

114TH CONGRESS
1ST SESSION

S. 826

To amend title 5, United States Code, to sunset rules after 10 years unless agencies undergo notice and comment rulemaking, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 19, 2015

Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to sunset rules after 10 years unless agencies undergo notice and comment rulemaking, 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 Examina-
5 tion Vital for Improving and Evaluating Working Solu-
6 tions Act of 2015” or the “REVIEWS Act”.

7 **SEC. 2. DEFINITIONS.**

8 In this Act, the terms “agency” and “rule” have the
9 meanings given those terms in section 551 of title 5,
10 United States Code.

1 **SEC. 3. REGULATORY SUNSET.**

2 (a) IN GENERAL.—Section 553 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing:

5 “(f) EFFECTIVE DATE OF RULES.—

6 “(1) IN GENERAL.—Except as provided in para-
7 graph (2), any rule required to be promulgated in
8 accordance with this section shall cease to be effec-
9 tive on the date that is 10 years after the date on
10 which the agency promulgates the rule.

11 “(2) EXCEPTION.—The effective period of a
12 rule described in paragraph (1) may be extended for
13 additional periods of not more than 10 years if, be-
14 fore the date on which the rule ceases to be effective,
15 the agency that promulgated the rule complies with
16 the procedures under this section as if the rule were
17 a new rule to be issued by the agency.”.

18 (b) EFFECTIVE DATE.—The amendment made under
19 subsection (a) shall apply to a rule promulgated by an
20 agency after the date of enactment of this Act.

21 **SEC. 4. ENFORCEMENT OF RULES.**

22 (a) ACTIONS REVIEWABLE.—Section 704 of title 5,
23 United States Code, is amended—

24 (1) by striking “Agency action” and inserting
25 the following:

26 “(a) IN GENERAL.—Agency action”; and

1 (2) by adding at the end the following:

2 “(b) CLARIFICATION OF FINAL AGENCY ACTION.—

3 For purposes of this section, the term ‘final agency action’

4 includes interpretative rules, general statements of policy,

5 and rules of agency organization, procedure, or practice

6 issued by an agency.”.

7 (b) REVIEW IN COURT OF APPEALS.—Section 2342

8 of title 28, United States Code, is amended—

9 (1) in paragraph (6), by striking “and” at the
10 end;

11 (2) in paragraph (7), by striking the period at
12 the end and inserting “; and”; and

13 (3) by inserting after paragraph (7) the fol-
14 lowing new paragraph:

15 “(8) all rules of an agency (as defined under
16 section 551 of title 5) that—

17 “(A) ceased to be effective under section
18 553(f) of such title; and

19 “(B) the agency continues to enforce.”.

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