

119TH CONGRESS
1ST SESSION

S. 1556

To require the review of promulgated agency regulations and prohibit rulemaking by agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2025

Mr. RISCH (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the review of promulgated agency regulations and prohibit rulemaking by agencies, 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 “Zero Based Regula-
5 tions Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) AGENCY.—The term “agency” has the
9 meaning given that term in section 551 of title 5,
10 United States Code.

1 (2) RULE; REGULATION.—The terms “rule”
 2 and “regulation” have the meaning given the term
 3 “rule” in section 551 of title 5, United States Code.

4 **SEC. 3. ONGOING REVIEW PROCESS FOR EXISTING RULES.**

5 (a) IN GENERAL.—Effective on the date of enact-
 6 ment of this Act, each agency shall conduct a review of
 7 each part of any title of the Code of Federal Regulations
 8 promulgated by the agency according to a schedule estab-
 9 lished by the Administrator of the Office of Information
 10 and Regulatory Affairs.

11 (b) SCHEDULE.—

12 (1) IN GENERAL.—The Administrator of the
 13 Office of Information and Regulatory Affairs shall
 14 annually develop a schedule of the parts of the Code
 15 of Federal Regulations that agencies shall review
 16 under subsection (a).

17 (2) VOLUME OF RULES UNDER REVIEW.—In
 18 developing the review schedule required under para-
 19 graph (1), the Administrator of the Office of Infor-
 20 mation and Regulatory Affairs shall ensure that the
 21 volume of rules that are reviewed by agencies in any
 22 given year is such that the public can engage and
 23 provide meaningful input in any individual rule-
 24 making, with approximately 20 percent of the total
 25 regulations of an agency subject to review each year.

1 (3) PUBLICATION.—

2 (A) IN GENERAL.—The review schedule
3 shall be published on the website of the Office
4 of Information and Regulatory Affairs not later
5 than January 1 of each year.

6 (B) CODE OF FEDERAL REGULATIONS.—

7 The Director of the Federal Register shall pub-
8 lish on the cover sheet of each individual part
9 in each new edition of the Code of Federal Reg-
10 ulations the date of any completed or scheduled
11 review for that part.

12 (c) REPEAL OF RULE PRIOR TO REVIEW.—Prior to
13 the date of a review pursuant to the schedule developed
14 by the Administrator of the Office of Information and
15 Regulatory Affairs under subsection (b), each agency shall
16 repeal the part of the Code of Federal Regulations that
17 is under review.

18 (d) RETROSPECTIVE ANALYSIS.—

19 (1) IN GENERAL.—Each agency shall perform a
20 retrospective analysis of the part being reviewed to
21 determine—

22 (A) whether the goals of the rule are being
23 achieved, based on the legislative intent articu-
24 lated in the statute under which the rule was
25 promulgated;

1 (B) whether the goals of the rule justify
 2 the costs of the rule; and

3 (C) whether there are less restrictive alter-
 4 natives to accomplish the goals of the rule.

5 (2) PROCESS.—The Administrator of the Office
 6 of Information and Regulatory Affairs shall—

7 (A) develop a standardized process for the
 8 required retrospective analysis; and

9 (B) publish the process on the website of
 10 the Office of Information and Regulatory Af-
 11 fairs not later than 180 days after the date of
 12 enactment of this Act.

13 (e) REINSTATEMENT OF A RULE.—

14 (1) IN GENERAL.—An agency seeking to rein-
 15 state a rule that has been repealed under subsection

16 (c)—

17 (A) shall promulgate a new rule in accord-
 18 ance with the provisions of subchapter II of
 19 chapter 5, and chapter 7, of title 5, United
 20 States Code (commonly known as the “Admin-
 21 istrative Procedure Act”); and

22 (B) shall not promulgate the rule without
 23 completing a retrospective analysis under sub-
 24 section (d) of the original rule.

25 (2) NOTICE OF PROPOSED RULEMAKING.—

1 (A) IN GENERAL.—An agency shall publish
 2 a notice of proposed rulemaking and hold, at
 3 minimum, 2 public hearings designed to maxi-
 4 mize public participation in the rulemaking
 5 process.

