

**AMENDMENT TO RULES COMMITTEE PRINT 114-**

**68**

**OFFERED BY MR. DUFFY OF WISCONSIN**

Page 2, after line 22, insert the following:

1 **TITLE I—OBJECTIVES AND RE-**  
2 **QUIREMENTS FOR ADOPTION**  
3 **OF INTERNATIONAL INSUR-**  
4 **ANCE STANDARDS**

Page 3, line 1, strike “**SEC. 3.**” and insert “**SEC. 101.**”.

Page 5, line 11, strike “**SEC. 4.**” and insert “**SEC. 102.**”.

Page 11, line 1, strike “**SEC. 5.**” and insert “**SEC. 103.**”.

Page 12, lines 8 and 9, strike “section 3” and insert “section 101”.

Page 15, line 24, strike “**SEC. 6.**” and insert “**SEC. 104.**”.

Page 15, line 25, strike “Act” and insert “title”.

Page 17, line 1, strike “**SEC. 7.**” and insert “**SEC. 105.**”.

Page 18, line 10, strike “**SEC. 8.**” and insert “**SEC. 106.**”.

Page 20, line 1, strike “**SEC. 9.**” and insert “**SEC. 107.**”.

Page 20, line 8, strike “**SEC. 10.**” and insert “**SEC. 108.**”.

Page 20, lines 9 and 10, strike “Act” each place such term appears and insert “title”.

Page 20, line 11, strike “section 4(a)(2)” and insert “section 102(a)(2)”.

Page 20, line 14, strike “**SEC. 11.**” and insert “**SEC. 109.**”.

At the end of the bill, insert the following new title:

1 **TITLE II—CONGRESSIONAL RE-**  
2 **VIEW OF FEDERAL AGENCY**  
3 **RULEMAKING**

4 **SEC. 201. CONGRESSIONAL REVIEW.**

5 (a)(1)(A) Before a covered rule may take effect, the  
6 Federal agency promulgating such rule shall publish in the  
7 Federal Register a list of information on which the covered

1 rule is based, including data, scientific and economic stud-  
2 ies, and cost-benefit analyses, and identify how the public  
3 can access such information online, and shall submit to  
4 each House of the Congress and to the Comptroller Gen-  
5 eral a report containing—

6 (i) a copy of the covered rule;

7 (ii) a concise general statement relating to the  
8 covered rule;

9 (iii) a classification of the covered rule as a  
10 major or nonmajor rule, including an explanation of  
11 the classification specifically addressing each criteria  
12 for a major rule contained within clauses (i) through  
13 (iii) of section 204(2)(A) or within section  
14 204(2)(B);

15 (iv) a list of any other related regulatory ac-  
16 tions intended to implement the same statutory pro-  
17 vision or regulatory objective as well as the indi-  
18 vidual and aggregate economic effects of those ac-  
19 tions; and

20 (v) the proposed effective date of the covered  
21 rule.

22 (B) On the date of the submission of the report under  
23 subparagraph (A), the Federal agency promulgating the  
24 covered rule shall submit to the Comptroller General and  
25 make available to each House of Congress—

1 (i) a complete copy of the cost-benefit analysis  
2 of the covered rule, if any, including an analysis of  
3 any jobs added or lost, differentiating between public  
4 and private sector jobs;

5 (ii) the agency's actions pursuant to sections  
6 603, 604, 605, 607, and 609 of title 5, United  
7 States Code;

8 (iii) the agency's actions pursuant to sections  
9 202, 203, 204, and 205 of the Unfunded Mandates  
10 Reform Act of 1995; and

11 (iv) any other relevant information or require-  
12 ments under any other Act and any relevant Execu-  
13 tive orders.

14 (C) Upon receipt of a report submitted under sub-  
15 paragraph (A), each House shall provide copies of the re-  
16 port to the chairman and ranking member of each stand-  
17 ing committee with jurisdiction under the rules of the  
18 House of Representatives or the Senate to report a bill  
19 to amend the provision of law under which the covered  
20 rule is issued.

21 (2)(A) The Comptroller General shall provide a re-  
22 port on each major rule to the committees of jurisdiction  
23 by the end of 15 calendar days after the submission or  
24 publication date. The report of the Comptroller General  
25 shall include an assessment of the agency's compliance

1 with procedural steps required by paragraph (1)(B) and  
2 an assessment of whether the major rule imposes any new  
3 limits or mandates on private-sector activity.

