

114TH CONGRESS
1ST SESSION

S. 1683

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 25, 2015

Mr. HATCH (for himself, Mrs. ERNST, and Mr. BLUNT) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To provide for the establishment of a process for the review of rules and sets of rules, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Searching for and Cutting Regulations that are Unneces-
6 sarily Burdensome Act of 2015” or the “SCRUB Act of
7 2015”.

8 (b) TABLE OF CONTENTS.—The table of contents for
9 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RETROSPECTIVE REGULATORY REVIEW COMMISSION

Sec. 101. Retrospective Regulatory Review Commission.

TITLE II—REGULATORY CUT-GO

Sec. 201. Cut-go procedures.

Sec. 202. Applicability.

Sec. 203. OIRA certification of cost calculations.

TITLE III—RETROSPECTIVE REVIEW OF NEW RULES

Sec. 301. Plan for future review.

TITLE IV—JUDICIAL REVIEW; EFFECTIVE DATE

Sec. 401. Judicial review.

Sec. 402. Effective date.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means the Administrator of the Office of In-
5 formation and Regulatory Affairs of the Office of
6 Management and Budget.

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

10 (3) COMMISSION.—The term “Commission”
11 means the Retrospective Regulatory Review Commis-
12 sion established under section 101(a).

13 (4) MAJOR RULE.—The term “major rule”
14 means any rule that the Administrator determines is
15 likely to impose—

16 (A) an annual cost on the economy of
17 \$100,000,000 or more, adjusted annually for
18 inflation;

1 (B) a major increase in costs or prices for
 2 consumers, individual industries, Federal,
 3 State, local, or tribal government agencies, or
 4 geographic regions;

5 (C) significant adverse effects on competi-
 6 tion, employment, investment, productivity, in-
 7 novation, or on the ability of United States-
 8 based enterprises to compete with foreign-based
 9 enterprises in domestic and export markets; or

10 (D) significant impacts on multiple sectors
 11 of the economy.

12 (5) RULE.—The term “rule” has the meaning
 13 given that term in section 551 of title 5, United
 14 States Code.

15 (6) SET OF RULES.—The term “set of rules”
 16 means a set of rules that collectively implements a
 17 regulatory authority of an agency.

18 **TITLE I—RETROSPECTIVE REGU-** 19 **LATORY REVIEW COMMIS-** 20 **SION**

21 **SEC. 101. RETROSPECTIVE REGULATORY REVIEW COMMIS-** 22 **SION.**

23 (a) ESTABLISHMENT.—There is established a com-
 24 mission, to be known as the “Retrospective Regulatory Re-
 25 view Commission”, that shall review rules and sets of rules

1 in accordance with specified criteria to determine if a rule
 2 or set of rules should be repealed to eliminate or reduce
 3 the costs of regulation to the economy.

4 (b) MEMBERSHIP.—

5 (1) NUMBER.—The Commission shall be com-
 6 posed of 9 members who shall be appointed by the
 7 President and confirmed by the Senate. Each mem-
 8 ber shall be appointed not later than 180 days after
 9 the date of enactment of this Act.

10 (2) TERM.—The term of each member shall
 11 commence upon the confirmation of the member by
 12 the Senate and shall extend to the later of—

13 (A) the date that is 5 years and 180 days
 14 after the date of enactment of this Act; or

15 (B) the date that is 5 years after the date
 16 by which all members have been confirmed by
 17 the Senate.

18 (3) APPOINTMENT.—The members of the Com-
 19 mission shall be appointed as follows:

20 (A) CHAIR.—The President shall appoint
 21 as the Chair of the Commission an individual
 22 with expertise and experience in rulemaking,
 23 such as past Administrators, past chairmen of
 24 the Administrative Conference of the United
 25 States, and other individuals with similar exper-

tise and experience in rulemaking affairs and the administration of regulatory reviews.

(B) CANDIDATE LIST OF MEMBERS.—

(i) IN GENERAL.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall each present to the President a list of candidates to be members of the Commission, which individuals shall be learned in rulemaking affairs and, preferably, administration of regulatory reviews.

(ii) APPOINTMENT FROM LIST.—The President shall appoint 2 members of the Commission from each list provided under this clause (i), subject to the provisions of subparagraph (C).

(C) RESUBMISSION OF CANDIDATE.—The President may request from the presenter of a list under subparagraph (B)(i) a new list of 1 or more candidates if the President—

(i) determines that any candidate on the list presented pursuant to subparagraph (B)(i) does not meet the qualifica-

1 tions specified in such subparagraph to be
2 a member of the Commission; and

3 (ii) certifies that determination to the
4 congressional officials specified in subpara-
5 graph (B)(i).

