

113TH CONGRESS  
1ST SESSION

# H. R. 367

To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2013

Mr. YOUNG of Indiana (for himself, Mr. AMODEI, Mr. BACHUS, Mr. BARR, Mr. BISHOP of Utah, Mrs. BLACK, Mrs. BLACKBURN, Mr. BONNER, Mr. BROOKS of Alabama, Mr. BUCSHON, Mr. CAMP, Mr. CASSIDY, Mr. CHABOT, Mr. CHAFFETZ, Mr. COLLINS of Georgia, Mr. CRAMER, Mr. CRAWFORD, Mr. RODNEY DAVIS of Illinois, Mr. DESANTIS, Mr. DESJARLAIS, Mr. DUNCAN of Tennessee, Mr. DUNCAN of South Carolina, Mr. FITZPATRICK, Mr. FORBES, Mr. FORTENBERRY, Mr. GARRETT, Mr. GERLACH, Mr. GIBBS, Mr. GINGREY of Georgia, Mr. GOSAR, Mr. GOWDY, Mr. GRAVES of Missouri, Mr. GRIFFIN of Arkansas, Mr. GUTHRIE, Mr. HANNA, Mr. HARPER, Mrs. HARTZLER, Mr. HOLDING, Mr. HUDSON, Mr. HUELSKAMP, Mr. HUIZENGA of Michigan, Mr. HULTGREN, Ms. JENKINS, Mr. JOHNSON of Ohio, Mr. JONES, Mr. KELLY, Mr. KLINE, Mr. LAMBORN, Mr. LATHAM, Mr. LATTA, Mr. LONG, Mr. LUETKEMEYER, Mrs. LUMMIS, Mr. MASSIE, Mr. MCKINLEY, Mr. MESSER, Mr. MILLER of Florida, Mrs. CAPITO, Mr. MULLIN, Mr. MULVANEY, Mr. NEUGEBAUER, Mrs. NOEM, Mr. NUGENT, Mr. NUNNELEE, Mr. OLSON, Mr. PEARCE, Mr. REED, Mr. RIBBLE, Mr. ROE of Tennessee, Mr. ROGERS of Michigan, Mr. ROKITA, Mr. SCALISE, Mr. SCHOCK, Mr. SENSENBRENNER, Mr. SIMPSON, Mr. SMITH of Texas, Mr. SMITH of Nebraska, Mr. STOCKMAN, Mr. STUTZMAN, Mr. THORNBERRY, Mr. TIBERI, Mr. WALBERG, Mr. WALDEN, Mr. WEBSTER of Florida, Mr. WESTMORELAND, Mr. WILSON of South Carolina, Mr. YODER, Mr. YOHO, Mr. YOUNG of Alaska, Mr. KINZINGER of Illinois, Mr. STIVERS, Mr. TIPTON, Mr. GIBSON, Mr. BOUSTANY, Mr. POE of Texas, Mr. GARDNER, Mr. SCHWEIKERT, Mr. FRANKS of Arizona, Mr. HALL, Mr. RENACCI, Mr. PALAZZO, Mr. ROSKAM, Mr. MARINO, Mr. POSEY, Mrs. ROBY, Mr. FLORES, Mr. BARTON, Mr. CALVERT, Mr. DENHAM, Mr. BARLETTA, Mr. ALEXANDER, Mr. ADERHOLT, Mr. VALADAO, Mr. GOHMERT, Mr. COFFMAN, Mr. UPTON, Mr. SESSIONS, Mrs. WAGNER, Mr. KING of Iowa, Mrs. BROOKS of Indiana, Mr. BENISHEK, and Mr. ROSS) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Rules and the Budget,

for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend chapter 8 of title 5, United States Code, to provide that major rules of the executive branch shall have no force or effect unless a joint resolution of approval is enacted into law.

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 “Regulations From the  
5 Executive in Need of Scrutiny Act of 2013”.

6 **SEC. 2. PURPOSE.**

7       The purpose of this Act is to increase accountability  
8 for and transparency in the Federal regulatory process.  
9 Section 1 of article I of the United States Constitution  
10 grants all legislative powers to Congress. Over time, Con-  
11 gress has excessively delegated its constitutional charge  
12 while failing to conduct appropriate oversight and retain  
13 accountability for the content of the laws it passes. By  
14 requiring a vote in Congress, the REINS Act will result  
15 in more carefully drafted and detailed legislation, an im-  
16 proved regulatory process, and a legislative branch that

1 is truly accountable to the American people for the laws  
2 imposed upon them.

