

Union Calendar No. 192

112TH CONGRESS
1ST SESSION

H. R. 10

[Report No. 112–278, Parts I and II]

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 HOUSE OF REPRESENTATIVES

JANUARY 20, 2011

Mr. DAVIS of Kentucky (for himself, Mr. SMITH of Texas, Mr. AKIN, Mr. BACHUS, Mr. BARTLETT, Mr. BARTON of Texas, Mr. BERG, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. BONNER, Mr. BOUSTANY, Mr. BRADY of Texas, Mr. BUCSHON, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMP, Mr. CHAFFETZ, Mr. COBLE, Mr. CRAWFORD, Mr. FARENTHOLD, Mr. FLORES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GALLEGLY, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. GIBBS, Mr. GIBSON, Mr. GOHMERT, Mr. GOWDY, Mr. GUTHRIE, Ms. HAYWORTH, Mr. HELLER, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Ms. JENKINS, Mr. JONES, Mr. KING of Iowa, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LAMBORN, Mr. LATTA, Mr. LEE of New York, Mrs. LUMMIS, Mr. MANZULLO, Mr. MCCARTHY of California, Mr. McCLINTOCK, Mr. MCHENRY, Mr. McKEON, Mr. MCKINLEY, Mrs. McMORRIS RODGERS, Mr. MILLER of Florida, Mr. MULVANEY, Mr. MURPHY of Pennsylvania, Mr. NEUGEBAUER, Mr. NUNES, Mr. NUNNELEE, Mr. PAUL, Mr. PEARCE, Mr. POMPEO, Mr. POSEY, Mr. PRICE of Georgia, Mr. QUAYLE, Mr. REICHERT, Mr. ROE of Tennessee, Mr. ROGERS of Kentucky, Mr. ROKITA, Mr. ROSKAM, Mrs. SCHMIDT, Mr. SCHOCK, Mr. AUSTIN SCOTT of Georgia, Mr. SCOTT of South Carolina, Mr. SESSIONS, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. STUTZMAN, Mr. TERRY, Mr. TIPTON, Mr. UPTON, Mr. WALDEN, Mr. WEST, Mr. WILSON of South Carolina, and Mr. WITTMAN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, 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

NOVEMBER 10, 2011

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 10, 2011

Referral to the Committee on Rules extended for a period not ending later than November 22, 2011

NOVEMBER 18, 2011

Additional sponsors: Mr. GRIFFIN of Arkansas, Mr. REHBERG, Mr. DIAZ-BALART, Mr. FORBES, Mr. LONG, Mr. WALBERG, Mr. ROSS of Florida, Mr. PENCE, Mr. ROONEY, Mr. FLEMING, Mr. PAULSEN, Mr. HARRIS, Mr. MCCAUL, Mr. SCALISE, Mr. THOMPSON of Pennsylvania, Mr. ROYCE, Mr. AUSTRIA, Mr. SOUTHERLAND, Mr. DREIER, Mr. HUELSKAMP, Mr. HANNA, Mrs. MYRICK, Mr. RIVERA, Mr. TIBERI, Mr. GINGREY of Georgia, Mr. LUETKEMEYER, Mrs. ADAMS, Mr. FITZPATRICK, Mr. WEBSTER, Mr. RIBBLE, Mr. THORNBERRY, Mr. GRAVES of Georgia, Mr. HUIZENGA of Michigan, Mr. HULTGREN, Mr. YOUNG of Florida, Mr. REED, Mr. YOUNG of Indiana, Mr. STEARNS, Mr. OLSON, Mr. MCCOTTER, Mr. JOHNSON of Ohio, Mr. YODER, Mr. SULLIVAN, Mr. SAM JOHNSON of Texas, Mrs. BACHMANN, Mr. WHITFIELD, Mr. CARTER, Mr. DANIEL E. LUNGREN of California, Mrs. MILLER of Michigan, Mr. ROGERS of Michigan, Mr. BENISHEK, Mr. HECK, Mr. STIVERS, Mrs. BLACK, Mr. LANDRY, Mr. DUNCAN of Tennessee, Mr. BOREN, Mr. HASTINGS of Washington, Mr. COFFMAN of Colorado, Mr. SHUSTER, Mr. BILBRAY, Mrs. CAPITO, Mrs. NOEM, Mr. HENSARLING, Mr. RENACCI, Mr. YOUNG of Alaska, Mr. WOMACK, Mr. NUGENT, Mr. BROOKS, Mr. PITTS, Mr. MARCHANT, Mr. CANSECO, Mr. FINCHER, Mr. CONAWAY, Mr. ALEXANDER, Mr. GRAVES of Missouri, Mr. CHABOT, Mr. WESTMORELAND, Mrs. ROBY, Mr. CASSIDY, Mr. PALAZZO, Mr. POE of Texas, Mr. LATHAM, Mr. HALL, Mr. GUINTA, Mr. DENT, Mr. SHIMKUS, Mr. GOSAR, Mr. HARPER, Mr. FRELINGHUYSEN, Mr. GARY G. MILLER of California, Mr. MARINO, Mr. GRIMM, Mrs. HARTZLER, Mr. BROUN of Georgia, Mr. LEWIS of California, Mr. DUFFY, Mr. JORDAN, Mr. CRENSHAW, Mr. COLE, Mr. KELLY, Mr. RIGELL, Mr. SCHILLING, Mr. LANKFORD, Mr. DENHAM, Mr. TURNER of Ohio, Mr. GOODLATTE, Mr. WOODALL, Mr. BILIRAKIS, Ms. HERRERA BEUTLER, Ms. GRANGER, Mr. AMODEI, Mr. WALSH of Illinois, Mr. DESJARLAIS, Mr. FLAKE, Mr. MICA, Mr. DOLD, and Mr. MACK

NOVEMBER 18, 2011

Reported from the Committee on Rules with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in boldface roman]

[For text of introduced bill, see copy of bill as introduced on January 20, 2011]

