

117TH CONGRESS
2D SESSION

H. R. 8563

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

JULY 28, 2022

Mr. EMMER (for himself, Mrs. CAMMACK, Mr. DONALDS, Mr. CARTER of Georgia, Mr. BANKS, Mr. CLOUD, Mr. TIFFANY, Mr. BILIRAKIS, Mr. NORMAN, Mr. SMITH of Nebraska, Mr. ELLZEY, Mr. RUTHERFORD, Ms. MACE, Mr. HIGGINS of Louisiana, Mr. GOSAR, Mr. ROY, and Mr. MULLIN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on Rules, 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 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”.

1 **SEC. 2. CONGRESSIONAL REVIEW OF AGENCY RULE-**
 2 **MAKING.**

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

5 (1) in the table of sections, by adding at the
 6 end the following:

“809. Sunset for rules.

“810. Review of rules in effect.”;

7 and

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

9 **“§ 809. Sunset for rules**

10 **“(a) EXPIRATION OF RULE.—**

11 **“(1) IN GENERAL.—**Except as provided in this
 12 section, each major rule made by an agency shall
 13 cease to have effect—

14 **“(A)** beginning on the date that is 10
 15 years after the date of enactment of a joint res-
 16 olution described in subsection (d) with regard
 17 to the rule; or

18 **“(B)** if a joint resolution of extension de-
 19 scribed in subsection (d) has been enacted with
 20 regard to the rule, beginning on the date that
 21 is 10 years after the date of enactment of the
 22 most recently enacted such joint resolution.

23 **“(2) REISSUANCE OF THE RULE PROHIB-**
 24 **ITED.—**The rule may not be reissued in substan-

1 tially the same form, and a new rule that is substan-
2 tially the same as such a rule may not be issued, un-
3 less the reissued or new rule is specifically author-
4 ized by a law enacted after the date described in this
5 subsection (a).

6 “(b) REPORT BY AGENCY.—Not later than 180 days
7 before the date described in subsection (a), the agency
8 shall submit a report similar to the report described in
9 801(a)(1)(A) to each House of Congress and to the Comp-
10 troller General, except that instead of the proposed effec-
11 tive date, such report shall contain the date described in
12 subsection (a).

13 “(c) EXEMPTION BY PRESIDENT.—The President
14 may by Executive order exempt not more than one rule
15 during each Congress from the application of subsection
16 (a) for a period of not more than 30 days if the President
17 determines, and submits to Congress written notice of
18 such determination, that such rule is—

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

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

23 “(3) necessary for national security; or

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

1 “(d) JOINT RESOLUTION OF EXTENSION.—

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

14 “(A) In the House, the majority leader of
15 the House of Representatives (or his designee)
16 and the minority leader of the House of Rep-
17 resentatives (or his designee) shall introduce
18 such joint resolution (by request), within 3 leg-
19 islative days after Congress receives the report
20 submitted under subsection (b).

21 “(B) In the Senate, the majority leader of
22 the Senate (or his designee) and the minority
23 leader of the Senate (or his designee) shall in-
24 troduce such joint resolution described in sub-
25 section (a) (by request), within 3 session days

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

3 “(2) CONSIDERATION OF JOINT RESOLUTION.—

4 Subsections (b) through (g) of section 802 shall
5 apply to a joint resolution described in paragraph
6 (1) of this subsection in the same manner as a joint
7 resolution described in subsection (a) of section 802,
8 except that for purposes of that subsection, the term
9 ‘submission date’ means the date on which the Con-
10 gress receives the report submitted under subsection
11 (b).

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

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

23 “(b) SUNSET FOR ELIGIBLE RULES NOT EX-
24 TENDED.—Beginning after the date that is 10 years after
25 the date of enactment of this section, if Congress has not

1 enacted a joint resolution of approval for that eligible rule,
2 that eligible rule shall not continue in effect.

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

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

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

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

19 “(4) A Member of either House may move that
20 a separate joint resolution be required for a specified
21 rule.

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

1 **SEC. 3. EFFECTIVE DATE.**

2 On the date that is 10 years after the date of enact-
3 ment of this Act—

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

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

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