6 (B) PUBLICATION.—The agency shall pub-
 7 lish a copy of the retrospective analysis on the
 8 website of the agency prior to the date of the
 9 public hearings required under subparagraph
 10 (A).

11 (3) REGULATORY BURDEN.—A new rule pro-
 12 mulgated by an agency under this subsection shall
 13 not impose more than 70 percent of the original esti-
 14 mated cost of the repealed version of the rule.

15 **SEC. 4. DESIGNATION OF ADMINISTRATIVE RULES COORDI-**
 16 **NATOR.**

17 Each agency head shall designate an officer within
 18 the office of the general counsel of the agency, to be known
 19 as the administrative rules coordinator, to oversee the im-
 20 plementation of this Act.

21 **SEC. 5. PROCESS FOR NEW OR AMENDED RULES.**

22 (a) IN GENERAL.—Except as provided in subsection
 23 (c), and subject to the requirements under subsection (d),
 24 effective on the date of enactment of this Act and ending
 25 on the last day of the fiscal year in which this Act is en-

1 acted, an agency may not conduct any new rulemaking
2 action unless the following conditions are met:

3 (1) The rulemaking is narrowly-tailored to
4 achieve 1 or more of the following objectives:

5 (A) To reduce or remove a regulatory bur-
6 den.

7 (B) To remove obsolete, outdated, or un-
8 necessary regulations.

9 (C) To comply with a new statutory re-
10 quirement or court order.

11 (D) To prevent a substantiated and well-
12 documented threat to public health, peace, or
13 safety.

14 (2) At least 1 existing rule is repealed or sig-
15 nificantly simplified in conjunction with the new or
16 amended rule so that the net regulatory burden is
17 decreased. Upon approval of the Director of the Of-
18 fice of Management and Budget, this condition shall
19 not apply if the rulemaking is mandated by Federal
20 law or by court order.

21 (3) At least 1 public hearing is conducted.

22 (4) The agency—

23 (A) completes a cost-benefit analysis of the
24 new or amended rule, using a standardized
25 form developed by the Administrator of the Of-

1 fice of Information and Regulatory Affairs pur-
 2 suant to subsection (b);

3 (B) publishes such form on the website of
 4 the agency not later than 90 days after the date
 5 on which the review under subparagraph (A)
 6 begins; and

7 (C) publishes a copy of the prospective
 8 analysis on the website of the agency.

9 (b) OIRA FORMS.—The Administrator of the Office
 10 of Information and Regulatory Affairs shall develop a
 11 standardized form to be distributed to agencies for the
 12 purpose of conducting a prospective analysis of new or
 13 amended regulations.

14 (c) EXCEPTIONS.—An agency may conduct a new
 15 rulemaking action during the period specified under sub-
 16 section (a) if—

17 (1) there is good cause for the rulemaking ac-
 18 tion under section 553(b)(B) of title 5, United
 19 States Code; or

20 (2) the President waives the requirements
 21 under subsection (a).

22 (d) ADDITIONAL REQUIREMENTS.—

23 (1) SINGLE RULEMAKING DOCKET.—All pro-
 24 posed amendments to an existing part of a title of
 25 the Code of Federal Regulations shall be contained

1 in a single rulemaking docket and shall be published
2 on regulations.gov, or a successor website.

3 (2) REVIEW.—

4 (A) IN GENERAL.—If the new rulemaking
5 action results in a new part in the Code of Fed-
6 eral Regulations, the agency shall conduct the
7 retrospective analysis described under section
8 3(d) on the new part not later than 5 years
9 after the rule becomes final and every 5 years
10 thereafter.

11 (B) PUBLICATION OF REVIEW DATE.—

12 (i) COVER SHEET.—The agency shall
13 publish the agency review date for any
14 completed or scheduled review on the cover
15 sheet of each individual part.

16 (ii) WEBSITE.—The Director of the
17 Federal Register and the Director of the
18 Government Publishing Office shall publish
19 the agency review date for each completed
20 and scheduled review on eefr.gov, or a suc-
21 cessor website.

22 (3) AMENDMENTS.—Effective on the date of
23 enactment of this Act and ending on the last day of
24 the fiscal year in which this Act is enacted, an agen-
25 cy shall, to the extent practicable, only amend regu-

- 1 lations in conjunction with the reinstatement of
- 2 those regulations under section 3(e).

