

113TH CONGRESS
2D SESSION

H. R. 4874

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 2014

Mr. SMITH of Missouri (for himself, Mr. BACHUS, Mr. COLLINS of Georgia, Mr. FARENTHOLD, and Mr. HULTGREN) introduced the following bill; which was referred to the Committee on Oversight and Government Reform, and in addition to the Committees on the Judiciary and Appropriations, 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

A BILL

To provide for the establishment of a process for the review of rules and sets of rules, and for other purposes.

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 “Searching for and Cut-
5 ting Regulations that are Unnecessarily Burdensome Act
6 of 2014” or as the “SCRUB Act of 2014”.

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1 **TITLE I—RETROSPECTIVE REGU-**
2 **LATORY REVIEW COMMIS-**
3 **SION**

4 **SEC. 101. IN GENERAL.**

5 (a) ESTABLISHMENT.—There is established a com-
6 mission, to be known as the Retrospective Regulatory Re-
7 view Commission, that shall review rules and sets of rules
8 in accordance with specified criteria to determine if a rule
9 or set of rules should be repealed to eliminate or reduce
10 the costs of regulation to the economy. The Commission
11 shall terminate on the date that is 5 years and 180 days
12 after the date of enactment of this Act or 5 years after
13 the date by which all Commission members’ terms have
14 commenced, whichever is later.

15 (b) MEMBERSHIP.—

1 (1) NUMBER.—The Commission shall be com-
2 posed of 9 members who shall be appointed by the
3 President and confirmed by the Senate. Each mem-
4 ber shall be appointed not later than 180 days after
5 the date of enactment of this Act.

6 (2) TERM.—The term of each member shall
7 commence upon the member’s confirmation by the
8 Senate and shall extend to the date that is 5 years
9 and 180 days after the date of enactment of this Act
10 or that is 5 years after the date by which all mem-
11 bers have been confirmed by the Senate, whichever
12 is later.

13 (3) APPOINTMENT.—The members of the Com-
14 mission shall be appointed as follows:

15 (A) The President shall appoint the chair
16 of the Commission from among past Adminis-
17 trators of the Office of Information and Regu-
18 latory Affairs, past chairmen of the Administra-
19 tive Conference of the United States, and other
20 candidates of similar expertise and experience
21 in rulemaking affairs and the administration of
22 regulatory reviews.

23 (B) The Speaker of the House of Rep-
24 resentatives, the Minority Leader of the House
25 of Representatives, the Majority Leader of the

1 Senate, and the Minority Leader of the Senate
2 shall each present to the President lists of can-
3 didates to be members of the Commission. Such
4 candidates shall be individuals learned in rule-
5 making affairs and, preferably, administration
6 of regulatory reviews. The President shall ap-
7 point 2 members of the Commission from each
8 list provided under this paragraph, subject to
9 the provisions of paragraph (C).

10 (C) If the President—

11 (i) determines that any candidate to
12 be a Member of the Commission who ap-
13 pears on a list presented to him under
14 paragraph (B) does not meet the qualifica-
15 tions specified in this paragraph to be a
16 member of the Commission; and

17 (ii) certifies that determination to the
18 congressional officials specified in para-
19 graph (B);

20 the President may then request from the pre-
21 senter of the list a new list of one or more can-
22 didates.

23 (c) POWERS AND AUTHORITIES OF THE COMMIS-
24 SION.—

1 (1) MEETINGS.—The Commission may meet
2 when, where, and as often as the Commission deter-
3 mines appropriate, except that the Commission shall
4 hold public meetings not less than twice each year.

5 (2) HEARINGS.—In addition to meetings held
6 under paragraph (1), the Commission may hold
7 hearings to consider issues of fact or law relevant to
8 the Commission’s work. Any hearing held by the
9 Commission shall be in public.

10 (3) ACCESS TO INFORMATION.—The Commis-
11 sion may secure directly from any department or
12 agency of the United States information necessary
13 to enable it to carry out this Act. Upon request of
14 the chair of the Commission, the head of that de-
15 partment or agency shall furnish that information to
16 the Commission.

17 (4) SUBPOENAS.—

18 (A) IN GENERAL.—The Commission may
19 issue subpoenas requiring the attendance and
20 testimony of witnesses and the production of
21 any evidence relating to the duties of the Com-
22 mission. The attendance of witnesses and the
23 production of evidence may be required from
24 any place within the United States at any des-

1 ignated place of hearing within the United
2 States.