6 (c) POWERS AND AUTHORITIES OF THE COMMIS-
7 SION.—

8 (1) MEETINGS AND HEARINGS.—

9 (A) MEETINGS.—The Commission may
10 meet when, where, and as often as the Commis-
11 sion determines appropriate, except that the
12 Commission shall hold public meetings not less
13 than twice each year.

14 (B) HEARINGS.—In addition to meetings
15 held under paragraph (1), the Commission may
16 hold hearings to consider issues of fact or law
17 relevant to the work of the Commission.

18 (C) OPEN TO PUBLIC.—Any meeting or
19 hearing held by the Commission shall be open
20 to the public.

21 (2) ACCESS TO INFORMATION.—The Commis-
22 sion may secure directly from any agency informa-
23 tion and documents necessary to enable the Commis-
24 sion to carry out this Act. Upon request of the Chair
25 of the Commission, the head of that agency shall

1 furnish that information or document to the Com-
2 mission as soon as possible, but not later than 2
3 weeks after the date on which the request was made.

4 (3) SUBPOENAS.—

5 (A) IN GENERAL.—The Commission may
6 issue subpoenas requiring the attendance and
7 testimony of witnesses and the production of
8 any evidence relating to the duties of the Com-
9 mission. The attendance of witnesses and the
10 production of evidence may be required from
11 any place within the United States at any des-
12 ignated place of hearing within the United
13 States.

14 (B) FAILURE TO OBEY A SUBPOENA.—If a
15 person refuses to obey a subpoena issued under
16 subparagraph (A), the Commission may apply
17 to a United States district court for an order
18 requiring that person to appear before the Com-
19 mission to give testimony, produce evidence, or
20 both, relating to the matter under investigation.
21 The application may be made within the judicial
22 district where the hearing is conducted or where
23 that person is found, resides, or transacts busi-
24 ness. Any failure to obey the order of the court
25 may be punished by the court as civil contempt.

1 (C) SERVICE OF SUBPOENAS.—The sub-
2 poenas of the Commission shall be served in the
3 manner provided for subpoenas issued by a
4 United States district court under the Federal
5 Rules of Civil Procedure for the United States
6 district courts.

7 (D) SERVICE OF PROCESS.—All process of
8 any court to which application is made under
9 subparagraph (B) may be served in the judicial
10 district in which the person required to be
11 served resides or may be found.

12 (d) PAY AND TRAVEL EXPENSES.—

13 (1) PAY.—

14 (A) MEMBERS.—Each member, other than
15 the Chair of the Commission, shall be paid at
16 a rate equal to the daily equivalent of the min-
17 imum annual rate of basic pay payable for level
18 IV of the Executive Schedule under section
19 5315 of title 5, United States Code, for each
20 day (including travel time) during which the
21 member is engaged in the actual performance of
22 duties vested in the Commission.

23 (B) CHAIR.—The Chair shall be paid for
24 each day referred to in subparagraph (A) at a
25 rate equal to the daily equivalent of the min-

1 imum annual rate of basic pay payable for level
2 III of the Executive Schedule under section
3 5314 of title 5, United States Code.

4 (2) TRAVEL EXPENSES.—Members shall receive
5 travel expenses, including per diem in lieu of subsist-
6 ence, in accordance with sections 5702 and 5703 of
7 title 5, United States Code.

8 (e) DIRECTOR OF STAFF.—

9 (1) IN GENERAL.—The Commission shall ap-
10 point a Director.

11 (2) PAY.—The Director shall be paid at the
12 rate of basic pay payable for level V of the Executive
13 Schedule under section 5316 of title 5, United
14 States Code.

15 (f) STAFF.—

16 (1) IN GENERAL.—Subject to paragraph (2),
17 the Director, with the approval of the Commission,
18 may appoint, fix the pay of, and terminate addi-
19 tional personnel.

20 (2) LIMITATIONS ON APPOINTMENT.—The Di-
21 rector may make such appointments without regard
22 to the provisions of title 5, United States Code, gov-
23 erning appointments in the competitive service, and
24 any personnel so appointed may be paid without re-
25 gard to the provisions of chapter 51 and subchapter

1 III of chapter 53 of that title relating to classifica-
2 tion and General Schedule pay rates, except that an
3 individual so appointed may not receive pay in ex-
4 cess of the annual rate of basic pay payable for GS-
5 15 of the General Schedule.

6 (3) AGENCY ASSISTANCE.—Following consulta-
7 tion with and upon request of the Chair of the Com-
8 mission, the head of any agency may detail any of
9 the personnel of that agency to the Commission to
10 assist the Commission in carrying out the duties of
11 the Commission under this Act.

