

114TH CONGRESS
1ST SESSION

S. 1067

To require the periodic review and automatic termination of Federal regulations.

IN THE SENATE OF THE UNITED STATES

APRIL 23, 2015

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

A BILL

To require the periodic review and automatic termination
of Federal regulations.

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 Review and
5 Sunset Act of 2015”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to require agencies to regularly review sig-
9 nificant rules to determine whether the rules should

1 be continued without change, modified, consolidated
2 with another rule, or terminated;

3 (2) to require agencies to consider the com-
4 ments of the public, the regulated community, and
5 Congress regarding the actual costs and burdens of
6 rules reviewed under this Act, and whether the rules
7 are obsolete, unnecessary, duplicative, conflicting, or
8 otherwise inconsistent;

9 (3) to require that any rules continued in effect
10 under this Act meet all the legal requirements that
11 would apply to the issuance of a new rule, including
12 any applicable Federal cost-benefit and risk assess-
13 ment requirements;

14 (4) to provide for the review of significant rules
15 and other rules through a sunset review process and
16 to provide for the repeal of or other change in such
17 rules in accordance with chapters 5 and 7 of title 5,
18 United States Code;

19 (5) to provide for a petition process that allows
20 the public and appropriate committees of Congress
21 to request that other rules that are not significant
22 be reviewed in the same manner as significant rules;
23 and

1 (6) to require the Administrator to coordinate
2 and be responsible for sunset reviews conducted by
3 agencies.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Office of In-
8 formation and Regulatory Affairs in the Office of
9 Management and Budget.

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

13 (3) APPROPRIATE COMMITTEE OF CONGRESS.—
14 The term “appropriate committee of Congress”
15 means, with respect to a rule, each standing com-
16 mittee of Congress having authority under the Rules
17 of the House of Representatives or the Senate to re-
18 port a bill to amend the provision of law under
19 which the rule is issued.

20 (4) APPROPRIATE FEDERAL BANKING AGEN-
21 CY.—The term “appropriate Federal banking agen-
22 cy” has the meaning given that term in section 3(q)
23 of the Federal Deposit Insurance Act (12 U.S.C.
24 1813(q)).

1 (5) COVERED RULE.—The term “covered rule”
 2 means a rule that—

3 (A) is determined by the Administrator to
 4 be a significant rule; or

5 (B) is any other rule designated by an
 6 agency or the Administrator for sunset review
 7 under this Act.

8 (6) MAJOR RULE.—The term “major rule”
 9 means any rule that the Administrator finds has re-
 10 sulted in or is likely to result in—

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

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

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

22 (7) RULE.—The term “rule”—

23 (A) means—

24 (i) any agency statement of general
 25 applicability and future effect, including

1 agency guidance documents, designed to
2 implement, interpret, or prescribe law or
3 policy, or describing the procedures or
4 practices of an agency, or intended to as-
5 sist in such actions; and

6 (ii) each set of rules—

7 (I) designated in the Code of
8 Federal Regulations as a part; and

9 (II) that do not appear in the
10 Code of Federal Regulations and are
11 comparable to a part of that Code
12 under guidelines established by the
13 Administrator; and

14 (B) does not include—

15 (i) regulations or other agency state-
16 ments—

17 (I) issued in accordance with for-
18 mal rulemaking provisions of sections
19 556 and 557 of title 5, United States
20 Code, or in accordance with other
21 statutory formal rulemaking proce-
22 dures required for such regulations or
23 statements;

1 (II) that are limited to agency or-
2 ganization, management, or personnel
3 matters;

4 (III) issued with respect to a
5 military or foreign affairs function of
6 the United States; or

7 (IV) that the Administrator cer-
8 tifies in writing are necessary for the
9 enforcement of the Federal criminal
10 laws;

11 (ii) regulations, statements, or other
12 agency actions that are reviewed and usu-
13 ally modified each year (or more fre-
14 quently), or are reviewed regularly and
15 usually modified based on changing eco-
16 nomic or seasonal conditions; or

17 (iii) regulations or other agency ac-
18 tions that grant an approval, license, per-
19 mit, registration, or similar authority or
20 that grant or recognize an exemption or re-
21 lieve a restriction, or any agency action
22 necessary to permit new or improved appli-
23 cations of technology or to allow the manu-
24 facture, distribution, sale, or use of a sub-
25 stance or product.