3 **SEC. 3. CONGRESSIONAL REVIEW OF AGENCY RULE-**  
4 **MAKING.**

5 Chapter 8 of title 5, United States Code, is amended  
6 to read as follows:

7 **“CHAPTER 8—CONGRESSIONAL REVIEW**  
8 **OF AGENCY RULEMAKING**

“Sec.

“801. Congressional review.

“802. Congressional approval procedure for major rules.

“803. Congressional disapproval procedure for nonmajor rules.

“804. Definitions.

“805. Judicial review.

“806. Exemption for monetary policy.

“807. Effective date of certain rules.

9 **“§ 801. Congressional review**

10 “(a)(1)(A) Before a rule may take effect, the Federal  
11 agency promulgating such rule shall submit to each House  
12 of the Congress and to the Comptroller General a report  
13 containing—

14 “(i) a copy of the rule;

15 “(ii) a concise general statement relating to the  
16 rule;

17 “(iii) a classification of the rule as a major or  
18 nonmajor rule, including an explanation of the clas-  
19 sification specifically addressing each criteria for a  
20 major rule contained within sections 804(2)(A),  
21 804(2)(B), and 804(2)(C);

1           “(iv) a list of any other related regulatory ac-  
2           tions intended to implement the same statutory pro-  
3           vision or regulatory objective as well as the indi-  
4           vidual and aggregate economic effects of those ac-  
5           tions; and

6           “(v) the proposed effective date of the rule.

7           “(B) On the date of the submission of the report  
8           under subparagraph (A), the Federal agency promulgating  
9           the rule shall submit to the Comptroller General and make  
10          available to each House of Congress—

11           “(i) a complete copy of the cost-benefit analysis  
12          of the rule, if any;

13           “(ii) the agency’s actions pursuant to sections  
14          603, 604, 605, 607, and 609 of this title;

15           “(iii) the agency’s actions pursuant to sections  
16          202, 203, 204, and 205 of the Unfunded Mandates  
17          Reform Act of 1995; and

18           “(iv) any other relevant information or require-  
19          ments under any other Act and any relevant Execu-  
20          tive orders.

21          “(C) Upon receipt of a report submitted under sub-  
22          paragraph (A), each House shall provide copies of the re-  
23          port to the chairman and ranking member of each stand-  
24          ing committee with jurisdiction under the rules of the  
25          House of Representatives or the Senate to report a bill

1 to amend the provision of law under which the rule is  
2 issued.

3 “(2)(A) The Comptroller General shall provide a re-  
4 port on each major rule to the committees of jurisdiction  
5 by the end of 15 calendar days after the submission or  
6 publication date as provided in section 802(b)(2). The re-  
7 port of the Comptroller General shall include an assess-  
8 ment of the agency’s compliance with procedural steps re-  
9 quired by paragraph (1)(B).

10 “(B) Federal agencies shall cooperate with the Comp-  
11 troller General by providing information relevant to the  
12 Comptroller General’s report under subparagraph (A).

13 “(3) A major rule relating to a report submitted  
14 under paragraph (1) shall take effect upon enactment of  
15 a joint resolution of approval described in section 802 or  
16 as provided for in the rule following enactment of a joint  
17 resolution of approval described in section 802, whichever  
18 is later.

19 “(4) A nonmajor rule shall take effect as provided  
20 by section 803 after submission to Congress under para-  
21 graph (1).

22 “(5) If a joint resolution of approval relating to a  
23 major rule is not enacted within the period provided in  
24 subsection (b)(2), then a joint resolution of approval relat-  
25 ing to the same rule may not be considered under this

1 chapter in the same Congress by either the House of Rep-  
2 resentatives or the Senate.

3 “(b)(1) A major rule shall not take effect unless the  
4 Congress enacts a joint resolution of approval described  
5 under section 802.

6 “(2) If a joint resolution described in subsection (a)  
7 is not enacted into law by the end of 70 session days or  
8 legislative days, as applicable, beginning on the date on  
9 which the report referred to in section 801(a)(1)(A) is re-  
10 ceived by Congress (excluding days either House of Con-  
11 gress is adjourned for more than 3 days during a session  
12 of Congress), then the rule described in that resolution  
13 shall be deemed not to be approved and such rule shall  
14 not take effect.

