. 3. DEFINITION OF RULE.**

10 Section 551(4) of title 5, United States Code, is
11 amended—

12 (1) by striking “means” and inserting the fol-
13 lowing: “—

14 “(A) means”;

15 (2) by striking “foregoing;” and inserting “fore-
16 going; and”; and

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

18 “(B) includes guidance documents;”.

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