To provide that no agency may take any significant regulatory action until
the unemployment rate is equal to or less than 6.0 percent.

A BILL

To provide that no agency may take any significant regulatory action until the unemployment rate is equal to or less than 6.0 percent.

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 Freeze for

5 Jobs Act of 2012”. 
SEC. 2. DEFINITIONS.

In this Act—

(1) the terms “agency” and “rule” have the meanings given such terms under section 551 of title 5, United States Code;

(2) the term “regulatory action” means any substantive action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking, but not including any substantive action by an agency for repealing a rule;

(3) the term “significant regulatory action” means any regulatory action that is likely to result in a rule or guidance that may—

(A) have an annual cost to the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, small entities, or State, local, or tribal governments or communities;

(B) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
(C) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(D) raise novel legal or policy issues; and

(4) the term "small entities" has the meaning given such term under section 601(6) of title 5, United States Code.

SEC. 3. SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—No agency may take any significant regulatory action, until the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 6.0 percent.

(b) DETERMINATION.—The Secretary of Labor shall submit a report to the Director of the Office of Management and Budget whenever the Secretary determines that the Bureau of Labor Statistics average of monthly unemployment rates for any quarter beginning after the date of enactment of this Act is equal to or less than 6.0 percent.

SEC. 4. WAIVERS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act, an agency may take a significant regulatory action if the President makes a determination under
subsection (b) and submits written notice of such determination to the Congress.

(b) Determination by the President.—Subsection (a) applies to a determination made by the President by Executive order that an agency should take the significant regulatory action because such significant regulatory action is—

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

(2) necessary for the enforcement of criminal laws;

(3) necessary for the national security of the United States; or

(4) issued pursuant to any statute implementing an international trade agreement.

SEC. 5. JUDICIAL REVIEW.

(a) Definition.—In this section, the term “small business” means any business, including an unincorporated business or a sole proprietorship, that employs not more than 500 employees or that has a net worth of less than $7,000,000 on the date a civil action arising under this Act is filed.

(b) Review.—Any person who is adversely affected or aggrieved by any significant regulatory action in violation of this Act is entitled to judicial review in accordance
with chapter 7 of title 5, United States Code. Any determination by the President under this Act shall be subject to judicial review under such chapter.

(c) JURISDICTION.—Each court having jurisdiction to review any significant regulatory action for compliance with any other provision of law shall have jurisdiction to review all claims under this Act.

(d) RELIEF.—In granting any relief in any civil action under this section, the court shall order the agency to take corrective action consistent with this Act and chapter 7 of title 5, United States Code, including remanding the significant regulatory action to the agency and enjoining the application or enforcement of that significant regulatory action, unless the court finds by a preponderance of the evidence that application or enforcement is required to protect against an imminent and serious threat to the national security of the United States.

(e) REASONABLE ATTORNEY’S FEES FOR SMALL BUSINESSES.—The court shall award reasonable attorney’s fees and costs to a substantially prevailing small business in any civil action arising under this Act. A party qualifies as substantially prevailing even without obtaining a final judgment in its favor if the agency that took the significant regulatory action changes its position after the civil action is filed.
(f) Limitation on Commencing Civil Action.—

A person may seek and obtain judicial review during the 1-year period beginning on the date of the challenged agency action or within 90 days after an enforcement action or notice thereof, except that where another provision of law requires that a civil action be commenced before the expiration of that 1-year period, such lesser period shall apply.