15 “(c)(1) Notwithstanding any other provision of this  
16 section (except subject to paragraph (3)), a major rule  
17 may take effect for one 90-calendar-day period if the  
18 President makes a determination under paragraph (2) and  
19 submits written notice of such determination to the Con-  
20 gress.

21 “(2) Paragraph (1) applies to a determination made  
22 by the President by Executive order that the major rule  
23 should take effect because such rule is—

24 “(A) necessary because of an imminent threat  
25 to health or safety or other emergency;

1           “(B) necessary for the enforcement of criminal  
2 laws;

3           “(C) necessary for national security; or

4           “(D) issued pursuant to any statute imple-  
5 menting an international trade agreement.

6           “(3) An exercise by the President of the authority  
7 under this subsection shall have no effect on the proce-  
8 dures under section 802.

9           “(d)(1) In addition to the opportunity for review oth-  
10 erwise provided under this chapter, in the case of any rule  
11 for which a report was submitted in accordance with sub-  
12 section (a)(1)(A) during the period beginning on the date  
13 occurring—

14           “(A) in the case of the Senate, 60 session days,  
15 or

16           “(B) in the case of the House of Representa-  
17 tives, 60 legislative days,

18 before the date the Congress is scheduled to adjourn a  
19 session of Congress through the date on which the same  
20 or succeeding Congress first convenes its next session, sec-  
21 tions 802 and 803 shall apply to such rule in the suc-  
22 ceeding session of Congress.

23           “(2)(A) In applying sections 802 and 803 for pur-  
24 poses of such additional review, a rule described under  
25 paragraph (1) shall be treated as though—

1           “(i) such rule were published in the Federal  
2 Register on—

3           “(I) in the case of the Senate, the 15th  
4 session day, or

5           “(II) in the case of the House of Rep-  
6 resentatives, the 15th legislative day,  
7 after the succeeding session of Congress first con-  
8 venes; and

9           “(ii) a report on such rule were submitted to  
10 Congress under subsection (a)(1) on such date.

11          “(B) Nothing in this paragraph shall be construed  
12 to affect the requirement under subsection (a)(1) that a  
13 report shall be submitted to Congress before a rule can  
14 take effect.

15          “(3) A rule described under paragraph (1) shall take  
16 effect as otherwise provided by law (including other sub-  
17 sections of this section).

18 **“§ 802. Congressional approval procedure for major**  
19 **rules**

20          “(a)(1) For purposes of this section, the term ‘joint  
21 resolution’ means only a joint resolution addressing a re-  
22 port classifying a rule as major pursuant to section  
23 801(a)(1)(A)(iii) that—

24           “(A) bears no preamble;

1           “(B) bears the following title (with blanks filled  
2           as appropriate): ‘Approving the rule submitted by  
3           \_\_\_\_\_ relating to \_\_\_\_\_.’;

4           “(C) includes after its resolving clause only the  
5           following (with blanks filled as appropriate): ‘That  
6           Congress approves the rule submitted by \_\_\_\_\_ re-  
7           lating to \_\_\_\_\_.’; and

8           “(D) is introduced pursuant to paragraph (2).

9           “(2) After a House of Congress receives a report  
10          classifying a rule as major pursuant to section  
11          801(a)(1)(A)(iii), the majority leader of that House (or  
12          his or her respective designee) shall introduce (by request,  
13          if appropriate) a joint resolution described in paragraph  
14          (1)—

15                 “(A) in the case of the House of Representa-  
16                 tives, within three legislative days; and

17                 “(B) in the case of the Senate, within three ses-  
18                 sion days.

19           “(3) A joint resolution described in paragraph (1)  
20          shall not be subject to amendment at any stage of pro-  
21          ceeding.

22           “(b) A joint resolution described in subsection (a)  
23          shall be referred in each House of Congress to the commit-  
24          tees having jurisdiction over the provision of law under  
25          which the rule is issued.

1       “(c) In the Senate, if the committee or committees  
2 to which a joint resolution described in subsection (a) has  
3 been referred have not reported it at the end of 15 session  
4 days after its introduction, such committee or committees  
5 shall be automatically discharged from further consider-  
6 ation of the resolution and it shall be placed on the cal-  
7 endar. A vote on final passage of the resolution shall be  
8 taken on or before the close of the 15th session day after  
9 the resolution is reported by the committee or committees  
10 to which it was referred, or after such committee or com-  
11 mittees have been discharged from further consideration  
12 of the resolution.

