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(Original Signature of Member)

114TH CONGRESS  
1ST SESSION

# H. R.

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

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## IN THE HOUSE OF REPRESENTATIVES

Mr. HULTGREN introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# 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. PURPOSE.**

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 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. DESIGNATION OF RULES FOR SUNSET REVIEW.**

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

7           (b) PUBLIC PETITIONS.—

8           (1) IN GENERAL.—Any person adversely af-  
9           fected by a rule that is not a significant rule may  
10          submit a petition to the agency that has jurisdiction  
11          over the rule requesting that the agency designate  
12          the rule for sunset review, which shall—

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

15                 (B) identify the rule for which sunset re-  
16                 view is requested with reasonable specificity and  
17                 state on its face that the petitioner seeks sunset  
18                 review of the rule.

19           (2) RESPONSE REQUIRED FOR NONCOMPLYING  
20           PETITIONS.—If an agency determines that a petition  
21           submitted under paragraph (1) does not meet the  
22           requirements of this subsection, the agency shall  
23           provide a response to the petitioner not later than  
24           30 days after the date on which the agency received  
25           the petition, which shall—

1 (A) notify the petitioner of the problem;  
2 and

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

5 (3) DECISION WITHIN 90 DAYS.—Not later  
6 than 90 days after the date on which an agency re-  
7 ceives a petition under paragraph (1) that meets the  
8 requirements of this subsection, the agency shall  
9 transmit a response to the petitioner stating whether  
10 the petition was granted or denied, except that the  
11 agency may extend such period by a total of not  
12 more than 30 days.

13 (4) PETITIONS DEEMED GRANTED FOR SUB-  
14 STANTIAL INEXCUSABLE DELAY.—A petition sub-  
15 mitted under paragraph (1) is deemed to have been  
16 granted by an agency, and such agency is deemed to  
17 have designated the rule for sunset review, if a court  
18 finds there is a substantial and inexcusable delay,  
19 beyond the period specified in paragraph (3), in no-  
20 tifying the petitioner of the determination of the  
21 agency to grant or deny the petition.

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

1 (c) CONGRESSIONAL REQUESTS.—

2 (1) IN GENERAL.—An appropriate committee of  
3 Congress, or a majority of the majority party mem-  
4 bers or a majority of nonmajority party members of  
5 such committee, may request in writing that the Ad-  
6 ministrator designate any rule that is not a signifi-  
7 cant rule for sunset review.

8 (2) DESIGNATION BY ADMINISTRATOR.—Not  
9 later than 30 days after the date on which the Ad-  
10 ministrator receives a request under paragraph (1),  
11 the Administrator shall designate the rule for sunset  
12 review, unless the Administrator determines that it  
13 would not be in the public interest to conduct a sun-  
14 set review of the rule.

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

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

1 **SEC. 4. CRITERIA FOR SUNSET REVIEW.**

2 (a) COMPLIANCE WITH OTHER LAWS.—In order for  
3 any rule subject to sunset review to continue without  
4 change or to be modified or consolidated in accordance  
5 with this Act, such rule shall be authorized by law and  
6 meet all applicable requirements that would apply if it  
7 were issued as a new rule pursuant to section 553 of title  
8 5, United States Code, or other statutory rulemaking pro-  
9 cedures required for that rule.

10 (b) GOVERNING LAW.—If there is a conflict between  
11 applicable requirements and an Act under which a rule  
12 was issued, the conflict shall be resolved in the same man-  
13 ner as such conflict would be resolved if the agency were  
14 issuing a new rule.

15 (c) APPLICABLE REQUIREMENTS DEFINED.—In this  
16 section, the term “applicable requirements” includes any  
17 requirement for—

18 (1) cost-benefit analysis; and

19 (2) standardized risk analysis and risk assess-  
20 ment.

