

**AMENDMENT TO H.R. \_\_\_\_\_**

**OFFERED BY MR. KING OF IOWA**

Strike all that follows after the enacting clause and  
insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Sunset Act of 2017”.

3 **SEC. 2. CONGRESSIONAL REVIEW OF AGENCY RULE-**  
4 **MAKING.**

5 Chapter 8 of title 5, United States Code, is amended  
6 to read as follows:

7 **“CHAPTER 8—CONGRESSIONAL REVIEW**  
8 **OF AGENCY RULEMAKING**

- “801. Congressional review.
- “802. Congressional approval procedure for rules.
- “803. Definitions.
- “804. Judicial review.
- “805. Exemption for monetary policy.
- “806. Review of rules currently in effect.
- “807. Sunset for rules.

9 **“§ 801. Congressional review**

10 “(a)(1)(A) Beginning on the date that is 3 months  
11 after the date of enactment of this section and every 3  
12 months thereafter, each agency shall submit to each  
13 House of the Congress and to the Comptroller General a  
14 report including each rule made by that agency during  
15 that 3 month period, containing—

1           “(i) a copy of each such rule;

2           “(ii) a concise general statement relating to the  
3 rule;

4           “(iii) a list of any other related regulatory ac-  
5 tions intended to implement the same statutory pro-  
6 vision or regulatory objective as well as the indi-  
7 vidual and aggregate economic effects of those ac-  
8 tions; and

9           “(iv) the proposed effective date of the rule.

10          “(B) No rule may take effect before the submission  
11 of a report under subparagraph (A) that includes that  
12 rule.

13          “(C) On the date of the submission of the report  
14 under subparagraph (A), the Federal agency promulgating  
15 each rule included in the report shall submit to the Comp-  
16 troller General and make available to each House of Con-  
17 gress—

18           “(i) a complete copy of the cost-benefit analysis  
19 of the rule, if any;

20           “(ii) the agency’s actions pursuant to title 5 of  
21 the United States Code, sections 603, 604, 605,  
22 607, and 609;

23           “(iii) the agency’s actions pursuant to title 2 of  
24 the United States Code, sections 1532, 1533, 1534,  
25 and 1535; and

1           “(iv) any other relevant information or require-  
2           ments under any other Act and any relevant Execu-  
3           tive orders.

4           “(D) Upon receipt of a report submitted under sub-  
5           paragraph (A), each House shall provide copies of the re-  
6           port to the chairman and ranking member of each stand-  
7           ing committee with jurisdiction under the rules of the  
8           House of Representatives or the Senate to report a bill  
9           to amend the provision of law under which each rule in-  
10          cluded in the report is issued.

11          “(2)(A) The Comptroller General shall provide a re-  
12          port on each rule to the committees of jurisdiction by the  
13          end of 15 calendar days after the submission or publica-  
14          tion date as provided in section 802(b)(2). The report of  
15          the Comptroller General shall include an assessment of the  
16          agency’s compliance with procedural steps required by  
17          paragraph (1)(C).

18          “(B) Federal agencies shall cooperate with the Comp-  
19          troller General by providing information relevant to the  
20          Comptroller General’s report under subparagraph (A).

21          “(3) A rule included in a report submitted under  
22          paragraph (1) shall take effect upon enactment of a joint  
23          resolution of approval described in section 802 or as pro-  
24          vided for in the rule following enactment of a joint resolu-

1 tion of approval described in section 802, whichever is  
2 later.

3 “(4) If a joint resolution of approval relating to a  
4 rule is not enacted within the period provided in sub-  
5 section (b)(2), then a joint resolution of approval relating  
6 to the same rule may not be considered under this chapter  
7 in the same Congress by either the House of Representa-  
8 tives or the Senate.

9 “(b)(1) A rule shall not take effect unless the Con-  
10 gress enacts a joint resolution of approval described under  
11 section 802.

12 “(2) If a joint resolution described in subsection (a)  
13 is not enacted into law by the end of 70 session days or  
14 legislative days, as applicable, beginning on the date on  
15 which the report referred to in section 801(a)(1)(A) is re-  
16 ceived by Congress (excluding days either House of Con-  
17 gress is adjourned for more than 3 days during a session  
18 of Congress), then each rule described in that resolution  
19 shall be deemed not to be approved and such rule shall  
20 not take effect.

21 “(3) Such a rule may not be reissued in substantially  
22 the same form, and a new rule that is substantially the  
23 same as such a rule may not be issued, unless the reissued  
24 or new rule is specifically authorized by a law enacted  
25 after the date described in this subsection.

1           “(c)(1) Notwithstanding any other provision of this  
2 section (except subject to paragraph (3)), a rule may take  
3 effect for one 90-calendar-day period if the President  
4 makes a determination under paragraph (2) and submits  
5 written notice of such determination to the Congress.