12 (4) GAO AND OIRA ASSISTANCE.—The Comp-
13 troller General of the United States and the Admin-
14 istrator shall provide assistance, including the detail-
15 ing of employees, to the Commission in accordance
16 with an agreement entered into with the Commis-
17 sion.

18 (5) ASSISTANCE FROM OTHER PARTIES.—Con-
19 gress, the States, municipalities, federally recognized
20 Indian tribes, and local governments may provide as-
21 sistance, including the detailing of employees, to the
22 Commission in accordance with an agreement en-
23 tered into with the Commission.

24 (g) OTHER AUTHORITY.—

1 (1) EXPERTS AND CONSULTANTS.—The Com-
2 mission may procure by contract, to the extent funds
3 are available, the temporary or intermittent services
4 of experts or consultants pursuant to section 3109
5 of title 5, United States Code.

6 (2) PROPERTY.—The Commission may lease
7 space and acquire personal property to the extent
8 funds are available.

9 (h) DUTIES OF THE COMMISSION.—

10 (1) IN GENERAL.—The Commission shall con-
11 duct a review of the Code of Federal Regulations to
12 identify rules and sets of rules that collectively im-
13 plement a regulatory program that should be re-
14 pealed to lower the cost of regulation to the econ-
15 omy. The Commission shall give priority in the re-
16 view to rules or sets of rules that are major rules
17 or include major rules, have been in effect more than
18 15 years, impose paperwork burdens that could be
19 reduced substantially without significantly dimin-
20 ishing regulatory effectiveness, impose disproportion-
21 ately high costs on entities that qualify as small en-
22 tities within the meaning of section 601(6) of title
23 5, United States Code, or could be strengthened in
24 their effectiveness while reducing regulatory costs.
25 The Commission shall have as a goal of the Commis-

1 sion to achieve a reduction of at least 15 percent in
2 the cumulative costs of Federal regulation with a
3 minimal reduction in the overall effectiveness of such
4 regulation.

5 (2) NATURE OF REVIEW.—To identify which
6 rules and sets of rules should be repealed to lower
7 the cost of regulation to the economy, the Commis-
8 sion shall apply the following criteria:

9 (A) Whether the original purpose of the
10 rule or set of rules was achieved, and the rule
11 or set of rules could be repealed without signifi-
12 cant recurrence of adverse effects or conduct
13 that the rule or set of rules was intended to
14 prevent or reduce.

15 (B) Whether the implementation, compli-
16 ance, administration, enforcement or other costs
17 of the rule or set of rules to the economy are
18 not justified by the benefits to society within
19 the United States produced by the expenditure
20 of those costs.

21 (C) Whether the rule or set of rules has
22 been rendered unnecessary or obsolete, taking
23 into consideration the length of time since the
24 rule was made and the degree to which tech-
25 nology, economic conditions, market practices,

1 or other relevant factors have changed in the
2 subject area affected by the rule or set of rules.

3 (D) Whether the rule or set of rules is in-
4 effective at achieving the purposes of the rule or
5 set of rules.

6 (E) Whether the rule or set of rules over-
7 laps, duplicates, or conflicts with other Federal
8 rules, and to the extent feasible, with State and
9 local governmental rules.

10 (F) Whether the rule or set of rules has
11 excessive compliance costs or is otherwise exces-
12 sively burdensome, as compared to alternatives
13 that—

14 (i) specify performance objectives
15 rather than conduct or manners of compli-
16 ance;

17 (ii) establish economic incentives to
18 encourage desired behavior;

19 (iii) provide information upon which
20 choices can be made by the public;

21 (iv) incorporate other innovative alter-
22 natives rather than agency actions that
23 specify conduct or manners of compliance;
24 or

1 (v) could in other ways substantially
2 lower costs without significantly under-
3 mining effectiveness.

4 (G) Whether the rule or set of rules inhib-
5 its innovation in or growth of the United States
6 economy, such as by impeding the introduction
7 or use of safer or equally safe technology that
8 is newer or more efficient than technology re-
9 quired by or permissible under the rule or set
10 of rules.

11 (H) Whether or not the rule or set of rules
12 harms competition within the United States
13 economy or the international economic competi-
14 tiveness of enterprises or entities based in the
15 United States.

16 (I) Such other criteria as the Commission
17 devises to identify rules and sets of rules that
18 can be repealed to eliminate or reduce unneces-
19 sarily burdensome costs to the United States
20 economy.