21 **SEC. 5. SUNSET REVIEW PROCEDURES.**

22 (a) FUNCTIONS OF THE ADMINISTRATOR.—

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

24 (A) INVENTORY AND FIRST LIST.—Not  
25 later than 6 months after the date of the enact-  
26 ment of this Act, the Administrator shall con-

1 duct an inventory of rules in effect on the date  
2 of the enactment of this Act and publish a first  
3 list of covered rules, which shall—

4 (i) specify the particular group to  
5 which each significant rule is assigned  
6 under paragraph (2), and state the review  
7 deadline for all significant rules in each  
8 such group in accordance with section  
9 6(a)(1); and

10 (ii) include other rules subject to sun-  
11 set review for any other reason, and state  
12 the review deadline for each such rule in  
13 accordance with section 6(a)(1).

14 (B) SUBSEQUENT LISTS.—After publica-  
15 tion of the first list under subparagraph (A),  
16 the Administrator shall publish an updated list  
17 of covered rules at least annually, specifying the  
18 review deadline for each rule on the list.

19 (2) GROUPING OF SIGNIFICANT RULES IN FIRST  
20 LIST.—

21 (A) STAGGERED REVIEW.—To permit or-  
22 derly and prioritized sunset reviews, the Admin-  
23 istrator shall—

24 (i) assign each significant rule in ef-  
25 fect on the date of the enactment of this

1 Act to 1 of 4 groups established by the Ad-  
2 ministrator; and

3 (ii) specify for each such group an ini-  
4 tial review deadline in accordance with sec-  
5 tion 6(a)(1).

6 (B) PRIORITIZATIONS.—In determining  
7 which rules shall be given priority in time in the  
8 assignment under subparagraph (A)(i), the Ad-  
9 ministrator shall—

10 (i) consult with appropriate agencies;

11 and

12 (ii) prioritize rules based on—

13 (I) the grouping of related rules  
14 under paragraph (3);

15 (II) the extent of the cost of each  
16 rule and on the regulated community  
17 and the public, with priority in time  
18 given to those rules that impose the  
19 greatest cost;

20 (III) consideration of the views of  
21 regulated persons, including State and  
22 local governments;

23 (IV) whether a particular rule  
24 has recently been subject to cost-ben-  
25 efit analysis and risk assessment, with

1 priority in time given to those rules  
2 that have not been subject to such  
3 analysis and assessment;

4 (V) whether a particular rule was  
5 issued under a statutory provision  
6 that provides relatively greater discre-  
7 tion to an official in issuing the rule,  
8 with priority in time given to those  
9 rules that were issued under provi-  
10 sions that provide relatively greater  
11 discretion;

12 (VI) the burden of reviewing each  
13 rule on the reviewing agency; and

14 (VII) the need for orderly proc-  
15 essing and the timely completion of  
16 the sunset reviews of rules in effect on  
17 the date of the enactment of this Act.

18 (3) GROUPING OF RELATED RULES.—The Ad-  
19 ministrator shall—

20 (A) group related rules under paragraph  
21 (2) (and designate other rules) for simultaneous  
22 sunset review based upon subject matter simi-  
23 larity, functional interrelationships, and other  
24 relevant factors to ensure comprehensive and

1 coordinated review of redundant, overlapping,  
2 and conflicting rules and requirements;

3 (B) ensure simultaneous sunset reviews of  
4 covered rules without regard to whether they  
5 were issued by the same agency; and

6 (C) shall designate any other rule for sun-  
7 set review that is necessary for a comprehensive  
8 sunset review whether or not such other rule is  
9 otherwise a covered rule.

10 (4) GUIDANCE.—The Administrator shall pro-  
11 vide timely guidance to agencies on the conduct of  
12 sunset reviews and the preparation of sunset review  
13 notices and reports required under this Act to en-  
14 sure—

15 (A) uniform, complete, and timely sunset  
16 reviews; and

17 (B) notice and opportunity for public com-  
18 ment under section 7(a).

19 (5) REVIEW AND EVALUATION OF REPORTS.—  
20 Not later than 90 days after receiving a preliminary  
21 report under subsection (b)(2), the Administrator  
22 shall—

23 (A) review and evaluate each preliminary  
24 and final report submitted by an agency under  
25 paragraphs (2) and (3) of subsection (b); and

1 (B) transmit comments to the head of the  
2 agency regarding—

3 (i) the quality of the analysis in the  
4 report, including whether the agency has  
5 properly applied section 4;

6 (ii) the consistency of the proposed  
7 action of the agency with actions of other  
8 agencies; and

9 (iii) whether the rule should be contin-  
10 ued without change, modified, consolidated  
11 with another rule, or terminated.