3 (B) FAILURE TO OBEY A SUBPOENA.—If a
4 person refuses to obey a subpoena issued under
5 subparagraph (a), the Commission may apply
6 to a United States district court for an order
7 requiring that person to appear before the Com-
8 mission to give testimony, produce evidence, or
9 both, relating to the matter under investigation.
10 The application may be made within the judicial
11 district where the hearing is conducted or where
12 that person is found, resides, or transacts busi-
13 ness. Any failure to obey the order of the court
14 may be punished by the court as civil contempt.

15 (C) SERVICE OF SUBPOENAS.—The sub-
16 poenas of the Commission shall be served in the
17 manner provided for subpoenas issued by a
18 United States district court under the Federal
19 Rules of Civil Procedure for the United States
20 district courts.

21 (D) SERVICE OF PROCESS.—All process of
22 any court to which application is made under
23 paragraph (2) may be served in the judicial dis-
24 trict in which the person required to be served
25 resides or may be found.

1 (d) PAY AND TRAVEL EXPENSES.—

2 (1) PAY.—

3 (A) MEMBERS.—Each member, other than
4 the chair, shall be paid at a rate equal to the
5 daily equivalent of the minimum annual rate of
6 basic pay payable for level IV of the Executive
7 Schedule under section 5315 of title 5, United
8 States Code, for each day (including travel
9 time) during which the member is engaged in
10 the actual performance of duties vested in the
11 Commission.

12 (B) CHAIR.—The chair shall be paid for
13 each day referred to in subparagraph (A) at a
14 rate equal to the daily equivalent of the min-
15 imum annual rate of basic pay payable for level
16 III of the Executive Schedule under section
17 5314 of title 5, United States Code.

18 (2) TRAVEL EXPENSES.—Members shall receive
19 travel expenses, including per diem in lieu of subsist-
20 ence, in accordance with sections 5702 and 5703 of
21 title 5, United States Code.

22 (e) DIRECTOR OF STAFF.—

23 (1) IN GENERAL.—The Commission shall ap-
24 point a Director.

1 (2) PAY.—The Director shall be paid at the
2 rate of basic pay payable for level IV of the Execu-
3 tive Schedule under section 5315 of title 5, United
4 States Code.

5 (f) STAFF.—

6 (1) IN GENERAL.—Subject to paragraph (2),
7 the Director, with the approval of the Commission,
8 may appoint and fix the pay of additional personnel
9 from the public and private sectors.

10 (2) LIMITATIONS ON APPOINTMENT.—The Di-
11 rector may make such appointments without regard
12 to the provisions of title 5, United States Code, gov-
13 erning appointments in the competitive service, and
14 any personnel so appointed may be paid without re-
15 gard to the provisions of chapter 51 and subchapter
16 III of chapter 53 of that title relating to classifica-
17 tion and General Schedule pay rates, except that an
18 individual so appointed may not receive pay in ex-
19 cess of the annual rate of basic pay payable for GS-
20 18 of the General Schedule.

21 (3) AGENCY ASSISTANCE.—Following consulta-
22 tion with and upon request of the Director, the head
23 of any Federal department or agency shall detail any
24 of the personnel of that department or agency to the

1 Commission to assist the Commission in carrying
2 out its duties under this Act.

3 (4) GAO AND OIRA ASSISTANCE.—The Comp-
4 troller General of the United States and the Admin-
5 istrator of the Office of Information and Regulatory
6 Affairs shall provide assistance, including the detail-
7 ing of employees, to the Commission in accordance
8 with an agreement entered into with the Commis-
9 sion.

10 (5) ASSISTANCE FROM OTHER PARTIES.—Con-
11 gress, the States, municipalities, federally recognized
12 Indian tribes, and local governments may provide as-
13 sistance, including the detailing of employees, to the
14 Commission in accordance with an agreement en-
15 tered into with the Commission.

16 (g) OTHER AUTHORITY.—

17 (1) EXPERTS AND CONSULTANTS.—The Com-
18 mission may procure by contract, to the extent funds
19 are available, the temporary or intermittent services
20 of experts or consultants pursuant to section 3109
21 of title 5, United States Code.

22 (2) PROPERTY.—The Commission may lease
23 space and acquire personal property to the extent
24 funds are available.

25 (h) DUTIES OF THE COMMISSION.—

1 (1) IN GENERAL.—The Commission shall con-
2 duct a review of the Code of Federal Regulations to
3 identify rules and sets of rules that collectively im-
4 plement a regulatory program that should be re-
5 pealed to lower the cost of regulation to the econ-
6 omy. The Commission shall give priority in its re-
7 view to rules or sets of rules that are major rules
8 or include major rules, have been in effect more than
9 15 years, impose paperwork burdens that could be
10 reduced substantially without significantly dimin-
11 ishing regulatory effectiveness, impose disproportion-
12 ately high costs on entities that qualify as small en-
13 tities within the meaning of section 601(6) of title
14 5, United States Code, or could be strengthened in
15 their effectiveness while reducing regulatory costs.
16 The Commission shall have as its goal to achieve a
17 reduction of at least 15 percent in the cumulative
18 costs of Federal regulation with a minimal reduction
19 in the overall effectiveness of such regulation.

20 (2) NATURE OF REVIEW.—To identify which
21 rules and sets of rules should be repealed to lower
22 the cost of regulation to the economy, the Commis-
23 sion shall apply the following criteria:

24 (A) Whether the original purpose of the
25 rule or set of rules was achieved, and the rule

1 or set of rules could be repealed without signifi-
2 cant recurrence of adverse effects or conduct
3 that the rule or set of rules was intended to
4 prevent or reduce.

5 (B) Whether the implementation, compli-
6 ance, administration, enforcement or other costs
7 of the rule or set of rules to the economy are
8 not justified by the benefits to society within
9 the United States produced by the expenditure
10 of those costs.

11 (C) Whether the rule or set of rules has
12 been rendered unnecessary or obsolete, taking
13 into consideration the length of time since the
14 rule was made and the degree to which tech-
15 nology, economic conditions, market practices,
16 or other relevant factors have changed in the
17 subject area affected by the rule or set of rules.

18 (D) Whether the rule or set of rules is in-
19 effective at achieving the rule or set's purposes.

20 (E) Whether the rule or set of rules over-
21 laps, duplicates, or conflicts with other Federal
22 rules, and to the extent feasible, with State and
23 local governmental rules.

24 (F) Whether the rule or set of rules has
25 excessive compliance costs or is otherwise exces-

1 sively burdensome, as compared to alternatives
2 that—

3 (i) specify performance objectives
4 rather than conduct or manners of compli-
5 ance;

6 (ii) establish economic incentives to
7 encourage desired behavior;

8 (iii) provide information upon which
9 choices can be made by the public;

10 (iv) incorporate other innovative alter-
11 natives rather than agency actions that
12 specify conduct or manners of compliance;
13 or

14 (v) could in other ways substantially
15 lower costs without significantly under-
16 mining effectiveness.

17 (G) Whether the rule or set of rules inhib-
18 its innovation in or growth of the United States
19 economy, such as by impeding the introduction
20 or use of safer or equally safe technology that
21 is newer or more efficient than technology re-
22 quired by or permissible under the rule or set
23 of rules.

24 (H) Whether or not the rule or set of rules
25 harms competition within the United States

1 economy or the international economic competi-
2 tiveness of enterprises or entities based in the
3 United States.

4 (I) Such other criteria as the Commission
5 devises to identify rules and sets of rules that
6 can be repealed to eliminate or reduce unneces-
7 sarily burdensome costs to the United States
8 economy.

9 (3) METHODOLOGY FOR REVIEW.—The Com-
10 mission shall establish a methodology for conducting
11 its review (including its overall review and discrete
12 reviews of portions of the Code of Federal Regula-
13 tions), identifying rules and sets of rules, and
14 classifying rules under this subsection and publish
15 the terms of its methodology in the Federal Register
16 and on an Internet Website of the Commission. The
17 Commission may propose and seek public comment
18 on the methodology before the methodology is estab-
19 lished.

20 (4) CLASSIFICATION OF RULES AND SETS OF
21 RULES.—

22 (A) IN GENERAL.—After completion of any
23 review of rules or sets of rules under paragraph
24 (2), the Commission shall classify each rule or
25 set of rules identified in the review to qualify

1 for recommended repeal as either a rule or set
2 of rules—

3 (i) on which immediate action to re-
4 peal is recommended; or

5 (ii) that should be eligible for repeal
6 under regulatory cut-go procedures under
7 title II.

8 (B) DECISIONS BY MAJORITY.—Each deci-
9 sion by the Commission to identify a rule or set
10 of rules for classification under this paragraph,
11 and each decision whether to classify the rule or
12 set of rules under subparagraph (A)(i) or, in-
13 stead, subparagraph (A)(ii), shall be made by a
14 simple majority vote of the Commission. No
15 such vote shall take place until after all mem-
16 bers of the Commission have been confirmed by
17 the Senate.

