116TH CONGRESS 2D SESSION

H. R. _____

To require reports on regulations issued, and homeland security risks arising, during a presidential transition, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. CONNOLLY introduced the following bill; which was referred to the Committee on ______________________

__________________________

A BILL

To require reports on regulations issued, and homeland security risks arising, during a presidential transition, and for other purposes.

1 Be it enacted by the Senate and House of Representa-

tives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Midnight Regulations

4 Review Act”.

5
SEC. 2. REPORT ON REGULATIONS PROMULGATED NEAR
THE END OF PRESIDENTIAL TERMS.

(a) REPORT.—Not later than one year after the inau-
guration of a new President, the Comptroller General of
the United States shall submit to Congress a report re-
garding covered regulations promulgated during the cov-
ered presidential transition period.

(b) CONTENTS OF REPORT.—The report required
under subsection (a) shall, to the extent feasible, for the
covered presidential transition period—

(1) compare the number, scope, and impact of,
and type of rulemaking procedure used for, covered
regulations promulgated during the covered presi-
dential transition period to the number, scope, and
impact of, and type of rulemaking procedure used
for, covered regulations promulgated during the 120-
day periods ending on January 20 of each year after
1996, other than the 120-day period ending on the
date of the inauguration of the new President;

(2) determine the statistical significance of any
differences identified under paragraph (1) and
whether and to what extent such differences indicate
any patterns;

(3) evaluate the size, scope, and effect of the
covered regulations promulgated during the covered
presidential transition period; and
(4) assess the extent to which the regularly re-
required processes for the promulgation of covered
regulations were followed during the covered presi-
dential transition period, including compliance with
the requirements under—

(A) chapter 8 of title 5, United States
Code (commonly known as the “Congressional
Review Act”);

(B) the Small Business Regulatory En-
forcement Fairness Act of 1996 (5 U.S.C. 601
note);

(C) sections 202, 203, 204, and 205 of the
Unfunded Mandates Reform Act of 1995 (2
U.S.C. 1532–1535);

(D) chapter 6 of title 5, United States
Code (commonly known as the “Regulatory
Flexibility Act”); and

(E) subchapter I of chapter 35 of title 44,
United States Code (commonly known as the
“Paperwork Reduction Act”).

SEC. 3. COMPTROLLER GENERAL REPORT ON MAJOR
RULES SUBJECT TO CONGRESSIONAL RE-
VIEW.

(a) IDENTIFICATION.—Beginning not later than 5
weeks after January 20, 2021 or 5 weeks after the date
of the enactment of this Act, whichever is later, and not
later than 5 weeks after each date on which a new Presi-
dent is inaugurated thereafter, the Comptroller General
of the United States shall identify and submit to Congress
any major rules potentially subject to a joint resolution
of disapproval pursuant to section 802 of title 5, United
States Code, which were published in the Federal Register
or for which a report was submitted to Congress in accord-
ance with section 801(a)(1)(A) of such title, during—

(1) the period described in section 801(d) of
such title; or

(2) the period beginning on the date on which
the period described in subparagraph (A) expires
and ending on the date on which a new President is
inaugurated.

(b) RULE OF CONSTRUCTION.—Nothing in this Act
may be construed to limit the ability to exercise authority
pursuant to chapter 8 of title 5, United States Code (com-
monly known as the “Congressional Review Act”).

SEC. 4. DEFINITIONS.

In this Act:

(1) COVERED PRESIDENTIAL TRANSITION PE-
RIOD.—The term “covered presidential transition pe-
riod” means the 120-day period ending on the date
of the inauguration of the new President.
(2) COVERED REGULATION.—The term “covered regulation” means a final economically significant regulatory action promulgated by an agency.

(3) EXECUTIVE DEPARTMENT.—The term “agency” has the meaning given that term in section 551 of title 5, United States Code.

(4) MAJOR RULE.—The term “major rule” has the meaning given such term in section 804 of title 5, United States Code.

(5) NEW PRESIDENT.—The term “new President” means a President who—

(A) did not hold the office of the President on the day before the date of the inauguration of such President; and

(B) is inaugurated on or before January 20, 2033.

(6) ECONOMICALLY SIGNIFICANT REGULATORY ACTION.—The term “economically significant regulatory action” means any regulatory action that is likely to result in a rule that may have an annual effect on the economy of $100,000,000 or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities.