

117TH CONGRESS
2D SESSION

S. 4055

To establish a task force for regulatory oversight and review.

IN THE SENATE OF THE UNITED STATES

APRIL 7, 2022

Mr. LEE (for himself, Mr. CRUZ, Mr. BRAUN, Mr. SCOTT of Florida, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a task force for regulatory oversight and review.

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 “Locating the Ineffi-
5 ciencies of Bureaucratic Edicts to Reform And Transform
6 the Economy Act” or the “LIBERATE Act”.

7 **SEC. 2. REGULATORY OVERSIGHT AND REVIEW TASK**
8 **FORCE.**

9 (a) **ESTABLISHMENT.**—There is established a task
10 force to be known as the “Regulatory Oversight and Re-

1 view Task Force” (referred to in this section as the “Task
2 Force”).

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Task Force shall be
5 composed of—

6 (A) the Director of the Office of Manage-
7 ment and Budget, who shall serve as the Chair-
8 person of the Task Force and shall be a non-
9 voting, ex officio member of the Task Force;

10 (B) 1 representative of the Office of Infor-
11 mation and Regulatory Affairs, who shall be a
12 non-voting, ex officio member of the Task
13 Force; and

14 (C) 16 individuals from the private sector,
15 of whom—

16 (i) 4 shall be appointed by the major-
17 ity leader of the Senate;

18 (ii) 4 shall be appointed by the minor-
19 ity leader of the Senate;

20 (iii) 4 shall be appointed by the
21 Speaker of the House of Representatives;
22 and

23 (iv) 4 shall be appointed by the minor-
24 ity leader of the House of Representatives.

1 (2) QUALIFICATIONS OF PRIVATE SECTOR MEM-
2 BERS.—

3 (A) EXPERTISE.—Each member of the
4 Task Force appointed under paragraph (1)(C)
5 shall be an individual with expertise in Federal
6 regulatory policy, Federal regulatory compli-
7 ance, economics, law, or business management.

8 (B) SMALL BUSINESS CONCERNS.—Not
9 fewer than 2 of the members of the Task Force
10 appointed under each clause of paragraph
11 (1)(C) shall be representatives of a small busi-
12 ness concern, as defined in section 3 of the
13 Small Business Act (15 U.S.C. 632).

14 (C) POLITICAL AFFILIATION.—Not more
15 than 2 of the members of the Task Force ap-
16 pointed under each clause of paragraph (1)(C)
17 may be affiliated with the same political party.

18 (c) CONSULTATION WITH GAO.—In carrying out its
19 functions under this section, the Task Force shall consult
20 with the Government Accountability Office.

21 (d) NO COMPENSATION.—A member of the Task
22 Force may not receive any compensation for serving on
23 the Task Force.

24 (e) STAFF.—

1 (1) DESIGNATION OF EXISTING STAFF.—The
2 Director of the Office of Management and Budget
3 may designate employees of the Office of Manage-
4 ment and Budget, including employees of the Office
5 of Information and Regulatory Affairs, as necessary
6 to help the Task Force carry out its duties under
7 this section.

8 (2) RULE OF CONSTRUCTION.—Nothing in
9 paragraph (1) shall be construed to authorize the
10 provision of any additional compensation to an em-
11 ployee designated under that paragraph.

12 (f) EVALUATION OF REGULATIONS AND GUID-
13 ANCE.—The Task Force shall evaluate, and provide rec-
14 ommendations for modification, consolidation, harmoni-
15 zation, or repeal of, Federal regulations or guidance
16 that—

17 (1) exclude or otherwise inhibit competition,
18 causing industries of the United States to be less
19 competitive with global competitors;

20 (2) create barriers to entry for United States
21 businesses, including entrepreneurs and startups;

22 (3) increase the operating costs for domestic
23 manufacturing;

24 (4) impose substantial compliance costs and
25 other burdens on industries of the United States,

1 making those industries less competitive with global
2 competitors;

3 (5) impose burdensome and lengthy permitting
4 processes and requirements;

5 (6) impact energy production by United States
6 businesses and make the United States dependent
7 on foreign countries for energy supply;

8 (7) restrict domestic mining, including the min-
9 ing of critical minerals; or

10 (8) inhibit capital formation in the economy of
11 the United States.

12 (g) WEBSITE.—The Task Force shall establish and
13 maintain a user-friendly, public-facing website to be—

14 (1) a portal for the submission of written com-
15 ments under subsection (i); and

16 (2) a gateway for reports and key information.

17 (h) DUTY OF FEDERAL AGENCIES.—Upon request of
18 the Task Force, a Federal agency shall provide applicable
19 documents and information to help the Task Force carry
20 out its functions under this section.

21 (i) WRITTEN RECOMMENDATIONS.—

22 (1) IN GENERAL.— Not later than 15 days
23 after the first meeting of the Task Force, the Task
24 Force shall initiate a process to solicit and collect
25 written recommendations regarding regulations or

1 guidance described in subsection (f) from the general
2 public, interested parties, Federal agencies, and
3 other relevant entities.

4 (2) MANNER OF SUBMISSION.—The Task Force
5 shall allow written recommendations under para-
6 graph (1) to be submitted through—

7 (A) the website of the Task Force;

8 (B) regulations.gov;

9 (C) the mail; or

10 (D) other appropriate written means.

11 (3) PUBLICATION.—The Task Force shall pub-
12 lish each recommendation submitted under para-
13 graph (1)—

14 (A) in the Federal Register;

15 (B) on the website of the Task Force; and

16 (C) on regulations.gov.

17 (4) PUBLIC OUTREACH.—In addition to solie-
18 iting and collecting written recommendations under
19 paragraph (1), the Task Force shall conduct public
20 outreach and convene focus groups in geographically
21 diverse areas throughout the United States to solicit
22 feedback and public comments regarding regulations
23 or guidance described in subsection (f).

24 (5) REVIEW AND CONSIDERATION.—The Task
25 Force shall review the information received under

1 paragraphs (1) and (4) and consider including that
2 information in the reports and special message re-
3 quired under subsections (j) and (k), respectively.

4 (j) REPORTS.—

5 (1) IN GENERAL.—The Task Force shall sub-
6 mit quarterly and annual reports to Congress on the
7 findings of the Task Force under this section.

8 (2) CONTENTS.—Each report submitted under
9 paragraph (1) shall—

10 (A) analyze the Federal regulations or
11 guidance identified in accordance with sub-
12 section (f); and

13 (B) provide recommendations for modifica-
14 tions, consolidation, harmonization, and repeal
15 of the regulations or guidance described in sub-
16 paragraph (A) of this paragraph.

17 (3) MAJORITY VOTE REQUIRED.—The Task
18 Force may only include a finding or recommendation
19 in a report submitted under paragraph (1) if a ma-
20 jority of the members of the Task Force have ap-
21 proved the finding or recommendation.

22 (k) SPECIAL MESSAGE TO CONGRESS.—

23 (1) DEFINITION.—In this subsection, the term
24 “covered resolution” means a joint resolution—

1 (A) the matter after the resolving clause of
2 which contains only—

3 (i) a list of some or all of the regula-
4 tions or guidance that were recommended
5 for repeal in a special message submitted
6 to Congress under paragraph (2); and

7 (ii) a provision that immediately re-
8 peals the listed regulations or guidance
9 upon enactment of the joint resolution; and

10 (B) upon which Congress completes action
11 before the end of the first period of 60 calendar
12 days after the date on which the special mes-
13 sage described in subparagraph (A)(i) of this
14 paragraph is received by Congress.

15 (2) SUBMISSION.—

16 (A) IN GENERAL.—Not later than the first
17 day on which both Houses of Congress are in
18 session after May 1 of each year, the Director
19 of the Office of Management and Budget shall
20 submit to Congress, on behalf of the Task
21 Force, a special message that—

22 (i) details each regulation or guidance
23 document that the Task Force rec-
24 ommends for repeal; and

1 (ii) explains why each regulation or
2 guidance document should be repealed.

3 (B) DELIVERY TO HOUSE AND SENATE;
4 PRINTING.—Each special message submitted
5 under subparagraph (A) shall be—

6 (i) delivered to the Clerk of the House
7 of Representatives and the Secretary of the
8 Senate; and

9 (ii) printed in the Congressional
10 Record.

11 (3) PROCEDURE IN HOUSE AND SENATE.—

12 (A) REFERRAL.—A covered resolution
13 shall be referred to the appropriate committee
14 of the House of Representatives or the Senate,
15 as the case may be.

16 (B) DISCHARGE OF COMMITTEE.—If the
17 committee to which a covered resolution has
18 been referred has not reported the resolution at
19 the end of 25 calendar days after the introduc-
20 tion of the resolution—

21 (i) the committee shall be discharged
22 from further consideration of the resolu-
23 tion; and

24 (ii) the resolution shall be placed on
25 the appropriate calendar.

1 (4) FLOOR CONSIDERATION IN THE HOUSE.—

2 (A) MOTION TO PROCEED.—

3 (i) IN GENERAL.—When the com-
 4 mittee of the House of Representatives has
 5 reported, or has been discharged from fur-
 6 ther consideration of, a covered resolution,
 7 it shall at any time thereafter be in order
 8 (even though a previous motion to the
 9 same effect has been disagreed to) to move
 10 to proceed to the consideration of the reso-
 11 lution.

12 (ii) PRIVILEGE.—A motion described
 13 in clause (i) shall be highly privileged and
 14 not debatable.

15 (iii) NO AMENDMENT OR MOTION TO
 16 RECONSIDER.—An amendment to a motion
 17 described in clause (i) shall not be in
 18 order, nor shall it be in order to move to
 19 reconsider the vote by which the motion is
 20 agreed to or disagreed to.