21 (3) METHODOLOGY FOR REVIEW.—The Com-
22 mission shall establish a methodology for conducting
23 the review under this subsection (including an over-
24 all review and discrete reviews of portions of the
25 Code of Federal Regulations), identifying rules and

1 sets of rules, and classifying rules under this sub-
2 section and publish the terms of the methodology in
3 the Federal Register and on the website of the Com-
4 mission. The Commission may propose and seek
5 public comment on the methodology before the meth-
6 odology is established.

7 (4) CLASSIFICATION OF RULES AND SETS OF
8 RULES.—

9 (A) IN GENERAL.—After completion of any
10 review of rules or sets of rules under paragraph
11 (2), the Commission shall classify each rule or
12 set of rules identified in the review to qualify
13 for recommended repeal as either a rule or set
14 of rules—

15 (i) on which immediate action to re-
16 peal is recommended; or

17 (ii) that should be eligible for repeal
18 under regulatory cut-go procedures under
19 title II.

20 (B) DECISIONS BY MAJORITY.—Each deci-
21 sion by the Commission to identify a rule or set
22 of rules for classification under this paragraph,
23 and each decision whether to classify the rule or
24 set of rules under clause (i) or (ii) of subpara-
25 graph (A), shall be made by a simple majority

1 vote of the Commission. No such vote shall take
2 place until after all members of the Commission
3 have been confirmed by the Senate.

4 (5) INITIATION OF REVIEW BY OTHER PER-
5 SONS.—

6 (A) IN GENERAL.—The Commission may
7 also conduct a review under paragraph (2) of,
8 and, if appropriate, classify under paragraph
9 (4), any rule or set of rules that is submitted
10 for review to the Commission by—

- 11 (i) the President;
- 12 (ii) a Member of Congress;
- 13 (iii) any officer or employee of a Fed-
14 eral, State, local or tribal government, or
15 regional governmental body; or
- 16 (iv) any member of the public.

17 (B) FORM OF SUBMISSION.—A submission
18 to the Commission under this paragraph
19 shall—

- 20 (i) identify the specific rule or set of
21 rules submitted for review;
- 22 (ii) provide a statement of evidence to
23 demonstrate that the rule or set of rules
24 qualifies to be identified for repeal under
25 the criteria listed in paragraph (2); and

1 (iii) such other information as the
2 submitter believes may be helpful to the
3 Commission's review, including a state-
4 ment of the interest of the submitter in the
5 matter.

6 (C) PUBLIC AVAILABILITY.—The Commis-
7 sion shall make each submission received under
8 this paragraph available on the website of the
9 Commission as soon as possible, but not later
10 than 1 week after the date on which the sub-
11 mission was received.

12 (i) NOTICES AND REPORTS OF THE COMMISSION.—

13 (1) NOTICES OF AND REPORTS ON ACTIVI-
14 TIES.—The Commission shall publish, in the Federal
15 Register and on the website of the Commission—

16 (A) notices in advance of all public meet-
17 ings, hearings, and classifications under sub-
18 section (h) informing the public of the basis,
19 purpose, and procedures for the meeting, hear-
20 ing, or classification; and

21 (B) reports after the conclusion of any
22 public meeting, hearing, or classification under
23 subsection (h) summarizing in detail the basis,
24 purpose, and substance of the meeting, hearing,
25 or classification.

1 (2) ANNUAL REPORTS TO CONGRESS.—Each
2 year, beginning on the date that is 1 year after the
3 date on which all Commission members have been
4 confirmed by the Senate, the Commission shall sub-
5 mit a report simultaneously to each House of Con-
6 gress detailing the activities of the Commission for
7 the previous year, and listing all rules and sets of
8 rules classified under subsection (h) during that
9 year. For each rule or set of rules so listed, the
10 Commission shall—

11 (A) identify the agency that made the rule
12 or set of rules;

13 (B) identify the annual cost of the rule or
14 set of rules to the United States economy and
15 the basis upon which the Commission identified
16 that cost;

17 (C) identify whether the rule or set of rules
18 was classified under clause (i) or clause (ii) of
19 subsection (h)(4)(A);

20 (D) identify the criteria under subsection
21 (h)(2) that caused the classification of the rule
22 or set of rules and the basis upon which the
23 Commission determined that those criteria were
24 met;

1 (E) for each rule or set of rules listed
2 under the criteria set forth in subparagraph
3 (B), (D), (F), (G), or (H) of subsection (h)(2),
4 or other criteria established by the Commission
5 under subparagraph (I) of such subsection
6 under which the Commission evaluated alter-
7 natives to the rule or set of rules that could
8 lead to lower regulatory costs, identify alter-
9 natives to the rule or set of rules that the Com-
10 mission recommends the agency consider as re-
11 placements for the rule or set of rules and the
12 basis on which the Commission rests the rec-
13 ommendations, and, in identifying such alter-
14 natives, emphasize alternatives that will achieve
15 regulatory effectiveness at the lowest cost and
16 with the lowest adverse impacts on jobs;

17 (F) for each rule or set of rules listed
18 under the criteria set forth in subsection
19 (h)(2)(E), the other Federal, State, or local
20 governmental rules that the Commission found
21 the rule or set of rules to overlap, duplicate, or
22 conflict with, and the basis for the findings of
23 the Commission; and

24 (G) in the case of each set of rules so list-
25 ed, analyze whether Congress should also con-

1 sider repeal of the statutory authority imple-
2 mented by the set of rules.

