

Tom Emmer

115H5284

117TH CONGRESS
2D SESSION

H. R. _____

To amend chapter 8 of title 5, United States Code, to provide for Congressional oversight of agency rulemaking, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. EMMER introduced the following bill; which was referred to the Committee
on _____

A BILL

To amend chapter 8 of title 5, United States Code, to provide for Congressional oversight of agency rulemaking, 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 "Sunset Act of 2022".

5 **SEC. 2. CONGRESSIONAL REVIEW OF AGENCY RULE-**
6 **MAKING.**

7 Chapter 8 of title 5, United States Code, is amend-
8 ed—

9 (1) in the table of sections, by adding at the
10 end the following:

“809. Sunset for rules.

“810. Review of rules in effect.”; and

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

2 **“§ 809. Sunset for rules**

3 “(a) EXPIRATION OF RULE.—

4 “(1) IN GENERAL.—Except as provided in this
5 section, each major rule made by an agency shall
6 cease to have effect—

7 “(A) beginning on the date that is 10
8 years after the date of enactment of a joint res-
9 olution described in subsection (d) with regard
10 to the rule; or

11 “(B) if a joint resolution of extension de-
12 scribed in subsection (d) has been enacted with
13 regard to the rule, beginning on the date that
14 is 10 years after the date of enactment of the
15 most recently enacted such joint resolution.

16 “(2) REISSUANCE OF THE RULE PROHIB-
17 ITED.—The rule may not be reissued in substan-
18 tially the same form, and a new rule that is substan-
19 tially the same as such a rule may not be issued, un-
20 less the reissued or new rule is specifically author-
21 ized by a law enacted after the date described in this
22 subsection (a).

23 “(b) REPORT BY AGENCY.—Not later than 180 days
24 before the date described in subsection (a), the agency

1 shall submit a report similar to the report described in
2 801(a)(1)(A) to each House of Congress and to the Comp-
3 troller General, except that instead of the proposed effec-
4 tive date, such report shall contain the date described in
5 subsection (a).

6 “(c) EXEMPTION BY PRESIDENT.—The President
7 may by Executive order exempt not more than one rule
8 during each Congress from the application of subsection
9 (a) for a period of not more than 30 days if the President
10 determines, and submits to Congress written notice of
11 such determination, that such rule is—

12 “(1) necessary because of an imminent threat
13 to health or safety or other emergency;

14 “(2) necessary for the enforcement of criminal
15 laws;

16 “(3) necessary for national security; or

17 “(4) issued pursuant to any statute imple-
18 menting an international trade agreement.

19 “(d) JOINT RESOLUTION OF EXTENSION.—

20 “(1) JOINT RESOLUTION DESCRIBED.—For
21 purposes of this section, the term ‘joint resolution’
22 means only a joint resolution introduced on or after
23 the date on which the report referred to subsection
24 (b) is received by Congress (excluding days either
25 House of Congress is adjourned for more than 3

1 days during a session of Congress), the matter after
2 the resolving clause of which is as follows: ‘That
3 Congress extends the rule submitted by the __ __
4 relating to __ __.’ (The blank spaces being appro-
5 priately filled in). The following shall apply to such
6 a joint resolution:

7 “(A) In the House, the majority leader of
8 the House of Representatives (or his designee)
9 and the minority leader of the House of Rep-
10 resentatives (or his designee) shall introduce
11 such joint resolution (by request), within 3 leg-
12 islative days after Congress receives the report
13 submitted under subsection (b).

14 “(B) In the Senate, the majority leader of
15 the Senate (or his designee) and the minority
16 leader of the Senate (or his designee) shall in-
17 troduce such joint resolution described in sub-
18 section (a) (by request), within 3 session days
19 after Congress receives the report submitted
20 under subsection (b).

21 “(2) CONSIDERATION OF JOINT RESOLUTION.—
22 Subsections (b) through (g) of section 802 shall
23 apply to a joint resolution described in paragraph
24 (1) of this subsection in the same manner as a joint
25 resolution described in subsection (a) of section 802,

1 except that for purposes of that subsection, the term
2 ‘submission date’ means the date on which the Con-
3 gress receives the report submitted under subsection
4 (b).

5 **“§ 810. Review of rules in effect**

6 “(a) ANNUAL REVIEW.—Beginning on the date that
7 is 6 months after the date of enactment of this section
8 and annually thereafter for the 9 years following, each
9 agency shall designate not less than 10 percent of eligible
10 rules made by that agency for review, and shall submit
11 a report including each such eligible rule in the same man-
12 ner as a report under section 801(a)(1). Section 801 and
13 section 802 shall apply to each such rule, subject to sub-
14 section (c) of this section. No eligible rule previously des-
15 ignated may be designated again.

16 “(b) SUNSET FOR ELIGIBLE RULES NOT EX-
17 TENDED.—Beginning after the date that is 10 years after
18 the date of enactment of this section, if Congress has not
19 enacted a joint resolution of approval for that eligible rule,
20 that eligible rule shall not continue in effect.

21 “(c) CONSOLIDATION; SEVERABILITY.—In applying
22 sections 801 and 802 to eligible rules under this section,
23 the following shall apply:

24 “(1) The words ‘take effect’ shall be read as
25 ‘continue in effect’.

1 “(2) Except as provided in paragraph (3), a
2 single joint resolution of approval shall apply to all
3 eligible rules in a report designated for a year, and
4 the matter after the resolving clause of that joint
5 resolution is as follows: ‘That Congress approves the
6 rules submitted by the ____ for the year ____.’ (The
7 blank spaces being appropriately filled in).

8 “(3) It shall be in order to consider any amend-
9 ment that provides for specific conditions on which
10 the approval of a particular eligible rule included in
11 the joint resolution is contingent.

12 “(4) A member of either House may move that
13 a separate joint resolution be required for a specified
14 rule.

15 “(d) DEFINITION.—In this section, the term ‘eligible
16 rule’ means a major rule that is in effect as of the date
17 of enactment of this section.”.

18 **SEC. 3. EFFECTIVE DATE.**

19 On the date that is 10 years after the date of enact-
20 ment of this Act—

21 (1) section 810 of title 5, United States Code,
22 is repealed; and

23 (2) the table of sections for chapter 8 of such
24 title is amended by striking the item pertaining to
25 section 810.