1 (8) SIGNIFICANT RULE.—The term “significant
2 rule” means a rule that the Administrator deter-
3 mines—

4 (A) has resulted in or is likely to result in
5 an annual effect on the economy of
6 \$100,000,000 or more;

7 (B) is a major rule; or

8 (C) was issued pursuant to a significant
9 regulatory action, as that term is defined in Ex-
10 ecutive Order 12866 (5 U.S.C. 601 note; relat-
11 ing to regulatory planning and review), as in ef-
12 fect on September 30, 1993.

13 (9) SUNSET REVIEW.—The term “sunset re-
14 view” means a review of a rule under this Act.

15 **SEC. 4. DESIGNATION OF RULES FOR SUNSET REVIEW.**

16 (a) COVERED RULES.—A covered rule shall be sub-
17 ject to sunset review in accordance with this Act.

18 (b) PUBLIC PETITIONS.—

19 (1) IN GENERAL.—Any person adversely af-
20 fected by a rule that is not a significant rule may
21 submit a petition to the agency that has jurisdiction
22 over the rule requesting that the agency designate
23 the rule for sunset review, which shall—

24 (A) be in writing, but is not otherwise re-
25 quired to be in any particular form; and

1 (B) identify the rule for which sunset re-
2 view is requested with reasonable specificity and
3 state on its face that the petitioner seeks sunset
4 review of the rule.

5 (2) RESPONSE REQUIRED FOR NONCOMPLYING
6 PETITIONS.—If an agency determines that a petition
7 submitted under paragraph (1) does not meet the
8 requirements of this subsection, the agency shall
9 provide a response to the petitioner not later than
10 30 days after the date on which the agency received
11 the petition, which shall—

12 (A) notify the petitioner of the problem;
13 and

14 (B) provide information on how to formu-
15 late a petition that meets those requirements.

16 (3) DECISION WITHIN 90 DAYS.—Not later than
17 90 days after the date on which an agency receives
18 a petition under paragraph (1) that meets the re-
19 quirements of this subsection, the agency shall
20 transmit a response to the petitioner stating whether
21 the petition was granted or denied, except that the
22 agency may extend such period by a total of not
23 more than 30 days.

24 (4) PETITIONS DEEMED GRANTED FOR SUB-
25 STANTIAL INEXCUSABLE DELAY.—A petition sub-

mitted under paragraph (1) is deemed to have been granted by an agency, and such agency is deemed to have designated the rule for sunset review, if a court finds there is a substantial and inexcusable delay, beyond the period specified in paragraph (3), in notifying the petitioner of the determination of the agency to grant or deny the petition.

(5) PUBLIC LOG.—Each agency shall maintain a public log of petitions submitted under paragraph (1), which shall include the status or disposition of each petition.

(c) CONGRESSIONAL REQUESTS.—

(1) IN GENERAL.—An appropriate committee of Congress, or a majority of the majority party members or a majority of nonmajority party members of the committee, may request in writing that the Administrator designate any rule that is not a significant rule for sunset review.

(2) DESIGNATION BY ADMINISTRATOR.—Not later than 30 days after the date on which the Administrator receives a request under paragraph (1), the Administrator shall designate the rule for sunset review, unless the Administrator determines that it would not be in the public interest to conduct a sunset review of the rule.

1 (3) NOTICE OF DENIAL.—If the Administrator
2 denies a request under paragraph (1), the Adminis-
3 trator shall transmit to the committee of Congress
4 making the request a notice stating the reasons for
5 the denial.

6 (d) PUBLICATION OF NOTICE OF DESIGNATION FOR
7 SUNSET REVIEW.—After designating a rule under sub-
8 section (b) or (c) for sunset review, the agency or the Ad-
9 ministrator, as applicable, shall promptly publish a notice
10 of that designation in the Federal Register.

