

115TH CONGRESS
1ST SESSION

H. R. 74

To amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 3, 2017

Mr. MARINO (for himself, Mr. BISHOP of Michigan, Mr. COLLINS of Georgia, Mr. GOHMERT, Mr. GOODLATTE, Mr. JENKINS of West Virginia, Mr. SMITH of Texas, Mrs. WAGNER, Mr. DUFFY, Mr. RATCLIFFE, Mr. GRIFFITH, Mr. ISSA, Mr. GROTHMAN, Mr. ROKITA, Mr. FRANKS of Arizona, Mrs. MIMI WALTERS of California, Mr. HULTGREN, Mr. TIPTON, Mr. KELLY of Pennsylvania, Mr. MCCLINTOCK, Mr. YOHO, Mr. LABRADOR, Mr. BRAT, Mr. BROOKS of Alabama, Mr. LAMBORN, Mr. EMMER, and Mr. DESANTIS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 5, United States Code, to postpone the effective date of high-impact rules pending judicial review.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Require Evaluation
5 before Implementing Executive Wishlists Act of 2017” or
6 as the “REVIEW Act of 2017”.

1 **SEC. 2. RELIEF PENDING REVIEW.**

2 Section 705 of title 5, United States Code, is amend-
3 ed—

4 (1) by striking “When” and inserting the fol-
5 lowing:

6 “(a) IN GENERAL.—When”; and

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

8 “(b) HIGH-IMPACT RULES.—

9 “(1) DEFINITIONS.—In this subsection—

10 “(A) the term ‘Administrator’ means the
11 Administrator of the Office of Information and
12 Regulatory Affairs of the Office of Management
13 and Budget; and

14 “(B) the term ‘high-impact rule’ means
15 any rule that the Administrator determines may
16 impose an annual cost on the economy of not
17 less than \$1,000,000,000.

18 “(2) IDENTIFICATION.—A final rule may not be
19 published or take effect until the agency making the
20 rule submits the rule to the Administrator and the
21 Administrator makes a determination as to whether
22 the rule is a high-impact rule, which shall be pub-
23 lished by the agency with the final rule.

24 “(3) RELIEF.—

25 “(A) IN GENERAL.—Except as provided in
26 subparagraph (B), an agency shall postpone the

1 effective date of a high-impact rule of the agen-
2 cy until the final disposition of all actions seek-
3 ing judicial review of the rule.

4 “(B) FAILURE TO TIMELY SEEK JUDICIAL
5 REVIEW.—Notwithstanding section 553(d), if
6 no person seeks judicial review of a high-impact
7 rule—

8 “(i) during any period explicitly pro-
9 vided for judicial review under the statute
10 authorizing the making of the rule; or

11 “(ii) if no such period is explicitly pro-
12 vided for, during the 60-day period begin-
13 ning on the date on which the high-impact
14 rule is published in the Federal Register,
15 the high-impact rule may take effect as early as
16 the date on which the applicable period ends.

17 “(4) RULE OF CONSTRUCTION.—Nothing in
18 this subsection may be construed to impose any limi-
19 tation under law on any court against the issuance
20 of any order enjoining the implementation of any
21 rule.”.

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