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 2011”.*

6 **SEC. 2. PURPOSE.**

7 *The purpose of this Act is to increase accountability*
 8 *for and transparency in the federal regulatory process. Sec-*
 9 *tion 1 of article I of the United States Constitution grants*
 10 *all legislative powers to Congress. Over time, Congress has*
 11 *excessively delegated its constitutional charge while failing*
 12 *to conduct appropriate oversight and retain accountability*
 13 *for the content of the laws it passes. By requiring a vote*
 14 *in Congress, the REINS Act will result in more carefully*
 15 *drafted and detailed legislation, an improved regulatory*
 16 *process, and a legislative branch that is truly accountable*
 17 *to the American people for the laws imposed upon them.*

18 **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.**

19 *Chapter 8 of title 5, United States Code, is amended*
 20 *to read as follows:*

21 **“CHAPTER 8—CONGRESSIONAL REVIEW**
 22 **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. *Exemption for monetary policy.*

“807. *Effective date of certain rules.*

1 **“§ 801. Congressional review**

2 “(a)(1)(A) *Before a rule may take effect, the Federal*
3 *agency promulgating such rule shall submit to each House*
4 *of the Congress and to the Comptroller General a report*
5 *containing—*

6 “(i) *a copy of the rule;*

7 “(ii) *a concise general statement relating to the*
8 *rule;*

9 “(iii) *a classification of the rule as a major or*
10 *nonmajor rule, including an explanation of the classi-*
11 *fication specifically addressing each criteria for a*
12 *major rule contained within sections 804(2)(A),*
13 *804(2)(B), and 804(2)(C);*

14 “(iv) *a list of any other related regulatory ac-*
15 *tions intended to implement the same statutory provi-*
16 *sion or regulatory objective as well as the individual*
17 *and aggregate economic effects of those actions; and*

18 “(v) *the proposed effective date of the rule.*

19 “(B) *On the date of the submission of the report under*
20 *subparagraph (A), the Federal agency promulgating the*
21 *rule shall submit to the Comptroller General and make*
22 *available to each House of Congress—*

23 “(i) *a complete copy of the cost-benefit analysis*
24 *of the rule, if any;*

1 “(ii) the agency’s actions pursuant to sections
2 603, 604, 605, 607, and 609 of this title;

3 “(iii) the agency’s actions pursuant to sections
4 202, 203, 204, and 205 of the Unfunded Mandates
5 Reform Act of 1995; and

6 “(iv) any other relevant information or require-
7 ments under any other Act and any relevant Execu-
8 tive orders.

9 “(C) Upon receipt of a report submitted under sub-
10 paragraph (A), each House shall provide copies of the report
11 to the chairman and ranking member of each standing com-
12 mittee with jurisdiction under the rules of the House of Rep-
13 resentatives or the Senate to report a bill to amend the pro-
14 vision of law under which the rule is issued.

15 “(2)(A) The Comptroller General shall provide a re-
16 port on each major rule to the committees of jurisdiction
17 by the end of 15 calendar days after the submission or pub-
18 lication date as provided in section 802(b)(2). The report
19 of the Comptroller General shall include an assessment of
20 the agency’s compliance with procedural steps required by
21 paragraph (1)(B).

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

1 “(3) A major rule relating to a report submitted under
2 paragraph (1) shall take effect upon enactment of a joint
3 resolution of approval described in section 802 or as pro-
4 vided for in the rule following enactment of a joint resolu-
5 tion of approval described in section 802, whichever is later.

6 “(4) A nonmajor rule shall take effect as provided by
7 section 803 after submission to Congress under paragraph
8 (1).

9 “(5) If a joint resolution of approval relating to a
10 major rule is not enacted within the period provided in sub-
11 section (b)(2), then a joint resolution of approval relating
12 to the same rule may not be considered under this chapter
13 in the same Congress by either the House of Representatives
14 or the Senate.

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

18 “(2) If a joint resolution described in subsection (a)
19 is not enacted into law by the end of 70 session days or
20 legislative days, as applicable, beginning on the date on
21 which the report referred to in section 801(a)(1)(A) is re-
22 ceived by Congress (excluding days either House of Congress
23 is adjourned for more than 3 days during a session of Con-
24 gress), then the rule described in that resolution shall be

1 *deemed not to be approved and such rule shall not take ef-*
2 *fect.*

3 “(c)(1) *Notwithstanding any other provision of this*
4 *section (except subject to paragraph (3)), a major rule may*
5 *take effect for one 90-calendar-day period if the President*
6 *makes a determination under paragraph (2) and submits*
7 *written notice of such determination to the Congress.*

8 “(2) *Paragraph (1) applies to a determination made*
9 *by the President by Executive order that the major rule*
10 *should take effect because such rule is—*

11 “(A) *necessary because of an imminent threat to*
12 *health or safety or other emergency;*

13 “(B) *necessary for the enforcement of criminal*
14 *laws;*

15 “(C) *necessary for national security; or*

16 “(D) *issued pursuant to any statute imple-*
17 *menting an international trade agreement.*

18 “(3) *An exercise by the President of the authority*
19 *under this subsection shall have no effect on the procedures*
20 *under section 802.*

21 “(d)(1) *In addition to the opportunity for review oth-*
22 *erwise provided under this chapter, in the case of any rule*
23 *for which a report was submitted in accordance with sub-*
24 *section (a)(1)(A) during the period beginning on the date*
25 *occurring—*

1 “(A) *in the case of the Senate, 60 session days,*
2 *or*

3 “(B) *in the case of the House of Representatives,*
4 *60 legislative days,*
5 *before the date the Congress is scheduled to adjourn a session*
6 *of Congress through the date on which the same or suc-*
7 *ceeding Congress first convenes its next session, sections 802*
8 *and 803 shall apply to such rule in the succeeding session*
9 *of Congress.*

10 “(2)(A) *In applying sections 802 and 803 for purposes*
11 *of such additional review, a rule described under paragraph*
12 *(1) shall be treated as though—*