4 (B) Federal agencies shall cooperate with the Comp-  
5 troller General by providing information relevant to the  
6 Comptroller General's report under subparagraph (A).

7 (3) A major rule relating to a report submitted under  
8 paragraph (1) shall take effect upon enactment of a joint  
9 resolution of approval described in section 202 or as pro-  
10 vided for in the rule following enactment of a joint resolu-  
11 tion of approval described in section 202, whichever is  
12 later.

13 (4) A nonmajor rule shall take effect as provided by  
14 section 203 after submission to Congress under paragraph  
15 (1).

16 (5) If a joint resolution of approval relating to a  
17 major rule is not enacted within the period provided in  
18 subsection (b)(2), then a joint resolution of approval relat-  
19 ing to the same rule may not be considered under this  
20 title in the same Congress by either the House of Rep-  
21 resentatives or the Senate.

22 (b)(1) A major rule shall not take effect unless the  
23 Congress enacts a joint resolution of approval described  
24 under section 202.

1           (2) If a joint resolution described in subsection (a)  
2 is not enacted into law by the end of 70 session days or  
3 legislative days, as applicable, beginning on the date on  
4 which the report referred to in section 201(a)(1)(A) is re-  
5 ceived by Congress (excluding days either House of Con-  
6 gress is adjourned for more than 3 days during a session  
7 of Congress), then the rule described in that resolution  
8 shall be deemed not to be approved and such rule shall  
9 not take effect.

10           (c)(1) Notwithstanding any other provision of this  
11 section (except subject to paragraph (3)), a major rule  
12 may take effect for one 90-calendar-day period if the  
13 President makes a determination under paragraph (2) and  
14 submits written notice of such determination to the Con-  
15 gress.

16           (2) Paragraph (1) applies to a determination made  
17 by the President by Executive order that the major rule  
18 should take effect because such rule is—

19                   (A) necessary because of an imminent threat to  
20 health or safety or other emergency;

21                   (B) necessary for the enforcement of criminal  
22 laws;

23                   (C) necessary for national security; or

24                   (D) issued pursuant to any statute imple-  
25 menting an international trade agreement.

1           (3) An exercise by the President of the authority  
2 under this subsection shall have no effect on the proce-  
3 dures under section 202.

4           (d)(1) In addition to the opportunity for review other-  
5 wise provided under this title, in the case of any covered  
6 rule for which a report was submitted in accordance with  
7 subsection (a)(1)(A) during the period beginning on the  
8 date occurring—

9                   (A) in the case of the Senate, 60 session days;

10           or

11                   (B) in the case of the House of Representatives,  
12           60 legislative days,

13 before the date the Congress is scheduled to adjourn a  
14 session of Congress through the date on which the same  
15 or succeeding Congress first convenes its next session, sec-  
16 tions 202 and 203 shall apply to such rule in the suc-  
17 ceeding session of Congress.

18           (2)(A) In applying sections 202 and 203 for purposes  
19 of such additional review, a covered rule described under  
20 paragraph (1) shall be treated as though—

21                   (i) such rule were published in the Federal Reg-  
22           ister on—

23                           (I) in the case of the Senate, the 15th ses-  
24           sion day; or

1 (II) in the case of the House of Represent-  
2 atives, the 15th legislative day,  
3 after the succeeding session of Congress first con-  
4 venes; and

5 (ii) a report on such rule were submitted to  
6 Congress under subsection (a)(1) on such date.

7 (B) Nothing in this paragraph shall be construed to  
8 affect the requirement under subsection (a)(1) that a re-  
9 port shall be submitted to Congress before a covered rule  
10 can take effect.

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

14 **SEC. 1100J. CONGRESSIONAL APPROVAL PROCEDURE FOR**  
15 **MAJOR RULES.**

16 (a)(1) For purposes of this section, the term “joint  
17 resolution” means only a joint resolution addressing a re-  
18 port classifying a covered rule as major pursuant to sec-  
19 tion 201(a)(1)(A)(iii) that—

20 (A) bears no preamble;

21 (B) bears the following title (with blanks filled  
22 as appropriate): “Approving the rule submitted by  
23 \_\_\_\_\_ relating to \_\_\_\_\_.”;

24 (C) includes after its resolving clause only the  
25 following (with blanks filled as appropriate): “That



1 Congress approves the rule submitted by \_\_\_\_\_ re-  
2 lating to \_\_\_\_\_.”; and

3 (D) is introduced pursuant to paragraph (2).