11 **SEC. 5. CRITERIA FOR SUNSET REVIEW.**

12 (a) DEFINITION.—In this section, the term “applica-
13 ble requirements” includes any requirement for—

14 (1) cost-benefit analysis; and

15 (2) standardized risk analysis and risk assess-
16 ment.

17 (b) COMPLIANCE WITH OTHER LAWS.—In order for
18 any rule subject to sunset review to continue without
19 change or to be modified or consolidated in accordance
20 with this Act, the rule shall be authorized by law and meet
21 all applicable requirements that would apply if it were
22 issued as a new rule pursuant to section 553 of title 5,
23 United States Code, or other statutory rulemaking proce-
24 dures required for that rule.

1 (c) GOVERNING LAW.—If there is a conflict between
2 applicable requirements and an Act under which a rule
3 was issued, the conflict shall be resolved in the same man-
4 ner as the conflict would be resolved if the agency were
5 issuing a new rule.

6 **SEC. 6. SUNSET REVIEW PROCEDURES.**

7 (a) FUNCTIONS OF THE ADMINISTRATOR.—

8 (1) NOTICE OF RULES SUBJECT TO REVIEW.—

9 (A) INVENTORY AND FIRST LIST.—Not
10 later than 6 months after the date of enactment
11 of this Act, the Administrator shall conduct an
12 inventory of rules in effect on the date of enact-
13 ment of this Act and publish a first list of cov-
14 ered rules, which shall—

15 (i) specify the particular group to
16 which each significant rule is assigned
17 under paragraph (2), and state the review
18 deadline for all significant rules in each
19 such group in accordance with section
20 7(a)(1); and

21 (ii) include other rules subject to sun-
22 set review for any other reason, and state
23 the review deadline for each such rule in
24 accordance with section 7(a)(1).

1 (B) SUBSEQUENT LISTS.—After publica-
 2 tion of the first list under subparagraph (A),
 3 the Administrator shall publish an updated list
 4 of covered rules at least annually, specifying the
 5 review deadline for each rule on the list.

6 (2) GROUPING OF SIGNIFICANT RULES IN FIRST
 7 LIST.—

8 (A) STAGGERED REVIEW.—To permit or-
 9 derly and prioritized sunset reviews, the Admin-
 10 istrator shall—

11 (i) assign each significant rule in ef-
 12 fect on the date of enactment of this Act
 13 to 1 of 4 groups established by the Admin-
 14 istrator; and

15 (ii) specify for each such group an ini-
 16 tial review deadline in accordance with sec-
 17 tion 7(a)(1).

18 (B) PRIORITIZATIONS.—In determining
 19 which rules shall be given priority in time in the
 20 assignment under subparagraph (A)(i), the Ad-
 21 ministrator shall—

22 (i) consult with appropriate agencies;
 23 and

24 (ii) prioritize rules based on—

1 (I) the grouping of related rules
2 under paragraph (3);

3 (II) the extent of the cost of each
4 rule and on the regulated community
5 and the public, with priority in time
6 given to those rules that impose the
7 greatest cost;

8 (III) consideration of the views of
9 regulated persons, including State and
10 local governments;

11 (IV) whether a particular rule
12 has recently been subject to cost-ben-
13 efit analysis and risk assessment, with
14 priority in time given to those rules
15 that have not been subject to such
16 analysis and assessment;

17 (V) whether a particular rule was
18 issued under a statutory provision
19 that provides relatively greater discre-
20 tion to an official in issuing the rule,
21 with priority in time given to those
22 rules that were issued under provi-
23 sions that provide relatively greater
24 discretion;

1 (VI) the burden of reviewing each
2 rule on the reviewing agency; and
3 (VII) the need for orderly proc-
4 essing and the timely completion of
5 the sunset reviews of rules in effect on
6 the date of enactment of this Act.