3 (3) FINAL REPORT.—Not later than the date
4 on which the Commission members' appointments
5 expire, the Commission shall submit a final report
6 simultaneously to each House of Congress summa-
7 rizing all activities and recommendations of the
8 Commission, including a list of all rules or sets of
9 rules the Commission classified under clause (i) of
10 subsection (h)(4)(A) for immediate action to repeal,
11 a separate list of all rules or sets of rules the Com-
12 mission classified under clause (ii) of subsection
13 (h)(4)(A) for repeal, and with regard to each rule or
14 set of rules listed on either list, the information de-
15 scribed in subparagraphs (A) through (F) of sub-
16 section (h)(2). This report may be included in the
17 final annual report of the Commission under para-
18 graph (2) and may include the Commission's rec-
19 ommendation whether the Commission should be re-
20 authorized by Congress.

21 (j) REPEAL OF REGULATIONS; CONGRESSIONAL
22 CONSIDERATION OF COMMISSION REPORTS.—

23 (1) IN GENERAL.—Subject to paragraph (2)—
24 (A) the head of each agency with authority
25 to repeal a rule or set of rules classified by the

1 Commission under subsection (h)(4)(A)(i) for
2 immediate action to repeal and newly listed as
3 such in an annual or final report of the Com-
4 mission under paragraph (2) or (3) of sub-
5 section (i) shall repeal the rule or set of rules
6 as recommended by the Commission within 60
7 days after the enactment of a joint resolution
8 under paragraph (2) for approval of the rec-
9 ommendations of the Commission in the report;
10 and

11 (B) the head of each agency with authority
12 to repeal a rule or set of rules classified by the
13 Commission under subsection (h)(4)(A)(ii) for
14 repeal and newly listed as such in an annual or
15 final report of the Commission under paragraph
16 (2) or (3) of subsection (i) shall repeal the rule
17 or set of rules as recommended by the Commis-
18 sion pursuant to section 201, following the en-
19 actment of a joint resolution under paragraph
20 (2) for approval of the recommendations of the
21 Commission in the report.

22 (2) CONGRESSIONAL APPROVAL PROCES-
23 DURES.—

1 (A) DEFINITION.—For purposes of this
2 subsection, the term “joint resolution” means
3 only a joint resolution—

4 (i) which is introduced after the date
5 on which the Commission transmits to
6 Congress under paragraph (2) or (3) of
7 subsection (i) the report containing the
8 recommendations to which the joint resolu-
9 tion pertains;

10 (ii) which does not have a preamble;

11 (iii) the matter after the resolving
12 clause of which is only as follows: “That
13 Congress approves the recommendations
14 for repeal of the Retrospective Regulatory
15 Review Commission as submitted by the
16 Commission on _____”, the blank
17 space being filled in with the appropriate
18 date; and

19 (iv) the title of which is as follows:
20 “Approving recommendations for repeal of
21 the Retrospective Regulatory Review Com-
22 mission.”.

23 (B) INTRODUCTION OF JOINT RESOLU-
24 TION.—Not later than 5 session days after the
25 date on which a House of Congress receives a

1 report transmitted to Congress under para-
 2 graph (2) or (3) of subsection (i), the majority
 3 leader of that House (or his or her respective
 4 designee) shall introduce, by request, a joint
 5 resolution described in subparagraph (A).

6 (C) REFERRAL OF JOINT RESOLUTION.—

7 (i) IN GENERAL.—A joint resolution
 8 introduced under subparagraph (B) shall
 9 be referred to—

10 (I) the Committee on Homeland
 11 Security and Governmental Affairs of
 12 the Senate, in the case of a joint reso-
 13 lution introduced in the Senate; and

14 (II) the Committee on Oversight
 15 and Government Reform, in the case
 16 of a joint resolution introduced in the
 17 House of Representatives.