13 “(i) *such rule were published in the Federal Reg-*
14 *ister on—*

15 “(I) *in the case of the Senate, the 15th ses-*
16 *sion day, or*

17 “(II) *in the case of the House of Representa-*
18 *tives, the 15th legislative day,*

19 *after the succeeding session of Congress first convenes;*
20 *and*

21 “(ii) *a report on such rule were submitted to*
22 *Congress under subsection (a)(1) on such date.*

23 “(B) *Nothing in this paragraph shall be construed to*
24 *affect the requirement under subsection (a)(1) that a report*
25 *shall be submitted to Congress before a rule can take effect.*

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

4 **“§ 802. Congressional approval procedure for major**
5 **rules**

6 “(a) For purposes of this section, the term ‘joint resolu-
7 tion’ means only a joint resolution introduced on or after
8 the date on which the report referred to in section
9 801(a)(1)(A) is received by Congress (excluding days either
10 House of Congress is adjourned for more than 3 days during
11 a session of Congress), the matter after the resolving clause
12 of which is as follows: ‘That Congress approves the rule sub-
13 mitted by the ___ ___ relating to ___ ___.’ (The blank spaces
14 being appropriately filled in).

15 “(1) In the House, the majority leader of the
16 House of Representatives (or his designee) and the
17 minority leader of the House of Representatives (or
18 his designee) shall introduce such joint resolution de-
19 scribed in subsection (a) (by request), within 3 legis-
20 lative days after Congress receives the report referred
21 to in section 801(a)(1)(A).

22 “(2) In the Senate, the majority leader of the
23 Senate (or his designee) and the minority leader of
24 the Senate (or his designee) shall introduce such joint
25 resolution described in subsection (a) (by request),

1 *within 3 session days after Congress receives the re-*
2 *port referred to in section 801(a)(1)(A).*

3 “(b)(1) *A joint resolution described in subsection (a)*
4 *shall be referred to the committees in each House of Con-*
5 *gress with jurisdiction under the rules of the House of Rep-*
6 *resentatives or the Senate to report a bill to amend the pro-*
7 *vision of law under which the rule is issued.*

8 “(2) *For purposes of this section, the term ‘submission*
9 *date’ means the date on which the Congress receives the re-*
10 *port submitted under section 801(a)(1).*

11 “(c) *In the Senate, if the committee or committees to*
12 *which a joint resolution described in subsection (a) has been*
13 *referred have not reported it at the end of 15 session days*
14 *after its introduction, such committee or committees shall*
15 *be automatically discharged from further consideration of*
16 *the resolution and it shall be placed on the calendar. A vote*
17 *on final passage of the resolution shall be taken on or before*
18 *the close of the 15th session day after the resolution is re-*
19 *ported by the committee or committees to which it was re-*
20 *ferred, or after such committee or committees have been dis-*
21 *charged from further consideration of the resolution.*

22 “(d)(1) *In the Senate, when the committee or commit-*
23 *tees to which a joint resolution is referred have reported,*
24 *or when a committee or committees are discharged (under*
25 *subsection (c)) from further consideration of a joint resolu-*

1 *tion described in subsection (a), it is at any time thereafter*
2 *in order (even though a previous motion to the same effect*
3 *has been disagreed to) for a motion to proceed to the consid-*
4 *eration of the joint resolution, and all points of order*
5 *against the joint resolution (and against consideration of*
6 *the joint resolution) are waived. The motion is not subject*
7 *to amendment, or to a motion to postpone, or to a motion*
8 *to proceed to the consideration of other business. A motion*
9 *to reconsider the vote by which the motion is agreed to or*
10 *disagreed to shall not be in order. If a motion to proceed*
11 *to the consideration of the joint resolution is agreed to, the*
12 *joint resolution shall remain the unfinished business of the*
13 *Senate until disposed of.*

14 “(2) *In the Senate, debate on the joint resolution, and*
15 *on all debatable motions and appeals in connection there-*
16 *with, shall be limited to not more than 2 hours, which shall*
17 *be divided equally between those favoring and those oppos-*
18 *ing the joint resolution. A motion to further limit debate*
19 *is in order and not debatable. An amendment to, or a mo-*
20 *tion to postpone, or a motion to proceed to the consideration*
21 *of other business, or a motion to recommit the joint resolu-*
22 *tion is not in order.*

23 “(3) *In the Senate, immediately following the conclu-*
24 *sion of the debate on a joint resolution described in sub-*
25 *section (a), and a single quorum call at the conclusion of*

1 *the debate if requested in accordance with the rules of the*
2 *Senate, the vote on final passage of the joint resolution shall*
3 *occur.*

4 “(4) *Appeals from the decisions of the Chair relating*
5 *to the application of the rules of the Senate to the procedure*
6 *relating to a joint resolution described in subsection (a)*
7 *shall be decided without debate.*

8 “(e)(1) *In the House of Representatives, if the com-*
9 *mittee or committees to which a joint resolution described*
10 *in subsection (a) has been referred have not reported it at*
11 *the end of 15 legislative days after its introduction, such*
12 *committee or committees shall be automatically discharged*
13 *from further consideration of the resolution and it shall be*
14 *placed on the appropriate calendar. A vote on final passage*
15 *of the resolution shall be taken on or before the close of the*
16 *15th legislative day after the resolution is reported by the*
17 *committee or committees to which it was referred, or after*
18 *such committee or committees have been discharged from*
19 *further consideration of the resolution.*

20 “(2)(A) *A motion in the House of Representatives to*
21 *proceed to the consideration of a resolution shall be privi-*
22 *leged and not debatable. An amendment to the motion shall*
23 *not be in order, nor shall it be in order to move to reconsider*
24 *the vote by which the motion is agreed to or disagreed to.*