7 (3) GROUPING OF RELATED RULES.—The Ad-
8 ministrator shall—

9 (A) group related rules under paragraph
10 (2) (and designate other rules) for simultaneous
11 sunset review based upon subject matter simi-
12 larity, functional interrelationships, and other
13 relevant factors to ensure comprehensive and
14 coordinated review of redundant, overlapping,
15 and conflicting rules and requirements;

16 (B) ensure simultaneous sunset reviews of
17 covered rules without regard to whether the
18 rules were issued by the same agency; and

19 (C) designate any other rule for sunset re-
20 view that is necessary for a comprehensive sun-
21 set review whether or not the other rule is oth-
22 erwise a covered rule.

23 (4) GUIDANCE.—The Administrator shall pro-
24 vide timely guidance to agencies on the conduct of
25 sunset reviews and the preparation of sunset review

1 notices and reports required under this Act to en-
2 sure—

3 (A) uniform, complete, and timely sunset
4 reviews; and

5 (B) notice and opportunity for public com-
6 ment under section 8(a).

7 (5) REVIEW AND EVALUATION OF REPORTS.—
8 Not later than 90 days after receiving a preliminary
9 report under subsection (b)(2), the Administrator
10 shall—

11 (A) review and evaluate each preliminary
12 and final report submitted by an agency under
13 paragraphs (2) and (3) of subsection (b); and

14 (B) transmit comments to the head of the
15 agency regarding—

16 (i) the quality of the analysis in the
17 report, including whether the agency has
18 properly applied section 5;

19 (ii) the consistency of the proposed
20 action of the agency with actions of other
21 agencies; and

22 (iii) whether the rule should be contin-
23 ued without change, modified, consolidated
24 with another rule, or terminated.

25 (b) AGENCY SUNSET REVIEW PROCEDURE.—

1 (1) SUNSET REVIEW NOTICE.—Not less than 30
2 months before the review deadline under section 7(a)
3 for a covered rule issued by an agency, the agency
4 shall—

5 (A) publish a sunset review notice in ac-
6 cordance with section 8(a) in the Federal Reg-
7 ister and, to the extent reasonable and prac-
8 ticable, in other publications or media that are
9 designed to reach those persons most affected
10 by the covered rule; and

11 (B) request the views of the Administrator
12 and the appropriate committees of Congress on
13 whether to continue without changing, modi-
14 fying, consolidating, or terminating the covered
15 rule.

16 (2) PRELIMINARY REPORT.—In reviewing a cov-
17 ered rule, the agency shall—

18 (A) consider public comments and other
19 recommendations generated by a sunset review
20 notice under paragraph (1); and

21 (B) not less than 1 year before the review
22 deadline under section 7(a) for the covered rule,
23 publish in the Federal Register, in accordance
24 with section 8(b), and transmit to the Adminis-

1 trator and the appropriate committees of the
2 Congress a preliminary report.

3 (3) FINAL REPORT.—The agency shall—

4 (A) consider the public comments and
5 other recommendations generated by the pre-
6 liminary report under paragraph (2) for a cov-
7 ered rule;

8 (B) consult with the appropriate commit-
9 tees of Congress before issuing a final report;
10 and

11 (C) not less than 90 days before the review
12 deadline of the covered rule, publish in the Fed-
13 eral Register, in accordance with subsection
14 (c)(2) or (d) of section 8, and transmit a final
15 report to the Administrator and the appropriate
16 committees of Congress.

17 (4) OPEN PROCEDURES REGARDING SUNSET
18 REVIEW.—In any sunset review conducted under this
19 Act, the agency conducting the review shall make a
20 written record describing the subject of all contacts
21 the agency or Administrator made with non-govern-
22 mental persons outside the agency relating to the re-
23 view, which shall be made available, upon request, to
24 the public.

1 (c) EFFECTIVENESS OF AGENCY RECOMMENDA-
 2 TION.—If a final report under subsection (b)(3)—

3 (1) recommends that a covered rule should be
 4 continued without change, the covered rule shall be
 5 continued; and

6 (2) recommends that a covered rule should be
 7 modified, consolidated with another rule, or termi-
 8 nated, the rule may be modified, so consolidated, or
 9 terminated in accordance with section 8(d).

10 (d) PRESERVATION OF INDEPENDENCE OF FEDERAL
 11 BANK REGULATORY AGENCIES.—The head of any appro-
 12 priate Federal banking agency, the Federal Housing Fi-
 13 nance Board, the National Credit Union Administration,
 14 and the Office of Federal Housing Enterprise Oversight
 15 shall have the authority with respect to that agency that
 16 would otherwise be granted under subsection (a) to the
 17 Administrator.

18 **SEC. 7. REVIEW DEADLINES FOR COVERED RULES.**

19 (a) IN GENERAL.—For purposes of this Act, the re-
 20 view deadline of a covered rule is as follows:

21 (1) EXISTING SIGNIFICANT RULES.—

22 (A) IN GENERAL.—For a significant rule
 23 in effect on the date of enactment of this Act,
 24 the initial review deadline is the last day of the
 25 4-year, 5-year, 6-year, or 7-year period begin-

1 ning on the date of enactment of this Act, as
 2 specified by the Administrator under section
 3 6(a)(2)(A).

4 (B) OTHER SIGNIFICANT RULES.—For a
 5 significant rule that is not assigned to such a
 6 group specified under section 6(a)(2)(A) on the
 7 date that is 6 months after the date of enact-
 8 ment of this Act, the initial review deadline is
 9 the last day of the 4-year period beginning on
 10 the date of enactment of this Act.

11 (2) NEW SIGNIFICANT RULES.—For a signifi-
 12 cant rule that first takes effect after the date of en-
 13 actment of this Act, the initial review deadline is the
 14 last day of the 10-year period beginning on the date
 15 on which the rule takes effect.

16 (3) RULES COVERED PURSUANT TO PUBLIC PE-
 17 TITION OR CONGRESSIONAL REQUEST.—For a rule
 18 subject to sunset review pursuant to a public peti-
 19 tion under section 4(b) or a congressional request
 20 under section 4(c), the initial review deadline is the
 21 last day of the 3-year period beginning on—

22 (A) the date on which the agency or Ad-
 23 ministrator so designates the rule for sunset re-
 24 view; or

1 (B) the date of issuance of a final court
2 order that the agency is deemed to have des-
3 ignated the rule for sunset review.

4 (4) RELATED RULE DESIGNATED FOR RE-
5 VIEW.—For a rule that the Administrator designates
6 under section 6(a)(3) for sunset review because it is
7 related to another covered rule and that is grouped
8 with that other rule for simultaneous review, the ini-
9 tial review deadline is the same as the review dead-
10 line for that other rule.

11 (b) TEMPORARY EXTENSION.—The review deadline
12 under subsection (a) for a covered rule may be extended
13 by the Administrator for not more than 6 months by pub-
14 lishing notice thereof in the Federal Register that de-
15 scribes the reasons why the temporary extension is nec-
16 essary to respond to or prevent an emergency situation.

17 (c) DETERMINATIONS WHERE RULES HAVE BEEN
18 AMENDED.—For purposes of this Act, if various provi-
19 sions of a covered rule were issued at different times, the
20 rule as a whole shall be treated as if it were issued on
21 the later of—

22 (1) the date of issuance of the provision of the
23 rule that was issued first; or

1 (2) the date on which the most recent review
2 and revision of the rule under this Act was com-
3 pleted.

4 **SEC. 8. SUNSET REVIEW NOTICES AND AGENCY REPORTS.**

5 (a) SUNSET REVIEW NOTICES.—The sunset review
6 notice required under section 6(b)(1) for a covered rule
7 shall—

8 (1) request comments regarding whether the
9 rule should be continued without change, modified,
10 consolidated with another rule, or terminated;

11 (2) if applicable, request comments regarding
12 whether the rule meets the applicable Federal cost-
13 benefit and risk assessment criteria; and

14 (3) solicit comments about the past implemen-
15 tation and effects of the rule, including—

16 (A) the direct and indirect costs incurred
17 as a result of the rule, including the net reduc-
18 tion in the value of private property (whether
19 real, personal, tangible, or intangible), and
20 whether the incremental benefits of the rule ex-
21 ceeded the incremental costs of the rule, both
22 generally and regarding each of the specific in-
23 dustries and sectors the rule covers;

24 (B) whether the rule as a whole, or any
25 major feature of it, is outdated, obsolete, or un-

1 necessary, whether by change of technology, the
2 marketplace, or otherwise;

3 (C) the extent to which the rule or infor-
4 mation required to comply with the rule dupli-
5 cated, conflicted, or overlapped with require-
6 ments under rules of other agencies;

7 (D) in the case of a rule addressing a risk
8 to health or safety or the environment, what the
9 perceived risk was at the time of issuance and
10 to what extent the risk predictions were accu-
11 rate;

12 (E) whether the rule unnecessarily im-
13 peded domestic or international competition or
14 unnecessarily intruded on free market forces,
15 and whether the rule unnecessarily interfered
16 with opportunities or efforts to transfer to the
17 private sector duties carried out by the Federal
18 Government;

19 (F) whether, and to what extent, the rule
20 imposed unfunded mandates on, or otherwise
21 affected, State and local governments;

22 (G) whether compliance with the rule re-
23 quired substantial capital investment and
24 whether terminating the rule on the next review

1 deadline would create an unfair advantage to
 2 those who are not in compliance with the rule;

3 (H) whether the rule constituted the least
 4 cost method of achieving its objective consistent
 5 with the criteria of the Act under which the
 6 rule was issued, and to what extent the rule
 7 provided flexibility to those who were subject to
 8 the rule;

9 (I) whether the rule was worded simply
 10 and clearly, including clear identification of
 11 those who were subject to the rule;

12 (J) whether the rule created negative unin-
 13 tended consequences;

14 (K) the extent to which information re-
 15 quirements under the rule can be reduced; and

16 (L) the extent to which the rule has con-
 17 tributed positive benefits, particularly health,
 18 safety, or environmental benefits.

19 (b) PRELIMINARY REPORTS ON SUNSET REVIEWS.—
 20 The preliminary report required under section 6(b)(2) on
 21 the sunset review of a covered rule shall contain—

22 (1) a request for public comments;

23 (2) specific requests for factual findings and
 24 recommended legal conclusions regarding the appli-
 25 cation of section 6 to the rule, the continued need

1 for the rule, and whether the rule duplicates func-
 2 tions of another rule;

3 (3) a request for comments on whether the rule
 4 should be continued without change, modified, con-
 5 solidated with another rule, or terminated; and

6 (4) if consolidation or modification of the rule
 7 is recommended, suggestions for the proposed text of
 8 the consolidated or modified rule.

9 (c) FINAL REPORTS ON SUNSET REVIEWS.—

10 (1) IN GENERAL.—The final report required
 11 under section 6(b)(3) on the sunset review of a cov-
 12 ered rule shall—

13 (A) contain the factual findings and legal
 14 conclusions of the agency conducting the review
 15 regarding the application of section 6 to the
 16 rule and the proposed recommendation of the
 17 agency as to whether the rule should be contin-
 18 ued without change, modified, consolidated with
 19 another rule, or terminated;

20 (B) in the case of a rule that the agency
 21 proposes to continue without change, so state;

22 (C) in the case of a rule that the agency
 23 proposes to modify or consolidate with another
 24 rule, contain—

1 (i) a notice of proposed rulemaking
2 under section 553 of title 5, United States
3 Code, or under other statutory rulemaking
4 procedures required for that rule; and

5 (ii) the text of the rule as so modified
6 or consolidated; and

7 (D) in the case of a rule that the agency
8 proposes to terminate, contain a notice of pro-
9 posed rulemaking for termination consistent
10 with subparagraph (C)(i).

11 (2) PUBLICATION.—A final report under para-
12 graph (1)(B) shall be published in the Federal Reg-
13 ister.

14 (d) RULEMAKING.—

15 (1) PUBLICATION.—A final report under sub-
16 paragraph (C) or (D) of subsection (c)(1) shall be
17 published in the Federal Register, which shall con-
18 stitute publication of the notice required under sub-
19 section (c)(1)(C)(i).