18 (ii) REPORT TO FULL HOUSE.—Not
 19 later than 30 days after the date on which
 20 a joint resolution is introduced under sub-
 21 paragraph (B), the committees to which
 22 the joint resolution has been referred
 23 under clause (i) shall each report the joint
 24 resolution—

1 (I) without any revision or
2 amendment; and

3 (II) with a favorable rec-
4 ommendation, an unfavorable rec-
5 ommendation, or without rec-
6 ommendation.

7 (iii) FAILURE TO REPORT.—If a com-
8 mittee fails to report a joint resolution
9 within the period described in clause (ii),
10 the committee shall be automatically dis-
11 charged from consideration of the joint
12 resolution and the joint resolution shall be
13 placed on the appropriate calendar.

14 (D) SENATE PROCEDURES.—

15 (i) IN GENERAL.—In the Senate,
16 when the committee to which a joint reso-
17 lution described in subparagraph (A) is re-
18 ferred has reported the joint resolution
19 under subparagraph (C)(ii), or when the
20 committee is discharged under subpara-
21 graph (C)(iii) from further consideration of
22 the joint resolution, it is at any time there-
23 after in order for a motion to proceed to
24 consideration of the joint resolution, and
25 all points of order against the joint resolu-

tion and against consideration of the joint resolution are waived.

(ii) DEBATE ON MOTION TO PROCEED.—In the Senate, the motion to proceed to the joint resolution is non-debatable and is not subject to amendment, a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. A vote on the motion to proceed shall occur upon the expiration or yielding back of the time for debate without any further debate or any intervening motion or other action. Repeated motions to proceed to the joint resolution are in order, if necessary. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(iii) DEBATE ON JOINT RESOLUTION.—In the Senate, debate on the joint resolution shall be limited to not more than 30 hours, which shall be divided equally

1 between those favoring and those opposing
 2 the joint resolution. An amendment to the
 3 joint resolution or any motion, including a
 4 motion to recommit, is not in order.

5 (iv) VOTE ON FINAL PASSAGE.—In
 6 the Senate, the third reading of the joint
 7 resolution shall be considered to have oc-
 8 curred and a vote on final passage shall
 9 occur immediately upon the expiration or
 10 yielding back of the time for debate with-
 11 out any intervening motion or other action.

12 (v) VETO OVERRIDE.—

13 (I) IN GENERAL.—If the Presi-
 14 dent vetoes a joint resolution de-
 15 scribed in subparagraph (A), in the
 16 Senate, upon receipt of the veto mes-
 17 sage from the President or the House
 18 of Representatives, the veto message
 19 shall be considered as read, printed in
 20 the Congressional Record, and entered
 21 in the Senate Journal. The Senate
 22 shall immediately proceed to consider-
 23 ation of whether to pass the joint res-
 24 olution, the objections of the Presi-
 25 dent notwithstanding.

1 (II) DEBATE.—In the Senate,
2 debate on a veto message shall be lim-
3 ited to not more than 30 hours, which
4 shall be divided equally between those
5 favoring and those opposing the joint
6 resolution, and any motion, including
7 a motion to table, to refer to a com-
8 mittee, or to proceed to another meas-
9 ure, is not in order.

10 (III) VOTE.—In the Senate, a
11 vote to override a veto shall occur im-
12 mediately upon the expiration or
13 yielding back of the time for debate
14 without any intervening motion or
15 other action.

16 (E) HOUSE OF REPRESENTATIVES PROCE-
17 DURES.—

18 (i) IN GENERAL.—In the House of
19 Representatives, the Speaker of the House
20 of Representatives shall declare the House
21 resolved into a Committee of the Whole
22 immediately after approval of the Journal
23 on the day after the committee to which a
24 joint resolution described in subparagraph
25 (A) was referred reports the joint resolu-

tion under subparagraph (C)(ii) or is discharged from consideration of the joint resolution under subparagraph (C)(iii). All points of order against the joint resolution and against consideration of the joint resolution are waived.

(ii) DEBATE.—In the House of Representatives, debate on the joint resolution shall be limited to not more than 30 hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to the joint resolution or any motion, including a motion to recommit, is not in order. When the joint resolution is called up, the previous question shall be considered as ordered to its passage without intervening motion upon the expiration or yielding back of the time for debate without any further debate or intervening motion or other action.

(F) PROCEDURES WITH DUPLICATE JOINT RESOLUTIONS.—If, before passing a joint resolution described in subparagraph (A), 1 House of Congress receives from the other a joint resolution having the same text, then—

1 (i) the joint resolution of the other
 2 House shall not be referred to a com-
 3 mittee; and

4 (ii) the receiving House shall consider
 5 the joint resolution of the other House as
 6 if the committee of the receiving House to
 7 which the joint resolution would have been
 8 referred to under subparagraph (C)(i) had
 9 reported the joint resolution under sub-
 10 paragraph (C)(ii) or was discharged from
 11 consideration of the joint resolution under
 12 subparagraph (C)(iii).