12 (b) AGENCY SUNSET REVIEW PROCEDURE.—

13 (1) SUNSET REVIEW NOTICE.—Not less than 30  
14 months before the review deadline under section 6(a)  
15 for a covered rule issued by an agency, the agency  
16 shall—

17 (A) publish a sunset review notice in ac-  
18 cordance with section 7(a) in the Federal Reg-  
19 ister and, to the extent reasonable and prac-  
20 ticable, in other publications or media that are  
21 designed to reach those persons most affected  
22 by the covered rule; and

23 (B) request the views of the Administrator  
24 and the appropriate committees of Congress on

1           whether to continue without change, modify,  
2           consolidate, or terminate the covered rule.

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

5                   (A) consider public comments and other  
6                   recommendations generated by a sunset review  
7                   notice under paragraph (1); and

8                   (B) not less than 1 year before the review  
9                   deadline under section 6(a) for the covered rule,  
10                  publish in the Federal Register, in accordance  
11                  with section 7(b), and transmit to the Adminis-  
12                  trator and the appropriate committees of the  
13                  Congress a preliminary report.

14          (3) FINAL REPORT.—The agency shall—

15                   (A) consider the public comments and  
16                   other recommendations generated by the pre-  
17                   liminary report under paragraph (2) for a cov-  
18                   ered rule;

19                   (B) consult with the appropriate commit-  
20                   tees of Congress before issuing a final report;  
21                   and

22                   (C) not less than 90 days before the review  
23                   deadline of the covered rule, publish in the Fed-  
24                   eral Register, in accordance with section 7(c)(2)  
25                   or 7(d), and transmit a final report to the Ad-

1            administrator and the appropriate committees of  
2            Congress.

3            (4) OPEN PROCEDURES REGARDING SUNSET  
4            REVIEW.—In any sunset review conducted under this  
5            Act, the agency conducting the review shall make a  
6            written record describing the subject of all contacts  
7            the agency or Administrator made with non-govern-  
8            mental persons outside the agency relating to the re-  
9            view, which shall be made available, upon request, to  
10          the public.

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

13            (1) recommends that a covered rule should be  
14            continued without change, the covered rule shall be  
15            continued; and

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

20          (d) PRESERVATION OF INDEPENDENCE OF FEDERAL  
21          BANK REGULATORY AGENCIES.—The head of any appro-  
22          priate Federal banking agency, the Federal Housing Fi-  
23          nance Board, the National Credit Union Administration,  
24          and the Office of Federal Housing Enterprise Oversight  
25          shall have the authority with respect to that agency that

1 would otherwise be granted under subsection (a) to the  
2 Administrator.

3 **SEC. 6. REVIEW DEADLINES FOR COVERED RULES.**

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

6 (1) EXISTING SIGNIFICANT RULES.—

7 (A) IN GENERAL.—For a significant rule  
8 in effect on the date of the enactment of this  
9 Act, the initial review deadline is the last day  
10 of the 4-year, 5-year, 6-year, or 7-year period  
11 beginning on the date of the enactment of this  
12 Act, as specified by the Administrator under  
13 section 5(a)(2)(A).

14 (B) OTHER SIGNIFICANT RULES.—For a  
15 significant rule that is not assigned to such a  
16 group specified under section 5(a)(2)(A) on the  
17 date that is 6 months after the date of the en-  
18 actment of this Act, the initial review deadline  
19 is the last day of the 4-year period beginning on  
20 the date of the enactment of this Act.

21 (2) NEW SIGNIFICANT RULES.—For a signifi-  
22 cant rule that first takes effect after the date of the  
23 enactment of this Act, the initial review deadline is  
24 the last day of the 10-year period beginning on the  
25 date on which the rule takes effect.