13       “(d)(1) In the Senate, when the committee or com-  
14 mittees to which a joint resolution is referred have re-  
15 ported, or when a committee or committees are discharged  
16 (under subsection (c)) from further consideration of a  
17 joint resolution described in subsection (a), it is at any  
18 time thereafter in order (even though a previous motion  
19 to the same effect has been disagreed to) for a motion  
20 to proceed to the consideration of the joint resolution, and  
21 all points of order against the joint resolution (and against  
22 consideration of the joint resolution) are waived. The mo-  
23 tion is not subject to amendment, or to a motion to post-  
24 pone, or to a motion to proceed to the consideration of  
25 other business. A motion to reconsider the vote by which

1 the motion is agreed to or disagreed to shall not be in  
2 order. If a motion to proceed to the consideration of the  
3 joint resolution is agreed to, the joint resolution shall re-  
4 main the unfinished business of the Senate until disposed  
5 of.

6 “(2) In the Senate, debate on the joint resolution,  
7 and on all debatable motions and appeals in connection  
8 therewith, shall be limited to not more than 2 hours, which  
9 shall be divided equally between those favoring and those  
10 opposing the joint resolution. A motion to further limit  
11 debate is in order and not debatable. An amendment to,  
12 or a motion to postpone, or a motion to proceed to the  
13 consideration of other business, or a motion to recommit  
14 the joint resolution is not in order.

15 “(3) In the Senate, immediately following the conclu-  
16 sion of the debate on a joint resolution described in sub-  
17 section (a), and a single quorum call at the conclusion of  
18 the debate if requested in accordance with the rules of the  
19 Senate, the vote on final passage of the joint resolution  
20 shall occur.

21 “(4) Appeals from the decisions of the Chair relating  
22 to the application of the rules of the Senate to the proce-  
23 dure relating to a joint resolution described in subsection  
24 (a) shall be decided without debate.

1       “(e) In the House of Representatives, if any com-  
2 mittee to which a joint resolution described in subsection  
3 (a) has been referred has not reported it to the House  
4 at the end of 15 legislative days after its introduction,  
5 such committee shall be discharged from further consider-  
6 ation of the joint resolution, and it shall be placed on the  
7 appropriate calendar. On the second and fourth Thursdays  
8 of each month it shall be in order at any time for the  
9 Speaker to recognize a Member who favors passage of a  
10 joint resolution that has appeared on the calendar for at  
11 least 5 legislative days to call up that joint resolution for  
12 immediate consideration in the House without intervention  
13 of any point of order. When so called up a joint resolution  
14 shall be considered as read and shall be debatable for 1  
15 hour equally divided and controlled by the proponent and  
16 an opponent, and the previous question shall be considered  
17 as ordered to its passage without intervening motion. It  
18 shall not be in order to reconsider the vote on passage.  
19 If a vote on final passage of the joint resolution has not  
20 been taken by the third Thursday on which the Speaker  
21 may recognize a Member under this subsection, such vote  
22 shall be taken on that day.

23       “(f)(1) If, before passing a joint resolution described  
24 in subsection (a), one House receives from the other a  
25 joint resolution having the same text, then—

1           “(A) the joint resolution of the other House  
2 shall not be referred to a committee; and

3           “(B) the procedure in the receiving House shall  
4 be the same as if no joint resolution had been re-  
5 ceived from the other House until the vote on pas-  
6 sage, when the joint resolution received from the  
7 other House shall supplant the joint resolution of  
8 the receiving House.

9           “(2) This subsection shall not apply to the House of  
10 Representatives if the joint resolution received from the  
11 Senate is a revenue measure.

12          “(g) If either House has not taken a vote on final  
13 passage of the joint resolution by the last day of the period  
14 described in section 801(b)(2), then such vote shall be  
15 taken on that day.

16          “(h) This section and section 803 are enacted by  
17 Congress—

18           “(1) as an exercise of the rulemaking power of  
19 the Senate and House of Representatives, respec-  
20 tively, and as such is deemed to be part of the rules  
21 of each House, respectively, but applicable only with  
22 respect to the procedure to be followed in that  
23 House in the case of a joint resolution described in  
24 subsection (a) and superseding other rules only  
25 where explicitly so; and

1           “(2) with full recognition of the Constitutional  
2           right of either House to change the rules (so far as  
3           they relate to the procedure of that House) at any  
4           time, in the same manner and to the same extent as  
5           in the case of any other rule of that House.