18 (5) INITIATION OF REVIEW BY OTHER PER-
19 SONS.—

20 (A) IN GENERAL.—The Commission may
21 also conduct a review under paragraph (2) of,
22 and, if appropriate, classify under paragraph
23 (4), any rule or set of rules that is submitted
24 for review to the Commission by—

25 (i) the President;

1 (ii) a Member of Congress;

2 (iii) any officer or employee of a Fed-
3 eral, State, local or tribal government, or
4 regional governmental body; or

5 (iv) any member of the public.

6 (B) FORM OF SUBMISSION.—A submission
7 to the Commission under this paragraph
8 shall—

9 (i) identify the specific rule or set of
10 rules submitted for review;

11 (ii) provide a statement of evidence to
12 demonstrate that the rule or set of rules
13 qualifies to be identified for repeal under
14 the criteria listed in paragraph (2); and

15 (iii) such other information as the
16 submitter believes may be helpful to the
17 Commission's review, including a state-
18 ment of the submitter's interest in the
19 matter.

20 (i) NOTICES AND REPORTS OF THE COMMISSION.—

21 (1) NOTICES OF AND REPORTS ON ACTIVI-
22 TIES.—The Commission shall publish, in the Federal
23 Register and on an Internet Website of the Commis-
24 sion—

1 (A) notices in advance of all public meet-
2 ings and hearings and classifications under sub-
3 section (h) informing the public of the basis,
4 purpose and procedures for the meeting, hear-
5 ing or classification; and

6 (B) reports after the conclusion of any
7 public meeting, hearing, or classification under
8 subsection (h) summarizing in detail the basis,
9 purpose and substance of the meeting, hearing,
10 or classification.

11 (2) ANNUAL REPORTS TO CONGRESS.—Each
12 year, beginning on the date that is one year after
13 the date by which all Commission members have
14 been confirmed by the Senate, the Commission shall
15 submit a report simultaneously to each House of
16 Congress detailing the activities of the Commission
17 for the previous year, and listing all rules and sets
18 of rules classified under subsection (h) during that
19 year. For each rule or set of rules so listed, the
20 Commission shall—

21 (A) identify the agency that made the rule
22 or set of rules;

23 (B) identify the annual cost of the rule or
24 set of rules to the United States economy and

1 the bases upon which the Commission identified
2 that cost;

3 (C) identify whether the rule or set of rules
4 was classified under subsection (h)(4)(A)(i) or
5 (h)(4)(A)(ii);

6 (D) identify the criteria under subsection
7 (h)(2) that caused the classification of the rule
8 or set of rules and the bases upon which the
9 Commission determined that those criteria were
10 met;

11 (E) for each rule or set of rules listed
12 under the criteria set forth in section 101(h)(2)
13 (B), (D), (F), (G), or (H), or other criteria es-
14 tablished by the Commission under subsection
15 (h)(2)(I) under which the Commission evalu-
16 ated alternatives to the rule or set of rules that
17 could lead to lower regulatory costs, identify al-
18 ternatives to the rule or set of rules that the
19 Commission recommends the agency consider as
20 replacements for the rule or set of rules and the
21 bases on which the Commission rests its rec-
22 ommendations, and, in identifying such alter-
23 natives, emphasize alternatives that will achieve
24 regulatory effectiveness at the lowest cost and
25 with the lowest adverse impacts on jobs;

1 (F) for each rule or set of rules listed
2 under the criteria set forth in section
3 101(h)(2)(E), the other Federal, State or local
4 governmental rules that the Commission found
5 the rule or set of rules to overlap, duplicate, or
6 conflict with, and the bases for the Commis-
7 sion's findings; and

8 (G) in the case of each set of rules so list-
9 ed, analyze whether Congress should also con-
10 sider repeal of the statutory authority imple-
11 mented by the set of rules.

12 (3) FINAL REPORT.—Not later than the date
13 on which the Commission members' appointments
14 expire, the Commission shall submit a final report
15 simultaneously to each House of Congress summa-
16 rizing all activities and recommendations of the
17 Commission, including a list of all rules or sets of
18 rules the Commission classified under subparagraph
19 (h)(4)(A)(i) for immediate action to repeal, a sepa-
20 rate list of all rules or sets of rules the Commission
21 classified under subparagraph (h)(4)(A)(ii) for re-
22 peal, and with regard to each rule or set of rules
23 listed on either list, the information described in
24 subparagraphs (A) through (F) of paragraph (2).
25 This report may be included in the final annual re-

1 port of the Commission under paragraph (2) and
2 may include the Commission's recommendation
3 whether the Commission should be reauthorized by
4 Congress.