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

7                   (A) the date on which the agency or Ad-  
8                   ministrator so designates the rule for sunset re-  
9                   view; or

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

13           (4) RELATED RULE DESIGNATED FOR RE-  
14           VIEW.—For a rule that the Administrator designates  
15           under section 5(a)(3) for sunset review because it is  
16           related to another covered rule and that is grouped  
17           with that other rule for simultaneous review, the ini-  
18           tial review deadline is the same as the review dead-  
19           line for that other rule.

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

1 (c) DETERMINATIONS WHERE RULES HAVE BEEN  
2 AMENDED.—For purposes of this Act, if various provi-  
3 sions of a covered rule were issued at different times, the  
4 rule as a whole shall be treated as if it were issued on  
5 the later of—

6 (1) the date of issuance of the provision of the  
7 rule that was issued first; or

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

11 **SEC. 7. SUNSET REVIEW NOTICES AND AGENCY REPORTS.**

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

15 (1) request comments regarding whether the  
16 rule should be continued without change, modified,  
17 consolidated with another rule, or terminated;

18 (2) if applicable, request comments regarding  
19 whether the rule meets the applicable Federal cost-  
20 benefit and risk assessment criteria; and

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

23 (A) the direct and indirect costs incurred  
24 because of the rule, including the net reduction  
25 in the value of private property (whether real,

1 personal, tangible, or intangible), and whether  
2 the incremental benefits of the rule exceeded  
3 the incremental costs of the rule, both generally  
4 and regarding each of the specific industries  
5 and sectors the rule covers;

6 (B) whether the rule as a whole, or any  
7 major feature of it, is outdated, obsolete, or un-  
8 necessary, whether by change of technology, the  
9 marketplace, or otherwise;

10 (C) the extent to which the rule or infor-  
11 mation required to comply with the rule dupli-  
12 cated, conflicted, or overlapped with require-  
13 ments under rules of other agencies;

14 (D) in the case of a rule addressing a risk  
15 to health or safety or the environment, what the  
16 perceived risk was at the time of issuance and  
17 to what extent the risk predictions were accu-  
18 rate;

19 (E) whether the rule unnecessarily im-  
20 peded domestic or international competition or  
21 unnecessarily intruded on free market forces,  
22 and whether the rule unnecessarily interfered  
23 with opportunities or efforts to transfer to the  
24 private sector duties carried out by the Federal  
25 Government;

1 (F) whether, and to what extent, the rule  
2 imposed unfunded mandates on, or otherwise  
3 affected, State and local governments;

4 (G) whether compliance with the rule re-  
5 quired substantial capital investment and  
6 whether terminating the rule on the next review  
7 deadline would create an unfair advantage to  
8 those who are not in compliance with the rule;

9 (H) whether the rule constituted the least  
10 cost method of achieving its objective consistent  
11 with the criteria of the Act under which the  
12 rule was issued, and to what extent the rule  
13 provided flexibility to those who were subject to  
14 the rule;

15 (I) whether the rule was worded simply  
16 and clearly, including clear identification of  
17 those who were subject to the rule;

18 (J) whether the rule created negative unin-  
19 tended consequences;

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

22 (L) the extent to which the rule has con-  
23 tributed positive benefits, particularly health,  
24 safety, or environmental benefits.

1 (b) PRELIMINARY REPORTS ON SUNSET REVIEWS.—

2 The preliminary report required under section 5(b)(2) on  
3 the sunset review of a covered rule shall contain—

4 (1) a request for public comments;

5 (2) specific requests for factual findings and  
6 recommended legal conclusions regarding the appli-  
7 cation of section 4 to the rule, the continued need  
8 for the rule, and whether the rule duplicates func-  
9 tions of another rule;

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

13 (4) if consolidation or modification of the rule  
14 is recommended, suggestions for the proposed text of  
15 the consolidated or modified rule.