6   **“§ 803. Congressional disapproval procedure for**  
7                           **nonmajor rules**

8           “(a) For purposes of this section, the term ‘joint res-  
9           olution’ means only a joint resolution introduced in the  
10          period beginning on the date on which the report referred  
11          to in section 801(a)(1)(A) is received by Congress and  
12          ending 60 days thereafter (excluding days either House  
13          of Congress is adjourned for more than 3 days during a  
14          session of Congress), the matter after the resolving clause  
15          of which is as follows: ‘That Congress disapproves the  
16          nonmajor rule submitted by the \_\_\_\_\_ relating to  
17          \_\_\_\_\_, and such rule shall have no force or effect.’ (The  
18          blank spaces being appropriately filled in).

19          “(b)(1) A joint resolution described in subsection (a)  
20          shall be referred to the committees in each House of Con-  
21          gress with jurisdiction.

22          “(2) For purposes of this section, the term submis-  
23          sion or publication date means the later of the date on  
24          which—

1           “(A) the Congress receives the report submitted  
2           under section 801(a)(1); or

3           “(B) the nonmajor rule is published in the Fed-  
4           eral Register, if so published.

5           “(c) In the Senate, if the committee to which is re-  
6           ferred a joint resolution described in subsection (a) has  
7           not reported such joint resolution (or an identical joint  
8           resolution) at the end of 15 session days after the date  
9           of introduction of the joint resolution, such committee may  
10          be discharged from further consideration of such joint res-  
11          olution upon a petition supported in writing by 30 Mem-  
12          bers of the Senate, and such joint resolution shall be  
13          placed on the calendar.

14          “(d)(1) In the Senate, when the committee to which  
15          a joint resolution is referred has reported, or when a com-  
16          mittee is discharged (under subsection (c)) from further  
17          consideration of a joint resolution described in subsection  
18          (a), it is at any time thereafter in order (even though a  
19          previous motion to the same effect has been disagreed to)  
20          for a motion to proceed to the consideration of the joint  
21          resolution, and all points of order against the joint resolu-  
22          tion (and against consideration of the joint resolution) are  
23          waived. The motion is not subject to amendment, or to  
24          a motion to postpone, or to a motion to proceed to the  
25          consideration of other business. A motion to reconsider the

1 vote by which the motion is agreed to or disagreed to shall  
2 not be in order. If a motion to proceed to the consideration  
3 of the joint resolution is agreed to, the joint resolution  
4 shall remain the unfinished business of the Senate until  
5 disposed of.

6 “(2) In the Senate, debate on the joint resolution,  
7 and on all debatable motions and appeals in connection  
8 therewith, shall be limited to not more than 10 hours,  
9 which shall be divided equally between those favoring and  
10 those opposing the joint resolution. A motion to further  
11 limit debate is in order and not debatable. An amendment  
12 to, or a motion to postpone, or a motion to proceed to  
13 the consideration of other business, or a motion to recom-  
14 mit the joint resolution is not in order.

15 “(3) In the Senate, immediately following the conclu-  
16 sion of the debate on a joint resolution described in sub-  
17 section (a), and a single quorum call at the conclusion of  
18 the debate if requested in accordance with the rules of the  
19 Senate, the vote on final passage of the joint resolution  
20 shall occur.

21 “(4) Appeals from the decisions of the Chair relating  
22 to the application of the rules of the Senate to the proce-  
23 dure relating to a joint resolution described in subsection  
24 (a) shall be decided without debate.

1       “(e) In the Senate the procedure specified in sub-  
2 section (e) or (d) shall not apply to the consideration of  
3 a joint resolution respecting a nonmajor rule—

4               “(1) after the expiration of the 60 session days  
5 beginning with the applicable submission or publica-  
6 tion date, or

7               “(2) if the report under section 801(a)(1)(A)  
8 was submitted during the period referred to in sec-  
9 tion 801(d)(1), after the expiration of the 60 session  
10 days beginning on the 15th session day after the  
11 succeeding session of Congress first convenes.

12       “(f) If, before the passage by one House of a joint  
13 resolution of that House described in subsection (a), that  
14 House receives from the other House a joint resolution  
15 described in subsection (a), then the following procedures  
16 shall apply:

17               “(1) The joint resolution of the other House  
18 shall not be referred to a committee.