1 “(B) *Debate in the House of Representatives on a reso-*
2 *lution shall be limited to not more than two hours, which*
3 *shall be divided equally between those favoring and those*
4 *opposing the resolution. A motion to further limit debate*
5 *shall not be debatable. No amendment to, or motion to re-*
6 *commit, the resolution shall be in order. It shall not be in*
7 *order to reconsider the vote by which a resolution is agreed*
8 *to or disagreed to.*

9 “(C) *Motions to postpone, made in the House of Rep-*
10 *resentatives with respect to the consideration of a resolution,*
11 *and motions to proceed to the consideration of other busi-*
12 *ness, shall be decided without debate.*

13 “(D) *All appeals from the decisions of the Chair relat-*
14 *ing to the application of the Rules of the House of Rep-*
15 *resentatives to the procedure relating to a resolution shall*
16 *be decided without debate.*

17 “(f) *If, before the passage by one House of a joint reso-*
18 *lution of that House described in subsection (a), that House*
19 *receives from the other House a joint resolution described*
20 *in subsection (a), then the following procedures shall apply*
21 *with respect to a joint resolution described in subsection (a)*
22 *of the House receiving the joint resolution—*

23 “(1) *the procedure in that House shall be the*
24 *same as if no joint resolution had been received from*
25 *the other House; but*

1 “(2) *the vote on final passage shall be on the*
2 *joint resolution of the other House.*

3 “(g) *This section and section 803 are enacted by Con-*
4 *gress—*

5 “(1) *as an exercise of the rulemaking power of*
6 *the Senate and House of Representatives, respectively,*
7 *and as such it is deemed a part of the rules of each*
8 *House, respectively, but applicable only with respect*
9 *to the procedure to be followed in that House in the*
10 *case of a joint resolution described in subsection (a),*
11 *and it supersedes other rules only to the extent that*
12 *it is inconsistent with such rules; and*

13 “(2) *with full recognition of the constitutional*
14 *right of either House to change the rules (so far as re-*
15 *lating to the procedure of that House) at any time,*
16 *in the same manner, and to the same extent as in the*
17 *case of any other rule of that House.*

18 **“§ 803. Congressional disapproval procedure for**
19 ***nonmajor rules***

20 “(a) *For purposes of this section, the term ‘joint resolu-*
21 *tion’ means only a joint resolution introduced in the period*
22 *beginning on the date on which the report referred to in*
23 *section 801(a)(1)(A) is received by Congress and ending 60*
24 *days thereafter (excluding days either House of Congress is*
25 *adjourned for more than 3 days during a session of Con-*

1 gress), the matter after the resolving clause of which is as
2 follows: ‘That Congress disapproves the nonmajor rule sub-
3 mitted by the ___ ___ relating to ___ ___, and such rule shall
4 have no force or effect.’ (The blank spaces being appro-
5 priately filled in).

6 “(b)(1) A joint resolution described in subsection (a)
7 shall be referred to the committees in each House of Con-
8 gress with jurisdiction.

9 “(2) For purposes of this section, the term submission
10 or publication date means the later of the date on which—

11 “(A) the Congress receives the report submitted
12 under section 801(a)(1); or

13 “(B) the nonmajor rule is published in the Fed-
14 eral Register, if so published.

15 “(c) In the Senate, if the committee to which is referred
16 a joint resolution described in subsection (a) has not re-
17 ported such joint resolution (or an identical joint resolu-
18 tion) at the end of 15 session days after the date of introduc-
19 tion of the joint resolution, such committee may be dis-
20 charged from further consideration of such joint resolution
21 upon a petition supported in writing by 30 Members of the
22 Senate, and such joint resolution shall be placed on the cal-
23 endar.

24 “(d)(1) In the Senate, when the committee to which
25 a joint resolution is referred has reported, or when a com-

1 *mittee is discharged (under subsection (c)) from further con-*
2 *sideration of a joint resolution described in subsection (a),*
3 *it is at any time thereafter in order (even though a previous*
4 *motion to the same effect has been disagreed to) for a motion*
5 *to proceed to the consideration of the joint resolution, and*
6 *all points of order against the joint resolution (and against*
7 *consideration of the joint resolution) are waived. The mo-*
8 *tion is not subject to amendment, or to a motion to post-*
9 *pone, or to a motion to proceed to the consideration of other*
10 *business. A motion to reconsider the vote by which the mo-*
11 *tion is agreed to or disagreed to shall not be in order. If*
12 *a motion to proceed to the consideration of the joint resolu-*
13 *tion is agreed to, the joint resolution shall remain the unfin-*
14 *ished business of the Senate until disposed of.*

15 “(2) *In the Senate, debate on the joint resolution, and*
16 *on all debatable motions and appeals in connection there-*
17 *with, shall be limited to not more than 10 hours, which*
18 *shall be divided equally between those favoring and those*
19 *opposing the joint resolution. A motion to further limit de-*
20 *bate is in order and not debatable. An amendment to, or*
21 *a motion to postpone, or a motion to proceed to the consid-*
22 *eration of other business, or a motion to recommit the joint*
23 *resolution is not in order.*

24 “(3) *In the Senate, immediately following the conclu-*
25 *sion of the debate on a joint resolution described in sub-*

1 *section (a), and a single quorum call at the conclusion of*
2 *the debate if requested in accordance with the rules of the*
3 *Senate, the vote on final passage of the joint resolution shall*
4 *occur.*

5 “(4) *Appeals from the decisions of the Chair relating*
6 *to the application of the rules of the Senate to the procedure*
7 *relating to a joint resolution described in subsection (a)*
8 *shall be decided without debate.*

9 “(e) *In the Senate the procedure specified in subsection*
10 *(c) or (d) shall not apply to the consideration of a joint*
11 *resolution respecting a nonmajor rule—*

12 “(1) *after the expiration of the 60 session days*
13 *beginning with the applicable submission or publica-*
14 *tion date, or*

15 “(2) *if the report under section 801(a)(1)(A) was*
16 *submitted during the period referred to in section*
17 *801(d)(1), after the expiration of the 60 session days*
18 *beginning on the 15th session day after the succeeding*
19 *session of Congress first convenes.*