6           “(2) Paragraph (1) applies to a determination made  
7 by the President by Executive order that the rule should  
8 take effect because such rule is—

9                   “(A) necessary because of an imminent threat  
10 to health or safety or other emergency;

11                   “(B) necessary for the enforcement of criminal  
12 laws;

13                   “(C) necessary for national security; or

14                   “(D) issued pursuant to any statute imple-  
15 menting an international trade agreement.

16           “(3) An exercise by the President of the authority  
17 under this subsection shall have no effect on the proce-  
18 dures under section 802.

19           “(d)(1) In addition to the opportunity for review oth-  
20 erwise provided under this chapter, in the case of any rule  
21 included in a report submitted in accordance with sub-  
22 section (a)(1)(A) during the period beginning on the date  
23 occurring—

24                   “(A) in the case of the Senate, 60 session days,

25           or

1           “(B) in the case of the House of Representa-  
2           tives, 60 legislative days,  
3 before the date the Congress is scheduled to adjourn a  
4 session of Congress through the date on which the same  
5 or succeeding Congress first convenes its next session, sec-  
6 tion 802 shall apply to such rule in the succeeding session  
7 of Congress.

8           “(2)(A) In applying section 802 for purposes of such  
9 additional review, a rule described under paragraph (1)  
10 shall be treated as though—

11           “(i) such rule were published in the Federal  
12 Register on—

13           “(I) in the case of the Senate, the 15th  
14 session day, or

15           “(II) in the case of the House of Rep-  
16 resentatives, the 15th legislative day,  
17 after the succeeding session of Congress first con-  
18 venes; and

19           “(ii) a report on such rule were submitted to  
20 Congress under subsection (a)(1) on such date.

21           “(B) Nothing in this paragraph shall be construed  
22 to affect the requirement under subsection (a)(1) that a  
23 report shall be submitted to Congress before a rule can  
24 take effect.

1 “(3) A rule described under paragraph (1) shall take  
2 effect as otherwise provided by law (including other sub-  
3 sections of this section).

4 **“§ 802. Congressional approval procedure for rules**

5 “(a) For purposes of this section, the term ‘joint res-  
6 olution’ means only a joint resolution introduced on or  
7 after the date on which the report referred to in section  
8 801(a)(1)(A) is received by Congress (excluding days ei-  
9 ther House of Congress is adjourned for more than 3 days  
10 during a session of Congress), the matter after the resolv-  
11 ing clause of which is as follows: ‘That Congress approves  
12 the rules submitted by the \_\_\_\_ relating to \_\_\_\_.’ (The  
13 blank spaces being appropriately filled in).

14 “(1) In the House, the majority leader of the  
15 House of Representatives (or his designee) and the  
16 minority leader of the House of Representatives (or  
17 his designee) shall introduce such joint resolution  
18 described in subsection (a) (by request), within 3  
19 legislative days after Congress receives the report re-  
20 ferred to in section 801(a)(1)(A).

21 “(2) In the Senate, the majority leader of the  
22 Senate (or his designee) and the minority leader of  
23 the Senate (or his designee) shall introduce such  
24 joint resolution described in subsection (a) (by re-

1       quest), within 3 session days after Congress receives  
2       the report referred to in section 801(a)(1)(A).

3       “(b)(1) A joint resolution described in subsection (a)  
4 shall be referred to the committees in each House of Con-  
5 gress with jurisdiction under the rules of the House of  
6 Representatives or the Senate to report a bill to amend  
7 the provision of law under which the rule is issued.

8       “(2) For purposes of this section, the term ‘submis-  
9 sion date’ means the date on which the Congress receives  
10 the report submitted under section 801(a)(1).

11       “(c) In the Senate, if the committee or committees  
12 to which a joint resolution described in subsection (a) has  
13 been referred have not reported it at the end of 15 session  
14 days after its introduction, such committee or committees  
15 shall be automatically discharged from further consider-  
16 ation of the resolution and it shall be placed on the cal-  
17 endar. A vote on final passage of the resolution shall be  
18 taken on or before the close of the 15th session day after  
19 the resolution is reported by the committee or committees  
20 to which it was referred, or after such committee or com-  
21 mittees have been discharged from further consideration  
22 of the resolution.