4 (2) After a House of Congress receives a report  
5 classifying a covered rule as major pursuant to section  
6 201(a)(1)(A)(iii), the majority leader of that House (or  
7 his or her respective designee) shall introduce (by request,  
8 if appropriate) a joint resolution described in paragraph  
9 (1)—

10 (A) in the case of the House of Representatives,  
11 within 3 legislative days; and

12 (B) in the case of the Senate, within 3 session  
13 days.

14 (3) A joint resolution described in paragraph (1) shall  
15 not be subject to amendment at any stage of proceeding.

16 (b) A joint resolution described in subsection (a) shall  
17 be referred in each House of Congress to the committees  
18 having jurisdiction over the provision of law under which  
19 the covered rule is issued.

20 (c) In the Senate, if the committee or committees to  
21 which a joint resolution described in subsection (a) has  
22 been referred have not reported it at the end of 15 session  
23 days after its introduction, such committee or committees  
24 shall be automatically discharged from further consider-  
25 ation of the resolution and it shall be placed on the cal-

1 endar. A vote on final passage of the resolution shall be  
2 taken on or before the close of the 15th session day after  
3 the resolution is reported by the committee or committees  
4 to which it was referred, or after such committee or com-  
5 mittees have been discharged from further consideration  
6 of the resolution.

7 (d)(1) In the Senate, when the committee or commit-  
8 tees to which a joint resolution is referred have reported,  
9 or when a committee or committees are discharged (under  
10 subsection (c)) from further consideration of a joint reso-  
11 lution described in subsection (a), it is at any time there-  
12 after in order (even though a previous motion to the same  
13 effect has been disagreed to) for a motion to proceed to  
14 the consideration of the joint resolution, and all points of  
15 order against the joint resolution (and against consider-  
16 ation of the joint resolution) are waived. The motion is  
17 not subject to amendment, or to a motion to postpone,  
18 or to a motion to proceed to the consideration of other  
19 business. A motion to reconsider the vote by which the  
20 motion is agreed to or disagreed to shall not be in order.  
21 If a motion to proceed to the consideration of the joint  
22 resolution is agreed to, the joint resolution shall remain  
23 the unfinished business of the Senate until disposed of.

24 (2) In the Senate, debate on the joint resolution, and  
25 on all debatable motions and appeals in connection there-

1 with, shall be limited to not more than 2 hours, which  
2 shall be divided equally between those favoring and those  
3 opposing the joint resolution. A motion to further limit  
4 debate is in order and not debatable. An amendment to,  
5 or a motion to postpone, or a motion to proceed to the  
6 consideration of other business, or a motion to recommit  
7 the joint resolution is not in order.

8       (3) In the Senate, immediately following the conclu-  
9 sion of the debate on a joint resolution described in sub-  
10 section (a), and a single quorum call at the conclusion of  
11 the debate if requested in accordance with the rules of the  
12 Senate, the vote on final passage of the joint resolution  
13 shall occur.

14       (4) Appeals from the decisions of the Chair relating  
15 to the application of the rules of the Senate to the proce-  
16 dure relating to a joint resolution described in subsection  
17 (a) shall be decided without debate.

18       (e) In the House of Representatives, if any committee  
19 to which a joint resolution described in subsection (a) has  
20 been referred has not reported it to the House at the end  
21 of 15 legislative days after its introduction, such com-  
22 mittee shall be discharged from further consideration of  
23 the joint resolution, and it shall be placed on the appro-  
24 priate calendar. On the second and fourth Thursdays of  
25 each month it shall be in order at any time for the Speaker

1 to recognize a Member who favors passage of a joint reso-  
2 lution that has appeared on the calendar for at least 5  
3 legislative days to call up that joint resolution for imme-  
4 diate consideration in the House without intervention of  
5 any point of order. When so called up a joint resolution  
6 shall be considered as read and shall be debatable for 1  
7 hour equally divided and controlled by the proponent and  
8 an opponent, and the previous question shall be considered  
9 as ordered to its passage without intervening motion. It  
10 shall not be in order to reconsider the vote on passage.  
11 If a vote on final passage of the joint resolution has not  
12 been taken by the third Thursday on which the Speaker  
13 may recognize a Member under this subsection, such vote  
14 shall be taken on that day.