20 “(f) *If, before the passage by one House of a joint reso-*
21 *lution of that House described in subsection (a), that House*
22 *receives from the other House a joint resolution described*
23 *in subsection (a), then the following procedures shall apply:*

24 “(1) *The joint resolution of the other House shall*
25 *not be referred to a committee.*

1 “(2) *With respect to a joint resolution described*
2 *in subsection (a) of the House receiving the joint reso-*
3 *lution—*

4 “(A) *the procedure in that House shall be*
5 *the same as if no joint resolution had been re-*
6 *ceived from the other House; but*

7 “(B) *the vote on final passage shall be on*
8 *the joint resolution of the other House.*

9 **“§ 804. Definitions**

10 *“For purposes of this chapter—*

11 “(1) *The term ‘Federal agency’ means any agen-*
12 *cy as that term is defined in section 551(1).*

13 “(2) *The term ‘major rule’ means any rule, in-*
14 *cluding an interim final rule, that the Administrator*
15 *of the Office of Information and Regulatory Affairs of*
16 *the Office of Management and Budget finds has re-*
17 *sulted in or is likely to result in—*

18 “(A) *an annual effect on the economy of*
19 *\$100,000,000 or more;*

20 “(B) *a major increase in costs or prices for*
21 *consumers, individual industries, Federal, State,*
22 *or local government agencies, or geographic re-*
23 *gions; or*

24 “(C) *significant adverse effects on competi-*
25 *tion, employment, investment, productivity, in-*

1 *novation, or on the ability of United States-*
2 *based enterprises to compete with foreign-based*
3 *enterprises in domestic and export markets.*

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

6 “(4) *The term ‘rule’ has the meaning given such*
7 *term in section 551, except that such term does not*
8 *include—*

9 “(A) *any rule of particular applicability,*
10 *including a rule that approves or prescribes for*
11 *the future rates, wages, prices, services, or allow-*
12 *ances therefore, corporate or financial structures,*
13 *reorganizations, mergers, or acquisitions thereof,*
14 *or accounting practices or disclosures bearing on*
15 *any of the foregoing;*

16 “(B) *any rule relating to agency manage-*
17 *ment or personnel; or*

18 “(C) *any rule of agency organization, pro-*
19 *cedure, or practice that does not substantially af-*
20 *fect the rights or obligations of non-agency par-*
21 *ties.*

22 **“§ 805. Judicial review**

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

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

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

14 **“§ 806. Exemption for monetary policy**

15 “Nothing in this chapter shall apply to rules that con-
16 cern monetary policy proposed or implemented by the
17 Board of Governors of the Federal Reserve System or the
18 Federal Open Market Committee.

19 **“§ 807. Effective date of certain rules**

20 “Notwithstanding section 801—

21 “(1) any rule that establishes, modifies, opens,
22 closes, or conducts a regulatory program for a com-
23 mercial, recreational, or subsistence activity related to
24 hunting, fishing, or camping; or

1 “(2) any rule other than a major rule which an
2 agency for good cause finds (and incorporates the
3 finding and a brief statement of reasons therefore in
4 the rule issued) that notice and public procedure
5 thereon are impracticable, unnecessary, or contrary to
6 the public interest,
7 shall take effect at such time as the Federal agency promul-
8 gating the rule determines.”.

9 **SECTION 1. SHORT TITLE.**

10 **This Act may be cited as the “Regulations**
11 **From the Executive in Need of Scrutiny Act**
12 **of 2011”.**

13 **SEC. 2. PURPOSE.**

14 **The purpose of this Act is to increase ac-**
15 **countability for and transparency in the fed-**
16 **eral regulatory process. Section 1 of article I**
17 **of the United States Constitution grants all**
18 **legislative powers to Congress. Over time,**
19 **Congress has excessively delegated its con-**
20 **stitutional charge while failing to conduct ap-**
21 **propriate oversight and retain accountability**
22 **for the content of the laws it passes. By re-**
23 **quiring a vote in Congress, the REINS Act will**
24 **result in more carefully drafted and detailed**
25 **legislation, an improved regulatory process,**

1 **and a legislative branch that is truly account-**
2 **able to the American people for the laws im-**
3 **posed upon them.**

4 **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULE-**
5 **MAKING.**

6 **Chapter 8 of title 5, United States Code, is**
7 **amended to read as follows:**

8 **“CHAPTER 8—CONGRESSIONAL REVIEW**
9 **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. Exemption for monetary policy.

“807. Effective date of certain rules.

10 **“§ 801. Congressional review**

11 **“(a)(1)(A) Before a rule may take effect,**
12 **the Federal agency promulgating such rule**
13 **shall submit to each House of the Congress**
14 **and to the Comptroller General a report con-**
15 **taining—**

16 **“(i) a copy of the rule;**

17 **“(ii) a concise general statement re-**
18 **lating to the rule;**

19 **“(iii) a classification of the rule as a**
20 **major or nonmajor rule, including an ex-**
21 **planation of the classification specifically**

1 **addressing each criteria for a major rule**
2 **contained within sections 804(2)(A),**
3 **804(2)(B), and 804(2)(C);**

4 **“(iv) a list of any other related regu-**
5 **latory actions intended to implement the**
6 **same statutory provision or regulatory**
7 **objective as well as the individual and**
8 **aggregate economic effects of those ac-**
9 **tions; and**

10 **“(v) the proposed effective date of the**
11 **rule.**

12 **“(B) On the date of the submission of the**
13 **report under subparagraph (A), the Federal**
14 **agency promulgating the rule shall submit to**
15 **the Comptroller General and make available**
16 **to each House of Congress—**

17 **“(i) a complete copy of the cost-ben-**
18 **efit analysis of the rule, if any;**

19 **“(ii) the agency’s actions pursuant to**
20 **sections 603, 604, 605, 607, and 609 of this**
21 **title;**

22 **“(iii) the agency’s actions pursuant to**
23 **sections 202, 203, 204, and 205 of the Un-**
24 **funded Mandates Reform Act of 1995; and**

1 “(iv) any other relevant information
2 or requirements under any other Act and
3 any relevant Executive orders.