23       “(d)(1) In the Senate, when the committee or com-  
24 mittees to which a joint resolution is referred have re-  
25 ported, or when a committee or committees are discharged

1 (under subsection (c)) from further consideration of a  
2 joint resolution described in subsection (a), it is at any  
3 time thereafter in order (even though a previous motion  
4 to the same effect has been disagreed to) for a motion  
5 to proceed to the consideration of the joint resolution, and  
6 all points of order against the joint resolution (and against  
7 consideration of the joint resolution) are waived. The mo-  
8 tion is not subject to amendment, or to a motion to post-  
9 pone, or to a motion to proceed to the consideration of  
10 other business. A motion to reconsider the vote by which  
11 the motion is agreed to or disagreed to shall not be in  
12 order. If a motion to proceed to the consideration of the  
13 joint resolution is agreed to, the joint resolution shall re-  
14 main the unfinished business of the Senate until disposed  
15 of.

16 “(2) In the Senate, debate on the joint resolution,  
17 and on all debatable motions and appeals in connection  
18 therewith, shall be limited to not more than 2 hours, which  
19 shall be divided equally between those favoring and those  
20 opposing the joint resolution. A motion to further limit  
21 debate is in order and not debatable. It shall be in order  
22 to consider any amendment that provides for specific con-  
23 ditions on which the approval of a particular rule included  
24 in the joint resolution is contingent.

1       “(3) In the Senate, immediately following the conclu-  
2 sion of the debate on a joint resolution described in sub-  
3 section (a), and a single quorum call at the conclusion of  
4 the debate if requested in accordance with the rules of the  
5 Senate, the vote on final passage of the joint resolution  
6 shall occur.

7       “(4) Appeals from the decisions of the Chair relating  
8 to the application of the rules of the Senate to the proce-  
9 dure relating to a joint resolution described in subsection  
10 (a) shall be decided without debate.

11       “(e)(1) In the House of Representatives, if the com-  
12 mittee or committees to which a joint resolution described  
13 in subsection (a) has been referred have not reported it  
14 at the end of 15 legislative days after its introduction,  
15 such committee or committees shall be automatically dis-  
16 charged from further consideration of the resolution and  
17 it shall be placed on the appropriate calendar. A vote on  
18 final passage of the resolution shall be taken on or before  
19 the close of the 15th legislative day after the resolution  
20 is reported by the committee or committees to which it  
21 was referred, or after such committee or committees have  
22 been discharged from further consideration of the resolu-  
23 tion.

24       “(2)(A) A motion in the House of Representatives to  
25 proceed to the consideration of a resolution shall be privi-

1 leged and not debatable. An amendment to the motion  
2 shall not be in order, nor shall it be in order to move to  
3 reconsider the vote by which the motion is agreed to or  
4 disagreed to.

5 “(B) Debate in the House of Representatives on a  
6 resolution shall be limited to not more than two hours,  
7 which shall be divided equally between those favoring and  
8 those opposing the resolution. A motion to further limit  
9 debate shall not be debatable. Amendments to the resolu-  
10 tion shall be in order. No motion to recommit the resolu-  
11 tion shall be in order. It shall be in order to consider any  
12 amendment that provides for specific conditions on which  
13 the approval of a particular rule included in the joint reso-  
14 lution is contingent.

15 “(C) Motions to postpone, made in the House of Rep-  
16 resentatives with respect to the consideration of a resolu-  
17 tion, and motions to proceed to the consideration of other  
18 business, shall be decided without debate.

19 “(D) All appeals from the decisions of the Chair re-  
20 lating to the application of the Rules of the House of Rep-  
21 resentatives to the procedure relating to a resolution shall  
22 be decided without debate.

23 “(f) If, before the passage by one House of a joint  
24 resolution of that House described in subsection (a), that  
25 House receives from the other House a joint resolution

1 described in subsection (a), then the following procedures  
2 shall apply with respect to a joint resolution described in  
3 subsection (a) of the House receiving the joint resolu-  
4 tion—

5           “(1) the procedure in that House shall be the  
6 same as if no joint resolution had been received from  
7 the other House; but

8           “(2) the vote on final passage shall be on the  
9 joint resolution of the other House.

10           “(g) This section is enacted by Congress—

11           “(1) as an exercise of the rulemaking power of  
12 the Senate and House of Representatives, respec-  
13 tively, and as such it is deemed a part of the rules  
14 of each House, respectively, but applicable only with  
15 respect to the procedure to be followed in that  
16 House in the case of a joint resolution described in  
17 subsection (a), and it supersedes other rules only to  
18 the extent that it is inconsistent with such rules; and

19           “(2) with full recognition of the constitutional  
20 right of either House to change the rules (so far as  
21 relating to the procedure of that House) at any time,  
22 in the same manner, and to the same extent as in  
23 the case of any other rule of that House.

24 **“§ 803. Definitions**

25           “For purposes of this chapter—

1           “(1) The term ‘Federal agency’ means any  
2 agency as that term is defined in section 551(1).