19               “(2) With respect to a joint resolution described  
20 in subsection (a) of the House receiving the joint  
21 resolution—

22                       “(A) the procedure in that House shall be  
23 the same as if no joint resolution had been re-  
24 ceived from the other House; but

1                   “(B) the vote on final passage shall be on  
2                   the joint resolution of the other House.

3 **“§ 804. Definitions**

4                   “For purposes of this chapter—

5                   “(1) The term ‘Federal agency’ means any  
6                   agency as that term is defined in section 551(1).

7                   “(2) The term ‘major rule’ means any rule, in-  
8                   cluding an interim final rule, that the Administrator  
9                   of the Office of Information and Regulatory Affairs  
10                  of the Office of Management and Budget finds has  
11                  resulted in or is likely to result in—

12                  “(A) an annual effect on the economy of  
13                  \$100,000,000 or more;

14                  “(B) a major increase in costs or prices for  
15                  consumers, individual industries, Federal,  
16                  State, or local government agencies, or geo-  
17                  graphic regions; or

18                  “(C) significant adverse effects on competi-  
19                  tion, employment, investment, productivity, in-  
20                  novation, or on the ability of United States-  
21                  based enterprises to compete with foreign-based  
22                  enterprises in domestic and export markets.

23                  “(3) The term ‘nonmajor rule’ means any rule  
24                  that is not a major rule.

1           “(4) The term ‘rule’ has the meaning given  
2 such term in section 551, except that such term does  
3 not include—

4           “(A) any rule of particular applicability,  
5 including a rule that approves or prescribes for  
6 the future rates, wages, prices, services, or al-  
7 lowances therefore, corporate or financial struc-  
8 tures, reorganizations, mergers, or acquisitions  
9 thereof, or accounting practices or disclosures  
10 bearing on any of the foregoing;

11           “(B) any rule relating to agency manage-  
12 ment or personnel; or

13           “(C) any rule of agency organization, pro-  
14 cedure, or practice that does not substantially  
15 affect the rights or obligations of non-agency  
16 parties.

17 **“§ 805. Judicial review**

18           “(a) No determination, finding, action, or omission  
19 under this chapter shall be subject to judicial review.

20           “(b) Notwithstanding subsection (a), a court may de-  
21 termine whether a Federal agency has completed the nec-  
22 essary requirements under this chapter for a rule to take  
23 effect.

24           “(c) The enactment of a joint resolution of approval  
25 under section 802 shall not be interpreted to serve as a

1 grant or modification of statutory authority by Congress  
2 for the promulgation of a rule, shall not extinguish or af-  
3 fect any claim, whether substantive or procedural, against  
4 any alleged defect in a rule, and shall not form part of  
5 the record before the court in any judicial proceeding con-  
6 cerning a rule except for purposes of determining whether  
7 or not the rule is in effect.

8 **“§ 806. Exemption for monetary policy**

9 “Nothing in this chapter shall apply to rules that con-  
10 cern monetary policy proposed or implemented by the  
11 Board of Governors of the Federal Reserve System or the  
12 Federal Open Market Committee.

13 **“§ 807. Effective date of certain rules**

14 “Notwithstanding section 801—

15 “(1) any rule that establishes, modifies, opens,  
16 closes, or conducts a regulatory program for a com-  
17 mercial, recreational, or subsistence activity related  
18 to hunting, fishing, or camping; or

19 “(2) any rule other than a major rule which an  
20 agency for good cause finds (and incorporates the  
21 finding and a brief statement of reasons therefore in  
22 the rule issued) that notice and public procedure  
23 thereon are impracticable, unnecessary, or contrary  
24 to the public interest,

1 shall take effect at such time as the Federal agency pro-  
2 mulgating the rule determines.”.

3 **SEC. 4. BUDGETARY EFFECTS OF RULES SUBJECT TO SEC-**  
4 **TION 802 OF TITLE 5, UNITED STATES CODE.**

5 Section 257(b)(2) of the Balanced Budget and Emer-  
6 gency Deficit Control Act of 1985 is amended by adding  
7 at the end the following new subparagraph:

8 “(E) BUDGETARY EFFECTS OF RULES  
9 SUBJECT TO SECTION 802 OF TITLE 5, UNITED  
10 STATES CODE.—Any rules subject to the con-  
11 gressional approval procedure set forth in sec-  
12 tion 802 of chapter 8 of title 5, United States  
13 Code, affecting budget authority, outlays, or re-  
14 ceipts shall be assumed to be effective unless it  
15 is not approved in accordance with such sec-  
16 tion.”.

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