4 “(C) Upon receipt of a report submitted
5 under subparagraph (A), each House shall
6 provide copies of the report to the chairman
7 and ranking member of each standing com-
8 mittee with jurisdiction under the rules of the
9 House of Representatives or the Senate to re-
10 port a bill to amend the provision of law
11 under which the rule is issued.

12 “(2)(A) The Comptroller General shall pro-
13 vide a report on each major rule to the com-
14 mittees of jurisdiction by the end of 15 cal-
15 endar days after the submission or publica-
16 tion date as provided in section 802(b)(2). The
17 report of the Comptroller General shall in-
18 clude an assessment of the agency’s compli-
19 ance with procedural steps required by para-
20 graph (1)(B).

21 “(B) Federal agencies shall cooperate with
22 the Comptroller General by providing infor-
23 mation relevant to the Comptroller General’s
24 report under subparagraph (A).

1 **“(3) A major rule relating to a report sub-**
2 **mitted under paragraph (1) shall take effect**
3 **upon enactment of a joint resolution of ap-**
4 **proval described in section 802 or as provided**
5 **for in the rule following enactment of a joint**
6 **resolution of approval described in section**
7 **802, whichever is later.**

8 **“(4) A nonmajor rule shall take effect as**
9 **provided by section 803 after submission to**
10 **Congress under paragraph (1).**

11 **“(5) If a joint resolution of approval relat-**
12 **ing to a major rule is not enacted within the**
13 **period provided in subsection (b)(2), then a**
14 **joint resolution of approval relating to the**
15 **same rule may not be considered under this**
16 **chapter in the same Congress by either the**
17 **House of Representatives or the Senate.**

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

21 **“(2) If a joint resolution described in sub-**
22 **section (a) is not enacted into law by the end**
23 **of 70 session days or legislative days, as appli-**
24 **cable, beginning on the date on which the re-**
25 **port referred to in section 801(a)(1)(A) is re-**

1 ceived by Congress (excluding days either
2 House of Congress is adjourned for more than
3 3 days during a session of Congress), then the
4 rule described in that resolution shall be
5 deemed not to be approved and such rule
6 shall not take effect.

7 “(c)(1) Notwithstanding any other provi-
8 sion of this section (except subject to para-
9 graph (3)), a major rule may take effect for
10 one 90-calendar-day period if the President
11 makes a determination under paragraph (2)
12 and submits written notice of such determina-
13 tion to the Congress.

14 “(2) Paragraph (1) applies to a determina-
15 tion made by the President by Executive
16 order that the major rule should take effect
17 because such rule is—

18 “(A) necessary because of an immi-
19 nent threat to health or safety or other
20 emergency;

21 “(B) necessary for the enforcement of
22 criminal laws;

23 “(C) necessary for national security;
24 or

1 “(D) issued pursuant to any statute
2 implementing an international trade
3 agreement.

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

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

13 “(A) in the case of the Senate, 60 ses-
14 sion days, or

15 “(B) in the case of the House of Rep-
16 resentatives, 60 legislative days,

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

23 “(2)(A) In applying sections 802 and 803
24 for purposes of such additional review, a rule

1 described under paragraph (1) shall be treat-
2 ed as though—

3 “(i) such rule were published in the
4 Federal Register on—

5 “(I) in the case of the Senate, the
6 15th session day, or

7 “(II) in the case of the House of
8 Representatives, the 15th legislative
9 day,

10 after the succeeding session of Congress
11 first convenes; and

12 “(ii) a report on such rule were sub-
13 mitted to Congress under subsection
14 (a)(1) on such date.

15 “(B) Nothing in this paragraph shall be
16 construed to affect the requirement under
17 subsection (a)(1) that a report shall be sub-
18 mitted to Congress before a rule can take ef-
19 fect.

20 “(3) A rule described under paragraph (1)
21 shall take effect as otherwise provided by law
22 (including other subsections of this section).

1 **“§ 802. Congressional approval procedure for major**
2 **rules**

3 **“(a)(1) For purposes of this section, the**
4 **term ‘joint resolution’ means only a joint reso-**
5 **lution addressing a report classifying a rule**
6 **as major pursuant to section 801(a)(1)(A)(iii)**
7 **that—**

8 **“(A) bears no preamble;**

9 **“(B) bears the following title (with**
10 **blanks filled as appropriate): ‘Approving**
11 **the rule submitted by _____ relating to**
12 **_____.’;**

13 **“(C) includes after its resolving clause**
14 **only the following (with blanks filled as**
15 **appropriate): ‘That Congress approves**
16 **the rule submitted by _____ relating to**
17 **_____.’; and**

18 **“(D) is introduced pursuant to para-**
19 **graph (2).**

20 **“(2) After a House of Congress receives a**
21 **report classifying a rule as major pursuant to**
22 **section 801(a)(1)(A)(iii), the majority leader of**
23 **that House (or his or her respective designee)**
24 **shall introduce (by request, if appropriate) a**
25 **joint resolution described in paragraph (1)—**

1 **“(A) in the case of the House of Rep-**
2 **resentatives, within three legislative**
3 **days; and**

4 **“(B) in the case of the Senate, within**
5 **three session days.**

6 **“(3) A joint resolution described in para-**
7 **graph (1) shall not be subject to amendment**
8 **at any stage of proceeding.**

9 **“(b) A joint resolution described in sub-**
10 **section (a) shall be referred in each House of**
11 **Congress to the committees having jurisdic-**
12 **tion over the provision of law under which**
13 **the rule is issued.**

14 **“(c) In the Senate, if the committee or**
15 **committees to which a joint resolution de-**
16 **scribed in subsection (a) has been referred**
17 **have not reported it at the end of 15 session**
18 **days after its introduction, such committee or**
19 **committees shall be automatically discharged**
20 **from further consideration of the resolution**
21 **and it shall be placed on the calendar. A vote**
22 **on final passage of the resolution shall be**
23 **taken on or before the close of the 15th ses-**
24 **sion day after the resolution is reported by**
25 **the committee or committees to which it was**

1 referred, or after such committee or commit-
2 tees have been discharged from further con-
3 sideration of the resolution.