3           “(2) The term ‘rule’ has the meaning given  
4 such term in section 551, except that such term does  
5 not include—

6                   “(A) any rule of particular applicability,  
7 including a rule that approves or prescribes for  
8 the future rates, wages, prices, services, or al-  
9 lowances therefore, corporate or financial struc-  
10 tures, reorganizations, mergers, or acquisitions  
11 thereof, or accounting practices or disclosures  
12 bearing on any of the foregoing;

13                   “(B) any rule relating to agency manage-  
14 ment or personnel; or

15                   “(C) any rule of agency organization, pro-  
16 cedure, or practice that does not substantially  
17 affect the rights or obligations of non-agency  
18 parties.

19 **“§ 804. Judicial review**

20           “(a) No determination, finding, action, or omission  
21 under this chapter shall be subject to judicial review.

22           “(b) Notwithstanding subsection (a), a court may de-  
23 termine whether a Federal agency has completed the nec-  
24 essary requirements under this chapter for a rule to take  
25 effect.

1 **“§ 805. Exemption for monetary policy**

2 “Nothing in this chapter shall apply to rules that con-  
3 cern monetary policy proposed or implemented by the  
4 Board of Governors of the Federal Reserve System or the  
5 Federal Open Market Committee.

6 **“§ 806. Review of rules currently in effect**

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

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

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

25 “(1) The words ‘take effect’ shall be read as  
26 ‘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 rule that is in effect as of the date of enact-  
17          ment of this section.

18          **“§ 807. Sunset for rules**

19          “(a) EXPIRATION OF RULE.—

20                 “(1) IN GENERAL.—Except as provided in this  
21                 section, each rule made by an agency shall cease to  
22                 have effect—

23                         “(A) beginning on the date that is 10  
24                         years after the date of enactment of a joint res-  
25                         olution of approval with regard to the rule; or

1           “(B) if a joint resolution of extension de-  
2           scribed in subsection (d) has been enacted with  
3           regard to the rule, beginning on the date that  
4           is 10 years after the date of enactment of the  
5           most recently enacted such joint resolution.

6           “(2) REISSUANCE OF THE RULE PROHIB-  
7           ITED.—The rule may not be reissued in substan-  
8           tially the same form, and a new rule that is substan-  
9           tially the same as such a rule may not be issued, un-  
10          less the reissued or new rule is specifically author-  
11          ized by a law enacted after the date described in this  
12          subsection (a).

13          “(b) REPORT BY AGENCY.—Not later than 180 days  
14          before the date described in subsection (a), the agency  
15          shall submit a report similar to the report described in  
16          801(a)(1)(A) to each House of Congress and to the Comp-  
17          troller General, except that instead of the proposed effec-  
18          tive date, such report shall contain the date described in  
19          subsection (a).

20          “(c) EXEMPTION BY PRESIDENT.—The President  
21          may by Executive order exempt a rule from the application  
22          of subsection (a) for a period of not more than 10 years  
23          if the President determines, and submits to Congress writ-  
24          ten notice of such determination, that such rule is—

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

3           “(2) necessary for the enforcement of criminal  
4           laws;

5           “(3) necessary for national security; or

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

8           “(d) JOINT RESOLUTION OF EXTENSION.—

9           “(1) JOINT RESOLUTION DESCRIBED.—For  
10          purposes of this section, the term ‘joint resolution’  
11          means only a joint resolution introduced on or after  
12          the date on which the report referred to subsection  
13          (b) is received by Congress (excluding days either  
14          House of Congress is adjourned for more than 3  
15          days during a session of Congress), the matter after  
16          the resolving clause of which is as follows: ‘That  
17          Congress extends the rule submitted by the \_\_ \_\_  
18          relating to \_\_ \_\_.’ (The blank spaces being appro-  
19          priately filled in). The following shall apply to such  
20          a joint resolution:

21                 “(A) In the House, the majority leader of  
22                 the House of Representatives (or his designee)  
23                 and the minority leader of the House of Rep-  
24                 resentatives (or his designee) shall introduce  
25                 such joint resolution (by request), within 3 leg-

1           islative days after Congress receives the report  
2           submitted under subsection (b).

3           “(B) In the Senate, the majority leader of  
4           the Senate (or his designee) and the minority  
5           leader of the Senate (or his designee) shall in-  
6           troduce such joint resolution described in sub-  
7           section (a) (by request), within 3 session days  
8           after Congress receives the report submitted  
9           under subsection (b).

10          “(2) CONSIDERATION OF JOINT RESOLUTION.—  
11          Subsections (b) through (g) of section 802 shall  
12          apply to a joint resolution described in paragraph  
13          (1) of this subsection in the same manner as a joint  
14          resolution described in subsection (a) of section 802,  
15          except that for purposes of that subsection, the term  
16          ‘submission date’ means the date on which the Con-  
17          gress receives the report submitted under subsection  
18          (b).”.