15 (f)(1) If, before passing a joint resolution described  
16 in subsection (a), one House receives from the other a  
17 joint resolution having the same text, then—

18 (A) the joint resolution of the other House shall  
19 not be referred to a committee; and

20 (B) the procedure in the receiving House shall  
21 be the same as if no joint resolution had been re-  
22 ceived from the other House until the vote on pas-  
23 sage, when the joint resolution received from the  
24 other House shall supplant the joint resolution of  
25 the receiving House.

1           (2) This subsection shall not apply to the House of  
2 Representatives if the joint resolution received from the  
3 Senate is a revenue measure.

4           (g) If either House has not taken a vote on final pas-  
5 sage of the joint resolution by the last day of the period  
6 described in section 201(b)(2), then such vote shall be  
7 taken on that day.

8           (h) This section and section 203 are enacted by Con-  
9 gress—

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

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

1 **SEC. 203. CONGRESSIONAL DISAPPROVAL PROCEDURE FOR**  
2 **NONMAJOR RULES.**

3 (a) For purposes of this section, the term “joint reso-  
4 lution” means only a joint resolution introduced in the pe-  
5 riod beginning on the date on which the report referred  
6 to in section 201(a)(1)(A) is received by Congress and  
7 ending 60 days thereafter (excluding days either House  
8 of Congress is adjourned for more than 3 days during a  
9 session of Congress), the matter after the resolving clause  
10 of which is as follows: “That Congress disapproves the  
11 nonmajor rule submitted by the \_\_\_\_\_ relating to  
12 \_\_\_\_\_, and such rule shall have no force or effect.” (The  
13 blank spaces being appropriately filled in).

14 (b) A joint resolution described in subsection (a) shall  
15 be referred to the committees in each House of Congress  
16 with jurisdiction.

17 (c) In the Senate, if the committee to which is re-  
18 ferred a joint resolution described in subsection (a) has  
19 not reported such joint resolution (or an identical joint  
20 resolution) at the end of 15 session days after the date  
21 of introduction of the joint resolution, such committee may  
22 be discharged from further consideration of such joint res-  
23 olution upon a petition supported in writing by 30 Mem-  
24 bers of the Senate, and such joint resolution shall be  
25 placed on the calendar.

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

18           (2) In the Senate, debate on the joint resolution, and  
19 on all debatable motions and appeals in connection there-  
20 with, shall be limited to not more than 10 hours, which  
21 shall be divided equally between those favoring and those  
22 opposing the joint resolution. A motion to further limit  
23 debate is in order and not debatable. An amendment to,  
24 or a motion to postpone, or a motion to proceed to the

1 consideration of other business, or a motion to recommit  
2 the joint resolution is not in order.

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

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

13 (e) In the Senate, the procedure specified in sub-  
14 section (e) or (d) shall not apply to the consideration of  
15 a joint resolution respecting a nonmajor rule—

16 (1) after the expiration of the 60 session days  
17 beginning with the applicable submission or publica-  
18 tion date; or

19 (2) if the report under section 201(a)(1)(A) was  
20 submitted during the period referred to in section  
21 201(d)(1), after the expiration of the 60 session  
22 days beginning on the 15th session day after the  
23 succeeding session of Congress first convenes.

24 (f) If, before the passage by one House of a joint res-  
25 olution of that House described in subsection (a), that



1 House receives from the other House a joint resolution  
2 described in subsection (a), then the following procedures  
3 shall apply:

4 (1) The joint resolution of the other House  
5 shall not be referred to a committee.

6 (2) With respect to a joint resolution described  
7 in subsection (a) of the House receiving the joint  
8 resolution—

9 (A) the procedure in that House shall be  
10 the same as if no joint resolution had been re-  
11 ceived from the other House; but

12 (B) the vote on final passage shall be on  
13 the joint resolution of the other House.

14 **SEC. 204. DEFINITIONS.**

15 For purposes of this title:

16 (1) The term “covered rule” means a rule that  
17 is promulgated—

18 (A) to carry out title I of this Act;

19 (B) to implement any international insur-  
20 ance standard (as such term is defined in sec-  
21 tion 104), including any such standard setting  
22 forth a capital standard for insurers; or

23 (C) to implement any capital requirements  
24 of the Board of Governors of the Federal Re-

1           serve System for insurers that are supervised  
2           by such Board.