5 (j) REPEAL OF REGULATIONS; CONGRESSIONAL
6 CONSIDERATION OF COMMISSION REPORTS.—

7 (1) IN GENERAL.—Subject to paragraph (2)—

8 (A) the head of each agency with authority
9 to repeal a rule or set of rules classified by the
10 Commission under subparagraph (h)(4)(A)(i)
11 for immediate action to repeal and newly listed
12 as such in an annual or final report of the
13 Commission under subsection (i) (2) or (3)
14 shall repeal the rule or set of rules as rec-
15 ommended by the Commission within 60 days
16 after the enactment of a joint resolution under
17 paragraph (2) for approval of the recommenda-
18 tions of the Commission in the report; and

19 (B) the head of each agency with authority
20 to repeal a rule or set of rules classified by the
21 Commission under subparagraph (h)(4)(A)(ii)
22 for repeal and newly listed as such in an annual
23 or final report of the Commission under sub-
24 section (i) (2) or (3) shall repeal the rule or set
25 of rules as recommended by the Commission

1 pursuant to section 201, following the enact-
2 ment of a joint resolution under paragraph (2)
3 for approval of the recommendations of the
4 Commission in the report.

5 (2) CONGRESSIONAL APPROVAL.—

6 (A) IN GENERAL.—No head of an agency
7 described in paragraph (1) shall be required by
8 this Act to carry out a repeal listed by the
9 Commission in a report transmitted to Congress
10 under subsection (i) (2) or (3) until a joint res-
11 olution is enacted, in accordance with the provi-
12 sions of subparagraph (B), approving such rec-
13 ommendations of the Commission for repeal.

14 (B) TERMS OF THE RESOLUTION.—For
15 purposes of paragraph (A), the term “joint res-
16 olution” means only a joint resolution which is
17 introduced after the date on which the Commis-
18 sion transmits to the Congress under subsection
19 (i) (2) or (3) the report containing the rec-
20 ommendations to which the resolution pertains,
21 and—

22 (i) which does not have a preamble;

23 (ii) the matter after the resolving
24 clause of which is only as follows: “That
25 Congress approves the recommendations

1 for repeal of the Retrospective Regulatory
2 Review Commission as submitted by the
3 Commission on _____”, the blank
4 space being filled in with the appropriate
5 date; and

6 (iii) the title of which is as follows:
7 “Approving recommendations for repeal of
8 the Retrospective Regulatory Review Com-
9 mission.”.

10 (k) TRANSFER OF FUNDS FROM REGULATORY
11 AGENCIES.—Of the unobligated amounts made available
12 in future fiscal years for each agency that makes rules
13 subject to review by the Commission, up to 1 percent or
14 \$25,000,000, whichever is greater, shall be available for
15 the Commission.

16 (l) CONSULTATION BETWEEN THE CHAIRMAN AND
17 THE DIRECTOR.—The Chairman of the Commission shall
18 consult with the Director of the Office of Management and
19 Budget before making requests for agency funds under
20 paragraph (j).

21 **TITLE II—REGULATORY CUT-GO**

22 **SEC. 201. CUT-GO PROCEDURES.**

23 (a) IN GENERAL.—Except as provided in section
24 101(j)(2)(A) or section 202, an agency, when the agency
25 makes a new rule, shall repeal rules or sets of rules of

1 that agency classified by the Commission under section
2 101(h)(4)(A)(ii), such that the annual costs of the new
3 rule to the United States economy is offset by such re-
4 peals, in an amount equal to or greater than the cost of
5 the new rule, based on the regulatory cost reductions of
6 repeal identified by the Commission.

7 (b) ALTERNATIVE PROCEDURE.—An agency may, al-
8 ternatively, repeal rules or sets of rules of that agency
9 classified by the Commission under section
10 101(h)(4)(A)(ii) prior to the time specified in subsection
11 (a). If the agency so repeals such a rule or set of rules
12 and thereby reduces the annual, inflation-adjusted cost of
13 the rule or set of rules to the United States economy, the
14 agency may thereafter apply the reduction in regulatory
15 costs, based on the regulatory cost reductions of repeal
16 identified by the Commission, to meet, in whole or in part,
17 the regulatory cost reduction required under subsection
18 (a) of this section to be made at the time the agency pro-
19 mulgates a new rule.