20 (2) REQUIREMENT.—After publication of a
21 final report under subparagraph (C) or (D) of sub-
22 section (c)(1), the agency that conducted the sunset
23 review of the covered rule shall conduct the rule-
24 making that is required in the final report.

1 (e) LEGISLATIVE RECOMMENDATIONS.—If the head
2 of an agency determines that a rule in a final report under
3 subparagraph (C) or (D) of subsection (c)(1) cannot be
4 changed, modified, or consolidated with another rule with-
5 out legislative action, the head of the agency shall include
6 in the final report a description of what legislative changes
7 are required to implement the recommendations in the
8 final report with regard to the rule.

9 **SEC. 9. DESIGNATION OF AGENCY REGULATORY REVIEW**
10 **OFFICERS.**

11 The head of each agency shall designate an officer
12 of the agency as the Regulatory Review Officer of the
13 agency, who shall—

14 (1) be responsible for the implementation of
15 this Act by the agency; and

16 (2) report directly to the head of the agency
17 and the Administrator with respect to that responsi-
18 bility.

19 **SEC. 10. RELATIONSHIP TO THE ADMINISTRATIVE PROCE-**
20 **DURE ACT.**

21 Nothing in this Act shall be construed to supersede
22 the provisions of chapter 5, 6, or 7 of title 5, United States
23 Code.

1 **SEC. 11. EFFECT OF TERMINATION OF A COVERED RULE.**

2 (a) IN GENERAL.—Except as provided in subsection

3 (b), if a covered rule is terminated under this Act—

4 (1) this Act shall not be construed to prevent
5 the President or an agency from exercising any au-
6 thority that otherwise exists to implement the stat-
7 ute under which the rule was issued;

8 (2) in an agency proceeding or court action be-
9 tween an agency and a non-agency party, the rule
10 shall be given no conclusive legal effect, but may be
11 submitted as evidence of prior agency practice and
12 procedure; and

13 (3) this Act shall not be construed to prevent
14 the continuation or institution of any enforcement
15 action that is based on a violation of the rule that
16 occurred before the effectiveness of the rule termi-
17 nated.

18 (b) EFFECT ON DEADLINES.—

19 (1) DEFINITION.—In this subsection, the term
20 “deadline” means any date certain for fulfilling any
21 obligation or exercising any authority established by
22 or under any Federal rule, or by or under any court
23 order implementing any Federal rule.

24 (2) EFFECT.—Notwithstanding subsection (a),
25 any deadline for, relating to, or involving any action
26 dependent upon, any rule terminated under this Act

1 is suspended until the agency that issued the rule
 2 issues a new rule on the same matter, unless other-
 3 wise provided by a law.

4 **SEC. 12. JUDICIAL REVIEW.**

5 (a) PUBLIC PETITION.—A denial or substantial inex-
 6 cusable delay in granting or denying a public petition
 7 under section 4(b) shall be considered a final agency ac-
 8 tion subject to review under section 702 of title 5, United
 9 States Code.

10 (b) CONGRESSIONAL REQUEST.—A denial of a con-
 11 gressional request under section 4(c) shall not be subject
 12 to judicial review.

13 (c) TIME LIMITATION ON FILING A CIVIL ACTION.—
 14 Notwithstanding any other provisions of law, an action
 15 seeking judicial review of a final agency action under this
 16 Act may not be brought—

17 (1) in the case of a final agency action denying
 18 a public petition under section 4(b) or continuing
 19 without change, modifying, consolidating, or termi-
 20 nating a covered rule, more than 30 days after the
 21 date of that agency action; or

22 (2) in the case of an action challenging a delay
 23 in deciding on a public petition under section 4(b),
 24 more than 1 year after the period applicable to the
 25 rule under section 4(b)(4).

1 (d) AVAILABILITY OF JUDICIAL REVIEW UNAF-
2 FECTED.—Except to the extent that there is a direct con-
3 flict with the provisions of this Act, nothing in this Act
4 shall be construed to affect the availability or standard
5 of judicial review for agency regulatory action.

6 **SEC. 13. SUNSET OF THIS ACT.**

7 This Act shall have no force or effect after the 10-
8 year period beginning on the date of enactment of this
9 Act.

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