16 (c) FINAL REPORTS ON SUNSET REVIEWS.—

17 (1) IN GENERAL.—The report required under  
18 section 5(b)(3) on the sunset review of a covered  
19 rule shall—

20 (A) contain the factual findings and legal  
21 conclusions of the agency conducting the review  
22 regarding the application of section 5 to the  
23 rule and the proposed recommendation of the  
24 agency as to whether the rule should be contin-

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

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

5           (C) in the case of a rule that the agency  
6           proposes to modify or consolidate with another  
7           rule, contain—

8                   (i) a notice of proposed rulemaking  
9                   under section 553 of title 5, United States  
10                  Code, or under other statutory rulemaking  
11                  procedures required for that rule, and

12                   (ii) the text of the rule as so modified  
13                  or consolidated; and

14           (D) in the case of a rule that the agency  
15           proposes to terminate, contain a notice of pro-  
16           posed rulemaking for termination consistent  
17           with subparagraph (C)(i).

18           (2) PUBLICATION.—A final report under para-  
19           graph (1)(B) shall be published in the Federal Reg-  
20           ister.

21           (d) RULEMAKING.—

22                   (1) PUBLICATION.—A final report under sub-  
23                  paragraph (C) or (D) of subsection (c)(1) shall be  
24                  published in the Federal Register, which shall con-

1       stitute publication of the notice required under sub-  
2       section (c)(1)(C)(i).

3           (2) REQUIREMENT.—After publication of a  
4       final report under subparagraph (C) or (D) of sub-  
5       section (c)(1), the agency that conducted the sunset  
6       review of the covered rule shall conduct the rule-  
7       making that is required in such final report.

8           (e) LEGISLATIVE RECOMMENDATIONS.—In any case  
9       in which the head of an agency determines that a rule  
10      in a final report under subparagraph (C) or (D) of sub-  
11      section (c)(1) cannot be changed, modified, or consolidated  
12      with another rule without legislative action, the head of  
13      the agency shall include in the final report a description  
14      of what legislative changes are required to implement the  
15      recommendations in the final report with regard to the  
16      rule.

17   **SEC. 8. DESIGNATION OF AGENCY REGULATORY REVIEW**  
18                           **OFFICERS.**

19       The head of each agency shall designate an officer  
20      of the agency as the Regulatory Review Officer of the  
21      agency, who shall—

22           (1) be responsible for the implementation of  
23      this Act by the agency; and

1           (2) report directly to the head of the agency  
2           and the Administrator with respect to that responsi-  
3           bility.

4   **SEC. 9. RELATIONSHIP TO THE ADMINISTRATIVE PROCE-**  
5                   **DURE ACT.**

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

9   **SEC. 10. EFFECT OF TERMINATION OF A COVERED RULE.**

10          (a) IN GENERAL.—Except as provided in subsection  
11          (b), if a covered rule is terminated under this Act—

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

16               (2) in an agency proceeding or court action be-  
17               tween an agency and a non-agency party, the rule  
18               shall be given no conclusive legal effect, but may be  
19               submitted as evidence of prior agency practice and  
20               procedure; and

21               (3) this Act shall not be construed to prevent  
22               the continuation or institution of any enforcement  
23               action that is based on a violation of the rule that  
24               occurred before the effectiveness of the rule termi-  
25               nated.

1 (b) EFFECT ON DEADLINES.—

2 (1) DEFINITION.—In this subsection, the term  
3 “deadline” means any date certain for fulfilling any  
4 obligation or exercising any authority established by  
5 or under any Federal rule, or by or under any court  
6 order implementing any Federal rule.

7 (2) EFFECT.—Notwithstanding subsection (a),  
8 any deadline for, relating to, or involving any action  
9 dependent upon, any rule terminated under this Act  
10 is suspended until the agency that issued the rule  
11 issues a new rule on the same matter, unless other-  
12 wise provided by a law.

13 **SEC. 11. JUDICIAL REVIEW.**

14 (a) PUBLIC PETITION.—A denial or substantial inex-  
15 cusable delay in granting or denying a public petition  
16 under section 3(b) shall be considered a final agency ac-  
17 tion subject to review under section 702 of title 5, United  
18 States Code.

19 (b) CONGRESSIONAL REQUEST.—A denial of a con-  
20 gressional request under section 3(c) shall not be subject  
21 to judicial review.

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

1 (1) in the case of a final agency action denying  
2 a public petition under section 3(b) or continuing  
3 without change, modifying, consolidating, or termi-  
4 nating a covered rule, more than 30 days after the  
5 date of that agency action; or

6 (2) in the case of an action challenging a delay  
7 in deciding on a public petition section 3(b), more  
8 than 1 year after the period applicable to the rule  
9 under section 3(b)(4).

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

15 **SEC. 12. DEFINITIONS.**

16 In this Act:

17 (1) ADMINISTRATOR.—The term “Adminis-  
18 trator” means the Administrator of the Office of In-  
19 formation and Regulatory Affairs in the Office of  
20 Management and Budget.

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

24 (3) APPROPRIATE COMMITTEE OF CONGRESS.—  
25 The term “appropriate committee of Congress”

1 means, with respect to a rule, each standing com-  
2 mittee of Congress having authority under the Rules  
3 of the House of Representatives or the Senate to re-  
4 port a bill to amend the provision of law under  
5 which the rule is issued.

6 (4) APPROPRIATE FEDERAL BANKING AGEN-  
7 CY.—The term “appropriate Federal banking agen-  
8 cy” has the meaning given that term under section  
9 3(q) of the Federal Deposit Insurance Act (12  
10 U.S.C. 1813(q)).

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

13 (A) is determined by the Administrator to  
14 be a significant rule; or

15 (B) is any other rule designated by an  
16 agency or the Administrator for sunset review  
17 under this Act.

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

21 (A) an annual effect on the economy of  
22 \$100,000,000 or more;

23 (B) a major increase in costs or prices for  
24 consumers, individual industries, Federal,

1 State, or local government agencies, or geo-  
2 graphic regions; or

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

8 (7) RULE.—The term “rule”—

9 (A) means—

10 (i) any agency statement of general  
11 applicability and future effect, including  
12 agency guidance documents, designed to  
13 implement, interpret, or prescribe law or  
14 policy, or describing the procedures or  
15 practices of an agency, or intended to as-  
16 sist in such actions; and

17 (ii) each set of rules—

18 (I) designated in the Code of  
19 Federal Regulations as a part; and

20 (II) that do not appear in the  
21 Code of Regulations and are com-  
22 parable to a part of that Code under  
23 guidelines established by the Adminis-  
24 trator; and

25 (B) does not include—

1 (i) regulations or other agency state-  
2 ments—

3 (I) issued in accordance with for-  
4 mal rulemaking provisions of sections  
5 556 and 557 of title 5, United States  
6 Code, or in accordance with other  
7 statutory formal rulemaking proce-  
8 dures required for such regulations or  
9 statements;

10 (II) that are limited to agency or-  
11 ganization, management, or personnel  
12 matters;

13 (III) issued with respect to a  
14 military or foreign affairs function of  
15 the United States; or

16 (IV) that the Administrator cer-  
17 tifies in writing are necessary for the  
18 enforcement of the Federal criminal  
19 laws;

20 (ii) regulations, statements, or other  
21 agency actions that are reviewed and usu-  
22 ally modified each year (or more fre-  
23 quently), or are reviewed regularly and  
24 usually modified based on changing eco-  
25 nomic or seasonal conditions; or

1 (iii) regulations or other agency ac-  
2 tions that grant an approval, license, per-  
3 mit, registration, or similar authority or  
4 that grant or recognize an exemption or re-  
5 lieve a restriction, or any agency action  
6 necessary to permit new or improved appli-  
7 cations of technology or to allow the manu-  
8 facture, distribution, sale, or use of a sub-  
9 stance or product.

10 (8) SIGNIFICANT RULE.—The term “significant  
11 rule” means a rule that the Administrator deter-  
12 mines—

13 (A) has resulted in or is likely to result in  
14 an annual effect on the economy of  
15 \$100,000,000 or more;

16 (B) is a major rule; or

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

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

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

2       This Act shall have no force or effect after the 10-  
3 year period beginning on the date of the enactment of this  
4 Act.