13 (3) REISSUANCE OF RULES.—

14 (A) NO SUBSTANTIALLY SIMILAR RULE TO
 15 BE REISSUED.—A rule that is repealed under
 16 paragraph (1) or section 201 may not be re-
 17 issued in substantially the same form, and a
 18 new rule that is substantially the same as such
 19 a rule may not be issued, unless the reissued or
 20 new rule is specifically authorized by a law en-
 21 acted after the date of the joint resolution ap-
 22 proving the recommendation of the Commission
 23 to repeal the original rule.

24 (B) AGENCY TO ENSURE AVOIDANCE OF
 25 SIMILAR DEFECTS.—An agency, in making any

new rule to implement statutory authority previously implemented by a rule repealed under paragraph (1) or section 201, shall assure that—

(i) the new rule does not result in the same adverse effects of the repealed rule that caused the Commission to recommend to Congress the repeal of the latter; and

(ii) the new rule will not result in new adverse effects of the kind described in the criteria specified under subsection (h)(2).

(k) WEBSITE.—

(1) IN GENERAL.—The Commission shall establish a public website that—

(A) uses current information technology to make records available on the website;

(B) provides information in a standard data format; and

(C) receives and publishes public comments.

(2) PUBLISHING OF INFORMATION.—Any information required to be made available on the website established under paragraph (1) shall be published in a timely manner and accessible by the public on the website at no cost.

1 (3) RECORD OF PUBLIC MEETINGS AND HEAR-
2 INGS.—All records of public meetings and hearings
3 shall be published on the website established under
4 paragraph (1) as soon as possible, but not later than
5 1 week after the date on which such public meeting
6 or hearing occurred.

7 (4) PUBLIC COMMENTS.—The Commission shall
8 publish on the website established under paragraph
9 (1) all public comments and submissions.

10 (5) NOTICES.—The Commission shall publish
11 on the website established under paragraph (1) no-
12 tices of all public meetings and hearings not later
13 than 1 week before the date on which such public
14 meeting or hearing occurs.

15 (1) APPLICABILITY OF THE FEDERAL ADVISORY
16 COMMITTEE ACT.—

17 (1) IN GENERAL.—Except as otherwise pro-
18 vided in this Act, the Commission shall be subject to
19 the provisions of the Federal Advisory Committee
20 Act (5 U.S.C. App.).

21 (2) ADVISORY COMMITTEE MANAGEMENT OFFI-
22 CER.—The Commission shall not be subject to the
23 control of any Advisory Committee Management Of-
24 ficer designated under section 8(b) of the Federal
25 Advisory Committee Act (5 U.S.C. App.).

1 (3) SUBCOMMITTEE.—Any subcommittee of the
2 Commission shall be treated as the Commission for
3 purposes of the Federal Advisory Committee Act (5
4 U.S.C. App.).

5 (4) CHARTER.—The enactment of this Act shall
6 be considered to meet the requirements of the Com-
7 mission under section 9(c) of the Federal Advisory
8 Committee Act (5 U.S.C. App.).

9 (m) TERMINATION.—The Commission shall termi-
10 nate on the later of—

11 (1) the date that is 5 years and 180 days after
12 the date of enactment of this Act; or

13 (2) 5 years after the date on which the terms
14 of all members of the Commission have commenced.

15 (n) AUTHORIZATION OF APPROPRIATIONS.—

16 (1) IN GENERAL.—There are authorized to be
17 appropriated such sums as may be necessary to the
18 Commission to carry out this title, but not more
19 than \$30,000,000.

20 (2) AVAILABILITY.—Any sums appropriated
21 under paragraph (1) shall remain available, without
22 fiscal year limitation, until the earlier of—

23 (A) the date on which such sums are ex-
24 pended; or

1 (B) the date on which the Commission ter-
 2 minates.

3 **TITLE II—REGULATORY CUT-GO**

4 **SEC. 201. CUT-GO PROCEDURES.**

5 (a) IN GENERAL.—Except as provided in section
 6 101(j)(2), section 202, or subsection (b) of this section,
 7 when an agency makes a new rule, the agency shall repeal
 8 rules or sets of rules of that agency classified by the Com-
 9 mission under section 101(h)(4)(A)(ii), such that the an-
 10 nual costs of the new rule to the United States economy
 11 is offset by such repeals, in an amount equal to or greater
 12 than the cost of the new rule, based on the regulatory cost
 13 reductions of repeal identified by the Commission.

14 (b) ALTERNATIVE PROCEDURE.—

15 (1) IN GENERAL.—An agency may, alter-
 16 natively, repeal rules or sets of rules of that agency
 17 classified by the Commission under section
 18 101(h)(4)(A)(ii) prior to the time specified in sub-
 19 section (a).

20 (2) APPLICATION OF REDUCTION OF COST.—If
 21 an agency repeals a rule or set of rules under para-
 22 graph (1) and thereby reduces the annual, inflation-
 23 adjusted cost of the rule or set of rules to the
 24 United States economy, the agency may thereafter
 25 apply the reduction in regulatory costs, based on the

1 regulatory cost reductions of repeal identified by the
 2 Commission, to meet, in whole or in part, the regu-
 3 latory cost reduction required under subsection (a)
 4 to be made at the time the agency promulgates a
 5 new rule.

6 (c) ACHIEVEMENT OF FULL NET COST REDUC-
 7 TIONS.—

8 (1) IN GENERAL.—Subject to the provisions of
 9 paragraph (2), an agency may offset the costs of a
 10 new rule or set of rules by repealing a rule or set
 11 of rules listed by the Commission under section
 12 101(h)(4)(A)(ii) that implement the same statutory
 13 authority as the new rule or set of rules.

14 (2) LIMITATION.—When using the authority
 15 provided in paragraph (1), the agency shall achieve
 16 a net reduction in costs imposed by the body of rules
 17 of the agency (including the new rule or set of rules)
 18 that is equal to or greater than the cost of the new
 19 rule or set of rules to be promulgated, including,
 20 whenever necessary, by repealing additional rules of
 21 the agency listed by the Commission under section
 22 101(h)(4)(A)(ii).

23 **SEC. 202. APPLICABILITY.**

24 An agency shall no longer be subject to the require-
 25 ments of sections 201 and 203 beginning on the date on

1 which there is no rule or set of rules of the agency classi-
 2 fied by the Commission under section 101(h)(4)(A)(ii)
 3 that has not been repealed such that all regulatory cost
 4 reductions identified by the Commission to be achievable
 5 through repeal have been achieved.

6 **SEC. 203. OIRA CERTIFICATION OF COST CALCULATIONS.**

7 (a) IN GENERAL.—The Administrator shall review
 8 and certify the accuracy of agency determinations of the
 9 costs of new rules under section 201.

10 (b) INCLUSION.—The certification described in sub-
 11 section (a) shall be included in the administrative record
 12 of the relevant rulemaking by the agency promulgating the
 13 rule, and the Administrator shall transmit a copy of the
 14 certification to Congress when the Administrator trans-
 15 mits the certification to the agency.

16 **TITLE III—RETROSPECTIVE**
 17 **REVIEW OF NEW RULES**

18 **SEC. 301. PLAN FOR FUTURE REVIEW.**

19 (a) IN GENERAL.—When an agency makes a rule, the
 20 agency shall include in the final issuance of such rule a
 21 plan for the review of such rule by not later than 10 years
 22 after the date such rule is made.

23 (b) REVIEW OF MAJOR RULES.—In the case of a
 24 major rule of an agency, the plan for review under sub-

1 section (a) shall be substantially similar to the review by
2 the Commission under section 101(h).

3 (c) REVIEW OTHER RULES.—In the case of a rule
4 of an agency other than a major rule, the plan for review
5 under subsection (a) shall include other procedures and
6 standards to enable the agency to determine whether to
7 repeal or amend the rule to eliminate unnecessary regu-
8 latory costs to the economy.

9 (d) PUBLIC COMMENT ON PLAN.—Whenever feasible,
10 an agency shall include a proposed plan for review of a
11 proposed rule under subsection (a) in the notice of pro-
12 posed rulemaking for the rule and shall receive public com-
13 ment on the plan.

14 **TITLE IV—JUDICIAL REVIEW;** 15 **EFFECTIVE DATE**

16 **SEC. 401. JUDICIAL REVIEW.**

17 (a) IMMEDIATE REPEALS.—Agency compliance with
18 paragraphs (1) and (3) of section 101(j) shall be subject
19 to judicial review under chapter 7 of title 5, United States
20 Code.

21 (b) CUT-GO PROCEDURES.—Agency compliance with
22 title II shall be subject to judicial review under chapter
23 7 of title 5, United States Code.

1 (c) PLANS FOR FUTURE REVIEW.—Agency compli-
2 ance with section 301 shall be subject to judicial review
3 under chapter 7 of title 5, United States Code.

4 **SEC. 402. EFFECTIVE DATE.**

5 This Act and the amendments made by this Act shall
6 take effect beginning on the date of the enactment of this
7 Act.

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