4 “(d)(1) In the Senate, when the committee
5 or committees to which a joint resolution is
6 referred have reported, or when a committee
7 or committees are discharged (under sub-
8 section (c)) from further consideration of a
9 joint resolution described in subsection (a), it
10 is at any time thereafter in order (even
11 though a previous motion to the same effect
12 has been disagreed to) for a motion to proceed
13 to the consideration of the joint resolution,
14 and all points of order against the joint reso-
15 lution (and against consideration of the joint
16 resolution) are waived. The motion is not sub-
17 ject to amendment, or to a motion to post-
18 pone, or to a motion to proceed to the consid-
19 eration of other business. A motion to recon-
20 sider the vote by which the motion is agreed
21 to or disagreed to shall not be in order. If a
22 motion to proceed to the consideration of the
23 joint resolution is agreed to, the joint resolu-
24 tion shall remain the unfinished business of
25 the Senate until disposed of.

1 **“(2) In the Senate, debate on the joint res-**
2 **olution, and on all debatable motions and ap-**
3 **peals in connection therewith, shall be lim-**
4 **ited to not more than 2 hours, which shall be**
5 **divided equally between those favoring and**
6 **those opposing the joint resolution. A motion**
7 **to further limit debate is in order and not de-**
8 **batable. An amendment to, or a motion to**
9 **postpone, or a motion to proceed to the con-**
10 **sideration of other business, or a motion to re-**
11 **commit the joint resolution is not in order.**

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

19 **“(4) Appeals from the decisions of the**
20 **Chair relating to the application of the rules**
21 **of the Senate to the procedure relating to a**
22 **joint resolution described in subsection (a)**
23 **shall be decided without debate.**

24 **“(e) In the House of Representatives, if**
25 **any committee to which a joint resolution de-**

1 scribed in subsection (a) has been referred
2 has not reported it to the House at the end of
3 15 legislative days after its introduction, such
4 committee shall be discharged from further
5 consideration of the joint resolution, and it
6 shall be placed on the appropriate calendar.
7 On the second and fourth Thursdays of each
8 month it shall be in order at any time for the
9 Speaker to recognize a Member who favors
10 passage of a joint resolution that has ap-
11 peared on the calendar for at least 5 legisla-
12 tive days to call up that joint resolution for
13 immediate consideration in the House with-
14 out intervention of any point of order. When
15 so called up a joint resolution shall be consid-
16 ered as read and shall be debatable for 1 hour
17 equally divided and controlled by the pro-
18 ponent and an opponent, and the previous
19 question shall be considered as ordered to its
20 passage without intervening motion. It shall
21 not be in order to reconsider the vote on pas-
22 sage. If a vote on final passage of the joint res-
23 olution has not been taken by the third Thurs-
24 day on which the Speaker may recognize a

1 **Member under this subsection, such vote shall**
2 **be taken on that day.**

3 **“(f)(1) If, before passing a joint resolution**
4 **described in subsection (a), one House re-**
5 **ceives from the other a joint resolution hav-**
6 **ing the same text, then—**

7 **“(A) the joint resolution of the other**
8 **House shall not be referred to a com-**
9 **mittee; and**

10 **“(B) the procedure in the receiving**
11 **House shall be the same as if no joint res-**
12 **olution had been received from the other**
13 **House until the vote on passage, when**
14 **the joint resolution received from the**
15 **other House shall supplant the joint reso-**
16 **lution of the receiving House.**

17 **“(2) This subsection shall not apply to the**
18 **House of Representatives if the joint resolu-**
19 **tion received from the Senate is a revenue**
20 **measure.**

21 **“(g) If either House has not taken a vote**
22 **on final passage of the joint resolution by the**
23 **last day of the period described in section**
24 **801(b)(2), then such vote shall be taken on**
25 **that day.**

1 “(h) This section and section 803 are en-
2 acted by Congress—

3 “(1) as an exercise of the rulemaking
4 power of the Senate and House of Rep-
5 resentatives, respectively, and as such is
6 deemed to be part of the rules of each
7 House, respectively, but applicable only
8 with respect to the procedure to be fol-
9 lowed in that House in the case of a joint
10 resolution described in subsection (a)
11 and superseding other rules only where
12 explicitly so; and

13 “(2) with full recognition of the Con-
14 stitutional right of either House to
15 change the rules (so far as they relate to
16 the procedure of that House) at any time,
17 in the same manner and to the same ex-
18 tent as in the case of any other rule of
19 that House.

20 “§ 803. Congressional disapproval procedure for
21 nonmajor rules

22 “(a) For purposes of this section, the term
23 ‘joint resolution’ means only a joint resolution
24 introduced in the period beginning on the
25 date on which the report referred to in sec-

1 tion 801(a)(1)(A) is received by Congress and
2 ending 60 days thereafter (excluding days ei-
3 ther House of Congress is adjourned for more
4 than 3 days during a session of Congress), the
5 matter after the resolving clause of which is
6 as follows: ‘That Congress disapproves the
7 nonmajor rule submitted by the __ __ relating
8 to __ __, and such rule shall have no force or
9 effect.’ (The blank spaces being appropriately
10 filled in).

11 “(b)(1) A joint resolution described in sub-
12 section (a) shall be referred to the committees
13 in each House of Congress with jurisdiction.