20 (c) ACHIEVEMENT OF FULL NET COST REDUC-
21 TIONS.—

22 (1) IN GENERAL.—Subject to the provisions of
23 paragraph (2), an agency may offset the costs of a
24 new rule or set of rules by repealing a rule or set
25 of rules listed by the Commission under section

1 101(h)(4)(A)(ii) that implement the same statutory
2 authority as the new rule or set of rules.

3 (2) LIMITATION.—When using the authority
4 provided in paragraph (1), the agency must achieve
5 a net reduction in costs imposed by the agency’s
6 body of rules (including the new rule or set of rules)
7 that is equal to or greater than the cost of the new
8 rule or set of rules to be promulgated, including,
9 whenever necessary, by repealing additional rules of
10 the agency listed by the Commission under section
11 101(h)(4)(A)(ii).

12 **SEC. 202. APPLICABILITY.**

13 An agency shall no longer be subject to the require-
14 ments of sections 201 and 203 beginning on the date that
15 there is no rule or set of rules of the agency classified
16 by the Commission under section 101(h)(4)(A)(ii) that has
17 not been repealed such that all regulatory cost reductions
18 identified by the Commission to be achievable through re-
19 peal have been achieved.

20 **SEC. 203. OIRA CERTIFICATION OF COST CALCULATIONS.**

21 The Administrator of the Office of Information and
22 Regulatory Affairs of the Office of Management and
23 Budget shall review and certify the accuracy of agency de-
24 terminations of the costs of new rules under section 201.
25 The certification shall be included in the administrative

1 record of the relevant rulemaking by the agency promul-
2 gating the rule, and the Administrator shall transmit a
3 copy of the certification to Congress when it transmits the
4 certification to the agency.

5 **TITLE III—RETROSPECTIVE**
6 **REVIEW OF NEW RULES**

7 **SEC. 301. PLAN FOR FUTURE REVIEW.**

8 When an agency makes a rule, the agency shall in-
9 clude in the final issuance of such rule a plan for the re-
10 view of such rule by not later than 10 years after the date
11 such rule is made. Such a review, in the case of a major
12 rule, shall be substantially similar to the review by the
13 Commission under section 101(h). In the case of a rule
14 other than a major rule, the agency's plan for review shall
15 include other procedures and standards to enable the
16 agency to determine whether to repeal or amend the rule
17 to eliminate unnecessary regulatory costs to the economy.
18 Whenever feasible, the agency shall include a proposed
19 plan for review of a proposed rule in its notice of proposed
20 rulemaking and shall receive public comment on the plan.

21 **TITLE IV—JUDICIAL REVIEW**

22 **SEC. 401. JUDICIAL REVIEW.**

23 (a) IMMEDIATE REPEALS.—Agency compliance with
24 section 101(j) of this Act shall be subject to judicial review
25 under chapter 7 of title 5, United States Code.

1 (b) CUT-GO PROCEDURES.—Agency compliance with
2 title II of this Act shall be subject to judicial review under
3 chapter 7 of title 5, United States Code.

4 (c) PLANS FOR FUTURE REVIEW.—Agency compli-
5 ance with section 301 shall be subject to judicial review
6 under chapter 7 of title 5, United States Code.

7 **TITLE V—MISCELLANEOUS**
8 **PROVISIONS**

9 **SEC. 501. DEFINITIONS.**

10 In this Act:

11 (1) The term “agency” has the meaning given
12 such term in section 551 of title 5, United States
13 Code.

14 (2) The term “Commission” means the Retro-
15 spective Regulatory Review Commission established
16 under section 101.

17 (3) The term “major rule” means any rule that
18 the Administrator of the Office of Information and
19 Regulatory Affairs determines is likely to impose—

20 (A) an annual cost on the economy of
21 \$100,000,000 or more, adjusted annually for
22 inflation;

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

1 State, local, or tribal government agencies, or
2 geographic regions;

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

8 (D) significant impacts on multiple sectors
9 of the economy.

10 (4) The term “set of rules” means a set of
11 rules that collectively implements a regulatory au-
12 thority of an agency.

13 (5) The term “rule” has the meaning given
14 such term in section 551 of title 5, United States
15 Code.

16 **SEC. 502. EFFECTIVE DATE.**

17 This Act and the amendments made by this Act shall
18 take effect beginning on the date of enactment.

○