H. R. 3181

To establish a moratorium on regulatory rulemaking actions and to repeal all rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 13, 2011

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on Oversight and Government Reform, 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 establish a moratorium on regulatory rulemaking actions and to repeal all rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act, and for other purposes.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Stop the Regulation Invasion Please Act of 2011” or “STRIP Act of 2011”.


SEC. 2. MORATORIUM ON REGULATIONS.

Except as provided in section 3, a Federal agency may not take any regulatory rulemaking action until the end of the moratorium period.

SEC. 3. EMERGENCY EXCEPTIONS; EXCLUSIONS.

(a) EMERGENCY EXCEPTION.—Section 2 shall not apply to a regulatory rulemaking action, and section 5(d) shall not apply to a rule, if—

(1) the head of a Federal agency otherwise authorized to take the action submits a written request to the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget and submits a copy of such request to the Congress;

(2) the Administrator of the Office of Information and Regulatory Affairs within the Office of Management and Budget finds in writing that a waiver for the action or rule is—

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

or

(B) necessary for the enforcement of criminal laws; and

(3) the head of the Federal agency publishes the finding and waiver in the Federal Register.
(b) EXCLUSIONS.—The head of an agency shall publish in the Federal Register any action excluded because of a certification under section 6(4)(B).

(c) CIVIL RIGHTS EXCEPTION.—Section 2 shall not apply to a regulatory rulemaking action, and section 5(d) shall not apply to a rule, to establish or enforce any statutory rights against discrimination on the basis of age, race, religion, gender, national origin, or handicapped or disability status except such rulemaking actions or rules that establish, lead to, or otherwise rely on the use of a quota or preference based on age, race, religion, gender, national origin, or handicapped or disability status.

SEC. 4. REVIEW OF RULES.

(a) REVIEW AND REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Office of Management and Budget shall—

(1) conduct a review of each rule that became effective after October 1, 1991, and is in effect as of the date of the enactment of this Act; and

(2) submit to Congress and make available to the public a report on such review.

(b) MATTERS COVERED.—The report under subsection (a) shall include the following:
An estimate of the total annual costs and benefits (including quantifiable and nonquantifiable effects) of each rule covered by the review, to the extent feasible.

(2) A recommendation whether each rule should continue and, where applicable, recommendations for reform of a rule.

(3) The total number of minor and major rules that became effective after October 1, 1991, and are in effect as of the date of the enactment of this Act.

(c) UNIFORM STANDARD.—The Director of Office of Management and Budget shall apply a uniform standard for figures and cost summaries in the report required under subsection (a).

SEC. 5. SUNSET PREVENTION PROCEEDINGS.

(a) DESIGNATION OF FEDERAL AGENCY REGULATORY REVIEW OFFICER.—The head of each Federal agency shall designate an officer of the agency as the “Regulatory Review Officer” who shall be responsible for testifying before a committee of the House of Representatives or the Senate with regard to a request to prevent the repeal of a rule under subsection (c).

(b) REQUEST FOR COMMITTEE HEARING.—The Regulatory Review Officer may submit a request for a hearing, with regard to a rule reviewed under section 4, to
the relevant committee of jurisdiction in the House of Representa-
tives and the Senate 60 days after the report is submitted pursuant to section 4(a)(2).

(c) Request To Prevent Repeal of a Rule.— During a hearing described in subsection (b), the Regulatory Review Officer may request that a rule not be repealed. Such request shall include a description of the report submitted pursuant to section 4(a)(2), with respect to such rule.

(d) Repeal of Rules.—Except as provided in section 3, one year after the date of the enactment of this Act, all rules shall be repealed, unless otherwise specifically authorized by law and enacted after the date of the enactment of this Act.

SEC. 6. Definitions.

For purposes of this Act:

(1) Federal Agency.—The term “Federal agency” means any agency as that term is defined in section 551(1) of title 5, United States Code.

(2) Major Rule.—The term “major rule” has the meaning given that term in section 804 of title 5, United States Code.

(3) Moratorium Period.—The term “moratorium period” means the period of time—
(A) beginning on the day after the date of
the enactment of this Act; and

(B) ending on the later of—

(i) 14 days after the day on which the
Director of the Office of Management and
Budget publishes the report pursuant to
section 4; or

(ii) two years after the date of the en-
actment of this Act.

(4) REGULATORY RULEMAKING ACTION.—

(A) IN GENERAL.—The term “regulatory
rulemaking action” means any rulemaking on
any rule normally published in the Federal Reg-
ister, including—

(i) the issuance of any substantive
rule, interpretative rule, statement of agen-
cy policy, notice of inquiry, advance notice
of proposed rulemaking, or notice of pro-
posed rulemaking, and

(ii) any other action taken in the
course of the process of rulemaking (except
a cost benefit analysis or risk assessment,
or both).

(B) EXCLUSIONS.—The term “regulatory
rulemaking action” does not include—
(i) any agency action that the head of
the agency and the Administrator of the
Office of Information and Regulatory Af-
fairs within the Office of Management and
Budget certify in writing is limited to re-
pealing, narrowing, or streamlining a rule,
regulation, or administrative process or
otherwise reducing regulatory burdens
(meaning, Federal agencies could reduce or
eliminate regulations on their own, during
the moratorium);

(ii) any agency action that the head of
the agency and the Administrator of the
Office of Information and Regulatory Af-
fairs within the Office of Management and
Budget certify in writing is limited to mat-
ters relating to military or foreign affairs
functions, statutes implementing inter-
national trade agreements, including all
agency actions required by the Uruguay
Round Agreements Act, or agency manage-
ment, personnel, or public property, loans,
grants, benefits, or contracts;

(iii) any agency action that the head
of the agency and the Administrator of the
Office of Information and Regulatory Affairs within the Office of Management and Budget certify in writing is limited to a routine administrative function of the agency;

(iv) any agency action that—

(I) is taken by an agency that supervises and regulates insured depository institutions, affiliates of such institutions, credit unions, or government sponsored housing enterprises;

and

(II) the head of the agency certifies would meet the standards for an exception or exclusion described in this Act; or

(v) any agency action that the head of the agency certifies is limited to interpreting, implementing, or administering the internal revenue laws of the United States.

(5) RULE.—The term “rule”—

(A) means the whole or a part of an agency statement of general or particular applica-
bility and future effect designed to implement, interpret, or prescribe law or policy; and

(B) does not include—

(i) the approval or prescription, on a case-by-case or consolidated case basis, for the future of rates, wages, corporation, or financial structures or reorganizations thereof, prices, facilities, appliances, services or allowances therefore, or of valuations, costs, or accounting, or practices bearing on any of the foregoing;

(ii) any action taken in connection with the safety of aviation;

(iii) any action taken in connection with the implementation of monetary policy or to ensure the safety and soundness of federally insured depository institutions, any affiliate of such an institution, credit unions, or government sponsored housing enterprises or to protect the Federal deposit insurance funds;

(iv) the granting an application for a license, registration, or similar authority, granting or recognizing an exemption, granting a variance or petition for relief
from a regulatory requirement, or other action relieving a restriction (including any agency which establishes, modifies, or conducts a regulatory program for a recreational or subsistence activity, including hunting, fishing, and camping, if a Federal law prohibits the recreational or subsistence activity in the absence of the agency action); or

(v) taking any action necessary to permit new or improved applications of technology or allow the manufacture, distribution, sale, or use of a substance or product.

(6) RULEMAKING.—The term “rulemaking” means agency process for formulating, amending, or repealing a rule.

(7) LICENSE.—The term “license” means the whole or part of an agency permit, certificate, approval, registration, charter, membership, statutory exemption, or other form of permission.

(8) IMMINENT THREAT TO HEALTH OR SAFETY.—The term “imminent threat to health or safety” means the existence of any condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or
substantial endangerment to private property during the moratorium period.

SEC. 7. LIMITATION ON CIVIL ACTIONS.

No private right of action may be brought against any Federal agency for a violation of this Act. This prohibition shall not affect any private right of action or remedy otherwise available under any other law.