21 (B) DEBATE.—

22 (i) IN GENERAL.—Debate in the
 23 House of Representatives on a covered res-
 24 olution shall be limited to not more than 2
 25 hours, which shall be divided equally be-

1 tween those favoring and those opposing
2 the resolution.

3 (ii) NO MOTION TO RECONSIDER.—It
4 shall not be in order in the House of Rep-
5 resentatives to move to reconsider the vote
6 by which a covered resolution is agreed to
7 or disagreed to.

8 (C) NO MOTION TO POSTPONE CONSIDER-
9 ATION OR PROCEED TO CONSIDERATION OF
10 OTHER BUSINESS.—In the House of Represent-
11 atives, motions to postpone, made with respect
12 to the consideration of a covered resolution, and
13 motions to proceed to the consideration of other
14 business, shall not be in order.

15 (D) APPEALS FROM DECISIONS OF
16 CHAIR.—An appeal from the decision of the
17 Chair relating to the application of the Rules of
18 the House of Representatives to the procedure
19 relating to a covered resolution shall be decided
20 without debate.

21 (5) FLOOR CONSIDERATION IN THE SENATE.—

22 (A) MOTION TO PROCEED.—

23 (i) IN GENERAL.—Notwithstanding
24 Rule XXII of the Standing Rules of the
25 Senate, when the committee of the Senate

1 to which a covered resolution is referred
 2 has reported, or has been discharged from
 3 further consideration of, a covered resolu-
 4 tion, it shall at any time thereafter be in
 5 order (even though a previous motion to
 6 the same effect has been disagreed to) to
 7 move to proceed to the consideration of the
 8 resolution and all points of order against
 9 the covered resolution are waived.

10 (ii) DIVISION OF TIME.—A motion to
 11 proceed described in clause (i) is subject to
 12 4 hours of debate divided equally between
 13 those favoring and those opposing the cov-
 14 ered resolution.

15 (iii) NO AMENDMENT OR MOTION TO
 16 POSTPONE OR PROCEED TO OTHER BUSI-
 17 NESS.—A motion to proceed described in
 18 clause (i) is not subject to—

19 (I) amendment;

20 (II) a motion to postpone; or

21 (III) a motion to proceed to the
 22 consideration of other business.

23 (B) FLOOR CONSIDERATION.—

24 (i) GENERAL.—In the Senate, a cov-
 25 ered resolution shall be subject to 10 hours

1 of debate divided equally between those fa-
 2 voring and those opposing the covered res-
 3 olution.

4 (ii) AMENDMENTS.—In the Senate, no
 5 amendment to a covered resolution shall be
 6 in order, except an amendment that strikes
 7 from or adds to the list required under
 8 paragraph (1)(A)(i) a regulation or guid-
 9 ance document recommended for repeal by
 10 the Task Force.

11 (iii) MOTIONS AND APPEALS.—In the
 12 Senate, a motion to reconsider a vote on
 13 final passage of a covered resolution shall
 14 not be in order, and points of order, in-
 15 cluding questions of relevancy, and appeals
 16 from the decision of the Presiding Officer,
 17 shall be decided without debate.

18 (6) RECEIPT OF RESOLUTION FROM OTHER
 19 HOUSE.—If, before passing a covered resolution, one
 20 House receives from the other a covered resolution—

21 (A) the covered resolution of the other
 22 House shall not be referred to a committee and
 23 shall be deemed to have been discharged from
 24 committee on the day on which it is received;
 25 and

1 (B) the procedures set forth in paragraph
2 (4) or (5), as applicable, shall apply in the re-
3 ceiving House to the covered resolution received
4 from the other House to the same extent as
5 those procedures apply to a covered resolution
6 of the receiving House.

7 (7) RULES OF THE HOUSE OF REPRESENTA-
8 TIVES AND THE SENATE.—Paragraphs (3) through
9 (7) are enacted by Congress—

10 (A) as an exercise of the rulemaking power
11 of the House of Representatives and the Sen-
12 ate, respectively, and as such are deemed a part
13 of the rules of each House, respectively, but ap-
14 plicable only with respect to the procedures to
15 be followed in the House in the case of covered
16 resolutions, and supersede other rules only to
17 the extent that they are inconsistent with such
18 other rules; and

19 (B) with full recognition of the constitu-
20 tional right of either House to change the rules
21 (so far as relating to the procedure of that
22 House) at any time, in the same manner, and
23 to the same extent as in the case of any other
24 rule of that House.

25 (1) FUNDING.—

1 (1) NO ADDITIONAL AMOUNTS AUTHORIZED.—

2 No additional amounts are authorized to be appro-
3 priated to carry out this section.

4 (2) OTHER FUNDING.—The Task Force shall
5 use amounts otherwise available to the Office of
6 Management and Budget to carry out this section.

○