

112TH CONGRESS
1ST SESSION

S. 1538

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2011

Ms. COLLINS (for herself, Mr. ALEXANDER, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. CORNYN, Mr. HOEVEN, Mrs. HUTCHISON, Mr. ISAKSON, Mr. KYL, Mr. MORAN, Mr. THUNE, Mr. KIRK, and Mr. ROBERTS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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. DEFINITIONS.**

7 In this Act—

1 (1) the term “agency” has the meaning given
2 that term under section 3502(1) of title 44, United
3 States Code; and

4 (2) the term “covered regulation” means a final
5 regulation that—

6 (A) directly or indirectly increases costs on
7 businesses in a manner which will have an ad-
8 verse effect on job creation, job retention, pro-
9 ductivity, competitiveness, or the efficient func-
10 tioning of the economy;

11 (B) is likely to—

12 (i) have an annual effect on the econ-
13 omy of \$100,000,000 or more;

14 (ii) adversely affect in a material way
15 the economy, a sector of the economy, pro-
16 ductivity, competition, jobs, the environ-
17 ment, public health or safety, or State,
18 local, or tribal governments or commu-
19 nities;

20 (iii) create a serious inconsistency or
21 otherwise interfere with an action taken or
22 planned by another agency;

23 (iv) materially alter the budgetary im-
24 pact of entitlements, grants, user fees, or

1 loan programs or the rights and obliga-
2 tions of recipients thereof; or

3 (v) raise novel legal or policy issues;

4 and

5 (C) did not take effect before September 1,
6 2011.

7 **SEC. 3. TIME-OUT PERIOD FOR REGULATIONS.**

8 (a) **PRIOR REGULATIONS.**—A covered regulation that
9 took effect before the date of enactment of this Act shall
10 be treated as though that regulation never took effect for
11 the 1-year period beginning on the date of enactment of
12 this Act.

13 (b) **PROSPECTIVE REGULATIONS.**—A covered regula-
14 tion that has not taken effect before the date of enactment
15 of this Act, may not take effect during the 1-year period
16 beginning on the date of enactment of this Act.

17 **SEC. 4. EXEMPTIONS.**

18 (a) **IN GENERAL.**—The head of an agency may ex-
19 empt a covered regulation prescribed by that agency from
20 the application of section 3, if the head of the agency—

21 (1) makes a specific finding that the covered
22 regulation—

23 (A) is necessary due to an imminent threat
24 to human health or safety, or any other emer-
25 gency;

1 (B) is necessary for the enforcement of a
2 criminal law;

3 (C) has as its principal effect—

4 (i) fostering private sector job cre-
5 ation and the enhancement of the competi-
6 tiveness of workers in the United States;

7 (ii) encouraging economic growth; or

8 (iii) repealing, narrowing, or stream-
9 lining a rule, regulation, or administrative
10 process, or otherwise reducing regulatory
11 burdens;

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

14 (E) is limited to interpreting, imple-
15 menting, or administering the Internal Revenue
16 Code of 1986; and

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

19 (b) REVIEW.—Not later than 10 days after the date
20 of enactment of this Act each agency shall submit any cov-
21 ered regulation that the head of the agency determines
22 is exempt under this section to the Office of Management
23 and Budget and Congress.

24 (c) NONDELEGABLE AUTHORITY.—The head of an
25 agency may not delegate the authority provided under this

1 section to exempt the application of any provision of this
2 Act.

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