14 “(2) For purposes of this section, the term
15 submission or publication date means the
16 later of the date on which—

17 “(A) the Congress receives the report
18 submitted under section 801(a)(1); or

19 “(B) the nonmajor rule is published in
20 the Federal Register, if so published.

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

1 **roduction of the joint resolution, such com-**
2 **mittee may be discharged from further con-**
3 **sideration of such joint resolution upon a pe-**
4 **tition supported in writing by 30 Members of**
5 **the Senate, and such joint resolution shall be**
6 **placed on the calendar.**

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

1 the joint resolution shall remain the unfin-
2 ished business of the Senate until disposed of.

3 “(2) In the Senate, debate on the joint res-
4 olution, and on all debatable motions and ap-
5 peals in connection therewith, shall be lim-
6 ited to not more than 10 hours, which shall be
7 divided equally between those favoring and
8 those opposing the joint resolution. A motion
9 to further limit debate is in order and not de-
10 batable. An amendment to, or a motion to
11 postpone, or a motion to proceed to the con-
12 sideration of other business, or a motion to re-
13 commit the joint resolution is not in order.

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

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

1 **“(e) In the Senate the procedure specified**
2 **in subsection (c) or (d) shall not apply to the**
3 **consideration of a joint resolution respecting**
4 **a nonmajor rule—**

5 **“(1) after the expiration of the 60 ses-**
6 **sion days beginning with the applicable**
7 **submission or publication date, or**

8 **“(2) if the report under section**
9 **801(a)(1)(A) was submitted during the pe-**
10 **riod referred to in section 801(d)(1), after**
11 **the expiration of the 60 session days be-**
12 **ginning on the 15th session day after the**
13 **succeeding session of Congress first con-**
14 **venes.**

15 **“(f) If, before the passage by one House of**
16 **a joint resolution of that House described in**
17 **subsection (a), that House receives from the**
18 **other House a joint resolution described in**
19 **subsection (a), then the following procedures**
20 **shall apply:**

21 **“(1) The joint resolution of the other**
22 **House shall not be referred to a com-**
23 **mittee.**

1 **“(2) With respect to a joint resolution**
2 **described in subsection (a) of the House**
3 **receiving the joint resolution—**

4 **“(A) the procedure in that House**
5 **shall be the same as if no joint resolu-**
6 **tion had been received from the other**
7 **House; but**

8 **“(B) the vote on final passage**
9 **shall be on the joint resolution of the**
10 **other House.**

11 **“§ 804. Definitions**

12 **“For purposes of this chapter—**

13 **“(1) The term ‘Federal agency’ means**
14 **any agency as that term is defined in sec-**
15 **tion 551(1).**

16 **“(2) The term ‘major rule’ means any**
17 **rule, including an interim final rule, that**
18 **the Administrator of the Office of Infor-**
19 **mation and Regulatory Affairs of the Of-**
20 **ice of Management and Budget finds has**
21 **resulted in or is likely to result in—**

22 **“(A) an annual effect on the econ-**
23 **omy of \$100,000,000 or more;**

24 **“(B) a major increase in costs or**
25 **prices for consumers, individual in-**

1 **dustries, Federal, State, or local gov-**
2 **ernment agencies, or geographic re-**
3 **gions; or**

4 **“(C) significant adverse effects on**
5 **competition, employment, investment,**
6 **productivity, innovation, or on the**
7 **ability of United States-based enter-**
8 **prises to compete with foreign-based**
9 **enterprises in domestic and export**
10 **markets.**

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

13 **“(4) The term ‘rule’ has the meaning**
14 **given such term in section 551, except**
15 **that such term does not include—**

16 **“(A) any rule of particular appli-**
17 **cability, including a rule that ap-**
18 **proves or prescribes for the future**
19 **rates, wages, prices, services, or al-**
20 **lowances therefore, corporate or fi-**
21 **nancial structures, reorganizations,**
22 **mergers, or acquisitions thereof, or**
23 **accounting practices or disclosures**
24 **bearing on any of the foregoing;**

1 **“(B) any rule relating to agency**
2 **management or personnel; or**

3 **“(C) any rule of agency organiza-**
4 **tion, procedure, or practice that does**
5 **not substantially affect the rights or**
6 **obligations of non-agency parties.**

7 **“§ 805. Judicial review**

8 **“(a) No determination, finding, action, or**
9 **omission under this chapter shall be subject**
10 **to judicial review.**

11 **“(b) Notwithstanding subsection (a), a**
12 **court may determine whether a Federal agen-**
13 **cy has completed the necessary requirements**
14 **under this chapter for a rule to take effect.**

15 **“(c) The enactment of a joint resolution of**
16 **approval under section 802 shall not be inter-**
17 **preted to serve as a grant or modification of**
18 **statutory authority by Congress for the pro-**
19 **mulgation of a rule, shall not extinguish or af-**
20 **fect any claim, whether substantive or proce-**
21 **dural, against any alleged defect in a rule, and**
22 **shall not form part of the record before the**
23 **court in any judicial proceeding concerning a**
24 **rule except for purposes of determining**
25 **whether or not the rule is in effect.**

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

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

7 **“§ 807. Effective date of certain rules**

8 **“Notwithstanding section 801—**

9 **“(1) any rule that establishes, modi-**
10 **fies, opens, closes, or conducts a regu-**
11 **latory program for a commercial, rec-**
12 **reational, or subsistence activity related**
13 **to hunting, fishing, or camping; or**

14 **“(2) any rule other than a major rule**
15 **which an agency for good cause finds**
16 **(and incorporates the finding and a brief**
17 **statement of reasons therefore in the rule**
18 **issued) that notice and public procedure**
19 **thereon are impracticable, unnecessary,**
20 **or contrary to the public interest,**
21 **shall take effect at such time as the Federal**
22 **agency promulgating the rule determines.”.**

Union Calendar No. 192

112TH CONGRESS
1ST Session

H. R. 10

[Report No. 112-278, Parts I and II]

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.

NOVEMBER 18, 2011

Reported from the Committee on Rules with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed