

112TH CONGRESS  
1ST SESSION

# H. R. 3257

To provide for a time-out on certain regulations, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 25, 2011

Mr. HANNA (for himself and Mr. TERRY) 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

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## A BILL

To provide for a time-out on certain regulations, 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 “Regulatory Time-Out  
5 Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) As stated in Executive Order 13563 (76  
9 Fed. Reg. 3821; relating to improving regulation

1 and regulatory review), “Our regulatory system  
2 must protect public health, welfare, safety, and our  
3 environment while promoting economic growth, inno-  
4 vation, competitiveness, and job creation.”.

5 (2) The criteria described in paragraph (1)  
6 have not been met.

7 (3) Congress has an obligation to ensure that  
8 regulations issued as a delegation of its authority re-  
9 flect the balance expressed in paragraph (1).

10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) AGENCY.—The term “agency” has the  
13 meaning given that term under section 3502(1) of  
14 title 44, United States Code.

15 (2) TIME-OUT PERIOD.—The term “time-out  
16 period” means the period beginning on the date of  
17 the enactment of this Act and ending on January  
18 21, 2013.

19 (3) REGULATIONS.—

20 (A) COVERED REGULATION.—Subject to  
21 subparagraph (C), the term “covered regula-  
22 tion” means a final regulation that—

23 (i) directly or indirectly increases  
24 costs on businesses in a manner which will  
25 have an adverse effect on job creation, job

1 retention, productivity, competitiveness, or  
2 the efficient functioning of the economy;

3 (ii) is likely to—

4 (I) have an annual effect on the  
5 economy of \$100,000,000 or more;

6 (II) adversely affect in a material  
7 way the economy, a sector of the  
8 economy, productivity, competition,  
9 jobs, the environment, public health or  
10 safety, or State, local, or tribal gov-  
11 ernments or communities;

12 (III) create a serious inconsist-  
13 ency or otherwise interfere with an ac-  
14 tion taken or planned by another  
15 agency;

16 (IV) materially alter the budg-  
17 etary impact of entitlements, grants,  
18 user fees, or loan programs or the  
19 rights and obligations of recipients  
20 thereof; or

21 (V) raise novel legal or policy  
22 issues; and

23 (iii) did not take effect before Sep-  
24 tember 1, 2011.

1 (B) PROPOSED REGULATION.—Subject to  
2 subparagraph (C), the term “proposed regula-  
3 tion” means a regulation for which an agency  
4 has published a general notice of proposed rule-  
5 making and which is expected to meet the re-  
6 quirements of subparagraph (A) after the final  
7 regulation takes effect.

8 (C) INAPPLICABILITY TO REGULATIONS  
9 REQUIRED BY LAW.—This Act does not apply  
10 to covered regulations or proposed regulations  
11 required by law.

12 **SEC. 4. TIME-OUT PERIOD FOR COVERED REGULATIONS.**

13 (a) PRIOR REGULATIONS.—A covered regulation that  
14 took effect before the date of the enactment of this Act  
15 shall be treated, during the time-out period, as though  
16 that regulation never took effect.

17 (b) PROSPECTIVE REGULATIONS.—A covered regula-  
18 tion that has not taken effect before the date of the enact-  
19 ment of this Act may not take effect during the time-out  
20 period.

21 **SEC. 5. TIME-OUT PERIOD FOR PROPOSED REGULATIONS.**

22 (a) PRIOR PROPOSED REGULATIONS.—A general no-  
23 tice of proposed rulemaking published before the date of  
24 the enactment of this Act and with respect to which the  
25 period for submission of comments has not expired on

1 such date shall be treated, during the time-out period, as  
2 though the notice was never published.

3 (b) PROSPECTIVE PROPOSED REGULATIONS.—A  
4 general notice of proposed rulemaking may not be pub-  
5 lished during the time-out period.

6 **SEC. 6. EXEMPTIONS.**

7 (a) IN GENERAL.—The head of an agency may ex-  
8 empt a covered regulation prescribed by that agency from  
9 the application of section 3, or a proposed regulation  
10 issued by that agency from the application of section 4,  
11 if the head of the agency—

12 (1) makes a specific finding that the covered  
13 regulation or proposed regulation—

14 (A) is necessary due to an imminent threat  
15 to human health or safety, or any other emer-  
16 gency;

17 (B) is necessary for the enforcement of a  
18 criminal law;

19 (C) has as its principal effect—

20 (i) fostering private sector job cre-  
21 ation and the enhancement of the competi-  
22 tiveness of workers in the United States;

23 (ii) encouraging economic growth; or

24 (iii) repealing, narrowing, or stream-  
25 lining a rule, regulation, or administrative

1 process, or otherwise reducing regulatory  
2 burdens;

3 (D) pertains to a military or foreign affairs  
4 function of the United States; or

5 (E) is limited to interpreting, imple-  
6 menting, or administering the Internal Revenue  
7 Code of 1986; and

8 (2) submits the finding to Congress and pub-  
9 lishes the finding in the Federal Register.

10 (b) REVIEW.—Not later than 10 days after the date  
11 of the enactment of this Act each agency shall submit any  
12 covered regulation or proposed regulation that the head  
13 of the agency determines is exempt under this section to  
14 the Office of Management and Budget and Congress.

15 (c) NONDELEGABLE AUTHORITY.—The head of an  
16 agency may not delegate the authority provided under this  
17 section to exempt the application of any provision of this  
18 Act.

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