

115TH CONGRESS 1ST SESSION

S. 919

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

IN THE SENATE OF THE UNITED STATES

April 24, 2017

Mr. Sullivan (for himself and Mr. Lankford) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 the "REVIEW Act of 2017".
- 7 SEC. 2. RELIEF PENDING REVIEW.
- 8 Section 705 of title 5, United States Code, is amend-
- 9 ed—

1	(1) by striking "When" and inserting the fol-
2	lowing:
3	"(a) In General.—When"; and
4	(2) by adding at the end the following:
5	"(b) High-Impact Rules.—
6	"(1) Definitions.—In this subsection—
7	"(A) the term 'Administrator' means the
8	Administrator of the Office of Information and
9	Regulatory Affairs of the Office of Management
10	and Budget; and
11	"(B) the term 'high-impact rule' means
12	any rule that the Administrator determines may
13	impose an annual cost on the economy of not
14	less than \$1,000,000,000.
15	"(2) IDENTIFICATION.—A final rule may not be
16	published or take effect until—
17	"(A) the agency making the rule submits
18	the rule to the Administrator; and
19	"(B) the Administrator makes a deter-
20	mination as to whether the rule is a high-im-
21	pact rule, which shall be published by the agen-
22	cy with the final rule.
23	"(3) Relief.—
24	"(A) IN GENERAL.—Except as provided in
25	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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