3           (2) The term “Federal agency” means any  
4           agency as that term is defined in section 551(1) of  
5           title 5, United States Code.

6           (3) The term “major rule” means any covered  
7           rule, including an interim final covered rule, that the  
8           Administrator of the Office of Information and Reg-  
9           ulatory Affairs of the Office of Management and  
10          Budget finds has resulted in or is likely to result  
11          in—

12                   (A) an annual effect on the economy of  
13                   \$100 million or more;

14                   (B) a major increase in costs or prices for  
15                   consumers, individual industries, Federal,  
16                   State, or local government agencies, or geo-  
17                   graphic regions; or

18                   (C) significant adverse effects on competi-  
19                   tion, employment, investment, productivity, in-  
20                   novation, or on the ability of United States-  
21                   based enterprises to compete with foreign-based  
22                   enterprises in domestic and export markets.

23           (4) The term “nonmajor rule” means any cov-  
24          ered rule that is not a major rule.

1           (5) The term “rule” has the meaning given  
2 such term in section 551 of title 5, United States  
3 Code, except that such term does not include—

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

11           (B) any rule relating to agency manage-  
12 ment or personnel; or

13           (C) any rule of agency organization, proce-  
14 dure, or practice that does not substantially af-  
15 fect the rights or obligations of non-agency par-  
16 ties.

17           (6) The term “submission date or publication  
18 date”, except as otherwise provided in this title,  
19 means—

20           (A) in the case of a major rule, the date  
21 on which the Congress receives the report sub-  
22 mitted under section 201(a)(1); and

23           (B) in the case of a nonmajor rule, the  
24 later of—

1 (i) the date on which the Congress re-  
2 ceives the report submitted under section  
3 201(a)(1); and

4 (ii) the date on which the nonmajor  
5 rule is published in the Federal Register, if  
6 so published.

7 **SEC. 205. JUDICIAL REVIEW.**

8 (a) No determination, finding, action, or omission  
9 under this title shall be subject to judicial review.

10 (b) Notwithstanding subsection (a), a court may de-  
11 termine whether a Federal agency has completed the nec-  
12 essary requirements under this title for a covered rule to  
13 take effect.

14 (c) The enactment of a joint resolution of approval  
15 under section 202 shall not be interpreted to serve as a  
16 grant or modification of statutory authority by Congress  
17 for the promulgation of a covered rule, shall not extinguish  
18 or affect any claim, whether substantive or procedural,  
19 against any alleged defect in a covered rule, and shall not  
20 form part of the record before the court in any judicial  
21 proceeding concerning a covered rule except for purposes  
22 of determining whether or not the covered rule is in effect.

23 **SEC. 206. EFFECTIVE DATE OF CERTAIN RULES.**

24 Notwithstanding section 201—

1           (1) any covered rule that establishes, modifies,  
2 opens, closes, or conducts a regulatory program for  
3 a commercial, recreational, or subsistence activity re-  
4 lated to hunting, fishing, or camping; or

5           (2) any covered rule other than a major rule  
6 which an agency for good cause finds (and incor-  
7 porates the finding and a brief statement of reasons  
8 therefore in the covered rule issued) that notice and  
9 public procedure thereon are impracticable, unneces-  
10 sary, or contrary to the public interest,

11 shall take effect at such time as the Federal agency pro-  
12 mulgating the rule determines.

13 **SEC. 207. BUDGETARY EFFECTS OF RULES SUBJECT TO**  
14 **SECTION 202.**

15           Section 257(b)(2) of the Balanced Budget and Emer-  
16 gency Deficit Control Act of 1985 is amended by adding  
17 at the end the following new subparagraph:

18                   “(E) BUDGETARY EFFECTS OF RULES  
19                   SUBJECT TO SECTION 202 OF THE TRANS-  
20                   PARENT INSURANCE STANDARDS ACT OF  
21                   2016.—Any rules subject to the congressional  
22                   approval procedure set forth in section 202 of  
23                   the Transparent Insurance Standards Act of  
24                   2016 affecting budget authority, outlays, or re-  
25                   ceipts shall be assumed to be effective unless it

1 is not approved in accordance with such sec-  
2 tion.”.

